

LEGISLATIVE ASSEMBLY

Thursday, 5 May 1994

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

Mr Speaker offered the Prayer.

HOMEFUND LEGISLATION (AMENDMENT) BILL

Second Reading

Debate resumed from 21 April.

Ms MACHIN (Port Macquarie - Minister for Consumer Affairs, Minister Assisting the Minister for Roads, and Minister Assisting the Minister for Transport) [9.0]: Two weeks ago, when I was last speaking on this bill, I was discussing the impact of changing the deadlines, particularly regarding the lodging of complaints to the HomeFund Commission and also for members to accept the restructure that has been offered by the Home Purchase Assistance Authority. To recapitulate briefly: it is pertinent to understand that the real intention of this bill is to keep HomeFund on the political agenda. Earlier I pointed out that the bill is a mischievous attempt to resuscitate debate on a matter that the Parliament rightly concluded last December.

The claims by the honourable member for Heffron that the service is not providing impartial advice to borrowers are not supported by any evidence - quite the contrary. She has advised me of only one complaint about the service and that advice raised no suggestion of impartiality or partiality. The honourable member for Heffron has not been to the advisory service office to view the operation, despite my continued invitation and, in fact, she has refused outright in correspondence to my colleague the Minister for Housing. I can but wonder how genuine is her interest in this service when she is not prepared, and refuses outright, to examine what is in place.

She berates the competence of the officers, yet she has not met them and, to my knowledge, knows nothing about them except what has been discussed in this Chamber. They have very good qualifications. I regret that the only person who has expressed interest, outside the Government, to view the service and find the facts is the Hon. R. S. L. Jones of the other place, who has taken a commendable and genuine interest in HomeFund borrowers. My challenge to the honourable member for Heffron that she should produce evidence for her claim - not fabricated, wild, unsubstantiated accusations, but hard evidence - has gone unheard to this day. If problems exist, such as she claims, as I said before, the Government has seen no evidence of them. No other member has been able to produce evidence of problems with the service, other than a fairly general statement that they do not like it.

The honourable member for Heffron was convinced that the challenges of the HomeFund restructure could not be met. She is clearly disappointed that the scheme is progressing; that the HPAA has dealt with the bulk of people left in the scheme; that borrowers are receiving advice as well as restructure information and that, in many cases, this is having a favourable effect. The legislation passed by the Parliament last December was not what she wanted. She is upset at having to live with the Parliament's will and is trying to frustrate it by a backdoor method.

I am sure that the honourable member for Heffron was disappointed to learn that the Legal Aid Commission, the very body she would have us convinced could provide a better service than the HomeFund Advisory Service, recently informed officers of my department when they met that it would be impractical for the Legal Aid Commission to offer assistance at this time because of the scarcity of its resources and the time necessary to train staff to the level of expertise required. The commission emphasised that it has a major problem with the financial counselling aspect, which is definitely not within its area of expertise.

To upset the credibility of this service, the honourable member for Heffron has been clutching at straws. She has attacked the recruitment process, claiming it was too quick: 15 staff, comprising 10 financial and five legal advisers, were recruited within a few days through an advertisement placed in the *Sydney Morning Herald* - almost a record for the public service. All had extensive experience in banking, financial counselling and the law. The speed with which the appointments were made was intended to get the service up and running quickly. It was considered to be important that borrowers should have access to information about the restructure and about the advisory service being available, so that they might know where they stood following the change of legislation and the restructuring of the scheme.

The honourable member for Heffron attacked adequacy of the training of the staff, notwithstanding that it was intensive and comprehensive and had input from the Financial Counsellors Association and the office of the HomeFund Commission, among others. She claimed that the staffing level was inadequate, despite the clearly and often stated commitment of the Government that staff members would be increased in line with demands for service. That has happened. The Government gave that commitment; the staff was increased to 20, comprising 13 financial and seven legal advisers.

The service has been organising regional and suburban meetings. The honourable member for Heffron politicised a meeting of borrowers at Plumpton on 27 February, which was originally
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intended to be, and commenced as, a bona fide meeting to supply information to borrowers but was hijacked by the honourable member for Heffron and became a political exercise that culminated in an urging of those present to attend a demonstration march on Parliament on 10 March. On that day about 54 people turned up. They were counted from the balcony. We met them and discussed their concerns. The honourable member for Heffron was notable for her absence. The crowd was not big enough. In my view it was particularly callous to incite people to march on Parliament House and, when the rally was not good enough for the purposes of the honourable member for Heffron, not appear. It was a very hot day. She left women and kids and families standing in the Domain in the hot sun without even bothering to put in an appearance.

Happily, those who came in to meet me and the Minister for Housing were able to have a cool drink and put their case to us directly. All those who attended the rally have received a written response. The Minister for Housing took all their names and addresses, wrote to them and gave them details. He has been dealing with those people as well as the many other borrowers who are still involved in the scheme and who are in contact with the various HomeFund agencies. For some fairly transparent purposes the honourable member for Heffron is trying to spin out the time which borrowers have to lodge a complaint with the HomeFund Commissioner and the time they have to accept offers of assistance under the restructuring scheme. As was pointed out in debate when this matter was last before the House, the borrowers have had seven months in which to lodge their claims.

Mr Fraser: She is playing politics with people's lives.

Ms MACHIN: Of course she is. A clear example of that was the rally. There was not a big enough crowd, so she would not go out to them. Borrowers have had just over seven months in which to lodge their complaint guides with the HomeFund Commissioner prior to the cut-off date, 31 March. As specified in the legislation, and as discussed at some length with the Independents and the Opposition when we were negotiating HomeFund last year, the HomeFund Commissioner has a discretion under the HomeFund Commissioner Act to accept late application and has, in fact, accepted a number of complaint guides since 31 March and is continuing to do so. Given that he has been and is exercising that discretion, I do not see any need to include, as proposed

in this legislation, an extension to the date to lodge a claim.

I should point out that some people are trying it on. They have rung up to say they would like to lodge a claim. A check of the records has revealed that some registered four or five months ago but, for some reason, have not got around to submitting a claim until now. Nevertheless, the HomeFund Commissioner is accepting their reasons and examining their cases. Though he has rejected a couple he has accepted a number of cases since 31 March, obviously because a number of people are still considering matters. Similarly, I do not think there is any need to include in the legislation any extended time for borrowers to elect to participate in the restructure. The Home Purchase Assistance Authority has already extended the time by which borrowers, other than those in category D, must make a decision about the restructure. Any further extension will simply drag out the time for borrowers who are anxious to participate in the restructure and to resolve the difficulties they are experiencing with their existing mortgages.

I am confident that the Government would seriously consider any genuine request that the 30 June deadline be further extended, if that would be to the overall benefit of the borrowers. The Government is not in the business of making their lives any harder than, in many circumstances, they have been. But, more important perhaps, the extension of the deadline in terms of the restructure will inevitably delay the making by the HomeFund Commissioner of a determination in favour of borrowers eligible to participate in the restructure. This arises under section 15(9) of the HomeFund Restructuring Act where the commissioner is required to have regard to any assistance the borrower is granted or entitled to under the restructuring scheme.

For borrowers eligible to participate in the restructuring scheme this assistance cannot be evaluated until the borrower's category under the restructuring scheme has been settled. It would be bad enough in itself to string out the restructuring scheme, but if it is delayed people will not find out what position they are in and what they may or may not get through the office of the HomeFund Commissioner. All the Opposition is doing is simply prolonging the uncertainty, the difficulties and the unfairness for many borrowers who are looking for a light at the end of the tunnel. As I said earlier, many borrowers are realising that that light is not being held up for them by the honourable member for Heffron.

I mentioned earlier that the HPAA has decided to give borrowers, apart from borrowers in category D, until 30 June 1994 to complete and return their assessment forms. Where a borrower's category is not settled before 30 June the HPAA will need a little time to assess that category. After that time the borrower may appeal to the HomeFund advisory panel against this assessment. The HomeFund advisory panel has been successfully working out proposals with the Department of Housing to ensure that borrowers get maximum assistance from and flexibility through the scheme. Although the cut-off date for the lodgment of an assessment form by category D borrowers was 30 April 1994, this date has also been extended to 30 June for those borrowers who have reduced their arrears by less than three months as at 30 April, but have not lodged their assessment forms. In that sense the Government has extended the deadline for that category of borrowers.

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I said earlier that the Government has a pretty benevolent approach to deadlines. If the amendment were carried, the deadline extended and the HPAA were to maintain its current policy, the HomeFund Commissioner would not be able, before September 1994, to finalise determinations of complaints by borrowers eligible to participate in the restructuring scheme. The HomeFund Commissioner would simply go on hold. Opposition members have been particularly critical of his inaction. When the Government moves too quickly Opposition members are critical of that. The Opposition, by extending this deadline, will ensure that the HomeFund Commissioner sits on his hands until at least 30 September. That will not really help the borrowers.

Mrs Grusovin: They are not getting much help now.

Ms MACHIN: Not from the honourable member for Heffron. As with the extension of the cut-off date for complaints, this extension of time is included in the bill only because of the delays that would have been caused by disbanding and re-establishing the advisory service. It is clear from my response to the speech made

by the honourable member for Heffron in the second reading debate, and to her public statements, that this bill is motivated by political expedience and not by genuine concern for HomeFund borrowers. More than one or two borrowers have said that to the Government as events have unfolded.

Mrs Grusovin: You could not believe that!

Ms MACHIN: I have letters to prove it.

Mrs Grusovin: Produce them. Table them.

Ms MACHIN: I am quite willing to do that. One could be forgiven for concluding that the overriding objective of the honourable member for Heffron is to delay implementation of the restructuring scheme. One would not have to be too cynical to come to that conclusion. First we had the false allegations about partiality which the honourable member for Heffron could not substantiate. Then we had a solution for a problem that does not exist. This bill does not contain any measure to ensure impartiality. The whole crux of one of the arguments of the honourable member for Heffron is that this service is not impartial, yet her own bill does not contain the word "impartial". The honourable member for Heffron does not make any mention of the need for the service to be impartial. This legislation is pretty sloppy.

Mr Hunter: If that is your objection, I will amend it.

Ms MACHIN: That is quite an admission. I thought Opposition members would move an amendment once that problem was highlighted. The irony of this so-called solution arises because, essentially, it stops the restructuring process while the Legal Aid Commission establishes the means to deliver the assistance required to be provided under section 14 of the Act. As I said earlier, the Legal Aid Commission does not have the resources. It does not want to do this. Frankly, it does not think it is necessary.

Mrs Grusovin: That is not correct.

Ms MACHIN: That is what the Legal Aid Commission told us. If this bill receives assent the Government might suffer a temporary loss of face but I am sure the Government would soon recover. This was highlighted in discussion with the honourable member for Bligh, one of the Independent members. She said that it is not adequate and it is not impartial. That was all she could say. She could not say how it was not adequate or how it was partial. She could not say that, by moving it into the jurisdiction of the Legal Aid Commission, it would be better. The people who are there now, instead of being paid by the Department of Community Services, clearly are meant to be paid through the Legal Aid Commission. So we have the same people on the same funds giving the same advice but, because they sit under the banner of the Legal Aid Commission, it is claimed to be better. That is the crux of the proposal.

Mr Fraser: More cost to the State.

Ms MACHIN: As the honourable member for Coffs Harbour has said, that means more cost to the State and, what is worse, more delay for HomeFund borrowers once everything is shut down. Apart from anything else it will create great uncertainty among the people working in that service. Week by week they do not know whether they will have a job. They do not know whether the pool of expertise they are building up, which a number of borrowers have said to them is useful, will be dissipated. They do not know whether there will be a delay. What do we do about the 8,000 borrowers who have already received advice -

Mr SPEAKER: Order! I call the honourable member for Heffron to order. She will have an opportunity to reply later in the debate. I call the honourable member for Coffs Harbour to order.

Ms MACHIN: At the end of last year particularly complicated and convoluted legislation was introduced. Somehow people are meant to know that automatically, by osmosis or something, without going through a learning curve. Possibly, the person who knows least about that is the honourable member for

Heffron. At the time it was clear that she did not understand the legislation. Obviously, nothing has changed. I cannot understand the logic of Opposition members. I cannot understand why anyone who professes to be concerned about borrowers would want to make so much mischief by abolishing a service, which clearly is working better the longer it is in operation. Opposition members want to stop this service, break it down and shift it somewhere else for political gain. The HomeFund Advisory Service has provided a valuable and worthwhile service to borrowers affected by the restructuring scheme - a point acknowledged by a number of borrowers. I know that the honourable member for Heffron does

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not want to note this. A few days ago I received a letter from two HomeFund borrowers whose first language is not English. They wrote to the manager of the HomeFund Advisory Service and said in part:

I am writing this letter to inform you that your staff are doing a great job. If we had not spoken to the HomeFund Advisory Service, we would not have known what we know today.

It is nice to see Opposition members so interested in direct feedback from the borrowers! It is nice to see so many Opposition members in the Chamber! Their small number reveals a convenient deafness for fact. One can only assume that, when the Government gets any positive feedback from borrowers, Opposition members are the last people who want to hear about it. The letter continued:

We were kept in the dark for so long . . . however, the Advisory Service helped us enormously.

Due to the great advice we were able to go home with some relief and that made all the difference.

I would like to take this opportunity to thank the Advisory Service for the wonderful service they provided us.

Apart from calling the service for telephone advice at the rate of almost 700 a week, many borrowers have received face-to-face advice and many others have made appointments for personal interviews in the weeks ahead. As at 29 April, the end of the service's eleventh week of operation, it has completed 8,254 contacts with HomeFund borrowers. Some of those were repeat contacts as people either called in for further advice or the service phoned them back, but the bulk were one-off calls. Of those contacts 7,717 were by telephone and 537 were through personal interviews. All those statistics are readily available. If any member of the Australian Labor Party or any Independent member would like to visit the service to see how it works and to look at the information system, which I believe is impressive, they would have something to learn. But Opposition members do not listen, which shows just how shallow they are.

Last week, legal and financial advisers in the HomeFund Advisory Service conducted interviews in Newcastle to launch the service's regional advice program. This week, advisers will visit Wollongong; next week, they will visit Lismore. Week-long visits to Gosford, Tamworth, Port Macquarie, Dubbo and Wagga Wagga will follow. Return trips to most of these centres have been scheduled in order to provide service to borrowers. The Government questioned people in the legal aid office to determine whether assistance could be provided. The people in the Legal Aid Commission said that, basically, the commission does not have the resources to do so. It is important to maintain the core of knowledge that has been built up by the service. It was pointed out by the manager of that service that sending these people out and then bringing them back to Sydney maintains the body of knowledge that has been built up. Obviously, that adds to the expert advice that can be given to borrowers in the country as well as in the city.

While these regional visits are going on, interviews continue to be keenly sought in suburban Sydney, with 216 interviews being undertaken in the three weeks the HomeFund Advisory Service has operated in Penrith and Parramatta. I am sure that both local members would be grateful for that - they probably do not even know. They are welcome to look at it, but I doubt that they will do so because they show no interest in the matter except for a newspaper headline or when in this Chamber. From today the advisory service has further extended its personal interview service with the opening of an office in Campbelltown. I am sure that the honourable member for Campbelltown will pop in there to see how matters are going and what assistance he can

provide and what information he can get - he is always keen to get both sides of the story!

An extensive regional media advertising campaign is well under way to promote the availability of HomeFund advisory services in suburban and country areas. Borrowers simply ring the toll-free number to arrange an appointment. The opportunity for telephone advice is also provided when borrowers call. A feature of the service is to provide borrowers in category B, after their consent has been obtained, with a computerised estimate repayment schedule based on certain income assumptions during the life of a restructuring loan. This will allow borrowers to compare with their current loan the offer under a restructured loan. That is one of the fundamentals of the service. This facility is generated through access to the FANMAC database and is available during both telephone and interview advisory sessions.

The number of legal and financial advisers has increased to facilitate the availability of face-to-face interviews. The advisory service now has 13 financial advisers and seven legal advisers, compared to its 10 financial advisers and five legal advisers when it commenced in mid-February. Further additions will be made should demand increase. The idea of this service is to make it flexible and to tailor it to the needs of the borrowers. None of the advisers came from within government. That is particularly important when allegations are made with respect to partiality.

Mrs Grusovin: They do not have quality.

Ms MACHIN: So these people do not have any quality? They are not good enough?

Mrs Grusovin: Go have a look at them; there is not even one qualified counsellor.

Ms MACHIN: These people are not good enough? I have had a look. The honourable member for Heffron should go and have a look. It is not difficult to draw the conclusion that she does not want to look because she will not like what she will see. The honourable member knows the facts but does not want to have to concede to them. Many borrowers have told us that the service is good. Collectively the 20 people in the service have almost 300 years of experience in banking, financial counselling and legal

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fields. Of 8,254 contacts, only eight formal complaints have been received about the service. The latest was received just this week. During the previous eight weeks just one complaint was lodged, that being the first and only complaint from the honourable member for Heffron. In the period of almost a year that I have been the Minister responsible, I have received only one complaint from the honourable member relating to a HomeFund matter. Other than the complaint received this week, which is presently being investigated, all have been satisfactorily resolved. Not one of the complaints has raised the issue of bias or partiality, which seems to be the crux of this debate.

Is the Government expected to cast aside all the good work that has been and will be achieved over the next few months, simply to satisfy the unsupported accusations of the honourable member for Heffron? If there were any substance to her accusations or if there were problems we would consider them. Neither the honourable member for Heffron nor any other member of this House has given me, the Department of Consumer Affairs, the advisory service or anyone else in the Government any substantial complaints, particularly with respect to partiality. Support for this bill will delay things; it will be a slap in the face for HomeFund borrowers. They will be forced back to square one for no valid reason. The HomeFund Advisory Service has already dealt with 8,000-odd people -

Mrs Grusovin: The advice is not adequate.

Ms MACHIN: The honourable member says that it is not adequate, but she cannot tell me how. What would happen if this bill were passed? Would we go back to those 8,300 borrowers and say, "The House has now decided that your advice was not adequate"? The same people have probably been shuffled over to Legal Aid anyhow. Presumably, the same people will be giving them advice, unless we sack those people - without reason - and employ more people. Legal Aid has said that it does not have the people to do it. If we abolished

the service and started up a new one in some form, what would we do with the 8,300 people who have already received advice? Would we go back to them and say, "The House does not think your advice was good enough. Come in and we will put you through it again"?

Now who is talking about a revolving door? Now who is sending them around in circles? What about the other 20,000-odd borrowers who have contacted the information service? Does the same hold for them? The honourable member for Heffron is saying, "Let us go back to square one, because it suits me". The honourable member's adviser, Mr O'Keeffe, said at the Plumpton meeting, "Let us keep this on the political agenda; the election is not that far away". This is her way of doing it. She wants to dislocate the lot. I know that was said at the Plumpton meeting, because I know people who were there. I am surprised that borrowers are still talking to the honourable member for Heffron.

The honourable member for Heffron contends that she has told one of her confidantes that she has the "Independents on side". That might be the case; I do not know. I would be surprised, particularly as the honourable member for South Coast, in support of the section 14 amendment during debate on the HomeFund Restructuring Bill on 14 December 1993, referred to the Department of Consumer Affairs as an "independent source" in terms of being an organisation from which people could seek financial and legal advice. I seem to recall that in our meetings and discussions the honourable member for Bligh was keen on that too - but she has changed her mind again, which is not surprising for the honourable member for Bligh.

The honourable member for South Coast would have a pretty good idea of what the word independent means. He has demonstrated his independence for many years in this place. I am sure he would not regard it as excluding a reference to impartiality. I hope that is the approach he will take. The honourable member has taken a keen interest in HomeFund, through his work on the committee. Like most honourable members in this Chamber, he has a rather good understanding of the issues. The Government may not necessarily agree with all his views, but he has a better understanding of the issues than the honourable member for Heffron, and most of the Labor Party.

If the Department of Consumer Affairs were not impartial, as the honourable member for Heffron would have us believe, why would more than 340,000 people in this State have contacted the department last financial year seeking assistance with their problems as either consumers or traders? If we look at the agencies administered by the department, with the tribunal, the Motor Vehicle Repair Industry Council, et cetera, a total of something like two million people have contacted the department. A fair chunk of the population of the State seems to think that the Department of Consumer Affairs is not bad. Staff in that department have done a lot of work on HomeFund. They feel particularly insulted by some of the unsubstantiated political claims of the honourable member for Heffron. The public trusts the Department of Consumer Affairs generally, although not everyone is happy with the service they get. The HomeFund borrowers who use the service come to trust it. It is provided by people who are impartial, who are professional and who take their job very seriously.

The Department of Consumer Affairs has a reputation for acting fairly, honestly and, most important, impartially in its day-to-day dealings. That does not always please everybody - government, traders or consumers. That is how it should be; that is the way it is meant to be, and that is the way the department behaves. Why should the department operate any differently in relation to HomeFund borrowers, as the honourable member for Heffron claims it is doing? Why was it okay for most of the members of this House last year to agree to the service coming under the auspices of the Department

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of Consumer Affairs and then decide within six weeks that it was not okay? This is a transparent attempt to delay this service and to mess the Government. Unfortunately, the people who get messed are the HomeFund borrowers.

Another point emanating from the reference of the honourable member for South Coast to the Department of Consumer Affairs is that it confirms his understanding of who was going to be providing the legal and financial advice specified in section 14. I recall that when we had our first briefing with him on this bill, and explained how the service was operating - at that stage it had been operating for only a few weeks - he said, "I

think you are doing a very good job", with respect to the people there and the way they are tackling their job, the training they had gone through and the approach they were taking to the borrowers.

It was made abundantly clear at the beginning of negotiations that the service would be under the auspices of the Department of Consumer Affairs and the Minister. That decision was taken quite deliberately. It is clear from *Hansard* records that these issues were not raised at the time. Nothing changed between the end of December and 14 February when the new service started, other than a little bit of scheming to see what political mischief could be whipped up in order to slow things down. It was a pretty paltry attempt. I would have thought that a bit more imagination would have been shown if the honourable member had wanted to mess around with HomeFund. This is really a bit of sideplay.

Mrs Grusovin: I was attempting to fix it up.

Ms MACHIN: But the honourable member cannot demonstrate where it is broken. This week a briefing session was held with the Independent members. Unfortunately there have been only two short meetings. The honourable member for South Coast raised a concern about the provision of legal advice to borrowers when signing the legal documents relating to a restructuring mortgage offer. That is a legitimate concern and a very good question. It is not the function of the advisory service to draw up those mortgage documents. That is being done by the Home Purchase Assistance Authority as most honourable members who are interested in this issue would know. Under section 14 of the HomeFund Restructuring Act the advisory service was set up to advise borrowers who are eligible to participate in the restructuring scheme on the options available to them so that they can make an informed decision whether to participate in the scheme.

That is not the end of the line. It is important that borrowers understand their options as a first step. Access to the FANMAC data is important because borrowers can see what happens now and what happens under the restructure. Borrowers have their financial options and their legal options laid out before them if they wish to take up that advice. The execution of the legal documentation to give effect to any decision to accept a restructure offer is clearly outside the brief of the advisory service. The HPAA has advised that my colleague, the Hon. R. J. Webster, Minister for Housing, has finalised arrangements for HomeFund borrowers to consult a solicitor of their choice when executing a variation of a mortgage, following the acceptance of a category B restructured mortgage.

While the fee to be charged by a solicitor acting for a borrower is a matter for those two parties, the HPAA has agreed to reimburse each HomeFund borrower an amount of up to \$350 for such legal costs. The Law Society of New South Wales has been advised of these arrangements and, I understand, was consulted during the early stages of their development. The Minister has also informed me that the maximum fee of \$350 was recommended by a large legal firm in Sydney following examination of the scale of remuneration and charges set by the Law Society. To compensate solicitors for the reading time necessary to familiarise themselves with the documents and their legal effect, the authority will pay an additional fee of \$350 for the first low start borrower and the first affordable home owner-borrower assisted by the solicitor. The effect of the HPAA's decisions is that borrowers accepting a new loan arrangement under the restructuring scheme will have access to two independent and impartial sources of legal advice. First, they will be able to discuss their options under the restructure with their legal adviser from the HomeFund Advisory Service and, second and more important, they can go to the solicitor of their choice. The fact that they can choose their solicitor is particularly important.

Mrs Grusovin: Watch out fidelity funds!

Ms MACHIN: The HomeFund borrowers can seek advice about signing the legal documentation following acceptance of a restructure offer. The honourable member's interjection indicates that the Government cannot win. It has made arrangements for borrowers to obtain legal advice and legal counselling. That was decided by Parliament and supported by all members of this House. The current arrangements are for borrowers to go to the solicitor of their choice - their own solicitor - and the Government will fund them so they can obtain advice on the documentation. The honourable member now says that this is not good. So where should the borrowers go if the legal advisers in the advisory service are not competent?

Mrs Grusovin: They go to a properly trained legal adviser.

Ms MACHIN: Is the honourable member suggesting that none of these borrowers have a lawyer of their own who is properly trained? The Government is paying for them to go to the solicitor of their choice. The honourable member is saying that that is not good enough either. The honourable member is saying that no lawyer in New South Wales is capable of understanding HomeFund. I will tell the Law Society that and perhaps the honourable member for Heffron should take some time out. The honourable member's adviser, Mr O'Keeffe, had a great track record in HomeFund. Of his loans, 80 per cent went bad. What a great adviser! So no lawyer

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in New South Wales clearly knows how to deal with HomeFund or help home owners sign a contract? I guess that is a pretty difficult thing to do, sign a home loan! Therefore, presumably no one in the State can provide this advice. Where do we go from here? We may as well pack up shop. All 22,000 HomeFund borrowers can be sent to the honourable member for Heffron. She can sign the documentation because she obviously knows more about this matter than all the lawyers in New South Wales! I am glad we have sorted that out. Perhaps her colleague would like to move an amendment to the bill to cut the legal system out altogether.

Returning to the briefing session held with the Independents this week, that was a question raised by the honourable member for South Coast, as I was advised yesterday by my colleague. Most borrowers - apart from the view of the honourable member for Heffron - would welcome the opportunity to consult their own lawyer and have the Government pay a considerable amount towards those costs. At the briefing session this week the honourable member for Bligh expressed concern - it sounded remarkably like the concern expressed by the honourable member for Heffron - about resolving the whole issue. The honourable member for Bligh suggested that the seven legal officers with the HomeFund Advisory Service be transferred to the Legal Aid Commission.

The adviser to the honourable member for Bligh said she felt it was important for the honourable member to say that she had heard that the legal officers were not providing appropriate legal advice to borrowers. When I asked what it meant that the borrowers were not receiving appropriate advice, all she could do was um and ah and gape like a fish out of water because, as I conclude, she had been told to say that. The honourable member did not have any evidence and it smacks of the sorts of things said by the honourable member for Heffron.

One complaint was passed on to me by the office of the honourable member for Bligh. It was referred to at our meeting. When I asked for details about the complaint the honourable member told us that it was a complaint about the advisory service and handed over the details. This complaint was made on 12 January. Honourable members will recall the advisory service did not start until 14 February, one month later. The honourable member for Bligh does not know when the service started. The complainant was quite clearly someone who had not spoken to the advisory service because it was not established then. I therefore conclude that the complainant had contacted another HomeFund agency, perhaps the HomeFund inquiry service at the commissioner's office.

That was a fairly pathetic attempt to show how the advisory service was not providing appropriate legal advice. That complaint is being investigated and I will have the information shortly. The honourable member for Bligh said that she was not proposing to sack the legal officers but to change the reporting arrangements. The phrase used by the honourable member was that the Legal Aid Commission should have jurisdiction over the legal officers. The honourable member has obviously accepted the advice from the Legal Aid Commission which clearly spelled out that it does not have the resources or expertise to deal with this matter. The honourable member did not address the fact that 60 per cent of the inquiries are for financial advice. Roughly two-thirds of the people attending the advisory service - that is the overwhelmingly majority - want financial counselling, not legal advice.

What does the Legal Aid Commission do about that? The honourable member for Bligh did not address that issue, nor has the honourable member for Heffron. The Government could shift these people to the Legal

Aid Commission or sack them and employ more people. Certainly that would give the Legal Aid Commission more resources because someone would pay it to employ seven more people. But what about the remainder of the borrowers who need financial counselling? Where do they go? Or should we establish two services? Do we have a revolving door, which the honourable member for Heffron talked about, with borrowers ringing in to obtain information on the restructure and then going to the Legal Aid Commission to obtain legal advice. However, if they want financial counselling they can go somewhere else to see another service for that. It is a nonsense, it is ridiculous. The honourable member for Heffron did not address that issue and it appeared that the honourable member for Bligh was not capable of addressing it.

Mrs Grusovin: Talk about HomeFund instead of the member for Heffron.

Ms MACHIN: I am talking about issues raised by different members of this House to show how puerile they are. It would seem in the minds of the honourable member for Heffron, the honourable member for Bligh and other members that having the advisory service under the auspices of the Legal Aid Commission would somehow make the advice better. I have a problem understanding this. I assume that the Opposition is saying that the Legal Aid Commission needs more people. Therefore the legal advisers would be shifted there, forgetting the problem of financial counselling. If the same people were transferred to the Legal Aid Commission would the answers they gave over the phone suddenly become better? I do not understand the logic of that. I suppose we could say that it is a matter of perception in the eyes of HomeFund borrowers - or perhaps members of this House - but at the end of the day the quality of the advice is what is most important, and no one has been able to fault that. People make allegations.

The honourable member for Bligh made an allegation about faulty advice which turned out to refer to advice given a month before the service started. The honourable member for Heffron has criticised the people working there and their advice. She has said that it is not adequate but she has not put forward any evidence or facts to show that it is not

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adequate. She might have a surprising amount of information for me in her reply to the debate, but I would be surprised if she does. I invited the honourable member for Heffron to visit the service and she wrote to my colleague the Minister for Planning and Minister for Housing saying, "I see no point in visiting the service".

Mrs Grusovin: That is exactly right.

Ms MACHIN: Tell the House why. The House would be interested to know. It is open for the honourable member to look at it. The honourable member should tell me why she will not look at it.

Mrs Grusovin: When you have finished.

Ms MACHIN: I will look forward to hearing that. It has been the world's best kept secret so far. After almost 12 weeks of what has been a very successful exercise involving by now close to 9,000 face-to-face interviews, phone contacts, et cetera with borrowers, none of whom have raised any complaints about independence or impartiality, I think we have to say that perception is a non-issue. I do not think the borrowers would give a damn whether the advisers had their cheques signed by the Department of Consumer Affairs, the Legal Aid Commission or whomever. They want somewhere to go where someone can walk them through their options, give them advice and tell them what some of their next steps should be. That was always the intent of the service. If people try to make out that it was not, they are misconstruing the facts and deliberately misconstruing the intent of this House when it passed the legislation last year. I urge the Independent members in particular, when deciding their attitude to the bill, to ignore the politicking of the honourable member for Heffron. Before making any decisions they should look at the facts and accept my invitation to visit the HomeFund Advisory Service. It is not far. Most Labor Party members are based in the city. The honourable member for Manly and the honourable member for Bligh are close to the city. The centre is just a few blocks from here. People could pop out in their lunch hour to visit the centre, meet the advisers, look at the information systems and see the way in which they operate. There is no secret about it. I am sure that all suggestions would be gratefully received. All inquiries would be more than happily dealt with.

Mrs Grusovin: You are the one who is supposed to be doing the job.

Ms MACHIN: I have been there. How many times do I have to say it? To abandon the advisory service in favour of the Legal Aid Commission would do a number of things. It would destroy the most experienced and knowledgeable HomeFund restructuring advisory unit presently available. I do not think there can be any dispute about that. Twenty people have been working closely and intensively on the issue for three months. Every morning before the calls commence they meet for an hour to go through the issues of the day before any new issues or problems that may have arisen and to update policy manuals. That body of knowledge is invaluable and is increasing daily and it is of great use to the borrowers. To abandon the service would confuse the borrowers who have already taken advice and acted on it.

Nearly 9,000 people have spoken with the service and, as I said, none have complained about the independence or impartiality of the service. Out of all those people only eight have complained about some aspect of the information or the way in which they were dealt with. If the service were broken down and started up again the people who have already used the service would be confused, let alone those who may contact the service in the future. Where would they go? It would force the cancellation of many prearranged personal interviews in suburban and country areas. There has been an extensive advertising program in the regions and the suburbs about the availability of face-to-face interviews or telephone advice. We would have to go back and say, "We are sorry, it is all off now. The ball game has changed". It would cause unnecessary delay for those borrowers who want to proceed with an offer from the Home Purchase Assistance Authority to take advantage of the benefits of the restructuring. We would have to find out where the scheme goes.

The Opposition has talked about the legal side of it but paid very little attention to the financial counselling, which is what two-thirds of inquirers want. Where would that go? The transfer would force the Legal Aid Commission to take on a task which it is clearly not designed to deliver or to set up. It does not have the resources. It appreciates the need for the service. It has not criticised the service or the people involved. The people giving legal advice are lawyers, but obviously they do not know as much about the matter as the honourable member for Heffron does! The transfer would probably cause a vacuum of about six weeks in the restructuring process, assuming new advisers are recruited and trained, which would be a very complicated exercise. That raises the issue of training.

Mrs Grusovin: It is complicated, isn't it?

Ms MACHIN: You do not think this is a complicated piece of legislation?

Mrs Grusovin: It is very complicated.

Ms MACHIN: Of course it is. I am sure the honourable member would not be satisfied with anything that the Government did, so we would be back to square one. Within five minutes there would be another bill. I am sure there will be another bill by the end of the year anyway. The transfer would be a waste of public money. But the bottom line is that it would be unlikely to achieve, within a short period, as much success as has been achieved by the HomeFund Advisory Service. So I cannot see what we stand to gain. If the bill is passed by the Parliament and the Government has to shift some people from the consumer affairs jurisdiction to the Legal Aid Commission, so what? We would end up with the same sort of service but there would be

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delays. Probably the same people would be doing the job. What would we gain? It would be a bit of a pyrrhic victory. The main effect for borrowers would be a delay. The same service would be moved from one side to another. It is no skin off my nose if these people are not under the auspices of my jurisdiction.

Mrs Grusovin: Quite frankly, I do not think you care.

Ms MACHIN: I take that as a gross insult. It is a typical comment of the honourable member for Heffron. I could not be bothered asking for a withdrawal. She has always had a reputation, like many of her

faction, of playing the man and not the ball. This is a typical case. I urge members of the House, particularly the Independents, if they are still considering their position on the bill, to take into account what will really be gained by shifting a service, a core of 20 people who have probably the best knowledge in the State now of the restructuring and how it applies to borrowers in their particular situations, from one box to another. That is really the bottom line. Those people will still be paid by the Government. They will be giving the same advice to borrowers.

How would the transfer change anything? It would delay resolution of complaints, resolution of the restructuring and the work of the HomeFund Commissioner. It would delay resolution of the problems of many HomeFund borrowers experiencing difficulty. That is exactly what the honourable member for Heffron wants because it suits her political agenda. The way in which the honourable member for Heffron is posturing around the city particularly on this issue has to be one of the most cynical exercises that the Parliament has even seen. A man came into the HomeFund Advisory Service asking for information. He was testing to see how it worked. At the end of his visit he said, "It is great. Thank you. I have been misled by the member for Heffron". He is not the only one coming to that conclusion. One does not have to be Einstein to come to that conclusion.

I urge members to vote against the bill. It will not achieve anything. This is a petty and childish attempt to tinker with HomeFund. It is not even the main game. I should have thought that the honourable member for Heffron could have come up with something that was more creative, but the bill was probably drafted in a rush. It was mooted about a month after the restructuring package was put together and passed by the Parliament. As the honourable member for Heffron said in the House at the time, "This is not the last you have heard of this". She reiterated that at supposedly impartial public meetings that were meant to provide information to borrowers but failed to whip up any hysteria. The fact that 54 people turned up at Parliament House a few months ago as part of a protest shows that people are waking up to her. They realise that mechanisms are in place that are genuine and that they can go to places like the advice service and get information about where to go from here. People do not really want to know about the honourable member. They realise that she is simply playing politics.

The bill will do nothing for HomeFund borrowers other than delay resolution of their problems, and pull them into a cynical ploy that has been openly and transparently stated by the honourable member for Heffron and her advisers to keep the issue festering, not with much success, on the public agenda so that it will be potentially embarrassing for the Government. That would have to be one of the most callous and cynical efforts of which I am aware, even by a member of the right-wing faction of the Brereton family - and they are good at that sort of thing. I strongly oppose the bill. It will do nothing for HomeFund borrowers and will simply serve no good purpose. It will cost money and waste time. At the end of the day what will it matter if the Government has suffered minor embarrassment? The real issue is the delay that will be caused to HomeFund borrowers. They are the ones who will suffer, as they have done as a result of the honourable member's mischievous actions for the last year or so.

Mr HUNTER (Lake Macquarie) [9.52]: I support the HomeFund Legislation (Amendment) Bill. The cornerstone of the legislation passed in the last three days of the sittings of both Houses in December last year was contained in section 14, namely:

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.

The Government believed it was discharging that duty by providing 10 financial advisers and five legal officers, both categories of persons being of questionable experience, to counsel and advise as many as 26,000 HomeFund borrowers. I should add that conflicting information is coming from Government members about the number of borrowers and the number of people who have contacted the service that was established. I draw the attention of the House to a letter dated 8 April sent to the Minister by the honourable member for Heffron in which she thanked the Minister for her letter of 6 April and went on to say that the Minister had advised that the HomeFund Restructure Information Centre and the HomeFund Advisory Service from 14 February to 28 March had received 16,815 calls and that 4,978 callers were transferred to the advisory service, of which 1,576 were

handled by the five legal officers employed by the advisory service.

However, the honourable member for Heffron advised the Minister for Consumer Affairs that she had stated in an earlier letter, of 5 April - a day earlier - that by 31 March 5,302 calls had been received by the service and that a sixth legal officer and five additional financial counsellors had been recruited. The honourable member for Heffron pointed out to the Minister that her colleague in another place, the Minister for Housing, in his letter of 30 March advised that as at that date more than 20,000 callers had contacted the HomeFund Restructure Information Centre. Obviously there is a conflict between the two Ministers. They must be advised by different people and are not

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communicating. That has been the problem with HomeFund for many years: a breakdown in communication between departments of this Government. Today the Minister said that about 8,000 or 9,000 people had contacted the service. It appears that the Minister is not on top of her portfolio, because even today she is unsure of the number of people who have contacted the service.

At that time the Government believed it was discharging its duty by providing about 10 financial advisers and five legal officers to counsel and advise as many as 26,000 HomeFund borrowers. In the Minister's speech, which was of about three hours duration over the past few weeks, she was obviously trying to delay the passage of the bill, again not caring for HomeFund borrowers. She stated that the total number of officers at the centre is now 21 - 15 financial counsellors and six legal advisers. The Department of Consumer Affairs by its deliberate inaction over the past few years has established that it is not impartial with regard to HomeFund consumers. A proposal was submitted to the department by the Legal Aid Commission with a view to the commission undertaking the role of providing this service to HomeFund borrowers, through its suburban and country network offices. The offer was rejected by the Government, and the Minister now says that the commission has indicated that it is not interested in taking on this role. That is not the information the Opposition has received.

The Public Interest Advocacy Centre undertook to prepare a comprehensive document to be used by every solicitor and financial counsellor dealing with HomeFund borrowers. Again that offer was rejected by the Government on the basis that the cost of \$50,000 was prohibitive. Obviously the Government is not committed to helping HomeFund borrowers. Clearly it is seeking once again to deny severely disadvantaged HomeFund families access to professional advice, in an attempt to minimise and downplay its exposure. Apart from the injustice suffered by HomeFund families to date, the point to consider is that those families are being enticed to enter into a new mortgage scheme without the benefit of proper and independent advice. That is asking for a mark II version of the HomeFund fiasco that will resurface in the years to come.

It is obvious that to provide the necessary time and resources to establish a proper service centre the dates for the closure of complaints with the HomeFund Commissioner and the acceptance of offers of restructuring from the HomeFund Purchase Assistance Authority must be extended for a further period of six months and three months respectively. The Minister mentioned today a new Government initiative of an offer of \$350 to borrowers. Apart from the injustice suffered by HomeFund families to date, it must be realised that these families are being enticed to enter into a new mortgage scheme without the benefit of proper and independent advice. The Minister has come up with this solution of giving borrowers \$350 so that they can trot off and find a solicitor of their choice to get advice before they sign the new complex contracts for the new arrangements.

The information that the Opposition has received is that the Law Society is concerned about this proposal and that some lawyers may be unfamiliar with these complex contracts. The Law Society is advising that lawyers should have proper training to familiarise themselves with the contracts they will be advising borrowers to enter into. Certainly \$350 is insufficient to cover the cost of the advice. The Opposition has estimated that a fee of about \$1,500 would be charged to a borrower for advice on these complex contracts, and the ramifications that flow from them down the line.

The Minister for Consumer Affairs has recently had the benefit of being asked dorothy dix questions in the House. When replying to those questions she has tried to fool the House into believing that she is discharging

her duty to HomeFund consumers. The Minister advised that it was her duty to ensure that HomeFund borrowers eligible for the restructuring scheme were given access to impartial financial counselling and legal assistance services. She further advised in answer to those questions that some 2,500 telephone calls had been received by the HomeFund Advisory Service. The Minister forgot to advise the House, however, that the service does not have its own 008 telephone number. The HomeFund inquiry service has its own 008 number and the HomeFund complaints information hotline has its own 008 number, but the HomeFund Advisory Service does not.

Perhaps honourable members have forgotten what all the different service lines are for. The HomeFund inquiry service provides advice on current assistance measures available from the New South Wales Government and refers borrowers to the appropriate authorities for assistance, as set down by Commissioner Rogers. The HomeFund complaints information hotline provides assistance for those completing the complaints guide. The HomeFund Advisory Service, the service with no 008 number, provides impartial financial counselling and legal assistance. It is rather a joke that the service providing so-called impartial financial counselling and legal assistance is the one that has no 008 number.

On 28 February it was reported to the media that 10,070 people had called the information service and that some 2,200 callers had contacted the HomeFund Advisory Service. I have already mentioned the different statements issued by the Government - two statements from the Minister for Consumer Affairs and one from the Minister for Housing - about the total number of calls that have been made, which varies from 16,000 to 20,000. The Government talks about 8,000 or 9,000 people having been given advice. One might ask whether at that time the impartial HomeFund Advisory Service took the 2,200 calls from people who did not phone a 008 line. *[Extension of time agreed to.]*

The HomeFund Purchase Assistance Authority advertised the impartial HomeFund Advisory Service in a booklet recently forwarded to some 25,000 HomeFund borrowers. That booklet advised about

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8,000 families that they were to lose their legal rights, and advised about 5,000 families that they would lose their homes. It is therefore no wonder that at that time 10,070 families called the HomeFund Purchase Assistance Authority 008 number seeking assistance. After receiving that kind of information in the mail, of course people would phone up to find out exactly what was going on. I should like to ask how many of those 10,000 families were transferred to the impartial financial counselling and legal people. By the Minister's own admission, at that time the figure was as low as 2,200. Only 22 per cent of callers got past the salesmen and saleswomen of the HomeFund Purchase Assistance Authority. Section 14 of the HomeFund Restructuring Act, passed through this Parliament at the end of 1993, states that it is the duty of the Minister for Consumer Affairs to ensure that all HomeFund borrowers eligible for the restructuring scheme are given access to impartial financial counselling and legal assistance. What a dereliction of duty by the Minister. This amending bill tries to achieve that aim: it seeks the provision of impartial financial counselling and legal advice and the extension of the expiry date for acceptance of offers of restructuring.

When answering questions in the House, the Minister for Consumer Affairs was proud to advise that 15 staff had been selected for the impartial HomeFund Advisory Service. I recall her statement that those staff members between them had 151 years' experience in the banking, financial, counselling and legal worlds. If one excludes the five legal staff, 10 staff are left to provide the impartial financial counselling required under section 14 of the HomeFund Restructuring Act. How many of those 10 people are accredited financial counsellors? At that time, only one of the 10 staff members was an accredited financial counsellor - one staff member to service up to 25,000 HomeFund families. What a farce. I ask the Minister how many of the additional financial counsellors she has appointed are accredited financial counsellors, and I hope that in today's debate a Government member will reply to that question.

It is a curious fact that the HomeFund inquiry service, the service that does have its own 008 number, has four staff members who are all accredited financial counsellors. I believe that one of those staff members has now been seconded to the HomeFund Advisory Service because of the lack of experience in the advisory service. The Minister failed to tell the House about that staff member in her boast of 151 years' experience in her

new impartial advisory team. Perhaps some people would say that I am being a little too cynical in questioning the impartiality of the HomeFund Advisory Service and whether, although the service does not have its own 008 number, it has a separate office location. People would expect the advisory service to have a separate office location, but that is not the case. At present there are 21 impartial staff members in the same office location as the 40-odd sales staff of the Home Purchase Assistance Authority. It could be said that that is rather a sham. I should now like to turn to the legal advisers employed by the HomeFund Advisory Service. The Legal Aid Commission stated by way of memorandum:

Proper advice should involve consideration of the HomeFund Restructuring Act, the HomeFund Commissioner Act, the Contracts Review Act, the Fair Trading Act, the Trade Practices Act and the common law principles of accountability, unconscionability and breach of contract.

Without wishing to denigrate the integrity of the new six staff members, I would say that they must be very experienced indeed to be expert in so many fields of law. However, it is surprising that, with such experience, they sought employment under the terms specified in the advertisement, namely, in temporary positions, with some staff being needed until at least 30 June.

It is difficult to understand why these people with vast legal experience would seek employment in the short term. The cornerstone of the legislation passed in December 1993 was that all HomeFund borrowers eligible for the restructuring be given impartial financial counselling and legal assistance. The simple fact is that HomeFund families are not getting their statutory entitlement to impartial counselling and assistance. Some people might ask what further black abyss the Government is going to throw these HomeFund families into. The Opposition has introduced this bill to give HomeFund families proper advice so that they can protect themselves from this uncaring and deceitful Government. The Minister for Consumer Affairs appears so desperate to cover up her chronic bungling of this issue that she attempted during answers to dorothy dix questions earlier this session to confuse matters by referring to letters, typewriters and clairvoyancy. In particular, the Minister referred to a public meeting of HomeFund borrowers on 27 February and stated:

At the meeting a pro forma letter was handed out which was very similar in tone.

The tone was supposedly of an anti-government nature. It is a telling point that the three or four letters signed by Mr Isaacs are exactly the same as the letters signed by the honourable member for Heffron. Perhaps if the Minister had accepted the invitation to attend the meeting or had sent a representative, she might be a little bit more sure of her facts and would not mislead the House. There were no letters handed out at the meeting signed by Mr Isaacs or the honourable member for Heffron. Two letters were made available by Suzanne Kennedy of the HomeFund helpline.

Mr RICHARDSON (The Hills) [10.12]: It is interesting to note that the honourable member for Heffron commenced her second reading speech as follows:

The cornerstone of the HomeFund legislation passed in December was the provision of impartial financial counselling and legal assistance for all HomeFund borrowers eligible for the restructuring scheme.

That certainly was not my reading of the Act, and it does not correlate with my recollection of the debate at that time. In the Minister's contribution to the

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second reading debate she pointed out that the legislation drew heavily on the recommendations made by HomeFund Commissioner Rogers in his special report to the Minister of 3 December 1993. In the report Commissioner Rogers came to nine conclusions and made 12 recommendations. They cover such things as the need for the restructure scheme to be within the financial capacity of the State; restructuring of the HomeFund scheme in accordance with general principles; no borrower can be made homeless; where possible, borrowers should be allowed to remain in their present dwellings, if necessary as tenants; borrowers should not be - and this is important - in a substantially better position than other people experiencing housing-related difficulties; borrowers who are able to refinance and therefore obtain the benefit of the lower interest rates available in the

market-place should do so; any borrowers able to finance but unwilling to do so may remain in the scheme on terms and conditions previously applicable to their loan; and so on.

Nowhere in the report is there any mention of the provision of impartial financial counselling and legal assistance to HomeFund borrowers; nor was that a cornerstone of the consequent HomeFund Restructuring Bill, which of course drew very heavily on the special report of Commissioner Rogers. The bill dealt properly with the classification of HomeFund borrowers into six categories and the ways in which they could be assisted as expeditiously as possible out of financial quicksand and onto firm ground. Last night I reread the second reading speech of the honourable member for Heffron and, surprise, surprise, she did not mention financial and legal counselling. Instead she focused almost exclusively on the extinguishing of HomeFund borrowers' claims against the Crown, FANMAC and building societies once they had entered the restructuring scheme. That was her *bête noire*, her pet hate, her obsession.

Commissioner Rogers specifically stated that legislation should extinguish any claims other than those arising from administrative mishandling of a loan by borrowers who have voluntarily exited the scheme by refinancing, or borrowers who now take the opportunity to exit by refinancing. The Government is simply carrying out the recommendations of the commissioner in accordance with his edict that the restructured scheme must be within the financial capacity of the State. To the Labor Party money is no object. In fact, its solution to any problem is to throw money around. Its solution to education is to employ more teachers. The solution to Aboriginal people is to give them all \$100,000 or \$200,000.

I would like honourable members to cast their minds back 20 years to the wonderful Whitlam Government. Those were the days when Labor was really in its full stride. Let us walk down memory lane as we did a couple of nights ago when reference was made to the Magna Carta, Lindy Chamberlain, and Anne Boleyn - "Off with her head". I remember also Tirath Khemlani, another name that popped up out of the history books. When the Whitlam Government was running out of funding for its programs, it sought to find a Middle East moneybags to solve its problems. This Government does not follow that practice, nor that followed by the brother of the honourable member for Heffron when he was a member of this Parliament. We all remember Laurie Brereton's face on every billboard across the State.

Ms Machin: Now it is across the nation.

Mr RICHARDSON: He would like to be right across the nation and he now has an opportunity to expand his horizons. We remember the cost of building Darling Harbour, which had to be built as Laurie's monument.

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

Mr RICHARDSON: The honourable member for Heffron is hoping to get her face on the home of every HomeFund borrower right across the State, to emulate her brother. That is not the way this Government operates. It has maintained the State's triple-A credit rating over the past six years. Only this week we were informed that the Government managed to reduce the budget deficit by \$200 million this year. This is a Government that exercises fiscal responsibility. I shall return to the issue of HomeFund. It was not until the Committee stage that the Minister, following consultation with the Opposition, introduced clause 14, which referred to the word "impartial". That word is not used in this bill. The honourable member for Heffron is just about to tell honourable members that that is some significant ploy on her part, that it was intentional that the word impartial was left out. She is not looking at the impartial financial counselling and legal assistance that we have guaranteed for HomeFund borrowers; she wants some partiality introduced, and we know what that will be.

