

LEGISLATIVE ASSEMBLY

Wednesday, 30 November 1994

Mr Speaker (The Hon. Kevin Richard Rozzoli) took the chair at 9.00 a.m.

Mr Speaker offered the Prayer.

CHILDREN (PARENTAL RESPONSIBILITY) BILL

SUMMARY OFFENCES AND OTHER LEGISLATION (GRAFFITI) AMENDMENT BILL

Second Reading

Debate resumed from 24 November.

Mr AMERY (Mount Druitt) [9.01]: I lead for the Opposition. The Opposition supports the general thrust of the Children (Parental Responsibility) Bill and cognate bill, but will move a number of amendments to both bills in Committee. A number of Opposition members want to address several aspects of the bills and amendments to be proposed to them in Committee, so I anticipate lengthy debate on the proposals. The weekend newspapers have picked up what has been a contentious issue within Government ranks. Summary offences, parental responsibility and youth policy are always contentious issues within the Labor Party, and promote healthy debate. That is probably more than has occurred within the coalition parties. If the weekend newspapers are to be believed, there has been virtually no debate whatsoever of those issues by the coalition. Last Thursday, in the closing hours of the sitting week the Premier gave his second reading speech, much to the surprise of members of the Opposition and of the Government - not only Government backbenchers but many Cabinet Ministers.

It is obvious that in the lead-up to the next election this proposal is seen as some sort of winner for the Premier and his Government. The electorate has woken up to the fact that, contrary to what the Premier said in his second reading speech, after seven years in office the Government has failed to address the issues of youth policy, law and order, and crime on our streets, particularly the involvement of young people in street crime. That has been highlighted in both the Parramatta and Cabramatta by-elections, but particularly in Cabramatta, where street crime was a major issue, second only to health. These bills will address a number of issues which I and the Opposition support. The Children (Parental Responsibility) Bill - the primary bill - is designed to enable courts to require parents to be present during criminal proceedings against children. Having been a member of the police force for many years, I am aware that many of the provisions summarised in paragraphs (a), (b) and (c) of the explanatory note to the primary bill only formalise common practices of the courts and of police officers. The first object of the bill is:

- (a) to enable courts to require parents to be present during criminal proceedings against children;

Many people from the legal fraternity would be aware that, wherever possible, parents are requested to attend court where persons under the age of 18 are charged with an offence. However, there are occasions when parents will not attend court, perhaps because of shame or lack of responsibility. It is hoped that, by writing into the law a requirement that parents be present during criminal proceedings

involving children, the bill will address circumstances where parents feel it is not their responsibility to be involved in legal proceedings involving their children, or would let their child go it alone. The second object of the bill is:

- (b) to enable courts to require children to give undertakings as to future behaviour (including parental supervision) and to require parents to be present at court in the event of a breach of such an undertaking;

In some ways this provision only codifies or writes into legislation what is already common practice, particularly the first part of the provision enabling courts to require children to give undertakings. Undertakings by children in Children's Courts, as well as by adults in general courts, are normal practice, particularly in regard to suspended sentences and bail matters, and are an alternative to custodial and other serious penalties. The requirement for parents to be present at court in the event of a breach of an undertaking may be a bit hard for some parents to swallow. However, if parents are to be made responsible for their children's crimes, the provision placing an onus on parents to appear in court regarding an alleged breach of an undertaking should be given a fair trial. The fair trial period will be the subject of an amendment to be moved at the Committee stage. The Opposition will seek that the bills be reviewed after 12 months. The third object of the bill is:

- (c) to enable courts to require parents to give undertakings concerning the future behaviour of children and other matters;

This matter has previously been dealt with in courts. Where offenders of 16 or 17 years of age give undertakings to a court, this bill will require the parents to give an undertaking that they will do everything in their power to ensure that the undertakings are upheld and that the behaviour of the child improves, which is the desire of the courts when dealing with an offender in a non-custodial way. The fourth object is:

- (d) to enable courts to require family counselling when a child is found guilty of an offence;

That is a common practice in Children's Courts. Whilst many social workers are opposed to many, if not all, the provisions in the bill, it is fair to say that those involved with social work have done a great job

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in family counselling and child welfare. This bill expands their role and provides legislative backing for the role they play. The family counselling option may be restricted by the fact that courts will be given stronger powers under the legislation to require a family or a child to undergo this form of counselling. The fifth object of the bill is controversial. It is:

- (e) to make it an offence for a parent, by wilful default or by neglect to exercise proper care and guardianship, to contribute to the commission of an offence by a child;

This will be a pig's breakfast for the lawyers. It sets a principle or guideline which tells parents that they have a responsibility to care for their children, particularly in the wake of a court case where undertakings have been made. Parents who, by wilful neglect, contribute to the commission of an offence, could be prosecuted. In many cases this will be hard to prove. How does one prove that a parent has been neglectful, for example, where the child involved is known to be uncontrollable? There is a grey area between the issue of parents having the ability to control an uncontrollable child and parents who, by their neglect or actions or inactions, contribute to the commission of an offence. While this provision could be held out as a big stick on some occasions, I would be surprised if it results in a high incidence of convictions. Another object of the main bill is:

- (f) to provide for the safe escort of children from public places to their homes or certain other places, where police officers consider this action may reduce the likelihood of crime or the exposure of children to risk.

This has been an issue of contention not only within social worker groups but also within the Labor Party. Some people are concerned about giving police the power to determine the age of young persons, whether they are about to commit an offence, and detaining them in custody without laying a charge against them for an offence but merely on suspicion. I have more trust in the system than some detractors from this provision outlined in that part of the explanatory note. I recall the provisions of legislation - repealed during the Wran-Unsworth years - enabling police to pick up a child they believed was exposed to moral danger. As a former police officer working in the Parramatta area I had to deal with a case where a girl of about 13 years of age was in the company of a group of about six or seven male youths, obviously between the ages of 16 and 19, during the early hours of the morning.

Under the provisions of legislation dealing with exposure to moral danger, police had power vested in them - and it was common practice - to take such a child into custody, deeming that person to be exposed to moral danger or in some form of danger. In those days the young person was taken to a police station, there being no other refuges or safe places to take a child found in those circumstances. The normal practice was to telephone the parents. In certain circumstances, the child could be charged with being exposed to moral danger. In most cases it was a matter of contacting the parents and having the child returned to the home. In the case I instanced, the parents were not aware that the child was out of the home; the child had skipped out the back window after the family had gone to sleep. It is not always the case that young people are on the streets because of parental neglect.

I have received letters from the New South Wales Council for Civil Liberties. The council considers this legislation to be somewhat radical. In the past the law provided the option of removing a child from a public place and taking it home or to another place if it was felt there was a likelihood of an offence being committed or of the young person being exposed to moral danger. This provision is not altogether new. Some of the provisions outlined in paragraph (f) of the explanatory note are new and were not contained in the legislation to which I referred. I have received many letters from the Council for Civil Liberties which I shall comment upon. The first letter, addressed to me and dated 28 November, was signed by the President, Mr J. R. Marsden. He wrote:

The Council for Civil Liberties expresses grave concern in relation to the legislation known as "Summary Offences & Other Legislation (Graffiti) Amendment Bill, 1994.

