

LEGISLATIVE ASSEMBLY

Wednesday, 12 October 1994

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

Mr Speaker offered the Prayer.

QUESTIONS WITHOUT NOTICE

CASINO CONTROL AUTHORITY LICENSING INQUIRY

Mr CARR: I ask the Premier: will Parliament be able to debate the report of the Casino Control Authority of its inquiry into probity issues? Will he guarantee that no licence will be issued until Parliament considers the report of the Casino Control Authority?

Mr FAHEY: Surprise, surprise! Question number one in my answer folder is the decision in respect of the inquiry that is being considered by the Casino Control Authority. Let us look at the tactics of the Leader of the Opposition in this matter - typical tactics employed by him. He knows the answer to the question; Parliament knows the answer to the question, because Parliament passed the legislation. The Leader of the Opposition supported that legislation, which gave the decision making power to the Casino Control Authority. This Parliament established the Casino Control Authority. This Parliament vested in the Casino Control Authority the power to grant licences as well as to supervise casino operations. The sole purpose of doing that was to remove political influence. In the 1980s we all saw how good Labor was at playing politics when it came to casinos. There was another reason behind the need to remove casinos from the political process. That was to ensure that the Labor Party could never solicit bribes for a casino licence.

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

Mr FAHEY: I am waiting, the Chief Secretary is waiting, and all Government members are waiting for the Leader of the Opposition to set the record straight over the lies he is accused of telling about the Casino Control Authority.

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

Mr FAHEY: He has been accused in this House of telling lies on 17 occasions and he refuses to defend himself. His silence condemns him. For the record, on 31 August this year hearings commenced as part of the public inquiry of the authority - a power vested in it by this Parliament, supported by the Leader of the Opposition. On 30 September hearings were adjourned until Monday, 24 October, to enable the Casino Control Authority and the Director of Casino Surveillance to continue their investigations in the United States of America and to enable parties to the inquiry to lodge written submissions with the presiding member, Mr Murray Tobias QC. In late October or early November the hearings will conclude, and the authority has advised that the report of the inquiry will be made public.

This is all about ensuring that before a decision is made by the authority - the authority that was given power by this Parliament - it thoroughly checks all matters. We know that a matter causing great concern is that information was provided by the Leader of the Opposition in the public arena that he claimed to be public, published and available publicly. We all know what the authorities in the United States think of that. This was very much confidential information and was certainly not available publicly. The question remains: where did the Leader of the Opposition get this information? Why will he not go before the authority in the public hearings and give evidence and have questions asked of him?

It is a funny little game that is being played here by the Leader of the Opposition, a funny game being played by the Opposition generally. It will put the Opposition in a position where one day - if it can destroy the authority established by this Parliament and destroy the credibility of those people established very much at arms-length from this Government - it can probably destroy the casino and have the opportunity to get in on the act and do something about licences, as it tried to do back in the 1980s.

HONOURABLE MEMBER FOR ST MARYS

Mr HUMPHERSON: My question without notice is directed to the Minister for Police, and Minister for Emergency Services. Is the real reason the Leader of the Opposition is trying to get rid of the member for St Marys that money was appropriated from the Henry Lawson Club and paid to the Labor Party by the member for St Marys?

Dr Refshauge: On a point of order: the question clearly asked for an opinion. The honourable member should not ask questions in this manner.

Mr HUMPHERSON: On the point of order: there should be no objection to the question.

Mr SPEAKER: Order! The point of order is that the question sought an opinion. From my hearing and understanding of the question, it did seek an opinion and therefore I rule it out of order.

[Interruption]

Mr SPEAKER: Order! If the honourable member for Davidson wants to stay in the Chamber, he should respect the authority of the Chair.

Page 3823

POLICE SERVICE ATTENDANCE AT ESTIMATES COMMITTEE HEARINGS

Mr WHELAN: My question without notice is directed to the Minister for Police, and Minister for Emergency Services. Have the State's most senior police been ordered to prepare dorothy dix questions for Government members of Parliament to use during estimate committees? Do police say this will advantage them in the police royal commission? Did the Minister sanction the directive and this manipulation of the royal commission process?

Mr WEST: It is clear from the honourable member's first question as the new police spokesman for the Labor Party that he has no understanding of the way the estimates committee process works. Ministers know more about the financial dealings of their portfolios than the lot opposite knew when they were in government. They did not have a clue. The honourable member for Ashfield was a Minister - the shortest serving Minister of the former Labor Government. As part of the estimates committee process I, along with the commissioner and senior servants within the Police Service, study all documentation used in preparation of the budget and advices to me so that I can go to the estimates committee knowing the full details of my portfolio. It is perfectly obvious that Ministers are aware of every subject that could be raised in the estimates committee hearings. The honourable member for Ashfield is looking forward to next week's estimates committees when

he will be able to ask me questions. I assure him that I will have the answers.

OPPOSITION HEALTH POLICY

Mr FRASER: Can the Minister for Health inform the House of the merits of the Opposition's compulsory second opinion health policy and the proposal to send city residents to rural hospitals for treatment?

Dr Refshauge: On a point of order: there is no Opposition compulsory second opinion policy.

Mr SPEAKER: Order! The question was asked of the Minister for Health, not the Deputy Leader of the Opposition.

Mr Langton: On a point of order: I ask that the question be ruled out of order because it formed two totally separate and independent questions, not one.

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

Mr Bowman: On a point of order: I submit that the question clearly asks for an opinion or judgment, and does not seek to elicit information.

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

Mr PHILLIPS: I am wondering which great strategist worked out this idea of trying to take as many points of order as they could in order to disrupt the Parliament.

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

Mr PHILLIPS: The great strategist from Marrickville has been having a great impact on the Parliament and on the health debate in particular over the last few weeks.

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

Mr PHILLIPS: The Deputy Leader of the Opposition makes wonderful speeches to Health Services Association people.

Mr SPEAKER: Order! There is far too much interjection in the Chamber. I call the Minister for Multicultural and Ethnic Affairs to order.

Mr PHILLIPS: A few weeks ago the great strategist from Marrickville was sat on his backside as he was exposed two-faced and was found out on his real attitudes about health in New South Wales. Honourable members all remember the wonderful quotations in his statement about being the "envy of the world" and "the best in the world". That great strategist, who was obviously very angry, had to respond and hit back, so he sought retribution. During that retribution - the no confidence motion that was debated yesterday - he gave me and the Government an excellent opportunity to get on the record and to get the spotlight on health so that the Government can make known to the community all its achievements and what the health changes are all about. The Government was able to focus on its policies and compare them with the performance of the former Labor Government and the Opposition's lack of policy. I thank the great strategist from Marrickville for his cooperation in that endeavour during the last couple of weeks.

I can understand why Dr Doom is worried. The Government has sound policies in place: Labor lacks policies. I understand why Dr Doom prefers to shroud wave and run up individual stories without checking the circumstances behind them. As members opposite have said to me, the Deputy Leader of the Opposition is too

lazy to intellectualise and come up with sound policies. The Government has stolen the policy ground. I shall give three examples of the wonderful ideas that come from the other side and the way the Opposition treats health and health planning in New South Wales. One example is Labor's promises, promises, promises on the run policy. On 1 September in Coffs Harbour it promised a brand new hospital; on 2 September, in Camden, it promised a brand new hospital; on 12 September, in Lithgow, it promised a brand new hospital; on 4 October, first in Blacktown and then in Mount Druitt, it promised Blacktown a new hospital and Mount Druitt a new hospital.

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

Page 3824

Mr PHILLIPS: I have not finished. On 21 September the Deputy Leader of the Opposition visited the Hawkesbury area and promised the residents there a new hospital; and on 24 September he visited Wagga Wagga and promised a new hospital - and the list is building. He has promised seven hospitals in a month, yet in the 12 months of the former Labor Government only five hospitals were developed, compared with the Government's 33 in six years. That shows the shallowness of the Opposition's promises. The Deputy Leader of the Opposition said they were all number one priorities.

Mr SPEAKER: Order! There is far too much interjection from both sides of the Chamber. I call the honourable member for Blacktown to order. The Minister for Health is the only member with the call.

Mr PHILLIPS: The Opposition does not have any sound health plans for the State's needs; nor does it give priority to ensuring that those in need of urgent health care have their problems addressed first. The Opposition does not have a funding requirement. It says it will have a balanced budget but gives no indication of where all this money will come from. I have more than 250 hospitals in this State under my administration. Only 163 days remain until the election and I want to know who will miss out. I shall refer to the second example of policy development by the intellectual giant from Marrickville.

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

Mr PHILLIPS: Honourable members will remember the talk about compulsory second opinion clinics, that great policy development that would result in patients from the country and city areas having to visit their local doctor, who would say that an operation is required; but before being admitted to hospital they would have to attend and wait in line at a second opinion clinic. A second opinion would then be given and hopefully it would be the same as the first. But what should happen if the second opinion were different?

Mr SPEAKER: Order! I call the Chief Secretary to order.

Mr PHILLIPS: One would then have to make a decision about which opinion to accept. There are 1.2 million in-patients in our hospitals each year. Imagine the sheer cost of obtaining second opinions. Honourable members can imagine the explosion of the waiting lists; and from where would doctors be obtained to work in the second opinion clinics? It would be preferable for surgeons to be actually treating people rather than being engaged on government salaries merely to give second opinions. This is an absolute nonsense. I turn now to the latest craze, the latest policy announcement from the Opposition. On 13 September at Glen Innes the Deputy Leader of the Opposition visited the Northern Tablelands. He said that city based patients would be able to undergo elective surgery in northern hospitals under a new Labor Party health strategy aimed at reducing waiting lists. The Opposition health spokesman, the Deputy Leader of the Opposition, was reported as having thrown his weight behind this concept, as promoted by the Northern Tablelands Australian Labor Party candidate, Steve Funnel.

Is that not a wonderful policy! Can honourable members picture what will happen? Travel agents down

the road will probably offer packages up to Glen Innes, down to Cowra or out to Broken Hill; and who will pay the cost of the air tickets and accommodation? How does one get the doctors there? One can imagine patients coming from the country to the second opinion clinics and obtaining a return flight to have an operation in a country town. Recently I had the pleasure of visiting Glen Innes, where the hospitals were built decades ago. Because of changes in medical procedures those hospitals are not appropriate to provide the large proportion of medical care that is now required.

The Government would have to invest tens of millions of dollars to upgrade the Glen Innes District Hospital to the required standard so that patients could be transported from Sydney, Newcastle, Wollongong or anywhere else and so that patients and doctors could be provided with accommodation. Considering the utter stupidity of the Opposition's health policies, honourable members would not have been surprised to read in a recent *Sydney Morning Herald* article that rated the performance of shadow ministers that Dr Doom only got two stars. The key point to the article is that he was rated as one of the best performers on the Opposition benches. It would really irk and upset honourable members opposite that the Deputy Leader of the Opposition was rated as one of the best performers on the Opposition benches - and we are talking about a two-star performance!

Mr Carr: You got your rating in Parramatta.

Mr PHILLIPS: You can dine out on Parramatta for years if you like. It is very interesting and you will have a long time to do it. I am looking forward to March, and I am looking forward to the health debate too.

Mr SPEAKER: Order! The Minister will answer the question.

Mr PHILLIPS: Honourable members should consider the Deputy Leader of the Opposition's two-star rating compared with the Government's five-star health system, which the Deputy Leader of the Opposition announced to the Health Services Association on 2 September. I decided to establish the definition of a two-star rating in the NRMA's *Accommodation Directory*. It is described as "... establishments offering an average standard of accommodation with average furnishings, bedding, floor coverings, lighting, heating and/or cooking facilities available". That is probably why Labor's vision for Nepean Hospital under Health 2000 was to upgrade the kitchen to teaching culinary status. I then looked at the NRMA's definition of a five-star establishment - the way the Deputy Leader of the

Page 3825

Opposition described our system. It is "... international style establishments offering a superior standard of appointments, furnishings and decor with an extensive range of first class guest services". That is the sort of health system I want for the people of New South Wales, not the two-star system that the Deputy Leader of the Opposition wants.

Mr SPEAKER: Order! I call the honourable member for Coogee to order. The Chair has been tolerant to this stage, but that tolerance has been exhausted as members have not shown proper consideration for other members. It seems that members wish me to be much tougher on indiscretions, and from this point on I intend to be so. I warn members that the sort of behaviour just exhibited will not be tolerated.

HONOURABLE MEMBER FOR ST MARYS

Mr HUMPHERSON: My question without notice is addressed to the Minister for Police. Is the Minister aware that money was misappropriated from the Henry Lawson Club and paid to the Labor Party by the honourable member for St Marys?

Mr WEST: I am not aware of the particular allegation.

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

Mr WEST: However, I would encourage the honourable member and any other person, including the Leader of the Opposition, who has relevant information to give it to the police as a matter of urgency. I should also remind honourable members that I recently informed the House that the Director of Public Prosecutions had advised the commander of the fraud enforcement agency that on a review of the then available evidence there was insufficient evidence to warrant a criminal prosecution. But, of course, that is not to say that that situation will not change.

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

Mr WEST: If there is fresh information that the honourable member for St Marys has conducted himself in that way, it would be a very serious matter and would warrant a formal inquiry. I do not believe it appropriate at this stage to speculate on the real reason that the Leader of the Opposition is distancing himself so quickly from the honourable member for St Marys. I await the findings of the investigation.

Later,

Mr WEST: I wish to give a supplementary answer in respect of the question asked earlier today by the honourable member for Davidson. I can now indicate to the House that I have received certain information which indicates that a cheque drawing requisition from the Henry Lawson Club dated 22 June 1991, where it indicates that the details on this requisition related to entertainment -

Mr Whelan: On a point of order: the Minister's supplementary answer is out of order as it is an attempt to impute an improper motive. The question should be ruled out of order because it seeks an answer from the Minister about an improper motive. The second point of order is that if the Minister intends to lay claim and continue in this way he should move a substantive motion for consideration of the Parliament about the role of a member of Parliament. It is up to the Minister to do it. I warn him and I warn all Ministers that if they are going to continue to assail the reputations of people, whether in this Chamber or out of this Chamber, they are going to get gagged.

Mr WEST: On the point of order: it is quite clear that the honourable member for Ashfield does not want this information drawn to the attention of the House. Earlier today I was asked a question about allegations. I was asked whether I had information. Clearly, at that point I did not have the information of which I am now in possession. I believe the House is entitled to know the details. That cheque was made out to the Australian Labor Party.

Mr SPEAKER: Order! The point of order taken by the honourable member for Ashfield related to the capacity of the Speaker to direct the Minister as to how a question may be answered. He well knows the Speaker's capacity in that regard is limited. The honourable member also raised the question of an attack on a member by reference to matters which are harmful to the member. It has long been a practice of this House - and it is very much the essence of question time - that members from both sides of the House ask penetrating questions relating to the performance of individual members and aspects of their conduct. On this occasion it would be entirely inappropriate for me to prevent the Minister from answering the question as he sees fit, provided his answer is relevant to the question. However, I warn the Minister for Police that he is limited to giving factual information. If he wishes to do otherwise, he should proceed by way of substantive motion.

Mr WEST: Factual information: the cheque drawing requisition indicates the details are for entertainment, to be paid to the pony club; it details the cheque number. A cheque of that number, dated 24 June 1991, was made payable to the Penrith Australian Labor Party in the amount of \$500. The bank statement of the St Marys account of the State Bank clearly indicates that a cheque of that number for \$500 was debited to that account.

ASSISTANT COMMISSIONER OF POLICE APPOINTMENT

Mr LANGTON: I address a question without notice to the Minister for Police. Will the Minister ascertain from the Police Board why backpacker murder investigator Chief Superintendent Clive Small was rejected for appointment as Assistant Commissioner of Police? Did Royal Commissioner Lee in his Blackburn report express grave concerns that Chief Superintendent Small would be victimised as a result of his doing his job properly?

Page 3826

Mr WEST: I am aware that the Police Board recently considered the appointment to which the honourable member refers. I am aware that full consideration was given and I believe the Police Board, as is its function under the statutes of this Parliament, made a recommendation to me considering all facts, and appropriately I accepted its recommendation.

SOUTH-WESTERN SYDNEY PUBLIC HOUSING CONSTRUCTION

Mr COCHRAN: I ask a question without notice of the Minister for Land and Water Conservation. Is the Minister aware of concerns expressed in the 1991 Auditor-General's Report about the construction of public housing in Sydney's south-west? If so, can the Minister inform honourable members of the Auditor-General's concerns?

Mr SOURIS: The initial information on this matter comes from the Auditor-General's Report of 1991-92 and concerns a public housing development at Ambarvale in the dying days of the Labor Government.

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

Mr SOURIS: At the time the honourable member for Campbelltown held meetings with the then housing Minister, Frank Walker.

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

Mr SOURIS: Those present at the discussions included the chairman of Centennial Constructions, Mr Tim Stewart, and Frank Walker.

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

Mr SOURIS: At the time the land was on offer for sale to the public. However, following the intervention of the honourable member for Campbelltown the Minister directed that the site be made available for public housing.

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

Mr SOURIS: Neither public nor selective tenders were called, and the project was not offered publicly. Then a contract for 91 medium density units and 31 cottages, a total of 122 dwellings, was entered into with the builder. Following public outcry, the development was reduced to 84 dwellings, and compensation was paid to the builder in the sum of \$244,486. Another aspect referred to in the Auditor-General's Report is that the department at the time engaged the builder without a site contour plan.

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

Mr SOURIS: This apparent oversight resulted in payments to the builder in the order of \$800,000. In all of this the departmental officers had noted serious concerns on departmental files; and it is those concerns that warrant further investigation. A contract was entered into for \$6.865 million by private arrangement with the builder. The Auditor-General noted that the arrangement presented a rather relaxed approach to the undertaking of a contract of that size. There is little doubt that following this information I will be discussing this issue with the Minister for Housing to see whether the matter warrants further investigation. In particular I will be discussing whether questions of the following nature ought to be answered. Did the honourable member for Campbelltown act on behalf of the builder in approaching the Minister? Was any consideration paid for this? Why was the honourable member for Campbelltown involved in the negotiations?

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

Mr SOURIS: Why did Minister Walker then remove the land from public sale? Why were not public or at least selective tenders called? How much public revenue has been lost as a result of this transaction? Did Centennial Constructions make contributions to the Australian Labor Party? Does the honourable member for Campbelltown stand by his involvement and the decision to avoid competitive tenders?

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

Mr SOURIS: Is Tim Stewart of Centennial Constructions one of the famous many friends of Michael Knight?

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

Mr SOURIS: The Leader of the Opposition professes to admire principles of probity, which he unhesitatingly applies to the honourable member for St Marys. I wonder whether the same principles of probity were observed when he personally anointed the honourable member for Campbelltown to the frontbench - the heartless and callous elevation of this treacherous factional traitor.

GROUP HOMES FOR INTELLECTUALLY DISABLED

Mrs GRUSOVIN: I ask the Minister for Police, and Minister for Emergency Services why police have failed to investigate the alleged rape of a 32-year-old intellectually disabled man in a Department of Community Services group home on or about 14 September? Will the Minister ensure that police investigate the failure of the Department of Community Services to refer the case to the police until two weeks after the attack was reported?

Page 3827

Mr WEST: This morning I was advised of this case in general terms. Officers of the child mistreatment unit of the Police Service were formally notified of the allegation on 28 September. On 3 September the allegation was referred to Cabramatta police for investigation. I am advised that the inquiry is continuing and persons will be interviewed very soon. Under the circumstances it would be inappropriate for me to comment further on the details of the case.

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

Mr WEST: However, it is the Government's expectation - as I believe it would be the community's expectation - that such a sensitive allegation should be handled expeditiously. This morning I asked the Commissioner of Police for a full report of the way in which this matter has been dealt with by police.

ENTERPRISE AGREEMENTS

Mrs SKINNER: My question is addressed to the Minister for Industrial Relations and Employment, and Minister for the Status of Women. Is the Minister aware of claims by the Opposition and the New South Wales Labor Council that the New South Wales enterprise bargaining system has been a dismal failure? Can the Minister set the record straight and inform the House of progress to date?

Mrs CHIKAROVSKI: I commend the honourable member for North Shore for her continuing interest in matters relating to industrial issues in this State. I have heard claims by some members of the Opposition and their political masters, the New South Wales Labor Council, to the effect that the industrial reforms introduced by the Government have been a failure. Those claims rarely come from the shadow spokesperson on industrial relations in the other place, the Hon. J. W. Shaw. I suspect we do not hear from him because he is too busy spending time in court rather than doing the job for which he is paid by the taxpayers of this State. The claims of the Opposition and the Labor Council are absolute rubbish. The landmark industrial reforms introduced by this Government have been an outstanding success. The reforms introduced by the Premier two years ago, in his capacity as Minister for Industrial Relations, have transformed the labour market in New South Wales. They have resulted in a labour market which is more flexible, more competitive and less prone to wildcat strikes.

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

Mrs CHIKAROVSKI: The number of days lost due to strikes in New South Wales has fallen by over 80 per cent since the Government's industrial relations reforms were introduced. In fact, the Government's reforms have been so successful that they have been adopted by other States and, in a somewhat perverted form, by the Federal Labor Party. Paul Keating and Laurie Brereton think that enterprise bargaining is terrific. Bill Kelty and Jennie George think enterprise bargaining is terrific. In fact, the only political leader in Australia who does not support enterprise bargaining is the Leader of the Opposition, the leader of the Labor Party in New South Wales. The Opposition is still harking back to the 1950s and refusing to recognise that the very culture of industrial relations has changed, not only in this State but across the nation. At a time when even the Federal Labor Party and the Australian Council of Trade Unions are talking about enterprise bargaining, the Leader of the Opposition and his puppet master, Mr Peter Sams of the New South Wales Labor Council, want to take us back to the bad old days.

Mr SPEAKER: Order! There is too much audible conversation in the Chamber, including conversation between the Leader of the Opposition and other members.

Mrs CHIKAROVSKI: The Leader of the Opposition, who takes his orders from the New South Wales Labor Council, has absolutely no credibility in this regard. In fact the New South Wales Labor Council has no credibility. Honourable members should not take my word for that; industrial relations observers are saying that there is no more reactionary force in Australian industrial relations than the New South Wales Labor Council. Mr Sams and other right-wing union leaders spend a fair bit of their time attacking the New South Wales enterprise bargaining system. They say enterprise bargaining is bad for women, even when the evidence compiled not by the New South Wales Government but by the ACTU is to the contrary. The New South Wales Labor Party and the Labor Council say that enterprise bargaining will reduce conditions, though the evidence is to the contrary.

Employees entering into enterprise agreements in New South Wales have gained pay rises of up to 25 per cent. Mr Sams is on record as saying that his ultimate aim is to destroy the New South Wales system of enterprise bargaining. In this mission he is supported by the Leader of the Opposition. Given the strong opposition by the New South Wales Labor Council and the Labor Opposition to enterprise bargaining, I think it appropriate that the House note that more than two-thirds of the 840 agreements registered in New South Wales to date have been negotiated with trade unions.

I am talking about some of the largest unions in this country, such as the Nurses Association, the Public Service Association, the Electrical Trades Union and the Transport Workers Union. In other words, despite the rhetoric, the trade union movement in New South Wales has embraced the reforms introduced by this Government and its system of enterprise bargaining. As I said, 843 agreements have been registered in New South Wales. I take this opportunity to draw the attention of the House to a reasonably typical example of one of the more recently registered agreements involving a small enterprise. The agreement evolved after lengthy consultation between employees, who in this case were represented by their union, and the employer.

Page 3828

Some 80 per cent of the employees covered by this agreement are women who, with the support of the union, agreed to include in their agreement enhancement benefits such as extended family leave and adoption leave.

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

Mrs CHIKAROVSKI: The workers, their union and the employer have rejected the rigidity of the Clerks (State) Award and opted for a pay system which gives each worker pay rises based on merit and productivity - the type of agreement any forward thinking organisation needs and the sort of agreement that this New South Wales Government intended when the Act was proclaimed. It is a good agreement because it benefits both sides. The agreement shows how well the New South Wales system, the very system the Labor Council and the Labor Party in this State want to abolish, is working. The most interesting aspect of this agreement, though, is the employer.

Who is this enlightened employer who entered into an agreement with its female employees to provide such benefits? The employer in this instance is none other than Chifley Financial Services, a company owned lock, stock and barrel by the New South Wales Labor Council. Who signed this agreement on behalf of the company? None other than Michael Costa, the second highest ranking official at the Labor Council. This very same Labor Council that thinks enterprise bargaining is bad for women, and proclaims that enterprise bargaining exploits workers, has happily entered into an agreement with its own employees. The Labor Party's hypocrisy on health and industrial matters has been exposed. No wonder the people of this State realise that the New South Wales Labor Party, the Labor side of politics, has absolutely no credibility. The Labor Party has no policies, no leadership and absolutely no idea.

HONOURABLE MEMBER FOR GEORGES RIVER SEXUAL ASSAULT ALLEGATIONS

Mr KNIGHT: I address my question without notice to the Premier. Has the tabling of the Niland report into sexual harassment allegations concerning the honourable member for Georges River been deferred for a second time? Is this because of the member's refusal to give evidence until today? Will the Premier guarantee that the report will be tabled in this House before the end of the current parliamentary session?

Mr FAHEY: The honourable member for Campbelltown, who has had this lightning recognition, this rocketing into prominence on the frontbench after being a member of this Parliament for almost 14 years -

Mr Knight: I appreciate your concern.

Mr FAHEY: I congratulate you. I think it is long overdue. As I said to a few people yesterday, the only thing that worried me about the opportunities that might have been available in the past week or so for the honourable member for Campbelltown was that Bob was doing the numbers. All sorts of difficulties would have been encountered. I was a little concerned also when the honourable member for Auburn put up his hand in Beijing and said, "Recognise me, I am coming home. Wait for me, I am on my way back. Don't do anything until I get here".

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

Mr FAHEY: I also have some worries about the prospects of the honourable member for Campbelltown finally making it to the frontbench and to the strategy committee.

Mr Knight: On a point of order: as much as the entire House would love to hear the list of the friends of John Fahey, he was asked a question about the honourable member for Georges River. I hope that he will answer this serious matter to do with sexual harassment allegations about a former member of his Cabinet.

Mr FAHEY: The point I was coming to is that in the past the honourable member was unable to lobby because he was too busy running around newspapers checking their photographs and files to ensure that they understood that he was the tall, dark, handsome member. The final point, of course, in respect to the person who might have ultimately come into the position vacated by the honourable member for Liverpool is: where did he stand in regard to women? Where was the Leader of the Opposition when it came to promoting the talented women in the Labor ranks. It is clear that the honourable member for Campbelltown wants to get into areas that have been reported fairly accurately in the media in recent times. He knows the answer to this matter. He simply wants to do his best to try to destabilise the honourable member for Georges River and the Liberal Party. Mention was made of the Liberal Party endorsed candidate for Georges River, but what about the Labor endorsed candidate for Cabramatta? This is relevant because a by-election is coming up shortly, and I noted with some interest the report in the widely circulated *Great Vietnam Herald*.

Mr Whelan: On a point of order: Mr Speaker, yesterday you ruled that Ministers' answers must be relevant to the questions asked. The question asked by the honourable member for Campbelltown was quite specific and has nothing to do with what the Premier is referring to.

Mr SPEAKER: Order! On many occasions I have ruled that a Minister's answer should be relevant to the question asked. That gives the Minister answering the question fairly wide ranging latitude in any event. However, I am sure the Premier is cognisant of those matters and that his answer will be relevant to the question asked.

Page 3829

Mr FAHEY: Opposition members are attempting to play a scurrilous game. A proper inquiry is being conducted in respect of matters relating to the question raised by the honourable member for Campbelltown, but what are the attitudes of and approaches taken by members of the Opposition? The *Great Vietnam Herald* has taken the Leader of the Opposition to task over Labor's choice of candidate in Cabramatta.

Dr Refshauge: On a point of order: the Premier might delight in attacking women candidates, but the question -

Mr SPEAKER: Order! I will hear the point of order in silence.

Dr Refshauge: The question was about the former Minister for Police, the honourable member for Georges River, and concerned the inquiry into his activities, and whether the report of that inquiry will be tabled in Parliament before it rises.

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

Dr Refshauge: That was the question. Mr Speaker, I ask you to get the Premier either to complete his answer on that question or to sit down.

Mr Photios: On the point of order: it is entirely appropriate for the Premier, when responding to a question asked by the honourable member for Campbelltown, to canvass comparative analyses and other examples of attempts to not properly address inquiries. In other words, this is an attempt by the Premier to draw an appropriate parallel. In that sense it is very relevant. One cannot measure the Government's response unless one has another yardstick by which to measure it.

Mr Knight: On the point of order: it is a creative exercise by the Minister for Multicultural and Ethnic Affairs to draw a comparison between a question relating to harassment of women by the honourable member for Georges River and the suggestion that the Premier is able to talk about comparative harassment of women and engage in it himself in the answer. I submit, Mr Speaker, that your earlier ruling was the correct ruling, that the Premier is moving well beyond the leave of the question that has been asked and he is still incapable of or unwilling to answer the original question.

Mr SPEAKER: Order! I am quite certain that my earlier ruling was perfectly correct and I thank the honourable member for Campbelltown for his endorsement. I drew the attention of the Premier to the requirement to make relevant to the question whatever comments he wished to make. The Premier was seeking to establish a relevant link between what he was saying and the question he was asked. Until such time as he diverts from answering the question I will allow him to continue.

Mr FAHEY: Spurious points of order are constantly being taken by Opposition members who do not like to have brought to their attention reports in Cabramatta newspapers that are disparaging and critical of the Leader of the Opposition and of the manner in which the right wing of the Labor Party operates in this State. They do not like the fact that those newspapers talk about Labor members of Parliament who hold seats in the west, just as the honourable member for Georges River does. I make it very clear that Opposition members had a good chance of endorsing the honourable member for Liverpool as a sound candidate in Cabramatta, but they did not. I am happy to come back to that tomorrow.

I am sure all honourable members will wait as I assure them it is riveting stuff. I will avail myself of the opportunity to deal with that matter later. I am happy to come back to the question and to confirm the points that have been made in the newspapers. The commissioner has written to me seeking an extension of time to complete a report. Under the terms of the original Executive Council minute, Ms Niland was to have reported on the results of her inquiry by the end of September. The original minute allowed provision for an extension of time. In accordance with the written request of the commissioner, I have approved an extension of time to allow the report to be concluded by 21 October this year.