The honourable member for Heffron did not object to the wording of clause 14, because she went off on her pet hobbyhorse at the time. I well remember the debate. It referred to the extinguishing of legal rights, which had been recommended by Commissioner Rogers and which the honourable member for Heffron claimed was unconstitutional. The Government has been ensuring that HomeFund borrowers are given relief as

expeditiously and as efficiently as possible. I know that this is difficult to understand for the Opposition, given the type of prolific waste that I have just outlined. That is what the Act passed last December was designed to achieve. As a central plank of that efficiency, the Government set up the HomeFund Advisory Service on 14 February.

Let me itemise what the service has achieved so far. When the service began on 14 February it was staffed by 10 financial and five legal advisers. The honourable member for Lake Macquarie actually challenged the qualifications of those staff members.

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I have a note of the qualifications, so let us see whether members of the House consider that the qualifications are adequate. The first legal adviser was five years as a practising solicitor; the second, 18 years in private legal practice and four years as a legal officer with a finance company in New Zealand; the third had four years' practise as a barrister, seven years as a member of the Residential Tenancies Tribunal - a housing-related area - and four years as a legal training co-ordinator for a major legal group; the fourth adviser had six years as a practising solicitor; and the fifth had seven years as a practising solicitor.

Of the financial advisers, one had three years' experience as an accountant and one year as a financial counsellor. The honourable member for Lake Macquarie said that no one had financial counselling experience. Another financial adviser has 16 years in banking - yet no experience, says the honourable member for Lake Macquarie; the third adviser had 10 years in banking and three years in a building society; the fourth had 24 years in banking; the fifth had 4½ years in financial counselling in Australia and New Zealand and was a former adviser to the HomeFund Commissioner's office - and so on and so forth. Some of the staff have changed, but I assure the House that the Government employs only experienced, trained and well-qualified people.

As the Minister outlined, after 11 weeks the HomeFund Advisory Service had 8,254 contacts with HomeFund borrowers, including 537 personal interviews. That is a large number of inquiries. The advisory service is going to the regions as well. Since 11 April, HomeFund Advisory Service legal and financial advisers have interviewed 126 borrowers in Parramatta and Penrith. Today face-to-face interviews will be available in Campbelltown, and a number of appointments have been scheduled. We hope that the honourable member for Campbelltown ensures his presence because we know how concerned he is about HomeFund borrowers in his electorate.

Last week HomeFund Advisory Service legal and financial advisers conducted interviews in Newcastle to launch the service's regional office program. This week they are in Wollongong and next week they will visit Lismore. Week-long visits will be made to Gosford, Tamworth, Port Macquarie, Dubbo and Wagga Wagga. Because the HomeFund Advisory Service has a central office located in Sydney, that does not mean that it is not reaching out to the broad mass of HomeFund borrowers around the State. Return trips to most of these centres have already been scheduled. No one can suggest that the central location is a disadvantage for HomeFund borrowers.

It must be remembered that a cornerstone - that is a good word - of Commissioner Roger's plan was that payment should be within the financial capacity of the State. It does not mean we keep throwing money down the drain; it must be done on the basis of efficiency, expeditiousness and looking after the people that the service is expected to help. An extensive regional media advertising campaign is well under way to promote the availability of the HomeFund Advisory Service in suburban country areas. Borrowers simply have to ring the toll-free number to arrange an appointment. The opportunity for telephone advice is also provided.

A feature of the service has been to provide borrowers in category B with a computerised estimated repayment schedule based on certain income assumptions during the life of the restructured loan. This allows borrowers to compare the offer under a restructured loan with their current loan. I call that impartial financial advice. This facility is generated through access to the FANMAC database and is available during both telephone and interview advisory services. Of course, the Government understood that the 15 people originally employed would not be sufficient. The numbers have now increased to 23 financial and seven legal advisers, all of whom have qualifications similar to those I outlined. [*Extension of time agreed to.*]

Further staff increases will be made as demand increases. None of these advisers has come from within government; the qualifications I have outlined show that they are private enterprise people. They are impartial and accumulatively have almost 300 years' experience in banking, financial counselling and legal fields. Let us look at the 8,254 advisory service contacts with HomeFund borrowers. As the Minister said, only seven formal complaints have been received about the service. During the last eight weeks only one complaint has been received. Who made that complaint? Where did that complaint come from? Of course it came from the honourable member for Heffron. She was trying to get some runs on the board so that she could put this bill through Parliament and receive some publicity.

Ms Machin: That failed.

Mr RICHARDSON: The Minister suggests that might have failed, and that is possibly true. All seven complaints have been satisfactorily resolved and none raised the issue of impartiality. The only complaint that has not been satisfactorily resolved was the most recent one made during the last eight weeks, by the honourable member for Heffron. She will never be satisfied until the Legal Aid Commission is made responsible for looking after the plight of HomeFund borrowers. It is very significant that no complaints have been received from any of the organisations that expressed reservations about the HomeFund Advisory Service before it began. For example, the HomeFund Support Commission, the Redfern Legal Centre, the Financial Counsellors Association and the Public Interest Advocacy Centre. Not one of these groups has expressed a concern about the operation of the program, or its impartiality, which seems to be a matter of concern for the honourable member for Heffron.

In fact, those organisations suggest that the program is working well. The Legal Aid Commission was consulted about the level of assistance it could provide before the regional advice program was finalised. The commission advised that it was unable

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to provide any staff, having regard to the scarcity of its resources and the time necessary to train staff to the level of expertise required. The Minister tells me that the honourable member for Heffron's complaint was resolved and that the only unresolved complaint that was actually received before the service began - it is not included among the 8,254 complaints - was from the honourable member for Bligh. No doubt the Minister is attending to that complaint.

To abandon the HomeFund Advisory Service in favour of the Legal Aid Commission would be to destroy the most experienced and knowledgeable HomeFund restructure advisory unit presently available. It would confuse borrowers who have already taken and acted on advice provided by the service. Those borrowers would now receive impartial advice from another organisation. Of course, that will only happen after the Legal Aid Commission has actually set up a service to replace the HomeFund Advisory Service, and trained its staff. Once again HomeFund borrowers will be in limbo for several months - the practical implication of the honourable member for Heffron's bill. The bill will force cancellations of any prearranged personal interviews in suburban and country areas. I am pleased to see the honourable member for Campbelltown has joined us. I am sure he will be interested to learn that some people from the advisory service are visiting his area today to consult with HomeFund borrowers.

Ms Machin: That is a big surprise.

Mr RICHARDSON: A big surprise for him. Abandoning the HomeFund Advisory Service in favour of the Legal Aid Commission would cause unnecessary delay for borrowers who want to proceed with an offer from the Home Purchase Assistance Authority to take advantage of the benefits of the restructure. The task of providing counselling would fall on the Legal Aid Commission, a task which it has indicated it is not designed or set up to deliver. In that context I note that in her second reading speech the honourable member for Heffron conceded that, as stated in a memorandum from the Legal Aid Commission to staff solicitors, commission solicitors have neither the training nor the time necessary for the detailed consideration of all issues, which is essential for proper professional advice. The memorandum continued as follows:

It will be safer for most HomeFund borrowers if we do not offer legal advice but refer them instead to the HomeFund Advisory Service.

That is, to refer borrowers to the superior service that will actually look after their interests, to people who have been trained in the vagaries of the HomeFund structure and know how to help borrowers. The honourable member for Lake Macquarie spoke about there being insufficient advisers. I ask him: where is the evidence of borrowers either being unable to get through because lines are jammed or having to wait an undue time for call-back because the lines are all busy? He might not know, though it might be useful information for him, that in weeks 2 to 8 of the HomeFund Advisory Service financial advisers conducted an average of 9.15 contacts per day with borrowers, and legal advisers made an average of 7.8 contacts per day. That service is being structured to meet demand, and a cast of thousands is not needed to provide it.

The bill also seeks to extend the date by which complaints can be made to the HomeFund Commissioner from 31 March to 30 September, and to extend the earliest date for cutting off offers of assistance under the HomeFund restructuring scheme from 30 June to 30 September this year. Why propose an alternative structure that will take a long time to set up and will foist further delay, trauma and concern on HomeFund borrowers? The Government rejects that proposition as not being a sensible way to conduct business. There is no need to extend the date for receipt of complaints.

Section 8(1) of the HomeFund Commissioner Act allows the commissioner to receive complaints from borrowers past and present about the promotion of negotiations for entering terms of administration of original HomeFund mortgages to which borrowers were parties. The cutoff date was 31 March, which gave borrowers seven months from the date of calling for complaints in September 1993. How much longer should be given? Should extensions be granted through to the year 2000, a particularly important year - the year the Olympic Games, which we won, come to Sydney? The Legal Aid Commission has no role with respect to appeals from HomeFund borrowers. [*Time expired.*]

Mr KNIGHT (Campbelltown) [10.32]: The HomeFund select committee is drawing to a close after almost a year. Last night one of my colleagues said to me, "I guess you must be pretty sick and tired of HomeFund, having sat on that committee for over a year". The reality is yes, I am a bit sick and tired of it, like the Minister is clearly sick and tired of it, like the Parliament - she would hope - is sick and tired of it. But no matter how we feel about it we have to take cognisance that the people who are most sick and tired of it are the borrowers who are still suffering and have been suffering far more than any parliamentarian has had to suffer in dealing with the issue, and who are still not getting the relief to which they are entitled and which they were promised in earlier negotiations. That is the whole reason the honourable member for Heffron has had to bring the bill before the Parliament and the whole reason we are here trying to get some resolution of this issue.

It is significant that the Government's response to the honourable member for Heffron's bill has been to filibuster to try to avoid any decision in favour of HomeFund borrowers. It is quite amusing that the Minister has not only tried to set some records in her speech but the Government has dragged anyone and everyone in to speak on the matter whether or not they know anything about the issue. The classic example is the new member for The Hills reading from notes prepared for him by the Minister. The member for The Hills tried to tell us that some

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wonderful people in the bureaucracy are going out to Campbelltown today to solve the problems of HomeFund borrowers in the Campbelltown area. That is reminiscent of what we used to hear from his predecessor Tony Packard.

Mrs Skinner: Why are you here and not there?

Mr KNIGHT: That is a fascinating interjection from the four-times, finally successful candidate for North Shore. She said why am I here in Parliament today instead of being out in Campbelltown. I know it took her a long time to get here, and I know she is yet to adjust to the process. We are very happy that she is

here because it means there is someone competent in the bureaucracy to do something in a proper way rather than in the political partisan way she used to do it. Could I explain to her that as a member of Parliament she is actually meant to come here and to participate in debate, rather than make stupid interjections about me being in this House and not in Campbelltown. Her interjection suggests that she has a great deal to learn.

Mr Kerr: You could go to Campbelltown tomorrow.

Mr KNIGHT: I would love to go to Campbelltown tomorrow.

Mr DEPUTY-SPEAKER: Order! The honourable member will address his remarks through the Chair.

Mr KNIGHT: The response from the new member for The Hills is reminiscent of what we used to hear from Tony Packard. His version of it is that the Government is going to send the Department of Consumer Affairs up the Campbelltown Road and let them do it right for us. The view of people in Campbelltown is that they are not getting any satisfaction from the Department of Consumer Affairs or from the HomeFund Commissioner. That does not surprise me because the tone for all this gets set from the top, from the Minister, who has seen HomeFund as an impediment to her career rather than as a problem that needs to be solved.

The Trade Practices Commission has been involved extensively in this issue but I am surprised it has not been tempted to declare that Mr Holloway, the Commissioner for Consumer Affairs, ought to be prosecuted for false advertising under his title. At meetings I have attended with the honourable member for Heffron, the Minister and other people, Holloway made the amazing comment, "I am here to defend the Government's line, I am here to save the Government as much money as I can. I am not here to look after the interests of the commission".

Ms Machin: That is a disgrace!

Mr KNIGHT: The Minister interjects and says it is a disgrace. It is an absolute disgrace that he has taken that attitude. The assistance that the Minister says is being provided to borrowers is farcical and inadequate. I want to quote briefly from notes made by Mr Warren Delaney of 18 Johnston Road, Eastwood, who phoned the HomeFund restructure information centre. He kept fairly detailed notes of the calls he made. The first call was at 6.10 p.m. on Saturday 19 February this year. The second call to what is supposed to be a 24-hour hotline was made at 10.15 a.m. on Sunday morning 20 February. I quote briefly from his notes:

Q. Why was I put in category A when its so obvious by your own figures that I couldn't be.

A. Well its not the final decision, just fill out the form.

Q. But why when its so damn obvious.

A. I don't know.

Q. What happened to the info I supplied to the commission, didn't you use it or was all that work a waste of time?

A. I don't know.

Q. From your booklet, as no-one lives at the property, then my wife's income is not applicable, as she is not living there and did not know me when I took out the loan.

A. Don't know, can I call you back on that one.

Q. How long will reclassification take.

A. I don't know.

That first call is indicative of the sort of response people have been getting from the information line. What happened at the second call? The following was the conversation:

Q. Would a letter sent by me to the Housing Co-op be received at the same address as last year?

A. I don't know.

Q. I wanted to change my debt details. Are the co-ops still administering my loan?

A. I don't know.

Q. Are you, the housing Authority, looking after my loan?

A. I don't know, maybe.

Q. Well who is looking after my loan?

A. I don't know.

Q. If I need to change my details then who can I contact?

A. I'll ask my supervisor. If you give me your name, I'll send them a letter.

Q. I have already sent them a letter. I want to know if they still exist or if I need to send it to your office instead?

A. Well I'll send them a letter.

Q. If you don't know if they exist, where are you going to send the letter to?

A. I don't know. I'll ask my supervisor.

The final response from the borrower was, "Don't bother". That is the sort of advice that people are getting. The reason the honourable member for Heffron has introduced this legislation is to try to establish some decent level of support for people. They certainly need it. Some of the documents that they have had to struggle through are often incomprehensible. It is no surprise that the original HomeFund Commissioner's questionnaire received a dishonourable mention in the Australia-wide contest for bad and incomprehensible documents. It did not

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win the award - the document that did was even worse. But it attracted a dishonourable mention at the award ceremony for an Australia-wide contest on lousy documents held at the Opera House. Many borrowers in my electorate have received a letter from the Home Purchase Assistance Authority. They have come in to see me because they cannot understand this form letter. It is the letter that advises them that they are in category C. It is a long, complicated, bureaucrat's letter. I will not read it in its entirety. I am happy to table it, though I am sure the Minister has seen many of them, and perhaps even had a role in the composition of it. In part, it says:

As a category C borrower you can now choose to do one of the following:

You can apply for an offer to:

1. sell your home to the Authority or its representative; or
2. sell your home to the Authority or its representative and then rent it back for a set period from the Authority or its representative;
or

3. sell your home to someone else other than the Authority or its representative.

That seems to suggest that there are three options available to category C borrowers. Of course, there is a fourth option, and that is the option that most category C borrowers want to take. But it is not spelled out as a separate option. It is mentioned in passing in the body of the letter without any explanation as follows, "or you can continue with your existing mortgage" - a down-played, throw-away line. Most category C borrowers want to stay in their homes with their families and keep paying their 27 per cent, irrespective of what that means to ultimate ownership or to the size of the ballooning debt. That option does not seem to be presented to borrowers.

Many people have been coming in to my office: people who cannot get any sense from the hotline, people who cannot get any sense out of the Department of Consumer Affairs, people who cannot make any sense out of this letter. They come in and say, "But does this mean that I have to get out? Does this mean I have got no possible way to stay in my house? Does this mean I have got to leave? Does this mean I have got to take one of these options that they have spelt out?" Of course the letter does not mean that at all. But they are not getting the proper advice. While I am happy to advise my constituents, and while many of them come to me for that sort of advice, in the end they are entitled to expect to have access to complete and professional advice. *[Extension of time agreed to.]*

They need to have access on a regular and total basis to people that can give them some independent professional advice. But, of course, as the honourable member for North Shore realises, I cannot be there to advise these people all the time; I have to be here to fulfil my obligations to the Parliament. They need to have access to someone on a needs basis at any time. That is why the honourable member for Heffron is trying to ensure that there is independent professional advice. That was the spirit of section 14 of the legislation that went through both Houses, during the special sitting, in December last year. During interminable discussions in relation to that preceding legislation - some of which were attended by the current Minister, others by her predecessor - Government supporters, members of the Labor Party and the non-aligned Independents came to an agreement as to what should happen. That agreement has not been reflected in practice, just as previous agreements were not reflected in practice. That is why, on more than one occasion, the honourable member for Heffron has had to come into this Parliament and seek to amend legislation that was meant to be the embodiment of agreements that were made. Section 14 of the Act 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.

That has not happened. That is the reason we are debating this legislation this morning. That is why the honourable member for Heffron has had to bring in legislation.

[Interruption]

The Minister has had an extremely long go at this, yet she is dissatisfied and wants to continue to interject. We listened in silence to the Minister. Indeed, we suffered in silence while she spoke. It would be nice if the Minister paid others who wish to contribute the same courtesy. The reason the honourable member for Heffron has had to bring this legislation before the Parliament is precisely that the Government and the Minister have failed to carry out that entreaty in section 14 of the legislation. That is why we are trying to seek to have the spirit of the legislation carried forth with some specific amendments today.

I shall now deal briefly with one other aspect of the HomeFund Legislation (Amendment) Bill. In two ways the bill seeks to extend the time that people have to make their applications. First, it seeks to extend the final date by which complaints must be made to the HomeFund Commissioner by HomeFund borrowers from 31 March 1994 to 30 September 1994 by amending section 10 of the HomeFund Commissioner Act 1993. Second, it extends the earliest date for cutting off offers of assistance under the HomeFund restructuring scheme from 30 June 1994 to 30 September 1994 by amending schedule 1 to the HomeFund Restructuring Act 1993. I

would hope that all members of Parliament, no matter where they sit in the Chamber, no matter what they feel about the substantive issues that are raised in the bill of the honourable member for Heffron and no matter what they feel about what I have had to say about the substantive issue of independent advice this morning, would recognise that HomeFund is a complex and complicated issue and that the borrowers are having extreme difficulty accessing whatever services are available - irrespective of whether they are adequate or not. The last thing that we should be doing is

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truncating the time in which they have to make applications for some remedy, however inadequate. I would hope that the Minister, whatever she feels about the rest of the bill, would give ground on the question of giving people some more time to apply. The issue is complex, the documents are complex. Some are filled with gobbledegook. We are aware of the varying levels of sophistication of individual borrowers - from people who are pretty clued up to people who are not especially literate or sophisticated. We must do nothing to cut off whatever rights they have until the last possible date.

Given that it took the Government so long to establish the office of the HomeFund Commissioner, given that there has been a change in HomeFund commissioners, and given that the first HomeFund commissioner took a long time before he got anywhere near making any determinations, the last thing we ought to be doing is trying to restrict the time that people have to make applications or to get access to any remedy, no matter how inadequate that remedy might be. I could say much more about this bill and the HomeFund fiasco, but today is not the time to do that. I hope that later tonight the Select Committee upon the Operations of HomeFund and FANMAC will reach finality on the report that it intends to table in the Parliament early next week. There will be further discussion in the Parliament on those issues. I look forward to participating in that debate. In the meantime I urge all honourable members to consider not simply the plight of the Government, which seems to be uppermost in the minds of certain members, but the plight of HomeFund borrowers. We must try to do something to resolve their difficulties.

Mr KERR (Cronulla) [10.52]: I do not follow the arguments advanced by the honourable member for Campbelltown in relation to the matter that is being debated. What an incredible contribution he made!

Mr Knight: Thank you!

Mr KERR: I am still incredulous at his contribution. The honourable member for Campbelltown started by attacking the honourable member for North Shore, who managed to beat Robyn Read, who was on the staff of one of the mates of the honourable member for Campbelltown, the left-wing former Minister for Housing, Mr Walker -

Mr Knight: She was not a member of staff at all. She worked in the department. I was on the staff.

Mr KERR: The honourable member for Campbelltown has admitted that he was a member of the staff of Mr Walker - the ghost who walked and who stills walks around Canberra.

[*Interruption*]

I will refer later to the architect of this great scheme - the man who laid the foundation stones.

Mr Knight: Wait for the report next week and you will find out.

Mr KERR: We will hear about that report. It is interesting that a member of the HomeFund committee, the honourable member for Campbelltown, chose to speak on this matter at this time. He spoke about suffering, and gave us a good dose of just that in the 20 minutes or so that he spoke. He said that he would be in Campbelltown tomorrow. I will check to see whether he makes an appointment.

Mr Knight: If Parliament is not sitting, or the HomeFund committee is not sitting.

Mr KERR: He says he will be in Campbelltown if Parliament and the HomeFund committee are not sitting. Would the honourable member for Campbelltown like to offer any other alibi while he is at it?

[Interruption]

The honourable member for Campbelltown, who offers an alibi, did not want any interjections when he spoke earlier. He should remember that we listened to him in silence. The honourable member for Campbelltown departed from the Left because he found that the company was a bit dull so he joined the Right. He has now found that the number of people in the Right is diminishing; they are all losing their homes. I will wait to determine whether the honourable member for Campbelltown makes an appointment tomorrow. If Parliament and the HomeFund committee are not sitting I expect him in Campbelltown.

Mr Knight: Absolutely!

Mr KERR: We will see.

Mr Knight: I talk to my constituents all the time.

Mr KERR: I am not talking about making an appointment with constituents; I am talking about a bit of hard work, which will not kill the honourable member for Campbelltown. He might feel a bit sick initially, but it will not kill him. The honourable member for Campbelltown spoke also about people's careers. He said that this is an impediment to the Minister's career.

Mr Hunter: Are you going to talk about the bill?

Mr KERR: Yes, I will.

Mr Hunter: Do you know anything about it?

Mr KERR: I will come to the bill. I will establish what this bill is really about. The honourable member for Heffron moved from the upper House into this House in a bid for leadership. At the time there was a real problem. The present Leader of the Opposition said, "No one I have spoken to has any brilliant strategy for leading the party. No textbook has been written for when ALP governments are falling apart: here is what you do. These are uncharted waters. If anyone has a blueprint that says there might have been a better way they have not shown it to me. That applies to commentators in the media and to my frontbench". Then, of course, the Leader of the Opposition got a blueprint from the honourable member for Heffron, in this form: let us knock HomeFund. Let us get rid of the confidence that people have in HomeFund - never mind that it was a Labor Party scheme initially".

Mrs Grusovin: You do not know what you are talking about.

Mr KERR: I am referring to what your Leader said. It is interesting to note what the Leader of the Opposition said. When assessing the ability of his rivals the Leader of the Opposition told colleagues that Peter Anderson would last two press conferences.

Mr Knight: On a point of order: I, like most honourable members, realise that the honourable member for Cronulla knows nothing about the HomeFund issue. That does not excuse him for straying from the scope of the bill and engaging in an extensive attack on the Leader of the Opposition and a discussion on the question of the leadership of political parties generally. I ask that he be directed to return to the scope of the bill.

Mr DEPUTY-SPEAKER: Order! Honourable members who have contributed to the debate on the HomeFund bill have already traversed a great deal of territory, making statements of a political nature and statements concerning the subject-matter of the bill. I ask the honourable member for Cronulla to bear in mind

the core of the bill. He is entitled to refer to any matters that were raised previously, but I ask him to return to the scope of the bill. I do not uphold the point of order, but I seek the indulgence of the honourable member for Cronulla in this matter.

Mr KERR: What we are really talking about is the advice that is available to HomeFund borrowers. The honourable member for Heffron is seeking to avoid consistency and experience in those terms. The Minister, who has been diligent in relation to this matter, has sought advisers who are experienced in home lending procedures, home lending advising, financial advising, financial counselling and consumer lending and who have good people skills. The honourable member for The Hills referred to the background of people employed by the advisory service. The bill that has been presented by the honourable member for Heffron requires the Legal Aid Commission to provide financial counselling and legal assistance services to HomeFund borrowers, but it seeks to do so by removing the service that is available at present.

This Government has sought to ensure that the best, most consistent and most qualified advice is available to HomeFund borrowers. What is wrong with that? In the view of the honourable member for Heffron there seems to be a lot wrong with that. Of course, the honourable member for Campbelltown was a little confused when he related a conversation earlier. He spoke about the wrong service, not the service that is referred to in this bill. Why did he do that? I suppose, if we asked him, he would say, "I do not know". That shows how well he knows the topic on which he was supposed to speak. What has the honourable member for Heffron ever done to provide home ownership to the people of New South Wales? What has the honourable member for Heffron ever done to assist people? Did she hear from the member for Botany about what he regards as her public record? Would he defend that public record?

Mrs Grusovin: Who is that member?

Mr KERR: Mr Hoenig. Will he defend the public record of the honourable member for Heffron?

Mrs Grusovin: He is a good member for Botany!

Mr KERR: I am sorry, I meant the mayor of Botany. The honourable member for Heffron can understand why there would be confusion because people who live in Botany regard Mr Hoenig as a good local representative.

Mrs Grusovin: So what are you saying?

Mr KERR: I am saying that Mr Hoenig has not said a great deal about the public record of the honourable member for Heffron, and he is a public defender.

Mrs Grusovin: How would you know?

Mr KERR: Because it is on public record. We know all about it.

Mr DEPUTY-SPEAKER: Order! The honourable member will address his remarks through the Chair.

Mr KERR: I was provoked by the interjections from the other side.

Mrs Grusovin: Just get back to HomeFund.

Mr KERR: I am getting back to HomeFund. Homefund was set up to provide home ownership. I suppose that was abhorrent to members of the Labor Party. I recall a former Federal Minister claiming that home ownership created little capitalists in Australia. The Labor Party does not want to provide home ownership; the Government does. The Government regards home ownership as the cornerstone of society; it provides stability in family life. The Government was seeking to increase home ownership by the use of the HomeFund scheme. A great deal more would have been done to achieve that objective if confidence in the

scheme had not been eroded. The Government now has to pick up the pieces of the scheme after it has been smashed by the honourable member for Heffron for purely political purposes. If she had been genuinely concerned about the available advice, she would have made herself available to talk to the advisers. How often has the honourable member talked to the advisers?

Mrs Grusovin: I have talked mostly to borrowers. I cannot find anyone to tell them what to do.

Mr KERR: The honourable member can find people to tell them what to do. They are the people whose qualifications have been described by the honourable member for The Hills and by me. Why
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will the honourable member for Heffron not sit down and talk to those people or visit their offices? If this bill is not an exercise in political manipulation, why will she not go and speak to those people? She does not go about things in the right way. That is why the Leader of the Opposition said, "If Deirdre were leader, there would be open leadership speculation within six weeks". If she were concerned about the borrowers, she would talk to the advisers. That is what it is all about. The honourable member for Campbelltown attacked Mr Holloway, the Commissioner for Consumer Affairs. What a great contribution that was! Will he repeat that attack outside coward's castle? Will he repeat those remarks outside the House?

Mrs Grusovin: I assure you that it is not the first time the commissioner has been criticised in this Chamber, and he will continue to be criticised for failing to do his job.

Mr KERR: Do you intend to make that criticism outside the House? If the honourable member for Heffron or the honourable member for Campbelltown does so, it would be the first time. Honourable members will wait to see whether the honourable member for Heffron walks outside these portals and repeats the criticism made by the honourable member for Campbelltown. That is the real test of the honourable member's integrity. If she believes it, she should go outside and repeat it.

Mrs Grusovin: I will meet you.

Mr KERR: If the honourable member for Heffron and the honourable member for Campbelltown believe in what they are saying, why do they not call a press conference downstairs and make that criticism? I am sure the media would be interested in it. The honourable member for Campbelltown talked about suffering. How many representations has he made to the Minister?

Ms Machin: None.

Mr KERR: I am advised that he has made none. How genuine is he? [*Extension of time agreed to.*]

How much courage and concern do these members have? The Minister has informed the House that the honourable member for Campbelltown has made no representations and that the honourable member for Heffron made one. What a deluge! The Opposition is not interested in people, it is interested only in politics. That is appalling.

Mrs Grusovin: You are absolutely appalling.

Mr Hunter: That is why you are not a Minister.

Mr KERR: If the honourable members who interject are concerned about what is happening, are they also concerned about the recession we had to have? How many people have lost their homes?

Mrs Grusovin: That is more the factor.

Mr KERR: That is more the factor.

Mr Jeffery: Paul Keating's gift - the recession!

Mr KERR: Yes. Where was the care and concern then? How many people lost their homes because of the recession we had to have? That is what this is really all about. How many businesses have gone to the wall because of the recession? Where were the voices of the honourable member for Campbelltown and the honourable member for Heffron speaking up for their constituents when the economy was in recession and unemployment was at record levels? That is still happening, but honourable members opposite are still indulging in cheap pathetic politics. HomeFund was designed to provide home ownership.

Mr Hunter: How many jobs has your Government created since it came to office?

Mr KERR: Your Government created the recession. Let us talk about the HomeFund Advisory Service.

Mrs Grusovin: That will be a change.

Mr KERR: Let us talk about it because the Opposition does not want to hear about certain matters. That service commenced operations on 14 February and was staffed by 10 financial and five legal advisers. After 11 weeks the HomeFund Advisory Service has handled 8,254 contacts with borrowers, including 537 personal interviews. Not one of those 8,254 contacts and not one of those 537 personal interviews related to the honourable member for Heffron. She was not interested in the quality of the advice. Since 11 April 126 personal interviews have been conducted in Parramatta and Penrith with borrowers by the service's financial advisers. Today face-to-face interviews will be available in Campbelltown.

I wonder whether the honourable member for Campbelltown will come face to face with those people, because we now know that the honourable member for Campbelltown will make an appointment if Parliament and the HomeFund committee are not sitting. We will see if he does. Last week the service's financial advisers conducted interviews in Newcastle to launch the service's regional advice program. This week advisers are in Wollongong and next week they will travel to Lismore. Week-long visits to Gosford, Tamworth, Port Macquarie, Dubbo and Wagga Wagga will follow. Return trips to most of these centres will be scheduled. An extensive regional media advertising campaign is well under way to promote the availability of the HomeFund Advisory Service in suburban and country areas. Listening to the Opposition, one would never know about these matters. One would think nothing was happening. These matters have to be stated and restated because the people's representatives are entitled to tell the people what is happening. Members opposite do not like to hear it: they claim it is repetition. Of course it is repetition at times, but it must be said over and over again to counter the lies emanating from the other side.

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Mrs Grusovin: The Minister has given you all the same notes because none of you know what you are talking about. The Minister has given notes to Government members because they do not understand the subject.

Mr KERR: That is absolutely incredible! From the Government's point of view, this debate is not about politics; it is about helping people. The Government is conscious of the need to provide a cost-effective service while ensuring the impartiality, quality and consistency of the advice provided.

Mr Hunter: Consistency of advice?

Mr KERR: Consistency of advice.

Mr Hunter: "I don't know".

Mrs Grusovin: "I don't know, I will ask my superiors".

Mr KERR: Honourable members admit they do not know.

Mrs Grusovin: That is what most of the borrowers tell us.

Mr KERR: Both the honourable member for Heffron and the honourable member for Lake Macquarie have said, "I don't know". Is that not great?

Mrs Grusovin: It is what the advisory centre spokesman said.

Ms Machin: That is not right because you have not called the advisory service.

Mrs Grusovin: "I don't know, I will have to ask my supervisor".

Mr ACTING-SPEAKER (Mr Tink): Order! The honourable member for Cronulla has the call.

Mr KERR: Is it not incredible that honourable members opposite talk about the advice but they have never spoken to the advisers? The honourable member for Campbelltown related a telephone conversation about the wrong services.

Mrs Grusovin: Mr Delaney.

Mr KERR: We ought to hear about Mr Delaney. Where is the record of that conversation, apart from what has been said in this House about the wrong thing?

Mrs Grusovin: So much confusion!

Mr KERR: So much confusion is right - so much confusion emanating from the other side of the House. As I have said, the Government has been consistent in trying to provide the best quality advice. That is what people are entitled to.

Mrs Grusovin: They certainly are, but they haven't got it.

Mr KERR: "They haven't got it", says the honourable member for Heffron. She has made no attempt to visit the advisers, yet she stands in judgment on them. How fair is that? If she is really concerned she ought to visit the advisers.

Mr Gibson: You are funnier than Mr Bean.

Mr KERR: I do not find this subject funny, because we are talking about people and what is happening to them. The honourable member for Londonderry should be concerned about this matter, because people in his electorate are entitled to be worried.

Mr Gibson: When you sit down I will be able to have my say.

Mr KERR: I hope that the honourable member for Londonderry takes advantage of the opportunity to speak in this debate and that a number of other members from the Opposition will speak also. They are entitled to speak on this serious matter.

Mrs Grusovin: We have been telling you that it is serious for the past couple of years. Why do you think we have an inquiry going?

Mr McBride: What is the weather like today?

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

Mr KERR: I am sure members opposite would rather talk about the weather, or anything other than this topic.

Mr Gibson: You have not said much about it.

Mr KERR: If I am given the chance I will speak to the leave of the bill rather than respond continually to these interjections. Only two borrowers with the name Deirdre are eligible to participate in the restructure, but neither of them has spoken to the HomeFund Advisory Service. That is incredible. One Deirdre is the honourable member for Heffron. She takes this so seriously, though she has been speaking about it for years, that she has not bothered to get in touch with the HomeFund Advisory Service. The honourable member for Campbelltown related a telephone conversation that he intercepted. One must wonder about that conversation.

Mrs Grusovin: Come back to the core of the bill.

Mr KERR: I will do so. Does the honourable member realise that the honourable member for Campbelltown spoke about the bill?

Mrs Grusovin: He did, but you are not.

Mr KERR: He did speak about the bill, but he related the conversation about getting back to the supervisor. Does the honourable member for Heffron remember Mr Johnson saying that? Here is a news flash: the HomeFund Advisory Service does not have supervisors.

Mrs Grusovin: I am not surprised.

Mr KERR: The honourable member for Heffron says that she is not surprised.

Mrs Grusovin: More misinformation.

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Mr KERR: She now says that this is more misinformation. The honourable member for Campbelltown related a conversation in which a person on the other end of the telephone said, "I will get back to the supervisor". But there are no supervisors. How credible is that? The honourable member is a member of the HomeFund committee. One must worry. Why did he not say to the person who gave him the information - if there is such a person - that he was aware there were no supervisors? The honourable member for Heffron suggests that the Government is not doing anything, and she has been saying that for some time. Of the 8,254 contacts that have been made only seven formal complaints about the service have been received. In the past eight weeks only one complaint has been received, that being the first and only complaint from the honourable member for Heffron. All seven complaints have been satisfactorily resolved.

Mrs Grusovin: Are you sure of that?

Mr KERR: None of the complaints raised the issue of impartiality. In relation to the contribution made by the honourable member for Campbelltown, one would have thought that the person -

Mrs Grusovin: Talk about the bill.

Mr KERR: As the honourable member for Heffron acknowledged, the honourable member for Campbelltown spoke about the bill, so I want to talk about his contribution. I would have thought that if a person came to see any member of Parliament about an alleged telephone conversation in the terms the

honourable member related, the member would have said, "I do not think you should have received that sort of treatment from any member of the public service". Why would the honourable member not have written to the Minister? Why would he not have got the person to write to the Minister? Why would there be no record of what happened? All of this is simply political point scoring.

Mrs Grusovin: It is disgraceful.

Mr KERR: I agree that it is disgraceful. If the honourable member for Campbelltown had a little more experience in constituency work, and if he had been less concerned about factions, he would have known how to handle the situation. The right-wing candidate who was to stand against me in my electorate has gone. Every Labor Party candidate in the Sutherland shire is left-wing.

Mr Hunter: You are a leftie.

Mr KERR: The honourable member for Lake Macquarie is right; in relative terms I am probably Left compared with some of the members of the Right of the Labor Party, but at least I believe in home ownership and in trying to provide impartial and quality advice from experienced people.

Mr Hunter: So do we, but they are not getting it at the moment.

Mr KERR: The honourable member says that, but he wants to take it away from them. How genuine is he? Opposition members seek only to attack the Government in an attempt to get on the treasury benches. That is what this is about. We have heard a lot from Opposition members over the past two years, but how much of it has been constructive? I suggest that the honourable member for Heffron trawl through her speeches to find any constructive remarks she has ever made. Everything has been destructive.

Mrs Grusovin: Why do we have a parliamentary inquiry? Why do we have a HomeFund Advisory Service?

Mr KERR: I shall tell the honourable member why we have those sorts of inquiries: it is because of the destructive criticism by members opposite. The honourable member cannot say that she put forward a constructive proposal on a specific date. All one finds are attacks on the member for Wagga Wagga and on the scheme - all of them destructive.

Mr Jeffery: I will be able to spend some time on that.

Mr KERR: I am pleased that the honourable member for Oxley will speak about these things. It will be interesting. [*Time expired.*]

Mr JEFFERY (Oxley) [11.12]: I oppose the HomeFund Legislation (Amendment) Bill. At the outset I should say that the service is working. The honourable member for Heffron should be ashamed of herself. She will not go and have a look at the service, and I understand that the honourable member for Campbelltown is in the same category. Opposition members say that they have received complaints.

Mrs Grusovin: You have not done too much work on this matter, have you?

Mr JEFFERY: The honourable member would not know what goes on. She is in her ivory tower and does not mix with the real people. She does not care about workers getting homes. Thousands of people have been helped to get homes through HomeFund. This amending bill will not help them.

Mrs Grusovin: The honourable member does not know a thing about this.

Mr JEFFERY: I have a letter about HomeFund and these amendments. It is from the Kempsey Co-operative Housing Society and is addressed to me. The letter is dated 20 April and is from the chairman of

the society. The letter was written as a result of the actions of the honourable member for Heffron. She has closed down the office of the Kempsey Co-operative Housing Society. It closed on 31 March this year. The letter says:

This is a matter of great regret but it is due to the fact that there has been no loan scheme for 12 months.

That has happened because of all the rubbish that has emanated from the honourable member for Heffron. The letter says that the closure is the result of "numerous discharges due to the current HomeFund problems and the uncertainty in the movement does not allow us to be able to economically operate". The letter proceeds:

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Our society has been operating in Kempsey since 1937 and some thousands of loans have been made to people who in most cases would not have had an opportunity to own their own homes.

Only one member's home has been sold by the Society since inception and this was due because of the member going into bankruptcy caused by other debts.

The letter goes on further:

We look forward to you acting in the strongest possible way to ensure that any scheme introduced is handled by Co-operative Housing Societies and not by banks. This must apply to Societies such as ours which has never had a loss on a loan in 57 years.

The honourable member for Heffron has used political grandstanding to force people out of their homes. I can count on one hand the number of complaints I have received in all of this time. A family came to me the other day, a man and woman and their two sons, seeking advice. They rang the HomeFund Advisory Service and straight away they got, not the honourable member's peddling of lies, but the truth. They have arranged to go to Port Macquarie, in the electorate of the Minister, at the end of this month and will get expert advice. That family is very pleased with the advice they received after coming to my office and getting in touch with the service. It is working.

Mrs Grusovin: They did not have a problem?

Mr JEFFERY: They did have a problem. They are unemployed because Mr Keating put people on the unemployment scrap-heap and therefore they were unable to meet their repayment obligations. Their loans will have to be restructured and this legislation will deny them the opportunity to go to the HomeFund Advisory Service. The service has handled many phone calls and personal interviews since it was established. The honourable member for Heffron should be exposed for trying to stir up this issue. She attempted to have a demonstration outside the Parliament but only 54 demonstrators attended. I could organise more in five minutes in a telephone box in my own electorate, yet she could muster only 54 from the whole of Sydney. She did not even go to speak to those people. She does not want to hear the truth of what they are saying. She wants to deny borrowers proper roofs over their heads by downgrading the HomeFund scheme, as has happened with the co-operative system. The honourable member for Lismore wishes to place on the record some strong comments about the bill. For that reason I will cut short my contribution. It is a tragedy that the honourable member for Heffron has tried, for political reasons, to deny housing to people who otherwise would have had roofs over their heads.

Mr RIXON (Lismore) [11.22]: I was elected to Parliament in March 1988 and my electorate is one of the fastest growing areas in New South Wales. Housing is a major problem. The Department of Housing faces continual difficulty in trying to provide sufficient homes. The private rental market and individuals buying their own homes face similar difficulties. In the first six months after I was elected housing was the problem about which I received the most representations. Some people wishing to rent a home in the area were told that the owner intended to sell the house in 12 months and the home would be available only for that time. They would rent the home and after 12 months would be unable to find alternative accommodation. The owner had fulfilled

his obligations but no other accommodation was available. These people visited my office desperate and in tears because they had nowhere to go. Some were living in cars while others were living in houses with two or three other families. In the first six months it was common for six families to visit me every day. It got to the stage where my secretaries always had a cup of tea on the boil so that we could try to calm and assist these people. I would ring the local real estate agent and those in surrounding towns, but they would laugh. I would be told that I was the twentieth person to ring that week and that no accommodation was available.

Suddenly everything changed dramatically. The Minister of the day encouraged the establishment of HomeFund. Suddenly people were purchasing their own homes. They were moving out of Department of Housing homes, thus enabling others to move in. I received no more calls at my office about housing. There were probably more HomeFund borrowers in my electorate than in any other electorate in the State. Literally thousands of people purchased their own homes. The one big difference between my electorate and Sydney may have been that the housing co-operative in my electorate, the Northern Rivers Housing Co-operative, was a well-run operation. It assisted people with financial advice and ensured that purchasers knew what they were doing. That is exactly the opposite to what happened in some other areas. I am told that the honourable member for Heffron is receiving advice from a person closely allied with a co-operative society that was not well run and that allowed people to get into trouble.

No more than half a dozen of the thousands of people in my electorate who purchased their homes through HomeFund have come to me in strife. That is because both the husband and the wife were working and, because of the Opposition's mates in Canberra, they lost their jobs and were suddenly without incomes and unable to meet their loan obligations. Those people will never forgive the Labor Party for what it has done to them. It has taken away people's jobs and homes and destroyed families. Those people sought every possible remedy, but they had taken out loans based on particular incomes. There was little they could do but sell their homes. Those people purchased their homes with minimum deposits but they had worked on those homes and increased their value. They were the typical proud home owners. They had renovated and painted their homes. That meant that when they were forced to sell many ended up making a profit. Over that period of time, instead of paying rent as dead money, they had actually created an investment. They were able to move back into the rental market with funds on hand. Those people lost their homes because of the economic climate created by the Federal Labor Government, which destroyed people's jobs and, in some cases, their businesses.

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Another group which visited me were people who read the newspaper: they had read the comics from the Labor Party and been given the impression that HomeFund was about to be destroyed. They asked me, "What are you doing that for? Are you going to take our loans away from us? Are you going to take our houses away from us? We are going well with our loans. We want to keep our houses. Why are you taking them away from us?" Because of the actions of the Labor Party those people, who were not sophisticated money managers but enjoyed the security of owning their own homes, believed they would lose their homes. As soon as I explained that this was a great political furphy of the Labor Party, which was doing its best to undermine the confidence of people in the community and take away their homes, HomeFund borrowers understood what was going on. They will never support the Labor Party because of the nonsense of members such as the honourable member for Heffron. I am acquainted with many of these individuals - they are friends and people I have taught. I am not a millionaire living in an ivory tower who does not know what is happening. They are not millionaires who have had incomes of hundreds of thousands of dollars for years. I do not come from a family with a large number of assets. I talk to people in the community and understand their problems.

I understand and care about people needing to own their own homes and enjoy a decent lifestyle. The measure is an effort by the Opposition to undermine the confidence of borrowers and make them worry about their future. One provision of the bill suggests that the Legal Aid Commission should provide counselling. However, an object of the bill is to disband the HomeFund Advisory Service and require the Legal Aid Commission to establish a similar service. The present service is working but the Opposition wants to disband it and establish a different one. On Friday, if the bill is passed, those providing the service will be sacked, and a month or so later, on a Monday, they will commence work and do exactly the same tasks but under a different

title.

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

Debate adjourned.

SYDNEY MARKET AUTHORITY REPORT

Mr MARTIN (Port Stephens) [11.30]: I move:

That this House, pursuant to Standing Order 54, orders to be laid before the House the report prepared for the Government by the Centre for International Economics on the Sydney Market Authority.

On 26 October Parliament voted in favour of a motion for urgent consideration to set up the Select Committee on the Sydney Market Authority to investigate the financial performance and contribution to State revenue of that Authority. The inquiry is also to examine the financial, administrative and management relationship between the authority and Paddy's Markets and between Paddy's Markets and the operations of the Flemington market. Other aspects of the inquiry relate closely to the future viability of marketing within this State. The inquiry is running extremely smoothly. The committee has received evidence of a document that is of great importance for the Sydney markets. On 18 March the Premier wrote to Mr Cruickshank, chairman of that committee, as follows:

I refer to your recent letter in relation to the report prepared by the Centre for International Economics (CIE) on the Sydney Market Authority.

I have carefully considered your request for release of the above document to the Select Committee upon the Sydney Market Authority. As you are aware, the document was prepared by CIE for use by Cabinet, and as such would not be appropriate for release outside of the Cabinet process. I should also advise that the report currently remains under consideration by the Government.

I acknowledge the work being done by the Committee on this important issue, and the Committee's report will be fully considered by the Government on its receipt.

Yours sincerely
John Fahey
Premier

The committee has spent many hours taking evidence. Government and Opposition members are asking questions about the privatisation of the Sydney markets and about the future of those markets and Paddy's Markets. It is about time the committee, which is trying to uncover what seems to be a web of honesty and dishonesty in the market system, had the facts before it. Senior public servants, to their credit, alluded to the report in evidence to the committee. They are aware of the existence of that report, and there is widespread knowledge of its contents. Given the terms of the letter, surely it is essential that the committee have before it a copy of the report mentioned in it. It is atrocious that a select committee of the Parliament, a committee resourced with public funds, should be denied such a report.

The Government, secretive and with a hidden agenda, is showing contempt for the Parliament. The Parliament must consider this issue today. At the heart of the inquiry is the future of Paddy's Markets and the Sydney markets. Massive allegations have been made in this House by the honourable member for Murrumbidgee, and scandalous statements have been made outside the Parliament. But the people of New South Wales, especially those in the rural sector, deserve to have that information made available so that sound decisions can be made and waste of time, money and effort avoided. The committee is inquiring into the impact of change on financial returns to the State, on the register of public assets and on the value of those

assets to the people of New South Wales.

Access to the document would fit within the guidelines of the committee's inquiry into a matter it is trying to get to the bottom of. Why is the Government being secretive and refusing access to such a simple document? Is the Government suffering from paranoia because it is on the ropes? Is there

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something in the document that the Government does not want to come out into the open? Why did the Government commission the document? Does the document cut across the terms of reference? Why was the document's existence not made known earlier? The Minister appeared before the committee but in his evidence did not openly display that letter and hedged about what was going on in public administration. One could think that a secret society is running the system, not the Government of New South Wales. Sound decision making requires that such information be made available. The committee needs all such information to unravel what has gone on.

Every person who has appeared before the committee is desperately keen to see what is in the document. If the document contains what I think and suggest it does contain, access to it will short circuit the work of the committee and save much public money. I look forward to hearing the views of the honourable member for Campbelltown, the honourable member for Murrumbidgee, the honourable member for Ballina and other committee members about how the committee will get to the bottom of this matter. Members need to know down the line whether Parliament is being treated honestly or as a joke. There are 27 documents that the committee would like to get hold of for its inquiry. We would like a copy of the audits of advertising money spent by the co-operative and by the Minister. We would like details of how much advertising money was provided by the Sydney Market Authority. We would like to have copies of correspondence between the SMA and Mr Cruickshank on those matters which later became the subject of a court settlement.

Members of the committee would like access to a lot of information that the committee does not have, but at the end of the day members of the committee are being very responsible. The committee is adhering strictly to its terms of reference, which are to consider the long-term future of the Sydney Market Authority. We would like to know about the Government's activities in relation to Sydney Fish Market. For months and months there was fear and anguish before any announcement was made on that matter. There was too much unnecessary anguish. We want to ensure that does not happen again. That is why this document must be made available to members of this Parliament.

The committee would like access to a whole range of other documents, but I believe the document in question will assist with three-quarters of the terms of reference of the committee and with the financial long-term aspirations of the Government. It will explain why Government members on a committee are continually asking questions about privatisation of Paddy's Markets and privatisation of the Sydney Fruit and Vegetable Markets out at Flemington. Queenslanders went through a similar exercise, and published a report. Victorians went through a similar exercise, and published a report. But this Government, because of its secretive nature and its paranoia about the public knowing what it is up to, is trying to hide the vital material that will enable the committee to function properly. The Government shows its contempt for this Parliament. *[Time expired.]*

Mr CAUSLEY (Clarence - Minister for Agriculture and Fisheries, and Minister for Mines) [11.40]: I have listened to a lot of diatribe in this Parliament over the 10 years that I have been here, but I would have to say that the diatribe from the honourable member for Port Stephens was the worst I have ever heard. He spoke for 10 minutes about nothing. That was quite an effort. This motion under Standing Order 54 is nothing less than an abuse of the privileges of this Parliament. This abuse of the conventions of the Westminster system relates solely to the fact that we have a tied Parliament.

The Independents are quite happy to run along with the Labor Party at the present time just to reveal this confidential documentation. Having been a member of the Opposition during the premiership of Neville Wran and Barrie Unsworth, I could tell of some unbelievable things that went on when Labor was in office. The honourable member opposite, who was one of Barry Richardson's offsidiers, would not know what the

right-wing of the Labor Party does in New South Wales. He should be an expert. There are many conventions in the Westminster system, one of which is that documentation -

Mr Iemma: Do you understand the separation of powers?

Mr CAUSLEY: I would be delighted to talk about the separation of powers, which honourable members opposite do not even understand. With documentation such as this, which is privileged documentation belonging to the Cabinet, the convention is that it is not revealed. There is also a convention that new governments do not revisit decisions of previous governments. This Government does not do that, and the honourable member knows that. If he does not, then he is a bigger idiot than I had previously thought him to be. The fact is that that convention is not breached. It would be very interesting to use Standing Order 54 to look at the legal advice given to former Attorney General Frank Walker on the no bill of Laurie Brereton. It would also be interesting to have a look at the documentation regarding the contract on the harbour tunnel project.

I remember clearly how the episode with Rex Jackson was covered up by Labor until it could not cover it up any further. Conventions have always been in place that this sort of documentation is not revealed. This is no secret document, but it does belong to the Cabinet Office. It was commissioned by the government trading enterprises. I have not read the document. The document is available for those people. What of it? There are many documents that are commissioned by government. They are not public reports; they are commissioned by government for the information of government. Government does not have to accept that information. It might be evidence put forward from a particular point of view. Government is not obliged to accept that information.

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So these records do not come through the system. They might be there for advice and for information but they do not have to come through the system.