That is the bill cognate to the primary bill. Another letter also dated 28 November states:

The Council for Civil Liberties views with grave concern the legislation that has been introduced into the New South Wales Parliament known as the Children (Parental Responsibility) Bill, 1994.

In general terms I do not agree with the views of the Council for Civil Liberties. In relation to the Summary Offences and Other Legislation (Graffiti) Amendment Bill, Mr Marsden said:

The power sought to be given in this legislation under Section 10 A already exists in the legislation which is present law in this State.

The second offence sought to be created by the legislation is, frankly, an absurdity. The offence states "a person must not have a spray paint in the person's possession with the intention that it should be used to damage or deface premises or other property". It is ludicrous to suggest that that offence will not be used to abuse the individual's rights, it is ludicrous to suggest that that offence will not be used to attack individuals, rather than a proper protection of our society.

I question the angle of that view. Mr Marsden said also that the bill has been haphazardly put together. I agree with him on that point. Mr Marsden said also:

... it has not been thought through and, frankly, it is bad law being pushed again by Parliament that is

hell bent to win prizes for being "tough".

There is probably some truth in that paragraph of his letter. I cannot accept his assertion that making the possession of a can of spray paint illegal in certain circumstances is, to use his terms, an abuse of the individual's rights. Nor can I agree with his statement that it is ludicrous to suggest that the offence will not be used to attack individuals. I do not know whom the council is representing, or whose civil liberties it is seeking to protect. In discussing this matter recently I said that the cognate bill will

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place on police the onus to prove that the possession of the spray paint was for use for an unlawful purpose. Of course, young persons buy the product to spray-paint bicycles, handymen use it for jobs around the home, and it is convenient for the restoration of motor vehicles and so on.

A literal reading of the letter from the Council for Civil Liberties could suggest that police will be conducting raids in shopping centres on a Saturday morning to pick up young people who are taking home cans of spray paint in shopping bags which may also contain daily newspapers, cartons of milk and other items. It is ludicrous to suggest that this power will be abused, to use the council's term, "to attack individuals, rather than a proper protection of our society". On the contrary, in supporting this bill I submit that where police in patrol vehicles detect numbers of youths on railway stations at 2 o'clock in the morning sitting in waiting rooms, with no staff around - and the trains under this Government halt at midnight - with bags containing cans of spray paint, perhaps some handyman's tools and cans of drink or whatever, it is reasonable to suspect that the spray paint is not intended for a lawful purpose such as spray-painting a bicycle or for home handyman work.

In those circumstances I would consider it reasonable to assume that the youths have that spray paint in their possession to commit some form of offence, obviously an act of vandalism. It would be incumbent on the police to take action in those circumstances. It is anomalous not to be able to charge a person in possession of this product in such circumstances when misuse of the product has caused millions of dollars worth of damage to community and private property. Though I accord the letter from the Council for Civil Liberties due respect, I disagree with the sentiments expressed in it. Those who have put forward such views should visit the suburbs and see the damage caused by vandalism of not only public property such as railway stations and schools but also of private property. The adverse visual impact of the damage done to public property in western Sydney is an absolute disgrace. In recent years that kind of vandalism has been on the increase.

I have noticed the increasing popularity of Colorbond fencing on corner blocks to protect property, keep animals in yards and so on. The damage caused to such fences erected by private citizens must be heart-breaking. Colorbond fences are not inexpensive and many people must struggle financially to place that protection around their homes. Defacing it, sometimes in an obscene manner but certainly in a way which detracts from the value of the place, is a wilful destruction of a person's personal property. I hark back to this statement in the letter from Mr Marsden:

It is ludicrous to suggest that that offence will not be used to abuse the individual's rights.

I would like the Council for Civil Liberties to write to me about the victims of wilful acts of vandalism and destruction of personal property. Any police action which can reduce the number of children carrying spray cans for wilful and illegal purposes will be welcomed by those responsible for public property and the cost of repairing damage to it, such as the principals of high schools, who have autonomy in the preparation of budgets to maintain school property. The Opposition will be moving amendments because some of the penalties provided in the legislation are over the top. I refer to item (3) of schedule 1 to the Summary Offences and Other Legislation (Graffiti) Amendment Bill, which proposes the following amendment:

(3) Sections 10A, 10B:

After section 10, insert:

Damaging and defacing property by means of spray paint

10A. A person must not, without reasonable excuse (proof of which lies on the person), wilfully damage or deface any premises or other property by means of spray paint.

Maximum penalty: 20 penalty units or imprisonment for 12 months.

Having regard to the young age of the persons who commit this sort of offence, it is over the top for the bill to provide a penalty of imprisonment for 12 months. That provision will not be enforced by the courts. Severe penalties including gaol terms are provided for many offences in our community but the courts simply do not implement them. It is far-fetched for the Government to expect that any offender, whether a first offender, a third offender or whatever, will be ordered to serve 12 months in prison for such an offence, unless it is related to a number of other offences. Schedule 1 proposes this further offence:

Possession of spray paint

10B.(1) A person must not have spray paint in the person's possession with the intention that it should be used to damage or deface premises or other property.

Maximum penalty: 10 penalty units or imprisonment for six months.

(2) If a person is convicted of an offence under this section, the court may, in addition to any other penalty it may impose, make an order that the spray paint be forfeited to the Crown, and the spray paint is forfeited accordingly.

Not many courts order the return of property. This legal provision will make confiscated property the property of the Crown. It is common practice for courts not to order the return of confiscated spray paint to a youth who is found guilty of this offence. Courts are unlikely to order the return of such property. The Opposition amendments propose the inclusion of a number of provisions in the bill because it is unlikely that the courts will send anyone to prison for this offence. A few examples of the actions of some sentencing magistrates and judges have been highlighted. The Opposition amendments provide for community service orders so that offenders can be put to work to repair the damage caused by their actions. Our amendments, which will be debated more fully in Committee, will be useful in dealing with offenders.

The bill provides for community service work if a person defaults on the payment of a fine. Initially, some instructions should be given to sentencing

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magistrates and judges as to the use of alternative penalties, rather than simply imposing a fine or possibly gaol for up to 12 months for some offences. Some concerns have been expressed within the Labor Party room about this matter. I have faith in the system and in the checks and balances. I know that persons will not be arrested for possession of spray paint for the reasons absurdly put to us by some people who wish to make the point that innocent individuals will be arrested for this offence. I have no doubt that if police were to arrest a person who possesses spray paint that is obviously intended for a legal purpose, not only would the offence not be proved but the police involved would be the subject of a complaint to the Ombudsman. Since the days of the introduction of the Summary Offences Act by the Askin Government and so on, many checks and balances have been included in police procedures, such as the Ombudsman and the Independent Commission Against Corruption, which make it extremely unlikely that this sort of abuse would occur.