Mr Knight: And tabled?

Mr FAHEY: I have already made that clear; you know the answer.

JUVENILE JUSTICE WHITE PAPER

Mr RICHARDSON: Mr Speaker -

Mr J. H. Murray: On a point of order: if my arithmetic is correct, five questions have already been asked by Government members. Even though one was ruled out of order, it should be counted as a question.

Mr SPEAKER: Order! I suggest the honourable member for Drummoyne talk to the honourable member for Ashfield, who eloquently said some time ago that the correct interpretation of the sessional order was 10 questions answered, not 10 questions asked.

Mr RICHARDSON: My question without notice is addressed to the Minister for Multicultural and Ethnic Affairs, and Minister Assisting the Minister for Justice. How will the State's juvenile justice system benefit from the recently released white paper on juvenile justice?

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

Mr PHOTIOS: The honourable member for The Hills, by asking this question today, is continuing his war on crime - an issue for which he is well renowned in The Hills electorate. Only last week he referred to the

Director of Public Prosecutions the case of the murder of Geoffrey Barrett, seeking an appeal on the decision of the court. I thank the honourable member for The Hills, as all honourable

Page 3830

members do, for his dedication to this cause. Recently the New South Wales Government revealed its plan to break the juvenile crime cycle in New South Wales when it launched the juvenile justice white paper. The implementation of this white paper has received wide endorsement from both sides of Parliament and it will result in a coordination of services throughout government to keep young offenders from becoming adult offenders.

The Government has committed about \$32.6 million over four years for the implementation of the white paper recommendations. Justice for young people in New South Wales must be done and must be seen to be done. Until now the juvenile justice system has distanced young people from the human and economic impact of their actions. By being put before police, judges, social workers and juvenile justice officers they often come to see themselves as victims of the system rather than the cause of suffering and anxiety to ordinary people in the community. This will change. With the introduction and expansion of community youth conferencing, victims will now have the option of facing those who have committed crimes against them and they will be able to tell them what effect those crimes have had on their lives. This will drive home the point to offenders. This is about victims' rights. Victims' rights will receive greater emphasis under these reforms.

With this policy the Government has actively involved in the juvenile justice system people directly affected by juvenile crime. We have given families and communities the power to deal with the misbehaviour of young people while ensuring that local communities and the Government provide services and programs to allow young offenders to become valuable members of the community. Everyone in New South Wales at every level should be concerned about how to help problem kids before they get into deeper trouble. Children and teenagers who are in trouble with the law are not intrinsically bad. Many need a helping hand to understand where they went wrong and why. They need to understand that they are responsible for their actions and must be held accountable for them. During the past few years the rate of reoffending among juvenile offenders has dropped dramatically. These days seven out of every 10 young offenders never offend again. That figure is falling consistently under this Government. The white paper will continue to directly affect this ratio, significantly reducing the level of recidivism among young people. It is the result of extensive community consultation with parents, youth workers, legal representatives and people involved in the juvenile justice area.

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

Mr PHOTIOS: A new interdepartmental committee on juvenile justice chaired by the Director-General of Juvenile Justice, Mr Ian Graham, will take a whole of government view of early intervention programs for young people in trouble.

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

Mr PHOTIOS: Community youth conferencing will be introduced across New South Wales, which will allow victims of crime to meet offenders face to face. It will involve mediators, police, family members and a community representative to put crimes and their costs in perspective.

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

Mr PHOTIOS: Maximum community service orders will be raised from 100 to 250 hours. Young offenders will use that extra time to put something back into the community. Courts will give attendance centre orders to repeat young offenders. The orders will see young people attend intensive programs offering special counselling to help them understand their feelings and their actions. A number of other initiatives range from plans to alter town planning rules at local government level to ensure that communities enjoy appropriate entertainment facilities, shelter and transport standards, to special counselling outreach for repeat offenders who

need ways to understand and manage their own emotional problems. There are also significant initiatives for juveniles from non-English speaking backgrounds who have been caught up in crime. I am happy to announce to the House this afternoon a range of exciting initiatives which will address this issue.

Juveniles from non-English speaking backgrounds represent 30 per cent of young people in detention and approximately 45 per cent of young people placed on community supervision. Because of this it is vital that the Government consider the specific needs and requirements of offenders from non-English speaking backgrounds in the community. The white paper on juvenile justice includes specific commitments to address these needs. I am happy to announce that the Department of Juvenile Justice will embark on special efforts to recruit staff from ethnic backgrounds which are specifically represented in the juvenile justice system.

There has been some difficulty in the past in gaining the confidence of these communities to the extent that they are willing to join the department and work with young kids in detention. However, there is a recognition in the department that all staff need to be trained in awareness of cultural issues and the Government will continue to provide this type of training on an enhanced basis to staff. Under the white paper programs and services will be developed at a local level involving specific cultural groups that are represented by juvenile offenders. No-one understands the cultural influences and social pressures on these young people more than their own families and communities and appropriate services cannot be provided for them unless consultation is undertaken with these communities.

Page 3831

Once culturally appropriate programs have been established the Government will ensure that they are communicated to the judiciary and that all court reports from now on will be prepared for juvenile offenders, including a program for offenders from non-English speaking backgrounds. The non-English speaking background initiatives contained in the juvenile justice white paper, which the Government is committed to, are: that case management will be introduced to ensure that the individual needs of young offenders, including those of diverse cultural backgrounds, are met; that data in future will be collected on the ethnicity of all juvenile offenders to monitor any changes to ensure programs and appropriate staff training are provided; that information on service delivery, detention centre rules and information on rights and complaint mechanisms will be translated into a number of languages identified as being in greatest demand. This information will be made available to juvenile offenders and their families, and to victims. Interpreter services for juveniles both in the community and in detention will be developed directly by the Department of Juvenile Justice.

The Government believes that this policy is pointed in the right direction. It is tough but fair. It addresses the important needs and rights of victims. It deals with the critical problem of juvenile justice and delinquency amongst juveniles. It is the result of two years of extensive community consultation that has so far received the endorsement of every person who has read the white paper and has been involved in those consultations. This level of cooperation and endorsement has even extended to some members of the Opposition - at least to those members opposite who are talking about it.

PETITIONS

Lane Cove Road North Ryde Pedestrian Crossing

Petition praying that a pedestrian crossing be installed on Lane Cove Road North Ryde, at the junction of Lorna Avenue and Napier Crescent. received from **Mr Petch**.

Cardiff South Public School Crossing Supervisor

Petition praying that a school crossing supervisor be provided for the Lake Avenue crossing outside

Cardiff South Primary School, received from **Mr Mills**.

Newcastle Rail Services

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

Marshall Street, Rankin Park, Bushland Corridor

Petition praying that the Marshall Street reserve at Rankin Park be retained as a bushland corridor for local environmental and recreational purposes, received from **Mr Mills**.

Forest Protection

Petition praying for an immediate and permanent moratorium on the logging of all native old growth and wilderness forests, and for legislation to change present forest management practices, received from **Mr Clough**.

Abortion

Petition praying that women's access to safe, affordable abortions be supported, that women and doctors not be prosecuted for having or performing abortions, and that sections 82, 83 and 84 of the Crimes Act be repealed, received from **Ms Nori**.

Marijuana Prohibition

Petition praying that legislation be enacted to give effect to the Law Society's recommendations on reform of marijuana prohibition laws relating to the use, possession and cultivation of marijuana for personal use, received from **Mr Mills**.

Green Point Estate

Petition praying that the House encourage and assist the applications of the Lake Macquarie City Council to bring the whole of Green Point Estate into public ownership so that it may be conserved as a regional bushland park, received from **Mr Bowman**.

Warilla Police Station

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

Part-time TAFE Teachers

Petition praying that the salaries and conditions of part-time TAFE teachers be improved, received from **Mr Mills**.

Long Jetty Hospital

Petition praying that Long Jetty Hospital be upgraded, received from **Mr McBride**.

Canterbury Hospital

Petition praying that Canterbury Hospital be retained and upgraded on its present site and that the services it provides continue during upgrading, received from **Mr Davoren**.

Northern Sydney Psychiatric Services

Petition praying that appropriate facilities, resources and staffing be provided for psychiatric patients in the Northern Sydney Area Health Service area, received from **Mr Petch**.

Wyong Hospital

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

Shellharbour Public Hospital Children's Ward

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

Page 3832

Betsy Bankstown Women's Refuge and Crisis Centre

Petition praying that funding be provided for the Betsy Bankstown Women's Refuge and Crisis Centre, received from **Mr Davoren**.

Trade Practices Act and Fair Trading Act

Petition praying that the Trade Practices Act and the Fair Trading Act be reviewed to make them fully accountable and cover all purchases, received from **Mr Iemma**.

BUSINESS OF THE HOUSE

Reordering of General Business

Mrs GRUSOVIN (Heffron) [3.30]: I move:

That General Business Order of the Day (for Bills) No. 21, HomeFund Mortgages (Reviews and Appeals) Bill, be reordered to take precedence on Thursday 13 October 1994.

This is a matter of great urgency. The Government, by its continuing delaying tactics, is seeking to avoid being brought to account for the emotional devastation that has wrecked the daily lives of so many thousands of HomeFund families across this State. It seeks to prevent HomeFund borrowers from being able to appeal decisions of the HomeFund Commissioner to the Commercial Tribunal. There will be no autumn session of the Parliament. The Premier will make every attempt to push the HomeFund injustice issue to beyond the March 1995 election in the vain hope that the coalition will be returned to government. The Government will then attempt once and for all bury the albatross of HomeFund. The Government has never wanted HomeFund borrowers to gain access to the Commercial Tribunal because it has fears about the cost of justice - money that it could otherwise conserve to buy votes. Instead of supporting redress through the Commercial Tribunal, the Government floated the HomeFund Commissioner in this House as the panacea to resolve in a speedy and non-litigious manner the very genuine complaints of disadvantaged HomeFund families. What is the result of that just, speedy and non-litigious approach? It is nothing but an utterly disgraceful performance by the HomeFund Commissioner.

Ms Machin: On a point of order: I am interested in the substance of the debate, and I imagine we will have that shortly. However, the honourable member for Heffron is required now to put the case why business should be reordered; she is not permitted to debate the substance of the motion.

Mr SPEAKER: Order! The member for Heffron should address the House on why this matter should be given precedence in the business paper.

Mr WEST (Orange - Minister for Police, and Minister for Emergency Services [3.32]: We agree to the reordering.

Motion agreed to.

ABORIGINAL OWNERSHIP OF NATIONAL PARKS LEGISLATION

Ministerial Statement

Mr HARTCHER (Gosford - Minister for the Environment) [3.33]: I wish to make a ministerial statement on legislation for Aboriginal ownership of national parks. I have received advice from the Acting Solicitor General on the constitutional consistency of this Government's proposed National Parks and Wildlife (Aboriginal Ownership) Amendment Bill with the Commonwealth Native Title Act 1993 and the implications for the private member's bill recently introduced into the Parliament by the honourable member for Keira. The Acting Solicitor General has advised me that the enactment of Aboriginal ownership legislation may constitute an impermissible future Act under the Commonwealth Native Title Act and, therefore, may be invalid under the Constitution. This is indeed a significant finding. It has wide ranging implications for the future progress of State Aboriginal ownership legislation, including that proposed by the honourable member for Keira. This is a complex and involved area of law.

Mr Whelan: On a point of order: as the ministerial statement concerns a proposed Government bill and a private member's bill introduced by the honourable member for Keira, and as the standing orders provide that the Leader of the Opposition or someone deputed by him may reply to the statement, I ask the Minister whether he has given the honourable member for Keira the courtesy of informing him of his intention to make a ministerial statement.

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

Mr WHELAN (Ashfield) [3.37]: I move:

That the Minister for the Environment, Mr Hartcher, be not further heard.

The House divided.

Ayes, 42

Ms Allan	Mr Markham
Mr Amery	Mr Martin
Mr Anderson	Mr Mills
Mr J. J. Aquilina	Mr Moss
Mr Bowman	Mr J. H. Murray
Mr Crittenden	Mr Nagle
Mr Doyle	Mr Neilly
Mr Face	Ms Nori
Mr Gaudry	Mr E. T. Page
Mr Gibson	Mr Price
Mrs Grusovin	Dr Refshauge
Ms Harrison	Mr Rogan
Mr Harrison	Mr Rumble
Mr Hunter	Mr Scully

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

Page 3833

Noes, 48

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

Pairs

Mr A. S. Aquilina	Mr Fahey
Mr Carr	Mr Griffiths
Mr Shedden	Mr Schultz

Resolved in the negative.

Mr HARTCHER: Now that the honourable member for Keira has come into the Chamber I should like to inform the House that I received advice from the Acting Solicitor General on the constitutional consistency of the Government's proposed National Parks and Wildlife (Aboriginal Ownership) Amendment Bill with the Commonwealth Native Title Act 1993 and the implications for the private member's bill recently introduced into the Parliament by the honourable member for Keira. The Acting Solicitor General has advised me that enactment of Aboriginal ownership legislation may be an impermissible future Act under the Commonwealth Native Title Act.

Mr Whelan: On a point of order: as the Minister is referring to advice received from the Acting Solicitor General, I ask that he be directed to table that advice.

Mr HARTCHER: I propose to table the advice.

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

Mr HARTCHER: If the honourable member for Ashfield had been patient and a little more courteous, he would have learned that I was about to table that advice. I repeat that the Acting Solicitor General has advised me that enactment of Aboriginal ownership legislation may be an impermissible future Act under the Commonwealth Native Title Act. It may therefore be inconsistent with the Native Title Act under the Constitution and thus invalid. This is indeed a significant finding. It has wide ranging implications for future progress of State Aboriginal ownership legislation, including that proposed by the Opposition. This is a complex and involved area of law, and I do not intend to detail now the full complexity of the legal advice provided to me by the Acting Solicitor General. I therefore seek leave to table the advice of the Acting Solicitor General regarding the constitutional consistency of the National Parks and Wildlife (Aboriginal Ownership) Bill 1992 with the Commonwealth Native Title Act 1993.

Leave granted.

The honourable member for Keira has introduced his own Aboriginal ownership bill, which is all but identical to the Government's bill. I suggest that he would do well to give further consideration to his legislation in light of the Acting Solicitor General's advice. The Government has not resiled from its commitment to return ownership of certain lands already protected through the National Park system to the Aboriginal community in appropriate cases where those lands are of special cultural significance. The Government understands that land ownership is intrinsic to the well being of Aboriginal people because of its legal, cultural and religious significance. However, what this Government wants and what the Aboriginal community and the community in general expect is Aboriginal ownership legislation that takes full account of the law, including the evolving law on native title.

The Acting Solicitor General's advice fully vindicates this Government's consistent position that Aboriginal ownership legislation can only be finalised when all legal uncertainties have been taken fully into account. Accordingly, in the interests of ensuring that this Parliament does not become responsible for enacting constitutionally invalid legislation, once debate on the bill introduced by the honourable member for Keira commences I will be moving that the bill be referred to a legislation committee for further consideration in light of the Acting Solicitor General's advice.

Mr MARKHAM (Keira) [3.47]: I am very disappointed that the Minister did not inform me that he was going to make this ministerial statement. If he had, perhaps we could have sat down and discussed the matter well before his making the statement to the House. The Government's legislation was first introduced in this House on 1 May 1991. It was referred to a legislation committee, which deliberated for more than 12 months, met some 30 times, and received information and submissions from the public as well as government bodies. That committee made 29 recommendations about the legislation that the former Minister, the Hon. Tim Moore, initially introduced.

The legislation as now drafted takes into consideration native title. That is more than some Ministers in this Government have done with legislation introduced in this Chamber in the previous session, in April this year. The Parliamentary Counsel advised that the changes to the initial

Page 3834

legislation would cover any native title claim made in the future. I do not know why the Government is opposing debate on the legislation. The Parliament and the Government have had the full support of the Labor Opposition on this worthwhile legislation. For the Minister or the Government to delay it further will not render justice to the Aborigines of this State, who have been pleading with the Government for years to

introduce this measure. In April this year I gave notice that I would introduce my bill, and I did so just a couple of weeks ago because the Government obviously was not doing anything about its bill. [*Time expired.*]

CONSIDERATION OF URGENT MOTIONS

Cahill Expressway Documentation

Mr LANGTON (Kogarah) [3.50]: My notice of motion provides that pursuant to Standing Order 54 certain matters must be laid before the Parliament and made public by the rise of the House today. Those matters are: reports prepared by consultants Stapleton and Hallam and Arthur Simms Consulting in relation to the demolition of the Cahill Expressway; all documentation arising as a result of these consultants' reports; and all other documentation, briefing notes and Roads and Traffic Authority correspondence relating to the possible demolition of the Cahill Expressway. I believe that the people of this State, particularly the taxpayers, have the right to know all details relating to the Government's decision not to proceed with the demolition of the Cahill Expressway. I appreciate the consideration given by the Minister by way of his offer to table the reports by the consultants. However, that was rejected because the Minister's haste to agree to table those documents certainly raised in my mind some doubts as to whether he was simply trying to make sure he did not have to table all the other documents.

[*Interruption*]

I would be the very last person in this House to be called a cynic or to suggest that the Minister for Transport might tell fibs. I would not suggest that for a moment. My doubts were certainly heightened when the Minister bounded into the House in a springy manner that I have not seen of him for some time to table these reports. That certainly suggested to me that he was keen to make sure that the other documents, which notice of motion sought to have tabled in this House, were not tabled. One of the most important documents that I obliquely refer to in the motion is the report of the task force set up by the Government, which related to a question that I asked in this House last March. I asked the Premier a question about a committee to examine proposals to demolish the Cahill Expressway. On 1 March the Premier replied:

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

I believe that as well as the two consultants' reports that I specifically mentioned, it is the report of the task force that would give the people of the State all the information that they would need to determine whether the Government made the right decision in rejecting the offer of \$150 million from the Federal Government to ensure that the Cahill Expressway would be demolished. This is not, and was never intended to be, a debate about whether the Cahill Expressway should be demolished. It is about whether the Government is accountable, whether it is prepared to give to the taxpayers of this State all the information which is available to the Government and should be available to the taxpayers to enable them to determine whether the Government has made the right decision. It is about a cover-up. It is about misleading the public and it is about forbidding. It is about being informed in public debate on an important issue that the Premier describes as important. In March this year the Premier was quoted in the *Daily Telegraph Mirror* as saying that he wanted the Cahill Expressway demolished.

In the 7.30 Report on 28 September it was revealed that reports are available that suggest that the information that the Premier gave to the public as the reason for rejecting the Prime Minister's offer may not be correct. This motion is designed to ensure that not just the two reports that the Minister referred to but all information relating to the decision taken by the Premier to reject the offer of \$150 million from the Prime Minister to demolish the Cahill Expressway is available to the Parliament and to the taxpayers. Only then can they make informed decisions; and honourable members on this side of the House give the taxpayers of this State the benefit of having the intelligence to make decisions on their own. This matter is urgent because the

consultants have been ordered to keep silent on the issue; not just on the reports themselves but on matters relating to the compilation of the reports. [*Time expired.*]

Mr HARTCHER (Gosford - Minister for the Environment) [3.55]: The Government has indicated that it is prepared to provide the documents that the Opposition seeks under Standing Order 54. The Government has offered to give the papers it has in its possession to the honourable member for Kogarah, and the Minister for Transport, and Minister for Roads, has indicated that he is prepared to supply the other documents. The Minister obviously does not carry every Government document with him all the time on the off chance that the honourable member for Kogarah may request something. The Government has no problems in making those papers available and has offered what papers it has. The Government is prepared to produce the balance, and that is a salient point.

Mineral Exploration in National Parks

Mr HARTCHER (Gosford - Minister for the Environment) [3.56]: My notice of motion relates to a decision of the national conference of the alternative government in New South Wales. The rules of the national conference are quite clear. They provide that

Page 3835

the national conference shall be the supreme governing authority of the party and that its decisions shall be binding upon every member and every section of the party. The New South Wales branch of the parliamentary Australian Labor Party is bound by the decision under that rule of the national conference. Accordingly, whatever the Leader of the Opposition may seek to distance himself from, the House should be put in a position where it reaffirms the ban that was imposed by the Government in 1989-90. The Government banned mineral exploration and mining in national parks. The House has to decide whether it is prepared to reaffirm that ban and whether it is prepared to authorise me, as Minister for the Environment, to go to the ministerial council later this month and say on behalf of New South Wales, "We are opposed to mineral exploration in national parks". Either I say I have the support of the New South Wales Government and the New South Wales Parliament or I do not.

Mr Whelan: On a point of order: I understand that the Minister for Transport has resolved the issue by undertaking that he would suspend standing orders to enable the honourable member for Kogarah's motion to be resolved by the House without debate. That is agreed to by the Opposition. In other words, the motion of the Minister for the Environment would stand on its own, if the honourable member for Kogarah would be happy to accept that.

Mr SPEAKER: Order! The sessional orders allow for consideration of only one urgent motion each day. If the Government is prepared to accede to a motion in the terms foreshadowed it will have to be by suspension of standing orders after the current procedure has been completed.

Mr Whelan: We are happy to do that.

Mr HARTCHER: We have not agreed to that. The Opposition does not run the House.

Mr Whelan: The Minister for Transport just agreed.

Mr SPEAKER: Order! The House can choose only one of the two motions now before it. If the Government and the Opposition want to come to an arrangement at some later time, they may do so. All the forms of the House are available to them.

Mr HARTCHER: The Federal Government has clear powers to intervene in State matters through its external affairs powers, having signed the international environment convention, and through its corporations power. It is quite arguable that the Federal Government could authorise a corporation to mine within limits designated by it. Accordingly this House and this Government must be able to state what the position of New South Wales will be if the Federal Government were to adopt the policy declared by the National Conference of

the Australian Labor Party. The Tasmanian dams case makes that quite clear. The Federal Minister for the Environment has indicated on a number of occasions that he has wide powers to intervene in environmental matters, but has chosen not to do so and to seek a cooperative approach. Accordingly, the national conference decision of the Australian Labor Party could well have grave implications for the people of this State. I have made public the position of this Government. In three weeks time when I attend a council of Ministers I hope to be able to say that the New South Wales Parliament has resolved that it too opposes mineral exploration in national parks and does not agree with the decision of the national conference. [*Time expired.*]

Question - That the notice for urgent consideration of the honourable member for Kogarah be proceeded with - resolved in the negative.

Question - That the notice for urgent consideration of the Minister for the Environment be proceeded with - resolved in the affirmative.

MINERAL EXPLORATION IN NATIONAL PARKS

Consideration of Urgent Motion

Mr HARTCHER (Gosford - Minister for the Environment) [4.02]: I move:

That this House condemns the decision of the National Conference of the Australian Labor Party to permit mineral exploration in National Parks.

The recent decision by the national conference of the Australian Labor Party in Hobart to permit mineral exploration in national parks is an environmental travesty of historical proportions, a travesty in which the Leader of the Opposition played a part. He must explain to this House why he allowed it to happen and what the position will be in future so far as compliance by the New South Wales Labor Party with Federal Government and Federal ALP policy is concerned. Once again the integrity of the environment has suffered in the wake of ALP factional politics and deal making. Once again, the backroom came before the bushland, and for this the ALP national conference policy decision should and must be condemned.

Some honourable members of this House may not have had the opportunity to read the Australian Labor Party's official program, rules and regulations which in part state, "Australian Labor Party policy is made by national conferences - Basic principles, membership and organisation, D28". Further it states, "The national conference shall be the supreme governing authority of the party and its decisions shall be binding upon every member and every section of the party - Rules, structure of the party organisation, 5B".

Let us, therefore, be absolutely clear. The official policy of the Australian Labor Party is to permit mineral exploration in national parks. Mineral exploration is the first stage to mining. According to Labor's own program, rules and regulations, there are no ifs and buts, only the bulldozers, open cuts and massive damage. In stark contrast this House, this

Page 3836

Parliament and this Government have made clear their opposition to mining in national parks. The coalition Government stands by the legislation it introduced into this House. In the past it considered the matter carefully. In the period immediately preceding the 1988 State election, the coalition Opposition gave a firm, written commitment that, on gaining office, legislation would be introduced to ban mining in national parks. Having won the election, we lived up to our commitment.

The National Parks and Wildlife (Mining Prohibition) Amendment Bill was introduced into the Parliament in 1990. This bill provided that it would be unlawful to prospect or mine for minerals in an area reserved or dedicated under the National Parks and Wildlife Act. Private prospecting was totally prohibited. The only possible prospecting that may occur under the legislation is that which is undertaken by the Government because of compelling national security reasons or other similar considerations following a system laid down in

the Act which requires the approval of both Houses of Parliament. As the Australian Mining Industry Council pointed out in a publication about New South Wales law, "If mining is severely restricted or prohibited, then there is little point in paying for exploration".

If any exploration needed to take place in a national park because of a compelling national security or similar consideration, the operation would need to be conducted under the most stringent conditions to ensure maximum environmental protection. On 28 November 1990 the National Parks and Wildlife (Mining Prohibition) Amendment Bill was assented to. The present ban on mining in national parks under the National Parks and Wildlife Act 1994 is a direct result of the legislation of this coalition Government. Let me be completely clear: the coalition parties are not antimining but they are antimining in national parks. That is the clear contrast between the coalition and the Australian Labor Party. The Government is opposed to mining in national parks. The Australian Labor Party wishes to have mineral exploration in national parks, which is the essential prelude to mining in national parks. There is no point to mineral exploration unless mining is to follow. People will not put up the money for mineral exploration unless they know they have a reasonable chance of mining.

The Australian Labor Party's decision is the classic elephant's trunk through the door: once the trunk gets through the door, the whole body can follow. In this case, the whole body is mining in national parks. The Government's approach is in stark contrast to that of the New South Wales Australian Labor Party, which had years in office to legislate against mining in national parks but never did so. As I said in this Chamber in support of the legislation when it was introduced, "The Labor Party has a gap between what it says it will do and what it achieves". Between the reality and the substance, as T. S. Eliot said, there falls the shadow. Members of the Australian Labor Party can dance and sing all they want that it was their intention to introduce legislation, but the bottom line is that they never did so. Accordingly, when it comes to mining in national parks they are all talk but no action.

Who was the Minister responsible at the time? None other than the present Leader of the Opposition. Moreover, it is a matter of some concern that Mr Carr looked the other way when it came to mineral exploration in national parks. On 11 March 1988 Mr Carr proclaimed the Yengo National Park. On the surface that appeared to be a good thing for the environment but literally below the surface it was not. A document dated 3 March 1988 signed by the then Minister for Mineral Resources, Ken Gabb, shows that two licences for the exploration of oil in Yengo were approved. In other words, Mr Carr delayed the proclamation of Yengo National Park to allow Ken Gabb time to approve mineral exploration licences on 3 March 1988.

Mr Carr was a willing accomplice to the granting of licences to explore for petrol in the Yengo National Park. Mr Carr stands accused, and I will have more to say about that at a later time. There is no point having national parks which represent the highest natural values unless we are prepared to protect them. If someone can come along and dig them up in the name of profit, they cannot be protected. That is bulldozer Bob's legacy to the environment. By his failure to show environmental leadership, and his approval of Mr Gabb's granting mineral exploration licences for the Yengo area, Mr Carr showed that he was not genuinely committed to opposing mineral exploration in national parks.

There are unanswered questions with regard to Mr Carr's personal role in the passage of the ALP conference motion. I expect these questions will be answered by the shadow Minister in her contribution to the debate. First, where was Mr Carr? Apparently not in Hobart. Therefore, who had his proxy vote? Apparently the Hon. Michael Egan. Where was Mr Egan at the time of the ballot? No-one is saying. Was he on the floor of the conference or was he upstairs in his room? If he did make it to the floor, did he vote for or against the motion? Again, no-one is saying, but the New South Wales right wing of the ALP, the dominant faction in the Opposition in this Parliament, voted en bloc for this resolution.

This motion had the support of the right wing of the New South Wales branch of the Australian Labor Party. The honourable member for Blacktown, to her credit, repudiated that motion and rejected the decision by the New South Wales right wing and the conference. We need to know where the Leader of the Opposition stands on the issue of mineral exploration in national parks in view of this device in March 1988 and in view of

the decision of the Federal conference in Hobart, which was carried by 51 votes to 50 with the support of the New South Wales right wing. We need to know whether New South Wales will stand firm against mineral exploration and mining in national parks. It will stand firm as long as this coalition Government remains in office. The Australian Labor Party has a case to answer. It

Page 3837

cannot distance itself from its own national conference. The Australian Labor Party has made a decision to allow mineral exploration. The New South Wales branch of the Australian Labor Party has made no attempt to reverse that decision. [*Time expired.*]

Ms ALLAN (Blacktown) [4.12]: I move:

That the question be amended by leaving out all words after "That" with a view to adding instead the following words:

this House reaffirms the National Parks and Wildlife (Mining Prohibition) Amendment Act 1990, No. 71.

Bill Clinton and Teddy Kennedy, eat your hearts out! We have just heard a pathetic attempt by an absolute joke of a Minister for the Environment to try to redeem himself in the eyes of the environment movement of this State. This afternoon this failed Minister for the Environment has demonstrated to us on at least two occasions that a pulse is still beating. Up until this afternoon we did not know that. A wide-eyed staff member of this Minister - one who has not been busy ringing the Public Service Association to determine what his or her re-employment prospects will be after March next year - has come up with the bright idea of condemning the national conference of the Australian Labor Party and its recent decision to permit mineral exploration in national parks. We also witnessed the earlier exercise of trying to embarrass the shadow minister for Aboriginal affairs. So there is a pulse beating. There is not much of a heart, but it has become evident this afternoon that there is a pulse.

This Minister is responsible for a litany of failures in the environmental area. Only a month ago this Minister was condemned by the New South Wales environment in crisis conference, which passed 71 resolutions attacking the Minister. It has been seeking reassurances from the Minister ever since that some of the resolutions that were passed will be addressed by him. Has the Minister actually addressed any of the resolutions passed by that conference? Is he aware that 71 resolutions were passed and he is expected to come up with some response before the coalition Government goes to the people next March? At the moment this Minister's credibility is shattered. This half-baked effort by someone on the Minister's staff to get him back into the good graces of the environment movement in New South Wales simply will not work.