The honourable member for Port Stephens spoke about the inquiry into Paddy's Markets. That inquiry is a fishing expedition. As yet it has not caught even a tiddler. The problem is that the honourable member for Port Stephens listened to all the malcontents at Paddy's, and there are a number of them. He also read in this Parliament a speech that was written by one of them. That is where the investigation came from. We have been hearing about the investigation into Paddy's. Paddy's Markets are quite happy about the results that were achieved by the Government. Labor threw them out on to the street and left them there for four years. They are happy to have returned to Haymarket. The inquiry is about digging to find something. But it has found nothing.

Mr Martin: We will keep digging.

Mr CAUSLEY: Keep digging, but you will find nothing. From Canberra yesterday we heard about the allocation of \$6.5 billion for the unemployed. New South Wales is now on a photocopy-led recovery, because the Opposition is asking for photocopies of reams and reams of files. It takes public servants all night to photocopy them. For what reason? Absolutely no reason at all except that the honourable member for Port Stephens is trying to grandstand, notwithstanding that that will cost the taxpayers of this State tens of thousands of dollars for nothing.

Mr Iemma: What are you covering up?

Mr CAUSLEY: We are not covering up anything. I am saying there is absolutely no need for this motion. It is an abuse of the conventions of this Parliament. I would guarantee that if the honourable member for Hurstville ever got the opportunity to sit on this side of the House - I doubt he ever will - I would like to hear what he would say if someone dared to ask his government for this type of documentation. It has been reported that he does not even look after his own electorate on the North Coast. I have heard his arguments in the past when I was in Opposition and looking for information. He covered up with the greatest cover-up of all time. This is an open government. Who brought in the freedom of information legislation? Who brought in the

Independent Commission Against Corruption to look at any corruption that there might be in this State? The honourable member for Barwon and I know all about the ICAC. We have been down there.

Mr Martin: When you say, "We have been down there", who has been down there?

Mr CAUSLEY: The honourable member for Port Stephens should have been born with one ear, because there is nothing to keep his ears apart, and that is fairly obvious.

Mr Nagle: This is an important debate.

Mr CAUSLEY: The barrister, the chicken king, has arrived. We are talking about the conventions of this Parliament. One thing that I was taught when I first was elected to this Parliament was to honour the conventions of the Parliament. If we do not honour the conventions of the Parliament, we will have very little left. The document we are talking about is a Cabinet document. It was commissioned by government trading enterprises. It is a document that is available for information. As I said, it is for the information of the Cabinet Office and the Government.

Mr Martin: But you have not read it.

Mr CAUSLEY: Of course I have not read it. Why should I read it? It is of no relevance to me. I am not making decisions on the Centre for International Economics report. I am not making decisions on that at all. Advisers will probably refer to that information. There are probably dozens of reports made over the years on different issues which do not have to be accepted by the Government. The document the subject of the motion is not a public document. This is the Labor Party in its new role of defenders of the faith. Honourable members opposite, the greatest hypocrites of all time - because I have seen their actions in the past - are now standing up and saying, "We are the great defenders of the faith. We really want to know all about it". Did they bring in freedom of information legislation when they were in government? Of course they did not. They hid everything they possibly could. This has been a very open government.

Honourable members of the Opposition want the Government to reveal intellectual property. Consider some of the motions that have been moved under Standing Order 54 relating to intellectual property. Who is going to deal with the Government, your government, or this Government? If honourable members opposite persist with moving these types of motions, who is going to deal with the Government in this State, whether it is a coalition government or a Labor government? A company that has intellectual property and tenders that intellectual property in a tender document risks the Opposition in this State revealing that document it to the world.

Where are we going in the dealings with government when an irresponsible Opposition is using the numbers in this House to reveal information to the public? From time to time there is intellectual property which people are entitled to have kept confidential. The Opposition wants to reveal this information to the public. I am ashamed that I sit in the Parliament with people such as members opposite. The conventions of the Westminster system should be respected. The Government has respected Labor Party information that is on record and has not revealed any of it; it has abided by the convention. The Government does not revisit and reveal documentation to which a previous Cabinet was privy. It would be an interesting exercise to reveal some of the information. If the Opposition wants to play this game, the Government can play games as well. *[Time expired.]*

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Mr NAGLE (Auburn) [11.50]: The Minister misses the most important point; that is, that the Opposition is not seeking Cabinet documents but is seeking one document - the report on the operation of the Sydney Market Authority. I have been appointed by this Chamber to be a member of that committee. The Minister has given evidence to the committee on the role he has played in the Sydney Market Authority and he has made comments, both good and bad, in relation to the operations of the Sydney Market Authority and people involved

in it. I remind the House of the obligations placed upon the honourable member for Port Stephens, the honourable member for Cessnock and me, as well as on other members of the committee. The terms of reference of the committee are:

(a) to investigate:

- (i) the financial performance of the Sydney Market Authority, and its contribution to State revenue;
- (ii) the financial, administrative and management relationship between the Authority and Paddy's Market, and between Paddy's Market and the operation of the Flemington Market;
- (iii) the situation relating to the current and future sites of Paddy's Market;
- (iv) claims by the Stallholders Association/Co-operative of intimidation by Sydney Market Authority;
- (v) claims by the Stallholders Association/Co-operative in relation to rental charges; and
- (vi) claims made by the Member for Murrumbidgee in relation to the management of the Sydney Market Authority.

(b) to make recommendations as to any proposed changes to the administration of Paddy's Market, including:

- (i) the impact of such changes on financial returns to the State; and
- (ii) the impact of such changes to the register of public assets and their value to the people of New South Wales.

The Opposition does not want every Cabinet document; it wants the report of the Centre for International Economics. The Opposition does not want that document for any sinister reason. It seeks that information to help members of the committee to carry out their obligations under the terms of reference so that the committee of inquiry into the Sydney Market Authority can be effective and so that it can present a report. If the document deals with the issues, the Opposition is entitled to it. An article which refers to the Queensland Fruit and Vegetable Growers conference stated:

Major points in Mr Vincent's hard-hitting speech included:

- * The competitiveness of a central market depended on its location and the efficiency of its facilities - two areas in which Sydney market had considerable advantages over Melbourne - and the standard of its management.

The Centre for International Economics report is a Cabinet document and does attract a privilege. The Executive Government is an integral part of our government system but it does not override the functions of the House to request that the document be delivered up. Part of this document has already been discussed in public and is referred to in the "Smarter Marketing" article on the Queensland Fruit and Vegetable Growers 1994 conference. That article referred to David Vincent, of the Centre for International Economics in Canberra. The Opposition wants to look at the document and call the officers concerned to determine whether they agree with the report on the Sydney Market Authority. There is much scuttlebutt and rumour in this inquiry. The Minister rolls his eyes in acknowledgment of what I say.

Throughout that report is a strong suggestion that the markets should remain the way they are, in the effective control of the Government and the people of New South Wales, and under the management of the people of New South Wales. If that is a recommendation, the committee of inquiry should know about it so that it can make an assessment. The document is an intellectual document in that it is the result of other people making an assessment of the performance, operation, and financial advantages and disadvantages of the Sydney Market Authority. The Premier wrote to the honourable member for Murrumbidgee, the chairman of the committee, on 18 March and said:

I have carefully considered your request for release of the above document to the Select Committee upon the Sydney Market Authority. As you are aware, the document was prepared by CIE for use by Cabinet, and as such would not be appropriate for release outside of the Cabinet process.

The Labor Party members on the committee, as well as Independent, Liberal Party and National Party members, have commented privately to me to the effect that they would like to see the report. If the report suggests that the market should be sold and that it is not being efficiently run, the committee should be aware of that so that it can make recommendations, as it is required to do under its terms of reference. *[Time expired.]*

Mr RIXON (Lismore) [11.55]: I can sympathise with the honourable member for Port Stephens and the honourable member for Auburn. Labor Party members wanted the committee but, being typical Labor politicians, they want someone else to do their work for them. They are hiding behind Standing Order 54, which is not set up for this sort of purpose at all. It states:

Accounts and Papers may be ordered to be laid before the House; and the Clerk shall communicate to the Premier all orders for Papers made by the House; and such Papers shall be laid on the Table by any Member of the House; being also a Member of the Government.

That standing order was approved way back on 7 July 1922. I emphasise that over the years conventions, traditions and other management orders have been respected by the Opposition and the Government. Cabinet confidentiality is one convention that has traditionally been respected. It must be respected. The document the subject of the motion is a Cabinet

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document. I can understand the Opposition wanting it, but it must take notice of the very important principle involved. There are other ways for the Opposition to obtain the information sought. The important principle involved is that Cabinet documents have to remain confidential.

If Labor is ever elected to government again - which I very much doubt - its members will want to protect that convention of confidentiality. The people of New South Wales respect and understand the need for Cabinet confidentiality. Some Opposition members may not understand principles. However, the honourable member for Port Stephens is an honourable man, he tells me. I was pleased that he greeted me when I visited his electorate on the weekend. It was a fine act. I know that deep down, hidden away somewhere, there is a principle that he would understand, and that principle cannot be denied. That principle relates to Cabinet confidentiality. The principle has existed since the day this Parliament was established.

It is a convention of this Parliament; it is protocol. I am sure that the honourable member for Port Stephens would understand all those words. If he does not, he can refer to the *Macquarie Dictionary*. The honourable member for Port Stephens would not deny that those principles are terribly important. All the information about which the honourable member spoke earlier was gained freely by conducting an inquiry. The document that the Opposition seeks was especially commissioned for Cabinet. There is no reason why Opposition members cannot obtain exactly the same information through a similar process.

What is the point in having a committee if Opposition members want somebody else to do its work? They might as well say, "We have conducted an inquiry, but it has been a waste of time". They might as well disband the committee. Do Opposition members want someone else to do their work? Opposition members should remember that the traditions and conventions of this Parliament have been in place for a long time. They were there before we became members of Parliament and they will be there long after we are gone. It is in everyone's interests for us to maintain those traditions and conventions. I simply say to Opposition members: do not use Standing Order 54 to try to pervert sound conventions that have been in place for so long.

Mr NEILLY (Cessnock) [12.0]: I support the motion that has been moved under Standing Order 54. It is the intention of the Opposition to try to obtain a report that was prepared last year by the Centre for International Economics on the Sydney Market Authority. When I heard the honourable member for Port Stephens suggest earlier that he would like to hear the views of certain named honourable members, I was a

little disappointed as I was not included among those referred to. The honourable member for Murrumbidgee referred earlier to letters that he had sent to the Premier. The Select Committee upon the Sydney Market Authority sought a document to facilitate the handling of its inquiry. That committee has the right to exhaust all avenues - possibly avenues used even by Cabinet - to obtain information relevant to its inquiry.

It is a waste of money for the committee to pursue information that is already held by the Government. I believe that is why the document the Opposition is seeking should be tabled in this Parliament. Before the 1988 election, the New South Wales Farmers Association said that there were problems in connection with the marketing of primary produce in this State. The then Opposition said that it would review the marketing of primary produce in this State and correct any problems. The Government has made many attempts to correct those purported problems. Six years have passed, but nothing has happened. I know that representatives of the New South Wales Farmers Association have tempered their views in relation to the marketing of primary produce in this State.

I believe that the current Minister for Agriculture and Fisheries is conducting negotiations with the New South Wales Farmers Association, which might bring about answers to some of the problems that have concerned that association in the past. Six years is a long time. We have been on a merry-go-round for a long time now. We should all get together and pool our information for the betterment of the industry. I think that the Treasury representatives who appeared before the committee on two occasions must have taken lessons from clams. They did everything other than refer to the fifth amendment! When they were asked questions by members of the committee they said that that information was not privy to committee members. If the select committee cannot obtain information from the appropriate avenues - by questioning representatives from Treasury - it will obtain that information by other means. Treasury officials might be more forthcoming when next they appear before a select committee.

I have grave doubts about some of the statements made by financial analysts from a division of Treasury concerning the operations of the Sydney Market Authority. Some of their figures appear to be rubbery. I do not believe that when they were looking at returns in respect of Flemington Markets they took into account the equity of stallholders at those markets. That should have been discounted when they were dealing with financial equations. Because of the lack of co-operation by Treasury representatives I believe it is appropriate for us to use Standing Order 54 to obtain the documents we require. This will save government money; it is also part and parcel of pooling information. I hope that the select committee, in co-operation with the Government, can come up with some answers in respect of the Sydney Market Authority. I hope that we find solutions to the problems connected with the marketing of produce in this State.

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Mr JEFFERY (Oxley) [12.5]: This motion is just another attempt by the Opposition to use Standing Order 54 to obtain a sensitive document. It amazes me that every day members of the Opposition pursue this photocopy-led recovery - a matter referred to by the Minister for Agriculture and Fisheries. The Opposition is trying to create jobs through this photocopy-led recovery. Obviously, today's motion is nothing more than an abuse of our Westminster system of government. The Minister for Agriculture and Fisheries said that, if members of the Opposition want a number of documents to be released, we should ask also for documents concerning the Sydney Harbour Tunnel, Darling Harbour or the Brereton no bill. That would make interesting reading. This motion might work against members of the Opposition.

The main point that needs to be made is that the document sought by the Opposition is a Cabinet document which was commissioned by the government trading enterprise reform committee of Cabinet in the performance of its role in reviewing the functions and operations of the Sydney Market Authority. This study was conducted pursuant to the legitimate and responsible role of government in reviewing operations and considering reform options for government bodies. The Government must act responsibly - something with which even the honourable member for Drummoyne would agree. I see the honourable member for Drummoyne nodding his head in agreement, for which I thank him. The Government must act responsibly and deny the release of this document and other documents prepared for consideration by the executive arm of

government. I thank the honourable member for Drummoyne for his support.

A failure by the Government to do so would be against public interest as the confidentiality of Cabinet proceedings could not be ensured and the collective responsibility of Cabinet Ministers, which underpins the Westminster system of government, would be undermined. That point was made very clear by the Minister for Agriculture and Fisheries. Everyone realises that, at times, confidential matters are dealt with. If we open up this avenue we might as well throw the rule books out the window. Ministers would no longer be able to express their views freely in Cabinet and engage in robust debate on critical issues, which I am sure all honourable members would agree is necessary. Government backbenchers believe that that is a critical issue. Members of Parliament must take into account the interests of the public.

[Interruption]

The honourable member for Port Stephens, who is attempting to interject, should remember that it is only 10 months and 22 days until the next election. After that election he will no longer be a member of the New South Wales Parliament. In fact, the honourable member for Port Stephens will not have to wait for 10 months and 22 days because I have heard that the honourable member for Cessnock is a contender for his shadow portfolio. I believe that the honourable member for Cessnock would make a better shadow minister. It is acknowledged that the proceedings of Parliament should have the benefit of parliamentary privilege.

Similarly, deliberations within Cabinet should not - I repeat should not - be subject to any constraints, and Parliament should not be able to intrude upon its proceedings. The provisions of Standing Order 54 do not support any requirement to produce the CIE report. The honourable member for Port Stephens is politically grandstanding, playing games - although he is not very good at the games he plays and not very good at his shadow portfolio role. I remind the honourable member that when he hands out cheques he uses a whiteboard system. He has a poor memory. He should have been photocopying all those cheques. We should, under the provisions of Standing Order 54, seek the production of those photocopied cheques he was handing out everywhere. *[Time expired.]*

Mr MARTIN (Port Stephens) [12.10], in reply: This motion seeks, under Standing Order 54, to have one document delivered to a parliamentary committee inquiring into the Sydney Market Authority. It is a report prepared by the Centre for International Economics. The terms of reference of the Select Committee upon the Sydney Market Authority makes it essential that the report be produced. A Government member, who obviously has good advice, said in this House that the Opposition can get the information "in the same way we did". Is it suggested that the Opposition should spend public money to obtain a document that has been produced already. That is duplicating services. It may be that the contents of the document are innocuous anyway - I do not know. It may contain accurate facts and figures about the viability of the Sydney markets and how to make them work. During the Minister's 10-minute contribution he conceded that he had not read a document that related to the long-term viability and operations of the Sydney markets. It may even refer to a move towards privatisation - I do not know. I sometimes wonder about the capability and sense of responsibility of Ministers in the Fahey Government.

Mr Causley: The Government did not have to put it out.

Mr MARTIN: The Minister said that the Government does not have to put it out. Obviously the Government does not want to put it out. The Government is not displaying good and open government by denying the production of such a simple document to a parliamentary committee. The Minister has suggested that we are digging, trying to get people. That is not what this committee is about. The terms of reference require the committee to determine whether the honourable member for Murrumbidgee was going off on a tangent in this Parliament or whether there was substance in what he said.

Government members spoke about honouring the conventions of this Parliament. They cannot hold their

heads too high in that regard. The Minister spoke about intellectual property. The intellectual properties on the Government side of the House are bankrupt. The honourable member for Lismore said that the Standing Order 54 convention, which dates back to 1922, should not be used. The standing order has stood the test of time since 1922, and the Government has had the opportunity to bring before this Parliament a revised standing order and have it tested by this Parliament. That has not been done during the six years the coalition has been in office. We cannot be blamed for that omission. The production of this simple document would enable this committee to work better and save taxpayers of this State money. My colleague the honourable member for Auburn was succinct and concise in what he said about what the Opposition is trying to achieve.

My colleague the honourable member for Cessnock put it in straight terms: we want to know about the financial performance of the Sydney Market Authority. The Opposition is after nothing more than that. If it were after more, the Opposition could have adopted the shotgun approach with regard to Standing Order 54 and sought the production of 40-odd documents. But we want only one document. The Opposition has a responsibility to look after the people of New South Wales. This should not be a secret society. There has been much talk about equity and problems at the markets, yet we cannot get to the bottom of things. The honourable member for Oxley said, "It is an abuse of the Westminster system" and went on about the public interest. That is why we want the document. *[Time expired.]*

Question - That the motion be agreed to - put.

The House divided.

Ayes, 45

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

Noes, 45

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 Griffiths	Mr Tink
Mr Hartcher	Mr Turner
Mr Hazzard	Mr West
Dr Kernohan	Mr Windsor
Mr Longley	Mr Zammit
Ms Machin	<i>Tellers,</i>
Mr Merton	Mr Jeffery
Mr Morris	Mr Kerr

Pairs

Mr Clough	Mr Fahey
Mrs Grusovin	Mr Humpherson
Mr Knight	Mr Kinross

Mr SPEAKER: The numbers being equal, in accordance with established tradition, I give my casting vote with the noes and declare the question to have passed in the negative.

Motion negatived.

CONCORD HOSPITAL SERVICES

Mr J. H. MURRAY (Drummoyne) [12.24]: I move:

That this House condemns the downgrading of services at Concord Hospital for War Veterans since the Federal Government handed the hospital over to New South Wales.

The House should condemn the downgrading of services at what was the Concord Repatriation General Hospital for war veterans by the State Government since that hospital was handed over by the Federal Government. Last weekend thousands of people paid homage to our diggers who, when they went overseas, were promised quality health care for the rest of their lives - and the lives of their widows - after they returned. That was the case when Concord Hospital was run by the Federal Government, but unfortunately it has not been the case since the New South Wales Government took over its administration. The hospital is still under the management of Dr Denis Smith, with the same team. As the local member I received few complaints previously, but since the New South Wales Government has taken over the reins my office has been inundated with veterans and others

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complaining about the difficulties they now face because of funding cutbacks and changes brought about under the administration of the Minister for Health.

One can only believe that the Minister's cost-cutting philosophy has led to the deterioration in hospital services and has impacted on the health of veterans. I refer honourable members to a letter I received from a

constituent, Mr George Venn, of 31 Walker Street, Canada Bay, who is a totally and permanently incapacitated person and a regular client of Concord Hospital. He came to see me and told me that he was distressed. He had gone to Concord Hospital casualty unit, arriving at 12.30 p.m. in considerable pain. He did not receive treatment until 5 p.m. In his letter to me Mr Venn made the point that he was not the only one in that situation. Another TPI person had to wait until 4 p.m. before receiving attention on the same day. That is an absolute disgrace.

In the past TPIs who went to Concord repatriation hospital got immediate service; they were looked after as they had been told they would be looked after. Now that the State has taken over control of the hospital many problems are occurring. Another problem that confronts people is that many of the veterans are picked up in taxis, often fairly early in the morning. They have breakfast early, at 6.30 a.m. or 7 a.m.; they go to see a doctor at 8.30 a.m. or 9 o'clock; and return journeys from the hospital do not start until 12 noon. They are forced to spend three or four hours in the waiting rooms until they are collected to be brought home. In the past they were given sandwiches and a cup of tea or coffee in the waiting room. That has been cut out. Our veterans are at least entitled to a cup of tea or coffee and sandwiches while waiting for transportation.

Mr W. T. J. Murray: A cup of tea or coffee?

Mr J. H. MURRAY: The honourable member might laugh, but he should remember that these people are elderly. In the past the hospital administration realised that they should be given something to eat and drink. Under the administration of the present Minister for Health, as a result of his cost-cutting techniques, it has been decided that it costs the hospital too much to provide cups of tea or coffee and sandwiches for veterans while they wait for their return journey. That is an example of what is happening at Concord Hospital. I have another example. The Minister not only closed down Western Suburbs Hospital but about a month ago he also took out of operation the finest hydrotherapy pool in New South Wales. It was unsurpassed. The pool would have been good for about another 20 years of service. The Minister's rationale behind closing the pool at Western Suburbs Hospital was that the Government intended to spend \$1 million on the construction of an alternative hydrotherapy pool at Concord Hospital and the upgrading of veterans' services there, and that the Diggers would be able to use that pool. Six weeks ago the Minister decided there would be no hydrotherapy pool at Concord Hospital; he has withdrawn it.

Mr Glachan: That was a Commonwealth project.

Mr J. H. MURRAY: No. I am talking about the fact that the Minister has taken away use of a hydrotherapy pool which was promised to the veterans when the changeover took place. Only on Monday John Barlow, one of my constituents, telephoned me and said, "I am having trouble with Concord Hospital in terms of my pathology accounts. I am a Digger. I have been using the hospital for 20 or 30 years. Since the State Government has taken it over I am for ever having trouble with the paperwork because they will not give me a copy of the bill. When I take pathology information along to Medicare I am told that I must have the bill and the receipt. I have the receipt from Concord but I cannot get the bill".

The last bill John Barlow received from Concord Hospital was in October last year. He left these shores to fight for Australia and to retain our quality of life. He was promised that he would be looked after in his twilight years. He has paid his bills but his October bill has not yet been reimbursed. Local general practitioners complain to me of similar difficulties. Because of staff cuts, a referral from a local GP to a staff specialist or the visiting medical officer, which previously took about two weeks, now takes three months. Referrals take three months because when the State Government bureaucracy was put in, it removed efficient systems that provided for the veterans of New South Wales. Such decisions are all based on dollars and cents.

Obviously a problem exists when doctors - some of whom may not support the Australian Labor Party - constantly telephone me complaining about the quality of the administration and about staff cuts, which are making their jobs so much more difficult. The hospital still has good staff. However, many staff members have left since the hospital came under the control of the State Government because they have been able to tell the difference between a quality service and one that is based on dollars and cents. That is why it is important

to bring this problem to the attention of the Minister. He has visited the hospital and has received letters from me outlining these problems. [*Time expired.*]

Mr PHILLIPS (Miranda - Minister for Health) [12.34]: This motion is the greatest load of nonsense and the biggest charade in relation to a hospital issue that I have heard in my life. After years of consultation an agreement was reached between the Federal Labor Government and the State Government which was fully supported by the veterans. I have in my hand a photocopy of the record of ongoing commitments to veterans and war widows. This document states clearly what the standard of care and service should be, and the signatories are Ron Phillips; the former Director-General of the New South Wales Department of Health, Bernie Amos; Senator John Faulkner, Minister for Veterans' Affairs; and Mr Woodward, President of the Repatriation Commission. That signed document sets out the commitments. What has happened in the short

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time the New South Wales Government has been looking after war veterans? The Government is spending \$10.5 million upgrading Concord Hospital's facilities. Already completed are a \$3.5 million emergency department, a \$1.7 million refurbishment of a cardiac critical care unit, and a \$1 million upgrading of accommodation. If there is so much concern, why is a monitoring committee, which comprises representatives from veterans' organisations with direct access to the Department of Health and to the Department of Veterans Affairs in Canberra, not making complaints in its minutes?

The monitoring committee is made up of representatives of the New South Wales branch of the Returned Services League of Australia, the War Widows' Guild of Australia, Sydney Legacy, the Regular Defence Force Welfare Association, the Australian Veterans and Defence Services Council, the Vietnam Veterans' Association of Australia, the Department of Veterans Affairs, the Department of Health and Concord Repatriation General Hospital. If the allegations by members opposite are correct, why is the monitoring committee not bringing those matters to the attention of the Government? The allegations are a complete nonsense and a charade. The Government is increasing services to veterans in New South Wales and this year is providing 10 per cent more service treatment than in past years. The allegations are an absolute charade, and I will not waste any more time of the Parliament dealing with them.

Dr REFSHAUGE (Marrickville - Deputy Leader of the Opposition) [12.37]: The Minister is treating the motion with contempt. There are problems at Concord Hospital of which he has no understanding and which he is not prepared to address. That is depressing. Many years ago I advocated transferring Concord Hospital to State administration. I argued strongly that members of the Returned Services League and other veterans could get decent services more appropriately under State jurisdiction. Governments of all political persuasions should look after veterans who left these shores to guarantee our way of life. We should live up to our promises to them and remember that they put their lives on the line. As the honourable member for Drummoyne said, the Government is so penny pinching it will take away their cups of tea and say it is good for them.

The Minister has already been censured for his maladministration of his portfolio. He cannot perceive the real problems facing veterans at Concord Hospital and therefore is unable to address them. One local resident has been attending the hospital since 1957 - 37 years. She is more than a regular patient of Concord Hospital. She uses its services but also, though she does not want this fact to be publicised, contributes to the hospital and to the community in significant ways. She tells me that since last July, when the hospital was transferred from Federal to State administration, services throughout the system at Concord Hospital have deteriorated drastically. The first problem, she says, is the waiting list. Not surprisingly, the Minister refuses to believe there is a problem with waiting lists. She says that when day surgery was recommended in the past it used to be done in a week but now it takes one month.

The Minister says that is fair enough for the Diggers. I say that is not fair enough for the Diggers, who should be receiving the same level of treatment as they did previously. The Minister's record on this issue does not surprise me. New South Wales now has its worst ever waiting lists - 45,000. The lady who has been talking to me about these matters also said that X-rays are being delayed at Concord. She needs X-rays occasionally, and many other patients she knows also need X-rays. The X-ray process used to take two or three

days but now it takes one week. In fact, many patients have their X-rays done elsewhere and bring them to the hospital so that their treatment is not undermined or delayed. The Minister says everything is all right. Increased waiting lists and changes to services which cause inconvenience to patients probably do not make a dramatic difference to health care for many people, but the Minister cannot pretend that he is maintaining the quality of that care.

I am told that since the State took responsibility for Concord Hospital a large number of the staff have been effectively forced to resign because their transfers have not been acceptable. That is obviously because of the budget constraints the State Government insists on imposing on hospitals. Last year the Minister denied that staff would be forced to resign or would face unacceptable transfers, but that is what has happened. How can the Diggers rely on the Minister's word when he does not keep his promises and, as the honourable member for Drummoyne has said, yet another promise - the promise of the hydrotherapy pool - has been ditched. The transfer involved funding to the State Government of \$1.3 billion over five years. That incredibly generous offer was certainly taken up, but where has the money gone? It certainly has not been used to look after the Diggers. The patients at Concord Hospital had been receiving quality service. The quality of the staff certainly remains high and the veterans, once they reach the hospital, should receive reasonable service. Unfortunately, there is no way they will receive service of the quality they deserve from this Government.

Mr IEMMA (Hurstville) [12.42]: I support the motion. I should like to comment on one or two matters referred to the Minister. He was correct when he said that the transfer of Concord Hospital from Federal to State control is subject to the Commonwealth-State agreement. If this Minister does not want to respond to the concerns outlined by the honourable member for Drummoyne and the Deputy Leader of the Opposition or to the concerns I have raised previously with him about the administration of Concord Hospital, our only recourse will be to raise our concerns with the Commonwealth Government. The agreement provides for the Commonwealth to step in if the State does not live up to its obligations.

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The Minister claimed that the committee set up to monitor the commitments in the agreement has not raised any concerns. Why is it then that the administration and level of veterans' care at Concord hospital is to be raised when the Returned Services League congress takes place this year? Why is it that so many RSL clubs have foreshadowed agenda items at the congress about those matters? I raised concerns about the treatment of one veteran from Penshurst RSL that had been brought to my attention. As a result of the subsequent coverage given to those concerns in the local newspapers, the Vietnam Veterans Association supported the pensions officer at Belmore RSL when he raised similar concerns about the quality of care at Concord hospital. Why is it that the Totally and Permanently Disabled Soldiers Association backed the pensions officer at Belmore RSL and supported the Vietnam Veterans Association? The Minister may want to address those questions when he is talking about the monitoring committee and the care of veterans at Concord hospital.

The shadow minister for health pointed out that prior to the transfer surgical procedures were carried out within three or four days of referral and that such procedures did not take one, two or three months. During Anzac Day ceremonies I was given the details of one veteran by a member of the Punchbowl Diggers. He told me about one Digger who was told in a letter from Concord hospital - it is in black and white and I am happy to provide the details to the Minister - that he would have to wait for more than a month for surgery. As the Deputy Leader of the Opposition has pointed out, that did not happen before the transfer. Some weeks ago I raised the details of one veteran with the Minister. I was provided with a report from Concord hospital about the treatment of that veteran, his discharge from the hospital and the circumstances surrounding his death some weeks after he was discharged.

Since that time I have taken the report to Penshurst RSL and the Diggers are most disappointed with the hospital's response. The Minister should obtain the details of that veteran from the administrators at Concord hospital, because that is not an isolated incident. Many members have recently attended Anzac Day ceremonies in their electorates. They would have received representations from veterans at those services about what is happening at Concord hospital. I attended three ceremonies in my electorate at the Riverview

Bowling Club, the Riverwood Legion Club and the St George Masonic Club. I also attended a ceremony with the Punchbowl Diggers. At each ceremony I received representations from veterans who were concerned about the level of care they are receiving at Concord Hospital. They cannot all be wrong. [*Time expired.*]

Mr W. T. J. MURRAY (Barwon) [12.47]: The Opposition has such a one-eyed approach to this debate that its whole argument is based on tea and sandwiches. People in country New South Wales can now obtain treatment in country hospitals rather than travel to Sydney. If country people have to leave their homes and buy houses in Sydney to obtain treatment at Concord, that amounts to a little more than tea and sandwiches. Country hospitals are now able to provide services to veterans. That could not have happened previously, and the provision of those services is one of the greatest advantages of the transfer. The attempted condemnation of the Minister is another typical Labor lie. It is a continuation of a process of denigration. It denigrates the staff at Concord hospital, who have done a marvellous job over the years.

My brother, who suffered extreme renal failure and was admitted to Concord hospital for a kidney transplant, received excellent services there. Returned servicemen in country New South Wales now receive excellent treatment, and they do not have to sell their businesses and move to Sydney to receive that treatment. It is about time the Labor Party realised that there are parts of New South Wales other than Concord and the Drummoyne electorate. The people of western and southern Sydney are now able to attend their local hospitals to receive top treatment. They do not have to travel for four and five hours to get there. The Opposition should stop taking a narrow-minded stupid approach to health care. It is a total sham and denigrates people who are giving good service.

Mr J. H. MURRAY (Drummoyne) [12.50], in reply: I am disappointed with the cavalier attitude of the Minister to this most difficult problem that is facing veterans and medical staff in their dealings with Concord hospital. His attitude is a disgrace. The Minister had 10 minutes to explain why the motion is not justified. He spoke for two minutes, and quoted only the figures for a number of capital works. There is no complaint about the upgrading work but there are complaints about the quality of service. There is no complaint about the quality of the equipment at the hospital; that is improving. As the Minister pointed out, an agreement was signed between the State and Federal governments. The difficulty is that the State Government has not kept to its side of that agreement. Did the Minister listen to the honourable member for Hurstville? He said that Returned Services League clubs from Punchbowl through to the Georges River area are complaining to their local members. I do not sit in an office and make up these complaints. People who have experienced these difficulties have telephoned and written to the Minister, who should take up the difficulties with the appropriate authority or deal with them in the House.

Mr Phillips: Have you taken it up with the hospital?

Mr J. H. MURRAY: Yes. I will give the Minister an example. One of the commitments in the agreement was that patients would receive proper transport. I have a copy of a letter from Mrs Stella Sweeting of 14/12 Wright Road, Drummoyne, to the Minister concerning the transport arrangements for veterans and war widows at Concord hospital. In reply the Minister said that the provision of transport, as opposed to the reimbursement of travelling expenses, is not an entitlement. Previously it was an

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entitlement. A car may be arranged if prior approval is obtained through the Department of Veterans' Affairs and is medically necessary at the time of travel. Previously all war widows were given transport to the hospital. They are not given that transport now.

Mr Phillips: On a point of order: in reply the member for Drummoyne is supposed to be replying to issues raised in this debate. He is now introducing a whole range of new material. He knows as well as I do that the Department of Veterans' Affairs, the Federal Government, controls the transport of veterans et cetera. He should take up that matter with the Federal department, not with this Parliament.

Mr SPEAKER: Order! The honourable member for Drummoyne may not introduce new material. As he is speaking in reply, he will address matters raised in debate.

Mr J. H. MURRAY: As I said at the outset, I am particularly disappointed with the Minister's attitude. It shows the Government's attitude to the veterans and the problems they are experiencing. The Minister has given a Sir Humphrey type reply - "My department tells me that everything is okay out at Concord. We have got a monitoring committee and there are no problems". There are plenty of problems at Concord, and I and the shadow minister have brought them to the Minister's attention.

Mr Phillips: On a point of order: once again the honourable member for Drummoyne is introducing new information about the department's advice to me, which was not raised in this debate. I have visited the hospital three times in the last few days and I assure the honourable member that I am speaking from personal experience.

Mr SPEAKER: Order! I remind the member for Drummoyne that he may speak to matters raised in the debate but may not introduce new material.

Mr J. H. MURRAY: The honourable member for Barwon was the only other Government speaker the Minister could marshal. [*Time expired.*]

Motion negatived.

ST GEORGE HOSPITAL HYDROTHERAPY FACILITIES

Mr THOMPSON (Rockdale) [12.55]: I move::

That this House:

(1) Views with grave concern -

(a) the delay in providing a hydrotherapy pool at the St George Hospital, Kogarah;

(b) the recent closure of the hydrotherapy pool at the Western Suburbs Hospital which had been available for use by people from the St George area; and

(c) the lack of suitable hydrotherapy facilities in the St George area.

(2) Calls upon the Minister for Health, the Southern Sydney Area Health Service and the St George Hospital administration to take immediate steps to ensure hydrotherapy facilities are provided at the St George Hospital.

My reason for moving this motion is the various representations I have received over a period of time, particularly since the closure on 31 March of the Western Suburbs Hospital hydrotherapy facilities. There are few such facilities in the broader St George district. Peakhurst West has limited facilities but they are not suitable for the aged, infirmed or many disabled people. The pool is not sufficiently deep, it has no hoist and it is closed during school holidays. The pool at the St George Special School is used by the disabled children from the school, St George Hospital physiotherapists, CRAGS and the rheumatology department. It is not available during or outside school hours. Numerous community groups also use the pool and it is difficult to obtain substantial pool time. Many people from my electorate have been attending the pool at the Western Suburbs Hospital. Although we had been aware for some time that the pool was to close, the final shutdown on 31 March was very disappointing. The possibility of the pool closing was brought to my attention in the middle of last year. At that time I wrote to the Minister voicing concerns on behalf of the people of my electorate. I should like to quote several paragraphs from that letter:

As a consequence of the planned closure of the Western Suburbs Hospital I understand that access to the hydro therapy pool is to cease.

This pool has been a boon to elderly people particularly to the frail aged and disabled who are assisted by the Rockdale Community Mobile Nursing Service.

The Service has found that these people have really benefited by using the pool, their gross motor movements have been improved, along with their social awareness and self-confidence. Indeed it has enhanced their quality of life by assisting them to gain greater mobility and independence.

Without the Western Suburbs pool the Nursing Service cannot provide the water exercises needed by their group members.

Investigations into alternate facilities have proved fruitless as they are either booked out as is the case of the rehabilitation pool at Prince Alfred Hospital or totally unsuitable, for example: access into the pool difficult, steps too steep, no rails, water too cold or too shallow.

The Minister responded by letter of 11 August in the following terms:

As you are aware, after an extensive community consultation, I announced a reorganisation of health services in the inner west of Sydney. The reorganisation includes the integration of Concord Repatriation General Hospital into the New South Wales health system, the closure of Western Suburbs Hospital and the construction of the new Innerwest Hospital on the Western Suburbs Hospital site.

Following my announcement, the Central Sydney Area Health Service, which administers the Western Suburbs Hospital site, reviewed the viability of retaining the hydrotherapy pool. As a result, the hydrotherapy pool will be preserved until the capital works on site require its closure or the construction of the new hydrotherapy pool at Concord Hospital is complete.

Further, you should note that there are also hydrotherapy pools at Royal Prince Alfred and Rachel Forster Hospitals.

Although the Minister did not back down on the closure of the hydrotherapy pool at Western Suburbs Hospital, he held out the alternatives of hydrotherapy

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pools at Royal Prince Alfred and Rachel Forster hospitals. However, when the crunch time finally came several months later - that is, on 31 March this year - these alternatives turned out to be either unavailable or simply impracticable for many people. I quote from an advice given on 22 March by Peter Sainsbury, Director of Community Health Services, Central Sydney Area Health Service, in a letter to the Rockdale Mobile Community Nursing Service:

We are now reorganising access to hydrotherapy services for those people who are currently attending hydrotherapy at Croydon. The hydrotherapy pools at Rachel Forster and in Royal Prince Alfred hospitals will be opened for extended hours and made available to most of the current users. However, not all groups can be accommodated at these centres.

As the Rockdale Mobile Community Nursing Service is not located within the Central Sydney Area Health Service, it is not being given priority of access and I must advise that you will need to find an alternative venue for your clients.

It will be understood from that letter that the alternative resources at Royal Prince Alfred and Rachel Forster hospitals are now not available to all of my constituents, particularly the elderly and disabled clients of the Rockdale Nursing Service. These people have a real and serious need that is not being met. I now want to explain exactly what is meant by hydrotherapy. It is pool therapy specifically designed to improve neurological, muscular and skeletal functions, and is conducted and supervised by appropriately qualified personnel, ideally in a purpose-built hydrotherapy pool.

Mr ACTING-SPEAKER (Mr Rixon): Order! It being 1 p.m., pursuant to sessional orders, business is interrupted.

[Mr Acting-Speaker (Mr Rixon) left the chair at 1.2 p.m. The House resumed at 2.15 p.m.]

OFFICE OF THE OMBUDSMAN

Report

Mr Speaker laid upon the table the report of the Office of the Ombudsman regarding Hawkesbury City Council's conduct relating to Orange Grove Mall, Richmond, dated 4 May 1994.

Ordered to be printed.

QUESTIONS WITHOUT NOTICE

BLUE MOUNTAINS CITY COUNCIL BOMBING

Mr CARR: My question without notice is directed to the Premier. Does the Premier still have complete confidence in his parliamentary colleague the honourable member for Blue Mountains?

Mr FAHEY: The Leader of the Opposition, in continuing along this line, has not heeded the warning of the former Premier, Neville Wran, on such matters. As I have indicated on a number of occasions, the matter is in the hands of the police. As I have said over the past few weeks, it would be inappropriate for me to make any comments in respect of those investigations, except to say that in all matters and in all investigations I expect the police to do their duty as quickly and as thoroughly as they can, without fear or favour.

FEDERAL GOVERNMENT WHITE PAPER ON EMPLOYMENT

Mr TINK: I direct my question without notice to the Premier and Minister for Economic Development. Can the Premier advise the House what impact the Federal Government's white paper on employment will have on jobs and economic growth in New South Wales?

Mr FAHEY: All honourable members will appreciate the fact that yesterday in Canberra the Prime Minister delivered a statement about employment and growth. That statement was much vaunted, speculated on and leaked in the media in the past week or so, in the lead-up to its delivery. The white paper that was delivered by the Prime Minister yesterday developed some, but by no means all, of the issues that were raised in the green paper which preceded it. The general thrust of the paper is employment, although there is a side glance - and I can only describe it as a side glance - at regional development and microeconomic reform. The total financial commitment involved in the program is \$6.5 billion. It must be recognised, though it has not been spelled out as clearly as it should have been, that the \$6.5 billion is to be delivered over the next four years.

The previously announced target of the Federal Labor Government was to reduce the budget deficit to 1 per cent of gross domestic product by 1996-97, and that remains unchanged. That causes some concern and many economists now feel that such a slow reduction in the deficit creates a risk of excessive economic stimulation which may result in unsustainable and rapid growth. It is very clear from the statement that was delivered yesterday that there has been no attempt by the Commonwealth Government to indicate clearly that it intends to cut its own purpose payments. It does not intend to reduce its spending in the days ahead, but it is talking about spending some additional funding. There is a big question mark as to where the money will come from. Many of the matters that have been complained of by this Government over a period of time relate to Commonwealth-State relationships.

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

Mr FAHEY: It is very clear that savings could occur if the duplication and triplication -

Mr SPEAKER: Order! I have already given a warning about too much audible conversation.

Mr FAHEY: It is obvious that members opposite are not the slightest bit interested in the question of unemployment.

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

Mr FAHEY: They are not interested in the real issues affecting one million people in this country today. That is something that is well known in the community.

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

Mr FAHEY: Great savings could be achieved if the Commonwealth Government would come to grips with the fact that the duplication and triplication, the tied grants, do not allow flexibility for State governments to get on with their programs because of the way funding from the Commonwealth is delivered.

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

Mr FAHEY: Over the years - particularly in the past seven or eight years - money has been robbed from the States by way of funding cutbacks. That well and truly exceeds the amount the Commonwealth Government claims it will spend over the next four years on employment. The Commonwealth Government is relying on growth and revenue as a source for the funds. At the special premiers conference not long ago, which I attended with the Treasurer, a document entitled the "National Fiscal Outlook" was tabled for consideration. An entire afternoon was spent - and we were totally bogged down for about 1½ hours - on discussing whether funds to Victoria would be cut by \$100,000 in an attempt to give some additional funding to Queensland, the Labor State. The "National Fiscal Outlook" indicated an anticipated revenue increase over the next three years of \$26 billion. Clearly, this is an opportunity for the Commonwealth Government to sort itself out by continuing with its spending.

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

Mr FAHEY: The statement argues broadly that a shortage of skilled people will constrain Australia's growth, and that by increasing the skills pool the measures in this program will enhance the nation's growth prospects. So far as that goes, that is probably true, but the shortage of capital will also constrain growth prospects and, in real terms, business investment at present is at a very low level. There are no important measures in the program which are likely to induce business to invest. The statement boldly claims, "Greater investment will flow from business confidence, which is high", yet over the past few months we have seen an increase in interest rates two percentage points from the low that they reached a few months ago. That is a disincentive to business to invest. Of course, we know that that is where the real growth in employment will come.

There is mention in the statement of a jobs compact. The main thrust of the employment program through the jobs compact will apply to people who have been unemployed for 18 months or more. However, it is not clear whether the compact implies providing these people with a job and training, or with a job or training. That is pretty important. Clearly, it is to be welcomed to the extent that there is some reference to disadvantaged groups - to Aboriginal people, disabled people and migrants. That, of course, was one of the submissions that the New South Wales Government made. We want to see some further details on that. I hope we will get those details when the Budget is delivered next week.

In addition, the statement proposes changes to the delivery of labour market assistance by the Commonwealth Employment Service, including the establishment of a new body to be called the Employment Service Regulatory Agency. Again we have to ask: how will a new body deliver where an old one has quite clearly failed in so many areas - a matter that has generally been recognised? At the end of the day the paper casts some real doubts on whether the 5 per cent unemployment objective can be reached by the turn of the century. In fact, I think it has been said that it will not be an easy task. In the area of training and education the statement fails to recognise that vocational education and training are a State responsibility.

In the absence of any indication of how the States will be involved in implementing the promises to reform vocational education and training and increase the number of entry level places by 50,000 in 1995-96, it is impossible to determine whether those objectives will be met. Again, we have to ask: who will pay for it? Will it be a case of the Federal Government turning to the States and saying, "It is your responsibility to pay for this"? It has been pretty good at doing that. I welcome one of the aspects in the paper, that is, the social security reforms. The white paper states that it will treat married couples as individuals under the social security provisions. Income earned by one partner will no longer automatically reduce the entitlement of the other partner to social security. In addition, a parenting allowance will be provided to a spouse who is caring for children rather than looking for work. The Federal Government will reduce the clawback of social security benefits from 100 per cent to 70 per cent in cases in which a recipient earns more than the stipulated amount each week.

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

Mr FAHEY: The statement refers also to regional development. My colleague the Minister for Small Business and Minister for Regional Development will have more to say about that at an appropriate time.

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

Mr FAHEY: The only point I make on that is that many of the proposals in the Kelty report for an expensive regional development program have not progressed very far. One interesting comment in the statement is, "Regions that wish to attract investment
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must concentrate on improving productivity and developing a skilled and flexible work force". One can only wonder how that will be achieved in the regions. I say again that I welcome the announcement on Badgerys Creek. The New South Wales Government has already announced the establishment of a task force to co-ordinate future planning for the airport. State departments have had discussions with the Commonwealth Government. Relevant State departments, such as the Department of Planning and the Roads and Traffic Authority, will work closely with the Federal Government to ensure that development is a success for the people of western Sydney.

It would be pointless for the Commonwealth Government to build an airport at Badgerys Creek without ensuring that there was adequate infrastructure to meet the demands of additional commuters and other activities. In respect of industry, the statement explicitly rejects the suggestion made in the green paper that non-wage labour costs may inhibit employment growth. It is good to see that the discredited training guarantee levy has been suspended for two years. I think all honourable members know that that has been a failure. It will never surface again. The Commonwealth Government should just admit that. However, the issue of other employment costs, such as payroll tax, has been ignored. We know that that is an enormous disincentive to employment. It is about time that the Commonwealth Government recognised that and did something about it.

It is with great interest that I noted that the paper states that "most of the major priorities for microeconomic reform at the Commonwealth level have been addressed". That, of course, blatantly ignores the facts. The facts are that the Commonwealth Government has failed to do anything in respect of the waterfront, coastal shipping, trans-Tasman shipping and national rail freight initiatives. The Commonwealth Government has failed to come to grips with that. It preaches a lot to the States, but it has done very little itself. We all

know what has occurred in respect of labour market reform. The Commonwealth Government has rejected any modification to its labour market policies which have limited labour market flexibility and made it practically impossible to achieve an enterprise agreement without the consent of the unions. The Commonwealth Government is now shoring up compulsory unionism to achieve enterprise agreements at Commonwealth level.

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

Mr FAHEY: Until such time as the Commonwealth Government recognises the need to do something about labour market reform much of what is hoped might be achieved in respect of employment growth certainly will not occur. The matters that have been put forward apparently are only stage one. We will have to wait until the Budget to see details on funding. Those matters will be taken seriously by the New South Wales Government simply because it has a commitment to the unemployed. We will give conditional support to a number of the matters that have been mentioned. We look forward to seeing stage two, that is, the Budget process, next week. A lot of questions still need to be answered. Sadly, it will take a number of years before we see any real impact on employment rates in this country. By the Commonwealth Government's own admission it is a lot to ask that government to achieve any of these outcomes by the year 2000.

BLUE MOUNTAINS CITY COUNCIL BOMBING

Mr WHELAN: My question without notice is addressed to the Premier and Minister for Economic Development. Is the Premier aware that a key witness in the Blue Mountains bomb and death threats case has been granted police protection by the Commissioner of Police after providing a detailed statement to detectives yesterday? Why was this considered necessary?

Mr FAHEY: As I have said on a number of occasions over the past few weeks, police investigations, no matter towards whom those investigations are directed, are not a matter for me to comment on, other than to say that the police should conduct their inquiries and take whatever action they consider appropriate expeditiously, thoroughly and without fear or favour.

FEDERAL GOVERNMENT WHITE PAPER ON EMPLOYMENT

Mr BECK: I direct my question without notice to the Minister for Small Business, and Minister for Regional Development. Can the Minister advise the House what impact the Federal Government's white paper on employment will have on regional development in New South Wales? Will the people in country towns benefit from this new Commonwealth policy?

Mr SPEAKER: Order! I will hear the Minister in silence.

Mr CHAPPELL: The white paper presented yesterday by the Prime Minister is disappointing and the no-show of the much publicised boost to regional development is a cruel blow for the people of country Australia and particularly country New South Wales.

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

Mr CHAPPELL: These are the people who were misled into believing at long last that the Federal Government would recognise their specific needs and potential.

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

Mr CHAPPELL: Regional Australia is the great power-house of Australia. It employs more people and creates more wealth than any other sector. Yet it is constantly overlooked and treated like a poor relation by the Federal Government. Country manufacturers receive little attention from the Federal Government in this paper. The time is long overdue for the Keating Government to start treating primary industry as a whole and as the foundation on which so much of Australian industry is built. Business in the bush is a keystone of our economy and it is time that Keating faced the fact and recognised that regional policies should not be mainly about projects in capital cities.

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

Mr CHAPPELL: The \$263 million announced for the regional development strategy represents a minor part of the white paper's total outlay of \$6.1 billion over four years. This puts regional development essentially at the bottom of the Federal Government's list of priorities. It is clear that the level of expectation raised by the Kelty report has not been met. It is true that employment programs in particular will represent a level of regional expenditure, but it is also clear that non-metropolitan locations are much less likely to benefit from the white paper employment programs than are metropolitan regions. I am determined to ensure that whatever funding is made available for regional development New South Wales gets its fair share of that funding.

I am concerned because it appears that fully a third of the \$10 million in infrastructure funding for 1994-95 announced in the white paper is already dedicated to the Sunraysia-Goulburn Valley region - a clear spending bias towards Victoria. This expenditure has evidently not been committed on a competitive bid basis with other States and particularly with New South Wales. On a per capita basis, New South Wales should be allocated at least \$3.3 million of next year's funds. It is obvious that what little value there is in the white paper from a regional development perspective is founded on existing New South Wales practice. A major component of the white paper's regional development strategy is the regional best practice program, which will provide assistance for regional best practice projects. This program will provide grants for projects which have the potential to aid the economic development of a region and can be used as a model from which other regions can learn.