Legislation such as this is long overdue to enable the arrest of a person in circumstances in which an offence is about to be committed. It is no good hoping that police will be able to arrest a person in

possession of a spray can and painting a fence, a school or whatever. Although that happens occasionally, the arrest rate is obviously very low. The damage being caused by this type of offence shows that existing legislation has not been effective. The provisions in this legislation will send a signal to young people that, certainly after normal store trading hours, they will need to be cautious about and aware of not carrying spray cans at times when it would not be considered that they are doing so for a legal purpose. The onus is put back on the young person. Let us not have any of the drivel that innocent individuals will be attacked as a result of these changes. The people who will be attacked will be those in the community who have the sole intention of causing malicious damage to public and private property. I return to the primary legislation, the Children (Parental Responsibility) Bill. I received another letter from the President of the Council for Civil Liberties dated 28 November and signed by Mr Marsden, which states:

This Bill is totally unnecessary, it is inappropriate in the circumstances, it is a knee-jerk reaction to a perceived problem and it introduces a policy that is more characteristic of a Police State, rather than a social democracy.

Mr Marsden correctly says that the legislation is poorly thought out. The way in which the Government has rushed the legislation into Parliament in the dying days of this session before the State election on 25 March supports the view that there is a political motive and a political stunt involved - if only to nominate the Speaker for the discovery award. I return to what Mr Marsden said. I do not believe that the legislation is totally unworkable. As I said before, many of the provisions in the bill are already in use; the controversial matters will need to be tested by law. The letter continues:

A policy which allows police to deprive youth of their liberty on the basis of essentially nothing more than suspicion is clearly against all principles of human rights and civil liberties that we, as a social democracy, appreciate, respect and uphold.

One cannot argue against that statement but it is a purist line; it is certainly not consistent with what is occurring on our streets. I have listened to a number of honourable members of this House, especially Opposition members, on this issue. As I said earlier, the new honourable member for Cabramatta highlighted the problems of youth violence in her electorate. Recently, the honourable member for Londonderry reported to one of our branches on the young age of youths in gangs, and so on. Perhaps some of our so-called human rights and civil liberties have been abused. When one considers the crime rate and the number of children on our streets in the late hours of the evening and the early hours of the morning, perhaps our human rights and our civil liberties have been abused. The Council for Civil Liberties brought to my attention an article in the *Sydney Morning Herald* of 24 November. That article put it correctly when, in relation to holding parents responsible for the actions of their children, it argued:

Yet the Court, confronted by obvious cases of neglect, presumably will be under some constraint to make orders against the most clearly errant parents. In a very few cases that might be salutary. In many others, however, it would make a bad situation worse. Incompetent parents, judged negligent when their children offend, will hardly be better disposed towards their children as a result. Instead of making such parents more responsible, punishment is just as likely to make them vengeful and even less able to keep their children well behaved and out of trouble. Not only that, any punishment of parents correspondingly reduces the degree to which children are made to face the consequences of their own bad behaviour.

I do not think anyone would argue against that. While all legislators around Australia - if not around the world - are wrestling with the difficult problem of what to do with youth on our streets, it is fair to include that warning in any debate. Obviously, we all come from families - nothing is more true. When a parent is punished by the courts for the actions of a child, the parent is not only negligent but incompetent. Perhaps some form of revenge will be taken on the child. The result this bill hopes to achieve may be negated by the actions of parents and the break-up of families. Therefore, the Opposition will move an amendment in Committee in this regard.

This bill is an experiment in relation to parental responsibility. Perhaps just by the passage of this bill there will be an improvement in parental responsibility. However, there may be well publicised cases highlighted by the *Sydney Morning Herald* which may negate any positive intentions of this legislation. The Opposition will move an amendment at the Committee stage to provide that Parliament re-examination the legislation in 12 months time. We will be able to see how the bill has worked, what the courts have done and the reactions of parents who have been prosecuted - that is, of course, if any have been prosecuted. I said earlier that this bill will be a lawyers' pig's breakfast. I have sat in a court

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and watched two lawyers fight for 2½ hours over the definition of "stop". The wording of this bill will make for some interesting court debates. Whilst the bill, in principle, sets a standard that we should all hope to live by, I believe convictions will be very few and far between. I refer again to comments made by Mr Marsden in his letter, which I presume was sent to all honourable members. At page 2 he stated:

It is wrong to give the Police power to deal with someone on suspicion. It is wrong to give the Police power to take a person into custody on suspicion. However, the legislation simply will not work. It will not work for the following reasons:

1. The juvenile facilities referred to by the Premier do not have the facilities where persons can be kept in temporary care away from imprisoned offenders or persons on remand.

I do not agree with his first paragraph. His second paragraph refers to an operational problem the police will have, particularly those in country areas which do not have the facilities. Persons who are not going to be charged with an offence could be kept in some sort of temporary care, but they should not be placed with imprisoned offenders or persons on remand. The Opposition is concerned about that; it will not allow these people to be detained at police stations. The Opposition will move amendments to that aspect of the bill. This bill will create operational problems for police in rural areas. The pressure will be on to ensure that persons are taken back to their residence or their family. That is a valid concern. If persons who are not to be charged with an offence are held for their own safety - and only on the suspicion that an offence may be committed - it is imperative that they not be kept in custody with a person who has been charged with an offence or who has been remanded for an offence. Mr Marsden, in outlining why the legislation will not work, continued:

2. There are not many such juvenile facilities.

There are a number of such facilities in Sydney, but probably not enough to address the intention of this bill. Every facility that I have had dealings with, particularly in my electorate, is overloaded and there is a waiting list. If the Government does not set up new facilities, this bill will be all words; its chances of being operational will be very thin. Mr Marsden continued:

3. If a young person is taken into custody at Bega, where do the Police take that young person? I suppose the young person is locked up in a cell at the local Police Station.

What Mr Marsden is saying is true. I am not familiar with the circumstances at Bega, but I know that in many country areas there are police stations but no other lockups or refuges to allow the provision of this bill to be implemented. The pressure will be on to ensure that persons are taken home - if they have a home. Rural homelessness is not an insignificant issue. There are some operational problems. The Opposition will move amendments to ensure that police stations are excluded as places of custody so far as the provisions of this bill are concerned. I might now get off the case of the Council for Civil Liberties; its letters always seem to inspire me to make comments of some sort. The Children (Parental Responsibility) Bill was rushed into this House last Thursday. I will be interested to hear what contributions Government members made in the party room, or whether they were given an opportunity to make contributions.

Mr Kerr: Tell us about caucus.

Mr AMERY: I am pleased to hear the honourable member use the Labor term "caucus" for his party room. The way in which this bill was rushed into the Parliament, without consultation, deserves to be scrutinised. The Government's party room was not aware of the bill. It was dropped in the lap of the Opposition in the dying days of this parliamentary session. The bill is something the Premier can hang his hat on in the lead-up to the election as some get tough law and order policy. The Opposition has been advised that the Juvenile Justice Advisory Council was not consulted during the preparation of the bill; only the senior children's court magistrate was consulted by the Government.