The environment movement is interested in some real wins for the environment in this State. It is interested, for example, in what happened to the Wilderness Act. It is interested in the fact that this Minister and the Premier were censured a couple of weeks ago in this Parliament for not bothering to implement the Wilderness Act and for not delivering, after Christmas Day last year, on promises that the Minister recommended to the Cabinet should be implemented. The environment movement is interested in wins in areas such as the wilderness in this State. It is interested in what happened to stage two of the environment protection legislation.

Mr SPEAKER: Order! I direct the honourable member for Blacktown to return to the leave of the amendment - which she herself moved and which, if anything, is more restrictive than the original motion - which relates to the reaffirmation of the National Parks and Wildlife (Mining Prohibition) Amendment Act.

Ms ALLAN: The lack of prospects for the mining industry in national parks is one of an important number of issues dear to the environment movement in New South Wales. That is why I was attempting to mention several other issues that are also important to the environment movement in New South Wales, but which have been successfully ignored by the current Minister for the Environment. This current joke of a Minister for the Environment came into the House this afternoon and attempted to embarrass the Labor Party. He should know by now that it is extremely difficult to do that in this Chamber given our current environmental record in this State. As I have already said, this Minister has failed in this regard. He has barely resisted the

onslaught of the National Party to encroach into national parks in the future. I will mention those issues in a little detail because essentially that is the National Party agenda for national parks in this State. I have already said that, in recent times, we have seen the onslaught of the Wilderness Act and the failure of stage two legislation because it was not seen as something -

Mr SPEAKER: Order! I have already directed the honourable member for Blacktown to speak to the leave of the amendment she has moved, which is narrow in its implications.

Ms ALLAN: Can I take a point of order?

Mr SPEAKER: Order! The honourable member should speak to the leave of the amendment.

Ms ALLAN: I am seeking to do two things. My amendment obviously seeks to contradict the motion that has been moved. My amendment is significant because it seeks the full support of the Parliament to reinforce the current law we have in New South Wales relating to mining. I believe National Party members have a specific agenda at this stage to erode that law. That is in keeping with the number of other more recent decisions by the Government. I would like in particular to refer to some recent comments that have been made by Ministers in this State which I believe not only contradict the motion moved by the Minister but certainly contradict the amendment I have moved. It is important for all honourable members to be aware that, in the context of the wilderness debate that occurred in this State, the justification for the winding back of wilderness legislation in this State -

Mr Hartcher: On a point of order: there is a motion before the House which relates to the decision of the Australian Labor Party on mineral exploration. The honourable member for Blacktown has moved an amendment to that motion. The wilderness legislation is not relevant to this debate. It has not been mentioned by me. The honourable member for

Page 3838

Blacktown is not answering any matters that I referred to the House. I ask that she be drawn back to the motion and to her amendment.

Ms ALLAN: On the point of order: I would like an opportunity to refer to specific statements that have been made by organisations like the Chamber of Mines in the debate about the Wilderness Act. That organisation says that one of the reasons it opposes wilderness areas being protected is that it denies mining opportunities. I think that is a relevant point.

Mr SPEAKER: Order! If the honourable member for Blacktown contains her remarks to mining in national parks, any statement relating to mining in national parks would come within the leave of the motion. I remind her, however, that this is not a wide ranging debate on wilderness matters or matters concerning the environment per se.

Ms ALLAN: I am well aware of that fact. It concerns me greatly that the arguments put up by the Chamber of Mines and the metal and extractive industries in this State against the wilderness, the extension of national parks, the role of the National Parks and Wildlife Service and the management of national parks, were on the basis that the extension of wilderness areas and the creation of national parks would sterilise areas that would otherwise be used for mining. It is hypocritical of this Minister to condemn the national conference of the Labor Party and to argue that the Labor Party in New South Wales does not have a strong policy position in this area, when we all heard this afternoon the Minister claim that the current Government maintains a strong position in relation to mining exploration in national parks.

Once the dusts settle on the debate that took place at the national conference National Party frontbenchers such as the Minister for Agriculture and Fisheries and members of the National Party backbench will seek to further erode this Government's current legislation on mining in national parks - which, of course, is the purport of my amendment. The Minister argues that the Labor Party in New South Wales has not taken any action to distance itself from the national conference. On 30 September my parliamentary leader, the Hon. Bob Carr,

issued a press release in which he denied that the Labor Party in this State supported any mining or exploration in national parks. He gave an unequivocal assurance that a future Labor government would not permit mining or mineral exploration.

I do not believe that this current Minister for the Environment has the capacity to give that sort of assurance. He will not be a Minister for much longer. It is interesting that the Minister has not criticised his own Federal party. For example, he failed to mention that the Federal Liberal Party has no specific commitment to oppose mining in national parks. Rather, it adopts a case by case review of what is to occur in any national park. For example, it supports uranium mining in Kakadu National Park. Why have we not heard from this hopeless joke of a New South Wales Minister for the Environment about his Federal party's absolutely pathetic policy on mining in national parks? Maybe some honourable members opposite will be able to defend that party for its atrocious record on mining and proposed mineral exploration. [*Time expired.*]

Mr Hartcher: On a point of order: the so-called amendment of the honourable member for Blacktown is a direct negative of the motion. I am fortified in my submission by the comment by the honourable member for Blacktown that it was a negative of the motion. The amendment, which seeks to reaffirm legislation already passed by the House, is at total variance with the motion as submitted by me. It therefore constitutes a direct negative of the motion that I have moved. The honourable member for Blacktown said it was a negative of the motion. Therefore, I submit that the amendment is not in order and should be ruled out of order.

Ms ALLAN: On the point of order: it was a deliberate effort on the part of the Australian Labor Party to seek to move the amendment. Schedule 1, section 41(3) of the National Parks and Wildlife (Mining Prohibition) Amendment Act states:

This section does not apply to or in respect of existing interests, or the renewal or extension of the term of any such interest, as referred to in section 39.

That refers to the fact that it is not sought to cut across existing leases which may have already been granted for mineral exploration.

Mr SPEAKER: Order! The House does not need an exposé on the legislation.

Ms ALLAN: The Opposition did not feel the amendment was completely opposite to the motion that was moved.

Mr Whelan: On the point of order: I raise two important points. First, the motion moved by the Minister condemns the national conference of the Australian Labor Party for permitting mineral exploration in national parks. Even given that to be the case in terms as expressed by the Minister, it is an Australia-wide problem. It deals with a national issue and not a State issue. The amendment moved by the honourable member for Blacktown specifically refers to State legislation and the belief that the National Parks and Wildlife (Mining Prohibition) Amendment Act should be reaffirmed by the Parliament - a completely self-sufficient resolution relating to State legislation. It makes no mention of the malcontent resolution moved by the Minister for the Environment. The House should be given the opportunity to reflect on both resolutions.

Mr Jeffery: On the point of order: the honourable member for Blacktown said, to my recollection, that in effect she wanted to contradict precisely the motion put forward by the Minister. The word she used was "contradict", and that means to negative.

Mr SPEAKER: Order! I suggest that the matters raised are more red herrings than of great benefit. First, I take into consideration the ruling of Speaker Ellis to be found in *Parliamentary Debates* Page 3839

1972-73 at page 3155 that it is competent for the House to express an opinion on any matter at all. There is no jurisdictional validity in the point made by the honourable member for Ashfield.

Next I have to consider whether the amendment is a total negative of the motion or whether it is within the competency of the motion to be amended in the manner proposed. Members will recall the many occasions in this House when motions have commenced, say, by congratulating the Government, but have been amended or proposed to be amended to condemn the Government. In that sense there are many precedents for amendments that appear on the surface to be a direct negative of the motion. However, in accordance with the ruling of Speaker Ellis to be found in *Parliamentary Debates 1968-69* at page 917 the amendment must be within the scope of the motion, relevant and not subversive of the principle.

I do not consider the amendment moved by the honourable member for Blacktown to be subversive of the principle of the motion. What the honourable member for Blacktown may have suggested in the course of debate cannot be taken into consideration by the Chair. The Chair can take into consideration only the actual wording of the motion. Although the amendment puts a different slant on the expression of opinion that the House is called upon to make, it is not necessarily subversive of the basic principle of the motion: that this House expresses an opinion on its continuing support of a ban on mineral exploration and mining in national parks. I rule that the amendment is in order.

Mr PETCH (Gladesville) [4.27]: I support the motion condemning the decision of the national conference of the Australian Labor Party to permit mineral exploration in national parks. I know for a fact that the good people of the Gladesville electorate are utterly disgusted with the acts of sheer hypocrisy and environmental vandalism by the Australian Labor Party. On one hand one of the ALP's objectives as outlined in its official platform resolution states:

The use, conservation, and enhancement of Australia's natural resources and environment so that the community's total quality of life, both now and in the future, is maintained and improved.

On the other hand the ALP's official policy is that mineral exploration is permitted in our national parks. This policy represents a clear threat to the Lane Cove River National Park, which residents of my community hold so dear. It is unclear to me, as it is to the people of my electorate, how mineral exploration in the Lane Cove River National Park will improve our quality of life or, for that matter, the quality of life of the animals and plants that inhabit the national park. Perhaps the ALP has some unique definition of quality of life. Does quality of life mean having scenic and serene spots suffer the blade of the bulldozer or, alternatively, ploughed under by the bulldozer, and having mineral crews disturbing precious flora and fauna?

Perhaps under a Labor Government the entry signs to the Lane Cove River National Park should describe the activities of boating, bushwalking, nature appreciation, picnicking, and prospecting and mining - the latter being an activity totally incompatible with national parks, especially those that have been established for a long period. I ask the ALP: what is to stop the Lane Cove River National Park or Ku-ring-gai Chase National Park or the Royal National Park - the oldest national park in Australia - from being eligible for exploration under the Opposition's new official policy? That new official policy leaves the theoretical door entirely open to these possibilities, unacceptable as they are to my constituents and other communities. This policy is a step back into the Dark Ages. Thousands of people in my community and other communities voluntarily give of their time for events such as Clean Up Australia or to assist such organisations as the Ryde-Hunters Hill Fauna and Flora Preservation Society or the Lane Cove River Canoe Club. But one organisation lags totally behind, and that is the ALP with its commitment to mineral exploration in national parks.

That policy indicates just how weak the shadow minister for the environment is when defending the environment from the onslaught of the ALP right machine. Every time it comes to putting nature conservation ahead of the perceived interests of mining unions, she loses and loses badly: rolled by the member for Bathurst in relation to the Gardens of Stone National Park proposal, rolled by the mining unions on the proposed Khappinghat Reserve at Saltwater, and now de facto rolled by her own leader, Bob Carr, to permit mineral exploration in all national parks. Here is what she was reported in the *Sydney Morning Herald* of 1 October to have said about the ballot at the Hobart ALP conference:

If the right-wing had abstained . . . we wouldn't have had this embarrassment.

It certainly embarrasses us in the lead-up to the election when these sorts of issues are going to be pretty important. Even conservative governments such as NSW are frightened to go that far.

The ALP spokeswoman is both right and wrong. She is spot-on when she concedes that the New South Wales Government is in favour of protecting our national parks. But she is way off the mark in relation to the ALP's policy being an embarrassment before an election. [*Time expired.*]

Mr ROGAN (East Hills) [4.32]: The Minister had the audacity to move a motion preaching the need for strong environmental policies, but only recently he was done over in Cabinet by his own National Party coalition partners when he sought to extend this State's wilderness and national park estate. After being done by his own people like the proverbial dinner, the Minister has made hypocritical and pious mouthings in this House. His motion is an attempt to create a little mischief and to embarrass the Opposition on environmental policy. If the Government and Minister are ever to have a chance of embarrassing the Opposition, that will never happen on the environment. If anything, Government members would be sorely embarrassed on any question about the environment.

Page 3840

The honourable member for Gladesville spoke about a national park in his electorate. East Hills also happens to have a national park, but visitors to the park have been locked out of it by the fees the Government has put on at the park entrance. The figures demonstrate a fall in the number of people going into that national park because they cannot afford the extraordinarily high prices the Government is charging. Members have spoken about the Federal Labor conference. The coalition parties, the Liberal Party in particular, can only be envious of the ALP having its national conference every three years, at which great policies are thrashed out and adopted. To mention some of those great decisions might be to stray outside the ambit of the motion.

Landmark decisions at that conference dealt with the environment, with opposition to mining in Kakadu National Park - mentioned by my colleague the shadow minister in her contribution - and also with policies on social justice goals and the 35 per cent quota of women parliamentary representatives. Those are landmark decisions by any measure. The national press was laudatory of the decisions taken at that conference and that decision making process. I support my colleague as the shadow minister for minerals and energy. The Opposition seeks to have a balanced approach to the environment and to the need for mining, and recognises the great contribution to this State made by mining. The mining industry is essential to the development of this State, its economy and the employment of its people. Coal exports worth \$3 billion are made each year, and about 14,000 people are employed in that industry.

The metallic minerals and extractive industry produces revenues of more than \$1 billion and has about 6,000 employees. Labor when in government will do everything to facilitate that industry, but that is not to say that Labor will allow deviation from the high standards it will set on the environment. The records of the Wran and Unsworth Labor governments on the environment are second to none. Labor will maintain those environmental standards when in government. I have not heard in this House the Minister for Mines supporting the motion of the Minister for the Environment, and I am sure he is at loggerheads with the Minister for the Environment concerning the general approach to these questions. The Opposition once again reaffirms its commitment to the highest standards of environmental protection and to the expansion of the national park system, at the same time recognising the contribution made by minerals to employment and to the State and national economies.

Mr BECK (Murwillumbah) [4.37]: I support the motion condemning the decision of the national conference of the Australian Labor Party to permit mineral exploration in national parks. I congratulate the Minister for the Environment for moving this important motion concerning the recent shocking decision made in Tasmania. I am proud that there are several national parks in and close to the Murwillumbah electorate, giving the north coast its unique character. I am determined that the special character of the north coast lifestyle should be maintained and the ALP should not allow the area to be mined. I want the Leader of the Opposition,

Bob Carr, to tell me which of the following is on his hit list. Is it Bald Rock National Park? Is it Border Ranges National Park, Nightcap National Park or Mount Warning National Park? Mount Warning is the first place in Australia to get the sun each day. Imagine having the ALP going in and mining Mount Warning. Is it Victoria Park National Nature Reserve, Tweed Head Historic Site, Broken Heads Nature Reserve or Broadwater National Park? The Leader of the Opposition cannot rule out any of the north coast national parks as potential mineral exploration sites because he is now obliged, according to the ALP's official rules and regulations, to go in and mine any of these national parks.

If this proposal ever goes ahead it will represent a huge blow to the north coast, an area I am vitally concerned about. Ecotourism offers great potential. Such a proposal would affect all areas tremendously. The Government does not wish to have in these national parks huge open-cut mines or bulky pieces of equipment necessary for mining. Our national parks already return great economic benefit to the north coast and I would be saddened if mining took place in any of those areas I mentioned. I wish to refer to a visit last week to my electorate by the Opposition spokesperson on the environment, the honourable member for Blacktown. I have a photograph of, and a copy of comments made by, the honourable member when she was on a boat on Cudgen Lake with the Labor candidate, Bob Carr's boy, Trevor Wilson. I am sure that all they were doing on Cudgen Lake was looking for an area to place the mining rig. The Government has an excellent reserve trust for Cudgen Lake that is administered by people selected from the north coast area.

The State Labor Party has said that it would sack members of the reserve trust and put the Cudgen Lake-Round Mountain area into the national parks and wildlife portfolio. Was the Opposition spokesperson seeking to find an area for a mining rig? Was she looking at Round Mountain, a mountain being managed by the Government? Perhaps she was examining the old blue metal quarry site or gravel areas in an endeavour to reintroduce mining. Those areas now contain a significant koala colony that is important for tourism on the north coast. The Opposition has said it would sack the Cudgen Lake-Round Mountain reserve trust and dismiss people such as Allan Johnstone, the District Commissioner of the Wollumbin District Scout Association; Rhonda James; Bob Brinsmead; Brian Williams; John McDonagh; Ken Hansen; Frank Wilson; Sid Williams; Walter Hambly, the Regional Manager of the Department of Conservation and Land Management; and Guy Holloway. That would be disgusting. [*Time expired.*]

Mr HARTCHER (Gosford - Minister for the Environment) [4.42], in reply: The Australian Labor Party is classically running scared. It is bound under rule 5B by the decision of the national conference to support mineral exploration in national parks. Not one Opposition member - not even the honourable

Page 3841

member for Blacktown - is prepared to stand in this House and repudiate the decision. Not one of them is prepared to take on the national conference or the national executive. Honourable members opposite can talk all they like but they are bound by the national conference decision imposed upon them by the bloc vote of the New South Wales Right. Opposition members from both the Left and the Right are squirming in their seats. The Opposition had the numbers in Ashfield, but we saw who they were. I digress; I am getting excited. I salivate when I see members of the Left and the Right gathered together.

This afternoon the Australian Labor Party backed down from stating that it is prepared to condemn the decision of the national conference; it does not have the guts to take on the national conference. The message will go out clearly to the environmental movement that the Labor Party was not prepared to make clear in this House that it does not support the national conference, but was prepared to put up with the trivial wording of the honourable member for Ashfield to try to get members of the ALP out of it. That tactic may succeed in the House - we will see in a few minutes - but it will not succeed out in the community because Opposition members are not prepared to repudiate the national conference. They are on the hook for not repudiating the national conference, and the honourable member for Blacktown and the Leader of the Opposition should answer the question why they were not prepared to reject the national conference. The ALP is not prepared to reject the decision; it accepts the fact that the national conference decision stands and binds it. If ever there is a Labor government in New South Wales, Labor members could be directed by the national executive and by a future national conference to introduce the appropriate legislation.

The Australian Labor Party is running scared and, whatever clever wording the honourable member for Ashfield may come up with, one cannot deny that honourable members opposite are not prepared to say no to national conference. They are trying to weasel their way out. They may achieve that in this House but they will not achieve it in the community; they are stuck. Mineral exploration in national parks is Labor Party policy. It was not rejected by Opposition members when they had the chance. The Leader of the Opposition can play his little tricks, such as he did with Yengo National Park, and try to issue press statements stating that it will not happen in New South Wales, but national conference decides. The rules are clear. If there is one thing about the ALP it is that it is run by its national conference and national executive. Honourable members opposite, dominated by the New South Wales Right, which in turn pushed this decision through national conference in Hobart, are bound by the decision they created and they will have to live by that. Mineral exploration in national parks is on the agenda if Labor comes to office, and honourable members opposite have not repudiated that this afternoon.

The honourable member for Blacktown and the Leader of the Opposition will wander around saying that it will not happen in New South Wales and that they will fight it, but it is ALP policy. Honourable members opposite have let it happen. They are not prepared to support the Government's motion. The contrast between the Government and the Labor Party is now clear and on the line. The Government is against mineral exploration in national parks; the Opposition is not and is prepared to engage in any tactic to avoid having to face up to the decision imposed upon it by its Hobart conference. The Hobart conference of the ALP was famous in 1955 and was famous again in 1994. [*Time expired.*]

Amendment agreed to.

Motion as amended agreed to.

TRAFFIC (PENALTY DEFAULTS) AMENDMENT BILL

Bill introduced and read a first time.

Second Reading

Mr BAIRD (Northcott - Minister for Transport, and Minister for Roads) [4.50]: I move:

That this bill be now read a second time.

The bill before the House will amend the Traffic Act to improve the operation of the penalty default scheme. As honourable members would be aware, cancellation of drivers' licences and vehicle registrations was introduced in 1988 to combat the unacceptably high incidence of non-payment of traffic and parking fines. Penalty default cancellations also provided an appropriate alternative to the then common practice of defaulters serving a short term of imprisonment to cut out monetary penalties that they were unable or unwilling to pay. The scheme has operated with some success in its present form, with around 70 per cent of the average 150,000 defaulters each year paying their outstanding fines prior to cancellation taking effect. However, there is still room for improvement and it is the non-paying 30 per cent that this bill seeks to address.

The bill proposes two important changes. The first introduces licence suspension as an alternative to cancellation, thereby facilitating licence restoration when the default is cleared. The second empowers the Roads and Traffic Authority to refuse to conduct business with individuals or companies in a penalty default situation until such time as all debts are satisfied. Originally licence or registration cancellation was the preferred sanction because of its simplicity and severity. However, with the subsequent introduction of photo-licences and more stringent proof of identity requirements, the reissuing of licences following cancellation has become a more complex procedure, causing some inconvenience and additional expense to the applicant, and imposing an additional administrative burden on the Roads and Traffic Authority.

More importantly, some defaulters have assumed that once all debts are cleared their licence is automatically reinstated, without the need for a formal application. This is not the case. Misunderstandings
Page 3842

of this nature could well lead to unlicensed driving and consequently further penalties. These difficulties are particularly relevant to the considerable number of defaulters who belatedly satisfy the debt anything up to six months after cancellation has taken effect, and are an indication that the legislation needs updating to make it more compatible with procedures and systems that have evolved since its introduction.

To assist late payers, who may well have been unable to pay sooner because of difficult circumstances, and to remove the need for the Roads and Traffic Authority to issue new licences when payment has been made, it is now proposed to initially suspend, rather than cancel, defaulters' licences for up to six months. If payment is made during the suspension period and the licence remains current, and, provided no additional impediments to restoration have been recorded, it will be restored immediately, without further formalities or expense. If payment is not made within that time and the licence has not expired, it will then be cancelled.

The softer sanction of suspension rather than cancellation will encourage those who are not deliberately in default to meet their obligations as soon as they are able, with the knowledge that licence restoration can be more easily achieved prior to cancellation taking place. Under the present arrangements a driver's licence is always the primary target. Cancellation of a vehicle's registration is only considered when, for whatever reason, a driver's licence is not available. This basic principle will not change. Also, because the existing legislation already enables the prompt restoration of vehicle registrations once all outstanding amounts are paid, no changes, either legislative or procedural, are proposed in respect of default registration cancellations.

The proposal to suspend licences rather than cancel in every case does not signify any weakening of the Government's resolve to minimise penalty default. On the contrary, it reflects our commitment to pursue all possible means of achieving payment and to keep traffic and parking fine defaulters out of gaol. The penalties for those who drive whilst their licence is suspended are exactly the same as those for driving whilst a licence is cancelled. And, as is now the case with default cancellations, there will be no right of appeal against default licence suspensions. Therefore, the essential deterrent effect of the scheme remains intact. By encouraging defaulters to meet their commitments as soon as possible and by simplifying licence restoration when defaults are cleared, the use of suspensions is a sensible improvement of a system which has already served the people of New South Wales very well. The amendments now proposed will assist those who clear their defaults, reduce the RTA's administrative burden and indirectly benefit the whole community.

I turn now to the second element of the bill, the proposed refusal by the RTA to conduct selected business transactions with all those in default until such time as full payment is made. This additional sanction will improve the penalty default scheme by providing a means of censuring those who, despite cancellation, still have longstanding defaults, those who continue to accumulate additional defaults, and those who have no current licence or registration to which default cancellation or suspension may be applied. Clearly, when penalties remain unpaid after licence or registration sanctions have been imposed, or if those sanctions cannot be imposed because no licence or registration is available, it is inappropriate for the RTA to do other business with the persons or companies concerned. Accordingly, the authority will now refuse to process a selection of motor registry transactions on behalf of any defaulter until such time as all debts are satisfied.

As with default cancellations and suspensions, there will be no right of appeal against that refusal. Details of the transactions it is proposed to refuse will be listed in a schedule to the motor traffic regulations. Some other minor amendments to the regulations will be required, and members will have noted that the bill includes some consequential amendments to the Justices Act. These simply insert the necessary references to licence suspensions and are not matters of substance. The penalty default scheme has stood the test of time. It is a good scheme, supported by sound legislation, and with these amendments it will be even better. I commend the bill to the House.

Debate adjourned on motion by Mr Langton.

PUBLIC FINANCE AND AUDIT (AMENDMENT) BILL

Bill introduced and read a first time.

Second Reading

Mr COLLINS (Willoughby - Treasurer, and Minister for the Arts) [4.57]: I move:

That this bill be now read a second time.

At the outset I say as Treasurer and as a former member of the Public Accounts Committee of this Parliament that I fully support improved accountability in the public sector and regard statutory deadlines for the reporting process as very important requirements. I therefore view the omission to meet the unamended deadline for the public accounts seriously. Statutory requirements are not to be regarded as optional. It is thus with very considerable regret that I find it necessary to seek parliamentary approval for revised times for the preparation, audit and tabling of public accounts after the passing of the reporting deadline set out in the current legislation. The delay is directly due to the significant changes required in the preparation of the public accounts to enable the Government to provide more detail, consistent with its policies of ensuring financial accountability within the budget sector.

The Government is determined to provide more detail, as was resolved by the Parliament back in 1992. This legislation seeks to bring that express parliamentary desire in line with our statutory requirements. The reason that the amendments to the Act relating to the timing requirement for the public

Page 3843

accounts were not presented earlier to Parliament was that the amendments were part of a larger package of amendments developed in response to a number of Public Accounts Committee recommendations. Unfortunately, due to the wide ranging nature of some of those amendments, it has not proved possible to present the package of amendments in full to the Parliament earlier.

While not excusing this lapse, it must be noted that Parliament has expressed its full support for the substantially revamped form of the public accounts, as has the Auditor-General, who has also fully accepted the need for a longer period for the preparation and audit of the accounts as a transitional arrangement. Honourable members are aware that this Government, since coming to office in 1988, has implemented the most ambitious program of micro-economic and public sector management reforms of any government in Australia.

The Government has set the agenda in those areas, an agenda subsequently taken up by other Australian States and ultimately taken up by the Commonwealth of Australia. Over this brief space of time - a little over six years - the Government has managed to establish an agenda for reform which touches not only on accountability in this State but which has been taken up by all of our sister States and by the Federal Government. This State has undertaken comprehensive economic, financial and management reforms with the objective of better serving the people of this State and better accounting for the activities that the Government undertakes. The systematic program of financial management initiatives has consolidated New South Wales as a leader in public finance, not only in this country but also among the advanced countries of the world. As Treasurer I have noted inquiries not only from other Australian States but from other countries.

Delegations of Treasury officials from other countries - interestingly including the United Kingdom recently - have looked at accountability measures being taken in New South Wales in regard to the standards set by the State Treasury, and envied not only around this country but in other parts of the world where there is an awareness of the reforms we have in place. The overall aim of the reforms is to achieve more effective and accountable resource management and improved service delivery by all government agencies in this State. It is widely acknowledged that this objective has been substantially achieved. However, more work still needs to be done to consolidate the practical implementation of the reform initiatives to ensure that they are properly bedded down. One major area of reform is whole-of-government reporting, which provides to the public enhanced

transparency of the State's finances. New South Wales was the first jurisdiction in Australia to introduce such an initiative, and it is now being followed, as I indicated, by a number of other States, including Western Australia and South Australia.

Since 1988 the Government has published each year a set of accrual based consolidated financial statements covering the entire New South Wales public sector. The consolidated statements show the assets and liabilities, revenue and expenses, and cash flows of the budget sector, the non-budget sector and the State public sector as a whole. To further enhance the whole-of-government reporting framework, a new form of public accounts will be produced later this year covering the 1993-94 financial year. They will provide vastly improved and more comprehensive information than the old cash based public accounts which reported only on the consolidated fund and the special deposits account. When the public accounts are produced in the new form it will be immediately apparent just how much difference there is, and just how much more information there is than has ever been produced in this State.

I am sure all honourable members, regardless of the party to which they belong, regardless of their political persuasion, will welcome that additional information, that additional transparency, that additional insight into public sector spending in this State. No doubt we all wonder why long ago it was not so. This has been an incremental reform, one which has enjoyed the support of all members of this Parliament, and I have every confidence that the bill will enjoy swift passage through the House to enable that additional information to be provided to all honourable members and to the public at large. The new accounts will be made up of a set of accrual based consolidated financial statements covering the financial position, result of operations, and cash flows of the full budget sector.

In addition, the public accounts will also disclose the actual budget result for the year determined in accordance with government finance statistics principles, as well as other information on a range of matters such as State borrowings. The form and content of the new public accounts were approved by the Parliament during the 1992 autumn session with the carriage of the Public Finance and Audit (Amendment) Bill. As a result, section 6 of the Public Finance and Audit (Amendment) Act was amended and was subsequently proclaimed to come into effect on 30 June 1994. At the time when section 6 of the Act was amended, it was not possible to assess the additional time frame needed to prepare and audit the new form public accounts in the initial years. This required detailed consultation with agencies such as the Auditor-General.

A working party comprising representatives of the Treasury, the Audit Office and several of the major budget sector agencies was formed at the end of 1992. The task of the working party was to devise procedures that would enable the tabling of the 1993-94 public accounts and the Auditor-General's Report before the end of the current budget session of Parliament. With around 70 agencies in the budget sector and the accounting and auditing complexities involved in the consolidating process, I am advised that it will be extremely difficult, in the next few years, for agencies, the Treasury and the Audit Office to meet the existing statutory deadline of 30 September for the tabling of the public accounts. To illustrate the enormity of the task, the public health

Page 3844

system is in itself a miniconsolidation of some 230 public hospitals operating through 10 area health services and 23 country districts. In order to provide for a temporary extension of the time periods for the preparation, audit and tabling of the public accounts during the transitional phase, the Public Finance and Audit Act needs to be amended.

The budget of the Department of Health is equal to the entire State budget of Western Australia, and it is a vast task to prepare, audit and table its accounts. Just as the State of Western Australia takes considerable time to produce fully audited accounts for its entire range of State agency activities, in one department alone - the Department of Health - this Government has a financial commitment equal to that of all of the public sector activities in Western Australia. That gives honourable members some idea of the enormity of the task. In his recent report to Parliament on the late submission of the public accounts, the Auditor-General did indicate that he agreed with the need for a longer time period to prepare and audit the document. He also stated that he was aware of the Government's intention to have the necessary amendments passed during the current budget session. While not wishing to excuse the delay in seeking Parliament's approval, the bill now seeks to put in

place the agreed transitional timing power.