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

Mr CHAPPELL: Through the Department of Business and Regional Development New South Wales already has a best practices program with a focus on methodologies and practices which can be transferred to other regions. Again, business and regional development is well down the line of collocating government and private sector services to business and industry in one-stop shops, a concept given some prominence in the white paper. The Federal Government has announced that it will follow the same approach any number of times but it is the State Government which has actually taken the plunge and is putting this process together. The white paper's regional development strategy proposes new regional infrastructure outlays.

This indeed is good news but the infrastructure spending announced in the Prime Minister's 1992 One Nation statement did not generate anything like the employment outcomes expected by the Federal Government, as I made clear yesterday in answer to a question. The white paper also seems to ignore the significance of the States as the essential delivery agents of a multitude of government programs, particularly those programs directed to business. Rationalisation of Federal Government programs and better access to them by business clients can only be effectively and efficiently achieved through using the States as delivery agents. The National Industry Extension Service is a good model of this relationship and it works well in New South Wales because of the local knowledge and expertise of its staff. The bottom line is that although the white paper contains some good news for business the Federal Government has once again failed to address the real issues of regional development. Its definition of regional development means anything, anywhere, including metropolitan areas.

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

Mr CHAPPELL: I also mention that industry has been so impressed with the white paper that the

Australian Stock Exchange dropped 46 points this morning! That is the lowest since 1993 and it cannot be good for business in metropolitan or regional areas. The Federal Government has spent a vast amount of time and money on the Kelty and McKinsey reports on regional development issues, for no tangible purpose. The portfolio has been shunted through three Federal Ministers in the past six months.

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

Mr CHAPPELL: It has been passed from one too-hard basket to another. They have failed to grasp the different needs of country based industry and address them in a practical way. I have had discussions with each of the passing parade of Federal Ministers and have offered to co-operate with them to supply services to country New South Wales and to utilise our existing network of offices and regional development boards, with the result that it now appears that the Federal Government will go ahead and create yet another level of bureaucracy and reinvent the wheel. Finally, when one cuts through all the hype, the success of any of the white paper proposals with merit depends not on the Federal Government but on the States for action.

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BLUE MOUNTAINS CITY COUNCIL BOMBING

Mr KNIGHT: I address my question without notice to the Premier.

Mr SPEAKER: Order! I call the honourable member for Murwillumbah to order. I will hear the question in silence.

Mr KNIGHT: Has the Premier been briefed by the Commissioner of Police or the Minister for Police on the latest developments in the Blue Mountains bomb and death threats case? If so, is that why the Premier is now refusing to express his full confidence in the honourable member for Blue Mountains?

Mr FAHEY: As I have said repeatedly, and will continue to make abundantly clear, it is not appropriate for me to comment on police investigations.

SERVICES FOR CHILDREN IN CARE

Mr JEFFERY: My question without notice is directed to the Minister for Community Services and Minister for Aboriginal Affairs. Will the Minister advise the House as to what resources the Government is making available for its reforms to services for children in need of care?

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

Mr LONGLEY: I thank the honourable member for Oxley for his question.

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

Mr LONGLEY: The honourable member has a genuine concern for young people in care. Opposition members have demonstrated clearly they do not have.

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

Mr LONGLEY: We know that the Labor Party is continuing to be torn apart by conflict and that Labor Party members are destined for a long winter in opposition. We know that the Leader of the Opposition has caused turmoil within his own party because of his total lack of leadership and the general chaos he is causing.

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

Mr LONGLEY: On 23 March Bob Carr was on the Alan Jones program saying that government institutions that provide residential care for State wards ought to be closed. Yet the shadow spokesperson in his press release said "No, no, no. They have to remain". They are contradicting one another.

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

Mr LONGLEY: The Leader of the Opposition, Bob Carr, was saying that some of the recommendations of the Usher report had not been implemented by the State Government, and then the Hon. R. D. Dyer was saying something about the Government's indecent haste to implement the recommendations. They are directly contradicting one another. The Labor Party is in continual internal turmoil. Its members are only making cheap political points and cannot get their act together. What is worse -

Mr SPEAKER: Order! After reasonably lengthy and heavy sittings this week in Parliament it is pleasing that members are in good humour at question time on Thursday afternoon. However, that does not assist in ensuring that the maximum number of questions are asked and answers given. I urge honourable members to restrain themselves. If they listen to the Minister in silence, question time will proceed in a much more orderly fashion.

Mr LONGLEY: The Opposition has an absence of policies. Not only does the Opposition have a vacuum leadership but also it has a vacuum in policies for any serious contribution to the State. One of the key issues in regard to the care of those who are in need in New South Wales is highlighted in the report by Father John Usher. Honourable members should have no doubt that the Government is committed to implementing the recommendations made in the report, to ensuring that New South Wales has the best level of care for young people anywhere in Australia. No honourable member should doubt that resolve. Honourable members know of this Government's strong record in devoting resources to those key areas that were left neglected for 12 long, dark years under Labor.

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

Mr LONGLEY: Areas such as education, health, and law and order have all received record levels of funding from this Government. Those achievements overturn the 12 long, dark years of Labor. Where the care of young State wards is involved, the Government is committed to achieving the best system. I am pleased to announce today that the Government is committing an additional \$28 million over three years to improving those substitute care services. The Government has decided that the community services portfolio will retain 100 per cent of the proceeds from substitute care institutions. This is a landmark decision. It will mean that all of the resources from those outdated institutions will be returned to provide substitute care for young children who need those services.

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

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Mr LONGLEY: The community at large is committed to supporting the Government as it implements the Usher program, even if the Opposition is not. In a communique issued this week Father John Usher, the chairperson of the Alternative Accommodation Care Committee, reaffirmed "a basic commitment to the implementation of the planned changes to substitute care arrangement in New South Wales to achieve better outcomes for children and young people". I advise the House that the reform of care arrangements for vulnerable young people are well on track and that new services will soon be functioning on the ground - in the Illawarra, Southern Highlands, southwestern Sydney, Macarthur and western Sydney areas. As new services open up in the coming months, the most vulnerable kids in this State are being given new hope for the future.

Those with any integrity in the Australian Labor Party will be hanging their heads in shame at the disgraceful attitudes of their leader.

It is important to inform the House of some of the substantive improvements that are coming through the reform program. This is important to counter the Labor lies that have been peddled in recent months. The foundation work undertaken by the Alternative Accommodation Care Committee is setting new standards for the quality of care for children. There will be rigorous monitoring arrangements for every child in substitute care and a case management system ensuring regular review. The five new services that I have just announced will open this year, with a further 10 services to follow. This significantly expands the capacity of the service. The current occupancy of the department's residential care facilities presently caters for 63 children. The occupancy potential under the new arrangements will involve accommodation for 90 children - an increase of more than 40 per cent. In addition to this expanded number of services located in 15 locations across the State resources have been allocated to improve community support for young people.

The needs of Aboriginal children are receiving special attention. Services are being developed in consultation with an Aboriginal review committee, which I have appointed. The Government has also funded the appointment of a project officer by the Association of Children's Welfare Agencies. The person appointed has established a reference committee of young people and is presently developing a statewide network of young people in care. As the Opposition flounders in a leadership and policy vacuum, this Government is getting on with the job. It is moving with the right policies and with solid resources towards the goal that the *Sunday Telegraph* commended.

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

Mr LONGLEY: The editorial states:

The New South Wales Government deserves credit for recognising that our homeless children do not deserve to be treated like prisoners . . . a commendable plan to give wards of the State a normal home life and to end the system of . . . institutions.

BLUE MOUNTAINS CITY COUNCIL BOMBING

Dr REFSHAUGE: My question without notice is directed to the Premier. Have police offered an explanation for the failure of the first inquiry into the Blue Mountains bombing? Will the Premier order an inquiry into the failure of this investigation?

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

Mr FAHEY: I indicated, and as the Minister for Police indicated to the House a few weeks ago, an inquiry was being conducted into that particular matter and who it involved in terms of police personnel. I am certainly satisfied, from what I have been advised by the Minister, that the inquiry into the Blue Mountains bombing is appropriate and is adequate. And, again, police investigations are a matter for police.

CATTLE TICK DIP SITE REMEDIATION

Mr D. L. PAGE: I direct my question without notice to the Minister for Agriculture and Fisheries and Minister for Mines. Is the Minister aware of concerns expressed about health risks to people living on former cattle dip sites on the North Coast? If so, what action is being taken to address these concerns?

Mr CAUSLEY: The honourable member for Ballina asks a question on an issue of serious concern on the North Coast of New South Wales. I have had representations also from the honourable member for Murwillumbah and the honourable member for Lismore about this problem. It is necessary to go back in history so that people understand the problem that exists in these areas. Cattle tick, which was first introduced into Australia in about 1890 in Darwin, progressed to the New South Wales border by the 1920s or 1930s,

causing considerable problems with cattle herds. The Government and the Department of Agriculture of the day decided that there should be a program of cattle dipping. Of course, the best available advice was used and the best chemicals of the day were used. In those early periods arsenic was used to dip cattle to kill the ticks. Subsequently, around the 1940s, DDT was used. Cattle were pushed through splash dips to kill the ticks that were attached to them and, of course, to save the stock from a very slow death from redwater.

In latter days, with more knowledge about chemicals, it has been found that a number of North Coast cattle dip sites have been built on. Houses have been built on 29 sites, 16 of which have been directly over the top of the dip that was used in treating these ticks. Obviously, people had bought land in these areas not knowing that the area had been contaminated. Local councils at the time did not know that risks were involved, nor did the then Department of Agriculture because the advice was given according to the knowledge of the day and without the realisation that a subsequent problem would occur. In 1991 the previous Minister set up a committee called DIPMAC - Cattle Tick Dip Site

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Management Committee - to investigate the problem. The committee highlighted that there are about 1,600 dip sites on the North Coast, 29 of which have residences built on them. DIPMAC also investigated remediation. It looked at the fact that the soil could be moved and put into a safe area. To find areas that were accepted by local government proved a problem, but sites were found on the Tweed and the Government is close to finding sites on both the Richmond and Clarence, where the soil can be removed and kept until technology reaches the stage that the contaminated soil can be treated. The Department of Health was also involved and monitored the health of people living on the sites. At this stage it cannot find any indications that there is any effect on the health of people who live on the dip sites.

As local members would attest, people who through no fault of their own find that they have either bought or built houses on those sites are concerned that the sites are labelled as being contaminated, particularly in section 149 certificates under the Local Government Act. Any person interested in buying such a property would be shown that there is a contamination problem, and therefore the property would have a blight on it at the time of sale. I am pleased to say that the Government has looked closely at this problem. I am announcing today that the Government is offering to buy back properties that have been contaminated, where people have been affected and where they are concerned about their own health and that of their children. The Government will offer to buy back these properties at market value so that the fear of contamination and health risk can be eliminated. Residents will be given the chance to sell.

The Government will look at what can be done with those sites in terms of future remediation. The program will cost about \$2.3 million. It is not an admission of liability as far as the Government is concerned. A conscious decision has been taken to alleviate fears of those who, through no fault of their own, have either built or bought properties on these sites. I am sure that efforts to help affected people by members representing North Coast electorates such as Murwillumbah, Lismore and Ballina, and also the Clarence electorate, have been rewarded. I am sure those assisted will be most grateful they have a caring government that is seeking to overcome a problem that has occurred through no one's fault but which has emerged because technology tells us that some actions taken in the past probably were not as wise as they should have been.

BLUE MOUNTAINS CITY COUNCIL BOMBING

Mr GIBSON: My question without notice is to the Premier and Minister for Economic Development. Has the second person assisting the police in the Blue Mountains bomb and death threat case sought police protection? Will the Premier guarantee the protection of all witnesses in this case?

Mr FAHEY: I feel very sorry for the honourable member for Liverpool because the tag team opposite has changed today and the honourable member, unfortunately, is very much on the outer. It is obvious that he has nowhere to go in the upper House, with a field of 25 vying for Judy Walker's position or that of any other member they can manage to stab in the back at the appropriate time.

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

Mr FAHEY: Sadly, the honourable member for Liverpool today has been left totally out of the normal run by the Opposition in this Parliament. Of course, we never hear questions from any other faction opposite, given the responsibilities they have, directed at advancing the affairs of the State. As I have indicated on numerous occasions, police investigations are matters that are not appropriate for me to comment on.

DEMOLITION INDUSTRY SAFETY STANDARDS

Mr HAZZARD: I direct a question without notice to the Minister for Industrial Relations and Employment and Minister for the Status of Women. Can the Minister inform the House of moves by the Government to improve occupational health and safety standards in the State's demolition industry?

Mrs CHIKAROVSKI: Opposition members claim to be interested in the workers of New South Wales yet when questions are asked about matters of health and safety they rumble around, moan and groan and say it is boring.

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

Mrs CHIKAROVSKI: We on this side of the House are concerned about the rights of workers, and we are doing something about it.

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

Mrs CHIKAROVSKI: I thank in particular the honourable member for Wakehurst for his question.

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

Mrs CHIKAROVSKI: The interest shown by the honourable member in the health and safety of workers is reflected in every member on this side of the House. A serious accident occurred in Darlinghurst just before Easter. In that accident a young man by the name of Selwyn Wanoa died during demolition of a commercial building owned by South Sydney Council. I take the opportunity at this stage to extend deepest sympathies to Mr Wanoa's family

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and to his work mates on behalf of the Government. We are very concerned about an accident of that magnitude within this State.

Because of the Government's deep and ongoing concern about such matters, I was particularly concerned that WorkCover conduct an investigation into that accident as a matter of urgency. I asked WorkCover to go further than that and investigate the feasibility of establishing a licensing system for demolition contractors on commercial sites in this State. We have had a number of discussions as a result of that direction. We have spoken to employer groups, in particular the New South Wales Master Builders Association, the Employers Federation, the Building Industry Specialist Contractors Organisation, known as BISCO, and the Demolition Contractors Association of New South Wales.

Concerns were also raised with me by officers of the building division of the Construction, Forestry, Mining and Energy Union, and by the Labor Council, who came to see me not long ago. I understand they have had an ongoing concern, as have we in the Government, about safety issues in the construction industry. During those discussions various proposals were talked through and various problems were discussed. We looked at all sorts of issues, but there was overwhelming support for the idea of licensing demolition contractors on commercial sites. When I discussed the issues with the various industry parties I said that I did have an

open mind. Is the honourable member for Smithfield laughing at what I am saying? I would like it recorded that the honourable member for Smithfield laughed at this issue and I saw him doing it.

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

Mrs CHIKAROVSKI: We have discussed this issue many times with all parties, including the unions.

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

Mrs CHIKAROVSKI: As Minister responsible for occupational health and safety, it is absolutely imperative that I do discuss these issues with all those concerned, including the unions, the employers and also the contractor groups. After we discussed these matters I asked WorkCover to have a look at this matter and to come back to me with some specific recommendations. I am amazed that the honourable member for Blacktown, who purports to represent the workers, is also taking this issue so lightly.

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

Mrs CHIKAROVSKI: Those recommendations were presented to me earlier this week. Having considered the recommendations carefully, I will be writing to all interested parties this afternoon to inform them that the Government has agreed to introduce a licensing system for demolition contractors on New South Wales commercial sites. This interim system of licensing will be in place while Worksafe, which is the national occupational health and safety body, examines the need for national standards for demolition and licensing. The decision to license demolition contractors on commercial sites follows a review by WorkCover of the insurance and liability records involving the demolition sector of the industry.

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

Mrs CHIKAROVSKI: According to the advice I have received from WorkCover, there have been 162 workers' compensation claims from demolition workers since 1987, at a total gross cost of \$6.2 million. This is an average cost of \$38,000 per claim, which is four times the industry average. It indicates that the injuries of demolishers are of much greater severity than the injuries of those in other industries. There is no doubt that the demolition sector of the building and construction industry is one that requires special attention, and the proposed system of interim licensing is the first step. Licensing on its own, however, is unlikely to reduce the number or the severity of the injuries in this section of the industry overnight. That is why I have also asked WorkCover to prepare a package of measures aimed at further improving the level of occupational health and safety, not only for the demolition workers but for all workers in the building and construction industry.

Having said that, I would like to assure the House and all building workers in this State that the standard of health and safety in the New South Wales building and construction industry is already high. I am advised by WorkCover that there is no reliable statistical evidence to support the allegations being spread by quite irresponsible members of the New South Wales Labor Party that the accident and injury rate of the building and construction industry has deteriorated in recent years. While the loss of a single life is in my view one life too many, we need to look at the facts. The fact is that the rate of fatalities and accidents in the building and construction industry in New South Wales has been steadily declining since 1989-90, when there were 22 fatalities. Last financial year the number of fatalities was down to 14. Again, I say that 14 fatalities is 14 fatalities too many. But it is a substantial improvement on the figures of only four years ago.

I am further advised by WorkCover that the rate of workers' compensation claims in the building and construction industry has dropped by over 30 per cent in the past seven years, and this is more than for any other industry during the same period. I have absolute confidence in the splendid work undertaken by WorkCover especially in this industry, which we

all recognise as a relatively risky one because of the nature of the work involved. I conclude by assuring this House -

[Interruption]

So members of the Opposition are sick to death of this issue? It is not an issue that they want to know anything about. That is fine. The workers of New South Wales, whom they purport to represent, will be absolutely aware of their lack of interest in the matter.

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

Mrs CHIKAROVSKI: I conclude by assuring this House that the Fahey Government never has and never will play politics with the health and safety of workers in New South Wales.

[Notices of Motions]

Mr SPEAKER: Order! I advise the honourable member for Tamworth that his notice of motion is out of order in that it does not contain a long title. If he wishes to give notice of that motion, he will have to rephrase his notice in the correct form.

[Interruption]

Mr SPEAKER: Order! I call the Minister for Multicultural and Ethnic Affairs to order. I call the honourable member for Bligh to order. I call the Minister for Multicultural and Ethnic Affairs to order for the second time. Honourable members have had enough warnings from me in recent times to know that that sort of outburst is not tolerated by the Chair and should not be condoned by any honourable member who has any regard for the Parliament. I ask honourable members to restrain themselves or leave the Chamber. The honourable member for Londonderry sought the call. He will have the call. I do not want to hear any other interruptions while taking the remaining formal business.

[Interruption]

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

[Interruption]

Mr SPEAKER: Order! Before calling the honourable member for Barwon to give his notice of motion, which he is entitled to do, I warn honourable members that I do not want a repetition of the behaviour we have seen. A number of members have been called to order on more than one occasion. I deem them to be on three calls to order. I warn not just those members but all members in the House that they are likely to feel the wrath of the Chair if there is a repetition of the disorderly behaviour we have seen already.

PETITIONS

Newcastle Rail Services

Petition praying that the rail line between Civic railway station and Newcastle railway station not be closed, received from **Mr Mills**.

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

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

Warilla Police Station

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

Home and Community Care Program

Petition 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 Photios**.

BUSINESS OF THE HOUSE

Printing of Papers

Motion by Mr West agreed to:

That the following reports be printed:

Fish River Water Supply for 1993

South West Tablelands Water Supply Undertaking for 1993

No. 71 of the Law Reform Commission concerning Right of Access to Neighbouring Land, dated April 1994.

ELECTRICITY COMMISSION (AMENDMENT) BILL

Third Reading

Bill read a third time.

BUSINESS OF THE HOUSE

Standing Order 54 Notices

Mr Whelan: I seek the leave of the House to move that so much of the standing and sessional orders be suspended as would permit this day the notices of motion in relation to the Standing Order 54 notices moved by the honourable member for Barwon in relation to the Coojee Bay Hotel, Darling Harbour Monorail and Sydney Harbour Tunnel being considered by this House forthwith.

Leave not granted.

GOVERNMENT COURIER SERVICES TENDERING PROCESS

Consideration of Urgent Motion

Mr NAGLE (Auburn) [3.13]: I move:

That this House:

- (1) Notes with concern the failure of the Minister for Administrative Services to carry out a thorough investigation into the irregularities in the tendering of courier work for the New South Wales Government by Courier Systems Pty Ltd;
- (2) Calls upon the Minister to carry out such investigations and, until such time as those investigations have been concluded and reported to Parliament, to rescind the tender to Courier Systems Pty Ltd; and
- (3) Calls for new tenders for the State Government courier work.

This motion can only be referred to as "Couriergate". I inform the House of a matter that not only affects my electorate but the whole of New South Wales and goes to the heart of public administration in New South Wales under the Fahey Government. This matter directly questions one Minister's ability to competently manage her portfolio of administrative services, and also to effectively carry out her obligation to enforce the law. The Minister is the member for Badgerys Creek. Moreover, this debate will revolve around the improper and, I believe, corrupt granting of a multimillion dollar New South Wales Government contract for the delivery of courier services statewide to a company Courier Systems Pty Limited at Parramatta.

The saga that will unfold will prove: first, improper and unacceptable action by the New South Wales Supply Service from the commencement of the tender process, on to the deliberate frustration of six freedom of information requests, and ultimately a cover-up by the Department of Administrative Services; second, an elaborate scheme by well-connected Liberal Party-National Party members to abuse the rights of decent transport companies of this State to secure a three-year contract valued at between \$10 million and \$15 million; third, the deliberate unwillingness or fear of the Minister for Industrial Relations to allow proper inspection of the principal contractor's records and the failure to introduce regulations required under section 699; and fourth, the ultimate break-in and fire bombing of the premises of my constituent SNAP Courier Services, just over a week ago. Why was SNAP Courier Services the subject of such an un-Australian act of violence? Because the company will not back off in its investigation to find out the truth of "Couriergate". The scandal will become known as "Couriergate" and will haunt this Government to the next election and beyond.

The tender specifications and tender document set out clear pre-contractual requirements. These rules apply to everyone - everyone except, it seems, Courier Systems Pty Limited. All critical and fundamental areas of the tender were breached by Courier Systems, yet that company was still awarded a \$10 million to \$15 million government contract over three years - a good contract if one can get it. The key breaches are, first, the supply fee deed was not executed despite requirements at page 20 of the tender document which state:

It is stressed that, for a tender to be considered, the supplier's agreement to pay the supply fee is now required. The attention of tenderers is drawn to the supply fee deed included with the tender papers which must be executed in the space provided for "the contractor" on page 4, in order for the tender to be considered.

Yet the supply fee deed was not executed until one month later. Section 1.2 of the tender document states:

This document must be submitted in its entirety complete with all attachments.

On 14 July 1993, one month after the tender closed, the supply fee deed was faxed to Courier Systems from the private fax machine of the supply officer, Stephen Irwin, and under the direction of the supply manager, Mr Gibbons of the New South Wales Supply Service. It is signed but not witnessed and was returned on 16 July 1993 with a new front page. This action can only be described as corrupt and unfair to all other tenderers. In addition, there must be compliance with statutory obligations. It was a condition precedent of the tender that compliance with the Transport Industry, Courier and Taxi Truck Contract Determination was essential. This is

a legally enforceable award of the Industrial Relations Commission.

Courier Systems said it fully complied and pays determination rates, and the New South Wales Supply Service accepted this comment without investigation and in the face of evidence to the contrary from the Transport Workers Union, New South Wales branch - whose members are being underpaid at this very moment - and the Courier and Taxi Truck Association, an industry employers organisation. Yet, Courier Systems was still granted the tender. Having been caught out, Courier Systems is now attempting to organise a non-union contract determination to reduce the rates that it declared, in the tender, it would adhere to.

Courier companies who have consulted me are not out to stop Courier Systems but to ensure that justice is done and that all courier companies get a fair deal. As the Minister for Industrial Relations has quoted ad nauseam, "A level playing field must be created and the goal-posts must not be moved". If it suits the friends of the Fahey Government to move them, they will be moved. Other courier drivers who do the work for courier companies are paid at the legal contract determination rates, yet Courier Systems is underpaying its contractors. When the company is queried about the underpayment by its contractors it blames the Fahey Government by saying these are government rates, when in fact they are the tender rates of Courier Systems and definitely not government rates. Put in its best light, the statement that they are government rates is deceitful, and in its worst light it is criminal, fraudulent misrepresentation.

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I refer now to Courier Systems pay claims. Section 5.19 of the tender is headed "Compliance with statutory obligations". This is not an option clause; it is a strict requirement - a fundamental requirement for everyone such as Mayne Nickless, ABC Couriers, SNAP Couriers, Allied Express and many others who tendered for this contract. However, Courier Systems, which is privileged, does not have to comply. Let me give another example. The secrecy provisions requested in the tender document do not have to be complied with until one month after the tender closes. The South African connection request was not complied with until one month after the tender. The answer that was received was that there would be no South African connection. That is a lie - as I will demonstrate later.

I turn now to deal with the corporate web, which is most interesting. When this matter first started we thought we were dealing with a \$2 company. But flow charts - and there are 11 of them - plot the history of the corporate web from Courier Systems Pty Limited to multimillion dollar financial institutions, banks, South African connections, London, Guernsey and Germany, and these are ultimately owned by \$2 holding nominee connection companies. This all began with Courier Systems Pty Limited at Parramatta - a company with only \$966 paid-up capital and a company that has recently been granted up to \$10 million. The name of a company director that keeps appearing throughout this corporate maze is none other than Mr Maurice Lionel Newman - the same man who is a bondholder of and underwriter for HomeFund.

What more evidence do we need to link this so-called squeaky clean Government to a multimillion dollar contract for its mates? Those mates are the Hon. D. J. Gay and the Minister for Planning and Minister for Housing, the Hon. Robert Webster. They are the mates of Mr Hill. The contract should be terminated and tenders should again be called for. "Couriergate" will not go away. The Chief Secretary and Minister for Administrative Services can no longer hide behind this farcical charade. The Government must demonstrate to everyone in this State that it will not tolerate such corruption by Courier Systems or any other government department. The Government's inaction in not rectifying this massive wrong is an indictment of the Minister. If she has any self-respect, she will resign when this debate is over. This contract must be terminated forthwith and new tenders called by the New South Wales Supply Service. The Government must take corrective action against any public servant, including any Minister involved in this scandal. The Independent Commission Against Corruption must oversee the calling of a new tender so that public confidence is re-established in the New South Wales tender system. I commend this motion to the House.

Mrs COHEN (Badgerys Creek - Chief Secretary, and Minister for Administrative Services) [3.23]: What a fascinating speech! I wonder why the honourable member for Coogee, who is the shadow minister

responsible, did not pursue this issue. Why is the Opposition so interested in discrediting one tender in favour of another? Does it have anything to do with the fact that one of the tenderers is highly unionised - that union being the Transport Workers Union? It is interesting to note that the husband of the Labor candidate for Badgerys Creek is highly placed in the TWU. The motion of the honourable member for Auburn states, in part, that the Minister has failed to investigate irregularities. Of course, he should have included the word "alleged" before the word "irregularities" - a matter which he, as a lawyer, should have known. My department has investigated everything that has been put to it. There is not one shred of honesty or integrity in Opposition members. If they want to make such allegations, they should do so in writing to the Minister concerned.

Mr Nagle: That was done.

Mrs COHEN: I am afraid that those allegations were not put in writing. I have been aware for some time that members of the Opposition have been slandering me in western Sydney and in this House. There have been rumours all over the place. It must be frustrating for Opposition members as they have been looking hard and long for irregularities within my department. They have sunk to really low depths. I have been advised about all the matters that have been referred to my department. I sought advice from the Industrial Commission and the Crown Solicitor. My department has carried out all the investigations it can. The New South Wales Supply Service is not an investigative body, but it has done all it can in this area. The Crown Solicitor advised my department that the contract was valid. We sought advice from the Industrial Commission, which obviously has been waiting to hear from the TWU. Hearing dates have been set but the Industrial Commission has not heard from the TWU. It has asked for evidence but it has not received it.

This is the first time we have heard the evidence put forward by the honourable member for Auburn. That is the way in which members of the Opposition always operate rather than going through the correct processes. Honourable members should note that the tender process is totally independent of the Minister. I have inquired of my department about the evaluation process for the courier contract. I have been advised by the head of my department that it was conducted in accordance with established principles, in a planned, fair and equitable manner. All tenderers were required to state their compliance or otherwise with the conditions of the contract. I have received advice from the Chairman of the State Contracts Control Board from which I would like to quote. He says:

The Grace Couriers contract was let in the normal way by the State Contracts Control Board under the provisions of the Regulation and did not require reference to or involvement of you as the Minister.

Because of concerns raised about this contract the advice of the Crown Solicitor was sought over the claims made about Grace Couriers' failure to lodge the executed Supply Fee Deed with its tender.

The Crown Solicitor advised that the Request for Tender should not be construed as containing a mandatory provision requiring an executed Supply Fee Deed with the

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tender. As such, the State Contracts Control Board views the tender submitted by Grace Couriers as complying with its tender requirements. The Crown Solicitor further advised that failure to lodge an executed Supply Fee Deed with the tender does not invalidate the contract. Under the conditions of the contract the Supply Fee Deed was properly executed and the contract remains valid.

The complaint which was made to the NSW Supply Service of the Commercial Services Group, which administers the contract, that Grace Couriers did not comply with the Courier and Taxi Truck Contract Determination, was referred to the Department of Industrial Relations, Employment, Training and Further Education which in turn, referred NSW Supply Service to the Industrial Registrar. The Industrial Registrar advised that the matter had been before the Industrial Relations Commission and adjourned and would not be finally determined by the Commission until a further application by the Union.

The NSW Supply Service is monitoring the situation and when the industrial matters in dispute have been finalised by the appropriate authorities, the State Contracts Control Board will consider what action should be taken.

The principles and practices used in tender evaluation by the New South Wales Supply Service have previously

been commented on favourably by the Independent Commission Against Corruption, which concluded:

Furthermore, investigations in relation to the tendering system revealed that manipulation of the tendering system in use by the Commercial Services Group would be difficult and therefore unlikely.

If members of the Opposition have concerns about the awarding of Government tenders, and if they have evidence of these fascinating connections that they talk about, they should put them in writing and try to obtain an answer from me. I know that Opposition members like to do these things in the House. The honourable member for Auburn, as a lawyer, likes the drama. The honourable member for Auburn said in his motion that "the Minister failed to carry out an investigation into irregularities". I have just given honourable members the details of investigations that my department has carried out so far as it was able. We cannot do the work of the Industrial Relations Commission. If the honourable member for Auburn can provide any evidence of irregularities, I would be happy to ensure that that evidence is considered and inspected - which is something we would do with complaints we received from any company.

It is interesting to note that this complaint has been made by the TWU on behalf of a losing tenderer. If I were the honourable member for Auburn I would be very careful before I tried to discredit and overturn a tender process in favour of any company. That could be a very dangerous process. The TWU does not appear to have pursued the very matters about which the honourable member for Auburn is speaking with the appropriate authority - the Industrial Commission. I have been informed that a compulsory conference called by the Industrial Commission on this matter last year was consequently adjourned. The Transport Workers Union has not lodged any further application. My department has had advice from the Registrar of the Industrial Commission which states that the union had foreshadowed a further application to the commission under section 732 of the Act. However, that advice also states:

A search of the Commission's registers has not revealed any further application by the union.

Thus, it is not possible to say whether the assertions made by the union have any substance or not (as no evidence either way has been presented, and no decision made).

Honourable members might be aware that neither the State Contracts Control Board nor the New South Wales Supply Service are investigative bodies. They are independent bodies that assess contracts and tenders independently of members of Parliament, the Minister and the Government. That is the difference between the tendering process of the Opposition and the tendering process of the Government. I am, as the Government is, independent of those bodies. The State Contracts Control Board comprises 11 members from the senior executive service. They independently sign off and approve of successful tenderers. We receive information from tenderers in good faith and, unless there is evidence why we should investigate it, we do not do so. If the honourable member furnishes us with the evidence, we may be able to investigate the matter. Naturally in industrial relations matters, the State Contracts Control Board relies on the advice of the appropriate authorities, namely, the Industrial Commission and the Department of Industrial Relations. In other words - strangely enough! - they need evidence before they can act, evidence which to date has not been provided to them by the Transport Workers Union, or the Opposition, or the losing tenderer in question. If any evidence is provided, appropriate action can be taken.

Why is the Opposition going to such extraordinary and far-fetched lengths? Reference was made to names I have never heard before - except for the two upper House members mentioned. Why is the honourable member trying to smear the name of a marginal seat member with alleged impropriety? I wonder on whose information he is acting and how impartial that information is. Interestingly a member of the TWU wrote to me - and I answered the letter. I will table a copy of the letter I sent to Mr Hutchins of the TWU, a letter from the State Contracts Control Board, a letter to the Director of SNAP Courier Services, and a letter from the Industrial Registrar. Just who is Mr Steve Hutchins? He is the husband of the Labor candidate for the seat of Badgerys Creek, as I am sure honourable members know. I suggest that the honourable member for Auburn check his information very carefully, look at the tabled letters and seek clarification of his information. I seek leave to table those letters.

Leave granted.

Mr SCULLY (Smithfield) [3.33]: I have much pleasure supporting this motion. It concerns me that the Minister attempted to dismiss it as an attack on one tenderer and support for another. Present in the gallery today are representatives of employers and employees in the industry. They are interested in

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ensuring that there is a level playing field in the allocation of this contract. We are not talking about discrediting a tenderer, we are talking about discrediting a contractor. It is past the tender stage. This company has been granted the contract. It is not about discrediting a tenderer in the tender process, it is about looking at whether the tender process which resulted in this company being given the contract was conducted fairly. That is what it is about. The allegations include: corrupt tendering; incompetent and unfair tendering; breaching of industrial awards; ministerial indifference; and possibly something more serious. This Minister's competence and integrity has not before been scrutinised by this Parliament.

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

Mr SCULLY: The Minister must realise the seriousness of this matter. She must be accountable for the actions of her department. SNAP Courier Services gave good service to this Government for six years and was shafted by the department and crushed by Liberal Party mates - and it seems that this Minister sat back and smiled as it happened. Look at the tender documents. The wrong award was nominated - a matter that had to be complied with. Goodness knows how the tenderers were to comply with an award that did not exist. A public holiday was set as the closing date for the tender. Both those matters had to be rectified. I am informed that approximately 20 tenders were lodged. Courier Systems did not execute the supply fee deed. A month after tenders closed a senior officer of New South Wales Supply Service faxed the document to be executed in blank form - no covering letter and no fax note and nothing produced under freedom of information legislation provisions.

The agreement was executed and then returned. Then Courier Systems was asked if it had any South African connections. This is where Mark Hill, a mate of members of the National Party and Liberal Party, and managing director of Courier Systems, lied. He claimed that the company had no South African connections. It can be proved that such connections existed. The Minister may be aware of the situation in South Africa and that there were restrictions on dealing. I will not go into that. The managing director of the company said that there were no connections with South Africa. He lied. The Minister's department should have realised that something was going on. The inference is that something is wrong in your department, Minister. The tender process was corrupted.

Mrs Cohen: Where is the evidence?

Mr SCULLY: The evidence is clear, I have told you. This man lied to you and you have done nothing about it. Your department said he could not have this contract if there was a South African connection.

Mr SPEAKER: Order! I call the Chief Secretary and Minister for Administrative Services to order. I direct the honourable member for Smithfield to address his remarks through the Chair and not to conduct a conversation with the Minister across the table.

Mr SCULLY: This is a classic example of the tender process being rorted and a Minister not doing what she is required to do as a Minister of the Crown - to direct her department to rescind this contract. It will show that something was wrong in the State of Denmark. I cannot believe that the Minister can attempt to somehow defend a person in her department who faxed a blank contract and said, "Wink, wink. Nod, nod. Fill it out and send it to me. Do not worry if you breach the awards. Do not worry if you lie in your letters to the department. It is okay. It will be all right. You are a mate".

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

Mr SCULLY: Minister, can you tell me that there is nothing going on in your department, and the fact that this person is a mate of Robert Webster and Duncan Gay has nothing to do with it?

Mrs Cohen: This is unbelievable.

Mr SCULLY: I am not making this allegation against you, Minister.

Mr SPEAKER: Order! I have already directed the member for Smithfield to address his remarks through the Chair.

Mrs Cohen: On a point of order: the honourable member said that he is not making allegations against me, but that is in fact what he has been doing. I ask him to withdraw those remarks as I regard them as extremely serious allegations, although I have heard them outside this House.

Mr Scully: On the point of order: that is a ridiculous request. The substance of this allegation is that improper conduct has taken place in the department. The Minister is responsible for that department. She has to answer those allegations. She has to satisfy this Parliament that the allegations have no foundation. [*Time expired.*]

Mr SPEAKER: Order! On the question of whether or not the honourable member for Smithfield should withdraw his remarks, I did not hear clearly the precise words that the Chief Secretary wishes to be withdrawn. I ask her to inform me of those words.

Mrs Cohen: The allegations of impropriety between Robert Webster, Duncan Gay and I are the remarks I request to be withdrawn.

Mr Scully: They are not the words I used. The Minister should be careful not to ask me to withdraw words I have not used.

Mrs Cohen: They are the words I heard. We will see them in *Hansard* tomorrow

Mr SPEAKER: Order! In the absence of being able to ascertain the precise words complained of, I shall refrain from making a decision on the point of order at this time.

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Mr HAZZARD (Wakehurst) [3.39]: I find it difficult to believe that the honourable member for Auburn, who has some legal training, has brought such a motion to this House. Obviously he has lost even the basic core of common decency and is unable to bring before the House honest motions. The Minister is a person of the highest integrity. The honourable member is playing a silly political game, of the type that is becoming fashionable for members of the Opposition to play. As the next election day gets closer - an election that the Opposition knows it will lose - members of the Opposition are interested only in picking up machine guns, as it were, and spraying bullets all over the place, not really caring who gets hurt in the process.

This time the Opposition has it totally, utterly and completely wrong. In debating this urgency motion Opposition members are really saying that they would like to be in a position where they had their Minister in office. They tell the House that their Minister would intervene and interfere with the State Contracts Control Board. They would not allow the impartial and objective process that is fundamental to the integrity of government tendering to continue. We know that is what they have done in the past and what they will do if, God forbid, they ever get back into office. The State Contracts Control Board will be a mates board which will simply provide the work to Labor Party members' mates. This Minister did not do that. She was totally at arm's-length from the transaction and knew nothing about what was going on.

Opposition members are arguing a case for SNAP Courier Services. No one on this side of the House would seriously challenge the contention that SNAP Courier Services probably did a very good job for six years. That is entirely proper. However, SNAP Courier Services got involved in a tender process with other couriers and came before the State Contracts Control Board to offer its services. It just happened that it was beaten for the tender. That is what happens in private enterprise. SNAP Courier Services would know that; that is competition. It so happened that SNAP Courier Services also got some work, but it has not complained about that. It got the nighttime central business district work. It is complaining that it has lost millions of dollars. I do not know whether the honourable member for Auburn considers that this is like taking a brief from someone in the outside sphere; if it is, I wonder what he is being paid for it. He is simply trying to slander the Minister when he knows - or I hope he knows - what this -

Mr Nagle: Am I not entitled to view it with concern?

Mr HAZZARD: If you genuinely viewed this matter with concern, you would have gone to the Minister and talked about it. You would not have come in here and looked for the TV cameras; you would not have looked for the headlines; you would not have looked for the petulant -

Mr Nagle: On a point of order.

Mr SPEAKER: Order! I have already directed members to address their remarks to the Chair.

Mr HAZZARD: The honourable member is just trying to get himself a headline. This smear campaign has no substance. The motion suggests that the Minister failed to carry out a thorough investigation of irregularities in tendering for courier work. Perhaps by saying that Opposition members recognise that the Minister should not have been involved in the first part of the process. And, of course, she was not. They have mentioned all of these names from South Africa and drawn other red herrings across the trail, but the reality is that Opposition members know the Minister should not have been involved, and she was not involved; she had nothing to do with it. The contract was let on the basis that a particular courier company, Grace Couriers, was the better tenderer from the point of view of the Government and therefore from the point of view of taxpayers. It appears from correspondence that I have seen that SNAP Courier Services has a close association with the Transport Workers Union and it cannot quite work out in which jurisdiction it should attempt to get back this million dollar contract.

If something were wrong with the tendering process - and there is not - the contract would have to go out to other tenderers. The Opposition's suggestion is so far-fetched that it should give up the ghost on this issue and realise that the State Contracts Control Board was at arm's-length from the Minister. When the matter was brought to the Minister's attention she implemented immediate inquiries. She inquired from the State Contracts Control Board, and was told that everything had been done on the up-and-up; that nothing was done that should not have been done. The board obtained Crown Solicitor's advice, legal advice and all the advice that was necessary. The board spoke to the Registrar of the Industrial Commission. Every avenue the Minister pursued showed that all that should have been done had been done. For this House to even consider this urgency motion with any degree of seriousness undermines what the Parliament should be all about. The bottom line is that this is desperation tactics by the Opposition. [*Time expired.*]

Mr IEMMA (Hurstville) [3.44]: In her response to the motion moved by the honourable member for Auburn the Chief Secretary and Minister for Administrative Services entirely missed the point. She claimed that the Opposition was seeking to discriminate against tenderers. That is not so. This motion is an attempt to ensure that there was arm's-length tendering. I do not understand how anyone can suggest that there was that type of tendering in respect of this contract when we have evidence that on four fundamental matters the proper procedure was not followed. The honourable member for Wakehurst asked about the South African connection. Part of the tender conditions tenderers were asked to fulfil related to the fact that the Federal Government at that time had imposed economic sanctions against the South African Government. The successful company failed

to answer that question by the closing date of 15 June and subsequently lied about South African connections. Courier Systems is one-third owned by BLE.

One of the directors of BLE is John Lydon, who was born in South Africa. Another director of Courier Systems was also born in South Africa. When the company submitted the tender, why did it not answer that question? When the fix was on and it had been decided that the mates would get the contract, and people down at the New South Wales Supply Service subsequently tried to fix the error, why did the company again lie? It said it had no South African connections. Obviously two of the directors have a South African connection. This is a company that has obtained a government contract. Another condition to be met by the tenderer was compliance with industrial conditions, a contract determination that applies in the industry. The successful company said that it complied with those conditions. We have the pay sheets and it is apparent that the company does not comply.

At the close of tenders on 15 June the company said that it complied. The Minister said something about the Crown Solicitor's advice. We are not arguing about that. Of course, the contract is going to be valid, but it should never have been given to this company. It should not have been given to a company such as this. It is all very well for the Minister to speak about honesty and integrity. When this company got the contract it had failed to comply with the conditions set down by the Supply Service in the tender documents. The company was given the contract; the fix had been on because one of the shareholders of Courier Systems, which is one-third owned by BLE, was Maurice Newman, the Liberal Party think-tank. He is one of the directors of BLE. The Minister talked about arm's-length dealings. She failed to say why the general manager of the New South Wales Supply Service, one month after the 15 June closing date, sent a fax asking Courier Systems to fix the deficiencies in the tender document. That was one of the conditions.

Why did that happen? This was supposed to have been an arm's-length contract. There had been 20 expressions of interest, yet the successful company failed to answer the question about South African interests, and then lied about it. In addition, the honourable member for Auburn has detailed the deficiency in the deed; there was a deficiency in the contract determination regarding what the company paid; and of course there are the secrecy provisions. The company did not answer the question about secrecy provisions in the original tender. It failed to meet four conditions. One month later the company was sent a letter asking whether it complied with the secrecy provisions. After all, it was going to be carrying sensitive government documents, if it was successful in getting the contract.

The New South Wales Supply Service wanted to know whether the company complied with the secrecy provisions - but it wanted to know that after tenders had closed. All of the other companies which had submitted expressions of interest - not just SNAP - had to comply at the time, on 15 June. They had to answer whether they had the deed fee, they had to comply with the requirement to pay proper industrial rates, they had to answer whether they had any South African connections, because of the trading sanctions, and they had to say whether they would comply with the secrecy provisions. But Courier Systems did not have to do that. It was the successful tenderer, despite all of the deficiencies, and it then went about fixing them. [*Time expired.*]

Mr NAGLE (Auburn) [3.49], in reply: Two important issues arise from what has been said. The tender document required a declaration of secrecy to be lodged with the tender. That was reasonable because the tender involved a multimillion dollar contract in relation to carrying sensitive government documents. On a number of occasions an answer was sought about a fundamental breach of the tender document. Courier Systems Pty Limited failed to provide such an undertaking until a special request was made by the New South Wales Supply Service to answer the questions. However, all other tenderers complied. Moreover, honourable members will be horrified to learn that this written request was made one month later.

The South African connection is important because at the time of the economic sanctions the tenderer was required to disclose any South African ownership connections or any South African interests. Courier Systems again failed to answer this question. Once again Angela and Richard at the New South Wales Supply Service, the friends of Courier Systems, helped out with a written request one month after tenders closed. The reply was in the negative, and that was in relation to a matter of concern. The Minister wrote a letter saying that this was

all in accordance with the Conveyancing Act and the Corporation Law, and that the company secretary, Helen Hill, witnessed the affixing of the seal, and that is the reason there was no witness. There is virtually no compliance with the important parts of the tender. Mr Hill, who is an advocate of a level playing field and the goal-posts being in the right place, wrote a letter which said:

Over recent months it has become obvious to members of our association that unless several amendments are made to The Industrial Relations Bill, particularly with regard the definition of a "motor lorry", the prospect of our drivers having their employment conditions disenfranchised will become a reality.

At that time it was crucial to have a determination of the award under which the drivers could work. He is now paying drivers lower than the determination, which can be proved in documents I have. Mr Hill wrote a letter to the Hon. Robert Webster and the Hon. Duncan Gay. Of course, there is nothing wrong with that letter except that it commences "Dear Robert" and "Dear Duncan" and continues, "If ever there was an issue which warranted bringing 'the old school tie' The Industrial Relations Bill, 1991 is it!" Then we have the old Newingtonian insignia "See There on the Hilltop". That is the connection: they are old schoolboys! Those types of problems present difficulties. I seek leave to have these documents incorporated in *Hansard*.

Leave not granted.

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Mr NAGLE: This motion deals with a \$10 million to \$15 million courier contract for the carrying of sensitive government documents around New South Wales. Those present in the gallery today all tendered on the award determination. SNAP Couriers tendered 3¢ over the determination, yet this man was 1.7¢ over the determination and is paying lower than the determination. The disgrace is that he is deceiving his own drivers by claiming they are government rates. In fact, they are his tender rates. Any responsible government with a responsible Minister should be concerned to ensure that the law is not flouted by this individual. This is a crucial and important debate; it goes to a fundamental issue of the conduct of the department in relation to this tender.

A letter is written to a senior officer of the Supply Service commencing with "Dear Angela". Why? Why not commence the letter with "Dear Madam" or "Dear Sirs"? That letter was written in regard to the South African connection. The flow chart reveals that companies that own Courier Systems Pty Limited have two South African directors. The company is not owned by Mark Hill; it belongs to Westpac, Australian Mutual Provident Society, Fariola, Bain & Company, and BLE Limited - companies with nearly \$100 million in fully paid-up \$1 shares. It is not a little backyard company at Parramatta; it is a multimillion dollar exercise in obtaining a \$15 million contract from the Government. The Government is allowing a breach of the New South Wales Industrial Relations Act and the Minister for Industrial Relations will not do anything to rectify it. [Time expired.]

Question - That the motion be agreed to - put.

The House divided.

Ayes, 47

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

Mr Doyle	Mr Newman
Mr Face	Ms Nori
Mr Gaudry	Mr E. T. Page
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'	<i>Tellers,</i>
Mr McBride	Mr Beckroge
Mr McManus	Mr Davoren

Noes, 48

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

Pair

Mr Clough	Mr Fahey
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Question so resolved in the negative.

Motion negatived.

POLICE SERVICE RACISM ALLEGATIONS

Matter of Public Importance

Mr HATTON (South Coast) [4.2]: I move:

That this House notes as a matter of public importance elements of racism in parts of the New South Wales Police Service.

Racism demeans us all. It is ugly, abhorrent and ignorant. It demeans the racist and the victim. It spawns violence and is, by its essence, violence in its worst form. Even when no physical violence is involved racism destroys the dignity of a human being. Racism combined with power is pernicious. It must be rooted out of the New South Wales Police Service by swift action to punish the offenders, support the victims and re-educate the organisation. Two recent cases show that in some sections of the New South Wales Police Service racism is vertically integrated up through the chain of command, condoned and actively encouraged. At Cabramatta an Asian person was bashed and abused by police. Some time later he died. I emphasise that his death was from an unrelated cause. Three totally inadequate police investigations were conducted. A sergeant, a chief superintendent and an assistant commissioner all claimed the investigations were thorough. Even when a tape recording of two officers discussing the case emerged, a superintendent found that none of the

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complaints were sustained. The honourable member for Smithfield had to raise the matter in Parliament twice before anything was done.

The case of Senior Sergeant Ken Jurotte is one in which racism and the treatment of whistleblowers combined with horrendous results. This man, a talented police officer, began work in an Aboriginal liaison unit in 1983, and served in internal affairs from 1985 to 1987. Following that, at the request of Assistant Commissioner Ross Nixon, he set up the Aboriginal liaison unit in the northern region. So there is no question about this man's competence. Sergeant Jurotte then went to Port Macquarie as shift supervisor, and in 1989 he became senior sergeant at Bourke. That is when his troubles started.

He addressed a patrol meeting shortly after arriving at Bourke about the widespread use of racist language by a number of officers in the patrol, and made it known that such language was not only offensive generally but that as an Aboriginal he found it personally offensive. He said the language would no longer be tolerated and that use of the words "nigger" or "coon" would cease forthwith. He received support from some members of the patrol, but others continued to use racist language together with even more offensive expletives, referring to Aboriginals as "f black c . . . s". Jurotte reported this behaviour to patrol commander, Chief Inspector Alan Bassett, who, true to the culture, simply approached the officers concerned and asked them questions as to whether they would use that type of expression and took the matter no further. In the Bourke area things became even worse, almost untenable, for Sergeant Jurotte when he married a local Aboriginal woman. She also became the subject of vilification and abuse. Honourable members will no doubt recall the "Cop It Sweet" program which went to air on the Australian Broadcasting Corporation on 7 and 14 March 1992, and the furore it caused. This case is linked with that. This furore reached a crescendo when the black faces tape went to air on the ABC "7.30 Report" on 12 March 1992.

Four months earlier, around November 1991, Jurotte was told that certain unidentified Aborigines in Bourke had gained possession of this videotape. Jurotte was told that the tape depicted police ridiculing black deaths in custody. One was identified as Constable Damian Loon with a blackened face. The Aborigines intended to forward the tape to Commissioner Lauer, the Ombudsman, the Independent Commission Against Corruption and the Western Aboriginal Legal Service. Sergeant Jurotte immediately advised the district commander, Chief Superintendent Townsend, and Jurotte directed the Aboriginal community liaison officer to attempt to establish the existence of the tape in the Aboriginal community as the woman alleged to have had possession of the tape denied any knowledge of it and indicated she had no complaint to make.