The Government should be condemned for its lack of adequate consultation. The Government made a lot of announcements with respect to the launching of its white paper into juvenile justice. This bill is inconsistent with the consultative approach which I believe is the trademark of law reform, particularly on youth and crime matters. Such consultation has been the practice of governments in the past, both conservative and Labor. The Opposition will move an amendment to allow a review in 12 months time. There will be consultation and flaws will be revealed. After 12 months, the bill will either be repealed or rewritten. The bill defines "parent" as follows:

- (a) a guardian of the child; and
- (b) a person who has custody of the child,

but does not include the Minister administering the Children (Care and Protection) Act 1987 or the Director-General of the Department of Community Services, or the father or mother of the child if the father or mother has neither guardianship nor custody of the child.

State wards, people who are not living with their parents but who are in the custody of a government agency, and people living on the streets will not be addressed by this bill. This will be a major problem. I will be interested to see how the Government addresses that anomaly. I refer to part 2 of the bill, which deals with parental responsibility. A court exercising criminal jurisdiction with respect to a child may require the attendance of one or more parents of the child. This has been common practice and is reasonable. I support the principle. It will be interesting to see how many more parents attend court as a result of this provision. A court that finds a child guilty of an offence may release the child on condition that he gives an undertaking to submit to parental or other supervision as ordered by the court; to participate in a specified program, or attend a specified activity centre; to reside with a parent or other person as directed by the court - that may sound like common sense, but in many cases it is easier said than done - and to do other things as may be specified by the court. That is an umbrella clause.

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Undertakings by children can be varied. They can undertake to go back home, to undergo Government programs, or to submit to parental guidance. Parents have to give assurances that the undertakings given by the child will be supported and enforced. Parents can give an undertaking that one or more parents of the child will give security, whether by deposit of money or otherwise, for the good behaviour of the child until the child turns 18, or during a shorter period specified by the court. One or more of the parents can give a supplementary undertaking to the court to guarantee the child's compliance with an undertaking given by the child; to take specified action to assist the child's development and to guard against the commission by the child of any further offences; and, to report at intervals stated in the supplementary undertaking regarding the child's progress.

One or more parents of the child can give an undertaking with or without conditions to do or to refrain from doing the act or acts specified in the undertaking for a period not exceeding six months, or in exceptional circumstances 12 months, but in no case extending beyond the child's eighteenth birthday - obviously a child is no longer a child after its eighteenth birthday. If a parent fails to comply with such an

undertaking, the court must not take any action against the child. The Opposition genuinely supports such provisions, as well as provisions concerning family counselling, which I have outlined.

Mr Hartcher: Tell us about it. We would like to hear some more.

Mr AMERY: You will get some more. I have it here.

Mr SPEAKER: Order! The honourable member for Mount Druitt will address the Chair.

Mr AMERY: The bill creates an offence with a maximum penalty of 10 penalty units if a person, by wilful default or by neglecting to exercise proper care and guardianship of a child, has contributed to the commission of an offence of which the child has been found guilty. When the parent is found guilty of this offence the court may require the parent to undergo counselling, together with the other provisions I have mentioned. The bill deals with a number of controversial issues. The Opposition will circulate a number of amendments, including one to delete the reference to police station in prescribed places to ensure that no police station is a prescribed place; and one to require the compulsory reporting of child abuse by police if such abuse becomes apparent to them upon returning a child to a parent's or carer's residence.

I pick up the terms of the Council of Civil Liberties when it expressed concern that any child could be the subject of revenge by parents. If some of the provisions of this legislation are enforced, the Opposition's amendment will ensure that police become reporting officers under the Act to report any evidence of child abuse. The Opposition will require a review of the legislation after one year of operation. A number of the provisions, whilst they are common practice, are controversial. The impact on some children may be more severe than the bill intends. The Labor Party believes that within 12 months of the election in March of the Labor Government, enough evidence will be available to consider rewriting substantial parts of the bill.

The cognate bill will go a long way to reducing the incidence of graffiti caused by spray cans. It will allow police to take action against youths seen after trading hours and to have people brought before a court on matters which, previously, were not an offence. Young persons have been able to flout the law by carrying spray cans after a certain time, but the cognate bill states that not only their use but also their possession for illegal purposes is an offence. The distribution of spray cans and how they are sold at retail outlets has been the subject of consumer affairs discussions not only in this State but around Australia. I understand that many western world countries are considering how the sale to young persons and use of spray cans by them can be restricted.

It is a difficult situation. Whilst a lot of consultation is occurring on the matter, I do not believe we should have to wait for it to be resolved before we legislate to make the obvious possession of a can of spray paint an offence under some law of this State. That provision in the cognate legislation is welcomed. I will address the amendments in more detail at the Committee stage. With qualified support, with the need for some amendments and with the need for review after 12 months, the Opposition supports the bill.

Mr RICHARDSON (The Hills) [9.45]: I support and welcome the cognate bills. Whilst statistics suggest that the Government's major law and order measures are working and the instances of serious crime are either static or declining, the level of juvenile delinquency appears to be on the increase. Juvenile delinquency tends to be the most visible and, therefore, the most pressing law and order problem today. My electorate has experienced significant problems of vandalism to letterboxes, under-age drinking, drug taking - which, unfortunately, seems to be rife everywhere - and other acts of minor vandalism, including graffiti, which is most visible on the railways. I was disturbed to learn late last year or early this year that the clean-up bill for graffiti on the railways is approximately \$40 million. It is far too much, and something needs to be done about it.

No suburbs in Sydney are immune to graffiti and the menace has spread to the country as well. In the past year I have campaigned to have new laws introduced to cope with graffiti following an incident at Castle Hill Public School late last year. I attended the infants department of that school and I saw the most foul and obscene things I have ever read spray-painted on one of the walls of the school for the edification of the five year olds. I saw red after that - the paint was not red - and felt that something had to be done. I researched the subject extensively and talked to police, to graffitiists, to the Australian Paint Manufacturers Association Incorporated, to the Aerosol Association of Australia, to the State Rail Authority, and to authorities in Western Australia and

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Victoria. I flew to Melbourne to confer with members of the Victorian Government about the problem. I have even conversed with municipal authorities in New York about it.

Mr Hatton: Did you speak to the young people?

Mr RICHARDSON: Yes, I did speak to the young people. I went out to Blacktown and had a chat with them. Much of what I recommended in my report of 8 May to the Government has been seriously considered and may well be adopted by the Government, either through this bill or through the non-legislative part of the Government's graffiti action plan, which is yet to be announced. Graffitiists tend to be attention seekers. They are underachievers. They achieve status among their peer group by spraying their tag in as many places as they possibly can. Many of them are also members of street gangs. Criminologists Susan Geason and Paul R. Wilson estimate that approximately 300 groups involving up to 3,500 youths aged from 12 to 18 years of age, may be involved in the graffiti subculture in New South Wales. The police water those figures down slightly. They estimate that there are at least 140 graffiti gangs or crews with a membership of about 850 graffitiists or writers. We are talking about a comparatively small number of people, but they are doing an awful lot of damage.

The bill will help to sheet home to offenders and to magistrates that graffiti is something the community is no longer prepared to tolerate. The maximum penalty, as the honourable member for Mount Druitt reminded us, for defacing property with spray paint is to be set at \$2,000 or 12 months gaol. The penalty may seem extreme, but it should be remembered that the total cost to New South Wales of removing graffiti is approximately \$100 million a year. One has to look at it in the context of individual victims of the crime. The police graffiti task force told me of a lady who bought a home in Erskineville. She was due to move into the home, but the graffitiists got there before her. It cost her \$17,000 to undo the damage.