The bill seeks to amend the Act to specify new maximum time limits for the preparation, audit and tabling of the public accounts. However, those extended time limits are to apply only to the financial years ending 30 June 1994 to 1998. During the transitional period it is proposed that 31 December be prescribed as the latest date by which the public accounts must be tabled in Parliament, in substitution for the current 30 September tabling date. The other proposed new time limits for the preparation and audit of the public accounts have been determined, following consultation with the Auditor-General, to fit in with the 31 December tabling date. It is my intention to table the 1993-94 audited public accounts in Parliament before the end of November. The plan is to progressively shorten the tabling date and the time periods for the preparation and audit of the public accounts with a view to re-establishing the 30 September date for tabling by no later than the financial year ending 30 June 1999.

Before the expiration of the five-year sunset period as provided for in the bill, I will seek the Parliament's approval to amend the Act to incorporate a series of shorter time frames for the preparation, audit and tabling of the public accounts. This will be done following full consultation with budget sector agencies and the Audit Office. When the newly formed public accounts are tabled in this Parliament, there will be no doubt on the part of honourable members, regardless of their political persuasion, as to the need for more time to prepare. It will be a quantum leap in the preparation of information on the Government's performance on expenditure patterns over the past year and, I believe, a massive improvement in public accountability which all honourable members should welcome. I apologise for not being able to bring this matter to the attention of the House on a previous occasion, but I think I have explained in some detail why that has been the case. Accordingly, I commend the bill to the House.

Debate adjourned on motion by Mr J. H. Murray.

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

PRIVATE MEMBERS' STATEMENTS

LANE COVE RIVER SPEEDBOAT REGULATIONS

Mr PETCH (Gladesville) [5.14]: In May 1993 I brought to the attention of honourable members the concerns of the people of the Gladesville electorate about speedboats eroding the Lane Cove River west of Figtree Bridge. That was preceded by a representation to the relevant Minister at that time. As a result of a discussion I had with the Minister, I was pleased to announce to the people of Gladesville that a course of action would be followed whereby a four-knot speed limit would be introduced on that part of the river. After my press announcement I was advised that it was procedurally correct for the issue to be considered by a committee and a recommendation made to the Minister prior to him taking any course of action. A committee was established, and as a result I reinforced that decision by raising the matter in the House.

A year has passed but I am ashamed to say that that committee turned out to be a clayton's committee. It has made no recommendation, and it is not empowered to make a decision one way or the other. I have been advised that it was only an advisory committee, and that there was never any intention on the part of the Waterways Authority to make a decision. Following that advice, I again raised the issue and on 22 June faxed a lengthy submission from Ryde council to the Minister. Prior to the House rising in May, I raised this issue with the Minister and I was given an absolute verbal undertaking by the Deputy Premier and Minister responsible for the waterways that it would be addressed in a short time. It was not.

I issued a press release to the people of Gladesville on the strength of the Minister's undertaking and I am fast becoming embarrassed by the lack of cooperation that I am receiving. As I said, I faxed a submission to the Minister on 22 June, asking him when I could expect his announcement about the four-knot speed limit. I finally received a letter from the Managing Director of the Waterways Authority which, among many other things, said that the committee has been reformed, and was due to present a final report no later than May 1995. Many people in the Gladesville electorate are depending on this Government to make the correct environmental

Page 3845
decision. The Government has received a lengthy submission from Ryde City Council, and my request has the support of Lane Cove Council, and the Union of Lane Cove Valley Conservationists.

People want to use this river purely as a passive recreation area, but speedboats are ripping it to pieces. There are many waterways throughout New South Wales where the cowboys can race up and down, make a noise and do what they like in their speedboats. West of Figtree Bridge the narrow estuary is being severely eroded, and unfortunately it appears that the Minister does not have the authority in this matter because, from the way the letter from the Waterways Authority is framed, it appears to be setting the agenda, not the Minister. I now ask the Minister, on behalf of the people of Gladesville -

Mr Schipp: Which Minister?

Mr PETCH: Minister Armstrong. On behalf of the people of Gladesville, I ask the Minister to make a determination to introduce the four-knot speed limit that he promised in May of this year.

AUTISTIC CHILDREN'S SERVICES

Mrs LO PO' (Penrith) [5.17]: This evening I speak on behalf of families who have autistic children. Brad and Jayne Scaroni of East Blaxland were horrified when they discovered that their young son, Troy, was not only a late developer but also autistic. Before his autism was confirmed they had to wait some months for a diagnostic assessment and a further 12 months before they could attend a parent involvement program. In the meantime, they experienced difficulty in obtaining information about autism. Those of us who have dealt with families with autistic children would know that it is an absolute nightmare. In New South Wales 8,000 people suffer from autism, and 130 children are newly diagnosed each year. Autism affects one in every 1,000 children and there is no cure. Families with autistic children have sleepless nights because autistic children do not sleep. They can go for weeks only having catnaps. Many parents with autistic children have to hold down jobs as well as entertain their children at night.

It appears that when young Troy was ready to start school the school he was to attend had no idea of what autism was. Because of his disability, the teacher, the principal, the guidance officer, the area guidance officer, the special needs liaison officer and others said he was not suitable, but they did not know what to do. They sent him to the Autistic Association school, which has provision for only 32 children, and there are 82 children on the waiting list. Goodness knows what those families are going through each night. Children with autism can learn and become successful and productive members of society. But intervention needs to be as early as possible and individualised, and consistency and structured learning must be provided at home, in educational settings and in the local community. All they need is a chance, writes Brad Scaroni. The Autistic Association is a non-profit organisation providing vital community services that no other agency currently provides.

The Autistic Association also states that it should receive greater support. This family has its child in school but other families do not have the luxury of having their children in school. I wish to refer to another family that has an autistic child. The mother has had a nervous breakdown. Her child is now far larger and stronger than she is and he has taken to being quite violent. He cannot remain at home unless his father is there. However, his father is trying to hold down a job. The situation is becoming so intolerable that I fear for the mother's wellbeing. One day I suspect I will hear some tragic news about her. I ask this Government to consider more seriously the needs of autistic children and their families and the support system they require.

In the past five years the operational costs of the Autistic Association school have risen by 300 per cent. It does not have sufficient staff or adequate funding. The whole problem of disabled children and adults is not being adequately addressed. There are no positions available for people with these problems. When autistic children leave school at the age of 14 there is nowhere for them to go. They go back to their families, who have to look after them. For those who do not understand what autism is I would like to read an explanation entitled, "The Autistic Child", which states:

Imagine living in a world you can't understand . . .

Hearing without comprehending . . .

To be unable to assess the myriads of information bombarding the brain . . .

To not know you exist . . .

To be locked within yourself . . .

To be unable to form friends . . .

To look perfectly normal . . .

This is Autism . . .

A child alone . . .

Those who have healthy children who do not suffer from autism should think carefully about the parents who have autistic children and who do not have the support systems and educational systems they need. I ask the Minister for Consumer Affairs, who is in the Chamber, to refer this matter to the Minister for Community Services so that he can look at funding the Autistic Association - funding which is sorely needed.

VEHICLE EMISSION REGULATIONS

Mr CRUICKSHANK (Murrumbidgee) [5.22]: I informed the Minister for the Environment that I would be raising a matter of concern to me with regard to activities of the Environment Protection Authority that are impinging on the rights of individuals. The Minister has failed to take any action to rectify the situation. Mr Rockliff of Windemere, Dalby, Queensland, was driving a Ford Maverick four-wheel drive 4.2 litre diesel motor vehicle, and had travelled 40,000 kilometres before reaching the Murrumbidgee electorate. He was charged by the EPA because his vehicle emitted

Page 3846

smoke or visible particles for more than 10 seconds. Mr Rockliff was not apprehended, he was not told anything, and he was not given a defect notice, which I think would have been more than appropriate. He should have been given a defect notice telling him to get the vehicle fixed within so many days. Mr Rockliff then went on his way to Melbourne and had his car checked by the Ford agency at Urana.

Ms Machin: You wrote to me about this.

Mr CRUICKSHANK: I have written to everybody about this. The Ford agency at Urana informed Mr Rockliff that the vehicle was operating to the required standards set by the EPA. Mr Rockliff then went to the Ford agency at Broadmeadows, Victoria, and that agency told him the same story. When he got back to Queensland he spoke to people at the Ford agency in Toowoomba, who informed him that the car was performing as required. I have written to the Minister, the Hon. Chris Hartcher, about this matter. I am sorry that I have had to bring up this matter in the Chamber but, as the Minister for Consumer Affairs has rightly said, I have written to her and to the Premier about this matter. I know that people are going to say that Mr Rockliff

is a Queenslander, but that is irrelevant; he was in my electorate. As far as I am concerned, the argument is now between the Minister and Ford Australia, not between the Minister and Mr Rockliff.

Mr Rockliff was fined \$100 - a fine which he does not want to pay because he believes he was unjustly treated, particularly as his car was operating according to the standards. I have tried to explain to the Minister that the argument is not between the Minister and Mr Rockliff but between the Minister and Ford Australia. There is another gross inconsistency in this whole matter. Locomotives that drag wheat trains, or even locomotives in the city, produce extensive smoke emissions. I have watched some of them dragging wheat trains and I have seen smoke emitting for more than 1½ minutes. I have watched tractors going from one end of a paddock to another emitting diesel smoke when carrying heavy loads. It is totally unjust for the EPA to penalise Mr Rockliff, because his vehicle was not operating outside the guidelines. I ask the Minister for Consumer Affairs to ask the Minister for the Environment to be a little more reasonable. As I have said, I have written to everyone. I received my last response from the Minister for the Environment on 27 May, in which he stated:

As I have explained previously, I do not believe it is my role to instruct the EPA . . .

I am not asking the Minister to tell the EPA to do something that it is not supposed to do, but as the EPA is obviously in conflict with its rules in relation to four-wheel drive vehicles it is the duty of the Minister to instruct it to look again at those rules. Mr Rockliff will now have to go to court and that will probably cost him \$1,000. I admire him for standing up for what he believes in. He has been wrongly charged with an offence of which he believes he is not guilty. I ask the Minister for Consumer Affairs to tell the Minister for the Environment to do more than just send me letters. I received letters from the Minister for the Environment on 27 May, 27 April, 15 February, 19 January and as far back as August last year, in which the Minister said that there is nothing he can do. [*Time expired.*]

LEGAL PROCEEDINGS AGAINST Mr HENRY CASSAR

Mr KNOWLES (Moorebank) [5.27]: On behalf of my constituent Mr Henry Cassar I request the Attorney General to recognise the gross injustice done to Mr Cassar by our legal system as a result of frivolous accusations relating to the alleged indecent assault of a nine-year-old girl. Mr Cassar is seeking an ex gratia payment to cover legal costs incurred in defending criminal proceedings brought against him. The Crown case was that Mr Cassar indecently assaulted a nine-year-old girl by touching her on the vagina. The evidence consisted of the girl's version and evidence from her mother that on another occasion she had seen the accused kissing the girl. The charges against Mr Cassar originated in 1991. After protracted legal proceedings Mr Cassar was found not guilty of all charges and they were dismissed. That was in September 1993, two years after the original charge was brought.

During the inquiry Mr Cassar and his family were subjected to considerable emotional and financial stress. Mr Cassar has required medical treatment for stress-related illnesses. He has lost all self-esteem and, despite the dismissal of all charges, he believes that society still regards him as a criminal. In addition to these emotional strains, Mr and Mrs Cassar were forced to sell their business in order to meet legal costs. As a result of their urgent need for money, primarily because their lawyers demanded payment in advance, their business, which was valued at \$20,000, was sold for just \$6,000. At present Mr Cassar's wife has a job packing supermarket shelves. Mr Cassar has a commission based sales job. The charges brought against Mr Cassar have destroyed his life as well as the lives of his wife and family. I emphasise that the charges against Mr Cassar were dismissed. I have received advice from the Minister for Police that as a result of the court's decision Mr Cassar's criminal record has been expunged from police files and the relevant fingerprints destroyed. Nonetheless, Mr Cassar's efforts to obtain compensation for the considerable losses he has suffered have been fruitless.

Mr Cassar faces legal costs of more than \$20,000. His lawyers have been pursuing payment of those costs since the case concluded. They failed to seek an order for costs despite the provisions of the Costs In Criminal

Cases Act 1967. I am advised by Mr Cassar that his lawyers made it clear to him that an order for costs was not an option they could pursue. In addition, despite the failure of Mr Cassar's lawyers to pursue costs on his behalf, and their knowledge of the tremendous emotional and financial strain caused to Mr Cassar as a result of the

Page 3847

court case, they told Mr Cassar to pay his bills and get on with his life. Such an attitude is cruel, heartless and totally unnecessary.

With regard to whether compensation can be paid to Mr Cassar, the Attorney General has advised me that he has decided that neither compensation nor an ex gratia payment is an option. The Attorney General reinforced the point that Mr Cassar's lawyers could have availed themselves of an opportunity to seek costs. The charges brought against Mr Cassar were serious and if he had been found guilty I would have been the first to support the imposition of a most severe criminal penalty. However, I emphasise that all charges against Mr Cassar were dismissed. They were clearly, on evidence, without foundation. As a result the accused has become the victim.

Our system of justice must take into account people in such circumstances. It is not good enough for Mr Cassar to be told by his lawyers - after all charges have been dismissed - to get on with his life and to pay his bills. I ask the Attorney General to again review Mr Cassar's case in the hope that a decision can be made to provide an ex gratia payment. I also ask the Attorney General to investigate the circumstances surrounding the failure of Mr Cassar's lawyers to pursue costs on his behalf. In the broader aspects of this issue I also ask the Attorney General to review the general provisions of the law in relation to people who - after being charged and found to be innocent, with all charges fruitless and without foundation - are forced to sell their businesses, whose lives have been destroyed and who suffer enormous financial costs in an attempt to clear their names.

MILSONS POINT RAILWAY STATION ACCESS

Mrs SKINNER (North Shore) [5.32]: I raise a matter which, for decades, has been of concern to residents in the suburbs of Kirribilli and Milsons Point in my electorate, namely access to Milsons Point railway station. I first raised this issue in 1984. Previous members of Parliament have also raised this issue over many years on a regular basis, dating back to the Hon. John Waddy almost three decades ago. The station is located in what is primarily a residential area and it should act as the focal mode of transport for the population. However, the station is accessed by two flights of stairs, with a total of 55 steps. For many local residents the steps act as a barrier to catching trains. Whilst buses are available, I have been advised by numerous constituents that these buses do not provide the ready access to the central business district and points north that the trains would provide to these people if they were able to get to the platform.

Three main groups of residents are affected by poor access at this station. They include older people, those with disabilities and those responsible for the care of young children in prams and strollers. The 1991 census showed that 1,616 people - 33 per cent of the population living within the suburbs of Kirribilli and Milsons Point - were aged over 55 years. The census also showed that 24 per cent of the population had families with children under the age of four years. Although these children are now older, the census having been conducted in 1991, the figures give some indication of the numbers of local families who struggle up stairs with strollers. Some years ago when my children were younger and my daughter attended a preschool in the area I was among those who had to fight the 55 stairs with a child in a stroller and another child on my hip. I know what these people are dealing with.

The 1994 North Sydney Council social plan, which draws data from the Australian Bureau of Statistics publication *Disability, Ageing and Carers Australia* indicates that there are numerous people with disabilities in the area. Access to the station is of particular concern to residents of the Greenway housing estate, which comprises four blocks totalling 307 units. The census indicated that 407 residents lived on that estate, 263 of whom were aged 65 years and over, with half that number over the age of 75 years. I am working with a local community group to identify issues relating to access to the station.

I congratulate the group, and in particular Ms Sharon Grocott, who has been working with Greenway residents to improve conditions at that estate, and Mr Paul Ogelsby, who though confined to a wheelchair provides excellent and inspiring leadership to that group. As part of the process of substantiating the case for upgrading the station I have asked residents to provide personal stories about how mobility is restricted because of the poor access. A survey is also being conducted through local churches and other community organisations. Letters I have received indicate that the editorial in a recent *Mosman Daily* got it right when it said of local residents:

They huff and puff, they grapple and they gasp their way up the steps to the station - if they can manage it at all.

Many with poor health and sight or simple lack of puff, don't even try.

Correspondence from Dr Kevin McCracken of Macquarie University, who is conducting research for the lower North Shore social plan, confirms that access to stations in the area is a key issue. This view is also supported by numerous home care help providers, doctors and other social workers who service the Greenway estate. As well as local people, outsiders may wish to visit the lower North Shore now or in the future but will be limited in their capacity to do so because of the steps at Milsons Point station. I include among them people who will want to visit Luna Park when it opens next year. That is particularly important because visitors will be urged to use public transport rather than drive their cars to the area.

Considerable work has been done to upgrade other stations in my electorate. This work includes access to Waverton station, which is nearing completion, and work to be done in the near future at North Sydney station. I totally support these upgrades and congratulate the Minister for Transport for making the funds available for the work. I ask the Minister to give consideration - as a matter of high

Page 3848

priority - to building an elevator at Milsons Point station. I invite him to visit the station to see for himself how badly an elevator is needed.

MATER HOSPICE EXTENDED REACH PALLIATIVE CARE PROGRAM FUNDING

Mr GAUDRY (Newcastle) [5.37]: I am concerned that the Minister for Health has misled this House about delays in funding the Mater Hospice extended reach palliative care program. That program was part of a series of submissions made through the Department of Health seeking enhancement funding for palliative care services as part of the palliative care program funding of \$55 million over four years which was announced by the Federal Government. When the matter was referred to me concerns were raised that funding had not surfaced by May this year. The Mater Hospice had lodged its submission to the Hunter Area Health Service in December, and it was registered in January.

On 14 September this year, in *Questions and Answers*, the Minister made it clear that written approval from the Federal Government had not been forthcoming, therefore he sheeted home very clearly to the Federal Government the problems of delay in this funding. I was so concerned I contacted the department of the Federal Minister for Health seeking reasons for the delay. The department wrote back to me with the following facts. The New South Wales Department of Health had lodged a submission in January 1994 and the Federal Government had asked for certain amendments. The amended submission was received by the Federal Government on 29 April 1994. The Minister for Health, the Hon. Carmen Lawrence, approved a grant of \$4.369 million to New South Wales on 27 May 1994. That funding was for the total palliative care program. Some \$614,000 of that money was targeted by the Hunter Area Health Service specifically for the Mater Hospice palliative care program.

On the same day Dr Lawrence wrote to the New South Wales Minister for Health advising him that she had approved the payment of \$614,000 to the Hunter Area Health Service. She also paid the full amount of \$4.369 million to the New South Wales Department of Health on 8 June 1994. Yet when I contacted the Mater

Misericordiae Hospital as late as Tuesday of this week, it had no knowledge of the funds. When I contacted the Hunter Area Health Service, its internal finance section was not aware of the funding, but on searching it found that the funds had come through. However, as late as September the Minister told the Parliament, as recorded on page 1311 of *Questions and Answers*, that the Commonwealth Government was delaying payment of that funding.

This most important program will extend the palliative service with outreach to the Nelson Bay area and to Maitland. The program will provide both areas with the equivalent of 2.8 full-time nurses and 0.5 of a co-ordinator for volunteers to sit with people in their homes while they pass through the very difficult phase of approaching death. Cars will be supplied, and also a data collection process, as part of that service. Concern has arisen this year about lack of clarity on the flowthrough of funding for this important model program. Having asked questions in Parliament about where the funding was, how much was targeted and when it would be coming through, I was distressed to find as late as September that the Federal Government was being blamed, when in fact that Government had paid the money across to the New South Wales Government on 8 June this year. That is a disgrace. All are aware of the importance of palliative care services. I commend the Mater Hospice for the wonderful work it is doing. An extension of that service is deeply sought. [*Time expired.*]

MURRAY AND MURRUMBIDGEE RIVERS WATER SUPPLIES

Mr SMALL (Murray) [5.42]: I wish to raise the issues of water management and distribution. How lucky we are in the Murray-Murrumbidgee valleys to have present water supplies which are the true benefits of the development and creation of the Hume Dam and Dartmouth Weir supplying the Murray system and the Burrinjuck and Blowering storages supplying the Murrumbidgee. Eleven years ago Dartmouth Weir showed the benefits it could bring by assisting the Hume storage with water needs. However, there are problems. I draw to the attention of the Minister for Land and Water Conservation the question of interstate water transfers from Victoria. I understand there are areas where water could be available to be transferred from Victoria into New South Wales irrigation. I hope the Minister talks to the Victorian Minister, Mr Coleman, about the legal implications.

Previously, credits were provided between New South Wales and Victoria, and inter-valley transfers were made under severe drought conditions similar to those being experienced at present. Menindie Lakes usually supply South Australia with water, when necessary. At this time no water is available out of the Darling system due to the devastating circumstances of no run-off of the catchment or any rain in that area to assist. Lake Victoria is being filled from Murray River resources and is holding a little more than 80 per cent and should be full by the end of October. Alf Ritcher manages the engineering of water supplies for South Australia. At present the Murray River provides 4,500 megalitres per day for South Australia, but in the peak January-February period our river systems will be under great pressure to provide 7,000 megalitres per day, as required, for South Australia. That water will come from Lake Victoria, which will help enormously with heavy demand and usage requirements, with maintenance of Burrinjuck and Blowering dams supplying the Murrumbidgee, and with Hume Dam and Dartmouth Weir downstream supplying the Murray.

Given those circumstances, irrigators throughout the Murrumbidgee and Murray Valley system are anxious that everything should be done through the

Page 3849

Department of Water Resources and management board structures to ensure that irrigators are able to maintain and grow crops for food production essential for Australia's economic needs. I congratulate the Department of Water Resources and the Minister on the excellent work they have done. I congratulate also management boards within the irrigation areas and on the river systems on their full understanding of the needs of irrigators, including those in the rice industry. I ask the Minister to take up the issue with the Victorian Minister to determine what can be done with interstate transfers of water, where available; to overcome any legal impediment; to look at intervalley water transfers to maintain water supplies within the Murray and Murrumbidgee river systems downstream; and to secure sufficient water supplies to irrigators wherever they are in the system. I hope the Minister can provide help for the difficult summer period ahead of us. I look

forward to the Minister being able to assist to sort out this matter.

LONG JETTY COMMUNITY HOSPITAL

Mr McBRIDE (The Entrance) [5.47]: I rise to congratulate two of the most outstanding community activists from the Central Coast you could ever have the pleasure to meet. Geoff and Helen Ambler, of Audie Parade, Berkeley Vale, are the driving force behind the Berkeley Vale-Chittaway Progress Association. In that role they have raised more than 15,000 signatures to a petition to be presented to this House. Both Geoff and Helen have a long association with The Entrance, Long Jetty and the region around Tuggerah Lakes over several generations. They believe in the region and community with a depth of feeling, commitment and sincerity that is unplumbable. They are a credit to themselves, their family and friends, their progress association and our modern society. With people like the Amblers contributing to the community, Australia has a gilt-edged future. The issue that has stirred the Ambler's convictions is their heartfelt concern for our local community hospital at Long Jetty.

The hospital - first known as Bowenfels - was started in 1942 by Matron Simpson, in a rented cottage at North Entrance owned by Jim Duffy, with a Dr King performing the first surgery. Subsequent fundraising saw the opening of an ambulance station at The Entrance in 1954, while the hospital moved to its current location after the auxiliary purchased the old site of the Tuggerah Lakes Golf Club for £7,500 the same year. The hospital was officially opened in 1958 by Jack McMahon. Long Jetty hospital also has strong ties with long-serving, dedicated members of the community. Mrs Rosetta Hana McColl, who supplied much of the information for this history, was a founding member of the auxiliary and is still active 40 years later. Only last Sunday she was working at the hospital fete on a stall. The current president is Thelma Peck, who has served in the role for eight years. Similarly, the current matron, Margaret Curthoys, is renowned as a selfless and committed administrator who radiates love and joy to her patients. Just before examining the hospital's level of care today, it is worth remembering that its operations date back to 1942. In fact, Wyong Mayor Tony Sheridan witnessed the birth of three of his five children at Long Jetty hospital.

The current services of the Long Jetty hospital include physiotherapy, podiatry, extended day care for geriatric patients, a blood bank, an early childhood centre, a respite care cottage for outpatients with Alzheimer's disease, palliative care, active day care for developmentally disabled, a confused and disoriented elderly unit and a 33-bed unit specialising in aged and palliative care patients. But the House should be aware - for these are the chief concerns of the local community - that notwithstanding all those services, Long Jetty hospital does not have a doctor; the casualty section exists but does not function because of the absence of a doctor. The best the community has been offered is an annual allocation of \$320,000 for an after-hours, on-call general practice service which, in effect, does not exist. This is an extraordinary situation when one considers the service area. Wyong shire has an annual growth rate of more than 4 per cent, one of the fastest in the State. The density of the aged population is more than double that of Sydney, and by nature senior citizens have a greater call on medical services. In fact, according to the Government's budget papers aged patients consume medical services at a ratio of four to one compared with other consumers. However, no response has been made to the community's plea for the hospital to be upgraded to meet local health needs.

The Minister for Health has ignored all representations, while the department, the Central Coast Area Health Service and its board, have dismissed the community's concern. Consistent representations have been met by a brick wall, including failure by the management to even place this matter on the board's agenda, despite numerous requests. The Minister, the department and the area health service have failed in their obligations to provide a service to the community. The local health service remains a shambles despite an allocation of \$68 million for new hospitals in the area. Surely the 15,000 people who have signed a petition calling for improved services at Long Jetty hospital are a testament to the community's lack of confidence. It is about time the community was recognised and heard. It is about time the Government, the department and the area health service took seriously the concerns of people such as Geoff and Helen Ambler. It is about time the community received the medical services it deserves and Long Jetty hospital was upgraded.

HARTLEY VALE KEROSENE SHALE REFINERY SITE CONTAMINATION

Mr MORRIS (Blue Mountains) [5.52]: I raise a problem that exists in my electorate about the contaminated site of the old kerosene shale refinery at Hartley Vale. I shall briefly outline some of the history relating to the Hartley Vale shale mining industry. Mining began in 1865 with the forming of

Page 3850

Hartley Kerosene Oil and Paraffin Company. Subsequent companies included the Western Kerosene Oil Company, New South Wales Shale and Oil Company and Commonwealth Shale Oil Company. Over this period these companies supplied shale for retorting and refining to produce high quality kerosene and oil. They received government contracts to supply kerosene to the State Railways for the financial year 1894-95 and one million gallons of kerosene per year for 10 years to the Australian Gas Light Company. In 1904 most of the works were moved to Newnes and by 1909 commercial mining had ceased. However, the industry still operated as a supplier of fuel oil and in 1911 supplies were made to the Royal Australian Navy for use on the HMAS *Parramatta* and the HMAS *Yarra*. Specific orders of 85,000 gallons of fuel oil for cruisers and submarines were also filled for the navy. During World War I coke was supplied to the small-arms factory in Lithgow.

Three generations ago, in 1935, the Pilarcik family migrated to Australia. At the outbreak of World War II the grandfather, Romo, used to cut eucalyptus and distil eucalyptus oil. Romo brought his son, Romo the second - Matthew Pilarcik's father - out from Czechoslovakia. Matthew now works and manages the property known as "Willow Vale" in the Kanimbla Valley. The property has been left to Matthew and his sister, both of whom are married. They put the property up for sale and were given permission by the Greater Lithgow City Council to subdivide the property. Things then began to go horribly wrong.

Lithgow council informed the Pilarciks that the full extent of contamination of the site was not known and that further sampling of water and soil on the site was required. The sampling will be carried out by the Water Board in conjunction with the Environment Protection Authority. Sampling should include strategic soil, water and sediment sampling with the intent to determine the extent of contamination, management for the site and possible off-site sources of high level polycyclic aromatic hydrocarbons on the site. Investigation options for site management shall be more complete after results of further sampling have been analysed. Investigation into responsibility for future site management is required. There is a possibility for funding through an environmental trust grant, for which council can apply.

Mr Pilarcik is a man of simple means. He does not have the wherewithal to carry out that requirement, even though he has complied with all the directions of the Environment Protection Authority. He has fenced the site off and has erected signs, but he does not have the money to carry out the further necessary work. Lithgow council gave him permission to subdivide his land and that process was well under way when he encountered this problem. I call on the Minister for the Environment, the Hon. Chris Hartcher, to hold meetings with all the relevant players - the Pilarcik family, the Greater Lithgow City Council, the Environment Protection Authority, the Department of Mineral Resources, the Water Board and perhaps the Department of Conservation and Land Management - in an effort to solve a major environmental problem in the historic Hartley Valley. Perhaps assistance through various grants could be provided to the Pilarcik family, a lovely family of modest means, who do not have the wherewithal to attack this major problem. [*Time expired.*]

WAYNE ODGERS HEALTH TREATMENT

Mr KNIGHT (Campbelltown) [5.57]: I wish to raise the tragic plight of a young man from my electorate and the failure of the New South Wales Department of Health to provide him with the care and treatment he needs. His name is Wayne Odgers and fortunately he has a very dedicated mother, Ann Odgers, and aunt, Vicki Wallace, who are devoting all their time and energy towards obtaining the necessary treatment for him. In 1990 Wayne was diagnosed with severe arterial venous malformation of the brain. At that time he underwent several operations performed by a Dr Johnston at the Royal Prince Alfred Hospital. Subsequent to the

operations Wayne developed further problems, which necessitated additional operations. These problems included a massive haemorrhage from a catheter, severe constipation, faeces in his chest cavity and discharging from his feed tube, and a grand mal seizure. Another operation was performed, and Mrs Odgers tells me that Wayne went into a drug induced coma for five weeks.

After the five weeks Wayne was showing some sign of response but was assessed as not suitable for rehabilitation, and his mother reluctantly agreed to have him placed in a nursing home. Mrs Odgers is not happy with this arrangement but felt she was left with no option. Wayne developed pneumonia shortly after entering the nursing home and, after some difficulty with the Ambulance Service because he had golden staph as well, was finally taken to Liverpool Hospital. However, after a wait of five hours in casualty no bed could be found for him and at one o'clock in the morning he was sent to Campbelltown Hospital. Wayne remained at Campbelltown Hospital for 1½ weeks and was sent back to the nursing home. A couple of weeks later he developed another bout of pneumonia and returned to Campbelltown Hospital for a further eight days before returning to the nursing home. Within a matter of hours Wayne again had faeces discharging from his feed tube and he was taken back to the Royal Prince Alfred Hospital suffering from septic shock.