In January 1992, two months before the tape went to air, Jurotte was advised that a copy had arrived at the police station at Bourke in an unmarked Australia Post jiffy bag and that the tape had also been forwarded to the

Western Aboriginal Legal Service. It was the tape of the black face incident. Police wrongly assumed that Jurotte was the whistleblower. Chief Inspector Alan Bassett denied any knowledge of the tape or incidents where officers in his command had ridiculed black deaths in custody. In addition to the videotape, there were photographs of a police party in Bourke two months before the black face video was made. Chief Inspector Alan Bassett was in the photo enjoying the spectacle. Internal affairs was given copies of the photograph by Jurotte. In addition, internal affairs took all the copies from another location.

Unfortunately for Chief Inspector Allen Bassett and his denial, internal affairs records show that the photographs did exist, as Jurotte was specifically questioned about them in a record of interview at that time. These were still photographs which showed that Bassett attended a similar party where a black face incident occurred, and therefore Bassett did not disapprove of the practice. Jurotte made a formal complaint, which was investigated. Bassett, rather than being disciplined, was given an extremely favourable transfer to Newcastle. Likewise, Constable Morris went to Casino where his wife had a teaching position, and Jurotte, by choice, went to Wilcannia. There he found that racism was extreme.

The district commander of that area, Chief Superintendent Allen, made it very clear to Jurotte that he was not welcome. He treated him like dirt and put him under great pressure. I am informed in fact that Chief Superintendent Allen did not have racist attitudes but that his vehemence towards Sergeant Jurotte was because he believed him to be a whistleblower. Allen simply hated whistleblowers, and accused Jurotte of lowering morale at Bourke. The full weight of prejudice was brought to bear on Jurotte, who was a patrol commander. No fewer than 10 audits were carried out on his patrol. He and his wife were subjected to terrible vilification, insults, harassment and social isolation that would have broken lesser people.

One of the audits was used as an excuse to relieve Sergeant Jurotte of his position as patrol commander, yet he was never given access to that audit. Jurotte requested a transfer to another country location but was posted to Newtown or, as a second choice, to Penrith. Mrs Jurotte had had enough. She contacted the Minister's office and, after she had threatened to go to the media, Sergeant Jurotte was offered Grafton. He is there as a supernumerary, and his career has come to a stop. Supporting papers are available on the Jurotte case. In a statutory declaration from Linda Margaret Jurotte, Ken Jurotte's wife, among other things she makes the following statement:

Since Ken 'blew the whistle' on racism within the police we have been victimised by certain rank and file officers and senior executive officers within the Service. Those officers included former Chief Superintendent Allen, Assistant Commissioner Galvin, Assistant Commissioner Peate, and through his total lack of support, the Commissioner of Police himself.

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The statement continues:

I have experienced three pregnancies throughout this time, and I am presently under the care of a counsellor and am taking medication to assist in dealing with the stress and pressure that we have been placed under by the Police Service. Everything is being done to squeeze my husband out of the Police Service and there seems to be a monumental conspiracy to stifle his career.

It goes on:

The fact that we are living in Grafton on a day to day basis because the Police Service refuse to give Ken a position or a tenure adds to the stress which contributes to tension within the home environment and impacts negatively upon our three small children.

That statutory declaration was sworn before a Justice of the Peace at Grafton on 24 March 1994. In October 1993 Sergeant Jurotte handed a 12-page report to Deputy Commissioner Taylor, who, at a council meeting of police officers, gave Jurotte an undertaking that he would hand the report to Commissioner Lauer. The report became a complaint to the Ombudsman. In response to that complaint Inspector Dick, in my view, trumped up 22 charges against Sergeant Jurotte. One charge related to the Dog Act. Jurotte has a six-inch high chihuahua that accompanies him to work every day. Another charge involved not raising the flag - it was not there when

one of the audits was carried out at the police station. Another charge involves an allegation of not telling the truth. Another involved a claim that one member of Jurotte's patrol required a haircut, despite the fact that there is no barber in Wilcannia, and another that an officer did not wear a tie to work. The most serious charge was that the keys to the drug safe were not kept in a secure area of the station.

Jurotte vehemently denies this and also indicates that he carries the key that provides access to that safe with him at all times, except when he is absent and has to deputise. The status of the charges is clear when I understand that they are to be rolled up into one charge of incompetence, yet Jurotte is known for his competence, has been recognised for his competence, and deserves a fair go. This matter is not new; it has been brought up in this House before. The Royal Commission into Aboriginal Deaths in Custody found:

Far too much police intervention into the lives of Aboriginal people throughout Australia have been arbitrary, discriminatory, racist and violent. There is absolutely no doubt in my mind that the antipathy which so many Aboriginal people have towards police is based not just on historical conduct but from the contemporary experience of contact with many police officers.

[Time expired.]

Mr GRIFFITHS (Georges River - Minister for Police, and Minister for Emergency Services) [4.12]: The Government opposes the motion. That opposition is not on the basis that this is not a serious issue: it is. No one in this House, or in the community, would doubt that the state of the relationship of the Police Service with the community is critical to the well-being of our society. That relationship extends across the full spectrum of the community, including the Aboriginal community and other ethnic groups. The Government's opposition is on the basis that this is an issue that is being addressed comprehensively by Government. In those circumstances, this motion is a further abuse of the processes of this Parliament. It will achieve nothing more than to gain pre-screening publicity for a program to be aired tonight by the "7.30 Report".

If the mover of this motion is in fact making an appearance on that program - one believes he has already taped his session and has not waited to listen to what I have got to say in response - one can only be left to wonder whether he has made some deal with the producers to boost the ratings. Time will tell. First, let me refer briefly to the substance of the motion moved by the honourable member for South Coast. He referred to incidents which occurred at Wilcannia in 1993 when the then patrol commander, Ken Jurotte, was relieved of his command. The honourable member for South Coast has now fallen for the favourite trick of the Opposition in recent weeks, that is, to raise matters that are currently the subject of a police investigation.

In this case, a thorough internal police investigation has been completed and 55 separate matters have been identified. Many of those matters relate to Sergeant Jurotte, and many others relate to other police officers. Those investigations are now complete and the commissioner is awaiting legal advice on whether sufficient evidence exists to prefer departmental charges against any individual. Under these circumstances, and in accordance with the longstanding practice of this House, I will not comment further on matters that are under investigation. However, I would counsel the honourable member for South Coast: if he does have evidence, produce it. The Ombudsman's inquiry is continuing and the Ombudsman would welcome any evidence that the honourable member has. Let us not talk fiction; let us talk fact. Let us put the cards on the table and let it be judged by an independent arbitrator.

I would like to comment on what this Government has already done in relation to this general issue. The Police Service maintains a specialist Aboriginal client group consultant to provide advice to the service. Aboriginal co-ordinators have been appointed in each region to advise commanders on issues relating to this service. Police across the State are currently receiving instructions on Aboriginal issues as part of the Aboriginal strategic plan. In addition to those initiatives some 40 Aboriginal liaison officer positions have been established across the State in areas with a significant Aboriginal community. The Police Service is implementing a five-year forward intake employment plan so that it can meet a goal of 2 per cent representation of Aboriginal staff. Those initiatives are admirable. They show that the Police Service is making real attempts to tackle what no one denies is a serious issue. Unlike this motion, these efforts are not a sham. They are real and genuine attempts to find structural solutions to structural problems. I seek leave to table two documents.

The first is the Police Ethnic Affairs Policy Statement Strategic Plan.

Leave granted.

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Mr GRIFFITHS: I seek leave to table a second report, being a recent status report of that plan.

Leave granted.

Mr GRIFFITHS: Those documents show that the service is approaching the issue with the utmost professionalism and diligence. However, let us acknowledge that this is not a matter confined to the Police Service. It is one for our entire society to confront. Of course, that is not to say that the police do not bear a special responsibility in this area. There have been a number of alarming incidents in recent times where allegations have been made and subsequently proved against individual officers. The honourable member for South Coast raised the Cabramatta situation. That was one of the most disgraceful incidents, disgraceful performances by police officers that I have ever known and I said in this House that I and others are ashamed that that incident occurred, without question. The question must be: what has been done in those cases? In each case the complaints have been investigated. The Ombudsman has had oversight of those investigations and, where appropriate, criminal proceedings have been commenced.

Members on both sides of this House will recall that in late October, following consultation with me, the State Ombudsman David Landa announced a special inquiry into police and ethnic relations. That was a matter behind which I threw my full support and committed funding from the police budget to \$100,000. That there is this level of co-operation says much about the changing attitude of the Police Service. That change is not coming from the top; it is being pushed from the bottom of the organisation as well. In the middle of 1992 the New South Wales Police Academy at Goulburn established a senior lecturer's position in Aboriginal and multicultural affairs. That was supplemented later that year with the first designated Aboriginal lecturing position. Student police officers are now being made aware that there is a wide cultural diversity in Australia and that their own attitudes need to reflect that diversity. So the problem is being tackled within the Police Service.

However, let us not kid ourselves. This motion amounts to a vote of no confidence by the member for South Coast in the Ombudsman's special inquiry. It will be of some considerable interest to see whether the Opposition joins the member for South Coast in his implied attack on an officer of this Parliament. It will say more about the factional power play in the Australian Labor Party than anything else. This motion is a disgrace; it is a further waste of this Parliament's time. When the Ombudsman completes his special report, it will be tabled in this place. Let us see what the Ombudsman's inquiry finds out. If any member of this House or any member of the public has evidence to offer the Ombudsman, provide it to the Ombudsman immediately. Whatever recommendations the Ombudsman makes, I assure the House that they will be viewed seriously and implemented, as they usually are.

That evidence should be provided to the Ombudsman. Do not jump the gun in this House today, or on television tonight, for political gain. Let us have it done professionally by the Ombudsman. We all have faith in the Ombudsman's ability to investigate matters. If this sergeant has been wronged, as the member for South Coast says, let the Ombudsman lead us towards that. Let internal affairs lead us towards that, but let us not jump until the umpire's decision is in. I have not made any decision in regard to this case, nor is it proper that I do, nor will I discuss it until I have all the facts. That is what ties my hands behind my back in this conversation when attacks are being made on the Police Service, yet all of the facts are not in, they have not been presented, and the inquiry has not been completed by the Ombudsman. I believe it is wrong to jump so early.

As I said, when the Ombudsman completes his special report it will be tabled in this place and we can debate it once again, but that can be done with all the facts, not just with what one side believes to be the facts.

I believe that is the time when these issues should quite rightly be debated. When we are in possession of the full facts, not on the basis of a cloud of allegations raised in circumstances when a full debate cannot be undertaken - I cannot overemphasise that; a full debate cannot be undertaken today - a decision can be made. That decision cannot be made until that investigation is completed, and until the commissioner makes a decision in regard to the recommendations of the internal investigation.

My colleague the Minister for Multicultural and Ethnic Affairs announced as late as the end of last month that the Ethnic Affairs Commission would conduct its own inquiry into race relations in the New South Wales Police Service. I welcomed his request to become involved in that inquiry, as did the Ombudsman. My ministerial colleague, the Ombudsman and I agree that the inquiry should be held, and we will await the report. However, the matter should be debated in the House when the investigation is completed and all the facts are available; we should not jump the gun. That inquiry will be in the broadest of terms and will complement the efforts of the Police Service. This motion is an absolute sham and deserves the condemnation, not the support, of this House.

Mr NEWMAN (Cabramatta) [4.21]: I am appalled by the statement of the Minister for Police that the investigation concerning the assault of Mr Vo in Cabramatta was handled well. It was disgracefully handled, and the matter has not been finalised in court. I have been told by the honourable member for Smithfield that it has been deferred to January next year. What does the Minister think people in the Asian community of this State have to say about something like that? They do not see justice being done in this disgraceful incident. Mr Vo was called a gook, and a person who attempted to assist him was called a wog and a boofhead.

Mr Griffiths: We have all said it was a disgrace; we have all said we are ashamed.

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Mr NEWMAN: The system that is dealing with the matter is a disgrace, because those two officers are still clean, free and easy. Mr Vo is now dead. However, the incident is not dead; it is still in the minds of the Asian community of this State. It is no wonder there is a growing gap between the Police Service and that community. It is a gap that should not exist and that I am trying to close; I am sure the Minister for Multicultural and Ethnic Affairs is also trying to close that gap. The Minister for Police should conduct an investigation as to why police of Vietnamese origin are not being recruited into the Police Service. He should inquire why Vietnamese people in the academy could not graduate. On a number of occasions they simply gave up, and there must be a reason for that. I understand that there are 12,107 police in the service. There is a good police contingent at Cabramatta, but it is unfortunate that within that group -

Mr Photios: Including three ethnic police liaison officers.

Mr NEWMAN: Yes, that I achieved as a result of my representation some years ago to Police Minister Paciullo. That is how that came about, not through the actions of the Minister for Multicultural and Ethnic Affairs, although I am pleased that he joins me in supporting them. As I said, there is a good contingent of police at Cabramatta. However, it is unfortunate that within that group there are some problem policemen.

Mr Griffiths: They are fine police officers.

Mr NEWMAN: There are some fine officers there, but there are problems amongst them. I can recall half a dozen incidents of police acting in a way which has racial connotations - and that is sad - and their actions have been strongly objected to by their commander and have been dealt with. But it happens: police officers treat Asian people like children of a lesser god. Those types of incidents have been reported and dealt with, but the problem exists. It is sad that the demography of New South Wales is not reflected in Asian representation in the Police Service. Earlier this year in Cabramatta there was a police officer of Vietnamese origin. I was very pleased about that. He lasted two months. Why did this good Vietnamese police officer last only two months?

Mr Griffiths: He could not stand his local member.

Mr NEWMAN: I know, it is a joking matter! I do not know what his circumstances were, but it is sad that he decided to leave Cabramatta. It is also sad that sometimes criminals can dictate to the Police Service where police are stationed. That is happening.

Mr Griffiths: Prove it. You lie.

Mr NEWMAN: Tell me why he wanted a transfer out of Cabramatta. The Minister should look into that. That type of officer is needed in Cabramatta; he could do a great deal to improve community-police relations. Nearly 16.9 per cent of the community in that area are Vietnamese, and it is sad that police of Vietnamese origin cannot be recruited to the Cabramatta patrol or, for that matter, to any area where they can be most helpful. It is time the Minister conducted investigations along these lines. [*Time expired.*]

Mr HATTON (South Coast) [4.26], in reply: I am saddened and disappointed by the Minister's response. The motion states:

That this House notes as a matter of public importance elements of racism in parts of the New South Wales Police Service.

The Minister indicates that neither the honourable member for Cabramatta nor I, nor anyone else in this place, has a right to raise such matters in the Parliament; that it is an abuse of the parliamentary process. He also indicates that somehow we are spraying allegations on the whole of the New South Wales Police Service. He should read the motion. We are talking about elements of racism in parts of the New South Wales Police Service, and the motion is specifically worded to that effect. It is a sad day when a Minister says that is an abuse of the parliamentary process, but he does not stand up for one of his own officers - a sergeant of police who happens to be an Aborigine, who has a distinguished record and is doing the job for which he is paid. The Minister said he will not support the motion, even to note that this House registers this matter as a matter of public importance. The Minister and the Government may not think that elements of racism in parts of the New South Wales Police Service amount to a matter of public importance, but I put it on record that I do. The Minister talks about the Ombudsman's inquiry. That inquiry resulted in a 12-page report by Sergeant Jurotte, followed by 22 charges being trumped up against Sergeant Jurotte. This is the typical way that the police react.

Mr Griffiths: Have you any evidence?

Mr HATTON: There is plenty of evidence. The problem with the Minister is that he lives in a soundproof room. I have 15 years of experience of the New South Wales Police Service. The Minister places too much importance on internal affairs and does not really know what is happening. He comes before the House and says he has a you-beaut policy, then produces one policy after another. But nothing happens to support individuals like Mr and Mrs Jurotte, who have been driven to the depths of despair because of racism. I want to make another point: Mr Jurotte received the support of some of his officers. No one is alleging that the New South Wales Police Service is a racist organisation. The point is that those who are racist and those who exert violence in its worst form have to be rooted out of the Police Service, and those who are subject to that violence must be given strong support.

Police act as special constables. They have the power of arrest, so racism, in the context of a police force, is extremely serious. Police can make decisions to arrest; they can make decisions to detain.

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If some officers believe in their hearts or minds that people of another race - whether Asian, Croatian or Aboriginal - are people of lesser dignity, lesser importance, lesser humanity, that power can be exercised in a terrifying way. Therefore, this matter is a matter of crucial public importance. We are not just talking about lower levels in the police force. The Cabramatta case is a shining example, as is the Jurotte case, of where a cover-up was integrated. Superintendents, senior superintendents, inspectors and assistant commissioners said that the inquiry was carried out.

A tape then came from the Federal police that caught out those officers who, in the case of Cabramatta, were using those terrible words and bragging about how they were able to assault that Asian man. In the case of Sergeant Jurotte he did not get the support from the chain of command that he should have. He was really subjected to vilification, in silence as it were, because of the inaction of those officers. Now that man is to be charged. I give him the support he deserves. This Minister ought to give him the support he deserves. The Minister ought to give this motion the support it deserves.

Motion agreed to.

ASSENT TO BILLS

Royal assent to the following bills reported:

Police Service (Complaints) Amendment Bill

Workers Compensation Legislation (Further Amendment) Bill

ENVIRONMENTAL PLANNING AND ASSESSMENT (AMENDMENT) BILL

Bill received and read a first time.

Second Reading

Mr SOURIS (Upper Hunter - Minister for Land and Water Conservation) [4.32]: I move:

That this bill be now read a second time.

The bill proposes five minor amendments to the Environmental Planning and Assessment Act. The amendments are aimed at improving the efficiency, effectiveness and accountability of the planning legislation and have been substantially identified through the recent review of the planning system. Some of these amendments were foreshadowed in the discussion paper "Modernising the Planning System in New South Wales" published in November 1991. Each of the amendments will result in the Environmental Planning and Assessment Act operating in a more streamlined manner and with more certainty. I shall briefly outline and explain the five amendments and demonstrate how they will further improve the current system.

The first amendment contained in part 1 of the schedule to the bill amends section 45 of the Act. The amendment defines the extent of the obligation of the Director of Planning to consult a council, other public authority or person in the preparation of a regional environmental study or draft regional environmental plan. Currently the extent of consultation required under section 45 is not clear. Of course, there are sound planning reasons why consultation should take place with relevant public authorities and other bodies in the preparation of a draft regional environmental plan prior to it going on public exhibition. However, there is a concern that the consultation process should not be drawn out unnecessarily, provided that the integrity of the process is maintained. In this respect, the amendment sets out matters that the director must provide advice on and also obliges the director to consider all comments received in the consultation process. The time to be taken by this process is clarified by providing that the director must consider any comments received by the party being consulted which are received within 40 days of the information being sent.

This amendment adds a level of certainty to the process of plan preparation without diluting the requirement to consult relevant public authorities and other bodies in the preparation of regional environmental studies and draft regional environmental plans. It does not replace nor inhibit the requirement to publicly exhibit the plan for whole of community input once the plan is prepared. The second amendment addresses the issue of the viability of a project being affected when valuable time is lost by separately and sequentially exhibiting and considering a draft plan and development application, especially one involving an environmental

impact statement. New division 4B provides clear power for a consent authority to jointly advertise, exhibit and consider a development application and a proposed amendment to an environmental planning instrument. It also provides for an environmental impact statement to serve, if appropriate, as an environmental study for the proposed environmental planning instrument. Where an environmental impact statement is taken to constitute an environmental study, it must comply with the requirements in the principal Act for the preparation of such a study.

The amendment also proposes that, should a commission of inquiry into a development application be necessary, that inquiry may also deal with the amendment of the environmental planning instrument. The introduction of this new division to the Act will improve the efficiency of the plan amendment and development approval processes to the advantage of the proponent, while safeguarding the interest of government and the community. The third amendment proposes to enable consent authorities, at their discretion, to provide developers with more certainty in the assessment of development applications by identifying "deemed to comply" standards in environmental planning instruments. These deemed to comply standards are termed "non-discretionary development standards". To achieve this, the amendment contained in part 3 of the schedule to the bill inserts a new section 90A. The section will enable development standards in an environmental planning instrument to be identified in the instrument as non-discretionary.

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If a development complies with such a standard the consent authority will have no discretion to give further consideration to the development standard. This explicit power introduces a greater level of flexibility and choice into the system. It will enable the assessment of development applications to be more efficient and more certain, particularly with smaller projects which comply with specified standards. The fourth amendment also introduces more flexibility into the system by allowing performance-based conditions of consent. It amends section 91 of the Act and enables conditions of a development consent to be expressed in terms of the outcome or objective to be achieved without specifying any particular means by which the outcome or objective is to be achieved. As well as introducing more flexibility into the system this power provides for more efficient development and assessment of proposals and also more certainty that outcomes will achieve set objectives.

The final amendment substitutes a new section 91A which provides a clear and open procedure by which development applications made by, or on behalf of, the Crown are to be determined by the Minister for Planning if the consent authority wishes to impose conditions of consent that are contested or to refuse consent to the application. It will ensure that there is a clear trigger mechanism for these development applications to be referred to the Minister by the Crown or consent authority for determination. The trigger for referral may be exercised when the development application is deemed to be refused, this period being 40 days after the application has originally been submitted to the consent authority, or 60 days if the application requires the concurrence of the public authority, as provided by section 96 of the principal Act.

The amendment also provides opportunity for mediation by the initiation of a conference between the Crown applicant and consent authority convened by the Director of Planning with the objective of negotiating a solution agreeable to both parties. This process also extends to the modification of consents concerning Crown development applications. If agreement is not reached the Minister will determine the application. This amendment provides a more certain process for decision-making in respect of such applications and a process that is both open and fair to both applicant and consent authority. Honourable members should be aware that all the amendments are explained in detail in the explanatory notes relating to the bill. I commend the bill to the House.

Debate adjourned on motion by Dr Refshauge.

MENTAL HEALTH (AMENDMENT) BILL

Second Reading

Debate resumed from 14 April.

Dr REFSHAUGE (Marrickville - Deputy Leader of the Opposition) [4.40]: Mental health is all too often hidden under the covers. It is one of those topics that people often do not like to talk about but one that cannot be ignored. The needs of those with mental illness must be addressed sensibly and appropriately, and, of course, the services must be adequately funded. The recent censure of the Minister for maladministration of the health portfolio clearly focused on the concern in the community about the Minister's handling of mental health services. A major concern is the lack of funds for those suffering from mental illness. Since the 1991 State election the mental health budget has been reduced by \$11 million in real terms. The Government continues on its campaign of closing psychiatric institutions but, instead of using the money to boost other mental health services, in many cases it is paying off loans and debts.

There are people with mental illness outside mental institutions and appropriate community care settings. Many are in inner city boarding-houses and many are inappropriately in gaols. Many people with mental illness are forced to live in disgraceful accommodation where they are exploited and abused. The mental health strategy for the Central Sydney Area Health Service is to reduce the number of Rozelle Hospital beds from 420 to 40. That is the attitude of that area health service to looking after its patients. For some time the Central Sydney Area Health Service has been looking after patients from other areas. What guarantee is there that those other areas will provide the services? It is fine for one area health service to say that it will only look after patients in its area but people with mental illness do not necessarily recognise those boundaries.

Those with mental illness certainly do not respond to a hospital that says, "Go away, you are not for us, you come from somewhere else". If the areas that those people come from do not have adequate mental health services, those people have nowhere to go. The report on central Sydney also recommends slashing the area's mental health budget from \$42 million to \$25 million by the year 2000; cutting Rozelle Hospital bed numbers from 420 to 40; cutting the total number of mental health beds in central Sydney from 519 to 199; and cutting staff numbers from 550 to 360 - basically a major cut to the mental health services that have been provided at Rozelle Hospital. I do not say that we should keep Rozelle Hospital as it is or as it has been for ever. I acknowledge that there should be changes and improvements, but we should ensure that the patients are adequately cared for.

My electorate, which is a catchment area for Rozelle Hospital, has an enormous number of people with mental illness inadequately accommodated in boarding-houses. In my own street a number of people with mental illness wander up and down, and to the credit of people in my electorate and my street, they are well supported by the community. There is no hostility to their being there. But there is hostility about the lack of support services for them. Although the report by Professor Ian Webster's students on boarding-houses in the Marrickville area is very old, it is just as relevant today as it was when it was prepared. That report found that people with mental

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illnesses living in boarding-houses had regular contact with the health system through their general practitioners, but almost none of them had regular contact with mental health services. The service providers almost did not know that these people existed.

It is the responsibility of general practitioners, as well as the Government, to ensure that people with mental illness are appropriately cared for; so that if those with mental illnesses are consulting GPs, there is a responsibility on those GPs to make sure that other support services, though meagrely resourced, are available to those people. Many with mental illness have no activity during the day apart from wandering up and down the streets, begging for money for drinks or cigarettes, often walking down to the local liquor shop to buy alcohol and then sitting down at the local school to consume it. On rare occasions they hassle or even frighten other residents.

Despite those inadequacies, the Government proposes to cut the number of beds at Rozelle Hospital from 420 to 40 and to cut the general mental health beds down from 519 to 199. Where will those patients go? If

services in the area are being delivered efficiently and if people with mental illness are receiving reasonable services, it is reasonable that those services should be expanded. But until that baseline is raised, this type of deinstitutionalisation is doomed to failure. I am not saying that deinstitutionalisation necessarily is wrong, but why add to the load of that area if it cannot cope with demand at the moment? In his report Burdekin found that patients -

Mr Phillips: How does keeping Rozelle open solve the boarding-house problem?

Dr REFSHAUGE: The problem needs to be fixed by making improvements on the ground, so that any additional people who require those services are adequately supported, not adding a burden to them.

Mr Phillips: So you would move the resources from Rozelle out into the community?

Dr REFSHAUGE: Put resources into the community first. That is absolutely essential. If the Government does not do that, the service will fail. Further, it will be even more difficult to make an enlightened policy work, because people will not believe governments, whether those governments are from the Minister's side or my side. People will find that concept impossible. I hark back to when Labor was introducing a similar policy which recognised that people with mental illness needed a better service than simply being locked away in a mental institution. That policy was roundly criticised by the Minister's predecessor. That policy acknowledged that many people could be better supported and more appropriately accommodated in less institutionalised settings. That policy was attacked by the Minister's predecessor. The Liberal Party went about undermining that policy. The result of that undermining is that there is still in the community fear about and even hostility towards people with mental illness, as well as a reluctance to support any policy in this direction to make it work.

Minister, if you care for that policy I say again: provide the resources on the ground first so that those who already require them and are not getting them can get them, to show at least that you care for these people when they are outside mental institutions; otherwise there is no confidence that the Government will deliver when it moves patients from inside to outside. In this financial year the Government plans to get rid of 900 jobs from the health system, and of those, more than 100 will come from mental health services, cutting in real terms \$8.3 million from the health budget. That is a massive indictment of the Government's policies on mental health. In October last year Commissioner Burdekin's report into Australian psychiatric services was released. It found that in some boarding-houses the State Government is failing in its statutory obligation to guarantee proper standards.

What has been done to improve the administration of mental health as part of the Government's statutory obligation? Basically nothing has been done. The Government said that it would release its formal reply to the Burdekin report in March this year. That formal report has not been released. Where is the formal report it promised in reply to the Federal Government's Burdekin report? Does the Minister really believe that the people of New South Wales will take him seriously, having said he would furnish a formal response to a report such as the Burdekin report and no such response has been forthcoming?

The specifics of the proposed legislation are extremely interesting. The difficult questions have been ignored, or at least delayed. The Minister highlighted the significant problems that will be addressed later. The reason the difficult issues have not been canvassed in the proposed legislation is that the handling of mental health services has been disastrous. The support at the community level has been so bad that no one will believe the Government when it starts to make the big changes, many of which I feel sure would have bipartisan support. The Government senses that an election is to be held soon. I guarantee that when the Labor Party wins office the minutes that the Minister for Health has been preparing for Cabinet will be almost identical to the ones I have been preparing. That legislation will be introduced.

The reason the difficult changes have not been made is that the Minister's predecessor undermined mental health policy in the lead-up to the 1988 election. He deserves to take absolute blame for that undermining, a disgusting and despicable action. A second, and probably as important, reason for not tackling the difficult

problems at this time is the lack of credibility that the Government has in respect of mental health services. That is apparent from the lack of resources in the community. Many patients are desperately crying out for assistance which would be dramatically improved if appropriate infrastructure was provided. The Government does not have the credibility to bring in the changes that I believe have been carefully considered and would be likely to receive bipartisan support.

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The Mental Health Act of 1990 had two important and positive aspects about it: the provision of community treatment orders and community counselling orders. The 1990 legislation was a milestone and showed leadership for New South Wales. Not all credit for it goes to one side, though I certainly give the Government credit for introducing it. What did the Government do when it had the opportunity to provide community treatment orders and community counselling orders? It did not have the capacity to administer them in western Sydney for many years. Why undermine such worthwhile legislation, such good work by so many people, by not providing the means to implement the provisions of the legislation?

The Minister was censured in this House for his maladministration of the health portfolio. All of a sudden he was able to find \$5 million here, \$7 million there and \$20 million elsewhere. All of a sudden money has come falling out of the air. If he had the commitment to implement the 1990 legislation, which received glowing reports from both sides of politics about the effectiveness of community treatment orders and community counselling orders, why did he not make funds available to ensure that they were implemented in western Sydney? Why did it take so long? What is so wrong with people who have a mental illness, that the Minister is prepared to say to the people of western Sydney "Tough luck", despite the overwhelming community support - especially from those who know about mental illness - for community treatment orders? Why did the Minister stuff it up so badly?

One of the objects of the Mental Health Act was the establishment of a committee to monitor its implementation. Initially that committee was chaired by Ms Anne Deveson, who resigned in February 1992, and since then the committee has been chaired by Professor Ian Webster. They would be seen by the whole community as being eminently suited to hold such an important position. Their understanding of mental illness, health systems and governments made it obvious that this important committee would arrive at worthwhile recommendations. The committee had strong representation from a wide range of organisations: the Mental Health Review Tribunal, the Mental Health Advocacy Service, the Department of Health, the Council for Civil Liberties, the Ethnic Affairs Commission and others. That committee had the support of members on this side of the House. It made a range of recommendations, but most of the important ones have not been included in the bill.

The changes proposed in the bill are many in number and all of them call for comment. Time does not permit me to deal with all of them, but I invite the Minister to answer questions I have and to give assurances to the House about some of the changes. The first change is to enable an accredited person, as well as a medical practitioner, to authorise the detention of a person in hospital. My understanding of the reason for this change is that in isolated areas - mostly rural districts - a medical practitioner may not be available, although somebody may have a clear understanding of mental health problems and be able to make that assessment for the detention of a person. There may be a practitioner who has no interest or even, dare I say, ability to make that decision. It would seem appropriate that someone else should make the decision. Unfortunately no definition has been given of who would be likely to be the accredited person. I ask for clarification of that aspect.

I seek a guarantee that there will be consultation on the type of person who will be accredited. Initially I would like to be assured that the change will be implemented only in isolated areas; it should not be used in areas where plenty of medical practitioners are available and should not be used to bypass what I believe to be the appropriate provision at present, that is, that medical practitioners make that decision. Many people in the mental health scene, those who work in community health centres for example, would be able to make such a decision. However, I would want to hasten slowly on the matter. I seek an assurance from the Minister as to his intentions in regard to developing accredited persons. The second change will involve an increase in time,

from four hours to 12 hours maximum, for which a person may be detained in a hospital before being examined by the medical superintendent to determine whether the person is mentally ill.

In his second reading speech the Minister said that 12 hours would be the maximum period and the intention will be to make the time shorter but allow in particular areas - again most likely rural and isolated regions - for the person to be detained while the medical superintendent is made available. I recall in my own practice at Wilcannia that at one stage I was trying to provide a closed situation for a person with mental illness. It is extremely difficult when one is required to get three ambulances lined up. The patient had to be taken a third of the way along the highway, transferred to another ambulance in the middle of the night on the roadway, that ambulance had to travel a further distance, and then the patient was transferred to yet another ambulance. That was an horrendous experience. If my diagnosis of the patient's mental state was wrong at the beginning, it was probably accurate by the end of the journey.

Extension of the time that people with mental illness may be detained could make it easier to provide appropriate mental health services. I ask the Minister to ensure that this time extension is closely monitored, publicly scrutinised and reported on to ensure that patients are being examined as quickly as possible. That is important when supposed medical expertise is being used to restrict someone's liberty. We have seen the repercussions of such abuse in the past. A further provision ensures that persons involuntarily admitted to hospital are given information about their rights by the medical superintendent.

I highlight the fact that an interpreter is to be provided for those who are unable to communicate adequately in English. When a patient was found to be mentally ill on one medical examination and

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mentally disordered on another, obviously there was confusion under the previous Act. This provision clarifies that confusion in an appropriate way. If a forensic patient requests transfer from a hospital to a prison, the Mental Health Review Tribunal must accede to the request if the tribunal is satisfied that the patient is not mentally ill. In other words, presumably that person is no longer a patient, or, in the Minister's words, he is probably still a customer of both services - a term I would expunge in March 1995.

Mr Phillips: That is because you are a doctor.

Dr REFSHAUGE: No, it is because they are not customers. Again I am unaware of many cases where this has caused problems. The health system should not be allowed to hold for legalistic reasons patients who are not mentally ill. A prisoner may only be involuntarily taken from a prison to a hospital if the prisoner is mentally ill. That is another worthwhile change in that it makes clear the procedures to be followed. Although I belong to an honourable profession, one needs to ensure that the profession lives up to its honourable antecedents. A further provision makes clear that community counselling orders or community treatment orders have no effect while the person is a voluntary patient in hospital. This is more a tidying up provision rather than a significant change and, hopefully, it has not caused problems to date. As I have said, in western Sydney such a provision has never caused problems.

A further provision allows a new director or deputy director of a health care agency to be appointed without the appointment having to be regazetted. I ask the Minister to comment on that provision. Not wanting to fill up the *Government Gazette* does not thrill me as a good reason for making change. Appointment of the director and deputy director must be gazetted; it may be that there are regular changes as people change careers or where they work in their career. I do not foreshadow any proposal to change that provision, but I am unconvinced that it needs to be included. Why make a major issue where the name of the person in charge of an agency is not made public? I do not see any difficulty in maintaining the present position of gazetting the names of the director or deputy director of a health care agency. Why are we suddenly considering a secrecy provision? The legislation is open in other areas; why close this particular provision? Is the Minister concerned to hide the change of directors or is it merely a major administrative problem that the Government is attempting to ditch? It is not an important issue but it needs an explanation.

Mr Phillips: Do you want to make sure that their names are publicly declared?

Dr REFSHAUGE: Yes. Information should not be hidden from people who are often unsure of what is happening. Information should be more publicly available. In this area at least the concern is whether treatment is appropriate. Access to directors or deputy directors of health care agencies would be an appropriate way to heal the rifts and dispose of the myths that have occurred. Communication is obviously very important, as other parts of the bill demonstrate. Further provision enables the Mental Health Review Tribunal to make community treatment orders for all detained patients appearing before it. This provision was probably an oversight in the original legislation and probably in the implementation of the Act the omission came to light. The Opposition certainly supports this provision.

There is a requirement that a patient's mental condition be assessed by the medical superintendent of a hospital before treatment is started on that patient as a result of a breach of a community treatment order. Again, this provision is quite appropriate: it could be a breach of the community treatment order because, from a patient's point of view, and possibly not from their perception but from their medical point of view, the treatment was wrong and inappropriate. Treatment must be reviewed when there is a significant change to ensure the patient is receiving appropriate treatment.

Another provision enables a medical superintendent to apply to have the Mental Health Review Tribunal determine whether a person who is voluntarily in hospital has given informed consent to electroconvulsive therapy - ECT. Importantly, the tribunal must take into account the patient's views. It is surprising that the important second point needs to be included. I understand that the use of ECT is regularly reviewed. Specific notice of this must be given in the Mental Health Review Tribunal report because effectively the tribunal would be reviewing itself and, thus, there could be some form of oversight. In the short time that the further issues will be debated between now and March 1995 the committee may ensure that the tribunal's determination about informed consent for ECT is working in a way that does not lead to abuse of ECT.

There is provision that the Director-General of Health must appoint a medical superintendent to hospitals and that a deputy superintendent also may be appointed to hospitals. There is provision for the protection for official visitors to hospitals from personal liability for acts done in good faith when carrying out their duties. I seek an assurance from the Minister that the recommendations of Dr Nanette Waddy will be implemented for official visitors providing treatment in hospitals, and give good reasons if they are not implemented. The official visitors system is important. Again, it has been inappropriately supported. Official visitors should not only have some form of education, but receive regular updates. I would not like them to be appointed for very extensive periods because changes may need to be implemented. A hospital might be stuck with someone who seems okay but is not that good. I also would not want a situation where appointments are made so often that duties cannot be performed. A better system must be provided for official visitors. Though it is outside the leave of this bill, maybe official visitors could be introduced more widespread into government institutions.

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Provision is made to ensure that patients with developmental disabilities are able to obtain legal representation on matters relating to the Mental Health Act. There is provision to provide that the definition of a forensic patient includes a person who has been unfit to be tried for an offence. I would have thought that was the intention of the original Act, but obviously it is not working in practice, and that change is supported. There is provision to redraft in simple language the certificate for detention of a person. Redrafting is important, but I warn the Minister to keep it away from too many committees and bureaucrats: simple language tends not to come from them. Provision is made to extend orders a magistrate may make in proceedings if it appears to the magistrate that the defendant is mentally ill and requires the defendant to be assessed at a hospital and to be returned to the court if found to be not mentally ill.

Concern has been brought to my attention - a concern that I understand has been addressed by the Minister - that this provision, though worthy in itself, would effectively make a medical superintendent part of the custodial system, that is, when a person is taken from court to a mental hospital, is assessed for mental illness, and transferred back. Who is responsible for the custody of a patient during that period of assessment? If the

patient is not mentally ill - and he or she essentially is a prisoner being taken to a mental institution - who is the custodian at that mental institution? It is inappropriate that members of the medical profession should be custodians. I seek an assurance from the Minister that that will not occur. The Minister has probably received representations from psychologists and psychiatrists about that matter.

The measure contains some worthwhile but minor changes. Parts of the bill, as with most mental health legislation, need to be tried to see how they work and then reviewed to check for any abuse. Psychiatry is an area where there is an enormous potential for abuse. Such abuse has occurred in the past but I hope will never occur again in New South Wales and throughout Australia. This approach to mental health legislation - that is, introducing a measure and monitoring its implementation - has attracted widespread support from members of the monitoring committee. It is important that not only those working in the mental health industry but also others in the community are able to comment from different perspectives and thus open such processes to necessary criticism. That is the way forward. To some degree that need has been met. The monitoring committee may not be so widely representative, but is able to make a worthwhile contribution from a range of perspectives.

After that process legislation could be introduced, subject to the need for frequent review, to ensure that the delicate balance between civil liberties and "big brother knows best" is maintained. Perhaps that balance will have to change as community perceptions and medical practice alter. It will change according to how people interpret and use such legislation. Governments will have to review the measures for many years in the future to make sure they fit the needs of the mentally ill and the attitudes of the community. The best results for the mentally ill cannot be achieved in isolation; they must be sought with the support of the community.

There is a perception that forensic patients must be violent and disruptive for ever. Many mentally ill patients have committed crimes and may be a danger for many years, possibly for the rest of their lives, but that does not mean that all of them are dangerous. Actions should be taken to protect the mentally ill and the community. Current provisions are inadequate to ensure that a range of services are provided for such patients. I understand that with the closure of Gladesville Hospital a number of forensic patients have been transferred to Macquarie Hospital, and that those patients are in open, not closed, wards.

Mr Phillips: At Morisset?

Dr REFSHAUGE: No, they have been taken to Macquarie Hospital, I have been told. Recently it was reported in the *Northern Herald* that forensic patients are in open wards at Macquarie Hospital. That would have to be horrendous for anyone. What is the history of those patients? Are they able to stay there? Are we safe? At the present time I do not think members of the community have confidence about their safety. Forensic patients should not be kept inappropriately at Macquarie Hospital. The Mental Health Tribunal, a responsibility of the Minister, should have available to it more extensive gradations in the recommendations it can make to specifically allow rehabilitation so that forensic patients are not always regarded as those who should never be released, so that they can receive the support they need and so that the community can be protected. The Opposition supports the proposed legislation.

Mr ACTING-SPEAKER (Mr Rixon): Order! It being 5.15 p.m., in accordance with sessional orders the debate is interrupted.

PRIVATE MEMBERS' STATEMENTS

INGROUND SWIMMING POOL SALES TAX

Mr HUMPHERSON (Davidson) [5.15]: I raise a matter which has been brought to my attention by a

local resident. It relates to what is effectively blackmail by a pool builder, Mutual Pools and Staff Pty Limited, for seeking to exploit the sales tax ruling of the High Court. On 12 February 1992 the High Court ruled that there was no sales tax payable on in situ pools, and that therefore between August 1986 and February 1992 sales tax should not have been charged against customers who had pools built on their properties in that period. In September 1992 the swimming pool tax refund legislation was passed. That Act enabled a refund to be paid to persons who bore the cost of such sales tax. That process has been a slow one, but in the past few weeks swimming pool builders and the Australian Tax Office have been writing to pool owners.

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Some pool builders are claiming that they did not pass the sales tax on to customers originally but absorbed it themselves - if not totally, then significantly. They are looking for a windfall gain at the expense of pool owners. The Australian Tax Office has written to pool owners advising them if they can come to an agreement with the builders, the sales tax refund will be split between the builder and the owner. However, if there is no agreement, the builder can appeal. At the end of a long, delayed and extensive appeal process a pool owner might receive a large award but would have to pay some costs.

I raise the case of Brian and Elizabeth Smith of Collaroy Plateau, who acquired through Mutual Pools a \$25,000 inground pool in 1990. That transaction included the payment of \$1,586 sales tax. On 22 April 1994 Mutual Pools wrote to the Smiths and offered them only a 40 per cent refund of that sales tax. That company offered to pay the Smiths about \$790. Allowing for interest over the past few years, of the \$1,940 owed by the Australian Tax Office, more than half, about \$1,150, was to be retained by Mutual Pools, in addition to a \$100 administration fee, which the company also seeks to retain. The Swimming Pool and Spa Association of Australia claims that the builders absorbed the sales tax in their quote at the time. The Smiths advise me, however, that this price was by no means the lowest that they received and that they could have attained a much lower price if they had sought it. There is no evidence to support the assertion that that cost was absorbed by the builders, Mutual Pools.

One particular builder, Robert Gale, said that owners were entitled to a 100 per cent refund of their sales tax, that there was no basis for builders to claim any part of that sales tax. Mutual Pools have threatened the owners that if agreement cannot be reached, it would be forced to oppose the payment to the owners and it would lodge a separate claim for all the tax paid. That is a direct and deliberate threat to pool owners - in this case, the Smiths. Such action would occasion significant delay, and any payment to the Smiths would be a long way down the track. Pool owners should not fall for what is in effect a sleight-of-hand exercise by Mutual Pools and perhaps other pool builders throughout New South Wales and Australia. It is in effect blackmail.

Pool owners should not sign any forms that will enable any payment to be made to Mutual Pools or any other company. Mutual Pools is saying in its letter that if pool owners agree to sign, they will get, in the next two or three weeks, a nice cheque from the Australian Tax Office. The alternative is a long and convoluted process, at the end of which they might not get anything. It is indeed blackmail. I advise every pool owner in New South Wales who receives a similar letter not to sign. There is no basis for the claim by pool builders for any of the sales tax. I would also welcome an investigation by the Department of Consumer Affairs and the relevant Minister of possible breaches of the protection provisions that are afforded the consumers of this State.

Mr PHILLIPS (Miranda - Minister for Health) [5.20]: I thank the honourable member for Davidson for bringing this important consumer issue to the attention of Parliament and the public. Obviously this matter has taken away from his constituents Brian and Elizabeth Smith some of the joy of owning a swimming pool. This is obviously a serious matter and I will draw it to the attention of the Minister and the Department of Consumer Affairs to see whether there have been any breaches of consumer protection provisions. I ask members of the public to take note of the matter raised by the honourable member for Davidson.

WOMEN IN POLITICS

Ms ALLAN (Blacktown) [5.22]: I speak today on a matter of major concern to me and I am sure to many other members of this Parliament. I refer to the need to increase the number of women in politics in New South Wales and federally. I would like to begin by handing out bouquets to the major parties. In particular I mention the performance in recent times of the Australian Labor Party and the New South Wales Liberal Party. I wish to talk about the contribution that Parliament itself can make to the process. In recent times, the Labor Party - federally and also in various States - has been building towards the establishment of a quota system, certainly a target system, designed to increase the number of women in Parliament. The process was begun formally this year in Victoria at its State Labor Party conference, when the party committed itself to a 40 per cent target in both State and Federal Parliaments by the year 2000.

Over the ANZAC weekend I attended the National Labor Women's Conference in Adelaide, at which there was unanimous support from women in all States for the implementation of similar targets. Of course, momentum is building towards the party's national conference in September, where I imagine the target concept will also be accepted. This week, so far as the Liberal Party is concerned, saw the release of the publication *Take Your Seats* - a guide for women seeking selection in the New South Wales Liberal Party.

Although I have certain criticisms of that document, particularly with regard to its shallowness and what it does not say as opposed to what it does say, I believe that such documents are a step in the right direction. I congratulate the Liberal Party on beginning that process. There is huge community expectation about Parliament's response to this matter, what Parliament will seek to do. The discussion in this Parliament since I have been a member about the structures and the organisation of the Parliament has been somewhat tokenistic.

There has been some discussion about the need to improve sitting hours, to make the Parliament as an institution attractive to women in particular, but also to men in the community who have an interest in their children and home life and are not attracted to the tedium of the many long days and nights that members spend in this place. In Western Australia

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there was an attempt by the former Premier to make parliamentary sitting hours more palatable for women. I have been informed that the current Western Australian Government has reversed that decision of the former Labor Government to reform the sitting hours. There has also been some attempt at the Federal level to improve sitting hours and have those Houses rise at about 8 p.m. or 8.30 p.m. But I believe that was more to do with the question of streamlining legislation, rather than increasing the numbers of women in the Parliament.

Discussion has also taken place with regard to improving accessibility. But there has been little discussion about those aspects of the Parliament, in particular our Parliament, still unknown to outsiders to this place and certainly underestimated by people within it. I am talking about the traditions of the Parliament that we perhaps are beginning to take for granted. These are certainly very strong forces, of which women in our society lack awareness and expertise. Many women, when they come into this place, lack knowledge of the traditions of the party, the trade union, the business or the relevant club. It takes a while for them to get on top of the things that many men take for granted.

There are other issues. I refer to the theatre of the Parliament, the costume - matters that many of us take for granted. There is the longevity aspect of the Parliament - which is praised in this place. Being "father of the House" is something that members aspire to but is not something that necessarily characterises a woman's approach to her career. There is the loudness of the Parliament. Some of us excel at being loud. Others - particularly women - are intimidated by that aspect. It is noteworthy that even a discussion of these issues is met with amusement from some of my parliamentary colleagues. [*Time expired.*]

Mr PHILLIPS (Miranda - Minister for Health) [5.27]: I thank the honourable member for Blacktown for raising this important issue. Many people around Australia seem to have a sudden newfound enlightenment about this issue. Parliaments, by their very nature, reflect the attitudes of the community, and political parties have generally tried to encourage women into the parliaments to offset the imbalance. However, it is just as difficult in parliamentary life as it is in big business, as it is in a whole range of walks of life. Women are still very much underrepresented. In the higher echelons of the public service women are still very much

underrepresented. So it is not a problem that is peculiar to the Parliament. We as parliamentarians have a responsibility to take a leading role and show the way. In the past, Parliament was perceived to be a man's world. With regard to reorganising sitting times, we should examine carefully the non-productive nonsense that often takes up the time of the Parliament. We should strive for a more productive Parliament, sitting more sensible hours, to make it more attractive to both women and men.

SHOW SOCIETIES

Mr W. T. J. MURRAY (Barwon) [5.29]: Today I wish to speak about the operations of show societies across New South Wales, but particularly about the show circuit in the northwest of New South Wales. The priority of committees that run the various show societies - previously known as agricultural shows - is the promotion of their towns, districts and villages. The Royal Agricultural Society set the standard among the show societies of New South Wales, and over the years rural shows have become the showcase of the various towns and districts. Members of the commercial community - business people within the towns - play a major role in the operation of show societies, and are becoming more and more involved, especially in the advertising process and the promotion of the district. The use of the agricultural show as a promotion tool for a town or district has long been understated.

Before a product can be sold it must be advertised. People must have the opportunity to use it and be satisfied with it. Within the show societies a vast range of cooking and sewing exhibitions are held, as well as the many cattle, sheep and horse events. Such exhibitions bring the people of the community together - often during difficult times. Show societies and their committees are composed of many and varied people, who give their time freely to work for the promotion of their show, whether it be for one, two or three days.

As a result, a camaraderie develops and creates widespread appreciation in the community. Shows cannot exist unless they are accepted as part of the community. Show societies provide regular entertainment for the community. This year the chairman of the Moree Show Society is Mr Bernie Keitlinghaus, a man of German descent. He is a great contributor to the community. He started off as a mechanic on headers in Albury and is now chairman of the Moree society. As a result of Bernie accepting the job as chairman of the show society, which has over the years been dominated by males, the whole community is becoming involved in the operation of the show. This situation is not peculiar to Moree; it is happening with all the societies.

The pony club movement in New South Wales provides a great foundation for children to learn to ride, to mix, and to cope in the bush. It provides them with a valuable learning experience. They compete among themselves around the show circuit. The Miss Show Girl contest is a major component of shows. Girls earn money for the shows and make a great contribution to the show society movement. [*Time Expired.*]

Mr PHILLIPS (Miranda - Minister for Health) [5.34]: I thank the honourable member for Barwon for an important presentation to remind members of this House, the majority of whom are city members or coastal members, of the importance of the country and of country shows. These shows are not simply a good-time activity; they play a vital role in life and a productive role in competition: children riding in competition with each other, and exhibitions of products, animals, et cetera. These important events,

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which have been occurring over generations, have allowed people to continually strive to improve products and test them in a competitive market.

The shows are vital for the promotion of townships and their capacities. Everyone enjoys a good country show. They are important social events for country people. City people should be encouraged to participate more in these shows. I thank the honourable member for Barwon for his recognition of the important role that country shows play in the community and for his timely reminder to city members of Parliament of the important role played by show societies, particularly the Moree Show Society.

GOVERNMENT COURIER SERVICES TENDERING PROCESS

Mr IEMMA (Hurstville) [5.36]: I speak on behalf of courier drivers in Beverly Hills in relation to the tendering process for courier contracts in New South Wales. The concerns raised by my constituents ultimately led to the destruction by fire of the office of their employer, SNAP Courier Services. That has posed a threat to their livelihood. Their concerns relate to the whole process of tendering for courier services in New South Wales. The document issued by the New South Wales Supply Service refers to conditions to be adhered to for tendering. It states, on page 20:

It is stressed that, for a tender to be considered, the supplier's agreement to pay the Supply Fee is now required. The attention of tenderers is drawn to the Supply Fee Deed included with the tender papers which must be executed in the space provided for . . .