The honourable member for Strathfield told me yesterday that a constituent who came to see him had spent \$18,000 building a sandstone wall around his property. A couple of weeks later the graffitiists had struck and, as I understand it, the bill for cleaning up the damage was around \$8,000. A group of graffitiists from Brisbane stole a Porsche and went on a three-State rampage. They took Brisbane apart, drove down to Melbourne and spray-painted Melbourne - painted the town red - came back to Sydney and were apprehended in the rail yards at Hornsby. They caused hundreds of thousands of dollars worth of damage during that one rampage.

It should be remembered that, to gain status, a graffitiist has to spray his tag on trains at least one thousand times. If it costs \$400 on average to clean off each example of his or her work, that is a bill of \$400,000 for each serious graffitiist. The honourable member for Mount Druitt referred to the penalties that the Government suggests should be introduced and claimed that they may well be too extreme, but there are certainly precedents for this around the world. In 1984 New York passed public ordinances to make the maximum penalty for defacing public property in this way \$US500 or three months gaol - penalties roughly comparable with those proposed in the bill.

The bill also makes it an offence to carry spray cans with intent. Under the Unsworth Government, carrying an object with the intent to damage property became an offence with a maximum penalty of three years gaol. The Government has watered that down a bit and it will mean that the matter can now be

dealt with summarily and it will be much more likely that the police will want to prosecute offenders. The Government happens to think that that is beneficial. The offence of carrying spray cans with intent to deface property is similar to a New York ordinance. In fact, New York introduced an anti-graffiti package in 1984. Before the introduction of that ordinance 95 per cent of trains in the subway were vandalised with graffiti, but by 1988, 94 per cent of the trains were clean.

A lot can be achieved and, obviously, legislative measures are needed to back up the police. If one talks to police about the problem, they say it is very hard to catch the graffitist in the act. It takes only 30 seconds to paint the entire side of a train with a spray can, so if police are not present during that 30 seconds they are unlikely to get a conviction. I agree with the statement of the honourable member for Mount Druitt that the carrying of cans on to a train really ought to be an offence. It is most unlikely that someone on a train or a railway station at 2 o'clock in the morning would have spray cans in a backpack for any honourable purpose, or that a young person would be carrying spray cans on to a train with the intention of touching up his pushbike at the end of his journey.

The honourable member for Mount Druitt also talked about community service orders but he really did not stress the fact that the Government's bill will place renewed emphasis on community service orders. That is certainly something I endorse and it is part of the anti-graffiti package that I proposed to the Government earlier this year. There is no glamour in scrubbing away graffiti. There may well be glamour in spraying one's tag all over property and seeing the train circulate with that tag on it, aware that thousands of people would get to see it; but the graffitist scrubbing away the graffiti or painting over it on a Saturday morning is unlikely to gain the kudos that I understand graffitists want to achieve.

The total package will include an education campaign, which I welcome. I think that that, in conjunction with the other measures, will go a long way towards reducing the incidence of graffiti. There is only one real disappointment in the bill - and the honourable member for Mount Druitt mentioned this - and that is that there are no restrictions on the sale of spray cans. I am certainly in favour of the cans being put behind the counter and made available only to people over the age of 18 years. About 80 per cent to 90 per cent of cans used by graffitists are stolen. In fact, when I did some radio interviews about this issue earlier this year, I had a phone call from a member of the South Australian Government

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who owns two paint shops. He was very strongly in favour of a national approach to the problem. He has had two burglaries in his shop which caused \$5,000 worth of damage, and the only items stolen were aerosol spray-paint cans.

I understand that the Retail Traders Association will be invited to join in a voluntary code to provide some security measures for cans in stores. I would certainly encourage that and indeed exhort the Retail Traders Association and retailers in general to do something to attempt to get the cans behind the counter or locked up so that they cannot be stolen. A voluntary code was attempted in Victoria. When I went to that State, I was taken to McEwan's store in Bourke Street - two hardware chains have been involved in that code since 1990 - and about 1,200 cans were on open display. There were no security measures, video cameras were pointed in the opposite direction, and there were magic eye buzzers in other aisles but never in the aisle where the spray cans were. There appeared to be no defence against graffitists coming in to the store and stealing cans.

The other issue that I think the Government ought to consider at some time in the future is the issue of broad-tipped markers. Broad-tipped markers are used in a number of instances to deface property. The ink may be a little easier to remove than paint from spray cans, but it really does not lessen the amount of damage that is being done. In New York it is an offence, also, to carry broad-tipped markers - that is, markers with a tip of more than $\frac{1}{8}$ of an inch across - on to public property with the intention of defacing it. Perhaps the Government might look at that issue in the new year, after it is re-elected on 25 March.

The second part of the package is the Children (Parental Responsibility) Bill and, certainly on the

basis of what my constituents have been saying to me, the measures in this bill will be welcomed. Many parents do not know where their kids are at night, or do not care; as the honourable member for Mount Druitt conceded, many do not even turn up in court when their kids are before the court on criminal charges. Whether that is because of shame, as he suggested, or indifference, does not really matter. *[Extension of time agreed to.]*

Parents should accept responsibility for their children and, if they do not know exactly where they are and particularly if the kids are young, they should know. The bill will enable courts to require parents to be present during criminal proceedings against children. That will enable them to not only see justice being done but also hear what the victims have to say about what has been done to them. That is an important part of the judicial process. The children may be required to give undertakings that they would submit to parental or other supervision as ordered by the court; participate in a specified program or attend a specified activity centre; reside with a parent or other person as directed by the court; or do such other things as may be specified by the court. All of that is a very positive alternative to incarceration. Alternatively the parents may be required to give security for the good behaviour of the child.

The parents may also be asked to take specified action to assist the child's development and guard against the commission by the child of any further offences. The Government is attempting to ensure that not only do the parents accept responsibility for their children, but if the kids are getting into trouble that they are there to assist them to work through that trouble and become good, responsible citizens of the State. I do not believe any honourable member would object to those provisions of the bill. Of course, some parents are totally neglectful and clause 9 provides for some penalties against neglectful parents. I heard what the honourable member for Mount Druitt had to say about that. He suggested it might well be the case that some parents who are totally innocent might be fined as a consequence of this legislation.

No law is perfect; laws are interpreted by the courts. This bill, together with the bill relating to anti-graffiti measures, provides guidelines for courts and magistrates, and makes a clear statement that the present situation will not be tolerated any longer. Provision of a \$1,000 penalty for the offence of neglect is entirely appropriate. The honourable member for Mount Druitt suggested that parents might take it out on their child if they were fined \$1,000 for such an offence. I have to say that, within certain limits, I do not believe that some sanctions against a child by a parent would necessarily be entirely bad. Most people would support these provisions. Parents have responsibilities. Children must recognise that as well as having rights they have responsibilities to the community in which they live. Constituents complain to me every week that the pendulum has swung too far in the direction of the rights of the individual and that, as a consequence, the rights of the majority are being threatened. That swing does not necessarily benefit young persons.