While still in Royal Prince Alfred Hospital after the previous episode, his trachea started to collapse and he became dehydrated. By this stage Wayne was indeed very ill. As if this were not enough, his mother then discovered that packs from a previous operation were protruding from his head. The packs were infected and could not be removed because the removal would be life threatening. Mrs Odgers was concerned also that the packs would have adhered to his brain. According to Mrs Odgers, during this time Wayne received very little help by way of physiotherapy for his limbs and chest. Indeed, she

Page 3851

claims that he was often left unattended and on one occasion she found him with his face buried in the pillow and a long graze on his leg.

Mrs Odgers again inquired about a rehabilitation program for Wayne at this time and was told that he was still not suitable. This was despite her observations that Wayne was showing signs of response when she tried communicating with him. At this time Mrs Wallace contacted the complaints unit about problems with Wayne's treatment and care. The complaints unit told her that Wayne's situation required urgent attention and that she should contact the office of the acting director-general. Mrs Wallace did as asked and was told by that office that a brief would be put before the acting director-general. Despite many phone calls to the office, the family gained no real answers to their complaint about Wayne's treatment.

Mrs Odgers and Mrs Wallace then contacted John Hatton and later contacted me. At present Wayne is back at the nursing home and, after efforts by his mother and aunt, has had the level of Dilantin he was prescribed scaled down. Since this has happened Mrs Odgers has noticed an increase in Wayne's awareness, and she believes that he should be placed in a slow recovery rehabilitation program to help him obtain some quality of life. Following many requests, a rehabilitation team apparently did visit Wayne at the nursing home earlier this year, but no effort was made to inform his mother of the visit. Had she been informed, Mrs Odgers would certainly have been of assistance.

There are some very serious matters which require at the very least an explanation about the level of care Wayne has received since his operations. Those matters include: first, why was the family given to understand that the original operation would help Wayne, only later to be advised by the hospital that his condition was terminal? Second, why would faeces be allowed to accumulate in Wayne's chest, resulting in their discharging through his feed tube on two separate occasions? Third, why was he allowed to become severely constipated? Fourth, why were several packs left in his head after an operation? Fifth, was he left unattended at Royal Prince Alfred Hospital; and, if so, why? Sixth, why was Wayne prescribed a high dosage of Dilantin for such a long period without review? Seventh, why did he not receive a continuous physiotherapy program to help him recover from the operations and lessen the chances of his developing pneumonia? Eighth, why was Mrs Odgers not informed of the visit of the rehabilitation team to the nursing home?

I believe that the Minister for Health should immediately institute a thorough, detailed and accurate inquiry

into the treatment of Wayne Odgers and the failure of the Department of Health to ensure that he received the very best treatment and rehabilitation possible for his condition. *[Time expired.]*

Private members' statements noted.

[Mr Acting-Speaker (Mr Glachan) left the chair at 6.02 p.m. The House resumed at 7.30 p.m.]

APPROPRIATION BILL

PARLIAMENTARY APPROPRIATION BILL

BUSINESS FRANCHISE LICENCES (PETROLEUM PRODUCTS) AMENDMENT BILL

MOTOR VEHICLES TAXATION (AMENDMENT) BILL

ROAD IMPROVEMENT (SPECIAL FUNDING) AMENDMENT BILL

Second Reading

Debate resumed from 21 September.

Ms HARRISON (Parramatta) [7.30]: It is an honour to address this Chamber for the first time as the thirtieth member for Parramatta. The circumstances which brought me here mean that tonight is also an occasion of sadness and emotion. My late husband, the former member for Parramatta Andrew Ziolkowski, was a wonderful husband, a loving father, and a strong and well respected politician. Andrew also cared deeply about the people of Parramatta. He strove to achieve a fair deal for those who live in western Sydney. He worked tirelessly to help those whom society had overlooked. These are big shoes to fill, but I have a fine role model. Andrew had hoped to publicly thank the staff of ward C5C at Westmead Hospital for their dedication and many acts of kindness. It is appropriate that I do that tonight on his behalf.

I would also like to take this opportunity to thank those who supported me in so many ways during the last difficult 15 months. To my son Tristan I say thank you for always thinking of ways to help and for your lively personality, which has brightened so many dark days. I thank my mum and dad, Fay and Ted Harrison, who helped all of us through, both practically and emotionally. I am often asked how I managed to cope. The answer is simple: my parents.

My brother Steve Harrison and his wife, Cathy, and my sister, Jennifer Day, and her husband, Bruce, were always there ready to help. So my thanks to them and to all the extended family as well, some of whom are in the gallery this evening. I would also like to thank my parish priest and friend, Father John Boyle. Father John was the proverbial tower of strength, as were my very dear friends Mei Lian Ross, Mary Ryan, Mia Petersen, and Tom and Helen Quinn.

It is equally important that I thank the people who gave me help and support during the campaign. Special thanks go to my campaign director, Alistair MacDonald, to Ann Stonham, Jill Raines, Bob Rawlinson, David Britton, Jarka Sipka and Dennis Ryan. I would like to thank Eric Roozendaal, State Organiser of the Australian Labor Party, for 12 years of friendship and for encouraging me to join the Australian Labor Party in the first place.

Page 3852

Thank you to the Leader of the Opposition, Bob Carr, whose advice and campaigning skills were the key to our success. But more than this, during Andrew's illness the Leader of the Opposition was a regular visitor, showing compassion and support, from which Andrew and I drew great comfort and strength. I have one final and very special thank you and that is to my electorate officer and long time friend, David Howse. David was a

loyal and trusted friend of Andrew, and I am honoured that he has chosen to now work with me also.

Parramatta is a wonderful city with a rich historical background, beautiful parks and the Parramatta Eels football team. It is a thriving business and retail centre with a work force of more than 30,000. It is well poised to successfully capitalise on opportunities for growth presented by the 2000 Olympics and the construction of the Badgerys Creek Airport. The City of Parramatta is the hub of greater western Sydney; an area that the Labor Party - as the party of the working people of this State - understands. I am honoured to continue the tradition of Labor representation - a tradition which has included nine Labor members since 1856. It is appropriate that I refer to Andrew's maiden speech. On 17 September 1991 he said:

The community is concerned that this [the closure of the Accident and Emergency Department at Parramatta Hospital] will place further pressure on Westmead hospital where the casualty section was reportedly closed for a total of 25 days last month because of an acute bed shortage.

This concern was justified as the accident and emergency department at Westmead Hospital has had its accreditation downgraded as a result of the second-rate standard of the unit. Health continued to be an issue and was a key factor in the Parramatta by-election. The by-election showed that the people of western Sydney are not satisfied with the Government's administration of health. From personal experience I can say the staff at Westmead are unequalled in their level of commitment and care of the sick. However, they are critically underfunded and understaffed - starkly demonstrated by the unprecedented threat of industrial action by nurses during the campaign. And it was confirmed by a litany of cases of patients who had experienced unacceptable delays at Westmead Hospital and who spoke of stressed and overworked staff.

The Government's response to the chaos in our health system has been to close, wind down or privatise 30 public hospitals since 1988. Productivity cuts have slashed \$50 million from our hospitals every year. In particular, \$10 million has been lost to hospitals in Sydney's greater west. There are 10,000 people on the waiting list for elective surgery in Sydney's greater west - a record in this State's history. Three thousand of these are on the waiting list at Westmead Hospital. There are 40,000 on the waiting list at the Westmead Dental Clinic.

The Government's campaign on health issues in my electorate was totally dishonest. Its commitments on nursing numbers are typical. In June it promised 600 new nursing positions this year. By September this had fallen to 110 nurses, a loss of nearly 500 nurses. So just as Andrew highlighted the problems facing western Sydney health, I give a commitment that I shall continue that campaign to ensure fair and equitable health services.

It was disturbing that my status as a single mother became an issue during the campaign. While the community recognises that Parliament needs to be more representative of society, it is disappointing that some amongst our opponents seek to deny working mothers opportunities. It was not so long ago that Labor's opponents resisted rights such as the widows' pension. On 26 November 1925 the member for Parramatta, J. T. Lang, introduced a Widows' Pensions Bill into this Chamber. Labor's opponents were aghast. The member for Oxley stated:

I am opposed to this Bill because it will lead to immorality. I have just received a letter from a gentleman who tells me that widows frequently get offers of marriage, and I ask the Premier is it likely that they will accept offers of marriage if it means the loss of their pension?

If you give her a pension by law she can spend her money in whatever way she likes; she can live whatever kind of life she chooses . . .

So just as women fought in 1925 for justice, much still needs to be done. Women earn 84.4 per cent of the average male wage - down from 85.6 per cent in 1992. Women only work 6 per cent less time than men but for 15 per cent less pay. As a working mother and as the member for Parramatta I will fight for an increase in the number of child-care places. It is just not good enough that in 1994 there continues to be a large number of

working parents who are unable to find suitable child-care facilities for their children.

The State Government, by refusing to sign the national child-care agreement, is preventing the creation of an additional 17,000 child-care places in New South Wales. Despite 1991 census figures which show that there are more than 4,500 children aged four years or under in the Parramatta electorate, there are less than 450 child-care places in quality child-care centres. Nothing will ensure women's ability to join the work force more than provision of quality child care.

Women are grossly underrepresented in management and in the professions. It is women who are more likely to be exploited in sweatshops and through out-work because of this Government's industrial relations laws. In this Chamber women number only 11 out of 99. I hope that my election represents a gain for all women who aspire to hold public office in this State. I hope this House will recognise the importance of encouraging many more women to offer their talents as members of Parliament by changing sitting hours to make them more compatible with the demands of raising young children. In addition, this Parliament and workplaces in general need to provide access to affordable child care, otherwise talk of more women in Parliament remains hollow.

Page 3853

As member for Parramatta I will be fighting on the local issues which matter to the people of Parramatta. I will continue to pressure the Government to restore the 22 missing positions from the Parramatta police patrol. Higher than State average crime rates mean that Parramatta families pay over \$500 more per year than families on the north shore to insure their homes and cars. This is unfair. As member for Parramatta I will continue the fight to see it changed by calling for increased police patrols of Parramatta car parks, stations and clubs to cut vandalism and damage to vehicles at night. I will be fighting to stop the discrimination that western Sydney residents face when paying insurance premiums. I will be seeking an investigation and report by the Department of Consumer Affairs into this problem.

I believe a Carr Labor government should legislate to make discrimination by postcode - for car and household insurance premiums - illegal. This is currently the case with health insurance premiums. An insurance ombudsman should be appointed to ensure clients have an independent avenue of complaint. I will continue to highlight the need for the State Government to improve roads in and around Parramatta so that local residents are not disadvantaged by major regional facilities such as the new children's hospital. I will seek the cooperation of State and local governments to coordinate both improvements in roads and measures to encourage public transport through new and improved services.

Parramatta is the traffic black spot capital of the State. The Roads and Traffic Authority says 12 of the top 100 black spots are in the Parramatta local government area. The principal cause of Parramatta's worst local road status - the toll on the M4. Many people cannot afford to pay the \$750 a year to use the toll road, so more and more traffic is being forced on to the back streets. The solution - lift the toll on the M4. In Westmead I will be working towards easing the local traffic problems by improving traffic flow and encouraging people to use public transport. This means a new shuttle bus service to link Westmead station with both Westmead Hospital and the new children's hospital. The urgent need to upgrade Westmead station - with initial priority to the improvement of access, especially lifts and ramps - will proceed under a Carr Labor government without delay after March 1995.

During the by-election I visited a number of building sites at the request of on-site workers. The deterioration of safety standards for workers in the building and construction industry under this Government is of serious concern. The Minister for Industrial Relations has finally reacted to public and union pressure and has re-established the WorkCover asbestos unit. Much more still needs to be done; for instance, certain domestic dwellings should be included in legislation covering the removal of asbestos. There should be more stringent qualifications required to receive an asbestos removal licence. I will continue to support the unions in their campaign to improve the safety of all workers.

During the long by-election campaign the Government made promises totalling more than \$1.5 billion. Already I have highlighted specific instances where promises have been broken. These include: the \$80 million Rosehill rail link; the shopfront police station at Westmead children's hospital; \$3 million for an easy access upgrade for Westmead station has become only \$1.1 million; the \$400 million Parramatta to Hornsby rail link has become a feasibility study; and the \$400,000 grant to Parramatta Park is in jeopardy. I am committed to holding the Government responsible for every cent of its promises. Pork-barrelling and broken promises diminish politicians. We need to set higher standards. The cynicism of voters is compounded by personal attack - the desire to play politics no matter what the personal circumstances are. In this light the Deputy Premier's crass comments in Parliament about the seat of Parramatta on the day of my husband's death fall below the standard one would expect - they lacked common human decency.

Finally I am honoured to be representing the electorate of Parramatta as a member of the Australian Labor Party. As Australia's oldest political party, the party of social democracy, equality and opportunity for working Australians, we have played a unique part in the building of our great State and nation. We are proud of our Labor tradition, of our partnership with the trade union movement. After March next year Labor will become the party of government in this State. Under Bob Carr it will be a great Labor government in the tradition of McKell and Wran. I remain proud of the dignity which Andrew showed throughout his time as the member for Parramatta. One feels privileged to be working to bring to fruition the same plans Andrew had for the future.

Debate adjourned on motion by Mr Longley.

STATE BANK (PRIVATISATION) BILL

Bill introduced and read a first time.

Second Reading

Mr COLLINS (Willoughby - Treasurer, and Minister for the Arts) [7.46]: I move:

That this bill be now read a second time.

This is an historic bill that authorises the sale of the State Bank of New South Wales to Colonial Mutual Life Limited on the terms and conditions set out in the share sale agreement. When the forerunner to the State Bank, the New South Wales Savings Bank, was formed in 1819 there was seen to be a genuine need for some form of government involvement in the ownership of the banking sector to provide banking services to middle and low income groups. In 1994, and indeed for the past few decades, there has been no worthy rationale for continuing government ownership of the State Bank. This Government's decision to get out of banking is part of a worldwide trend, in which 93 government banks have been placed on the market in over 37 countries over the past 10 years. That is a rate of one every six weeks.

Page 3854

In Australia, all government owned banks have been, or are in the process of being, privatised - by both Liberal and Labor governments. There is no argument for continued government ownership in the current competitive marketplace. There are established, sound prudential regulations in place and government owned banks now have purely commercial charters. Indeed, the charter of the State Bank has been purely commercial since 1981. If there is any specific government program or service the New South Wales Government requires of a bank, it can call tenders from all banks: it does not require bank ownership. Yet New South Wales still owns the State Bank, and for that the taxpayers carry a liability of nearly \$19 billion - or \$3,000 for every man, woman and child in this State.

For various historical reasons, all related to government ownership, the bank has never provided the taxpayer with a commercial rate of return on its assets. But that is not the reason for selling. We accept that

one day, given the restructuring that has taken place, the slashing of operating costs and the reduction of employee numbers, the State Bank may well lift its pretax profitability to a more commercial level. But it will never be in a position to provide both a commercial rate of return and compensate New South Wales taxpayers for the financial obligation of the government guarantee on all liabilities of the bank.

Private sector bank owners and shareholders carry no such obligation, as they do not guarantee the full liabilities of their banks. Based on information from Australian Ratings and in accord with the New South Wales Treasury guarantee fee policy, this Government guarantee has an estimated market value of at least \$100 million a year. This means that the New South Wales taxpayer is currently forgoing around \$100 million a year for the privilege of running a bank which has to compete in the marketplace. If that \$100 million a year opportunity cost is not sufficient reason for the Parliament to say yes to this sale, then let me add this. The issue of a Government guarantee has been brought into very sharp focus, courtesy of previous Labor administrations in other States.

Ask the South Australian people what the cost associated with a Government guarantee in banking is worth. They will say that it is around \$3 billion on a bad day, perhaps even more. Let me put that into perspective: that is the equivalent of almost half of the New South Wales health budget. We will never really know the true extent of losses in Victoria, because the Federal Labor Government had to sell off 20 per cent of the Commonwealth Bank to bail out State Bank Victoria. By contrast, and contrary to the smear campaign of the New South Wales Opposition, the State Bank of New South Wales has been well managed and is in a sound financial position. But even if the guarantee is never called on, we are still left with the undeniable fact that every year the sale of the State Bank is delayed, New South Wales forgoes at least \$100 million on the market value of the Government guarantee.

It would be financially irresponsible to allow this situation to continue for a day longer than necessary. But this is the path the Opposition would have us travel, given its comments to date. In opposing this bill, the Opposition is asking the taxpayers of this State to continue carrying the risk and forgoing the reward. The time has come for New South Wales to accept that being in banking is not in the taxpayers' interest. That is the reality of the decision the House must make.

The sale agreement and the legislation before the House are good for the taxpayer, good for the bank, good for bank customers and good for bank employees. In developing its approach to the sale and in subsequent negotiations on the terms of the sale, the Government set itself three key objectives: first, sale of the bank on the best available commercial terms while addressing a range of preferences in the long-term interest of the people of New South Wales; second, enhancement of the competitive strength of the State Bank after privatisation; and third, strengthening the financial position of the State of New South Wales.

The sale agreement that we have negotiated, and which I now present to this Parliament, addresses comprehensively and realistically each of these objectives. No other sale option can meet these objectives. As such, all other alternatives for sale are fantasy. They may sound good, but they will not work. Indeed, they could cost the State dearly. Before I outline how our three key objectives have been achieved, I shall briefly acquaint members with the sale process which has led us to this position. The formal, in principle decision to sell the bank was announced by the Premier on 25 November 1993 after an exhaustive analysis of the bank's financial and strategic position by Treasury, along with the Government's financial adviser, Bankers Trust, and leading accounting and management consulting firm Price Waterhouse.

This analysis concluded that the bank, under continued government ownership, would be placed under great competitive pressure. The study also concluded that there was a strong financial case to sell the bank and for the sale to occur in 1994, that is, as soon as possible. There was also a strong conclusion that deferral of sale could be justified only if there were a strong view that there would be a substantial increase in the sale price flowing from deferral. However, such a future price can not be substantiated to any adequate degree by any credible and recognised financial adviser. In other words, when the Opposition talks about a future value of the bank, it is simply plucking figures out of the air, figures which have not and cannot be substantiated by any reputable financial adviser or valuer.

Put simply, to delay the sale in the hope of a better price in the future is nothing better than a punt, a gamble that the Opposition would willingly force on this State. Finally, the study concluded that the only privatisation option for the Government in 1994, and probably 1995 and 1996 as well, was a direct sale.

Page 3855

Sale by public float or by merger with other State Banks was assessed as not being possible in 1994, nor likely to be possible for the next two to three years at least. Bear in mind that the longer we wait, the more the State's exposure grows.

This Government is committed to ensuring that the State Bank becomes a fifth force in banking, therefore maintaining and enhancing competition in the Australian banking industry. We have been strongly criticised by some organisations, and in particular the Leader of the Opposition, for excluding the four nationally operating banks from the sale process. We make no apology for that policy decision. While we might achieve a higher price by selling to one of the big four banks, it would be at great cost to jobs, great cost to branches and great cost to competition in the banking industry. The State Bank, one of the State's enduring financial landmarks, would simply vanish overnight.

Knowing all of this, the Opposition still says the four major trading banks should have been allowed to bid for the bank. Let there be no doubt about the kind of sale the Opposition would pursue if it were ever in a position to sell the bank. The sale process, which commenced in November last year, has been designed to maintain the maximum competitive pressure in the banking sector. A worldwide search was undertaken to identify organisations interested in the acquisition of the bank. As a result of this, 54 expressions of interest were received.

These were assessed on three criteria: capacity to meet the Government's preferred terms; ability to finance the purchase; and ability to gain the necessary regulatory approvals. Six organisations were assessed as meeting these criteria and all six entered the sale process. During the next stage of the sale process, four organisations came to the conclusion either that acquisition would not meet their strategic needs or that they could not meet adequately the Government's preferred terms and withdrew from the process. On 28 March this year, at the final stage of the sale process, two organisations submitted indicative offers. The offer by Colonial Mutual Limited was clearly the preferred proposal.

However, in order to continue to maintain competitive pressure, the two organisations were allowed to enter the due diligence process. Allowing more than one organisation to undertake due diligence in a bank sale is extremely rare, if not unique. Subsequent to the commencement of due diligence, the second party also determined it could not adequately meet the Government's preferred terms and withdrew from the sale process. There can be no dispute that Colonial Mutual Limited developed and submitted its proposal in a fully competitive environment. Further, the bidders submitted their offers knowing there were at least three parties still involved in the sale process.

Any claim, such as that peddled by the Opposition, that this was a one horse race is entirely fallacious and made in complete ignorance of the manner in which the bidding part of this sale was conducted. The bidding component of this sale did what it was designed to do: it delivered competing offers. It also weeded out those parties which could not meet the Government's preferred terms. Having established a highly competitive bid, we were then in a position to go through due diligence and final negotiations with the successful bidder. Colonial Mutual Limited undertook full due diligence of the bank over several months. Negotiations proceeded with Colonial Mutual Limited, based on their non-binding offer and the Government's preferred terms. Those negotiations resulted in an improvement in the proposal initially put forward by Colonial. The result is the proposal which I present to Parliament today. The details of the transactions are set out in the document entitled, "Conformed Copies of Transaction Documents". I seek leave to table that document.

Leave granted.

That document includes the share sale agreement and associated documents. I do not wish to outline the

transaction in detail at this time. The tabled document provides a full, comprehensive statement of the position. However, I would like just briefly to touch on a number of key points. There are three phases in the transfer from public to private ownership, reflecting the need for appropriate transitional arrangements. The share sale agreement has been executed and in the period from now until all the conditions precedent in the contract are satisfied, the Government continues to be the owner of the bank, though Colonial obviously has a close interest in its performance and position.

Once all conditions precedent are met, which include the approval of this Parliament, ownership will transfer to Colonial. From this period, through a period of three years, there will be a continued government guarantee on funding liabilities of the bank. This continuance of the government guarantee is made in order to maintain funding stability and avoid any concerns by depositors about the safety of their deposits and provide time for the bank under private ownership to develop a revised approach to funding. Beyond the three-year period, the guarantees will rapidly run off as deposits mature. It would be financially reckless and detrimental to the future of the bank not to allow this transitional period for removing the government guarantee. Also during this three-year period there will be certain indemnities given by this Government in respect to abnormal banking risk with loans in existence at the date of sale and undertakings given by Colonial addressing a range of government preferences.

This indemnity creates no new risk - it simply covers the risk the taxpayer already carries. Let me make it absolutely clear: the taxpayers' risk starts reducing from the date of this sale. The sale price for the bank is \$576.5 million, all but \$50 million of which will be paid this year. The final \$50 million instalment will be deferred for three years, bearing full commercial interest rates in recognition of Colonial making an immediate capital contribution to the bank of this amount. In all, the sale will deliver

Page 3856

total proceeds to the State, including the interest on the deferred \$50 million, of about \$590 million. Contrary to the wilfully misleading statements of the Opposition to date, this Government will use 100 per cent of the sale proceeds to retire debt. They will not be used, as the Opposition has wrongly claimed, to fund election promises. And, unlike the Federal Labor Government in its treatment of privatisation proceeds, the coalition in this State will not use the proceeds of the sale of the State Bank to prop up or distort the budget position.

I would like to now return to the issue of how the proposed terms of the sale of the State Bank line up with the three objectives which the Government has set for this sale. The first objective was for the sale of the bank to be achieved on the best available commercial terms. The sale has been undertaken in a competitive process with the proposal submitted to the Government framed in a fully competitive environment. There is no doubt that these are the best available terms for the sale of the bank. The Government's financial adviser, the leading investment bank, Bankers Trust, has assessed the price against relevant market benchmarks, bearing in mind the Government's preferred terms of sale. Bankers Trust advises that the price is fair and reasonable and takes proper account of the prospects for future improved profitability of the bank.

Beyond price, it is important to assess these proposals against the Government's preferred terms and I wish now to report on the position of each of these. First, the Government required that the sale be finalised in 1994 and payments as far as possible be completed in that year. This will be done, with all but the deferred \$50 million capital contribution received by January 1995. Second, the Government required minimum government guarantees on the liabilities of the bank. It is not possible or appropriate to immediately withdraw the guarantee from current liabilities as this would place the bank under intolerable market pressure. The sale, as I have already said, provides for a realistic transitional period of three years for the guarantee, but with strict limits set on the level of liabilities that can be guaranteed, restrictions on the bank and requirements to report appropriately. Beyond this three-year transitional period, the liabilities will run off rapidly.

Third, the Government wished as far as practicable to achieve the sale of all of the bank's assets and the transfer of all its liabilities to the purchaser. These preferences have been achieved with only very minor exemptions from the sale, being the land and lease of the State Bank Centre at Martin Place and a relatively small subsidiary company. Fourth, the Government wished to maintain the bank as a viable independent entity. The sale to Colonial Mutual provides the best opportunity for the bank to grow as an independent fifth force in

Australian banking. This sale preserves, and indeed enhances, competition in the banking industry rather than reduces it. Under the contract, Colonial cannot resell the bank for a three-year period after the sale. Further, it has rejected suggestions by the Opposition to date that it would seek to sell the bank after three years. Indeed, it has publicly stated its intention to enter banking for the long term.

A key element in providing for a positive future for the bank is that Colonial sees the acquisition as an important part of its strategy to expand nationally in the long term, particularly on the eastern seaboard, and to provide a full range of financial services to its customers. Fifth, the Government wanted the maintenance as far as practicable of existing staff and branch structure. Colonial has fully reviewed the bank's current strategy and advises that it endorses it. The bank's management and board have advised the Government that the prospects of the bank are enhanced by the transfer of ownership. It has advised, and Colonial Mutual has confirmed in the sale contract, that the outlook for both staff and branch numbers is at least as good, if not better, under Colonial ownership than would have been the case under continuing government ownership.

There are contractual commitments on the minimum level of staff and branch numbers and an agreement that there will be no country branch closures in the next three years. Sixth, the Government wished to maintain the bank headquarters in Sydney. The sale contract requires that the headquarters of the bank remain in Sydney for a five-year period. Colonial Mutual has also advised that it has no plans beyond this period for any move of the headquarters. Seventh and finally, the Government wished to have if possible an opportunity for participation by the public of New South Wales in the ownership of the privately owned bank. Colonial is planning to demutualise over the next three- to four-year period and will do so by the issue of shares in a public float. Colonial Mutual has advised the Government that it will provide an opportunity for New South Wales residents in general, and bank staff and customers in particular, to participate in any such share issue.

It is abundantly clear that the Government has been able to achieve its preferred terms of sale while also meeting its objective of achieving a fair value for the bank. I call on the Opposition to nominate which of the preferred terms I have just outlined it would be prepared to sacrifice in the pursuit of a potentially higher price. I turn now to the second key objective of the sale, which was to enhance the competitive position of the bank. Both the management and board of the bank have advised the Government that the business prospects of the bank will be enhanced by the transfer of ownership from the Government to Colonial. They advise that the sale to Colonial represents the best option available for private ownership. The business focus of both the State Bank and Colonial are complementary, with both seeking to be providers of financial services along the eastern seaboard.

Colonial's major customer base is in Victoria, although it does have about 30 per cent of its clients in New South Wales. The State Bank of course has the major proportion of its customers in New South

Page 3857

Wales. The opportunity for cross-selling and expansion of each institution is obvious from this fact alone. Together the two organisations will have access to a total customer base of nearly three million people. The sale to Colonial Mutual also provides an opportunity for the bank to appropriately capitalise to finance its future growth. Under continued government ownership there are no prospects for a capital injection, which poses a difficulty for the bank in achieving growth in its market position.

Sale of the bank also provides a clear strategic direction for the bank which would not be possible under continuing public ownership. If the sale does not proceed now, the bank will be placed in an intolerable position. It will not be able to plan its future strategy, it will not be able to retain its key staff and it will certainly be extremely difficult to retain its customers. This is the fate to which the Opposition would consign the State Bank. There is no doubt that the sale of the bank under the terms proposed will improve the competitive position of the bank rather than leaving its future direction in the balance for at least a few more years yet.

The third objective of the Government, a vitally important objective, is to strengthen the State's financial position. The sale of the bank will enable the phase-out of at least \$19 billion in government guaranteed liabilities, an exposure that is not able to be diversified or hedged against under public ownership. It must be stressed that the level of financial risk contingent on ownership of a bank by a government has considerably

increased in recent years due to two factors. First, financial deregulation has increased the competitive pressures in the marketplace and made it more difficult to achieve an adequate profit without increased risk. Second, the transfer of the regulatory powers over the bank to the Commonwealth has removed a competitive advantage that was enjoyed in the past by the bank when it was exempted from the Commonwealth's prudential supervision.

The Government's financial adviser, Bankers Trust, advises that the sale of the bank provides a clear and significant advantage to the State. The sale will enhance the State's financial position, reduce risk and improve the credit standing of the State. There is no doubt that the sale of the bank on the terms proposed will achieve each of the Government's objectives and will provide an enormous benefit to the people of this State now, not at some indeterminate time in the future.

The sale is a realistic solution to the inescapable need for all governments today to get out of banking. The sale is a realistic solution for all stakeholders. It is realistic for New South Wales taxpayers, who will extract themselves from a \$19 billion liability on which they are currently forgoing at least \$100 million revenue opportunity each and every year. It also assists the taxpayers by strongly reinforcing the State's AAA credit rating. It is a realistic solution for State Bank employees, who will be working for a bigger, financially stronger, more competitive and diverse organisation. Their career prospects would be as good, if not better, under this proposal than if the bank remained under government ownership. Finally, it is a realistic solution for the bank's customers and indeed for the customers of all bank services.

Initially, bank customers will not see any difference. It will be simply the same bank with a new owner, with the government guarantee remaining on deposits. Over time, though, customers will benefit through being served by a bank that has increased competitive capacity and a wider range of products and services. Furthermore, the maintenance of the bank as a separate independent competitive force benefits bank customers not only in New South Wales but in the whole of Australia. The sale preserves and enhances competition.