The successful tenderer for this contract - a company called Courier Systems - did not comply with that provision. My constituents want to know why a company that did not comply with that condition was awarded the courier contract. Other matters of concern in attempting to reach the truth of this matter relate to a freedom of information request by my constituents' employer, SNAP Courier Services, for all documents in relation to the successful tenderer. A letter from the Commercial Services Group to the director of SNAP Courier Services dated 28 January 1994 states:

No correspondence occurred between the New South Wales Supply Service and Grace Couriers on 14 July 1993 and 16 July 1993.

Grace Couriers is the holding company of the successful tenderer, Courier Systems. The freedom of information request that was made on behalf of the employer of my constituents, SNAP Courier Services, was for all correspondence bearing dates between 14 July and 16 July 1993. A letter from the State Contracts Control Board to the managing director of the successful tenderer states, "Your tender dated 15 June 1993 and subsequent correspondence dated 15 July 1993 . . .". That letter refers to correspondence dated 15 July, yet a freedom of information request from my constituents' employer sought all correspondence between 14 July and 16 July. The response from the Commercial Services Group states, "No correspondence occurred between NSW Supply Service and Grace Couriers on 14 July 1993, and 16 July 1993", the period which was referred to in the request. Someone is lying.

My constituents are most concerned about what has occurred. As drivers, their livelihood is threatened by any reduction in the work obtained by their employer. The third matter my constituents have asked me to raise concerns the successful tenderers, Couriers Systems Pty Limited. That company did not comply with a number of other requirements set down by the New South Wales Supply Service. I wish also to quote from a letter written by Angela Burrell, Assistant Supply Officer, to the successful tenderer. Four points are listed in that letter to the successful tenderer - a letter which was written one month after tenders closed and one month after this company had been awarded the contract. The letter states:

3. You have failed to state if there is South African ownership or interest in the tender.
4. Please advise if your company complies with this clause.

The second point in the letter refers to pricing schedules, a fairly fundamental aspect of any tender contract, yet this occurred one month after tenders had closed, the whole procedure had been gone through, and the company had been awarded the contract. My constituents want to know how a company can get a contract in New South Wales and not comply with so many of the requirements or conditions that are set out in the standard conditions of tender in New South Wales. [*Time expired.*]

WARRINGAH COUNCIL LEGAL COSTS

Mr HAZZARD (Wakehurst) [5.41]: I wish to bring to the attention of the House concerns that I and the honourable member for Davidson have in relation to the legal costs incurred by Warringah Council in relation to

the separation called the Pittwater secession. This secession came about because certain residents of Pittwater wished to have a separate council area from Warringah. I have certain views on that, but it does not matter what my views are - the secession is history, and Pittwater Council is operating across Narrabeen bridge. It has not yet asked me for a passport to cross Narrabeen bridge, so I suppose I should not complain too much. When proceedings were instituted there was a lot of effort by people on both sides to try to resolve the dispute.

Essentially, the dispute came down to a separation of assets - a separation of capital reserves. Unfortunately, the two councils - the new Pittwater Council and the existing Warringah Council - could not come to an agreement. I am not in a position to comment on the rights and wrongs of that, although I would have to say that I am a little biased towards my own council, Warringah Council. In the main I would be supportive of a number of its arguments. Nevertheless, Warringah Council had its day in court and a resolution of the dispute was arrived at after

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many days of hearing. The difficulty was that, at the end of that case, the judge said he could not make an order for costs.

I and the honourable member for Davidson are very disappointed about the possibility that the residents of Warringah might be exposed to some risks in relation to legal costs in this issue. The bottom line is that the residents of Warringah did not ask for the secession. It was not something they wanted or were comfortable with. They did not even have a say in it. If that is the position it seems to me that, because they were forced into becoming involved in these proceedings, clearly the moral obligation to pay costs rests with Pittwater Council. I do not think Warringah Council has a hope in Hades of getting a dollar from Pittwater Council towards its legal costs. No doubt Pittwater Council takes the view that it should not have to pay. Regrettably, I and the honourable member for Davidson take a different view. We both think that Pittwater Council and the residents of Pittwater should have to bear some of the costs.

But that is not to be. The question that arises is why Warringah Council should bear the legal costs. It is a bit hard to determine what would be a fair reimbursement for Warringah Council because there were negotiations to try to sort out the problems. I do not know whether those negotiations could have been conducted more expeditiously or sensibly. But at the end of the day we keep coming back to the fact that Warringah Council and the residents of Warringah did not ask for secession. That places a moral obligation on the State Government to step in and try to right what amounts to a moral wrong. Several weeks ago the honourable member for Davidson and I called on the Minister for Energy and Minister for Local Government and Co-operatives to review that situation and to make some reasonable contribution out of taxpayers' funds to assist Warringah residents.

Several weeks have passed and we still have not received an answer. I and the honourable member for Davidson call on the Minister to arrange a meeting as soon as possible within the next week and to give us an answer. Very simply, we want an answer. The Minister for Health, who is in the Chamber, might grin, but the reality is that, if backbenchers want answers, Ministers should be available to give them those answers. The honourable member for Davidson and I call on Minister West to arrange a meeting and to give us the answers we want. We want a substantial contribution - of the order of \$600,000 to \$800,000. I would like \$850,000 to help with these legal costs. We will see whether or not we get that, but we want the meeting, we want a resolution and we want the money.

SYDNEY ALLIANCE SYDNEY CITY COUNCIL ELECTION CAMPAIGN

Ms NORI (Port Jackson) [5.46]: Honourable members will be aware that my electorate covers the central business district of Sydney and most of the area administered the Sydney City Council. The city centre is of great importance to this State, as is the composition of the council. I draw the attention of the House to events that have disturbed me greatly. I refer to the enormous efforts being made by the Sydney Alliance team and the CorPol organisation to take control of council elections next year. The Sydney Alliance team is headed by Kathryn Greiner, the wife of the former Premier, and a number of other nondescripts, including the very

disgruntled former General Manager of Sydney Festival, Stephen Hall. Recently, Mr Hall lost his job. He now appears to be seeking revenge against the council.

The recently launched Sydney Alliance team has no real credentials for running the city. It has been described as Snow White and the six dwarfs. Several times it has admitted to having no policies whatsoever. Its members are on the ticket for no reason other than Michael Yabsley talked them into it. All the more disturbing is the fact that Sydney Alliance is reported as having money to burn. It has already produced expensive publicity material and videos even though the election is 16 months away. It has already spent more money on this campaign than most candidates spend on a full local government election campaign. What disturbs me, and what should be of concern to all members of this House, is the close links between Sydney Alliance and the development industry.

In its inquiry into the Park Plaza allegation involving Kumagai in 1991, the Independent Commission Against Corruption found that the Sydney Alliance - then known as the Civic Reform Association - had raised over \$400,000 for the 1988 Sydney City Council election. In early 1989 it had sought a further donation of \$25,000 from Kumagai even though Kumagai had development matters before the then council and the Central Sydney Planning Committee, which was then chaired by the Civic Reform Association leader, Lord Mayor Jeremy Bingham. Another Independent Commission Against Corruption inquiry into the Walsh Bay development proposal revealed that Mr Bingham obtained a donation of \$25,000 from CRI for the Civic Reform Association. A list of donors leaked by disaffected Civic Reform Association members prior to the last council election revealed a who's who of the development industry.

The Hayson group of companies is alleged to have paid \$50,000; Comrealty, \$25,000; Mirvac, \$25,000; Multiplex, \$25,000; Joseph Brender from Brendmoss, \$30,000; the Hooker Corporation, \$25,000; Carringbush, \$20,000; J Gesky, \$55,000; WT Partnership, \$10,000; the Richardson Property Group, \$10,000; Sally Aw, \$10,000; Transfield, \$10,000; City Freeholds, \$10,000; and Tujaro, \$25,000. The list goes on and on. I believe that the Sydney Alliance team is doing the same thing again. How can the House have confidence in the quality of the decisions that Sydney City Council will make? Sydney City Council is making many decisions regarding the Pyrmont-Ultimo redevelopment and city west. How can we be confident that the decisions of the council will be made on merit when these huge donations are sought from the development industry? Most developers appear to have extensive property holdings in the area administered by Sydney City Council.

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It is one thing for business people and corporations to attend fundraising functions for political parties, or even candidates, but it is another for the relationship between local government and potential donors to be so close. In my view politics at the local government level is quite different from State and Federal politics. I am concerned that the CorPol organisation will be used as a device to circumvent the new Local Government Act, which requires disclosure of all political donations over \$500. What other reason is there for CorPol being the fundraising arm of the Sydney Alliance? Developers do not want to disclose their donations. Mr Wills from CRI was referred to by Jeremy Bingham in his explanation to Sydney City Council in July 1990. He said:

Mr Wills inquired whether there was any legal requirement for public disclosure of campaign contributions or could they be kept confidential. Other persons from whom I sought donations have raised the same question.

[Time expired.]

Mr PHILLIPS (Miranda - Minister for Health) [5.51]: The opening comments of the honourable member for Port Jackson were staggering. She said, "I am concerned about Sydney Alliance participating in council elections".

Ms Nori: I did not say "participating".

Mr PHILLIPS: That is what you said.

Ms Nori: No, I did not.

Mr PHILLIPS: Australia is a democracy and the Sydney Alliance, a group of people -

Ms Nori: On a point of order: the Minister is alleging that I made certain comments. I do not believe I made them. I ask that *Hansard* be checked because I would like the Minister's comments corrected.

Mr ACTING-SPEAKER (Mr Rixon): Order! The Chair has no authority to rule on disputed facts in speeches. No point of order is involved.

Mr PHILLIPS: The honourable member obviously does not want to hear the truth. The Labor Party and the Sydney City Council have been manipulating voting patterns and boundaries for years to make sure they keep their numbers on the council. A group of people are now openly stating, "We are the Sydney Alliance, we think we can do a good job. Funnily enough, a lot of people want to back us with money". That money has to be declared as a pecuniary interest. The honourable member for Port Jackson claims to be worried about the Sydney Alliance. I warn the honourable member that one of the things members of Parliament learn very quickly is not to get involved in local government elections. She has stuck her neck out and is becoming involved in an election campaign. The honourable member will have to take all the flak that goes with it. She should heed the warning of more experienced members and stay out of local government elections; they are dirty games.

CATTLE TICK DIP SITE REMEDIATION

Mr D. L. PAGE (Ballina) [5.53]: During question time I asked the Minister for Agriculture and Fisheries and Minister for Mines a question about the Government's intention concerning contaminated dip sites on the North Coast of New South Wales. I was pleased to hear the Minister answer along the lines that the Government will offer to buy out the 29 priority sites on the North Coast where, in many cases, residents are living above old contaminated dip sites. Those residents are unable to sell their properties because no one will buy contaminated sites. These 29 sites are my electorate as well as the electorates of my colleagues the honourable member for Murwillumbah and the honourable member for Lismore, and the Minister for Agriculture and Fisheries and Minister for Mines.

I am pleased that the Government is taking this morally and environmentally correct decision. In the long run this will not be a costly exercise for the taxpayers of New South Wales. At present constituents in those four electorates are suffering stress because of their inability to sell their properties and get on with the rest of their lives. They will now be able to take advantage of the offer and realise the full market prices of their properties, as if there were no blight on them. The Government now has the option to remediate those sites, to clean them up, and that is good for the environment. The contamination of those sites will be eliminated. I commend the efforts of the Cattle Tick Dip Site Management Committee - DIPMAC - that was established by this Government in 1991 to work through this whole complex issue and provide suggestions to the Government. The committee identified a storage area for contaminated soil in the Tweed area. The committee is also examining sites in the area of the Richmond and Clarence rivers.

I understand from the Minister's answer today that the cost involved in buying out the 29 sites is approximately \$2.3 million. When the sites have been cleaned up, they will be put back on the market for sale, subject to appropriate notations from the Environment Protection Authority. The authority has a responsibility to make sure that those sites are satisfactory for residential use. When the sites have been cleaned up, notations will be placed on the titles to allow the sites to be used for residential purposes. Many of the properties are located in suburban areas. One of the sites at East Ballina, which is in my constituency, is owned by Mr and Mrs Piercy. I have spoken with Mr and Mrs Piercy on several occasions and I am sure that they will welcome the decision announced by the Government today. Recently Mr and Mrs Piercy requested a real estate agent to value their property for sale. Elders Real Estate in Ballina replied to Mr and Mrs Piercy in the following terms:

Dear Mr & Mrs Piercy

We refer to your recent request for an estimate of a reasonable selling price of your home.

We understand the home is built on an old cattle dip site with evidence of soil contamination. Under these circumstances we believe the home is unsaleable and therefore worthless whilst ever any notation of contamination is applied to the property.

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That letter highlights the problem confronting owners of contaminated properties. I highlight also the fact that although it is moving in this humane and morally correct way to acquire these sites, the Government is not obligated to buy the other 1,600 dip sites on the North Coast of New South Wales. Ample legal precedent has been established by a recent judgment of the House of Lords overturning a Court of Appeal decision which stated that governments or polluters - [*Time expired.*]

STAMP DUTY ON FORMER CROWN LAND

Mr HARRISON (Kiama) [5.58]: I bring to the attention of the House a clear anachronism that perpetuates a token link between the Department of Lands and land that was at some time in the past Crown land but has subsequently been sold as residential allotments. One of my constituents, Mr Milton Myers, of 2 Woolstencraft Street, Shoalhaven Heads, has brought to my attention the fact that under section 177(1) of the Crown Lands Act he must pay \$125 over and above the stamp duty requirements for the privilege of selling land over which he has clear legal title, simply because the land was previously owned by the Department of Lands. My constituent advises also that to sell his own land upon which his home is situated he must apply to the Minister for permission to transfer the land to a new owner. Although that is usually considered to be a mere formality, the accompanying fee of \$125 is totally unacceptable.

Mr Myers, who is a pensioner, does not even qualify for a reduced payment because of his pensioner status. Former Premier Nick Greiner announced at one time that the Government intended to remove any Crown interest in former Crown lands that had been sold for residential purposes; but that promised action has still not been taken. Though I recognise that a change in the relevant Act will probably not benefit my constituent, because of the lead time for bringing about changes to legislation, I assume it would be of benefit to other persons in the State similarly affected. On behalf of those residential land owners in New South Wales, especially in my electorate, I appeal to the Government and the Minister to take prompt action to remove the iniquitous and indefensible impost on persons buying or selling land that was at some time in the past owned by the Department of Lands.

One could not get anything more Australian than the belief that as part of the Australian way of life one has rights and expectations in regard to land. Earlier today I approached the office of the Minister for Land and Water Conservation and requested that he be present in the Chamber. In an upfront way I made what I thought was a reasonable request. I took three pages of written material to his office and left them with him so that he would not be caught unprepared. In this case I am not trying to score any points but am trying to help a constituent who has brought a problem to me, as well as other constituents in various parts of the State who are similarly affected. This afternoon I received a telephone call from the Minister's office saying that he could not add anything to what was contained in those three pages.

I am not asking the Minister or anyone else to add anything to what I have said. I am seeking an explanation of an anachronism that exists in this State whereby people who might be the third owners of a block of land or home after it had been sold by the Department of Lands must still make a formal application to the Minister for Land and Water Conservation for permission to sell the block of land or home. Also they must pay an additional fee of \$125. Ownership of private property in the State is accepted by both sides of politics as bestowing certain rights and privileges. When there are no restrictions, road reservations, mortgages or other

impediments on land and a person believes he owns that land, it is unreasonable and indefensible that he must go cap in hand to a government department to get permission to sell that property and be subjected to an impost of, in this case, \$125. I regret that the Minister did not respond to my request for him to be present tonight. I was upfront with him. Notwithstanding that, I request that the Minister take appropriate action to correct the anomaly.

DOCK STATEMENTS

Mr TINK (Eastwood) [6.3]: I raise a matter relating to victims of crime. People in my electorate and in the northern districts generally are concerned with this issue. I understand that the Australian Labor Party has a system whereby upper House members are rostered to represent areas of Sydney in which the Labor Party does not hold lower House seats. In my electorate, in the electorate of Ermington, which is represented by the Minister for Multicultural and Ethnic Affairs, and in the electorate of Gladesville, which is represented by the honourable member for Gladesville, the person who does the job for the ALP is the Hon. Jan Burnswoods. This week the Hon. Jan Burnswoods had a letter published in the *Northern District Times* about the law punishing victims.

Residents of the northern suburbs of Sydney should know that in the recent debate about unsworn statements the Hon. Jan Burnswoods refused to take a stand on the issue. She walked out of the upper House and refused to vote on it. That is an absolute disgrace, bearing in mind the fundamental importance of unsworn statements, the relationship and importance of those statements to victims of crime and the impact of the issue on them. Though the honourable member for Bligh, who is in the Chamber, and I may have a different view on the issue in some respects, I would bet that whatever view she has, she would vote on the matter. It is not good enough on an issue of this type and importance, when the Hon. Jan Burnswoods has taken a stand and spoken relentlessly about other issues related to crime and the victims of crime, that she failed to vote on this important matter. That is absolutely outrageous. It is a sell-out.

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Examples of the effects of unsworn statements were given in debate in recent weeks. One example was of a person accused of sexually assaulting his stepson systematically over five years. That person pleaded not guilty to the sexual assaults and the stepson, who was 13 years of age, had to give evidence in the witness box for two days. He was subjected to significant vilification, and in cross-examination he and his mother were accused of making up the allegations, to use them in a custody case. In a dock statement the accused attacked the child and the mother. He was convicted by a jury, but later admitted in interviews with a psychiatrist and a psychologist who were preparing a presentence report that he had lied in his dock statement. Is the Hon. Jan Burnswoods going to take a position on this sort of thing? On this fundamental issue it was an abrogation of her responsibilities for her to walk out of the Chamber when a vote was being taken on the bill. If she is not prepared to take a stand on that type of issue, she should not be heard to be saying anything else about the victims of crime.

Let me give the House another example. In his unsworn dock statement a person charged with murder accused three other boys of committing the murder. Not only did the family of the murdered person have to sit through the trial, but the families of three other boys who had been accused of the murder faced lengthy cross-examination in the court. The jury convicted the accused, and when he was sentenced he admitted to the killing. In doing so he virtually admitted that all he had said before and all that he had put the other accused through had been a complete fabrication. By refusing to become involved one way or the other in this debate the Hon. Jan Burnswoods walks away from her responsibilities to the people of the northern suburbs of Sydney when it comes to a fundamental law and order issue. If that is her stand, she should not be heard to be making comments about other law and order issues. If she is not willing to take a stand on this issue, she has no right to speak in any way for the people of northern Sydney.

[Interruption]

It is not surprising that some of the left-wing colleagues of the Hon. Jan Burnswoods are seeking to stand up for her. Will the honourable member for Wallsend walk out of the Chamber when it is his turn to vote? We can expect him to take a walk when it comes to the crunch. [*Time expired.*]

Mr PHILLIPS (Miranda - Minister for Health) [6.8]: I thank the honourable member for Eastwood for bringing this important matter to the attention of Parliament. It raises an issue about the role and responsibility of parliamentarians, and the question about unsworn dock statements. Thank goodness I am not a legal person, but I have learned a lot through the debate of the process of unsworn statements. I am a strong supporter for doing away with that absolute nonsense of what I see as an injustice in our system. I would like to think that I am a supporter of civil liberties, but this process is beyond the pale and is an injustice to victims. One of the terms that I have heard used in connection with unsworn statements is that used by the Minister when he referred to it as coward's castle.

It is interesting that Jan Burnswoods, who seems to be living in coward's castle across the way, has been the coward and has not been prepared to do what is the responsibility of every parliamentarian; that is, to take a stand on what you believe in, regardless of the consequences. People do not begrudge you that right; they do not hold it against you if they disagree; but when you are a member of Parliament, you must stand up for the principles in which you believe. Another interesting matter is the way the Left is getting stronger and stronger within the Labor Party. A number of members opposite are on death row at the present moment - sitting on the frontbench - waiting for a remission, waiting to be saved, waiting for the Government to say they are saved. The Left obtained a victory at Liverpool and the big question remains about Ashfield. Everyone should be aware of the policies that would be driven through this place as the Left got stronger and stronger in the Labor Party. [*Time expired.*]

DARLINGHURST PARKING INFRINGEMENTS

Ms MOORE (Bligh) [6.10]: I raise an important issue for the staff of the Darlinghurst Community Health Centre who are facing problems parking their vehicles while they attend to their clients. The difficulty in finding lawful parking spaces compromises the care they are able to provide. It is very stressful for clients and staff, and creates danger for staff members. Paying fines for illegal parking is too expensive for a community health worker. Staff are forced to pay their own fines. I do not believe that they should be penalised for their commitment to their clients.

I ask the Minister to recognise the unreasonable cost to the community of requiring staff to comply with all parking restrictions, and to make arrangements about fines and unlawful parking that would allow the Darlinghurst Community Health Centre to operate efficient and effectively. I would like to see parking restrictions waived for staff, but I understand that this proposal is not acceptable to the police. However, staff have proposed an alternative system in which the management of the centre mediates with the infringement bureau over fines. This would allow a check on unreasonable behaviour by staff, but would enable staff to responsibly perform their work without wasting resources badly needed by the community.

The Darlinghurst Community Health Centre provides services in nursing care; palliative care; mental health, including crisis call-outs; physiotherapy; occupational therapy and other services. General nursing services operate from 8 a.m. to 11 p.m., and mental health and crisis services are open from 8 a.m. to 11 p.m. with overnight services on call. Staff rely on cars to service clients but find legal parking near the clients'

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homes is almost impossible. The inner city simply does not have sufficient parking to support residents' needs, let alone workers' needs. Since the Sydney Harbour Tunnel was opened the problem has become much worse.

The time spent searching for legal parking spaces reduces the time available for health services. Demands on community health services in my electorate are enormous and I do not believe that skilled staff should be devoting their time to parking rather than health care. Parking problems often mean staff are late for

appointments. This is a problem for aged clients who often leave the door unlocked at the designated time and face attack or theft while the door remains open. It is also a problem for patients with dementia or who are confused; these clients become more confused when appointments are delayed. Patients who are waiting for pain relief are distressed by the delay.

Parking near the clients' homes is essential when clients or equipment are being transported. Therefore, staff are often forced to park illegally to perform their work. Clients in crisis are forced to wait until a legal parking place is found. Staff inform clients that they will be five minutes, but they then take time to find a parking place. This becomes distressing for all concerned. Clients of the service include threatened suicides. Notes left on windscreens explaining that the staff are responding to a psychiatric emergency have not prevented tickets being issued; nor have the fines been waived. Safety is also an issue for staff. Lawful parking can often be found only in dark laneways, which are simply not safe. I refer particularly to the Kings Cross area where police are not permitted to patrol alone.

The restrictions on parking by community health workers put unnecessary stress on a group that undertakes an invaluable but tough job. They are not permitted to park in loading zones, even when loading and unloading equipment and patients, nor are they permitted to park in council stands, taxi stands or doctors' stands, even for short times needed to assist clients. Staff have been issued with disabled stickers but have found that there are not sufficient parking spaces. The stickers permit parking for a longer period than the prescribed time, but staff generally park only for 10 to 15 minutes, so a sticker is of limited value.

The response of parking officers and the infringement processing bureau has been unreasonable. For example, one nurse at the centre was transporting a woman who was extremely sick with HIV-AIDS and very frail. The woman desperately needed to urinate and the nurse was forced to stop at a public toilet. A parking officer told her to move on or she would be booked. She was in fact booked. Staff who look after the frail and aged, getting them into cars, have also been booked. I have countless examples of this nature but time does not permit me to refer to each.

The stress created for these health workers is unacceptable and the situation is not cost effective. Staff estimate that three hours per shift are wasted finding parking places and walking long distances. When that is multiplied by wage rates of \$17 and \$25 per hour, the economics become obvious. Revenue raised by fines is more than outweighed by the cost of avoiding them. I strongly request, on behalf of the community health workers at Darlinghurst Community Health Centre, that the Minister consider the alternative system which I have proposed on their behalf; that is, the management of the centre mediating directly with the infringement processing bureau over fines so that these workers who perform such an important service are able to get on with it. [*Time expired.*]

Mr GRIFFITHS (Georges River - Minister for Police, and Minister for Emergency Services) [6.15]: I thank the honourable member for Bligh for raising a serious concern. I have great sympathy for the people who carry out a superb job helping people in great need. I will direct the acting director of the infringement processing bureau, Miss Michelle Dunn, to form a liaison with a nominated member of this community group. Her direct line will be made available. I ask the honourable member for Bligh to set up a contact number within the group and to give a name so that mediation can occur on a sympathetic and understandable basis.

Private members' statements noted.

[*Mr Acting-Speaker (Mr Rixon) left the chair at 6.17 p.m. The House resumed at 7.30 p.m.*]

MENTAL HEALTH (AMENDMENT) BILL

Second Reading

Debate resumed from an earlier hour.

Mr GLACHAN (Albury) [7.30]: I listened very carefully to the contribution made by the Deputy Leader of the Opposition. Though I agree with some of what he had to say, I take particular exception to his assertions about a couple of important matters. The honourable member said that there had been a reduction in mental health services. I strongly refute that assertion. In recent years there have been very important increases in services. Further, the Deputy Leader of the Opposition spoke about cuts in funding. I would strongly refute that as well because since this Government came to office funding has been increased remarkably. He did, however, say something with which I agree. He said that to some extent mental health has been kept under the covers. That is true enough. In our society there is a surprising lack of understanding of matters to do with mental health. In many quarters there is a surprising lack of sympathy for people suffering from mental health.

In 1990 a new Act was passed and the Mental Health Act Implementation Monitoring Committee was established. That committee reported and made recommendations on changes that should be made to tighten and improve the operation of the Mental Health Act 1990. That committee was chaired by Ms Anne Deveson initially and then by Professor Ian

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Webster. The committee had members nominated by a long list of highly respected organisations and individuals, the names of which I will not read on to the record, but this committee did an excellent job and has made a number of recommendations. Many of the recommendations are contained in the legislation we are dealing with tonight.

Twenty-three important amendments to the Act as well as some changes to the Mental Health Regulations are to be made. Other amendments relate to the Mental Health (Criminal Procedures) Act 1990. I do not want to talk at length about those amendments. I simply say that the changes relating to patients' rights provide that clearer information on involuntary admissions will be given to patients when they arrive at hospitals. These recommendations will include improved procedures for scheduling of patients, clarification that police assistance should only be sought when it is really necessary, and clarification of procedures for independent examinations by medical practitioners following the patient's admission.

With regard to forensic patients, changes proposed in this bill will ensure that prisoners are subject to the same definition of mental illness as is the general community, for the purpose of involuntary detention, and forensic patients with developmental disability may be deemed capable of instructing a solicitor for proceedings before the Mental Health Review Tribunal. There are provisions as well for improved effectiveness of community treatment orders and the operation of health care agencies. There are improved provisions relating to consent to the administration of electroconvulsive therapy, including use of the tribunal's expertise where an informal patient's consent is in doubt.

With regard to review processes, there is to be improved flexibility of the provisions relating to the administration of private psychiatric hospitals. Amendments to the Mental Health (Criminal Procedure) Act 1990 will improve procedures under section 33 for the transfer of mentally ill persons between the Local Court and a hospital, by empowering a magistrate to make further orders as to the disposition of a person who is not detained in hospital following assessment, including a form to record such further orders and requiring police to collect the person from hospital and return the person to court, if required by the magistrate, on non-admission by the hospital.

It is proposed to amend the Mental Health Regulations 1990 so that a new form 4, outlining patients' rights in plain English, will replace the current form so the directors, deputy directors and psychiatric case managers of health care agencies can be permitted to apply for community counselling orders and community treatment orders. The Mental Health Act Implementation Monitoring Committee did an excellent job and I strongly support all of the changes embodied in this legislation. I said earlier there was a lack of understanding in the community about problems affecting people with mental illness.

It is estimated that mental illness can affect as many as one in five Australians. Schizophrenia is perhaps five times more common than multiple sclerosis and as much as six times more common than insulin

dependency in diabetes management. Mental illness occurs in many forms: depression, mania, panic disorders, phobia, schizophrenia and other psychosis. It is interesting to note that many people in the community expect those suffering from mental illness to be violent. They are often quite surprised when they are not. In fact, not many of them are. Interestingly enough, many of them are the victims of violence.

The position of people suffering from mental illness is often very badly misunderstood in our community. I recently had a call at my office from someone who told me that his sister suffered from mental illness, that she was causing him a lot of problems and that he was having difficulty having her committed to an institution. I made some inquiries, through the Department of Health, about the situation of this woman - his sister of whom he was complaining - and I was told she lived in her own home, drove her own car and lived, as far as everyone could see, a quite satisfactory lifestyle within our society. But here was a man complaining because she was causing him embarrassment and difficulty, and urging someone to lock her up.

At times people ring me regarding identifying someone suffering from mental illness. They say, "Why doesn't someone take him down to the hospital and give him the treatment he needs? Give him his medication? Make him have it?" It is very difficult to take away the liberty and freedom of individuals and force treatment on them. To lock them up and force them to take treatment that they do not want is a very serious step to take. In the area where I live there are many stories abounding about the good old days when men would try to get rid of wives they no longer wanted. When divorce was difficult to obtain they would get rid of the unwanted wife by having her committed to an institution.

Some of those stories might be exaggerated but there are many of them. It seemed to me that it was common practice and the stories I have heard relate to men who at the time had been pillars of society and regular attenders of their churches, to whom divorce was not an option because it was socially unacceptable at the time. They did not hesitate, however, to have their wife committed to an institution. It seems to me that the community had a way of dealing with people with mental illness many years ago. That was simply to lock them up and if possible forget all about them. We live in much more enlightened times and we do not treat people with mental illness like that any more. Interestingly enough, many forms of mental illness can be very successfully treated.

No longer must the mentally ill be locked away. Of course, these people need support in the community. There was a time perhaps when the institutions were closed and they did not receive that

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proper support. However, that is changing. In these matters patience is needed because we have to learn new ways of taking care of people with mental illness. We have to develop new methods, new networks and new ways of supporting them in the community. It takes time to develop those techniques and to make sure all those areas are adequately covered. The Deputy Leader of the Opposition mentioned those suffering from mental illness who live in boarding-houses and hostels and do not have the support they need. That is being considered by the Government and steps are being taken to ensure that they receive the support they need. Just before this Government came to office a report was compiled for the former government on a review of standards of patient care in fifth schedule hospitals. The report, compiled in 1987, was not made public until 1988. It stated:

In essence, the Committee's review of the Fifth Schedule hospitals suggests that the majority are institutions demonstrating a lack of commitment and accountability and few justify the name "hospital".

What an indictment of the system that existed in those days! The Government introduced the 1990 Act and is refining it and making necessary changes. The Government is signalling that further changes will be made in the future and that it is prepared to continue reviewing the position and to make those changes as they are needed. The Deputy Leader of the Opposition talked about cuts in funding. In 1988-89 the funding for mental health was \$105 million. This financial year it is \$289 million, a massive increase in funding, not funding cuts. The Minister has quarantined the mental health services budget. Thus, financial savings resulting from efficiencies brought about by the changes that the Government introduced in the delivery of mental health services will be kept within the mental health budget. In recent times more than \$88 million has been spent on

upgrading and building psychiatric facilities as part of the mental health capital works program, and as much again is committed for future improvements.

The Deputy Leader of the Opposition referred to staff. In 1988 there were 980 community health staff throughout New South Wales. The most recent count in this State shows that 1,480 people are employed as mental health staff - a very large increase. The number of admissions to general hospital psychiatric units has increased - from 7,246 in 1988 to the present figure of 9,391 - because more is being done to assist those suffering from mental illness. As I said earlier, much more needs to be done. This Government is increasing its efforts to improve mental health services. That will help to bring relief to those who, in the past, were treated shabbily and shoddily, often being locked up and neglected. Things have changed dramatically. Funding has increased and a large number of new units are being built throughout the community, particularly units for confused and disturbed elderly people. The whole thrust of mental health services in this State has changed since 1988. The provisions in this bill are another step forward. I strongly commend the bill and the provisions in it. I congratulate the Minister on what he is doing to help those who suffer from mental illness.

Mr MILLS (Wallsend) [7.45]: I too support the Mental Health (Amendment) Bill. The Opposition is in favour of many of the recommendations by the Mental Health Act Implementation Monitoring Committee, because those are sensible measures to improve the delivery of mental health services in New South Wales. I join others in praising the work of that committee and commending the committee for its wide-ranging consultation with interest groups involved in mental health area and the community generally, such as the Council for Civil Liberties and the Ethnic Affairs Commission. The Opposition looks forward to some of the recommendations of the committee that have not been incorporated in this legislation but which will effect further improvements in mental health services in the future. In my remarks I wish to discuss only section 30 because it raises a matter that has been of interest to me, as the Minister for Health would be aware. One of the most significant changes that occurred following the introduction of the 1990 Mental Health Act related to much more emphasis being placed on patient rights. Section 30 of the 1990 Act referred to information to be given to a detained person. That section stated:

Before certifying under section 29 that a person is a mentally ill person or a mentally disordered person, the medical superintendent must give to the person an oral explanation and a written statement (in the prescribed form) of the person's legal rights and other entitlements under this Act.

One amendment contained in the bill will expand section 30 significantly. I am pleased to support the changes that are being made to section 30. They will ensure that people who are involuntarily admitted to hospital are given information about their rights. In particular, an interpreter is to be provided for those who are unable to communicate adequately in English. Legislation will provide for the provision of an interpreter. In addition to the existing sentence in section 30, the new section will provide:

The medical superintendent must, as soon as practicable after it is decided to do all such things as may be necessary to cause a person who is an informal patient to be detained in a hospital under this Division, give to the person an oral explanation and a written statement (in the form prescribed by the regulations) of the person's legal rights and other entitlements under this Act.

If the medical superintendent is of the opinion that a person is not capable of understanding the explanation or statement when it is first given, another explanation or statement must be given to the person not later than 24 hours before an inquiry is held before a Magistrate in respect of the person.

The medical superintendent must, if the person is unable to communicate adequately in English, but is able to communicate adequately in another language, arrange for an oral explanation under this section to be given in that other language.

There is plenty of provision for interpreters for patients of non-English speaking background. It covers the provision of the information orally but the Act says orally and in writing. The written statement of rights is in form 4 of the regulations. That is currently available only in English. The availability of the written statement only in English was of

concern to quite a number of people in the ethnic communities. It was first brought to my attention about 18 months ago and I placed a question on the Questions and Answers paper asking whether the department had been requested to have translated into community languages the Statement of Legal Rights and Other Entitlements, Form 4. I also asked what percentage of patients admitted involuntarily to mental hospitals came from non-English speaking backgrounds.

The Minister provided advice that in 1991, of a total of 4,424 patients admitted involuntarily to psychiatric hospitals - although we do not know exactly how many were people of non-English speaking background - generally, about 9 per cent of the residents in the mental system spoke a language other than English when at home. We can deduce that each year approximately 400 people of non-English speaking background are admitted under this section of involuntary admission to mental hospitals as involuntary patients. Quite a number of people need this oral version of their rights; but, more particularly, I believe they also need the written version of their rights - that was the concern expressed to me - and they need it in a language that they and their families can understand.

The Minister also advised me in his answer of Wednesday, 10 March 1993, that the Department of Health had been advised that the statement, in its attempt to comprehensively address patients' rights, was too complex to allow for useful translations, and for many persons was difficult to comprehend in English; the Mental Health Act Implementation Monitoring Committee had recommended that the form be simplified; and translation of the statement would be considered when the form had been simplified. I have here a copy of the Statement of Legal Rights and Other Entitlements. It is a little longer than two pages, and it says, among other things, that the person concerned must be examined by a medical practitioner within four hours of admission. That will change as a result of the proposed amendments.

The form distinguishes between mentally disordered persons and mentally ill persons. It says, in respect of mentally ill persons, that the medical superintendent must bring the person before a magistrate as soon as practicable. It also says that, at the hearing before the magistrate, such persons are entitled to legal representation should they so wish. Mentally ill persons are entitled to have an interpreter present if they consider that they can only communicate adequately in a language other than English. Honourable members will see that the form is discriminatory in that migrants can only read the statement of their rights in English. The form is a bit complicated and difficult to understand in places. For example, it states:

At the hearing you are entitled to have your relatives informed of the proceedings (you may also, if you wish, ask the Medical Superintendent not to inform your relatives);

The need to simplify the form is admitted. It is pleasing that we are approaching the stage where that is likely to occur. I did not know at the commencement of this parliamentary session that the bill would be introduced and earlier this year I asked the Minister when the Mental Health Act Implementation Monitoring Committee had made its recommendation that the form be simplified. Of course, that was in August 1992. I also asked whether the task of simplifying the form had been completed and was pleased to note that the answer was, yes. I asked when the form would be translated into community languages for the benefit of involuntarily admitted patients of non-English speaking background. The Minister replied that it would be as soon as practicable following appropriate amendments to the Act and consequential amendments to the regulation. The Minister also advised that the form would be translated into 18 community languages.

So, basically, it is good news. At last we will have a form which patients will be able to understand because it will be written in various languages - a statement of rights for the benefit of involuntarily admitted patients of non-English speaking background. I ask the Minister for Health to indicate in his reply the expected timetable for the final step after this bill is passed. That will be amendment of the regulation to enable the simplified form to be gazetted and the translation to proceed officially, so that in future NESB patients will not suffer a disadvantage. I support the bill.

Mr O'DOHERTY (Ku-ring-gai) [7.54]: The previous speaker noted that this legislation is good news. I can assure him that the good news continues to get better. The honourable member for Wallsend called for a

translation of the material into community languages. He will no doubt be pleased to know that, as a result of what will occur in this House tonight, that translation will take place. As I understand it, the concern raised by the previous speaker will be specifically addressed as a result of the passage of this bill. It is a good indication of the community based approach that the Minister for Health has taken in preparing these changes to the Mental Health Act. If that dispels the final concern of the honourable member for Wallsend, he would concede that that is even better news - it is getting better all the time.

I suppose that is the message about the mental health area and about health in general in New South Wales since 1988. The House is debating amendments to the Mental Health Act, so I will confine my comments to the mental health issue. Honourable members will recall that in 1988 the state of mental health services in New South Wales was quite shocking, and in some respects quite barbaric. I suppose it was symptomatic of a system that for years was not able adequately to grapple with the problems of mental illness in society. The end of that era came and the change of government in 1988 brought a fresh approach to the problem. The previous Labor Government was tired in many respects, and this is one example of that. In 1987 a

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report of the review of standards of patient care in fifth schedule hospitals was released. Though delivered in 1987, the report was not tabled until after the change of government in 1988. The report said, in part:

In essence, the Committee's review of Fifth Schedule hospitals suggests that the majority are institutions demonstrating a lack of commitment and accountability and few justify the name "hospital".

The report went on to say:

The environment is impoverished, the staff custodial, the standards of medical care low, the clinical documentation and treatment lacking in sophistication, the educational activities minimal or absent, and the milieu depressing.

That is a stunning condemnation of what had been happening in mental health services in New South Wales at that time. The response of the government of the day - and I do not want to dwell on this aspect or make it overly political - was to sit on the report and keep it secret. After all, an election was in the air. What was the then Government proposing to do? It was going to close some hospitals. It proposed the closure of all fifth schedule hospitals, except for three - Rozelle, Cumberland and James Fletcher, previously the Hunter Hospital. That was the climate in 1988 and, perhaps, the end of a very long and sad era of inappropriate treatment of the mentally ill in New South Wales. One of the first achievements of the incoming Government in 1988 was to try to address the unrest very quickly, and address this very neglected area of service needs.

As mentioned by the previous speaker, one of the characteristics of the mentally ill is that very often they cannot speak for themselves. The incoming Government recognised that fact and set about doing something about it. The decision to close all but three psychiatric hospitals was reversed. A comprehensive capital works program was commissioned to address the previous neglect and provide a range of alternatives to institution based care. That involved four essential components - the upgrade of psychiatric hospital facilities; the provision of additional psychiatric facilities in general hospitals; special purpose units for confused and disturbed elderly people; and community support accommodation for people suffering mental illness. Those problems were part of the beginning of the revolution, and a welcome revolution, in mental health in New South Wales.

In 1990 came the Mental Health Act, without a doubt the most enlightened mental health legislation in the country. A committee was established to review the operations of the Act during the first two years. The amendments to that Act are what we are deliberating on tonight. It is an Act which has enshrined human rights principles; it aims to facilitate the provision of top quality care and top quality treatment with the fewest possible restrictions. The mental health service is no longer marginalised; it has been brought very much into the mainstream. I want to reflect on that movement because it says something about the change in attitude towards mental health which has been taking place and needs to continue.

I said earlier that the mentally ill have always been marginalised. We were living in a Dickensian era

until fairly recently. The mentally ill believed that they were not part of mainstream society. They were treated as such. They were looked upon with suspicion and with fear by people in the community. Their own families were not sure how to cope with them. These victims of some kind of mental illness thought that there was simply something wrong with them, that they were subhuman or different from everybody else. The mentally ill are no different from everybody else; they have an illness that can attack any person in the community. The mentally ill are part of our community and they deserve to be treated as such. They live in the community, work in the community, have families and deserve care as part of that community.

These changes in the attitude of society have come about because of changes in philosophy and policy and changes to the Mental Health Act by the Greiner and Fahey governments. It is important that those changes continue. As with any revolutionary change there are always those who are concerned about and even afraid of them. Local members will get complaints about the mentally ill being part of mainstream society. They will get complaints about someone living in a community house. They will get complaints about the actions of people in community houses or they will get complaints about mentally ill patients who have been returned to and treated in the community. Complaints about those people come to local members, to the Minister and to the attention of the media from time to time.

Society must continue to be made aware of the important changes taking place in the mental health area. Society needs to know more about why it is important for those people to be part of the community. I think that will take some time. Clearly, this legislation needs the support of all honourable members. It has the support of the Government. These changes, which benefit the mentally ill and their families, must be backed up by the health system. That is why the Government has been so keen to do what has been suggested by Burdekin and others who lead community opinion on this matter and whom the Government is backing with action. Tonight it is important to note what the Government is doing in the mental health area. Current annual spending on mental health services is more than \$289 million - an increase of more than \$105 million since 1988-89.

The mental health services budget has been quarantined, so any efficiency gains or savings that result in this area will be put back into mental health services and areas of greatest need. More than \$88 million has been spent already upgrading and building psychiatric facilities as part of the mental health capital works program. There is a commitment to further improvements as the Minister for Health is building a better health system. The number of mental health extended hours and crisis services operating throughout New South Wales has increased from 12 to 30. Patients are being treated in the

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community and are living as part of the community. Psychiatric institutions are available to those who need the care the most - those in the community who need 24-hour back-up emergency teams that are available at the end of a phone to deal quickly with a crisis that suddenly erupts.

In 1988 there were 900 staff working in mental health services in New South Wales. In 1994 at last count there were 1,480. The number of mentally ill people housed in Department of Health supported accommodation increased by 12.5 per cent between 1989 and 1992. The number of admissions to general hospital psychiatric units increased from 7,246 to 9,391 between 1988 and 1993. Funds are being directed to areas of greatest need so that services are expanded and established close to where people live. In my area - encompassing Hornsby and Ku-ring-gai - there is an excellent psychiatric care facility at Hornsby and Ku-ring-gai Hospital, which provides essential and welcome support for a large number of mentally ill patients who are living in our community and who have been accepted by our community.

Sadly, we often focus only on numbers, but the quality rather than the quantity of services has improved dramatically since 1988. It is customer focused. The mentally ill and their families are the customers. They are not just people who should be locked away and forgotten about because they frighten people. Over the years members of my own family have suffered degrees of mental illness, so I know the importance of speaking openly about the mentally ill. Mental illness can affect any family. We must recognise that mental illnesses can be treated and can be discussed openly.

I commend the Government for what it has done in this area. I particularly commend the Minister for Health, the Hon. Ron Phillips, for his commitment to mental health and for building a better health system for the mentally ill, their families and the general community. Those three groups are benefiting from the program to which the Minister remains committed. He will remain committed to that program for a long time to come. I support the amendments to this legislation and I note that they are the result of extensive community consultation which involved a great many groups, too many to mention; I think the Minister enumerated them earlier in debate. An important aspect to which the Minister is committed is the continual feedback process which enables him not only to make improvements but also to ensure that those improvements are improved in line with community desires and expectations. I support the bill.

Mr SHEDDEN (Bankstown) [8.7]: I am delighted to participate in debate on the Mental Health (Amendment) Bill. I, like the Deputy Leader of the Opposition, will be supporting this bill. My contribution will be brief, but I wish to refer to the detention of patients in hospitals and to hospitals in general. This bill has resulted from the recommendations of the Mental Health Act Implementation Monitoring Committee. The legislation will simplify operations and improve the administration of mental health services in New South Wales. The bill will amend the Mental Health Act 1990 and the Mental Health (Criminal Procedure) Act 1990. The mental health area is a complex one in which to work and determine changes. No doubt mental illness affects many people in our community.

The Minister for Health said in his second reading speech that this legislation should be consistent with the philosophy in the Act that relates to the care, treatment and protection of the rights of those who are subject to that Act. Proposed new section 29(1) changes the maximum time that can elapse from when a person presents for detention at a hospital to the time he or she is examined by a medical practitioner from four hours to 12 hours. This is certainly an improvement and, in many ways, it will benefit the patient. At present there is a time lapse between the admittance of a patient and a determination whether or not that patient should be released or held. It appears that adequate safeguards are in place in respect of those who are detained for more than four hours waiting for assessment. The view of the monitoring committee, to allow accreditation of experienced persons to write schedules under section 21, will be welcomed. Rural communities will benefit from this change. Once again, the safeguards of patients are considered with the need to constantly review those accredited as well as other specific guidelines that must be followed.

In my electorate of Bankstown I receive numerous expressions of concern from parents waiting many hours in an accident and emergency centre with sons or daughters who are going through turmoil, the majority being manic depressives or schizophrenics who are not able to understand why they should be waiting from one to six hours, at the same time creating chaos for those waiting for treatment. Most of these families have been going through this process for many years, although their community support group has been pressing for years to have back-up provided by a professional community support service for after hours and at weekends, whom they might be able to call on during crisis periods. Until now the community support service team has been operating limited hours, basically nine to five, although Federal funding is now available for the 24-hour service. Credit must go to the late Mrs Margaret Medland, the leader of the community support group, whose efforts and sheer determination were instrumental in obtaining the extended service. However, the service cannot commence because there is a lack of applicants to fill the positions, but hopefully the extended service will be up and running very soon.

Bankstown Hospital has a 40-bed psychiatric centre, but does not cater for after hours attention or admittance. In that regard we have been seeking the appointment of a registrar who would at least be able to assess patients and determine their condition at the centre and who would be able to determine admittance or possible adjustment to medication. It is certainly hard to imagine the turmoil suffered both by parents and patients during this process. I also noted in the

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Minister's second reading speech that there is to be a further review relating to a list of recommendations determined by the Mental Health Act Implementation Monitoring Committee that are subject to ongoing debate. As much as we must strive for change in this sensitive area, we must also consider people's rights and civil liberties, as the Minister has stated.

The Minister indicated that he requested the New South Wales Department of Health to prepare a discussion paper for consultation between government authorities and community groups to deal with some of the committee's recommendations that will assist in determining further legislative change. Although many people would like to see change occur more quickly, there is certainly a need for caution when dealing with the sensitive area of mental health. As I have previously stated, mental health is a sensitive issue that certainly needs constant review. It is an area where we will never achieve perfection, but we must constantly strive to provide the best possible care and control for so many unfortunate people in the community. I support the bill.

Mr HAZZARD (Wakehurst) [8.13]: I support the bill and acknowledge the contributions from honourable members on both sides of the House. The legislation is endorsed with a lot of compassion and heartfelt feeling from both sides of the House. But back in the 1980s, when the Labor Party was in office, not a lot of compassion was flowing. In the early 1980s I had the good fortune to be studying for a masters degree in law, although perhaps I was not all that sensible when I embarked on a course dealing with forensic psychiatry. During that study it was necessary to closely examine the Mental Health Act, particularly the 1958 legislation and some of the work done thereafter, in an endeavour to produce a better Mental Health Act, particularly in relation to things such as what is mental illness and when people's rights should be intruded upon.

In the pursuit of that study I had the opportunity to visit a number of psychiatric institutions. It may be hard to accept now, but in the early 1980s I was not terribly political. However, I had an overriding disgust at the standard of accommodation provided for the mentally ill in our institutions. It seemed to me that whichever government was in office was ignoring these people, locking them away and not really caring: out of sight, out of mind. As I became more politically aware I found that it was the party that purports to represent the interests of the people - the Labor Party. In fact, for many years the former Labor Government ignored the needs of the mentally ill. It ignored the need to rejuvenate the institutions that offered some degree of attention for those who required psychiatric care.

It was the former Labor Government, as the honourable member for Ku-ring-gai stated earlier, which sought a report of the review of the standard of patient care in fifth schedule hospitals. In fine Labor style, that report was hidden away from the public. Had the Labor Party then had a Parliament such as we have today, it would not be looking as rosy as this Government is leading up to an election. That report would have been called for in the Parliament, it would have been released early and people would have become aware of what had been hidden away within those hospitals. In many cases the report slammed the buildings - I will not call them hospitals - that passed for hospitals, but it was not until after this Government came to office in 1988 that the report became public and the extent of the problem became obvious.

It is to this Government's credit that it has embarked on recognising mental illness as something that should not be hidden away. For too long there has been almost a taint about someone who suffers from mental illness. A great number of the population at some time in their lives will be in need of some sort of psychiatric or psychological assistance or counselling. For some people the condition will be far more severe than for others and on occasions they will find themselves in an involuntary situation, although by far the majority of patients recognise their needs and become voluntary patients.

The legislation is a progression from the 1990 legislation that set up a review committee - a novel idea at first, something so new and so necessary - to ensure the progression of the 1990 legislation and that any problems arising could be worked out in an effort to ensure that people who suffered mental illness received the best quality care and services. We have probably all seen a lot of work done in a lot of hospitals in our areas. I know that sometimes in this place a little bit of game playing occurs, and it is fashionable for members on the other side to slam the Government for not spending a great deal of money on health, but the funds that have been spent on mental health in the last few years have increased dramatically.