Recently I was disturbed by newspaper comment on the inquiry into boys' education undertaken by my colleague the honourable member for Ku-ring-gai. Many boys believe that studying, swotting or getting ahead is sissy - that is the sort of thing girls do. That kind of cultural attitude needs to be changed, and parents need to be involved in assisting that change. Perhaps the most controversial aspect of these bills is that police will have power to return young people aged 15 years or younger to their homes when at risk of becoming involved in anti-social or criminal behaviour. The honourable member for Mount Druitt seemed to suggest that police are likely to take kids off the streets, throw them in the slammer and lock them up. I do not believe that will occur. Strict guidelines will be issued to the police about that power. In most instances kids will be taken home, and would rarely be taken to a police station. Kids will not necessarily be thrown into police cells. In some circumstances a police station might be the only place available for them to be taken, and perhaps they could sit outside, have a cup of tea and wait for their parents to come to pick them up.

I believe that in most instances what is proposed will be the most appropriate course. These measures will help get kids off the streets and remove them from moral danger - which used to be a provision in

the Summary Offences Act, as pointed out earlier by the honourable member for Mount Druitt. These provisions will give back to police the powers they had before the former Labor administration abolished the Summary Offences Act. I noted in the comments by the honourable member for Mount Druitt some suggestion that the abolition of the Summary Offences Act was not the smartest move made by the Wran Government. But the old offence of loitering, which many regarded as draconian, has not been reinstated. The bill strikes a nice balance between the rights of the individual and those of the community. The proposed legislation is likely to prevent crime. Prevention is always better than cure. Overall, these measures are designed to deal in a positive way with juvenile crime. I commend both bills to the House.

Mr J. J. AQUILINA (Riverstone) [10.04]: I do not intend to go through the Children (Parental Responsibility) Bill or the Summary Offences and Other Legislation (Graffiti) Amendment Bill clause by clause. Other members have done that, and members yet to speak will do likewise. I have limited time to speak on why and how these bills have been introduced. It is very worrying that the Premier of this State, in the last week of this parliamentary term, before an election, has taken the unusual step of introducing two bills that are so fundamental to the way we relate to young people and to parents, and the fundamental way we view family responsibility. The Premier has introduced these measures knowing there is not enough time for detailed debate and consultation, and knowing that these bills will be rammed through in the dying stages of this Parliament for none other than political reasons.

I put it to the Premier and to the Government that this issue is too grave to be rushed through for political considerations, urgent though those considerations may be. These bills will undermine fundamental tenets of our society and attitudes to families and family relationships. The bills have already gone off the rails, very early in the piece. Their focus has been totally miscued away from parental responsibility to slamming the kids. I use those words deliberately, echoing the headline that appeared over an article in the *Manly Daily* today - "Cops Slam Kids Bill". Let us be frank about this. This measure is not a kids bill; it is about parental responsibility. Already the attitude of the community is, "Let's get stuck into the kids". As far as the community and the Government are concerned, the kids are the ones who require the slamming.

Wide consultation is required on this issue. However, one of the more common criticisms of the introduction of these measures is the lack of consultation. The Government has not taken appropriate steps to interview the community or even to give members of Parliament appropriate time to consider the proposed legislation. It was even said that the Premier announced the introduction of the legislation before he had taken it to his own party room. So much for the process of consultation in Liberal Party ranks. That lack of consultation, an absolute disgrace, demonstrates the Government's lack of care about what is happening in the community, in our suburbs, and to our elderly people. The lack of consultation says nothing about the Government's concern about youth gangs and graffiti. These bills have all the hallmarks of the Government wanting to protect its hide by doing something prior to the election next year so that it will be seen to be taking action on law and order.

These bills, like so many other hastily and ill-conceived bills being brought forward by the Government, will fail drastically because of widespread concern about and opposition to the way the bills have been introduced. I do not suggest that the bills are unjustified. Nor do I suggest that logical claims cannot be made about despoliation of public and private property by graffiti and about the wave of intimidation and crime occurring in our community as a result of youth gang activity. The Government has been in power for seven long years. The Government has had seven years to get it right. The introduction of legislation of this sort in the last three days of this Parliament is an absolute disgrace. The consultation process has been non-existent. The Government has had seven years to consult and to do something about this problem, but it has done nothing.

Mr Hartcher: Seven years!

Mr J. J. AQUILINA: The Minister can interject as much as he likes. This week will be the last opportunity the Minister will have to make himself heard in this Chamber in a ministerial capacity. The Minister, the Premier and the Government stand condemned for not having listened to the views of the community, the police and those involved in youth and community affairs, and for not taking action about this problem long before now. I am passionate about this issue because I am greatly concerned about it. I look back on the period from 1986 to 1987, when I was Minister for Youth and Community Services, with pride. At that time the Government introduced hallmark legislation dealing with child welfare that overturned the Child Welfare Act of 1939. A letter addressed to the Premier from the National Children's and Youth Law Centre read in part:

Part 3 of the Bill is of considerable concern. The bill takes us back to the days prior to the new legislative package of 1987. One of the notable reforms introduced by the enactment of the Children (Care and Protection) Act 1987 and the Children (Criminal Proceedings) Act 1987 was the decriminalisation of welfare issues.

I am proud of the fact that those reforms have been recognised. Once again, this legislation has muddled welfare and criminality. Why have those two issues not been well and truly identified and distinguished? It is because the Government has not introduced the legislation for well-intentioned reasons but for its own political advantage. This matter requires detailed investigation. I could highlight many calls by the community for something to be done about this issue. The honourable member for The Hills spoke at length about graffiti. That is not a hanging offence, but the despoliation of public and private property is a major concern. There are many reasons for that. For a number of young people, showing artistic ability is a matter of pride. I wish they would channel their

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artistic ability in a legal way. The Government has a responsibility to give them an opportunity to do that. Under numerous previous schemes young people were given an opportunity to vent their artistic talents in a legal way that benefited both them and the community. But the legislation contains no such remedies - fine them, imprison them and throw away the key! I am not saying that young people who offend in this way and show a wilful disregard for the property of others should not be brought to justice and have some kind of restriction placed upon them. However, that is tackling the problem at the wrong end. The legislation provides for the fining or imprisoning of these individuals without any prior investigation to ensure that action is taken to attempt to remedy the problem.

The Children (Parental Responsibility) Bill is of more serious concern, because there is widespread concern in the community about youth gangs, marauding teenagers, the intimidation of citizens in the community, theft from houses and shops, and vandalism of public places. That has been occurring for a number of years and until some kind of latter-day conversion of the Premier last week, the Government had done nothing about it for years and years, despite warnings and despite the number of occasions the matter had been brought to its attention by members of this Parliament, the community at large and the media in general. I want to refer to an article that appeared this week in the *Blacktown Advocate*.