The Opposition has claimed to support the concept of the sale of the bank but would have us believe that it would be desirable to defer the sale. The decision to defer the sale can only be justified if there is strong evidence to support the view that the sale value can be increased in the future by at least \$100 million a year over and above commercial profitability levels for every year the sale is deferred. Let me put that simply. If the Opposition supports deferral for three years, it is saying it can substantiate, in a credible, financially prudent way, that the future sale price will be at least \$300 million higher than the sale price being presented to Parliament today.

Australia's leading investment bank, Bankers Trust, cannot advise that this can be achieved. The Opposition is clearly in fantasyland when suggesting that it could. It must be stressed that the sale price provided by Colonial has been provided in a competitive environment and, as advised by Bankers Trust, takes account of the prospects for improved profits in the future. In other words, it takes account of the potential for increased profits that the Opposition says we should wait for before selling. The Opposition is clutching at political straws by calling for a delay in the sale. Deferral is not realistic. Deferral would place the bank in an intolerable position, destroying any basis for it to plan for the future and putting pressure on retention of staff and customers.

Much has been said about the desirability of a public float of the bank. Let there be no mistake: this Government would be delighted if it could achieve a public float of the bank. However, such an approach is not possible in 1994 and is only a remote possibility in 1996 or 1997. To support a float you would have to be very confident of achieving a price several hundred million dollars higher than that currently on offer. Such a prospect would appear distinctly unlikely, particularly bearing in mind the wide range of attractive bank shares already on offer in the marketplace.

Furthermore, I have been advised that prior to any public float the bank would require major restructuring and significant rationalisation. As I said earlier, to delay this sale amounts to nothing more

than a punt, a gamble, compared to a realistic, fully negotiated deal that sits on the table here today. Is this House about taking punts or taking the realistic course of action? Which is in the best interests of the people of New South Wales? I am confident that the sale of the bank on the proposed terms is the best available solution. It is the realistic solution. Deferral of the bank sale to a future year is not realistic and could consign the bank to the fate of withering on the vine.

I am pleased to see that an upper House representative of the Opposition finally, if somewhat belatedly, accepted our invitation to take a detailed briefing on the sale from Treasury and Bankers Trust. It was not before time. However, the Opposition has already categorically said it will block this sale. This must surely raise questions about the level of sincere and rational discussion we can expect from the other side of the House on this issue. I feel compelled to make some comment about the misleading and uninformed remarks already made that have come from members of the Opposition outside this Chamber.

The Opposition has mounted a disgraceful campaign against this sale. It has employed tactics akin to those used by the Labor Opposition in Victoria to sabotage the float of the Victorian TAB. It has had no regard to the financial realities of the sale process and has sought to influence the debate without making any effort to familiarise itself with the details. It has scaremongered on jobs, lied about the future of the bank, undermined the sale process, misrepresented the sale details, cast aspersions on the purchaser's long-term commitment and ridiculed the State Bank of New South Wales.

Members should bear in mind in the course of this debate that since November, before it was even known what bids would be received or from whom, the Opposition has committed itself to opposing this bill. In fact, it made every effort to stop the sale getting this far. In doing so, it has shown contempt for the taxpayers of this State in expecting them to continue carrying an unnecessary financial burden. It has shown a complete disregard for the future financial wellbeing of the State Bank in seeking to deprive it of an opportunity to grow under private ownership. And it has displayed absolute disdain for the business community and the market by questioning their ability to determine a fair price for the bank.

When the Opposition claims the sale should be deferred, it is not thinking of the good of the taxpayer, the bank, the customers or the employees. It is thinking of its own political ends. By contrast, the Government considered all these groups in framing this sale agreement. With six months or less to the election, some commentators are telling us to take the easy option - to delay the sale until after the election. That easy option would deprive the people of this State of the opportunity to better apply the financial resources that support the State Bank guarantee in that time. That easy option would mean that instead of moving forward, the bank would simply tread water. This is the easy option favoured by the Opposition, which shows that when it comes to the tough, responsible financial decisions, you cannot bank on Bob Carr. What the people of New South Wales can bank on is that this Government will not take the easy option. We have pursued the sale at a time when, politically, it would be easy to let the bank's future drift for a few more years. We on this side of the House, in introducing this bill, have delivered a sound and realistic solution. I commend this bill to the House.

Debate adjourned on motion by Mr J. H. Murray.

CRIMINAL PROCEDURE (INDICTABLE OFFENCES) AMENDMENT BILL

Second Reading

Mr HARTCHER (Gosford - Minister for the Environment) [8.22]: I move:

That this bill be now read a second time.

The law relating to the summary disposition of indictable offences is set out in the Crimes Act at sections 476, 495, 496 and 496A. Section 476 provides for a large number of indictable offences to be dealt with summarily

at the discretion of the magistrate in a local court, provided the accused consents to that course. Sections 495, 496 and 496A also provide for the summary disposition of certain indictable offences at the discretion of the magistrate, although without the need for the consent of the accused. These sections extend the advantages of summary hearing to the accused and the Crown, thereby saving the considerable expense of a jury trial. In addition, the stress that is occasioned to witnesses and the accused by a jury trial is avoided and the matter is dealt with expeditiously. As a result, the District Court is left to preside over the prosecution of the more serious matters in the criminal calendar.

Since its introduction in 1900, the scope of section 476 has been enlarged on a number of occasions on a piecemeal basis. For example, in 1983 and 1987 certain property offences were added to section 476, largely as a result of increasing the value of the property which was the subject of the offences to \$10,000 and \$15,000 respectively. However, these changes did nothing to address some very basic anomalies which continue to this day. Certain fraud offences committed by agents come within the operation of section 476 if the value of the property does not exceed \$15,000, but comparable offences committed by a company director are also within the operation of the section, regardless of the value of the property involved.

Offences against the person are likewise not treated with any consistency under section 476. The offence of malicious wounding is capable of summary disposition under section 476, whereas the offence of maliciously inflicting grievous bodily harm is not, despite both offences carrying a seven-year maximum

Page 3859

penalty. At no time has there been an attempt to rationalise the inclusion of some offences and the exclusion of others in any sort of systematic way, either by reference to maximum penalties or the value of the property involved in the commission of offences.

There is also a lack of uniformity among magistrates as to when to exercise the discretion to offer the accused summary jurisdiction. The law presently allows for the exercise of the discretion at the close of the prosecution case and at the close of the case for the accused. This uncertainty is compounded by the fact that summary jurisdiction may be offered and accepted at the close of the accused's case, only to have the offer withdrawn as soon as the magistrate becomes aware of the accused's criminal history. In order to exercise the discretion judicially, a magistrate must have regard to salient features of the accused's criminal history, such as the fact that the accused was subject to a good behaviour bond at the time of the commission of the offence.

At the same time, it is fundamental to the integrity of our criminal justice system that the trier of the facts not be privy to that information before arriving at a verdict, so that undue prejudice does not flow to the accused. This conundrum places magistrates in an impossible position. The prosecution and the accused are in a far better position to determine the prospects of summary jurisdiction. The bill recognises this fact by removing from the magistrate any discretion relating to the choice of jurisdiction. I seek the leave of the House to table for incorporation in *Hansard* the balance of this speech, which was delivered by the Minister for Planning, and Minister for Housing, on behalf of the Attorney General, in another place.

Leave granted.

A decision to commit the accused for trial or sentence to the District Court has far-reaching consequences in terms of resources, both for the parties and the jurisdiction itself. It is important to ensure that the resources of the District Court are being used effectively. In April 1992, a Bureau of Crime Statistics and Research study, entitled "Aspects of Demand for District Court Time", found that 78 per cent of all penalties imposed in 1991 in the District Court were less than two years imprisonment. This finding suggests that significant savings in District Court time would be achieved by increased use of summary jurisdiction for those offences not attracting penalties of more than two years.

Accordingly, this bill provides for a presumption that certain offences carrying up to and including a 10-year maximum penalty will be dealt with summarily, unless either the prosecution or the accused elects to have the matter heard on indictment. There are some exceptions to this presumption; namely, the offences of culpable driving and culpable navigation where death is occasioned, and certain sexual offences. The Government is of the view that these offences are so serious that they warrant the consideration of a higher court. A number of sexual offences remain amenable to summary jurisdiction, as do a number of offences carrying a maximum penalty of 14

years. The inclusion of these offences is a product of the ad hoc approach of the past and at this stage the Government does not propose to remove them. These new provisions are to be inserted in the Criminal Procedure Act 1986, rather than the Crimes Act 1900. This will assist in the ongoing reform of the criminal law by the separation of those provisions which are of a procedural nature only from those which define criminal offences.

I turn now to the major features of the bill. Proposed part 9A of the Criminal Procedure Act 1986 sets out the revised procedure for certain indictable offences to be dealt with summarily by a local court. Table one to the part lists those offences which shall be dealt with summarily unless the prosecuting authority or the person charged with the offence concerned elects to have the offence dealt with on indictment. Table two to the part lists those offences which shall be dealt with summarily unless the prosecuting authority elects to have the offence concerned dealt with on indictment. "Prosecuting authority" is defined in the Act as the Director of Public Prosecutions or other person responsible for the conduct of a prosecution. The offences listed in table one to the part include all those offences presently within section 476 of the Crimes Act 1900, with the exception of offences relating to child prostitution and child pornography. Other offences carrying up to and including a 10-year maximum penalty are also included. As I have already said, the offences of culpable driving and culpable navigation where death is occasioned and certain other sexual offences are excluded from table one.

A significant feature of the bill is that, whereas the existing monetary value of the property which is the subject of certain larceny offences, namely \$15,000, determines access to summary jurisdiction under section 476, the proposal removes that limiting factor. Pursuant to table one, larceny and certain other related offences are presumed to be disposed of summarily where the value of the property exceeds \$5,000. Larceny offences where the value of the property is less than \$5,000 are provided for in table two to the part. This will introduce greater flexibility in terms of either the prosecuting authority or the person charged making an election to have a larceny matter dealt with on indictment. It also removes the need for constant review of the appropriate monetary value of property involved in the commission of such offences.

Also included in table one are offences under Acts other than the Crimes Act 1900 such as the Bail Act 1942, the Justices Act 1902, the Oaths Act 1900, the Prisons Act 1952 and the Drug Misuse and Trafficking Act 1985. Table two to the part includes those offences presently in sections 495, 496 and 496A of the Crimes Act 1900 that may be disposed of summarily without the consent of the person charged. It also includes certain offences under Acts other than the Crimes Act 1900, such as the Drug Misuse and Trafficking Act 1985, the Firearms Act 1989 and the Prohibited Weapons Act 1989.

Clause 33H of the bill provides that information about the person's right to make an election and the consequences of not making an election be provided to the person both orally and in writing at the person's first appearance before a local court on a table one offence. The same law requires the prosecuting authority to serve or cause to be served on a person charged with a table one offence a copy of the brief of evidence and the person's criminal history, if any, within the time fixed by the local court. The time for service must in any event be prior to the time fixed by the local court for the making of an election. This provision ensures that a person appearing before a local court on a charge falling within table one is armed with all the material necessary to enable the person, or his or her legal advisers, to make an informed decision either to elect to have the matter dealt with on indictment or to decline to make an election.

Pursuant to clause 33F of the bill, an election may be made after the time fixed by the court, but only with the leave of the court and if the court is satisfied that special circumstances exist. What constitutes special circumstances is to be left to the discretion of the courts. However, an election may not be made after the court has commenced taking evidence presented by the prosecution where the person has entered a plea of not guilty, nor may an election be made after the prosecution has tendered the facts of the offence where the person has entered a plea of guilty. Clause 33G of the bill provides that an election may be withdrawn by the party who made the election, provided that the court has not commenced taking evidence tendered by

Page 3860

the prosecution where the person has entered a plea of not guilty and provided that the court has not committed the person for sentence where the person has entered a plea of guilty.

The bill does not change the maximum penalties that may presently be imposed by the local court where a matter is dealt with summarily. Clauses 33J and 33K prescribe those maximum penalties for table one and table two offences respectively. The bill contains a large number of consequential amendments to other Acts which presently refer to proceedings under section 476 of the Crimes Act 1900. In summary, the bill provides for the expeditious disposal of a wider range of appropriate offences in the local courts and a consequent benefit in the more efficient allocation of resources in the District Court. The prosecution and, in the case of the table one offences, the person charged will be in a better position to determine whether the interests of justice will be served by an election to have the offence dealt with on indictment. This decision will be made at an early stage of the proceedings and will thereby save the trauma

and expense associated with a full hearing before a magistrate before the question of summary disposal can be addressed.

Accordingly, I commend the bill to the House.

Debate adjourned on motion by Mr Whelan.

APPROPRIATION BILL

PARLIAMENTARY APPROPRIATION BILL

BUSINESS FRANCHISE LICENCES (PETROLEUM PRODUCTS) AMENDMENT BILL

MOTOR VEHICLES TAXATION (AMENDMENT) BILL

ROAD IMPROVEMENT (SPECIAL FUNDING) AMENDMENT BILL

Second Reading

Debate resumed from an earlier hour.

Mr ZAMMIT (Strathfield) [8.27]: I am greatly pleased to be able to continue the debate on a most sensible budget that is building a better future for everyone in New South Wales. The slashing of this State's liability will ensure that New South Wales retains its AAA credit rating - one of the most important aspects of what has occurred since this Government came to office in 1988.

Mr Whelan: A credit rating we left to you, and which you inherited.

Mr ZAMMIT: I welcome the interjection by the honourable member for Ashfield about what his Government left behind it in 1988. At that time government trading enterprises, on an asset base of \$74 million, returned approximately \$120 million to the people of New South Wales. Over the years this Government has ensured cost-efficient financial management so that GTEs have become more efficient and return substantially more to the people of this State. Returns from GTEs last year were \$1.1 billion. During the next 12 months, under this budget, GTEs will return approximately \$1.2 billion without any reduction of services to the people of this State and with vastly increased output. As a result, a new hospital is to be built in the Strathfield electorate on the site of the old Western Suburbs Hospital. The new \$66 million hospital, of which all in the inner west will be very proud, is a most exciting development by the Sydney Area Health Service. The new hospital will provide an ideal opportunity to modernise health facilities for the people of the inner western suburbs of Sydney.

As part of the \$1.3 billion redevelopment of health services in Sydney's inner west, the hospital heralds a new area for communities that until now have been served by an incomplete range of services and poor quality accommodation. Those with knowledge of the old Western Suburbs Hospital can attest to its high reputation, but it was a very old building and was virtually coming apart at the seams. The new hospital will provide the people of the inner west with the very best facilities. The 254-bed hospital will provide a wide range of services, including paediatrics, obstetrics, emergency services, intensive care, coronary care, day surgery, orthopaedics, rheumatology, geriatrics and rehabilitation. I am proud of what has occurred in health care under the Minister for Health. He has modernised the system.

The hospital will provide a 24-hour emergency service catering for the full range of patients, including ambulance admissions, surgical and medical beds, an intensive care and critical care unit totalling 76 beds, geriatric-rehabilitation in-patient services comprising 36 beds, an orthopaedic-rheumatology unit with 70 beds, an obstetrics department with 24 beds, a neonatal unit with four cots, a paediatric centre with 20 beds, day surgery with 10 places, family care area with four beds, a day hospital and, more important, a hydrotherapy

pool. Some concern has been expressed in the inner west regarding the hydrotherapy pool. Seven years ago I was pleased to attend the opening of the hydrotherapy pool, the funds having been donated by the Burwood Rotary Club. Sacrifices were made by members of the community to provide funding for the pool and there was concern that it would be a total loss to the community. However, I am pleased that the Minister intervened to ensure that the hydrotherapy pool will be built on the existing Western Suburb Hospital site when the hospital is finally completed in approximately four years.

Mr Moss: How big is it?

Mr ZAMMIT: The honourable member for Canterbury has asked how big the hydrotherapy pool will be. It will be a little smaller than the old pool but will certainly be an efficiently run service. A further example of the cost-efficient and commonsense management of the finances of this State is the record allocation of \$220 million to the Strathfield electorate for new works and works in progress. I am delighted that my strong representations to the Minister, and those of the community generally, have resulted in the provision of funds to build the new inner west hospital - one that will serve the community well.

Page 3861

The sum of \$26 million has been allocated for State Rail Authority track strengthening at Flemington; \$49 million for metropolitan freight yards, to be built at Enfield on behalf of the State Rail Authority; \$5 million for the Sydney loco maintenance centre upgrade at Strathfield; \$10 million for overhead wiring modernisation at Strathfield; and \$4 million for Strathfield station upgrading-easy access. In addition, \$11 million has been allocated for overhead wiring structures at Strathfield; \$14 million for a new open learning TAFE college at Strathfield; \$1.3 million for stage two of the Strathfield south public school upgrade; \$750,000 for the upgrading of Burwood station; \$1.1 million for the upgrading of Croydon station; \$500,000 for Strathfield station platform raising and upgrading; \$33,000-odd for Croydon station footbridge, and \$500,000 for the upgrading of Flemington.

I have no doubt that this is not just a matter of making promises in the political sphere; it is providing the funds and making good the promises. This Government has done that and my electorate is an excellent example of what has occurred as a result of the cost-efficient management of New South Wales under the coalition Government. A few other items in the budget should be expanded on. In the area of health in general this year more than \$5 billion will be spent, and that is an increase in real terms of more than 2.5 per cent on 1993-94. Last year New South Wales hospitals handled 28 per cent more acute care admissions than in Labor's last year in office - that is, in 1988.

I turn now to education in general. I am pleased that the department's expenditure priorities for 1994-95 include funding for more than 1,400 extra teachers - a total of 3,500 extra teachers since 1990; a record \$338 million capital works program, including 45 new projects; and more than \$63 million for children from non-English speaking backgrounds. That funding is vital to assist children to obtain a place within the community. This is a sensible budget that has ensured that the people of New South Wales will enjoy the fruits of years of sacrifice that had to be experienced. Without that New South Wales would be in a similar situation to Victoria prior to the Kennett Government coming to office, when there was lack of financial management in that State. I am pleased to have contributed to the budget debate. I wish to compliment the Secretary of Treasury, Michael Lambert, who, with his team, has been hardworking and efficient in providing one of the best budgets I have seen in my 10 years as a member of Parliament and, of course, I compliment the Treasurer and the Premier.

Mr MOSS (Canterbury) [8.41]: I have searched extensively through the Budget Speech, the budget estimates, the explanatory notes and the capital projects to see just what is in the budget for the Canterbury electorate, but I have come to the conclusion that they reveal nothing of any great substance. In fact, any member representing an electorate on the fringes of the inner city cannot boast of a substantial gain from the budget. We all knew that with an election to be held in six months the budget would be somewhat soft. I was therefore naive enough to expect that this time Canterbury would pick up some of the crumbs. I was wrong.

Though the Government continues to argue that all budgets have increased in real terms, I must emphasise that in real terms the Canterbury electorate budget for the past seven budgets under the coalition regime has been on a downward slide. In his Budget Speech the Leader of the Opposition pointed out that some 46,000 persons in this State are on the waiting list for elective surgery. Of those, about 2,600 reside in the Southern Sydney Area Health Service region, which covers the Canterbury electorate. Furthermore, about 275 of those people have been waiting for elective surgery for more than six months. That is 10 per cent of those waiting for elective surgery. Though the Government continues to boast that it is building and/or redeveloping something like 28 hospitals, it fails to mention the hospitals that it is closing. One gains the impression that the State has picked up an additional 28 hospitals. That is not so.

I am particularly concerned with the rundown in accident and emergency services within the public health system of this State. Some of those public hospital services have unreasonable waiting times for those seeking emergency treatment. Three weeks ago a local Canterbury electorate newspaper reported an instance of an 82-year-old woman who suffered injuries to her shoulder and pelvis in a fall. That lady was taken to Concord hospital, where she waited for nine hours to be treated in the accident and emergency unit. This is the so-called great Concord hospital which was to have solved all the problems of the inner west when it came on line.

Concord is the hospital that the Government claimed would be able to cope with the extra services to be provided when Canterbury Hospital closed. That cannot be so when people are waiting nine hours at Concord hospital for accident and emergency services - even the Canterbury accident and emergency unit is averaging 60 patients a day. The Government's handling of hospital services is an absolute joke. The nine-hour wait at Concord hospital was due to staff shortages, according to a staff member. What a paltry excuse. Though police and fire brigades must have plans to enable delivery of emergency services in times of staff shortages, apparently there is no such requirement of our public health system, and certainly not of Concord hospital.

A Concord hospital spokeswoman admitted that it had been a very busy day in casualty when the 82-year-old woman presented for treatment. The spokeswoman went on to say that it was always very busy, that patients were treated on a needs basis. She said, "We have got major traumas that we treat, and we treat those people first". I could not disagree with that. Obviously those with major traumas must be treated before treating patients with minor problems such as broken toe nails, even though the patient with a broken toe nail may have to wait much longer. But it is inexcusable to make a patient wait nine hours for

Page 3862

treatment in an accident and emergency unit in a public hospital. It is interesting that the same newspaper contained a supplement entitled *Health Care News*, which appears to be sponsored by the private health industry. That supplement has a lot of interesting reading and includes this statement from the Minister:

The New South Wales health system aims to add years to life by reducing premature deaths.

I wonder what that 82-year-old lady thinks about that comment. The Minister went on to say:

We are out to improve the quality of life and wellbeing of people. We have made hospitals and health centres more friendly.

It is a shame that the Government has not provided these services faster. The Minister went on to say that it was his aim to make the service even better. How can the Minister claim to have made hospitals more friendly when people are waiting nine hours for accident and emergency services and the Government plans to close a neighbouring hospital that is treating an average of 60 patients per day in its accident and emergency unit? The Deputy Leader of the Opposition and shadow spokesman on health revealed some months ago that a review of services in the Southern Sydney area health region had been commissioned by the Government.

The review of St George, Sutherland and Canterbury hospitals concluded that the closure of Canterbury Hospital would mean a severe dislocation of emergency services in the Southern Sydney health region and that the Government's proposal to close Canterbury Hospital should be reconsidered. I do not want to harp on that issue because I intend to speak on a bill aimed at circumventing the proposed closure of Canterbury Hospital. It

may be that I will be speaking to that bill tomorrow. However, I want to emphasise that bed shortages and staff cuts in the Southern Sydney Area Health Service region are putting patients at risk.

There is significant overcrowding now even while Canterbury Hospital is operating. At present there are insufficient beds at Canterbury Hospital to handle a 45 per cent increase in the number of emergency patients. So the Government's claim that it is building 28 new hospitals does not excite me or my constituents, because the Government fails to talk about the hospitals that it is planning to close, such as Canterbury Hospital. I was particularly interested to hear what the honourable member for Strathfield had to say in this debate. He was singing the praises of the plans for the new inner west hospital on Liverpool Road, Croydon. He did not care to tell the House that the accident and emergency unit proposed for that new hospital is little more than a bandaid measure.

Mr Zammit: It is a level 5 hospital.

Mr MOSS: If that is so, then the honourable member is better informed than I am, because the most recent information made available to me is that the new hospital is to be a level 3 hospital. I am not persuaded by the comments of the honourable member that it will be a level 5 hospital, because tonight he told the House about an unrealistic number of beds proposed for the new hospital. That statement was not true. The accident and emergency unit at the new inner west hospital will not be able to cater for patients displaced by the closure of Canterbury Hospital, which now deals with 22,000 emergency patients per annum, approximately 4,000 of whom are admitted to a hospital bed. If ever a government failed in public health administration it is this coalition Government. Public health services in this State have continued on their downward spiral since 1988.

I now move to community services. At the outset I should state that I have not looked closely at the estimates for community services, but past experience has shown it is not necessary to do so. No matter how good community services estimates appear to be, it seems that we really cannot believe them because since 1988 coalition governments have managed to pocket something like \$150 million from community services budgets.

Each year the community services budget comes in under budget; that is a deplorable situation in an age where there is a high rate of youth homelessness, domestic violence and all sorts of social problems. The Department of Community Services continues to pocket money every year despite the fact that it claims it will spend a lot more each year than it actually does. Over the last seven years cuts have occurred, mainly in children's services: 57 specialist child abuse counsellor positions have been axed; intensive services for abused children have been closed, such as Montrose at Burwood and one at Woollahra; centres in Newcastle and Wollongong which dealt with abused children have been closed; staff numbers at the New South Wales Child Protection Council have been cut from nine to two; 22 residential care units for children aged from infancy to 16 years have been closed since 1988; and a further seven units which care for 107 children are earmarked for closure later this year. This is a government of compassion?

The cuts go beyond children's services. Statewide, 23 Department of Community Services local offices have been closed - or 25 per cent of its offices, one in Campsie. Since 1988, 1,000 staff cuts have occurred in the department. Of particular concern to me in the Canterbury region is that currently approximately 40 intellectually disabled preschool children are in need of speech therapy and physiotherapy. I have spoken in this House on this issue on two occasions. Some children are waiting 12 months to be assessed by a physiotherapist or a speech therapist. If children with intellectual disabilities are treated while very young, the benefits may last for the rest of their lives. The Minister has written to me about this matter and has admitted that there is an extreme shortage of professional therapists within the public service, and I agree with him. With reference to the centre I had asked about, the Minister stated:

Since the resignation of the full-time physiotherapist, three recruitment actions have been instituted and attracted no suitable applicants . . .

The Department has written to the University of Sydney asking them to draw attention to employment opportunities for therapists in the Inner West Area and throughout the Department generally.

It is not good enough to approach universities and ask them to come to the party or come up with some solution to boost the number of physiotherapists and speech therapists within the community services area. The reason people are not attracted to working in government positions is clearly that their careers are not given due recognition. To retain the services of speech therapists and physiotherapists their job packages must be attractive in terms of salary and opportunities for career advancement within the public service. If a better offer is made, undoubtedly people from the private sector will be attracted. The Government appears to have no trouble attracting doctors, lawyers, engineers and architects to senior public service positions - I do not know why physiotherapists and speech therapists are not given the same recognition.

I do not believe trained physiotherapists and speech therapists are not interested. Make their employment package more attractive and I believe that many more will be champing at the bit to work for government. In that part of the Budget Speech relating to community services the Treasurer pointed out that the Government is committed to providing effective community support, while stressing the need for community self-help. That is a great line of this Government and is a nice little cop-out. It is a neat way of saying that the Government will help when all else fails. An announcement was made about the establishment of the Community Services Commission to review complaints - yet another complaints unit. How many complaints units has this Government established over the last seven years? The trouble with all the complaints bureaus is that they hear complaints but do not act on them.

When the Labor Government lost office in 1988 it was criticised by the incoming Government for leaving liabilities in this State totalling \$46 billion. Yet within six budgets, in less than seven years, the Government has increased that amount by \$10 billion. The State's liability is now running at \$56 billion - 20 per cent more in six budgets. I do not believe anything has increased by 20 per cent in the last six years, except this State's debts. To find out the reason for that one has only to look at the explosion in the size of the government sector. Since 1988 an estimated 100 new boards, agencies and bodies have been established. More than 1,500 senior executive service positions have been created, with remuneration packages of up to \$230,000, resulting in New South Wales having the largest upper layer of any public service in Australia, yet this Government has the gall to call itself a good financial manager. It is impossible to be a good financial manager when one is hell-bent on propping up senior public servants. [*Extension of time agreed to.*]

Senior public servant payouts also warrant criticism. Almost \$24 million has been paid out to 270 holders of senior executive service contracts in 2½ years. Of those, 99 payouts were in excess of \$100,000, and six were over \$150,000. Department of Transport senior executive service payouts alone cost \$5.7 million. Once again the senior executive service has been shown to be a waste of taxpayers' money. Examples of payouts include: the former manager of the Water Board's environmental management unit received \$86,000 after her five-year contract was terminated; the former manager of the Building Services Corporation received \$86,000 last November after fulfilling nine months of a 12 months contract; the former deputy director-general of the Department of School Education received \$157,000 after his job was abolished; the former chief executive of the Ministry of Health received \$108,000 after his contract was terminated; and the director of corporate development in the Roads and Traffic Authority received \$157,300.

Another area of sheer waste is consultancies. Recent examples of waste in this area include: \$50,000 spent by Sydney Electricity on an employee opinion survey; \$73,984 spent by the Department of State Development for an executive search for two SES positions - I do not know how long those positions will last, in no time they will probably be paid out; \$90,799 spent by the Water Board for a culture study of corporate values, whatever that is supposed to mean; \$123,000 spent by the Motor Accidents Authority on issues management; and \$202,910 spent by the State Superannuation Corporation on an unspecified public relations project - the 1993 annual report does not give details. That is why this State's liabilities are now running at \$56 billion, \$10 billion higher than in 1988, or 20 per cent higher since this Government came to office seven years ago. This year the \$200 million Treasurer's advance is for supposed contingencies.

Mr Photios: Like the drought. Is the honourable member aware of the drought?

Mr MOSS: I am aware of an earthquake in Newcastle a couple of years ago, but the Treasurer's advance was not spent. I am aware of tragedies that have occurred in this State in the past seven years, yet that money has not been spent. In the past three budgets the Treasurer's advance has not been spent. It makes one wonder why that provision is in the Budget, let alone doubled. Because an election is pending, I dare say in the next few month this year's Treasurer's advance will be spent, and I guarantee that is why it has been doubled. Undoubtedly there will be a pork-barrelling exercise and the Treasurer will be making all sorts of wonderful statements.

As the Treasurer's advance has not been spent in the past three years, I suggest it could be allocated to a few areas in my electorate. For example it could be spent on the Campsie bypass, which at this stage is just a road on the map. Each year I put the Campsie bypass road before the Government as a priority capital works project. It has been planned for many years and is meant to take through traffic from the main street of Campsie, Beamish Street, which has reached saturation point. The bypass would ease

Page 3864

congestion in the Campsie shopping centre. The Government's response each year has been that it will consider this road for forward planning. Every year I receive the same tired old response. Almost 95 per cent of the carriageway for this road exists. Approximately half-a-dozen buildings need to be demolished. Those properties, which are zoned for roadworks, are owned by the Roads and Traffic Authority. The project is so urgent that Canterbury Council has offered to seal the road if the Government will demolish the properties that are currently in the way. The proposed road is, I might add, half a kilometre in length and is to run from Bexley Road to Punchbowl Road. It is intended to divert trucks and through traffic out of the Campsie shopping centre and onto major arteries, which is where heavy traffic belongs.