In 1988, \$105 million was spent on mental health and in 1994 the amount spent on mental health has nearly reached \$300 million. That money has gone into upgrading some of those horrific conditions I saw when I was studying for my masters degree. Funds have not only been allocated to major institutions, but also

to some of the suburban and country facilities. It is in suburban areas and country facilities that I see the Government making the greatest contribution. Those who suffer mental illness and live in country regions should not be separated from loved ones by having to spend half an hour, an hour or possibly several hours travelling to a major institution. It helps to have adequate local facilities and community teams that can approach the problem of mental illness in a user friendly environment.

In the course of my legal practice I had many occasions to represent people at tribunals that are usually set up in hospitals to ensure that patients are receiving a fair deal. When a patient is admitted to hospital on an involuntary basis there is a strict code that requires the patient to be examined by psychiatrists and to appear before a magistrate within a relatively short time. In one respect this legislation will change the time for medical assessment from four

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hours to 12 hours, but a strict code is applied. During the course of my legal representations I observed that it is often difficult for a patient on medication, and perhaps lacking insight if suffering from a psychosis such as schizophrenia, to give meaningful instructions. Of course the Mental Health Advocacy Service helps out in that regard, although a great number of people are still helped by private practitioners. As a legal practitioner who has worked in that area I have found that the legislation introduced by this Government and, more importantly, the new culture and approach to those with mental illness have engendered an enlightened approach to the problem. That has been noted where the patients are most in need.

I have visited Manly District Hospital on many occasions over the last 15 years. Manly District Hospital is a wonderful facility that serves the northern peninsula as far away as Mona Vale, including my wonderful electorate. During my attendances at that hospital to represent patients, and during the times I have sat around trying to come to grips with the problems facing people who have been scheduled, I have seen a marked increase in facilities over recent years. Manly District Hospital was always good; the people there were great and always tried to do the right thing by the patients. Over the past few years the communities of Wakehurst, Davidson, Pittwater to some degree, and Manly have gained a magnificent new facility. Almost \$5 million has been spent on providing a 30-bed ward. I visited that facility about six months ago and was shown around the hospital. The pride and joy of the medical staff was what they call the north wing unit, the psychiatric unit.

This Government means business when it comes to improving health services in this State. It is not game playing. It is not playing with figures. It is not talking about bed closures. It is talking about a real commitment to improving the delivery and quality of services for the people of New South Wales, particularly in my electorate and on the northern peninsula. That Manly facility has been open since 1992 and the quality of the care, the medical practitioners and the nursing staff deserve the highest praise. The legislation seeks to address a number of issues. The way it addresses some of the major issues in a progressive way is a great step forward for New South Wales. I am sure the legislation is supported by the Opposition because it now realises that this Government is working for the good of those who suffer mental illness, and I am sure there is a collaborative approach in that regard. I commend the Government for bringing this legislation before the Parliament and congratulate it on its fine endeavours in addressing the issues raised by the committee chaired by Anne Deveson.

Mr SULLIVAN (Wollongong) [8.25]: It gives me pleasure to speak on this debate this evening because this is one of the areas that I believe, as a society, we have neglected over many years. The honourable member for Ku-ring-gai was eulogising the renaissance of community attitudes to people with mental health problems, but I tend to be more sceptical. I believe there are still a lot of nineteenth century views in the community. As a consequence the Parliament should be moving to redress the injustice to people who suffer from various forms of mental illness and ensuring that they receive the best possible treatment, rather than simply being incarcerated, as was the nineteenth century approach to mental illness. I should not be too critical of the nineteenth century because, if the truth were known, those former conditions probably existed for the better part of 2,000 years.

The specific objectives of the bill are to implement recommendations of the Mental Health Act Implementation Monitoring Committee with respect to the following matters: the detention of patients in

hospitals; the transfer of persons between prisons and hospitals; the procedures for obtaining approval for the treatment of patients by electroconvulsive therapy and other prescribed treatments; the duration and effect of community counselling and community treatment orders; hospital administration and management; and orders made by magistrates in criminal proceedings. The proposed legislation will implement certain recommendations of the report of the Mental Health Act Implementation Monitoring Committee which was presented to the Minister for Health in August 1992.

I digress briefly to say that the Minister for Health was fortunate to obtain a person of the rank and status of Professor Ian Webster to head that committee. My first involvement with Ian Webster was as a member of the first Illawarra Area Health Service Board. Professor Webster was the University of New South Wales representative on that board and I came to have a great respect for him. I do not know if I am speaking out of school when I say that it was unfortunate that Ian Webster did not become dean of medicine at the University of New South Wales. I think a significant change would have been observed by now had his application been successful in that direction.

The terms of reference of the committee are interesting. Basically they were: to monitor the implementation and operation of the Mental Health Act - and I use the term in the past tense, of course, because that committee had a two-year life span; to advise on processes and strategies that will assist and ease the implementation process; and to advise and recommend action for overcoming any difficulties or problems associated with the implementation of the new Act. Some of the committee's recommendations are incorporated in the bill. Other recommendations will be considered at the completion of a discussion paper being prepared by the Department of Health.

The committee recommended that an ongoing monitoring committee be established to report periodically to the Minister on the effectiveness of the implementation of the Mental Health Act. I hope that the committee will be established. It is unfortunate that it is not provided for in the bill. The main provisions I wish to comment on concern community

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counselling orders and community treatment orders, together with hospital administration and management. The bill will remove an unfortunate division in the original Act. The division in the scheme concerning the treatment of persons who are mentally ill in hospitals and the treatment of patients in the community in accordance with community counselling orders and community treatment orders will be removed. If a person is hospitalised the orders will continue to apply. This will prevent a repetition of the procedure after a person has been admitted and then discharged from a psychiatric hospital. This is a worthwhile change.

In proposed sections 124A and 135A the bill provides that a community counselling order or a community treatment order will have no effect while the person who is the subject of the order is in hospital as an informal or voluntary patient. Such an order will continue to have effect if the person ceases to be an informal patient. Under proposed section 131(1), dealing with the making of community treatment orders, the legislation will be improved by removal of the words "Part 3". The Mental Health Review Tribunal will be able to make community treatment orders for all detained patients. Rigidity in hospital administration can lead to dysfunctional treatment being provided. This afternoon the Opposition spokesperson on health, the Deputy Leader of the Opposition, gave the example of a mentally ill patient from the Wilcannia area having to be transported to Orange to be suitably classified and to receive suitable treatment. The trip required the patient to be transferred from ambulance to ambulance a number of times. Any changes to the legislation which allow a more flexible approach to the assessment of mentally ill patients is to be encouraged. However, standards have to be maintained. We will have to see whether the changes under consideration work effectively. The recommendation for the establishment of an ongoing committee to examine implementation of the Act is valid.

The Minister for Health was led to believe that I would not mention the Illawarra in my speech but I am going to disappoint him. The provision of mental health services right across the State needs to be considered. A previous speaker said that it was good for people to receive treatment where they live, in the country and in the suburbs, without having to go to massive institutions, the fifth schedule hospitals. However, patients in large areas of the State need to travel to receive mental health treatment. Any review committee established

should have a responsibility to ensure that the provisions of the Mental Health Act apply equally to all, no matter where patients live. In that regard organisational refinements are needed in the Illawarra. In some respects the Illawarra has been fortunate in that it has never had a fifth schedule hospital, so there are not the built-in, archaic attitudes and approaches to the provision of services to psychiatric patients that are found in other areas. However, because the Illawarra has never had a fifth schedule hospital the area has not had a variety of resources for the treatment of patients with psychiatric disorders. The Illawarra is underresourced with mental health services to meet the needs of a population of more than 300,000.

I refer to the current State mental health plan and to the McHarg report. Though they did not deal specifically with the Illawarra, they showed that the Illawarra has been underresourced. According to the plan and the report the Illawarra should have 180 psychiatric beds for all mental health services. Currently we have 54. Of all people in the Illawarra with psychiatric disorders, well over 25 per cent receive treatment outside the area - invariably in Sydney - at a private clinic or at Ryde. A previous speaker spoke of the advantages of having the family close by to support a patient. A woman travelling by public transport from Shellharbour to visit her husband at Ryde would be committed to a major day's activity in just travelling. She would have to get a bus to a railway station, catch the electric train at Dapto, spend more than two hours in the train getting to Central, catch another electric train to Ryde, and then catch public transport to Macquarie Hospital. This is a fundamental weakness in the service.

For each dollar per capita spent in the Illawarra on mental health services \$8 per capita is spent in the Northern Sydney Area Health Service region. This shows the rough justice psychiatric patients in the Illawarra are getting. Another issue that extends beyond the Illawarra region is the problem of post-deinstitutionalisation. Many patients need long-term care. There is a minimum need in the Illawarra of 15 beds for people who need 24-hour supervised care, because they are very difficult patients. No real service is offered in the Illawarra specifically and solely attuned to the needs of such patients. That is a tragedy because these people invariably seem to end up on the streets or in our dosshouses. They are slipping totally through the net and not receiving the treatment they need and are entitled to.

The third matter that I should mention is staffing difficulties in the Illawarra. Because of the disparity between private practice and public practice rewards, a staff specialist gets \$100,000 per annum and a visiting medical officer gets \$140 an hour. In the past few years the number of staff specialist psychiatrists in the Illawarra has been reduced from five to three. Those who have left have returned to the hospital as visiting medical officers. The consequence is that because of the much higher amounts involved, the budget for psychiatric services in the Illawarra has been put under enormous strain. I do not suggest that psychiatrists should be chained to the desk and made to work in the public sector as staff specialists. However, it seems to me that the problem must be addressed so that appropriate and adequate services can be made available. I shall not go further than to say that the proposed legislation is a move in the right direction, but clearly the Government should be moving further, and soon.

Mr GAUDRY (Newcastle) [8.40]: I am moved to speak to this bill from the perspective of the number of constituents in my electorate who are affected by the provisions of the Mental Health Act,
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particularly parents, carers and families of the psychiatrically ill who come within the purview of the Act. There has been a great improvement in mental health services and attitudes to the mentally ill during the time the bill has been under consideration. I pay special tribute to the Mental Health Act Implementation Monitoring Committee for the ongoing work it is doing in ensuring that the Act is kept under review and that when patients are not completely covered by the provisions of the Act, changes will be made after consultation. But this is not to say that the Act is by any means perfect. It is not.

Many people in the community - those within the hospital system, subject to community treatment orders or not getting adequate servicing - are suffering because of the difficulties related to being psychiatrically ill and not having sufficient support services. I am particularly interested in speaking about three matters associated with the bill. The first of those positive matters is the provision for accredited persons and the capacity for involvement of more people to ensure that people who are psychiatrically disturbed have the opportunity to be

assessed and brought into care in a psychiatric hospital. In conjunction with that I shall speak about the extension from four to 12 hours of the time within which an assessment can be made. I shall speak also about amendments being made in respect of electroconvulsive therapy, a matter about which most members will be concerned. The other subject on which I shall speak is the practice of treating patients under community treatment orders.

I am especially keen to mention a number of matters that have been raised by the Mental Health Act Implementation Monitoring Committee that will be addressed in a discussion paper. These are extremely important matters and include the definition of mental illness, and the proposal to allow further detention of a mentally disoriented person when that person is considered likely to commit suicide. I refer the Minister to comments I made during private members' statements on Tuesday in respect of a parent of a schizophrenic patient who was extremely concerned that her son had attempted suicide seven times; yet there was still a real difficulty in having an assessment done, having her son kept in the hospital long enough for an accurate assessment to be made of the psychiatric condition.

The paper will consider also a proposal to require that an involuntary patient give 24 hours notice of an intention to leave hospital, and to extend the duration of community treatment orders from three to six months. In my view all those matters are extremely important. I hope that it will not be too long before the discussion paper is available for full discussion in the community and all interested people, whether patients, carers or health groups, have the opportunity to put forward their views so that amendments can be made.

I shall speak first about clause 21, dealing with detention based on the certificate of a medical practitioner or accredited person. Because of the location of the James Fletcher Hospital and because a large stock of Department of Housing accommodation is available in the electorate, a fair number of patients who are schizophrenic tend to live in the electorate and receive treatment under the Mental Health Act. It has been brought to my notice that one of the problems for these people has been the difficulty in having an assessment made, because medical practitioners are not always available. Parents have told me that they have extreme difficulty when a child or young person, perhaps in his 20s or 30s, is taken to the hospital and a medical practitioner is not available at the time - I have been told that at times two or three practitioners might be required for the assessment - and may not be available for six or eight hours. By the time the medical practitioner arrives the schizophrenic person has been able to get a grip on the situation, is then adjudged not to need hospitalisation, is released into the community and chaos ensues.

It seems to me to be a positive step to have accreditation of members - perhaps of a crisis team or specialists who are dealing daily with mentally ill or mentally compromised people - to assist in assessments so that assistance can be given much more quickly. Proposed section 29 provides for an extension from four hours to 12 hours of the maximum time in which the medical superintendent can determine whether a person is mentally ill or mentally disordered. Again that amendment will assist in ensuring that people who may not necessarily be a danger to others but may be a danger to themselves can be properly assessed and, one hopes, given an opportunity to receive the correct treatment. I shall refer next to the feelings of parents who have a son or daughter involved in the cycle of assessment and treatment, and the adequacy of such treatment. I refer honourable members to a letter I received from Mrs Wendy Gover in reference to her daughter who suffers from schizophrenia. She said:

I am writing regarding my daughter who was recently hospitalised for three months as an involuntary patient at Morisset suffering from Schizophrenia. On entering the hospital she was given a drug test which showed a high dosage of amphetamines (speed) in her system. Indeed, it is my feeling that her drug problem brings about her schizophrenia. I think some doctors would agree. She has abused drugs for approximately the same time as she has exhibited her psychiatric disorder.

Her stay in hospital resulted in a significant improvement in her condition. She was away from drugs for that time, she came to accept the fact that she suffers from an illness and need not be ashamed and therefore is now ready to accept medication. Upon her release, she was quite well. I had my daughter back!

Whilst in hospital however, her drug problem was not significantly addressed, partly due to her own refusal to attend the drug and

alcohol section at the hospital. She was there under the Mental Health Act and therefore, was under no obligation to undertake drug and alcohol therapy.

Here lies the problem.

Many schizophrenic patients also use drugs. Some doctors believe they use illegal drugs as a form of self medication. So, if they are in hospital under one or the other Acts, only one problem is being treated. My daughter did, whilst in the hospital indicate a desire to go into long term drug and alcohol rehabilitation upon her release and she

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made numerous telephone calls to an organisation which she had been told has a high success rate in restoring addicts to better ways of living. They rejected her because she was on medication. I then made telephone calls to just about every drug and alcohol rehabilitation organisation in the State and found no-one who would accept her unless she went off her medication except for one organisation called "Grow" . . . This however, seemed too far away for her.

This mother was expressing the real concerns of parents and the difficulties their children face in achieving adequate treatment. Some of these matters are being addressed. I turn to an issue in the bill which has relevance for me. I refer to the changes to electroconvulsive therapy and other prescribed treatments. I refer to this from the perspective of a son whose father was a psychiatric patient for a long period of time, on and off, in the James Fletcher Hospital. He was subjected to electroconvulsive therapy. I was always concerned whether in that circumstance my father was receiving treatment that was best for his condition.

I had the fears all people have after seeing "One Flew Over the Cuckoo's Nest" and films of that nature, or after having read books concerning the treatment of the mentally ill in the hospital system. It was always of great concern to me that my father was undergoing treatments and I did not know whether he had accepted them or whether they were giving him treatment that was in his best interests. I wondered, when he was an involuntary patient, whether he was given the best and due care for a person in that situation. It was a horrific regime of treatment.

The amendments that have been proposed take into account the capacity of the patient to understand the treatment, the acceptance by the patient of the treatment, and the patient's involvement in that decision. There is then the referral of those matters to the tribunal, which has the responsibility of considering not only the medical implications and close relatives' views on that but also, where possible, the view of the patient. The tribunal then makes a considered judgment. That is a very important part of this bill. In a humane way it looks at the problems and treatments psychiatric patients face, and it looks at the views of their close relatives - whether by birth, marriage, et cetera. [*Extension of time agreed to.*]

A whole range of people are taken into account in determining the efficacy of the treatment, and whether it is appropriate and should continue. This gives me a great sense of security about the approach being taken in this bill. I refer to the problems of the psychiatrically ill in the community. We are talking about their rights in the hospital system, but I believe that far too few resources are given to support mentally ill patients in the community, whether it be crisis teams who can follow up community treatment orders or support teams to ensure that mentally compromised people have the opportunity to live in a community without creating great difficulties either for themselves or for those who are living around them. In many cases, that will be in Department of Housing accommodation and, unfortunately, all too often in bed-sitters in major Department of Housing blocks of accommodation.

For those it is both a personal tragedy and a situation in which many are exploited by some of the worst people in our society. I draw the attention of the Minister for Health to a matter I brought to the attention of the House on Tuesday. I referred to a litany of exploitation of a particular schizophrenic patient. I did not use the patient's name. This person was harassed, had the home vandalised, was removed from the home, had goods stolen and was subject to the most repulsive criminal behaviour by people who were exploiting the illness. Although we are reviewing the Mental Health Act and making amendments to it, and I have positive feelings about those steps, there is an undoubted need to give greater resourcing to community-based mental health care. I ask that that be taken into account in any review of the Act.

Mr PHILLIPS (Miranda - Minister for Health) [8.58], in reply: I thank the Deputy Leader of the Opposition, the honourable member for Albury, the honourable member for Wallsend, the honourable member for Ku-ring-gai, the honourable member for Bankstown, the honourable member for Wakehurst, the honourable member for Wollongong and the honourable member for Newcastle for their support of this bill and for the policy direction of the national mental health policy and the policy direction of this Government. It is heartening and pleasing that in the matter of handling mental illness and health there is a fair amount of bipartisan support. There is a tremendous breadth of agreement on both sides of the House as to the direction in which mental health care should go. A bipartisan approach has been adopted by all political parties, Federal and State, to tackle the complex but important and essential issue of improving the care we give to those with mental illness.

As usual the Deputy Leader of the Opposition - Rumour Refshauge, as he is now being called around the traps - cannot help starting with the big lie. Despite the bipartisanship, he cannot help peddling lies about what is happening in the provision of mental health care. I must correct the record. He claimed there had been a reduction in funding mental health care of the order of \$11 million since this Government has been in office. He said that the Government had failed to move care to the community - another one of his throw-away lines to suggest that nothing is happening about providing care closer to home for those living with mental illness, that this bill is about closing down the big institutions and dumping patients on the street.

He cleverly talked about those in boarding-houses in his electorate who require mental health care and related that issue to what might be happening at Rozelle. But we all know that there is no relationship between the two matters. They are different issues and different problems. The Deputy Leader of the Opposition just cannot help himself. For the record, I shall restate the proud record of this Government's achievements. At present, annual spending on mental health services is more than \$289 million - an increase of more than \$104 million since

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the coalition came to office in 1988-89. More than \$86 million has been spent upgrading and building psychiatric facilities as part of the mental health capital works program, with as much again committed for further improvements in facilities for mentally ill patients.

A number of mental health extended hours crisis services have been established. In New South Wales the number of such services has increased from 12 to 30 under this Government. In 1988 there were 980 community mental health staff employed around the State. At last count there were approximately 1,480 staff, and the number is increasing. Quality as well as quantity of service have improved quite dramatically since 1988. From a position of no specialist psychiatric services accredited in New South Wales under the previous Government prior to 1988, New South Wales now has more specialist mental health services accredited by the Australian Council of Health Care Standards than has the rest of the country combined. These include Rozelle, Cumberland, James Fletcher and Orange mental health services.

The recently released ratings for State and regional programs for care of the seriously mentally ill in Australia showed that, of the top 11 services in Australia, 10 are in the New South Wales. That rating was commissioned by the National Schizophrenia Foundation, which is funded by the Commonwealth Government. Since the coalition assumed office in 1988 new acute psychiatric admission units have been built at Gosford, Blacktown, Nepean, Tamworth and Manly, and the unit at Coffs Harbour has been refurbished and expanded. Planning work towards new or expanded services is also under way at Albury, Royal Prince Alfred, Maitland, Shellharbour, Campbelltown, Hornsby and Ku-ring-gai hospitals.

A specialist psychiatric rehabilitation unit has been built at Shellharbour Hospital, and special purpose units for the confused and disoriented elderly, better known as CADE units, have been provided at Tamworth, Wagga Wagga, Long Jetty, Wingham, Goulburn, Lottie Stewart and Mount Druitt. Extensive new facilities have been provided for patients at all specialist psychiatric hospitals. A new child and adolescent admission facility at Red Bank House at Westmead Hospital provides for the first time an alternative to the involuntary admission of young mentally ill people to adult psychiatric facilities. A similar facility is planned for Liverpool

Hospital.

Funds are also provided to acquire supported accommodation for people with mental illness in all 10 health areas. Additional operating funds have been made available to provide new or expanded community mental health services in southwestern Sydney, Wentworth, southern Sydney, eastern Sydney, Illawarra, North Coast, New England, South West and South Eastern areas of the State. New child and adolescent mental health services have been funded in southwestern and western Sydney and the North Coast, and psycho-geriatric outreach services have been provided on the North Coast, New England and western New South Wales.

That is a long list of accomplishments by this Government in mental health services. The Opposition says that all we are doing is closing down the old Dickensian psychiatric centres and doing nothing in the community. That statement belies fact. Why does the Opposition continue with the big lie about mental illness? It does so to scare the community and to continue to stigmatise those living with mental illness. The Opposition insinuates that no accommodation is available for these people. Nothing could be further from the truth.

I welcome the bipartisan approach to this legislation, but the Opposition cannot help stigmatising those living with mental illness by continuing to misrepresent the facts. The Deputy Leader of the Opposition referred to the Burdekin report and suggested that New South Wales approach to mental health services was the worst in the world. The Burdekin report heaps praise on the New South Wales health system. It listed, on two or three pages, the initiatives the Government has taken to tackle the problems of those living with mental illness.

For example, he rates services on the North Shore as the model for other services to follow. But no, the Opposition seeks to use the Burdekin report once again to stigmatise those living with mental illness, and to try to undermine the excellent work the Government is doing in this regard. The Burdekin report also highlighted gaps in the system and difficulties that need to be addressed, particularly for the homeless or those living in boarding-houses with mental illness. The assertion by the Opposition that the closure of Gladesville, Cumberland and other institutions, or the moving of patients out of institutions, is causing people to be homeless, is incorrect.

People are returning to facilities at hospitals or care centres closer to their homes. They are receiving the appropriate level of care in their communities rather than being thrown into Dickensian buildings like those at Gladesville. The Opposition does not mind clouding the true picture and scaring the community. The Opposition knows that the number of people with mental illness living in boarding-houses - and most are over the age of 55 years - is the legacy of the discharge programs that were instituted long before this Government came to office. This Government will address that problem and those issues.

The Deputy Leader of the Opposition seeks to suggest that the Federal Government has responded to the Burdekin report and that this Government has made no response. The Federal Government made a great response: it produced a report, got Graham Richardson to say that more money would be provided to tackle the problem, and then got Brian Howe to kneecap him by saying that there would be no extra money. Graham Richardson is not there any more. This Government will wait patiently for the Federal budget, to find out whether the Federal Government will put its money where its mouth is and help this Government to tackle the problem of those living with

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mental illness. This Government has already announced upwards of \$10 million additional funding for those who are living in boarding-houses. Additional programs have been set up around central and eastern Sydney to assist those living with mental illness. The Government has already announced additional accommodation programs and will carefully consider the expenditure of money available from the Federal Government before making any final decision in relation to the speed at which progress can be made in this area.

Rozelle Hospital first produced a mental health plan in 1991, and the hospital's board reconfirmed that plan in February. The hospital is considering the better provision of community health services. In catering for

people who require accommodation closer to home it is necessary to have a plan that will help them adjust. Anyone who wanted to really challenge the program implemented at Rozelle Hospital should speak to Dr Marie Bashir, the director of psychiatry in central Sydney. I have the greatest regard for Dr Bashir, as, I am sure, do most members. She would not do anything that would result other than in the provision of additional improved care facilities for those living with mental illness.

Opposition members have spoken about cutbacks. What scaremongering. I am confident that the central Sydney plan is about providing improved care. I shall support the program and follow its progress with interest. After making so much criticism of the system, the Deputy Leader of the Opposition concluded that part of his contribution by saying that he agreed with the need to move resources from institutions to the community. Let us get it right - the Opposition's policy on the delivery of mental health services is the same as the Government's.

Dr Refshauge: No.

Mr PHILLIPS: What is the difference?

Dr Refshauge: The community should be fixed first.

Mr PHILLIPS: It so happens that the Federal Government has provided \$5 million this year and will provide \$7 million next year to help accelerate the transition program from institutions into the community. The Deputy Leader of the Opposition should listen to the contributions of other Opposition members. Some of the money provided by the Federal Government went to Bankstown. The Federal Government wants this State to implement the transition program, which is exactly what this Government is doing. We are following a national mental health policy, we are tackling the issue of deinstitutionalisation and we will tackle the legacy inherited from the previous Labor Government. I should like to speak to particular issues raised in the debate before turning to specific provisions of the bill. Most Opposition members have about issues outside of those covered by the bill. The honourable member for Bankstown praised the 24-hour crisis team now in operation in his electorate. Funds for the team come from the transitional money available from the Commonwealth. The honourable member for Bankstown recognises that community mental health services are being put in place and are being expanded under this program.

I am sure that all members in the Chamber fully agree with the direction and content of the bill. The Deputy Leader of the Opposition raised a number of concerns. He questioned the provision enabling a credentialed person as well as a medical practitioner to make an assessment for detention and to write a schedule. He said that no definition had been set down and that consultation was needed. He wanted the Government to guarantee that a definition would be set and that consultation would be held and to indicate that this system of detention assessment would be followed only in isolated areas. The member for Newcastle raised the same issues. The New South Wales Department of Health will establish specific guidelines and processes to establish and monitor such accreditation. The guidelines will be developed in consultation with peak community and professional groups.

Major professional groups that have already expressed interest in the development of guidelines following the passage of the bill include: the Medical Services Committee, the Royal Australian and New Zealand College of Psychiatrists, the Royal Australian College of General Practitioners, the Australian and New Zealand College of Mental Health Nurses, the New South Wales Nurses' Association and the New South Wales Nurses Registration Board. Peak community organisations have also indicated their interest in the development of the guidelines. Those organisations include: the Mental Health Co-ordinating Council, the Schizophrenia Fellowship of New South Wales, the Association of the Relatives and Friends of the Mentally Ill, the Public Interest Advocacy Centre and the New South Wales Association for Mental Health Inc. It is envisaged that the accreditation guidelines will provide that accreditation can occur only when there are no medical practitioners already available to schedule mentally ill people.

Another issue discussed relates to the increase in the number of hours a person can be held for assessment.

The Deputy Leader of the Opposition was of the opinion that the Government should closely monitor detention times to ensure that this provision is not abused. I am able to assure the Deputy Leader of the Opposition that the proposed increase to 12 hours will be monitored by the new monitoring committee to make sure that the process is not abused and that people are not unnecessarily detained. The period of 12 hours is to be considered a maximum time, not a target time. The provision is designed to provide more flexibility in the system. The Deputy Leader of the Opposition asked why the appointment of directors and deputy directors of health care agencies would no longer be gazetted. The purpose of the amendment is to correct a drafting oversight in the 1990 legislation.

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Health care agencies provide community-based mental health services. Currently section 115 of the Act requires the notification in the *Government Gazette* of appointments of the director and deputy director of each health care agency, along with a declaration of the agency. If there is a change with regard to the director or deputy director of a health care agency the whole agency has to be regazetted. Even if only a short period of leave is involved, the whole agency, as well as the relief, has to be regazetted. This technically suspends the approval of the health care agency to operate during staffing changes at that level and creates an unnecessary administrative process. The appointment of officeholders under the Act such as medical superintendents of hospitals, official visitors and welfare officers does not require to be gazetted. The amendment does not affect the requirement under section 114 for gazettal of health care agencies. There is no intention to hide the names of these people, although I am not sure what proportion of the general public has access to the *Government Gazette*. If there is still an issue about those names being available, I am happy to discuss with the Deputy Leader of the Opposition the way in which that matter can be overcome in a practical way.

I have been keen to ensure people have proper access to interpreters. I have approved an amendment to current regulations under the Mental Health Act 1990 to implement a recommendation contained in the report of the Mental Health Act Implementation Monitoring Committee that a new form 4 outlining patients' rights in plain English replace the current form. The new form 4 will contain clear information on patient's legal rights and other entitlements under the Act. It will replace the existing form, which the monitoring committee found to be too complex. This is consistent with the emphasis in the Mental Health Act on protection of patients' civil liberties and provision of information in terms that the patients are most likely to understand. The form will be translated into 18 community languages, namely, Arabic, Chinese, Croatian, Greek, Italian, Japanese, Khmer, Korean, Lao, Macedonian, Maltese, Polish, Portuguese, Russian, Serbian, Spanish, Turkish and Vietnamese.

A key object of the Act is to promote mental health services which take into account religious, cultural and language needs of persons. The Transcultural Mental Health Centre, which I had the pleasure of opening at Parramatta, has been established with the mission of improving mental health services to people of non-English speaking background by means of training, research, referral and liaison strategies. We are trying to concentrate and specialise in those particular areas. At Royal Prince Alfred Hospital a specialist unit has been opened to give specialised care to deaf people with mental illness, who have special needs and special communication difficulties in their culture. We are trying to address those cultural, religious and communication difficulties.

The Deputy Leader of the Opposition raised concerns about oversighting by the Mental Health Review Tribunal of informed consents for electroconvulsive therapy. I had difficulty, and so did my officers apparently, getting to the heart of the honourable member's concerns. I assure him that if he provides additional information I will look at addressing those issues. The Deputy Leader of the Opposition sought assurances that the Government still had a commitment in relation to official visitors. I assure him that I fully support that program and am happy to look at how we can improve those services.

To this end, the bill introduces an indemnity for official visitors to protect them from liability for any actions taken in good faith for the purpose of performing their duties under the Act. At my direction a review of the official visitors program has been undertaken by the Department of Health. As a result, I have approved the formation of a committee that includes a consumer representative and that will have majority representation

of official visitors to oversight the operation of the official visitors program and provide policy advice - which I think is important - for its future operation and improvement.

An important issue in the development of the bill is what happens after a person is assessed and found not to be mentally ill. Are such persons to be returned to gaol? How long are our services to be prisons? We do not want our mental health services to be prisons; we want them to care for people suffering illness. I wrote to the Minister for Police seeking assurances from him about the service that will be provided when police are called to pick up persons assessed but cleared of mental illness to take them back to police prisons or to the prison system. The Minister for Police and Minister wrote to me on 3 May in the following terms:

Commissioner's instructions will be changed to reflect the amendments and in particular include a requirement that a notified police officer should immediately attend the hospital to apprehend as required by the section. This of course will only apply where there is an order to return the offender to the court.

I agree that the wording of S37A(5) should remain as drafted, and that both our administrations should review the operation of the new sections once they are in place.

I am pleased that the Minister for Police has been co-operative on such an important matter. Concern has been expressed about the new monitoring committee, its broad cross-section and regular reviews. The honourable member for Wollongong said he is disappointed that the new monitoring committee is not mentioned in the bill. I advise him that the committee, as was the case with the original monitoring committee, does not need to be established in legislation. As I advised in my second reading speech, I have agreed to establish an ongoing monitoring committee to report to me on any recommendations for further improvements to the Act. One of the committee's tasks will be to review replies received in response to a discussion paper.

The terms of reference of the new monitoring committee will be: one, to review replies received in response to a discussion paper to be released by the

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Department of Health in respect of issues from the report of the Mental Health Act Implementation Monitoring Committee and provide a report to the Minister for Health; two, to monitor the utilisation and effectiveness of the Mental Health Act 1990 through comment and other information received by the Minister and the Department of Health and by means of statistical information as is available; and, three, to provide a report to the Minister annually as to the activities of the committee with any recommendations it may wish to make for improvements to the Mental Health Act 1990.

It is proposed that the committee will include a representative of the Mental Health Review Tribunal; a consumer, to be nominated from the New South Wales Consumer Advisory Group; a carer, to be nominated by the Mental Health Co-ordinating Council; the representative of Mental Health Advocacy Service; a nominee of the Psychiatric Administrators' Conference; and representatives of rural community based mental health services and the New South Wales Department of Health. The committee is to comprise fewer members than the original monitoring committee to assist in its ongoing management and focus.

Representations from other groups for inclusion on the committee will be considered in the context of these requirements. I wish to emphasise that the new committee will be required to consult with a wide range of interested parties and groups directly affected by the Mental Health Act, in order to function effectively. The Deputy Leader of the Opposition raised questions about the treatment of forensic patients. I am pleased that the honourable member fully supports the way in which forensic patients are handled.

Mr Martin: A walk-in walk-out policy.

Mr PHILLIPS: The honourable member for Port Stephens should talk to the shadow health Minister. The honourable member for Port Stephens does not know what he is talking about when he continues to stigmatise those living with mental illness. It is the ignorance of people like him that is part of the problem. He should read up on what is happening in mental health. He should also listen to and take note of the views of

people such as the Opposition health spokesman instead of adopting a biased and ill-informed approach. Forensic patients present a difficulty. I am not talking about new forms of care but about care which started in the 1950s and was included, after review, in legislation in 1983 under the former Labor Government. In the early 1990s the way in which forensic patients are carefully monitored and cared for was reaffirmed by the Parliament.

I am talking about people who go through a psychotic phase, who are judged by the courts to be mentally ill at the time of their crime and require psychiatric care. The comprehensive review conducted by the Mental Health Review Tribunal takes place every six months. The finding has to go through the step of being approved by the Minister, and I then recommend it to the Governor. Great care is taken to ensure that the mental health treatment of patients and also the care and protection of the community are properly taken into account. The procedure has been extraordinarily successful and should not be undermined by occasional escapes, which are a rarity. The escape last week of forensic prisoners from Morisset Hospital was only the second escape in five years. It must be borne in mind that at no time were those people a danger to the community. The scaremongering stigmatises those who are living with mental illness. It makes it hard for governments and for the people involved in their care. It sickened me that the Leader of the Opposition took the opportunity to grandstand and look for cheap political gain. He appeared on television waving a newspaper and said, "The Government should cancel every leave that has been granted to any one of these people".

Mr Martin: That was not quite like that.

Mr PHILLIPS: It was. This is an important matter. I feel strongly about it because it makes it so hard for the carers of mentally ill patients, who have the difficult job of trying to rehabilitate them, to have the leader of a political party appear on television saying that leave should be refused. I was pleased that the professor of psychiatry from the University of Newcastle wrote:

The response of the Leader of the Opposition, Mr Carr . . . is intemperate, ill-informed and to be deplored . . . Ignorance of the effectiveness of treatment provided to mentally-ill offenders and of the stringent security conditions under which such treatment and rehabilitation occurs is no excuse . . . Mentally ill offenders deserve better than this, and the public deserves better from its leaders and its newspapers.

That letter was not just an academic view because the New South Wales Consumer Advisory Group on Mental Health wrote to the Leader of the Opposition:

On behalf of all New South Wales people with mental illness and their families I would like you to reconsider your position on the escape of forensic patients from Morisset. It is very worrying when political points are made on these issues.

...

The press sensationally reported the situation, the public becomes frightened and the mental health community as a whole are the true losers. Please try to bear in mind the plight of these people and their families.

We would make a great advance if we could put aside the usual political brawls when it comes to looking after the mentally ill. Honourable members know that in political terms there are few votes in looking after the mentally ill but there may be votes in scaring the community witless. I hope the politicians in this State, including the Leader of the Opposition, can lift themselves above scaremongering and aim to win the election on issues other than people living with mental illness.

In conclusion I want to take this opportunity to express my thanks, as Minister - and I am sure the thanks of honourable members - to the implementation monitoring committee that reviewed the Act and proposed the recommendations the Government is

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implementing. The committee was initially chaired by Anne Deveson and later was chaired by Professor Ian Webster, Professor of Public Health at the University of New South Wales. The organisations involved with

that committee form a long list. I am sure they know who I am talking about when I express my thanks to them for the support they gave to improving, wherever possible, the Acts that regulate mental health.

As the Minister I want to extend my thanks also to the mental health team at the Department of Health. They are a great group of people. Politicians have great ideas that they want to push forward, but unless they get sound advice and are equipped with methods to implement projects those projects cannot be achieved. The mental health team of the Department of Health have performed a sterling job in bringing us to this particular point, and I have every confidence that they will continue to lead the field in improving care for the mentally ill. I thank honourable members for their participation and their support for the bill and commend it to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

CRIMES (DETENTION AFTER ARREST) AMENDMENT BILL

Bill received and read a first time.

Second Reading

Mr HARTCHER (Gosford - Minister for the Environment) [9.39]: I move:

That this bill be now read a second time.

I seek leave to have the second reading speech incorporated in *Hansard*.

Leave granted.

The law relating to police powers of detention and investigation after arrest, and the rights of persons held in police custody, has always tried to strike a delicate balance between two competing demands. On the one hand, the community is concerned that criminal investigation be effective and on the other hand, it is vital that the rights of citizens who are arrested and detained by police are not disregarded in the pursuit of justice.

At common law police have no power to detain a person merely for the purposes of questioning. The rule is that an arrested person must be brought before a justice as soon as reasonably practicable.

In 1986 the High Court re-affirmed the common law in the case of *Williams v. Reg.* reported in Volume 161 of the Commonwealth Law Reports at 278. The court upheld the primacy of the liberty of the subject. Thus while police are not prohibited from questioning an arrested person, or investigating an offence, police are prohibited from delaying the bringing of an arrested person before a justice.

The decision in *Williams* affirmed the application of the common law in New South Wales. In practical terms, however, the operation of the principle presents a great deal of uncertainty.

The New South Wales Law Reform Commission's report concerning police powers of detention and investigation after arrest, found that despite the law's stated concern with the liberty of the individual, in practice the common law does not operate to secure meaningful rights and safeguards for persons in police custody. A fundamental difficulty under the present law is that citizens are generally ignorant of their rights upon arrest and police do not have clear guidelines on the treatment of suspects in custody.

The common law is problematic for effective policing in modern urbanised society. It fails to set acceptable standards on police powers and practices in some cases, and does not afford police with a realistic opportunity to complete their investigations in others. This was recognised by the High Court in *Williams*.

To address these problems the Government has provided for a statutory scheme which regulates police powers of detention after arrest

and confers rights upon detainees. The bill will ensure that a proper balance exists between giving police sufficient powers to do their jobs effectively on the one hand, and protecting individuals detained in police custody on the other.

This bill inserts a new part into the Crimes Act 1900 which allows police to detain suspects for a reasonable time in order to carry out specified investigative procedures. Criteria for the determination of what constitutes a "reasonable time" are set out in the bill. Most importantly, it will confer rights on suspects including the right to have a lawyer and, if necessary, an interpreter present during any voluntary interview.

The bill makes clear that a police officer may only detain a person after arrest if it is necessary for certain purposes. These include:

- * to establish the identity of the suspect
- * to conduct further inquiries that are reasonably necessary to confirm or dispel any reasonable suspicion as to the suspect's involvement
- * to conduct any further inquiries that are reasonably necessary to determine whether a prosecution will be commenced; and
- * to complete any necessary documentation

Following an arrest, the police are required to inform the person that he or she has the right to communicate with a friend, relative, guardian or independent person and a legal practitioner. Facilities must be provided to allow the person to do so in circumstances which, as far as practicable, ensure privacy.

Foreign nationals also have the right to communicate with and arrange for the attendance of a consular official.

The investigation must be deferred for up to two hours until the relative, friend, guardian or consular official arrives, unless the police believe on reasonable grounds that such a delay might result in an accomplice avoiding apprehension, the concealment, fabrication, destruction or loss of evidence, the intimidation of a witness or other persons' safety being placed in jeopardy.

If the detained person has arranged for the attendance of a legal practitioner, police must defer questioning and investigation for a period of up to two hours. The legal practitioner will be allowed to be present during any investigative procedure in which the person participates and anything said by the legal practitioner will form part of the formal record of the investigation.

A list of criteria for the determination of what is a reasonable time for detention after arrest is set out in the bill. In determining what is a reasonable time, all of the relevant circumstances of the particular case must be taken into account including:

- * the person's age, and his or her physical, intellectual and mental capacity and condition;
- * the number, seriousness and complexity of the offences;

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- * the total period of time during which the suspect has been in the company of police;
- * the number and availability of persons who need to be questioned or from whom statements need to be obtained;
- * the need to visit the place where the offence is believed to have been committed; and
- * the time taken for the person to establish communication with a relative, friend, guardian or lawyer and the time taken by any of those persons to arrive at the police station.
- * whether or not the person has indicated a willingness to make a statement or to answer questions
- * the time during which the questioning and investigation has been suspended to allow the person to receive medical attention or

because of the person's intoxication due to alcohol or drugs.

The bill also clearly defines the authorised investigative procedures which may be undertaken by police during the detention period. They include:

- * questioning or obtaining a statement from the person;
- * questioning or obtaining statements from witnesses or other persons who have relevant information;
- * searching the person and the taking of finger-prints and photographs;
- * obtaining forensic samples and;
- * the conduct of identification parades.

The bill provides that the person's relatives, friends or legal representative are entitled to information as to where he or she is detained. Any request for such information must be communicated to the person. This is an important safeguard, particularly for those with family responsibilities.

The bill allows for the provision of an interpreter where necessary. This will also apply where the person has a physical or intellectual disability. An investigation must be deferred until an interpreter is present.

The bill also provides that the "custody officer", who is the officer having responsibility for the care, control and safety of persons detained at the police station, will be required to maintain detailed and complete custody records relating to the detention of persons. That officer must also ensure that a person is provided with medical attention if required, reasonable refreshments and toilet facilities.

The proposed package will provide a proper balance between regulating and clarifying the precise powers and obligations of the police, whilst providing greater certainty to ordinary citizens suspected of having committed offences as to their rights and the permissible procedures which may be conducted during the detention period. Accordingly, I commend the bill.

Debate adjourned on motion by Mr Martin.

BILLS RETURNED

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

Electricity Commission (Amendment) Bill
State Emergency and Rescue Management (Amendment) Bill
Bush Fires (Amendment) Bill.

SENATE VACANCY

Joint Sitting

Mr Deputy-Speaker reported the receipt of a message from the Legislative Council agreeing to meet the Legislative Assembly in the Legislative Council Chamber on Tuesday, 10 May 1994, at 3.30 p.m. to choose a Senator in the place of Senator Graham Frederick Richardson, resigned.

FISHERIES MANAGEMENT BILL

Second Reading

Debate resumed from 21 April.

Mr MARTIN (Port Stephens) [9.40]: I lead for the Opposition on this bill. This proposed legislation has been hurriedly put together.

Mr Jeffery: 1990 - four years!

Mr MARTIN: I am glad the honourable member for Oxley interjected, because I have all night and I am sure Opposition members have all night. If he wants to keep interjecting, the Opposition will keep going. At the outset I can only say that the haste with which the bill has been put together and the way it has been put together are probably unheard of in the history of New South Wales. On the eve of the 1992 Christmas break the Minister for Agriculture and Fisheries tried to slip the same bill into the Parliament. He said, "It is a simple piece of legislation, let it through". He expected the Opposition to give leave. I found next morning that the industry had not been consulted on that legislation. Unfortunately there has been minimal consultation, resulting in angst and problems in the community. Disgusting behaviour of an almost indictable level has taken place.

The Minister gave a second reading speech - one that the judiciary will probably refer to one day as the key speech explaining in lay terms the proposed legislation. The Minister said the bill will replace the 1935 Act. In his speech he said, "It has not protected our resource and it is driving our industry out the back door financially". The Act has protected our resource since 1935. It is probably time for a change in the legislation, but the Act has served this State well since 1935 - a period of 58 years. In 1979 major amendments were made to the 1935 legislation. They resulted from a parliamentary select committee led by none other than the Minister's predecessor, Bruce Cowan, in 1976. He listened to the industry in New South Wales and did an excellent job on the committee, as did the other members who served this State.

Those were the days when consultation used to take place; they were the days when one used to listen to people on complex issues. The Minister was wrong when he said in the debate, "In the past, fisheries management has tended to focus far too much on the fisherman and not enough on the resource itself". That is upside down. He said, "I am proud to say [it] is on the effective and sustainable management of the resource". He does not mention that in the bill; it will only come forward in amendments. He does not mention resource management. Further he said, "... it was generally thought that our marine fish populations were inexhaustible and that it would be impossible to fish them to very low levels".

Did the Minister think that? He must have funny dreams. No one in fisheries has had that idea for over 30 years. That shows how dumb he is and how

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little in touch he is with his own organisation. He went on to say, "... coastal waters are amongst the most depauperate in the world and that, fishwise, these waters are a virtual desert". The Minister said that our coastal waters are a virtual desert. I do not know whether he wants to argue about that at the end of the debate. However, that is what he said. He said further:

It is no longer acceptable to adopt the laissez-faire approach used for so long in this State, and in others, and to simply allow fishers to take what they want ...

Does the Minister really believe that? He said it, but does he believe it? He then referred to relying exclusively on fishing effort restrictions to manage our fish stocks. It was a wonderful speech: it sounded good but meant nothing. He stated further:

The existing Fisheries and Oyster Farms Act has as its objectives to protect, develop and regulate the fisheries of the State.

I should have thought that to conserve, develop and share would have the same significance, but the great legislator uttered these lovely words - it was very clear in the old and it is just as clear in the new. He was trying to tell us what a wonderful change he was making. He said he was more clearly defining the Act. I

should have thought it was clearly defined then. He continued:

The following points explain the objectives of the bill: to conserve the fish populations and protect fish habitat . . .

In view of the clean waters legislation, that is poppycock. He said, "In the past our fisheries have essentially been open access fisheries". That has not been the case for about 12 years. Later he said:

Consultation: the days are long gone when a Minister or a department could make decisions relating to the management of a natural resource without consulting closely with the clients - and I would not want to.

That is what the Minister said. His remarks on the levels of consultation will come back to haunt him, and that is important. The Minister made great play of fish habitat management. The second reading speech consists of sugar-coated words that mean nothing to the people of New South Wales, because the Minister produced complicated legislation that will create a whole new bureaucracy and be costly to administer. The legislation will be irreversible. If the Minister has it wrong, no one will be able to wind it back because it will be gone. That is why lengthy consultation is needed; the people involved need to be consulted. They feel they have not been consulted. Although the Minister may have worked with a dozen people who claim to have either been appointed by him or who are in statutory positions claiming to represent an industry, he must ask himself how much consultation there has been. My statements are based on the fact that the Minister, only two weeks before introducing the legislation into this Parliament, released an exposure draft. My copy of the exposure draft was loaned to me. I did not receive a copy from the Minister.

Mr Nagle: You did not get a copy!

Mr MARTIN: No, I did not get a copy, but I would not expect that type of decency in such a system. The draft exposure was released on 11 April.

Mr Causley: Did you read it to him, Peter?

Mr MARTIN: The Minister interjects across the room to ask, "Did you read it to him?" Did honourable members hear the Minister today on the markets matter? He does not even read Cabinet papers, yet he has the hide to sit in this Chamber and talk about reading. The draft exposure was released on 11 April and, two weeks later, after telling everyone, "It will be there," the Minister introduced flawed, irreversible legislation. The poor public servants have been conned or are being conned. The New South Wales Treasury is after two-thirds of the fisheries budget, raised from a user-pays system. The Minister will not deny it. I challenge the Minister's advisers behind the bar of the House to make a note of that comment so that the Minister can deny it in his reply. If the Minister does not deny it, I can say that it is the fact and the Opposition will begin a campaign in New South Wales.

Two-thirds is what the New South Wales Treasury wants. It wants eventually to raise \$12 million a year from fisheries. That \$12 million will be raised at the peril of the people in the industry. The people who will pay under the new legislation will be those who have money, the rich, because the poor will be chased out; they will no longer exist. I will bet 10/1, or better than that, that the people who represent the fishing industry have never taken the matter up with their own constituents. Last week I addressed a meeting of oyster farmers in Karuah, in my electorate. The 35 members present at the meeting made it clear that they did not have enough information about the proposed legislation to agree to its passage.

I have talked to most of those people in the past 48 hours and they remain convinced that the legislation is not in their interests, and they want changes to it. Letters sent to me and to the Government say that the oyster industry agrees with it. That is not the view of the rank and file. Either they are being dudded by their own representatives or they are not getting a message through. That is how the system works, and I accept that, but I will not let my constituency down. I will not allow the small people to be done over in this Parliament in favour of the vested interests of the rich.

The Minister will rue the day that this legislation was passed because it will come back to haunt him. The legislation will probably be passed, but not today. If it is passed, it will create problems that are impossible to fix. The irreversible trends are financial. Shares will be issued, and the State will never be able to buy the people out or compensate them. It will be a tragedy for New South Wales, because a major sector of the industry, the recreational fishing sector, has been locked out of the equation because they put up too much of a battle and created too many problems. They said they would not stand for the nonsense that was taking place in respect

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of recreational fishing. It is only right that the recreational fishers are taken into account when it comes to the fishing industry of New South Wales. One-third of the people in New South Wales wet a line. Millions of dollars are tied up in the recreational fishing industry in this State, and anglers have been totally neglected in this legislation.

I am sincere when I say that but the Minister shakes his head. The Opposition knows why the Minister locked them out: because it was too hard to address their problems, too hard to allow them to have any say on the matter. The Minister will pay dearly in time to come for what he is doing to the recreational fisher. The recreational fishing industry in New South Wales, through tackle shops alone, is worth between \$125 million and \$140 million. The commercial fishery in this State is worth \$110 million. That is for the tackle industry; not for boats or petrol.

In the electorate of Port Stephens on two weekends each year 240 game fishing boats take part in the biggest game fishing contest in the world. It is scandalous that the game fishermen are neglected in this legislation. Members of Parliament have to tolerate poorly prepared legislation, hurriedly put together, and at the end of the day honourable members will find that the situation is unfair. I have received reports from fishermen along the New South Wales coast who have been told at public meetings that the amateur is taking their fish. I know, because it was reported to me in the form of a declaration, that at one such meeting on the North Coast the Director of Fisheries said, "The recreational fishers are getting your fish".

If the Minister believes he can run a fishery by dividing the amateur and the professional and driving a wedge down the centre, he is wrong. This bill is flawed because it cuts out the recreational fisher. The recreational fisher gets only two clauses in the legislation. Many of the problems inherent in this legislation stem from attitudes and philosophies that are not acceptable in the 1990s - they are the 1970s mentality associated with Thatcher and Reagan. Those leaders set the trends and they are now paying a terrible price. The Minister had a chance to draft appropriate legislation, but he did not take advantage of the opportunity. The people of New South Wales will pay a terrible price. He has an appalling record.