I know that publication may not be regarded by members opposite as a significant suburban newspaper, but it is my local newspaper and covers about four State electorates, including my electorate and the electorate of the Chief Secretary, who is sitting in the Chamber. This week's edition of the *Blacktown Advocate* contains pages and pages of reports about actions by youth gangs in the western suburbs that show a gross disrespect for the community at large. The "Police File" column in today's *Blacktown Advocate* is headlined "Louts crack man's skull at station". I am not talking about organised gangs in their mid-twenties or thirties; I am talking about youths. The article read:

The 40-year-old Blacktown man was walking upstairs when three youths assaulted him.

...

The thugs, aged about 15 or 16, continued to punch and kick the man after he fell and one bit him

on the finger, causing a severe cut.

That event alone would have been shocking enough for one day, but the article continued:

Six hoodlums surrounded and attacked a 17-year-old youth waiting at a bus stop in Main St. Blacktown with his girlfriend.

The gang approached the young man about 4.15pm on Sunday . . .

In broad daylight - at 4.15 p.m. The article continued:

The man fell, dropping his money and glasses, but managed to get up and run away.

The youths were about 16.

Perhaps it is unusual and a great catastrophe to have two such events reported on the one day, but the article continued:

A 34-year-old woman was attacked in a Blacktown carpark at 3.15pm last Wednesday.

. . .

The offenders were described as aged about 16 or 17 . . . of medium build with undercut hairstyles.

The article continued:

A 17-year-old youth from the inner city was robbed by a group of youths opposite Blacktown railway station last Thursday.

It pains me to read out that chronology. I am a proud Blacktown person; I am proud of my suburb. But the Government has let down the people of suburbs like Blacktown, Campbelltown, and Penrith. One could list suburb after suburb in Sydney's fringe areas, as well as many provincial parts of New South Wales. [*Extension of time agreed to.*]

The Government has let those areas down. For months, if not years, I and others have been saying to the Government that something needs to be done about the problem. I have not heard many claims to the contrary from Government members, yet the Government has only now suddenly woken up to that fact. The offences to which I have referred are only those that have been reported. The report contains nothing about intimidation, or about how people feel when they are trying to walk along the footpath in Main Street, Blacktown, and must brush past groups of youths who are occupying the whole of the footpath. People cannot walk along the footpath without trying to push past these individuals.

That does not happen only at Blacktown. It occurs widely throughout my electorate, at Marayong and at Quakers Hill. It occurs at Riverstone shopping centre and, indeed, I assume, at any shopping centre in the Sydney metropolitan area, metropolitan Wollongong, metropolitan Newcastle and other provincial centres. Understandably the police are hamstrung. They do not know where to go with this issue. They have been given no direction by the Government. They do not know which of the issues needs to be tackled. Once again the Government has decided to take the quick option and come down heavily on kids, without focusing on the welfare and family support that is required. I am not sticking up for negligent parents. One issue lost by the media and by most commentators on these bills is that this legislation should focus on negligent parents. Parental responsibility seems to be subject to the least debate and gets the least attention.

What are parents doing when young people are on the streets at 12 o'clock, 1 o'clock, 2 o'clock or 3 o'clock in the morning? Why are they not taking responsibility for their kids? Where is parental responsibility? The community has many dysfunctional families and some families would be the last place that one would return a child, but as a community and as responsible legislators we must do something to once again instil the notion of parental

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responsibility. Spending \$3 million on a barbecue at Penrith is not a way to highlight what will be done about parental responsibility. The Government appears to want to promote the family by holding circuses. What an absolute waste of money! The money spent on these circuses should be used to implement positive support structures for families. I should like to commend one of the local police sergeants in my area, someone who is well-known to many in the western suburbs - a bloke by the name of Gary Raymond. Again an article in the *Blacktown Advocate* deals with gang threats and what is happening to people in our local shopping centres. Today's *Blacktown Advocate* referred to Gary Raymond and stated:

He believes it is crucial for adults to spend more time with young people and to listen to what they have to say.

"A lot of kids have not one single meaningful, responsible adult in their life -

In many ways that is the crux of the problem. The article continued:

"Adults can do without kids but kids can't do without adults. Only a minority of adults are responding practically and openly to their needs".

Yet this proposed legislation does not focus on the need to build infrastructure support to ensure that parents take responsibility for their kids. To those who say you cannot force the issue of parental responsibility, I say hogwash. It is an absolute right of any community to insist that parents take strong responsibility for the actions of their children. Though there are critics who say one cannot pass on to the parents the penalties for the actions of the kids, a degree of responsibility and culpability rests on the parents. To some degree parents should be culpable and responsible for the actions of their kids, particularly when the children are at an age that parents should know their whereabouts and what they are up to. I conclude by quoting some savoury remarks from the editorial of today's *Blacktown Advocate*. It responds to the local police throwing up their hands in frustration about the overwhelming magnitude of the problem and to the statements that these kids are not really committing criminal acts although they may be intimidating the community. The editorial stated:

Perhaps [these youth gangs] are not threatening to the boys in blue, but to the average commuter, the youths - not the media - instil the "climate of fear". Intimidation is not their only weapon . . . just ask the poor chap who had his skull fractured by thugs at the station on Monday last week. One only has to read the *Advocate's* Police File, a rundown provided by the police on the incidents occurring in the area, to judge the seriousness of the gangs' violence. This week, in particular, the Police File reads like a calendar of youth crime, and this week is no different to any other.

This material faxed to me this morning from my electorate office was published in the *Blacktown Advocate* referring to events that occurred prior to any knowledge of this bill being introduced. Every week for at least the last three or four years I have cut out the "Police File" article from the *Blacktown Advocate* and faxed it to the Leader of the Opposition to let him know what is happening every week of every month in the suburbs of New South Wales. [Time expired.]

Mrs COHEN (Badgerys Creek - Chief Secretary, and Minister for Administrative Services) [10.24]: I welcome the opportunity to speak on the introduction of the Children (Parental Responsibility) Bill, and the Summary Offences and Other Legislation (Graffiti) Amendment Bill. Not only the people of my electorate and those in the densely populated areas such as Kingswood, St Marys, Erskine Park, St Clair

and Raby, but also the general community welcome the provisions of this proposed legislation. I share the concerns of the honourable member for Riverstone as we are both residents of western Sydney. Of particular interest was his comment that graffiti identified artistic ability and was costly to the community. Financial cost does not concern my community and me; one of the worst aspects of graffiti on private and public property is that it destroys the community's sense of security, it destroys the community's self-esteem and it destroys the community's belief in itself.

Many governments have looked at the problem of juvenile misbehaviour and, in recent decades, the graffiti problem. When we have tried to deal with these problems it has always been difficult to find an effective strategy. It is hard to explain to any community why it should suffer for the malicious damage caused by others. The Opposition does not believe that innocent individuals will be disadvantaged by this bill. It quoted extensively from a document from the Council for Civil Liberties which said that the council does not believe the legislation is suitable for a democracy. Perhaps the council should look at the democratic rights as they apply to the whole community. I assure the council that people are becoming very frightened and very disturbed by what is happening in the community. In fact, many provisions in this legislation enshrine much of what is already in practice.