Another project in my electorate on which the Government could consider spending the Treasurer's advance is dredging and bank restoration of the Cooks River. Since I became a member of this Parliament I have constantly argued for essential work to be carried out along the Cooks River valley by way of bank restoration and dredging, and I have regularly put forward this proposition as a capital works priority to the Government. The most recent response I received was that the Government would consider it subject to the catchment management committee resolving issues, and councils resolving to meet half the cost of the project. It is impossible for local government to pay for major dredging and bank restoration of a major waterway. Whatever people may think of Cooks River, it is a major waterway. It is Australia's most historic waterway - Captain Cook sailed down it - but it is, and has been for the past 40 years, in need of dredging.

All the clean waterways programs in the world will not clear the silt that has been lying on the river bed for more than 200 years. The river needs dredging thoroughly. Its banks are in a deplorable state. In 1977 the Government estimated that bank restoration, dredging and the resumption of some properties around the river would total \$20 million. Today, such a program would cost something like \$60 million or \$70 million, and this Government is saying that local government should bear half the cost of the work. That is ridiculous. That sort of cost cannot be put onto local government. Canterbury Council's contribution towards a program like that would represent its entire income for one full year. That is just impossible. It is a cop-out. However, as I said, the Treasurer's advance is \$200 million. It has been increased by \$100 million this year. Why not spend about \$70 million of it on the Cooks River?

Campsie school in my electorate would also be worthy of consideration of assistance. It is currently being renovated. The total cost of the work is estimated to be \$1.4 million. However, only \$80,000 is to be spent this year, leaving \$1,334,000-odd for allocation in future budgets. At that rate children now attending kindergarten at Campsie school will still be putting up with this program when they reach year 6 and are about to enter high school. I hope that in future years that allocation will be increased. I am sure it will be in the next budget, because Labor will be in office by then and we will see to it that this school is quickly upgraded. It is one of the largest, if not the largest, multicultural primary school in the State. Certainly on the basis of population mix it is. It is in urgent need of repair and renovation and, given the estimated total cost of \$1.4 million, \$80,000 is not good enough. Public housing in the Canterbury area this year is to receive only a

guaranteed additional 11 units of accommodation. Another 34 units are outstanding but it is not known when they will be completed - certainly not in this financial year because there is insufficient funding in the budget for it. People on the public housing list for Canterbury wait for up to nine years to be accommodated.

Mr Photios: It was a 12-year waiting list under Labor.

Mr MOSS: It never was. I would like to see the evidence of that. I know that it is extremely difficult to provide public housing in built-up areas, and there is very little available land in an electorate like Canterbury. However, the previous Government began a program of buying up small blocks of home units from developers after council approval, and that is how public housing was increased. But this Government tends to ignore that sort of thing. It has allowed the public housing program to run down to the point where my electorate will get only 11 units of accommodation, which is equivalent to a reasonable size block of home units. I am realistic enough to know that the Treasurer's advance will not be allocated to Canterbury, but I still pose the question, why has it been doubled this year?

I will only touch on the proposed new inner west hospital, as I intend to say considerably more in my speech on the bill that seeks to prevent the closure of that hospital. On budget day the Premier had no sooner spoken when the honourable member for Strathfield was praising the Government for allocating funds to commence building a new hospital in the inner west which, if commenced, will force the closure of Canterbury Hospital. The honourable member for Strathfield did not tell us that the Government was building one hospital to replace three, namely Canterbury, Western Suburbs and Rachel Forster. The honourable member for Strathfield boasted about the number of beds. He said that initially only 120 beds were planned, but now there would be 240. That statement is totally incorrect as the initial plan was to provide 240 beds. The number is now down to 210.

The honourable member for Strathfield did not bother to point out that the planned 210 beds for the new inner west hospital represents 53 fewer beds than those at Canterbury and the former Western Suburbs Hospital combined. The honourable member for Strathfield spoke also about a new hydrotherapy pool. He told us again about that pool this evening, as though that was some sort of bonus. He then apologised for the fact that the pool would be smaller than the one provided at the former Western Suburbs

Page 3865

Hospital. That is indicative of this Government's attitude to health services in the west. Everything is smaller. There are fewer hospitals, fewer beds and fewer services. [*Time expired.*]

Mr PETCH (Gladesville) [9.11]: The 1994-95 New South Wales budget will build on six years of financial discipline to deliver on priorities in health, education and other core services, while further reducing the deficit. The budget will boost support for essential industries, including critical drought relief for this State's stricken farmers, and it will provide for key infrastructure renewal in roads, rail, housing and environmental management. Businesses and consumers will also benefit from targeted relief in payroll tax and land tax. At the same time the Government will continue to drive down the deficit, with a projected deficit of \$353 million for 1994-95 - a reduction of about \$80 million, or almost 20 per cent, on last year's result.

The State's strengthened financial position means that the Government can broaden its priorities beyond the maintenance of core services and repair the State's finances as the economy recovers. The Government's main objectives are: to direct funds to quality services that are consumer responsive, to further reduce the burden on taxation, and to continue to strengthen the State's financial position. In the 1994-95 budget the Government will spend a record \$5.2 billion on health, building further on a 12 per cent increase in real terms since 1987-88 - Labor's last year in government. Education spending will be a record \$5 billion - an increase of \$195 million on last year's budget - with the major initiative being funding for an additional 1,466 teachers.

Spending on social and community services has increased by almost 63 per cent since 1987-88. Those services will receive a 6.2 per cent increase to more than \$1.5 billion. Law and order will receive \$1.9 billion with a commitment to put 500 additional police officers into active duty over the next five years. We have been most fortunate in Gladesville as we have had a record capital injection of \$25.5 million. The largest

capital injection is for an occupational rehabilitation centre at Ryde. My colleague the Minister for Multicultural and Ethnic Affairs has been deeply involved in the provision of this facility. A new world-class rehabilitation facility will be built by the WorkCover Authority at the Royal Rehabilitation Centre, Morrison Road, Ryde. The proposed occupational rehabilitation centre will be a major rehabilitation facility in New South Wales.

The Royal Rehabilitation Centre in Sydney has a national and international reputation for providing high quality rehabilitation services for people who have suffered serious illness or injury. This reputation is about to be enhanced with the establishment of the occupational rehabilitation centre. To date the success of the Royal Rehabilitation Centre can be attributed to the care and dedication of its medical director, Dr Bob Oakeshott, and specialists such as Dr John Yeo in the spinal care unit and Dr Dennis Smith in the brain unit. The goal of the proposed centre is to give employees who experience workplace accidents and illnesses the strength and confidence they need to return to work. It will cater for up to 1,000 clients annually. It will focus clearly on outcomes and expects to achieve a 65 per cent return to work rate for people who have been on workers compensation benefits for five months or more.

Facilities will include physical reconditioning areas for group exercises like aerobics. The centre will also provide individual fitness exercise programs using treadmills and exercise bikes and include multistation strength building. There will be a swimming program for both lap training and aquatic exercises. Indoor and outdoor work conditioning areas will provide a range of industrial, office and outdoor occupational environments. Seminar and meeting rooms will support the education and psychology aspects of the program. A client referred to the centre will be fully assessed to ensure the development of an individual program to meet his or her needs. This will be followed by an intensive program of up to four weeks, with careful monitoring and evaluation at every stage. Most of the clients that will be referred will have suffered recent back, neck, shoulder or arm problems. Some will have been suffering long-term pain. They will come from diverse occupational groups, many involving heavy physical work.

The centre will employ 45 staff, including doctors, psychologists, physiotherapists, sports and exercise supervisors and administrative and research staff. The centre, which will cost \$17 million, will include advance assessment facilities, two exercise pools, a gymnasium, exercise areas, simulated workplace activities, the latest exercise equipment, a research library, and cafeteria and conference facilities. The development application for the centre has been approved by Ryde City Council. Tenders for the excavation and site works will be let in October and building construction will commence shortly thereafter. The program is being prepared in close co-operation with the Royal Rehabilitation Centre, the University of Sydney and the University of Wollongong. It will be a first for Australia. I am looking forward to the establishment of this proposed centre. I am proud that such an outstanding institution will be situated in my electorate.

My electorate benefited this year from the budget allocation for roads. The Minister for Transport, and Minister for Roads said that an amount of \$1.9 billion will be spent on roads in the 1994-95 financial year. A total of \$14.85 million will be spent on roads in the Gladesville electorate. A highlight in the budget is the allocation of an additional \$104 million of untied Commonwealth road grants for the New South Wales road program. The grants include \$80 million for the safer roads program to improve road safety and attack major road accident black spots across the State. This program will include works such as realigning dangerous corners, widening roads, providing overtaking lanes and improving road marking on major arterial roads. In the Gladesville electorate a

Page 3866

project being undertaken as part of the safer roads program is the widening of Victoria Road between Linton Avenue and Anzac Avenue, West Ryde. The remaining \$24 million will be directed towards expanding a road safety education program and allowing local councils to undertake priority works on regional roads.

There will be significant expenditure in the Gladesville electorate to facilitate preliminary investigations and community consultations for a proposed Eastwood to Epping county road. An amount of \$100,000 has been allocated for environmental impact statements. That will involve consultation with the whole community to determine the width of that road and every other aspect of it. The first of those consultative meetings will

commence a little later this month at the old Eastwood Town Hall in Agincourt Road, Marsfield. Additionally, \$2 million has been spent on the widening of Victoria Road under the railway line at West Ryde. This is something on which the Minister for Multicultural and Ethnic Affairs, my colleague the honourable member for Eastwood and I have worked closely together. That work is all but complete.

Mr Photios: Resealing was finished last week.

Mr PETCH: As the Minister said, resealing was finished last week and some of the lanes are open. In the Gladesville electorate the Government has completed the widening of Victoria Road at West Ryde. The benefits to the Gladesville electorate stand out. Over the past six years Pittwater Road between Kittys Creek and Rene Street, East Ryde, has been reconstructed; improvements have been made to the intersection of Epping Road and Wicks Road, North Ryde; traffic signals have been reconstructed at the intersection of Lane Cove Road and Quarry Road, North Ryde; a roundabout has been constructed at the intersection of Waterloo Road and Byfield Road, Macquarie Park; Epping Road, between Delhi Road and Pittwater Road, North Ryde, has been restored; and Delhi Road from Fullers Bridge to River Avenue, West Killara, has been restored. Money has been allocated in this budget for construction of a roundabout at Ryde Road and Westminster Road, Gladesville. This will complement the roundabout recently installed at Monash Road and will regulate traffic and provide a high level of safety for people wishing to access Ryde Road at that point.

Meadowbank has featured well in the budget. The Crowle Home at Belmore Street, Meadowbank, houses handicapped people. These people have to cross Belmore Street or Constitution Road to go to work in sheltered workshops, and traffic on those roads is heavy, particularly in peak hours, when there is a constant stream of traffic. An amount of \$260,000 has been allocated to provide a roundabout in Junction Street, and traffic lights at the junction of Station Road and Belmore Street with pedestrian access across the road. This will also regulate the traffic. Further treatment towards Meadowbank station will improve traffic flow and will allow buses to cross from Bowden Street to Constitution Road. Traffic flow will improve in that area and will lead to an improvement in public transport, which is necessary to link up with ferry services.

The amount of \$2 million will be spent on upgrading the Meadowbank wharf, and a commuter car parking area for 200 cars will be provided. I received a letter from a constituent who is a resident of the Royal Rehabilitation Centre. Although he is profoundly incapacitated he took the time to put pen to paper to explain how difficult it was for him to access our wonderful new RiverCat ferries from the old wharf at Meadowbank. The Minister has responded to that need. The old wharf will be demolished and replaced with the latest type of pontoon wharf, which will solve the problems of this constituent and of others who suffer disabilities because it maintains a constant level with the ferries.

In conjunction with Ryde City Council 200 extra car spaces will be provided to allow commuters to park their cars and take the RiverCat to Sydney. The Minister for Transport and I have been considering an improved bus service to link West Ryde with Top Ryde via the ferry wharf. It will be a whole new concept in public transport for the people of Meadowbank, providing access to railways, buses and the magnificent RiverCat ferries. Another RiverCat will be purchased shortly at a cost of \$3.534 million. This will add to the fleet of six RiverCats and will relieve the pressure that has been placed on these ferries with the extended service to Parramatta. The RiverCat is running at 100 per cent capacity. It has been the success story of the Government. With the advent of the Olympic Games more pressures will be placed on the RiverCat, the Parramatta River services and other transport services.

Mr Photios: They are Australian made.

Mr PETCH: As the Minister rightly points out, the ferries are built in Queensland; they are Australian made. That is something we should all be proud of. Another major project, in which I take a lot of pride, is the construction of the new Gladesville police station. When the Government came to office in 1988 the Gladesville police station was just a cottage. Years ago it was a satellite of the police station at Ryde. It was proposed that it would close at 11 p.m. and have an Eaglefone service between Gladesville and Ryde. I pointed out that crime does not stop at 11 p.m. and that police should be available 24 hours a day. The Government is

providing security to residents of the Gladesville area. That security will be enhanced with the construction of the \$2.009 million police station, which is well advanced in construction and should be opened early next year. The new Gladesville police station will service an area of about 17 square kilometres. It is being constructed in the grounds of the former Gladesville hospital and will have plenty of room for expansion. The Gladesville police station will be one of the major policing centres in the western district. [*Extension of time agreed to.*]

Page 3867

The amount of \$1.010 million has been allocated for the purchase of land for a material recycling centre at North Ryde, in the vicinity of the waste transfer station. Ryde City Council has been encouraged by the initiative of the Government to introduce recycling programs. Additional land will allow recycling of vegetation such as tree loppings and trimmings. Instead of this material being taken to Lucas Heights or other landfill areas it will be shredded and turned into compost, and will be available for use in gardens. This is a major initiative of this Government and is a program I am pleased to be associated with.

The Government has ensured that all bushland in the Riverglades development in the old section of Gladesville hospital is retained. Though some of that land has been made available for housing development, it represents a very small proportion of the total. I am please to note that existing bushland is and will be retained as open space bushland. A four-knot speed limit should be maintained on the Lane Cove River - I have spoken many times on that issue in this place. Lane Cove River should be reserved for passive use such as children in canoes. More importantly, mangroves and other growths which cover the western estuaries of Lane Cove River should be maintained and preserved. I am dedicated to achieving that course of action.

Gladesville has also done very well with the education allocation, which has been a real winner in this year's budget. More than \$1.34 million will be spent on capital works and maintenance for both school and TAFE facilities in the Gladesville electorate. New South Wales has continued its commitment to providing first-class educational facilities for the young people of Gladesville in the 1994 budget, which includes funding for electorate projects valued at \$1.55 million out of a \$459 million budget statewide. Funding for the 1994-95 State budget includes more than \$428,000 for the Meadowbank college of the Northern Sydney Institute of TAFE. This funding will provide \$86,000 for the refurbishment of blocks C and J and a further \$272,000 for general maintenance. It will provide \$20,000 for earth leakage protection, that is, electricity protection, to all buildings; repairs to the foundations of blocks R and Q, another \$25,000; and replacement of damaged telephone cables, another \$25,000.

Funding has been provided for the upgrading of car park lighting in the Ryde College of TAFE, another \$25,000; replacement of floor coverings, \$49,000; tiling of kitchen floors, \$200,000; and general maintenance of the college, \$359,000. The budget allocates more than \$288,000 for schools in the Gladesville electorate, allowing for repairs and external improvements at three schools. These are: Meadowbank Public School, \$64,000; Ryde East Public School, \$210,000; and Kent Road Public School, \$15,000. I was pleased to have the Minister for Education, Training and Youth Affairs visit the Gladesville electorate. I am very proud of the support she gave to the outstanding project of the museum at North Ryde primary school.

The museum is an old classroom in an area of the school that dates back to the 1800s. The building has been preserved with tender loving care by the local committee, and the Minister has further embellished the museum with another school building which relates to the early part of the century. Those who want to reminisce can visit that museum and see, for example, the type of old China inkwell that many of us used to dip girls' plaits into, and desks with seats that fold up. One section depicts school life as it was in the 1800s, another section as it was in the early 1900s, and yet another as it was in the 1930s. The museum gives children of the northern area the opportunity to experience for themselves what education was like for various generations - for their parents, grandparents and great-grandparents. It is a unique opportunity. I am delighted the Minister has taken such a personal interest in the project.

I welcome visitors in the gallery, including members of the Epping-Eastwood Young Liberals, who are here tonight at the behest of my colleague the honourable member for Eastwood. I am pleased the Government

is spending a record amount this year on sport, recreation and racing. Indeed, the Government has been very generous over the years with its allocation of capital assistance grants which enable councils, youth clubs and scouting organisations to improve their facilities generally on a dollar-for-dollar basis. With this additional funding the Government has recognised the community need for more facilities for our young people. The additional funding, \$15 million more than last year, will go a long way to meeting the requirements of members and those who have asked for additional funding and support for the school system.

The budget provides for the repainting of the bridge between Meadowbank and Ryde. The bridge was built in 1935 by Ryde City Council - Ryde Municipal Council as it was - and was opened at that time by Mayor William Harrison. In those days that bridge was the major crossing of the Parramatta River, replacing the old vehicular ferry which ran from Meadowbank to Rhodes. The bridge was an outstanding achievement of its day. Unfortunately, like all steel structures of that era it was painted with a red lead base paint. This presented a major environmental problem for the Government to remove the red lead base paint without causing pollutants to escape into the river system and the air.

To achieve that result a special cocoon has been devised at a cost of almost \$2 million. Work is well under way on that structure. Old paint is being removed and will be replaced with a modern paint that is ecologically friendly. The bridge, when opened in about the middle of next year, will provide three lanes in a northerly direction and will complement the Homebush Bay by-pass road, which will feed the Olympic Games site. I am pleased to note that an additional \$1.3 million has been made available towards the interchange of Victoria Road and Blaxland Road at Ryde. Recently I wrote to the Minister for Roads to ask if this most important project could be accelerated. It was due to be

Page 3868

completed in 1997, but when it is opened there will be pressure on the bridge and through the Ryde city area. I ask the Minister to make additional funds available to accelerate that project. The project is worth \$31.3 million and was implemented when my colleague the Minister for Multicultural and Ethnic Affairs was the member for Ryde, before the redistribution which took place prior to the 1991 election.

I am pleased to be associated with the commitment given at that time to this project. It will be a major asset to the ring-road which will feed traffic into the State Sports Centre and the Olympic Village. Additionally, money has been allocated to widen Delhi Road at North Ryde, an important artery out of Ryde. Already traffic lights have been installed at the junction of Delhi Road and Plessey Road, North Ryde. Money is being spent on other road structures, and negotiations are continuing for a tunnel under Epping Road to provide stormwater relief for the people of North Ryde. I hope that will be completed by the end of the year. Funds amounting to almost \$800,000 have been allocated to that project. However, a legal problem has arisen with some of the land-holders. I hope that matter will be resolved so that the people who are living in the war service homes area of North Ryde will receive some relief. [*Time expired.*]

Mr PRICE (Waratah) [9.41]: I note with interest the comments made by my colleagues on the Government benches. I am amazed at the rapid increase in spending capacity provided by the budget, which allows for a deficit of \$353 million while still providing a \$200 million panic reaction fund for the Treasurer - obviously for some sort of election massaging project intended to prop up marginal coalition seats. An interesting set of circumstances has brought that about. I refer briefly to an article in the *Sydney Morning Herald* that states clearly that the budget papers indicate that this little Treasurer's fund will increase to \$250 million in the next financial year and to \$350 million in financial year 1996-97. It is nice to know that such slush funds are available. I would hope that the Government uses those funds in a bipartisan way because it is apparent from the comments of the honourable member for Gladesville that a number of electorates in this State appear to be significantly underfunded.

The honourable member for Strathfield referred to government trading enterprises netting \$1.2 billion in the next financial year. There is nothing clever about that sort of management. Government trading enterprises by and large obtain their money from the public of New South Wales, so it is merely an exercise of increasing prices to ensure that the dividend increases. Therefore, crowing about such matters is not a high priority for Opposition members. I shall refer briefly to the hospital crisis in the electorate of Waratah. I refer,

in particular, to matters of recent history: the closure of the Wallsend District Hospital and the subsequent closure of the Newcastle Western Suburbs Hospital, which have resulted in the loss of 220 beds. Both those facilities are in my electorate.

The Wallsend District Hospital, which had 180 beds still functioning and three casualty operating theatres still in normal daily operation, was closed because of financial constraints within the Hunter Area Health Service - or so we are told. During the process all services housed in that hospital were shipped out. For instance, the urology and ophthalmic units were moved. Interestingly when those services were moved from the Wallsend District Hospital they were not retained at full capacity. In other words, the number of beds available for both services were reduced and have not been restored to pre-1991 levels.

Honourable members have been told that modern technology in hospital services allows for shorter hospital stays and, therefore, an increase in throughput. The figures certainly demonstrate that. But to obtain such a quick turnaround of patients, two things must happen. First, medical staff must be trained to accommodate those factors and, second, the technology and equipment must be available on the ground. It appears that the Government moved far too quickly in the Hunter Area Health Service because all the technologies were not in place and staff was not available. Advice I received from the Minister in the past few weeks by way of an answer to a question and a letter that was the result of a complaint from my office suggested that anaesthetic staff levels would be returned to normal. Three months ago as many as 176 operations a week were being cancelled at the John Hunter Hospital - the newest and allegedly the most modern hospital in this State! The hospital with the most up-to-date technology could not operate properly because of lack of staff. To some extent this situation has been corrected, but only partially because staff levels are still not up to full strength and the hospital is still having problems.

The hospital is also experiencing difficulties with regard to bed loadings. Though it has a high turnover and patient stays are relatively short, I understand that at most times the hospital is 96 per cent to 98 per cent occupied. If that is the case, no provision is made for emergency overload, and this makes me wonder why 180 beds were taken out of the system and why the modern techniques and technology that were available to the hospital were not taken advantage of. Those services should have been available to people in the lower Hunter and to the people in my electorate in particular. I question the rationale of the efficiency cuts. Even the Minister only last night conceded that perhaps they were a little too harsh. As a result the hospital has lost considerable staff and recovery will take some time.

One disadvantage of the early discharge of patients after critical surgery is the high rate of readmission, and I refer more particularly to patients over 60 years of age. I have been advised that in many instances such patients are being turned away from the hospital. In one case a person was put in a cab - not in an ambulance - and sent home at 2.00 a.m., some 26 hours after an operation. On arriving home the person had to climb stairs, because the house was on an elevated block, and remained at

Page 3869

home without assistance. That person fell and split his surgery wound, and this caused the stitches to fall out. He was found later in a distressed state by a relative and had to be readmitted to hospital. I am advised that such incidents happen frequently.

I am advised further that statistics on readmission for critical surgery of older people are no longer kept by the hospital. If that is so, it is appalling. I believe budgetary provision should have been made for longer hospital stays by people of more than 60 years of age in cases where medical practitioners believe it is advisable to ensure that their patients are settled in and are cared for during at least the first 24 hours following their return home, particularly where hospital after care is not available through home nursing or is not provided by nurses attached to hospitals, who have wide ranging briefs.

I should like to address also problems related to oncology treatment in the Hunter region. The Mater Misericordiae Hospital at Waratah houses two major linear accelerators. Those accelerators were paid for from public subscriptions and from the proceeds of telethons conducted over a number of years by NBN3 Newcastle. That fund has provided several mammogram vehicles and has made other donations significant to the treatment

of breast cancer in the region.

Unfortunately, soon the linear accelerators will be in need of repair. One by one those accelerators will be taken out of service for periods of up to four months. In those down times people who would have been treated in the oncology section will have to be redirected to other health centres; that is, they will be sent back to treatment centres in Sydney. That will mean patients who require treatment over a number of days will be back on the old program of getting on trains and seeking accommodation in Sydney. Some of those who are redirected to Sydney for day treatment such as chemotherapy will be returning home on trains unaccompanied. Their lives will be an absolute misery. Bear in mind that under that sort of program they will spend five hours travelling on trains, as opposed to having a half-hour trip across the city of Newcastle.

For some time we have been asking the Government to provide a facility for a third linear accelerator. I suggest that the Hunter region community is capable of raising sufficient funds to install another machine, but it is about time the Government showed faith and supplied a linear accelerator. When one linear accelerator is taken out of service, even if the remaining machine operates 14 hours a day to try to offset the removal of the machine under repair, the whole treatment system could stop if there is a breakdown of the remaining machine. Radiology treatment, once commenced, must be continued for three to five days. Patients cannot be turned away mid-treatment; they have to be relocated and treated elsewhere. These health services are approaching a crisis situation, and the Government should be addressing that as a matter of extreme urgency.

I raise also the \$1 million debt of the Mater Misericordiae Hospital. The Sisters of Mercy have accumulated that debt because of the operation of the hospital under its licensing arrangement with the Hunter Area Health Service. In an attempt to overcome financial problems the hospital has decided to operate under the Catholic health care services umbrella. Although the Sisters of Mercy will retain ownership and participate in the management of their hospital, hospital operations will be a responsibility of Catholic health care services. This may save the hospital for a period, but it will put constraints on its expansion.

In addition, in my opinion it will be difficult for the hospital to continue under its existing licensing arrangement. I should like the Government to address this matter and consider what can be done to assist the Mater hospital, particularly in its provision of oncology services, to extricate itself from its current dilemma. The hospital is providing a vital service not only for communities in the Hunter region but also for those on the central coast as well as communities in the north-west and north-eastern parts of New South Wales. I understand that some patients are even referred from metropolitan Sydney to undertake treatment in the Hunter region.

I note that the John Hunter Hospital will be a beneficiary through a larger allocation of money to the Hunter Area Health Service. But that is not before time. The Hunter Area Health Service board and its chief executive officer were sacked three years ago because they had the temerity to ask for \$25 million when the hospital could not see its way clear to cutting its health costs in accordance with the direction of the Government. It is significant that the Hunter Area Health Service, even though it has been running at a deficit since that time, is receiving another \$7 million to try to offset its current budget overruns. That is an indictment of the way health services are operating in the region. I make a serious appeal to the Minister to reconsider the allocation to the Hunter and to make it more realistic, given the services available at the teaching hospital and the facility provided for the university through the Mater Misericordiae Hospital.

I now wish to address the matter of roads in the Waratah electorate. I draw attention to an item at page 72 of Budget Paper No. 4, which lists a number of Federal and State road grants relating to connectors to the F3 Freeway. I am somewhat mystified by some of the conflicting comments I have heard in this debate. The honourable member for Maitland announced that the Treasury document supplied to me as the member for Waratah contained a particular allocation for my electorate. I refer to the provision of a grade separated interchange at New England Highway and the intersection of Weakleys Drive, Thornton Road and Anderson Drive West at the New England Highway at Beresfield.

I did not mind the honourable member for Maitland mentioning that item, because basically the people of

Waratah are the beneficiaries, and that is

Page 3870

most important. However, I am intrigued that the sheet supplied by Treasury, the budget paper itself and the speech of the honourable member for Maitland contained different amounts. Budget Paper No. 4 lists the allocation as \$554,000 for 1994-95; the honourable member for Maitland lists the funding as \$77,560; and the Roads and Traffic Authority advice lists the funding as \$476,444. I can only assume that the amount mentioned by the honourable member for Maitland is the State contribution only and that the bulk of the funding is to be provided by the Federal Government. That variation in statistics is interesting, but I suppose budget time allows for certain innovation, such as the spending of other people's money and claiming it to be our own.

Mrs Cohen: Is it not our money?

Mr PRICE: I acknowledge the interjection. If that is so, I suggest the Minister ask the Minister for Transport why he has not listed in this year's budget papers the university station for Newcastle, fully funded by the Federal Government at \$2.5 million. That project was listed in last year's budget papers, but for some reason it is not listed this year, even though work on it is scheduled to commence in December. I worry about the Government's concern for the constituents of the electorate of Waratah. Funny things appear in budget papers. That sort of tomfoolery really gets us nowhere. We in this place may laugh about it, but when facilities are desperately required and lives are in jeopardy, the budget papers should be a little more accurate than the budget papers for this year appear to be. [*Extension of time agreed to.*]

I am grateful to the Federal Government for the allocations it made through its budget to a number of these highway accesses. I particularly thank the Federal Government for its funding for the construction of an overpass at the junction of Anderson Drive, Tarro, and the New England Highway. That project at least will allow a complete crossing of the highway by flyover, avoiding the accident black spot that now exists. I understand that in the past three years five people have lost their lives at that intersection. I have lived in the area for some 30 years, and on my reckoning we have lost about 32 people in those 30 years. So I really am grateful that the project is to proceed. It is vital that those who live in the suburbs of Tarro, Beresfield and Woodberry have safe access to an exit from Newcastle and Maitland via an overpass and the extended access link to the New England Highway at grade level. It is important that these things be noted. Again, I thank my colleague in the Federal Parliament for the work he did to ensure that that money was made available. I am also grateful that the two other major projects listed, that is, the duplication of Lenaghans Drive and the flyover to be constructed at the intersection of John Renshaw Drive with the New England Highway, are to proceed and significant amounts of money have been allocated to allow that to occur.

Soundproofing at State Highway 23 is necessary along the portion of the road that backs on to Vale Street, Birmingham Gardens. While most of the road has been provided with acoustic shuttering to reduce noise levels, the section I refer to has not. Certainly difficult geographic problems exist at the rear of Vale Street. Nevertheless, for a number of years the residents have been promised that the noise problem would be addressed. Because of the variation upwards in the Roads and Traffic Authority's decibel levels for acceptable noise standards, this project is currently denied funding. By every means available to me I will pursue the correction of this problem. It may not be easy to address but I do not see why 20 homes should be left out for absolute noise destruction while the other easier sections are accommodated - as they should have been. It required no major push from me for that to happen.

The residents of Vale Street have a problem and future budgets should allocate funds to correct the problem. It is grossly unfair. It is not only a matter of the sale of property; it is a matter of people being able to enjoy the quiet of their own homes, something that is impossible at the moment. The normal conduct of family business in those homes is nigh on impossible during peak hour periods, from early morning until quite late at night. In the State Rail Authority provision for the electorate of Waratah I note with interest that there is only one capital works project listed - \$600,000 for resignalling and rationalisation of the Hexham yard. That is a wonderful explanation - I am not quite sure how one rationalises a platform, but here it is in black and white.