The Opposition is prepared to sit down with the industry. It took three years to get agreement in New Zealand. The Minister began the groundwork in January this year and has bulldozed rotten legislation through the Parliament. In April he issued an exposure draft. It is only two weeks tonight since the legislation was introduced, but already the Minister has 62 Government amendments to the bill. The Minister for Agriculture and Fisheries and Minister for Mines became a member of Parliament in 1984. In those days Ministers did not introduce legislation if they did not get it right.

Mr Jeffery: You had the numbers and you used to gag us.

Mr MARTIN: I would not blame anyone for gagging the honourable member for Oxley, but that is beside the point. The Minister has had an opportunity to get this legislation right. All he had to do was to sit down with recreational fishermen, ensure that industry was comfortable with this legislation and establish where it will go in the future. Consultation would have provided everyone with an opportunity to work together to establish good legislation to replace a 58-year-old Act. The legislation with which we are dealing was put together hurriedly and with very little consultation. People will rue the day that this legislation was ever thought of.

I wish to turn now to some of the questions I asked the Minister in this Parliament. On 14 April I received

answers to questions that I asked some time ago. I asked whether New South Wales Fisheries sent a circular to every fisherman in New South Wales which stated that the Minister was committed to extensive consultation with regard to property rights. The Minister's answer to that question was yes. I then asked the Minister what meetings had been held. The Minister provided me with a list of eight public meetings. I asked the Minister when and where those meetings were held. The Minister gave me that information. I then asked the Minister whether or not minutes of those meetings were kept. Minutes of those meetings were not kept

As a result of those meetings there was a hue and cry from fishermen all along the coast. The 350 professional fishermen in the Minister's own electorate were not happy. I know that they were not happy because I received a 26-page report from those meetings, at which minutes were kept. It is a disgrace that public servants in the Minister's department did not keep minutes of those meetings. Another question that I asked the Minister concerned the outcome of each of those meetings. The Minister said that he was briefed on each outcome. If the Minister had been briefed and he had heard the hue and cry to which I referred earlier he would have gone through a long, sensible, consultative process.

[Interruption]

The Minister says that is what consultation is. If that is what the Minister believes consultation is, he does not deserve to be in this Parliament. Even though officers from the Minister's department did not keep minutes of those meetings other people were able to report what happened. The meetings were atrocious. Recreational fishermen who attended those meetings told me that they sat there quietly because they did not believe they had a part to play at meetings of professionals. But those recreational fishermen took notes and kept us informed. The Minister and I know that what happened at those meetings was not very nice. I am sure that other speakers in debate on this legislation will confirm what I have had to say. I ask the Minister to comment on what I have had to say when he replies to debate on this bill.

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The Minister did not attempt to answer some of the questions I asked, but the way in which he answered other questions was shocking. I attempted to establish what would happen if New South Wales modelled its fish quotas on the quotas that applied in New Zealand. The Minister, after visiting New Zealand and meeting a few people there, returned to Australia with a brainwave: he would implement the quota system being used in New Zealand. The people in New Zealand took three years to get their legislation right, but the Minister is attempting to rush this legislation through the House. The Minister supplied answers to questions I asked concerning the ownership of fisheries. During question time in this Parliament the Minister said that there was no foreign ownership in New Zealand.

Mr Causley: I did not say that.

Mr MARTIN: The Minister knows that that is what he said. He has been caught out telling porkies. Foreign interests are buying up and controlling the New Zealand industry, which is what they will be able to do in New South Wales once this legislation becomes law. I will deal later with that matter. The Minister issued a booklet entitled "Sharing the Fisheries of New South Wales". What a little doozey that was! People who have a copy of that booklet should keep it for posterity. If they can get an autograph from the Minister that booklet will one of the greatest collector's items. That booklet is nothing short of atrocious. The Minister even referred to Torrens title in that booklet, but then he tried to back out of it by saying, "I did not mean that". I will also refer to that issue later. The Minister will have an opportunity to reply to the points I am making. We have all night to debate this legislation.

I turn now to deal with the consultation process. Last Friday, 29 April, a meeting was called on the Central Coast to discuss the Fisheries Management Bill as it was to be presented to Parliament by the Minister. I am not referring to the exposure draft bill which, after a fortnight, was totally different after the Minister had amended it. The Government will be moving 63 amendments to this bill. I would hate to see how many changes the Minister would have made if a few more days had been available before it was debated. The

Minister would have totally rewritten it. A commercial fisherman who attended one of the meetings asked for a copy of the Fisheries Management Bill. I am told that the response from the Minister's fisheries officer, Steve Dunn, was, "It is no good giving you a copy as you would not understand it".

I received a complaint from another fisherman who attended the same meeting. He advised me that he is concerned about the lack of time that it has taken to consider this legislation. On Wednesday I received a deputation of fishing industry interest groups. At that meeting a representative from the Commercial Fishing Advisory Council said that the proposed legislation had the unanimous support of the commercial fishermen on the Central Coast. I raised the concerns of those two fishermen concerning the undue haste with which the legislation was prepared and the lack of consultation. I was told that one of the fishermen who expressed concern was only a part-time professional, so his opinion did not matter. That is hard to wear. That is the type of consultation the Minister is referring to. That is the way he treats anyone who dares to question the legislation.

We in this Parliament are expected to cop this sort of legislation after people have been treated in that manner. Another fisherman on the South Coast was told that he would need to approach his solicitor to determine what was in the legislation and even the solicitor would have trouble understanding it. If that is the case we need to look seriously at what is going on and we need to look seriously at this legislation. I am sure that not too many Government members have read the full 149 pages of this bill. If they had it would have taken them a long time to plough through it because it is so complicated. That is why we are concerned about it.

The driving force behind the legislation is an economic approach. That approach is driven by Mike Young, a natural resource economist from the Commonwealth Scientific and Industrial Research Organization Division of Wildlife and Energy. He has been doing a lot of work for the Department of Water Resources. The Minister probably would not know about that, but he has done the minutes for the Sydney Market Authority in Cabinet - the Minister does not read those - as well as work for New South Wales Fisheries. On this occasion he was a major adviser for New South Wales Fisheries. I came across a few of his little gems of economic rationalism in one of his publications entitled "Sustainable Investment and Resource Use", and I have compiled a fair summary of them. He is in favour of an economic model that is abhorrent to many people in New South Wales. He states:

The role of the economists in the design of administrative systems requires special skills.

There is no doubt about that. He continues:

There is considerable capacity for the use of a resource and property-right system to improve the use of irrigation water, to reduce water and air pollution, and to reduce over-fishing. Economists also have immense relevance to forest logging and rangeland management.

He is able to tie in all these issues and superimpose this mentality on New South Wales Fisheries. If he is guiding our organisation - unfortunately, at times I feel as though I am still part of New South Wales Fisheries - he is pushing a model that is not acceptable to most people in New South Wales. That model is about the economic rationalism of the highest bidder buying, chasing out the little people and adjusting everything very tightly. The Minister's actions, through his management of lobster fishing, are evidence of how that model has worked. In the budget papers for the Minister's department the Minister was quoted as saying that he expected 400 people to be eligible to fish for lobster, but there were only 130.

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The Minister will be using the same principles on New South Wales Fisheries, but he will find that those principles will chase out fishermen. He has even admitted as much recently in relation to small operators going out of business. He will chase them out of the industry. If that is the Minister's intention, he must find a better and more humane way of doing it. It can be done and, if the Labor Party has a chance to do it on 25 March

next year, it will be done in a different way. If little people, or big people, have to get out of the industry they should be able to leave the industry in a fair and equitable way. They should not be pushed out by market forces and sent to the wall.

This economic document is about a system that usually impresses administrators and politicians. The system does not require administrators or politicians to have an absolute knowledge of everything about a resource to administer it. That system suits the bureaucracy but it does not suit the fishing industry because it will mean some will be big losers. The strength of market mechanisms leads to resource rights becoming transferable. Each user makes a decision without having to lobby or consult the administrator; the highest bidder wins. If the Minister wants that system, he can have it. The Minister is clutching at a model - and it is only one of many models that could have been used - that is totally unacceptable.

This legislation poses many questions and the people deserve to know the answers to those questions well before the legislation is passed in another place and well before any amendments are moved. The Minister's legislation is two weeks old, but approximately 80 amendments will be moved by the end of the night. It is the duty of this side of the Parliament to ask questions and it is the duty of a government of good administration to answer them. As the custodian under the constitution of New South Wales the Minister has a responsibility to regulate the common law right to take fish. The Minister is not allowed to sell the right to fish in New South Wales, and therein lies the dilemma.

People are asking many and varied questions about the legislation. The Minister should inform the House how the recreational fisher will be affected by the legislation. How will the legislation affect the schnapper, a joint fishery used by the professional and the amateur, and the mullet, jewfish and bream fisheries. The Minister might think he can push through the legislation, but people deserve to know how this legislation will affect them if they expect to catch schnapper extensively when the Minister has allocated quotas that people expect to fill.

In his press release the Minister indicated that schnapper would be worth \$40,000 a tonne and that lobsters would be worth \$100,000 a tonne for the quota. If that is so, how does one prevent conflict between the professional and the amateur when this legislation drives home the fact that there is joint ownership of schnapper, bream, and mullet fisheries that are jointly used by both professional and amateur fishermen. The Minister went to New Zealand and thought the New Zealand model was a good one, but most New Zealand fishing is deep sea fishing. No one fishes recreationally in the deep water.

Mr Jeffery: You did not even know that, Bob, until the Minister told you.

Mr Causley: On radio.

Mr MARTIN: I must listen to the Minister on the radio more often. The Minister is trying to avoid a major problem. Will this quota system apply to the number of fish, to the volume of fish, or to gutted fish? The Minister is trying to push through this legislation without having thought it through. When I read the bill I thought it was a review and regulation bill because the word "regulation" appears more often than the words "fish" and "sustainability" and many other words. The legislation will enable the Minister to review and regulate, and will give him an open cheque. The Opposition has many questions. What will happen to a mullet fisher who is a beach hauler and traditionally catches mullet? What will the legislation do to his total allowable catch? Will it include bream and luderick? That is what usually comes up in the nets with mullet. How does the Minister suggest these will be controlled? These are the questions being asked by the people in my electorate.

Mr Causley: On a point of order: I do not want to interrupt such an interesting speech that contains so much detail, but the honourable member's contribution to the debate is completely outside the scope of the bill. The bill only sets the broad guidelines on how fisheries will be managed. The bill provides for management plans or property rights to manage the fishery. The honourable member for Port Stephens is talking about a property rights plan that has nothing to do with this bill.

Mr Martin: On the point of order: the bill contains extensive references to the management techniques that are to be used. The Minister said in his second reading speech that many things are not set in concrete. The Minister is being asked to explain how certain things will work. The Opposition has proposed amendments and we will be here well past breakfast time unless these matters can be sorted out. That is why I am asking the question.

Mr Causley: Further to the point of order: I am trying to explain to the honourable member that the details of any such management plans will be in direct consultation with the industry and will be separate from this bill. This bill sets up the broad framework by which the industry will be managed. The detail will follow after consultation with the industry.

Mr ACTING-SPEAKER (Mr Tink): Order! The bill directs itself to those broad matters. I ask the honourable member to bear that in mind during the remainder of his comments. I note also that he has claimed on numerous occasions that we will all be here until early tomorrow morning. I suggest that he refrains from making such statements and deals with the substance of his contribution.

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Mr MARTIN: The proposed legislation is of great concern to many people. Having completed my opening remarks, I will now start to work my way through the bill. I ask the Minister why the legislation was drawn up without one mention of sustainability. I ask the Minister to explain the last sentence in the second last paragraph of the explanatory note on page 5. I would like to know why there are only four people on the Total Allowable Catch Committee. Four people do not have sufficient expertise; there should be more. I ask the Minister to give the reasons why there should be only four. If his explanation is unsatisfactory, the Opposition will move an amendment. I was disappointed that the Recreational Fishing Advisory Council, which is dealt with in division 3 of part 8, is mentioned in only two clauses in the bill. That reflects the contempt the Minister holds for the council; he is taking the council for granted. The Opposition will propose amendments to that division to give it more teeth.

There has been debate about the Executive's supremacy over Parliament in relation to closures. I reiterate how dangerous that is, and emphasise that the Parliament should have the right to disallow any regulation, whether of this or any other nature. The sheer weight of numbers may prevent an amendment to this division. I look forward to being the Minister for Fisheries one day; I understand those powers that are needed in that process and those that are not. The Minister abused his powers in the manner in which he handled the New South Wales oyster industry. He continually changed his mind about closures, and he changed the rules. That is the first time the politics of closure came to the fore. That was abhorrent to this Parliament and to the people on the New South Wales coast. If the Minister had not abused that power his actions may never have come to light. That is why an explanation should be given as to why the regulation should not be disallowable.

The Parliament is supreme in New South Wales and should have the ability to disallow a regulation. If that power is not available under the Westminster system the consequences may be dangerous. I understand the reasons for regulations to enable closures. This Parliament has 15 sitting days in which to disallow a regulation. The regulation operates from the time the Governor signs it. That means that the Minister needs Executive Council approval. The Governor has to sign the regulation, so it will rarely go to the Governor without the approval of Executive Council. That aspect deserves some explanation. I now turn to the provision of the bill concerning bag limits. That provision is set out on page 9:

17(5) The regulations may provide that the maximum quantity of any fish that may be taken applies to a period other than one day. In that case, a reference in this section to any one day is to be read as a reference to that other period.

That clause ought to be explained in lay language so that the fishing fraternity can clearly understand it. Many people do not have a clear understanding of what the bag limit regulation means and do not understand the provisions about daily possession. The provision in relation to fishing gear appears on page 11, division 3, and

reads:

23. The regulations may make provision for or with respect to fishing gear (including the classes of nets or traps that may lawfully be used for taking fish).

Has the Minister omitted to include the number of those units that can be used? The number does not appear in any of the circulated amendments that I have seen. The Minister might like to deal with that point in his reply. Division 4 of part 2 deals with total allowable catches. Earlier I said that the Total Allowable Catch Setting and Review Committee should have more than four members. The Opposition would need to hear good reasons for restricting the membership to four members before it would be convinced that an amendment to expand the committee should not be pursued. Sustainability in relation to the TAC committee will be dealt with by way of amendment. The manner of dealing with appeals has been a major concern in fisheries administration. Matters dealing with total allowable catch, share allocation, and access to stock should have an adequate appeal procedure. In the past fisheries officers have assessed and made decisions on such issues. Matters referred to politicians are often those that have been rejected. The applicants have to lodge \$500 for an appeal, and the same fisheries officers are usually deeply involved in the appeal mechanism. This has led to a perception that justice has not been done and that there is not an adequate appeal mechanism. I look forward to speaking further on this point later in the night. Clause 33 deals with publication and duration of determinations. The Minister should specify a time period. I have seen what happens in the public sector when there is pressure of work. Clause 33(3) states:

The determination has effect for the period specified in the determination or, if no such period is specified, until it is revoked by another determination.

Without a specified period there will be a tendency within the bureaucracy to drag the matter out, which could cause difficulties. There may be a lack of staff or different priorities. Matters may be in the too-hard basket or it may be politically acceptable to many in the public sector to ensure that a matter is dragged out. Clause 36 deals with the defence for accidental taking of fish. Many species of fish are dead when they reach the surface, and it will not achieve anything to provide that they be released because they are of the wrong species or the wrong size. Spear-fishing has become more popular recently. An inexperienced fisherman, after spearing and killing a fish, may find upon inspecting it on the surface that it is of the wrong species or the wrong size. Fish look different underwater through goggles. I believe there is a major problem in the wording of clause 36. Clause 37(1)(d) is a very wide catchall defence. Throughout this legislation, which has been hastily prepared, there are catchall phrases and matters flicked off to be dealt with by regulation. That is not a good way in which to draft legislation. Clause 40 deals with regulations relating to general management of fisheries. I understand that the clause is to be amended.

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Part 3, which deals with commercial share management fisheries, is really about provisional freeholding. The Opposition is very uncomfortable with the freeholding of a publicly owned resource and I have spoken on this before. I worry about the omission of share management fisheries. I refer to the gem fish, orange roughy, snapper, jew, abalone and lobster fisheries. That is a problem area which needs addressing. Valuation for the purposes of compensation are to be set by the Valuer-General. I do not know why people will not have access to a court. If the Valuer-General is to set the figure, that ought to be made clear, and the matter should be covered by the Valuer-General's legislation so that people will have a mechanism for taking matters to court.

Fortunately, the Land and Environment Court is available for dissatisfied people involved with a share fishery. Two jurisdictions will be involved in the fisheries system - the District Court and the Land and Environment Court. I accept that but it needs to be made clear to people who make their living from the fisheries which matters will go to the District Court and which matters will go to the Land and Environment Court. The people involved should be educated so that there will be no misunderstandings later. I will deal with this in more detail shortly. There is a continuation of the provisions in previous legislation for matters to be taken to the District Court. I believe the provisions are too restrictive in regard to what matters can go to the

District Court. People should not be denied natural justice; they should be able to have their day in court.

Having worked on the inside, I know that this situation suits the bureaucracy, but it does not provide natural justice. The application fee for shares is contentious. It should be negotiated and not set at a monster of a fee, as it could be under this legislation. Clause 49 deals with who may hold shares. The Minister may prohibit persons from holding shares if they are not Australian residents. If the Minister were fair dinkum he would knock out that provision and make sure that Australian fish within the three mile zone from Barrenjoey to the Queensland border are kept as Australian fish. The word "may" should be knocked out and the word "will" inserted. If the Minister does not do this it will be a demonstration that he wants to sell off Australian, particularly New South Wales, resources to foreign interests. We do not want this to happen. It fits in with the Minister's model of share trading. The Opposition is bitter about this matter.

We do not want a repeat of what happened to the tuna fishery and other fisheries. We should take the opportunity to salvage the industry. The method of determining eligibility and entitlement to shares needs careful consideration. In an abstract way an attempt is being made to regulate people's income. The Minister said in his second reading speech that the purpose of the proposed legislation was to manage the fishery, that the concern in the past had been about the fishermen rather than the fish. Now the Minister has had a change of heart. He should be careful to ensure that this clause is buried for ever. If ever there was a motherhood statement to catch everything, it is subclause (6) of clause 50. This legislation has been prepared hastily and it is obvious that the subclause does not mean very much; it is simply a motherhood statement, but it could put the provisions of the legislation out of kilter because of its poor drafting.

Should the members of the Commercial Fishing Advisory Council - CFAC - be given additional shares? If that is the intention, why does the Government not give additional shares to people who serve on hospital boards or in volunteer bush fire brigades? Why should the members of CFAC get preferential treatment compared with that given to people who do work that is equally good for the community? I suggest that is how the Minister was able to achieve acceptance of the legislation, by ensuring that the CFAC members were given this advantage. That is how the legislation reads, or at least that can be read into it. People who serve the community in a variety of ways would be equally as deserving as the members of CFAC.

Clause 52 deals with the final issue of shares. Subclause (2) states that "the Minister may redetermine the provisional issue of shares and cancel shares so issued or issue new shares". That will give the Minister tremendous powers. In division 4, clause 53 deals with the commencement of limited access to fishery. The day appointed for shares issued provisionally in a share management fishery taking effect is qualified by the phrase "except in the circumstances prescribed by the regulations". Everything is to be done by regulation, but the Minister expects the Opposition to blithely give him an open cheque book by means of regulations. That is completely unacceptable. Provisions relating to the preparation of a draft management plan are contained in division 5. The Minister will be able to arrange for the preparation of a new draft management plan for a fishery following a fishery review in accordance with that part of the bill. That sounds fine, but what is the Minister trying to tell the people in this legislation? The provisions of legislation of this type should be perfectly clear. There are many reasons for making the requirements for the contents of management plans widely known. Clause 57(1) is as follows:

57. The management plan for a share management fishery may make provision for or with respect to the following:

...

(1) any other matters relating to the management of the fishery that are consistent with this Act and its objects.

That is like giving a worker a statement of duties that says that he must do anything the boss asks him to do. Again it is obvious that the legislation has been prepared quickly and has not been completely thought through. Why has the Minister not published the guidelines for making a plan? Will it be possible for a plan to be disallowed by the Parliament? If the proposals for plans are to be included in the regulations, will it be possible for management plans

to be disallowed by either House of the Parliament? That should be clarified. Clause 62 is very poorly framed. In regard to fisheries reviews clause 63(2) provides as follows:

The Director is to arrange a review into each share management fishery at such times as the management plan for the fishery provides and, subject to that plan, at such other times as the Minister determines. A review must be held before the term of the shares in the fishery are due to expire.

If the Minister makes the fishing industry aware of that provision he will show himself up as having prepared the legislation with undue haste. Clause 64 provides for the amendment of a management plan:

A management plan for a fishery may not be directly amended unless the amendment is of a kind authorised by the plan.

Clause 65 refers to the contravention of a management plan: the shareholder versus the nominee. That is a controversial issue. The provisions relating to shareholding demonstrate the need to ensure that the model that is used for corporate law will be applicable to fisheries law. It is important to ensure that this proposed legislation, which has been lifted from corporate law, will be suitable to fisheries law. It has no special provision related to fishery matters. Many questions remain to be answered. In regard to records, in 1985 a computer was bought for the Cronulla Fisheries Research Institute at a cost of \$250,000.

What has happened to the records that were to be fed into the computer? What happened to many of the records that went to Orange when State Fisheries moved there? Why are the fish co-operative records and the Sydney Market Authority records different from the records kept by the department? If people are to be given access to a fishery on the basis of share management, we must ensure that the figures are true and accurate. I envisage that there will be major problems ahead. I have mentioned appeals to the District Court. Those rights of appeal are clear. The bill prescribes only three matters that will entitle a person to appeal to the District Court in respect of fishing licences and associated matters. Those matters are set out in clause 126, and are as follows:

- (a) the refusal to issue a relevant authority to the person or to renew the person's relevant authority;
- (b) the imposition of conditions on the person's relevant authority (otherwise than by regulation);
- (c) the suspension or cancellation of the person's relevant authority.

Those rights of appeal are too narrow and should be widened. People who are denied natural justice should be able to go to the District Court or some other jurisdiction, not simply be dismissed because a bureaucracy rules that they are not permitted to lodge an appeal and have a case heard, as anyone else who is aggrieved may do. In regard to the hearing and determination of appeals, I know of instances when decisions have been made by the courts and the Minister's department has determined that it will not abide by those decisions. That is a major worry. The Minister for Agriculture and Fisheries and Minister for Mines has put a provision in the bill that allows those sorts of things to happen in an abstract way. That is a major concern to people who seek to have their rights determined in accordance with the rules of the court.

Clause 139 deals with the application of certain provisions relating to offences. Who hears the appeals? That question deserves an answer. The Minister has made it very clear that this legislation is about joint authorities, and they can come under a number of jurisdictions. If the authorities are from various States, in which jurisdiction is an appeal to be heard? That is not clear in the legislation. The legislation should clarify which are the appropriate courts and jurisdictions to deal with appeals. It is very difficult. Obviously, joint activities can only be with Victoria, Queensland and the Commonwealth. We ought to be able to sort that out in this legislation.

I turn now to aquaculture. I understand where the people who wrote this legislation are coming from, but I have found it difficult to circulate this bill to oyster farmers in my electorate. They asked, "Where is the part

on oyster farming?" There is not much in this bill about oyster farming. I guess oyster farmers feel they have been left out because they have been called aquaculturists in this bill. There have been major problems with the oyster industry, and it needs help to get on its feet; it does not need any more grinding down.

If this legislation hinders the prosperity of the oyster industry and its ability to get back on its feet, it is bad legislation. If this industry is to be encouraged and is to develop and prosper, it is in the interests of the State to make sure that this legislation is streamlined. There is a great need to clean up the mess in the oyster industry which has developed - and which is particularly bad in my electorate - because of bankruptcies, the biological activities of the Pacific oyster, which appeared in 1985 in Port Stephens, and the great upheavals that took place in that industry.

Mr Causley: You were the manager.

Mr MARTIN: I was the manager of what?

Mr Causley: The research station.

Mr MARTIN: Of course I was the manager of the research station. I am very proud of that, too. I think I served that station very well. If the Minister wants to interject like that, that is fine by me. I know what the Minister is trying to imply - and he has implied it in the past in this Parliament. If he is implying that the Pacific oyster was brought in by New South Wales Fisheries, he is wrong. The Minister is despicable; he is not worthy of being a Minister of the Crown. I will defend that position every day, and the Minister knows it. The Minister can carry on all he likes, but he does that research station a great disservice every time he implies that - and he has done it more than once in this Parliament. He is not a fit person when he carries on like that. That is a slur on the good and decent people who work that station. I have had my say on this matter, and I hope it reads well in the morning.

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I refer to the aquaculture industry development plans. It is important that the Minister, in his reply, makes very clear what is expected of the oyster industry and other forms of aquaculture. There are major confusions in the electorate. Last Friday the executive of the Oyster Farmers Association, the only group the Minister has consulted on this matter, discussed this legislation. Some of the oyster farmers had the exposure draft less than a month ago. They have this legislation now, and there is great confusion. Because of that I ask the Minister to be very explicit about what he is trying to achieve. If he is not, that will be to the detriment of many people.

I refer now to the framing of the legislation. The bill has been put together very quickly, and it could be a lot clearer. Clause 146(2) outlines who can be refused an aquaculture permit. Nowhere does the bill say which court will hear these matters, but surely it must be the Land and Environment Court. That may well be clarified by amendment, but it is unsatisfactory that such an amendment has to be made to legislation that is only two weeks old. That clearly suggests that this is legislation drafted on the run. Clause 148 provides for authority to take fish. Does this mean that wild stock can be caught? Does it mean that an aquaculture permit allows people in the fishing industry to catch wild stock? If so, does it mean that in future a snapper farmer can take cockney bream? Is this what this legislation intends? Clause 148(2) needs to be explained. It states:

The holder of the aquaculture permit may use any fishing gear for the purpose of taking any fish or marine vegetation cultivated under the authority of the aquaculture permit, whether or not the fishing gear may lawfully be used for that purpose.

That needs to be clearly defined for the courts and the people. Clause 153(3) states that it is a condition of every aquaculture permit that the holder complies with a requirement in a notice or regulation under this clause. That needs to be defined. Clause 154 provides that the register of permits may be kept wholly or partly by means of a computer. That needs to be defined so that there is adequate keeping of records. We know what happened in the move to Orange - half of the records went missing. That is not acceptable. Division 3 of part 6 deals with leases of public water land for aquaculture. It has always been the policy in this State that public

alienation of bays and rivers will not occur.

This legislation gives the Minister power to close off whole bays, as was the case with the prawn farm at the bottom of Lake Macquarie. Oyster leases are open where there is a free interchange. If the Minister did not know that people can travel over oyster leases, I am surprised. The bill allows the Minister to close off bays so that there can be an alienation of public waterways. If that is what the Government wants, it must be made clear because the Opposition will not be a party to the alienation of public waterways by closing off for private use bays, rivers and streams. Many things must be addressed in the area of agriculture. The bottom line is whether we are doing the right thing about the Pacific oyster. Will we ensure that the Pacific oyster is managed and contained and not spread to areas where it does not naturally exist? The Minister's past record -

Mr Causley: You let them loose.

Mr MARTIN: Mr Speaker, I find that offensive. The Minister should withdraw the remark and apologise.

Mr SPEAKER: Order! What were the offensive words?

Mr MARTIN: The offensive words were that I released them - an inference that I had been party to releasing Pacific oysters. That is not the case and I find that remark offensive.

Mr SPEAKER: Order! I do not believe those are offensive words in the sense that the term is usually applied in this House. Suffice it to say that the honourable member for Port Stephens, if he wishes, can rebut the interjection and deal with the matter in that way. I do not believe the words come under the category of offensive words.

Mr MARTIN: Minister, at times your interjections make you unfit to be a Minister. It is important that we get dredging and reclamation right. Dredging and reclamation have been responsible for what has gone wrong with fish stocks in fisheries. The major villains in the degradation of the fishery of New South Wales is the destruction of habitat. The destruction of habitat is unforgivable, whether caused by disposal of objectionable substances through waterpipes into our waterways, developments undertaken by white shoe brigades, or by a lack of knowledge years ago of the value of wetlands, which are so critical to the life-cycles of some of our marine animals.

The bill does not cover the protection of mangroves as well as the previous legislation does, but it is acceptable. Special effort must be made to drive home the need to protect mangroves in New South Wales. In the eyes of many people they are an unsightly tree, but no one could place a high enough price on their value. More than 49 per cent of mangroves are in and around the Port Stephens electorate, so I have a vested interest in ensuring they are protected. It is important to clearly define the powers of inspectors because they relate to many of the noxious fish areas. In the past, powers of inspectors have been probably greater than those of police officers. To that end, I am pleased that the legislation clearly defines the role of the New South Wales Fisheries compliance officers so that the public does not misunderstand their difficult job.

Unfortunately, part 8 does not clearly set out the full role of the Minister and the Director of Fisheries. Anyone on a contract earning the money that senior executives earn in the Minister's organisation should have their powers and responsibilities defined in the legislation. They have a major responsibility in relation to, and are receiving substantial sums of money from, the public purse. With a change of

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government I look forward to legislation being passed to reduce the number of such officers from 1,500 to 800. Page 100 of the bill refers to the Commercial Fishing Advisory Council but it does not tally with what was said in this Parliament when the council was set up. A reading of the debate and the objectives of the legislation will reveal the strength and lobbying power of the Commercial Fishing Advisory Council.

Unfortunately the council has not come to the expectations of the Government when the council was set

up. The Opposition agrees with that section of the bill but is concerned with the role of the Recreational Fishing Advisory Council. Pages 103 and 104 of the bill contain very little about the role of that council. The Opposition will move amendments to give this council more functions. I trust that signals to everyone that the Opposition intends that the Recreational Fishing Advisory Council will become a much more representative group to reflect the views of all constituent bodies, to consult with the people and to have a true voice for the recreational fishers of this State. Symbolically, the Opposition will move one amendment to approve the role of the Recreational Fishing Advisory Council.

It is important that that group have the same role as the CFAC, that its members get places on the Total Allowable Catch Setting and Review Committee and appeal committees, and that they have a say in the management of the fishery. They should not be locked out so that members are only ministerial appointees who, at times, have no option but to go along with what the Government dishes up. It is important that the recreational fishers of this State have a say. In the past they have been denied their say and, if the Opposition does not rectify that situation, they will be denied time and again by this Government. I have referred to the enforcement section. I shall now refer to the return of things seized. The Minister must make this provision very clear because often it is not consistent throughout the State and causes concern through the extensive communication mechanism throughout the fishing industry.

The Opposition will be involved in the moving of amendments to the schedules of the bill. As I said at the outset, the entire bill is very poorly put together. It was drafted in a hurry. There has been minimal consultation. There is very little about the bill that will provide better legislation than that currently on the statute book. It does provide for share management. I accept there is a need to better manage the State's fisheries. I look forward to being able to support my colleagues in their endeavours to make sure that the bill is fully scrutinised and I look forward also to my colleagues putting forward their case.

Mr BLACKMORE (Maitland) [11.11]: It is with great pleasure that I take part in the debate this evening, particularly as I have just listened to the contribution made by the shadow spokesman on fisheries. The honourable member for Port Stephens has given his support for the bill. During his contribution he expressed no opposition to the bill, so I therefore assume that he supports it. I thank Opposition members for their assistance on the bill. The objects of the bill are to conserve, develop and share the State's fishery resources for the benefit of present and future generations. In particular, the bill has the following objectives: to preserve fish stocks, to protect clean fish habitats, to promote viable commercial fishing and aquaculture industries, to provide quality recreational fishing opportunities, and to appropriately share fisheries resources between users of those resources.

In October 1990 Cabinet gave approval to draft the new Fisheries Management Bill for discussion with industries. That bill was proposed as a replacement of the current 1935 Fisheries and Oyster Farms Act, which is inadequate and outdated in a number of provisions concerning licensing and fisheries management. An initial draft was prepared in 1991 by the legal branch of the Department of Agriculture and Fisheries. Since that time a number of new concepts, in particular concepts including long-term fishing rights, have been included. To allow effective management in key fisheries while the bill was being finalised a Management Plan Amendment Bill was introduced into Parliament in 1992 but did not progress.

In June 1993 the Minister for Agriculture and Fisheries, the Hon. Ian Causley, formed a property rights working group to specifically examine long-term fishing rights. The group reported in November 1993 and Cabinet approved the release of a discussion paper in December 1993. Copies were sent to all commercial fishermen and owners of commercial fishing boats, about 500 angling clubs, government agencies and environmental groups. An advertisement was published in all coastal newspapers advising of the paper's release. As a significant number of licensed fishermen are Vietnamese, a translation was made available through local fisheries offices. Extensive consultation was undertaken with commercial fishers, recreational fishers, government departments and the community. Nine organised public meetings were held; a free telephone consultation line was opened, which logged 975 calls; and Government representatives attended upon request at fishing clubs, fishing industry groups and environmental group meetings. So far representatives have attended 11 such meetings, four other meetings are organised and the matter is ongoing.

There have been some misunderstandings in relation to several key concepts. However, these misunderstandings were responded to personally by the department and have been resolved. One hundred and fifteen written submissions were received and summarised, in conjunction with members of the Commercial Fishery Advisory Council and the Recreational Fishing Advisory Council - the CFAC and the RFAC. On the basis of the submissions received variations to the original proposals were submitted to Cabinet for approval on 29 March, and approval was received to release a draft of the bill for final consultation with industry groups. Copies of the draft bill were circulated to the CFAC, the CFAC

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regional advisory committees, fisherman's co-operatives, the RFAC, regional RFACs, government departments, oyster farmers associations, the Fish Marketing Authority, the Master Fish Merchants Association, the Australian Fishing Tackle Association, and other State and Commonwealth fishery management authorities.

Responses from those groups have been constructive and positive. Formal meetings have been held with the CFAC legislation committee, recreational bodies and commercial fishing and government departments. Informal discussions have taken place with other key groups. The consultation continues, and I have arranged for fishing clubs in the Newcastle area to attend a meeting later this month. The emphasis is first and foremost on the management of the resource - not on the management of the industry - and for that I commend the Minister. We now understand much more about our fisheries resources than we did when the existing Fisheries and Oyster Farms Act was enacted in 1935. As the Minister for Agriculture and Fisheries pointed out in his second reading speech on 21 April, we now know that our coastal waters are nutrient poor and, as a result, that our fish stocks are also relatively poor. When considering the fishing industry, I think of the introduction of NATSAV, the GPS and the greater effort on the part of fisheries. The increased use and the affordability of sounders within the recreational industry is also putting our resources under threat.

We are now more aware than ever that fish stocks need to be carefully managed, yet we as a government are stuck with antiquated legislation that does not allow us to apply modern fisheries techniques. We are also stuck with legislation that works - to the extent that it works at all - by making fishermen inefficient. Old and ineffective rules? Rules that are driving commercial fishermen broke? Surely that is not the way to go. Fortunately, the Minister has recognised the problems and has developed a bill to correct them. The bill not only provides the powers to manage the resource, it also provides fishermen with the security to plan for the future. It encourages stewardship and it creates an environment in which business can prosper. It is this combination that convinces me that the bill can work.

The primary thrust of the bill is to provide effective resource management. The majority of the new powers, however, relate to commercial fishermen, not to recreational fishermen. In fact, there are no new powers in the bill for the management of recreational fisheries. I advise the House that I shall oppose the introduction of any form of recreational fishing licence, and I know that other Government members support me. The Minister has given his assurance that the Government does not intend to introduce a recreational fishing licence. All of the existing provisions have been retained, although some of the more prescriptive sections will now be placed in the regulations. The existing provisions for trout acclimatisation societies will be retained, but in the existing Act, which will be retitled.

As in the past, the recreational catch will be regulated through gear restrictions and through size and bag limits, as well as through seasonal and area closures. Those provisions are contained in the part of the bill entitled general fisheries management, as many of them also apply to commercial fishers. This does not mean, as some would have it, that recreational fishing is considered less important than commercial fishing - far from it. The bill contains something new relating to recreational fishermen, however. For the first time the common law rights of recreational fishermen have been spelled out in black and white, giving recreational fishermen a clear entitlement to fish in the sea, in estuaries, from the beaches and in the tidal reaches of our rivers. In fresh water, of course, those rights are dependent on ownership of the bed of the waters. In the great majority of cases the bed of the river is owned by the Crown and access is guaranteed. If the bed is privately owned, as it is under some old land titles, however, the right to fish is still guaranteed, provided the fisherman is in a boat or on the bed of those rivers. From an angler's viewpoint, however, the greatest plus in the bill is the

new powers provided for the Minister to effectively control commercial fishing effort as well as recreational effort, a major complaint in the past.

Beach fishing, particularly beach hauling, is a huge industry in New South Wales. In fact, mullet is one of the biggest tonnage catches in New South Wales. Too often we hear of conflict between recreational and commercial fishers over beach hauling activities and up comes the catchcry, "We want proper management". This conflict occurs because some fishermen discard the low value fish carcasses on the beach after stripping the high value fish roe, because commercial fishermen put nets in the water where anglers are fishing, because some fishermen drive 4-wheel drive trucks on pristine beaches, and because some fishermen work nets during peak holiday times. It is not surprising that when Mr Jones of Balmain takes his annual leave in Mr Fraser's electorate of Coffs Harbour he complains to Mr Fraser when he does not catch any fish.

Not all commercial fishers are saints. They live a hard life in this fishery, living for days on end in trucks following the progress of schools of fish up the coastline, waiting for the fish to run the beach so they can shoot their nets. And yet these men of the sea living by 60-year-old rules accept that they too must be more accountable. They want management, they want to be viable in the future, and they want the cloud of uncertainty which surrounds their industry to be lifted. The honourable member for Port Stephens would agree that recreational fishermen in that electorate have been complaining for ages about the use of figure 6 nets which they claim is affecting the growth of fish.

Under this bill we will have proper management. The bill will finally present us with a unique opportunity to consult with industry, with recreational fishers and the community to develop a plan which will ensure not only that the resource remains

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sustainable but that unnecessary conflict is stopped. The Government is tired of conflict. The Opposition spokesman on fisheries has told us on many occasions of his successes at Port Stephens as a research station manager. He has also told the public on radio how he supervised the installation of a computer at the fisheries research institute at Cronulla specifically to conduct population dynamic studies.

In 1984, when the fisheries department was a part of the Department of Agriculture it installed the smallest Prime computer available to support the department's network. In 1986, after the computer had been installed, the research institute still had that lowly Prime computer and five dated Apricot terminals. That Prime computer could not even carry the fishermen's returns database, let alone do the extensive population dynamics work boasted about. Since that time the computer situation has definitely improved with the installation in 1991 under this Government of a computer which really can do the work, at a cost of \$152,000. That was done at this Government's initiative.

However, notwithstanding the Opposition spokesman's somewhat clouded recollection of the capability of the computer he installed - there also appears to be some confusion about how much it cost; our recollection is that it was \$90,000, but on radio and tonight in this House that spokesman said that it cost \$250,000 - this Government recognises the importance of population dynamics studies. The research institute has four staff working full time on population dynamics. All research staff work at least part of their time on population dynamics and at least five intensive courses have been run to ensure that staff are trained in this area. *[Extension of time agreed to.]*

I must also point out that population dynamicists are not easy to attract to New South Wales or, for that matter, to Australia. Two leading international experts in this field have recently refused offers of positions with the department despite attractive salary offers with a component funded by the Commonwealth. What will happen if we do nothing? What will happen if we adhere to the current legislation? What will the Opposition then do to stem the decline in our fisheries resources? Will it send around a petition asking fishermen not to catch so many fish? Will it send around a petition to fishermen asking them not to fight among themselves? No, of course it will not. What will happen is that the resource will continue to decline and the Government will be blamed until it is all fished out. How much will licences then be worth? Licences will be worth a dime a dozen, and we will be a laughingstock for not protecting our own fish, fish that are the envy of the world for

their variety and biological diversity. The Government is not prepared to take the blame; we want to fix it.

What will happen if the proposed legislation falls at the last hurdle? Many of those who have watched the development of the bill over the past four years would consider that to be a great shame. It has been suggested by the Opposition that perhaps the bill should go to a review committee. I support the review committee process, where appropriate, but in this instance it is not appropriate. The amount of industry and community consultation that has occurred over the bill is unprecedented in the history of fisheries management. Even now I am arranging for a meeting with fishing clubs later this month to bring them up to speed so that they are aware of what is going on. You can never do enough to satisfy all the people, and now is the time for this House to bite the bullet and accept this legislation.

Let us not hide the fact that an election will occur in 1995. What a tragedy it would be if the bill were to go to review and become a political pawn in the runup to an election. Who would suffer? Apart from the fishing industry, anglers and the community, the resource would suffer. This would be intolerable to me, to Government members and, I believe, to members of the Opposition. What is the Opposition's policy on fisheries? I am led to believe that on the 2KY radio program "High Tide" on Sunday, 1 May, the honourable member for Port Stephens read from the Opposition's fisheries policy documents - two of them: one for everyone and one more detailed. I call on the Opposition to table in this House that document and policy. If it is a good policy, let us see it. We are all interested because we would like to work with the Opposition in the same way it is co-operating with the Government on the proposed legislation. I thank the Opposition for that co-operation and am appreciative of it.

As we have been warned that this House could sit very late tonight, I will attempt to round off my contribution so that other members have an opportunity to speak. The oyster industry was mentioned, and I am sure the Opposition spokesman would agree with what has been said about the horrendous mess in Port Stephens. A swag of oyster leases are being left derelict to rot and contaminate Port Stephens. The army is currently cleaning up on some leases and is doing a magnificent job for a fraction of the price that would have been charged by contractors. Finally, I would like to take a shot at the journalists who write in the periodical fishing magazines. They have displayed a very negative approach. After all, it is in the interests of the journalists who write columns in these magazines to ensure that fish stocks are managed, because after all their jobs depend on it. What will they write about when fish stocks are depleted? Unfortunately, in some editorials in the magazines I subscribe to this matter has been misrepresented.

I congratulate the Minister responsible for fisheries on the publication of a booklet entitled "Salt Water 1994". I have been critical of the fisheries department for not making publications available to the community and to the recreational sector, but I congratulate the department on the great job it has done with its publication of that free booklet. The bill addresses the genuine concerns of the community and provides proper measures to ensure that the fisheries resource is managed in a sustainable way, for the enjoyment of present and future generations of

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recreational fishermen. I applaud the Opposition spokesman for giving credit to the Minister in two quotes. It was a great speech; I thought it was excellent. I have much pleasure in supporting the bill.

Mr MARKHAM (Keira) [11.30]: I am pleased to speak in the debate on the Fisheries Management Bill. The objects of this bill, as set out in the explanatory note, are:

... to conserve, develop and share the fishery resources of the State for the benefit of present and future generations.

Everyone realises that the fishing industry plays an important role within the economy of New South Wales. However, I failed to detect in this legislation any reference to indigenous Australians or to native title. It is interesting that only a fortnight ago the Premier introduced into this Parliament the Native Title (New South Wales) Bill. I wish to outline part of that native title bill -

Mr SPEAKER: Order! I warn the honourable member that he may be about to infringe the anticipation

rule. A member is not permitted to discuss legislation that is yet to come before the Parliament.

Mr MARKHAM: I accept that, Mr Speaker. I am not intending to debate the native title legislation. However, I want to make an observation about the objects of that bill. It relates to an amendment the Government will bring forward later.

Mr SPEAKER: Order! Does the amendment concern native title or does it concern the fisheries legislation?

Mr MARKHAM: It relates to an amendment to the Fisheries Management Bill, that is, amendment No. 62. I wanted to make reference to the Native Title (New South Wales) Bill, which will be debated and which is connected with this amendment because this amendment to the fisheries legislation refers to the Commonwealth native title legislation.

Mr SPEAKER: Order! The honourable member may be on difficult ground, but I will hear him.

Mr MARKHAM: The explanatory note to the Native Title (New South Wales) Bill states in part:

The object of this Bill is to participate in the national scheme established by the Commonwealth Government and to validate any past State acts invalidated because of the existence of native title. The Bill adopts many of the terms and concepts used in the Commonwealth Native Title Act. Where appropriate, headings and explanatory notes in the Bill contain references to relevant provisions of, and terms and concepts used in, the Commonwealth Native Title Act.

I wanted to outline what that Act of the Commonwealth Government relates to, that is, the preservation of certain native title rights and interests, including the requirement for removal of the prohibition on native titleholders, and that involves fishing and hunting. Clause 211 of the Commonwealth legislation applies if the exercise or enjoyment of native title rights and interests in relation to land or waters consists of or includes carrying on a particular class of activity. Section 211(2) relates to the removal of the prohibition and subsection (3) defines the class of activity, such as hunting, fishing and so on.

This Government has not taken into account an Act of the Parliament of the Commonwealth relating to native title, especially as that relates to fishing rights, and it has not taken into account what is occurring in New South Wales with respect to those rights. I am very disappointed that the Minister, in his negotiations over many months, has not consulted with the New South Wales Aboriginal Land Council, as the peak advisory body to the New South Wales Government on Aboriginal affairs. In fact, that organisation was not given a copy of this bill until recently and, therefore, was not aware exactly of the contents of the bill. Some statements concerning what happened in other parts of the world -

Mr Causley: On a point of order: the honourable member for Keira has raised an issue, stating that there was no consultation with the Aboriginal community.

Mr SPEAKER: Order! The Minister will come to the point of order.

Mr Causley: There has been consultation -

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

Mr MARKHAM: It is worth looking at what has happened in other States concerning native title. Victoria is one of the most conservative States in Australia and the Premier of that State has not been very supportive of the rights of indigenous people. A special report on the Mabo legislation and the fishing industry, reported in a newsletter of the New South Wales Commercial Fishing Advisory Council, states:

The Victorian Kennett Government has announced that it will recognise "non-land claims such as traditional fishing rights". In NSW part of the south coast has been subjected to a land claim, and areas of the north coast are under consideration.

For NSW fishermen it is time to be aware of the intricacies of Mabo and how it could affect them . . .

A recent article on the implications of Mabo to the fishing industry strenuously warned against the granting of any special interest to Aborigines to land that may include the foreshore and sea bed. The way this article plays on mistrust and fear is negative and hysterical in its nature; exactly what the fishing industry needs to avoid. Commercial fishermen need to be aware of possible implications based on facts, not conjecture or unfounded concerns.

I believe that because issues contained in the Federal native title legislation have not been addressed in the bill this House is debating, the very concerns outlined in the newsletter may become real. The article went on to deal with fishing operations, to which the honourable member for Maitland referred, and stated:

Fishing operations, such as beach hauling, do face the possibility of infringing on sacred or significant sites. By working in conjunction with the local Aboriginal community, possible trouble can be avoided. The management plans

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being put in place by NSW Fisheries, in conjunction with industry, will hopefully prevent any damage to the marine environment and fisheries' resources from occurring, thereby circumventing trouble arising through depletion of the resource.

I have no problem with anything that is being done to try to conserve fish stocks in this State. We must realise that commercial fishermen are not the only ones in our community who rely on the fish resource. That resource should be available for weekend fishermen and for the person who goes on holidays and throws in a line in the hope of catching fish. The Aboriginal people of this State have traditionally fished the waters to provide for their families. I have no doubt that the Minister has received a copy of a document from the Council for Aboriginal Reconciliation for his input. In part that document states:

The Coastal Zone Inquiry is the most recent Federal Government inquiry to examine how Aboriginal and Torres Strait Islander peoples' interests in land and sea management can be addressed . . .

The Coastal Zone Inquiry has recommended that:

The Council of Australian Governments, in conjunction with representatives of land councils and other indigenous organisations, initiate a process whereby traditional hunting, fishing and gathering rights are recognised by Governments and amendments are made to laws and regulations to incorporate this recognition and provide mechanisms for resolving disputes; in the interim, Governments ensure that there are no unreasonable prosecutions relating to these matters under existing laws and regulations.

That is a document of reconciliation which every member of this Parliament would support. By the year 2001 there should be reconciliation between the Aboriginal and non-Aboriginal people of this country. This bill does not address the issues of fishing and fishing rights. As a result, massive problems have been created within the Aboriginal community. Representatives of the Aboriginal community have been in this Parliament all day, attempting to achieve a resolution to this problem. The amendment the Government proposes to move in Committee was formulated because of their representations. There was nothing in the bill concerning their rights before they made representations today.

When considering other areas of fishing rights, honourable members should take note of what happens in other States so far as fishing management controls are concerned. In New South Wales, Victoria, Tasmania and South Australia bag limits on recreational fishers apply to indigenous Australians, limiting their ability to obtain traditional seafoods to feed their extended families. The lack of recognition of traditional fishing rights is regarded by southern indigenous people as a denial of their identity and a restriction on their cultural expression. Southern indigenous Australians are frequently prosecuted and sometimes gaoled for breaches of fisheries regulations, but have expressed their determination to continue to exercise what they regard as their

traditional right to fish. In a submission to the coastal zone inquiry Aboriginal people from the South Coast of New South Wales, through the Wagonga Local Aboriginal Land Council, stated:

Over recent years we have witnessed a rapid decline of shellfish on the rocks and estuaries, almost to the point of extinction. This has caused much concern amongst our community members. The shellfish and molluscs collected by us hundreds of years ago have earned European fishers thousands of dollars over the years, as well as export taxes for the Government.

In my brief address I have pointed out a fundamental flaw in the bill. The people who have maintained the ecological balance in the waters of this country have not been taken into the confidence of the Government. Despite the Minister's statement earlier, negotiation and consultation with land councils in this State did not occur in a meaningful way. The land council and its legal advisers have been lobbying all day today in an attempt to have the bill amended to address that problem. We cannot run away from it - native title is here to stay. Any legislation before the Parliament that deals with land, mining or fisheries resources should take into account native title.

If commercial leases are granted in a particular area and in the future a native title claim is granted over that area, who will pay the compensation? Who will pay the compensation to professional fishers who suddenly find they can no longer exercise their rights in that area because it has been successfully claimed under native title legislation? The Minister for Agriculture and Fisheries should listen to his advisers after they talk with representatives of the Aboriginal land council. It is obvious that after 18 months of the Government attempting to introduce a bill to establish management procedures in this State, a major section of society has been totally ignored and overlooked. The Government should have discussions with Aboriginal people and their leaders to establish their rights. If it chooses to do so, I guarantee that the resources in our seas and waterways will be far better managed than they will be should this bill become law.

Debate adjourned on motion by Mr Smith.

BUSINESS OF THE HOUSE

Allocation of Time for Discussion

Mr WEST: On behalf of the Premier, I desire to give notice of business to be dealt with under Standing Order 175B: Fisheries Management Bill, all remaining stages by 8.30 p.m., Tuesday, 10 May.

Mr Whelan: On a point of order: I ask the Leader of the House whether all Government amendments are in.

Mr West: As required by the standing orders, yes, they are.

House adjourned at 11.47 p.m.