I wait with bated breath to see what resignalling and rationalisation will do to the unmanned platform at Hexham station, while I wait patiently for some comment on the \$2.5 million university station adjacent to the Warabrook Estate. I know there has been a problem with the university station because of a requirement, which the Minister eventually agreed to, to accommodate access for disabled persons. A lift was required to be included on the station. I am advised that is now in line with the department's policy and at great expense it will be added. I find it extraordinary that almost two years after the money was allocated not one stone has been turned. There have been three different sites, a lift is now provided on one site and there is access provided to the adjacent suburb. It is all great on paper but we really need something on the ground. It would be nice to be able to catch a train from the university. The dollars are going green in the bank and we really need to do something about that. It is becoming a major embarrassment to the Government.

I note with interest that bushfires went through the suburb of Minmi in my electorate and considerable damage was done to pasture and bushland. As a result a number of public meetings were held where the local community required that a bush fire brigade be set up in the town. This was agreed to by Newcastle City Council, which did approve a branch of the New South Wales Fire

Page 3871

Brigade going into that area. The first meeting was held in February this year, yet there is still no fire station. Recently I wrote to the commissioner endorsing a proposed site and asked for action to be taken to construct the fire station. We are now in another serious bushfire season in a heavily bushed area and still we are arguing about the location and provision of firefighting equipment in that town.

Minmi has received approval for a further 200 residential blocks. It is imperative that that process be speeded up and provision made to provide that fire station. I can find nothing in the budget papers to tell me that that station will be built, yet I hear through departmental sources that it will happen. I ask the Minister to take note and act to ensure that that fire station is constructed, opened and staffed as quickly as possible. To that end, today I put a notice on the notice paper seeking further advice on the situation.

I turn now to police stations in the electorate of Waratah. I note the Waratah patrol headquarters has been set up and is now operating. I applaud the initiative of the chief superintendent in Newcastle, Superintendent Moeller, for acting in the way he has by trying to amalgamate the Mayfield and Hamilton patrol areas into the one patrol area through Waratah. That is an important step forward. There is room on the site of the old Waratah public school for that facility to expand as funds become available. Fourteen detectives are housed on site and a number of administrative functions are conducted from there. The Wallsend police station is situated in one of the old cottages adjacent to the Wallsend courthouse. I request that serious consideration be given to purchasing the abandoned Wallsend post office next door, to allow the patrols involved to expand into their own space instead of sitting on one another's shoulders; or to allow the buildings to be removed and a consolidated police station to be built on the total site.

The present situation is ridiculous. I have visited the Wallsend police station at times and spoken to police officers in their meal room. At the table next to officers having their morning tea, prisoners were being interviewed prior to relocation to the cells at Newcastle police station. That is a most unsatisfactory way for police business to be conducted. The situation does nothing for the community that has to use the facility. It certainly does nothing for the officers who try to make it work as operatives within the facility. It must be a joke to some of the people who are there for questioning when they see the paucity of the system that this State provides to uphold law and order. It is imperative that that situation be improved quickly, whether by relocation to another site or as consolidation of the total site with a new police station. I do not know, that is not my area of expertise. However, I do know that the present situation is untenable and must be corrected as soon as possible.

I note in the education budget that a rural skills centre costing \$500,000 will be built at the Kurri Kurri Technical and Further Education site. I applaud the Government and the regional director for that initiative. It is an excellent rural TAFE and this facility will make it even more operational in terms of its rural and mining activities. I wonder about the Government's planning processes when it appears that it is considering the approval of a major dross processing plant less than a kilometre away. Of course, dross is toxic waste material

from the manufacture of aluminium and the proposed site would certainly be within the wind area of that TAFE.

Given that certain controls may be applied, I ask the Government to reconsider the site of this proposed gross plant. Not only is there the Kurri Kurri TAFE to worry about, but the Kurri Kurri High School is within 800 metres of the proposed site. If a 56-metre stack is to be constructed on the factory to try to carry away the fumes, obviously there must be some perceived problem about them. I do not want to have jobs forced out of the area, but by the same token the Kurri Kurri western area has the highest incidence of respiratory diseases in the State. More than 20 per cent of the community is on some form of puffer or respiratory assisting drug. I see absolutely no mileage in allowing a processing plant of this type, that has a history of increasing the risk of these particular diseases and complaints, to be built so close to schools and TAFE colleges.

I turn now to the provision of schools for the overflow of children at Marylands Public School. Another school is to be constructed but in the meantime parents are most anxious that demountable buildings be placed on the existing site to avoid about 90 children having to commute by bus to another school. I should like this project accelerated and further consideration to be given to advancing the Fletcher Public School program because both of these projects are required urgently. [*Time expired.*]

Mrs COHEN (Badgerys Creek - Chief Secretary, and Minister for Administrative Services) [10.11]: I listened with interest to the honourable member for Waratah but, once again, the budget has been great news for the people of my electorate and western Sydney in general, particularly with the building projects that have been developed in the past few years and which are being continued in this budget. The budget provides record funding for construction of local projects in my electorate of Badgerys Creek and other areas of western Sydney, including \$3.2 million for stage one of the new Cecil Hills high school, which is in a rapidly developing new residential estate; \$3.929 million for new facilities at the Werrington TAFE college; \$14 million approximately for new sewerage and water works; and \$1.6 million towards the cost of on and off ramps of the M4 Motorway at Mamre Road, St Clair. The total cost of that project will be \$2.9 million.

I was pleased to note in the budget the many community health centres to be funded for western Sydney, and the \$500,000 towards community health centres at St Clair, Erskine Park and Penrith in my electorate. Funding has also been provided in the budget for an additional 17.6 full-time equivalent teaching positions for Badgerys Creek, which were

Page 3872

announced several weeks ago. Badgerys Creek residents, especially those living in St Clair and Erskine Park, are concerned about law and order issues, namely juvenile crime and vandalism. Residents believe that a more visible police presence is required to deal with the problem.

I regularly update the police Minister on police needs in my electorate and have successfully put the case for more police officers for St Marys station. The numbers at that station have increased by about 20 per cent since 1988, but it should be recognised that this area is one of the highest population growth centres in New South Wales and more police resources are required to keep up with the demands of the area. Therefore, I was pleased to see that money has been allocated in the budget for extra police officers. I am sure that the placement of a large proportion of those officers in western Sydney will help implement the targeted strategies that have recently been put in place in Erskine Park and St Clair to deal with adolescent crime and vandalism.

Badgerys Creek residents will also benefit from significant projects in the local area, including \$17 million to complete the upgrade of Nepean Hospital by November this year, which is the opening date of that teaching hospital. The total project cost of that hospital, including the Tressilian family care centre, is \$93 million. Some \$700,000 has been allocated to upgrade St Marys railway station, and that includes the important easy access lifts for the great number of aged people living close to the railway station. There is additional funding under the home and community care program for the expansion of services to the frail aged and people with disabilities.

I was pleased to note the allocation of \$1 million towards a new railway station for the University of Western Sydney. The total cost for that project will be \$4 million. A new railway station will give students

and people who work at the university a safe and reliable public transport system at their doorstep. At present, students of the University of Western Sydney Werrington Centre have a long walk from the college to existing public transport facilities. Though it is quite safe during daylight hours and summer evenings, it is not a particularly desirable distance for young people, particularly young women, to have to walk, and some classes of the University of Western Sydney often finish as late as 9.00 p.m.

The proposed university station will be a great asset to the area. It will encourage more students to leave their cars at home. Those cars presently add to the current air pollution problems and also pose great traffic difficulties around the local state schools. These initiatives will provide the residents of Badgerys Creek and, of course, the residents of adjoining electorates with improved services in the priority areas of health, education and transport. As I said earlier, the budget is good news for western Sydney. I wish to spend a little time detailing some of that good news. [*Quorum formed.*]

I would like to detail some of the things in the budget that are particularly beneficial for western Sydney. Health services that have been needed for a long time have finally been provided in western Sydney. We are finally receiving health resources that are in line with the rapidly growing population in western and south-western Sydney. Jobs have been created as a result of capital works in this and other areas. I will list some of the things that this Government has done for health in western Sydney since it came to office in 1988. Three new teaching hospitals have been provided: one at Nepean at a cost of \$93 million; one at Liverpool at a cost of \$183 million; and a new children's hospital at Westmead, one of the most exciting health projects in Australia, which will cost \$315 million. Those three major teaching hospitals are the result of the greatest health budget we have seen in south-western Sydney.

There is provision in this year's budget for a western Sydney breast screening centre and associated mobile mammography vans. New radiotherapy services will be of great benefit for those who are unfortunate enough to be in need of them. In the past, people needing radiotherapy services had to travel to Westmead or to the centre of the city to receive treatment. The budget allocation will enable work to continue on these major and important projects. The recurrent spending allocation for western Sydney is \$967 million for 1994-95. Allocations to various area health services are as follows: Western Sydney Area Health Service, \$476 million; Wentworth Area Health Service, \$144 million; and South Western Sydney Area Health Service, \$347 million. These allocations include funding for the following services: \$14.2 million for Nepean Hospital and other services in the Wentworth area; \$8.6 million for new services in the south-western area, including Liverpool and Fairfield hospitals; and \$1 million for new services in the western Sydney area.

Allocations are increasing year by year as new services come on board. As I have said, I am pleased at the increased funding for women's cancer services in western Sydney. An amount of \$3 million has been allocated for a cancer centre at Westmead Hospital, which will focus on research into treatment and cures for breast cancer and other cancers. The women of western Sydney will be able to go to a hospital that is reasonably close to their places of residence. They will be advised by expert people in the field about their best options for treatment if they are unfortunate enough to be diagnosed as having breast cancer. It will be reassuring for them and their families to receive such treatment. An amount of \$200,000 has been allocated in the budget for the expansion of the western Sydney breast screening centre at Parramatta and \$750,000 has been allocated for an associated breast screening centre at Liverpool, which will read the pictures that come back from the mobile vans. That centre will open by the end of the year.

Page 3873

An additional \$4 million has been allocated statewide to boost radiotherapy services for people with cancer and provide additional linear accelerators and improved transport services. It will enable faster treatment for an increased number of people, particularly in the rapid growth areas of western Sydney. The provision of health facilities in western Sydney is a matter that is dear to my heart. People in western Sydney have been waiting for these facilities for a long time. Services have not kept up with the rapidly growing population in western Sydney. Housing estates which have been planned for many years are now being constructed, as the Government was aware that there would be a rapid increase in population. In the past little was done to

improve health services, despite the fact that health Ministers lived in that area.

A number of negative comments have been made about health services in western Sydney. The honourable member for Penrith has been quoted as saying that the money allocated for Nepean Hospital has already been announced and, therefore, by implication, it is not worthy of comment. Although this allocation was foreshadowed in the budget in previous years, the upgrading of Nepean Hospital is a project of such magnitude that funding has been allocated over five years. It would be difficult to spend \$93 million in one year. Even the honourable member for Penrith would acknowledge the importance of this allocation in the budget. If that money had not been allocated this year I am sure Opposition members would have been asking where it was.

The upgrading of Nepean Hospital will be completed in November this year. That makes a mockery of the promise of the Leader of the Opposition to fast-track that project if the Labor Party is ever voted into office. The Leader of the Opposition is still making that promise. When the Nepean Hospital is finally completed later this month all the specialty units can be brought on line. A major project that will affect my area is the relocation of the children's hospital in western Sydney. A major children's hospital will finally be located where the children are. That hospital, which is well on the way to completion, will cost around \$315 million. I am of the view, after recently visiting that hospital, that we have the most up-to-date children's hospital in the Western World. There is much good news in this budget for Badgerys Creek and other areas in western Sydney. This budget lays the groundwork for sound financial management over the coming year while still providing much-needed facilities.

The budget provides a \$77 million reduction in the deficit. There are no new taxes; in fact some taxes have been reduced - good news for people in my electorate. I hope the increase in the payroll tax threshold will help local businesses in my area, which have had a difficult time during the past few years. For some time the Government has kept taxes steady. The budget provides for a total of \$1.9 billion to be spent on the roads program in 1994-95; \$132 million will be spent in the western Sydney area. Major works that affect my electorate include improvements to James Ruse Drive; improvements to Castlereagh Road, Penrith; and improvements to the Northern Road, Penrith, between Elizabeth Drive and Littlefields Road. Major transport projects for western Sydney in the budget include \$13.5 million for construction of the Merrylands-Harris Park Y-link, to be completed in 1996, and \$12 million to upgrade Blacktown station.

Some of the major transport programs in western Sydney will provide allocations for new railway stations and upgradings at the University of Western Sydney at St Marys. Western Sydney will receive more than \$87 million in the budget for schools and TAFE facilities. This includes an allocation of \$1.8 million to enable a TAFE college to be built on the site of the HMAS Nirimba. Honourable members on both sides of the House fought very hard for that TAFE college and are happy that the combined education project has been approved and funding provided in the budget.

In the environment portfolio statewide allocations which will benefit western Sydney include \$9 million for water quality programs, \$5 million for continuing air quality programs and \$8 million for waste management. In conclusion, these initiatives and capital spending are a clear demonstration of the Government's strong commitment to western Sydney. I commend the budget. [*Time expired.*]

Mr HUNTER (Lake Macquarie) [10.31]: The 1994-95 budget has snubbed the construction of a courthouse at Toronto. The budget has totally ignored the urgent need for a courthouse on the western side of Lake Macquarie. The only new capital works announced in the budget for the Department of Courts Administration was for airconditioning replacement and a mobile radio network for Sydney sheriffs. It falls far short of capital works for construction of courthouses. It is disappointing that all the Government can manage is the installation of a few airconditioners across the State. The Government has ignored the hundreds of petition signatures and repeated requests for funding over several years. Once again, the arrogance of the Fahey Government is plain for everyone to see. Once again the western side of Lake Macquarie has missed out. It now seems that the only way a courthouse will ever be built at Toronto is if a Labor government is elected on 25 March next year.

Despite the courthouse setback I welcome the allocation of \$350,000 to plan for a replacement school at Rathmines. The school is much needed and the announcement is very welcome. I also welcome the allocation of funds to plan for the construction of a Westlakes community health centre at Toronto. The Westlakes community has lobbied hard to improve community health facilities in the area for many years, and this announcement is welcome. Even though the funding for the health centre will come from surpluses from previous Hunter Area Health Service budgets, it was imperative that the centre was listed as capital works in this budget to ensure that

Page 3874

any cost overruns would be covered by the Government. I refer to policing in the Lake Macquarie electorate and to the lack of police on the western side of the lake. I raised that issue in the House a few weeks ago. A letter written to the Minister for Police, and Minister for Emergency Services on 5 October stated:

Dear Minister,

The Toronto and Morisset Community Consultative Committee seek an early review of the Toronto Police Patrol, leading to increase in numbers of uniformed Operational Police. Present Police numbers are not providing the service expected over 365 days, at four Police Stations in the Patrol area.

The Toronto Community Consultative Committee, in its letter to the Minister, pointed out that its concern reflected a growing concern in the Westlakes community that the Police Service was not meeting community expectations. This was perceived by the community as being due to police shortages. There is nothing in the budget that addressed this problem for the Lake Macquarie electorate. The consultative committee has now prepared a submission which it has sent to the Minister, outlining where it sees the problems in the Lake Macquarie electorate and how the problems should be tackled. It is a lengthy document that I have forwarded to the Minister. I believe a copy has also gone to the Commissioner of Police.

In this lengthy document the consultative committee describes patrol areas and infrastructure. It highlights the fact that the western side of the lake constitutes an area of approximately 450 square kilometres, which equates to 70 per cent of the total land area of Lake Macquarie city. The size of the Toronto patrol is unique in the Hunter police district and the Government has admitted that it is the largest patrol in the Hunter area. The infrastructure includes approximately 30 kilometres of the F3 Freeway, approximately 35 kilometres of the great northern rail line, seven railway stations, six coalmines, one of the State's largest power stations - Eraring power station - two hospitals, five high schools, showgrounds at Morisset, an airstrip at Cooranbong, large areas of Awaba and Olney State Forests, rural properties, and considerable residential growth. The Minister for Planning has indicated a growth of some 20,000 residential sites over about the next 15 years. That will result in a large increase in population.

The community consultative committee pointed out in its submission police numbers, factors that limit the availability of police in the area, poor accommodation that police have to put up with - especially at the Morisset police station, which is only a small demountable building - and outlined staff shortages at Toronto police station. The submission outlined community concerns and expectations of its police. A few conclusions to the summary are outlined. The recommendations read:

It is recommended that the following positive actions occur as a matter of urgency:-

- * A total review of Toronto Patrol take place. The review to include all aspects of the Patrol operation. Such review should not be simply limited to items covered by this overview, but should certainly address the following:-

Size of Patrol area.

Infrastructure of area.

Patrol area isolation.

Community concerns and expectations.

Uniformed Operational Police shortages.

Update of Morisset Police Station.

Patrol Commanders review and recommendations.

Amongst items considered, the significance of factors limiting real numbers of Police available for Patrol duties must form a part of the review process.

It is believed that a proper appreciation of such a review will achieve, for the Toronto Patrol, a substantial increase in numbers of Uniformed Operational Police. It is also believed that an early commencement of work resulting in an update of Morisset Police Station, which is urgently required, will also be achieved.

I bring that to the attention of the Government and state again that nothing in the State budget caters for the upgrading of Morisset police station or the allocation of extra police on the western side of Lake Macquarie. That should be urgently considered by the Minister for Police. I turn to another area of the budget, the allocation for health expenditure in the Lake Macquarie electorate. I indicated my appreciation for allocation of planning funding - planning funding only for a community health centre on the western side of the lake - but I would like to highlight a number of health problems that have arisen since the election in 1991. There has been a plague of health service and ambulance service problems that have besieged the people of the Lake Macquarie electorate and the wider Hunter community. A combination of politically motivated sackings, hospital closures, reduction in numbers of hospital beds, funding cuts and staff shortages, along with numerous ambulance service problems, have generated an unprecedented level of suffering and a complete erosion of community faith in what should be a widely respected public health system in the Hunter region.

In 1991 the health Minister told the previous Hunter Area Health Service board and chief executive officer that they had to close a hospital and cut bed numbers in order to reduce the Hunter Area Health Service budget. The health chief and the health board had the backbone to stand up to the Minister for Health and this Government. They had the backbone to stand up to the people of the Hunter and they believed they deserved the best health system that could be provided. They said no hospital closure. This Government and the current health Minister, purely for political purposes, sacked the Hunter Area Health Service board and the Hunter Area Health Service chief.

The Minister would have his cuts implemented no matter what health professionals in the Hunter said, and this will be done at any cost to the wellbeing of the people in the Hunter. The current health Minister appointed an administrator, Dr Smyth, who dutifully obeyed his political masters and closed

Page 3875

Wallsend District Hospital and later Western Suburbs Hospital. Outrage followed the announcement of the Wallsend Hospital closure, with a number of protest rallies, one of them attended by an estimated 10,000 Hunter residents, and a community picket of the hospital continued for about 18 months. Nevertheless, the health Minister would not relent. Wallsend has not reopened as a fully functioning public hospital. That closure forced the people of Lake Macquarie and surrounding areas to converge on John Hunter Hospital emergency section. That has been a contributing factor to the health service problems in the Hunter, some of which I will outline later. The Minister did not relent, and Wallsend District Hospital did not reopen as a fully functioning public hospital.

Therefore, you could understand I was left speechless by a remark made by the current area health service chief, Dr Smyth, when he told me that within the next 10 years a new hospital would be needed in the Hunter. He went further to say that he believed a new hospital would be best located on the western side of Lake Macquarie. I can agree with the location of a new hospital on the western side of the lake. However, he went further to say that he believed the north-western end of the lake in the Glendale-Edgeworth area would be the

most appropriate location. That is only a stone's throw away from the now closed Wallsend District Hospital and not much further from the John Hunter Hospital located at Rankin Park.

My question is: why did Dr Smyth agree to the Government's closure of Wallsend District Hospital when he now believes that a new hospital will soon be needed, and in a nearby suburb at that? To me it is completely unbelievable that this man, within just a number of years, believes there should be a new hospital in the Hunter region. As a result of this Government's action a great amount of stress has been placed on all medical staff in the Hunter Area Health Service, and that stress has created a less effective service. I ask Dr Smyth why he now believes a new hospital is necessary when he agreed to close one that should never have been closed?

On 19 May this year I called for an inquiry into the John Hunter Hospital because of a continuous stream of complaints about poor service which I believe resulted from staff shortages there. This led me to demand that the Hunter Area Health Service inquire into the matter. I called for an inquiry after complaints to my office had become more frequent. People came into my office with horror stories of their treatment at John Hunter Hospital. However, I emphasise that it is not the staff who are at fault. I believe the State Government, which sets funding that determines staffing levels, is to blame. There is certainly nothing in this year's budget that will address the problems of staff shortages in the Hunter Area Health Service.

I would like to quote a couple of stories that came to my office which prompted me to call for the inquiry. Three-year-old Joanne Bull, with cerebral palsy and suffering an asthma attack, was taken to the John Hunter Hospital by her mother, Susan. During their two-day stay Joanne was not given an identification armband or an ID above her bed, which could have led to her being given the wrong medication. The mother complained about the dusty floor affecting Joanne's asthma, but it was not cleaned until the end of their stay. Mrs Bull said the children in the ward were only given an egg, a slice of toast and apple juice for dinner. After bathing, both the mother and the daughter were forced to dry themselves with nappies because of a towel shortage. She said other parents in the ward had complained about their treatment and nurses had also commented on the fact that they were understaffed in the ward. I will repeat that: a mother of a child in a ward did not receive adequate care, and nurses commented to the mother that they were understaffed. Another case was of a man in his eighties with Alzheimer's disease who was admitted to hospital in agony with a broken leg but was not operated on for almost two days. His elderly wife was forced to care for him because of a shortage of nurses. He was prepared for the operation three times before the actual operation was finally carried out. Most would agree that service is just not good enough.

The final point I would like to raise is about a number of complaints I received from mothers in the maternity ward who were forced to pilfer nappies for their babies in the middle of the night because of a nappy shortage. The complaints went on and on. I called for that inquiry. At this point in time the Minister still has not answered my call. There has been no inquiry into the staff shortage at John Hunter Hospital. The budget does not address the situation occurring in the health system in the Hunter region. Many speakers have pointed out that there have been cuts in the health budget of approximately 1.5 per cent per year in annual budgets, which equals about \$50 million being pulled out of the system every year in New South Wales. The complaints I have raised are not isolated cases. They are systematic, frequently occurring problems and they are going unchecked. John Hunter Hospital is supposed to be an ultra modern facility, but some people cannot get even the most basic service because staff at the hospital are not being given the support they need.

Shortages in basic services such as towels have also created problems at the hospital. Privatisation of the hospital's cleaning service has gone horribly wrong when patients are regularly forced to dry themselves with nappies because there are no clean towels. I called on the State Government in May to ensure that the Hunter Area Health Service thoroughly investigated the problems at the John Hunter Hospital, but to no avail. As yet the Minister has not reacted. When there was no response from the Government I established a hotline to field complaints from the community regarding poor services at hospitals in the Newcastle area. I received many complaints from the hotline and I would like to outline just a few. In four short days the hotline received 143 complaints, including 84 complaints about poor service resulting from staff and funding shortages, 30 complaints

directed at staff behaviour, 17 complaints about linen, food and cleaning services, eight complaints about casualty and four other complaints. I shall mention a number of those complaints. In May 1994 a six-year-old boy had been in traction for seven days, with no linen, shortage of staff, food disgusting, and his parents were doing the nurses' work. Another incident occurred in April 1994. A man had been in hospital for three or four days, and he could not go home until he saw a physiotherapist. He had a broken ankle. The sister said he could have gone home but for staff shortages.

In September 1993 a patient was booked in for a December operation, went in, but the operation was postponed until February 1994 and then further postponed until May. When the patient finally was admitted to hospital the operation was postponed from the morning until the afternoon and the patient was taken to the theatre twice before the operation commenced. This person was appalled at the unacceptable delays. In another incident, the patient had waited since February for an operation, and the operation for the next day was postponed for a fortnight. Another incident occurred in mid-August 1993 when a patient tore tissue inside the shoulder and was finally scanned in late May and now has a three-month wait for surgery.

A further incident relates to an 11-year-old girl who was waiting for surgery. She was told she would have to wait for four to six weeks, and now must wait 12 weeks. Her sinuses need repair, she is an asthmatic, is bleeding from the nose and will now go to Sydney because she has been scratched from the list. She is getting cold after cold and will receive quicker treatment in Sydney. I refer finally to a recent incident where a patient was admitted for heart surgery, but there was insufficient staff and doctors were begging for beds anywhere. There is obviously a major problem with health services within the Hunter region. A number of the complaints fielded by the hotline were from staff working at the John Hunter Hospital. The morale of the staff throughout the Hunter Area Health Service is very low. This makes me wonder whether the current area health service's chief is capable of continuing in that position, whether he has the support of the staff in the area, and whether he should assess his situation and continue in that position. [*Extension of time agreed to.*]

On earlier occasions I have spoken in the House about problems with the New South Wales Ambulance Service. I spoke of a Wyong man who had to drive an ambulance at 120 kilometres an hour from Cooranbong to Wyong while the ambulance officer treated his seriously ill friend in the rear of the ambulance. I referred a Westlakes incident to the attention of the Minister for Health. The mother of a young Cooranbong girl with a severed artery had to keep the child's arm upright and adjust the oxygen supply while the driver got them to hospital. The Minister's response at that time was that this was adequately handled by the single officer response and that there was no major problem. I praise the officers for the work that they do under these conditions of single manned ambulances, but they should not have to rely on bystanders, who may not be available, or in the case of a distraught parent may not be in a condition to help.

The Government seems to find inadequate health services acceptable in all parts of the Hunter region, and certainly two-man ambulances are needed, particularly on the western side of Lake Macquarie. That incident occurred in September 1991 yet still today one-man ambulances are operating on the western side of Lake Macquarie. The Government certainly has not addressed that problem in this year's budget. The difficulties associated with one-man ambulances and the severe problems highlighted by the complaints hotline, together with the examples I have described of poor Government decisions concerning the Hunter Area Health Service, are indicative of the widespread problems with the health system across the State of New South Wales.

I refer now to a letter that I forwarded to the Minister for Agriculture and Fisheries, and certainly nothing in this year's budget addressed problems raised by Mr McChesney of Excelsior Parade, Carey Bay. Mr McChesney has refuted claims by the Hon. R. S. L. Jones in another place that amateur fishermen in Lake Macquarie were responsible for catching a large percentage of undersized fish of different species. Mr McChesney went on to acknowledge that amateur fishermen do keep some undersized fish. However, he said that net fishermen were responsible for the destruction of more undersized fish than recreational fishermen ever could be. Local amateur fishermen claim that netting fish before they are big enough to spawn could be a major factor in the decline of some species in Lake Macquarie. I sought clarification of the figures of the Fish Market Authority quoted by Mr Jones, as the co-signatories of the letter Mr McChesney wrote feel very strongly that those claims should be refuted. Again no allocation for funds appears in the budget for some type of

management plan for Lake Macquarie. In fact, no public works allocation has been made under the estuaries management program for the management of estuaries leading into Lake Macquarie.

Recently I raised problems in the House about funding for upgrading roads in my electorate. No allocation of funds has been made for upgrading Main Road 217 in my electorate. On a number of occasions I have written to the Minister for Transport, and Minister for Roads pointing out that at the intersection of Main Road 217, also known as Cary Street, and Victory Parade, Toronto, there is a desperate need for the installation of traffic signals. It has been estimated by the Lake Macquarie City Council that the installation of these signals would cost in the vicinity of \$60,000. The Minister has visited this area on a number of occasions and I appreciate the assistance he has given in implementing the Toronto to Fassifern greenways project. However, he would know that unless traffic signals are installed at that intersection cyclists and pedestrians using the cycleway from Toronto to

Page 3877

Fassifern will have no safe means of crossing Main Road 217. I point out to the Minister that about 25,000 vehicles travel along that road every day. Two pedestrian crossings already exist at that intersection and I would have thought that the Roads and Traffic Authority would be keen for those pedestrian crossings to be eliminated from that road. The installation of the traffic signals would alleviate the traffic problem, but no allocation has been made in the budget for that project, nor for the upgrading of Main Road 217 between The Boulevard and Victory Parade, and that is essential.

I referred earlier to the estuaries management program. Last year I was given assurances that funding would be made available in this year's budget for the estuaries management program in Lake Macquarie. Two creeks have had environmental impact statements undertaken on them to allow the upgrading works to continue. I refer to Mud Creek at Toronto and Windermere Creek at Windermere Park, which are both awaiting allocation of funds. Despite assurances from the Public Works Department in Newcastle that funds would be forthcoming in this budget, no allocation has been made. The people of the Hunter area see pollution entering Lake Macquarie and that is of concern to them. I admit that the Westlake sewerage scheme was a wonderful initiative of the former Labor Government and I congratulate this Government on continuing the scheme. That will help improve the quality of the waters of Lake Macquarie. However, the estuaries must be improved and upgraded. Creeks that lead into the lake must be improved to provide better water quality for all of Lake Macquarie.

Money has been allocated for the acquisition of land for regional parks, yet no funding has been provided for the acquisition of lands around Lake Macquarie. A private member's bill for the establishment of a Lake Macquarie State recreation area has been introduced into the Parliament. This bill has met with opposition from the Government. If the Government is genuine about acquiring open space throughout New South Wales, surely it would take the opportunity to support the establishment of a Lake Macquarie State recreation area and support, through allocation of funds to the Lake Macquarie City Council, the acquisition of the Green Point estate. I raise these matters so that the Government will closely consider the courthouse, police numbers, problems with road improvements, and the need to secure the last remaining bushland surrounding Lake Macquarie and to protect the waters of Lake Macquarie for future generations. I ask the Government to consider the allocation of funds to alleviate these problems.

Debate adjourned on motion by Mr Longley.

CAHILL EXPRESSWAY DOCUMENTATION

Mr LONGLEY (Pittwater - Minister for Community Services, Minister for Aboriginal Affairs, and Minister for the Ageing) [11.00]: In accordance with the undertaking given by the Minister for the Environment earlier today I seek leave to table documents relating to the Cahill Expressway.

Leave granted.

House adjourned at 11.02 p.m.