I should perhaps give some background to why I feel strongly about this legislation. What is going on in my community is destructive but of far greater concern is the misrepresentation and exaggeration that terrifies the community. Much of the juvenile crime activity in my community is being presented by a Labor councillor of Penrith City Council as home invasions, mob violence and mobs ruling various areas of my electorate. Police records reveal no evidence at all of any home invasion, nor was there identification of any particular mob ruling any area. The fact is that St Clair in particular in my electorate is experiencing a number of specific problems, essentially of juvenile crime.

I would like to commend Inspector Cousens from St Marys police. He has developed some innovative methods to try to deal with the problem and to reassure the community. He is well aware of the community's distress and that the problem is getting out of proportion. Graffiti is on everything. The library has graffiti from top to bottom. Unfortunately, the council neglects to remove it and the graffiti artists feel happy because whatever they apply to a public building stays forever as a reminder of their work.

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Members of the public believe that this is a negative aspect of graffiti. We have tried, in our area, to solve the problem in a number of ways. We have used mobile vans, a mounted police presence, police dog squads, additional police and staff, and different strategies to deal with the problem. We are now conducting a community safety audit to determine what lighting is required and whether or not to cut off areas that are particularly attractive to juveniles at night. Members of the community, who are cleaning off graffiti and protecting their environment - which is basically very attractive - cannot understand why they should take responsibility for and suffer pain as a result of the actions of these children.

The Children (Parental Responsibility) Bill contains provisions which will place a greater responsibility on parents to look after their children. One essential provision requires one parent or both parents to be present during criminal proceedings against a child. The court may also require a child who has been found guilty of an offence to give an undertaking relating to future behaviour. The court may require parents to be present in the court in the event of a breach of such an undertaking. One would assume that parents would attend court if their children were being charged. Sadly, that is not always the case. I am sure that many judges will be pleased to see this provision in the legislation. Parents should attend court to establish what is happening to their children, to support them and to attempt to prevent a recurrence. The family counselling provision in the bill states:

A court may require a child that it finds guilty of an offence and the child's parent or parents to undergo such counselling as the court considers would be beneficial in assisting the progress of the

child.

However, the legislation provides a safeguard. The court, when considering whether or not to make such an order, must "have regard to the welfare, status and circumstances of the child and the parent or parents". The legislation requires parents to attend court with their children and to support them in a stressful period. It also provides:

A parent who, by wilful default or by neglecting to exercise proper care and guardianship of the child, has contributed to the commission of an offence of which the child has been found guilty, is guilty of an offence.

That offence carries a maximum penalty of 10 penalty units. Alternatively, the court may require a parent convicted of such an offence to undergo counselling. That beneficial provision can only lead to proper counselling for parents and children. The honourable member for Mount Druitt said that he does not share many of the concerns that have been expressed about police powers, particularly in relation to the carrying of spray cans for graffiti. He believes it is incumbent on police to distinguish between the illegal and legal possession and use of spray cans. The legislation refers to wilful damage. Most honourable members who have contributed to this debate have expressed enormous concern about the effects on the community of juvenile misbehaviour. An expression of that misbehaviour is the use of spray cans for graffiti - an offence that is difficult to prove.

This legislation will give police the necessary power to deal with graffiti offenders. The Summary Offences and Other Legislation (Graffiti) Amendment Bill makes it quite clear that it is an offence for a person to wilfully damage or deface premises or other property by means of spray-paint. The honourable member for Mount Druitt said that it was an offence for a person to have a spray can in his or her possession with the intention of using it to damage or deface premises or other property. I agree with the honourable member for Mount Druitt. It should not be difficult for police to distinguish between the legal and illegal use of spray-paint. In the eyes of the community this legislation is logical, sound and, I believe, overdue. The community believes that, wherever possible, parents should protect and nurture their children. They should be taught how to protect and nurture their children if they are not able to do so. The role of a parent is important. Relationships that have broken down between parents and children should be re-established. This legislation provides counselling for parents and children under stress. That can only benefit children, parents and, ultimately, the community. I support the bill.

Mr HATTON (South Coast) [10.37]: I vehemently oppose the Summary Offences and Other Legislation (Graffiti) Amendment Bill and the Children (Parental Responsibility) Bill. Later today I will vigorously oppose the Community Protection Bill. At the outset I will emphasise the positive aspects of these bills. I do not think anyone would object to the damaging or defacing of property by means of spray-paint being made an offence. Community service orders should be imposed to require a person found guilty of such an offence to perform the work required to make good the damage that has been done. Sufficient resources are not made available to assist charities and public groups to make good use of community service orders. Whilst there is a good aspect to community service orders there is a fundamental weakness in them.

I am vehemently opposed to making it an offence for a person to possess spray cans with the intention of using them to damage or deface property. Honourable members have quoted from letters from the Council for Civil Liberties, and I will refer later to a number of other letters which make it quite clear that that provision in the legislation is unjust and dangerous. The good part of the Children (Parental Responsibility) Bill is that it will enable courts to require family counselling when a child is found guilty of an offence. In appropriate cases it might be important to require parents to be present during criminal proceedings involving children and for courts to require children to give undertakings as to future behaviour. The rest of the bill has very serious weaknesses.

To provide for safe escort of children from public places to their homes or to certain other places

when police officers consider that may reduce the likelihood of crime or the exposure of children to crime shows clearly that those who drafted the bill know little about what is happening in the real world.

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At the outset we must continually emphasise that the vast majority of Australian families, 70 per cent of them, are stable and live in loving, caring, responsible and disciplined households. We must never forget that. Real problems are experienced in what might be 20 per cent or 30 per cent of families, and perhaps up to 10 per cent of families have serious problems. The bills are ugly, misconceived, simplistic, politically driven, dangerous and, most of all, ineffective pieces of legislation.

Honourable members should talk with teachers, school counsellors, social workers, domestic violence workers, sexual assault workers and young people. They should visit refuges and drug and alcohol centres. They should speak with community workers, community groups and family support workers. They would then know just how misconceived the bills are. The proposed legislation simply cannot work. There is an ancient Chinese saying, "If the children misbehave, punish the parents". That concept had weaknesses even in a sedentary, traditional, closely knit, disciplined society. In a mobile, complex, modern, urban society, the concept is absurd. The Government has no idea of the complex dynamics, the challenges, the stress and the suffering faced by families when there is serious family dysfunction, and it does nothing to address that.

As I shall show later, the Government's actions undermine the support that should be given to families in cases of serious family dysfunction. Will we punish the child for hidden child sexual abuse? Will we punish parents if their child is on drugs? Will we punish the child if a parent is an alcoholic, violent or has psychiatric problems? Will we punish the child for family dysfunction caused by a housing, low-income or unemployment problem? Will we punish the child for a lack of self-esteem in the household? Sometimes family dysfunction is the result of a history of abuse. Parents may themselves have suffered and be caught in a cycle of abuse, passing abusive qualities on to their children. A sexual assault worker in Shoalhaven pointed out to me that 95 per cent of females who have problems with drug and alcohol have been subjected to sexual assault. The statistics are clear -

Dr Kernohan: On a point of order: I should like to know why sexual assault and other problems are being discussed. The debate is about parental responsibility for children.

Mr DEPUTY-SPEAKER: Order! I shall allow the honourable member for South Coast to continue on the basis that he links his remarks to the subject matter of the bills.

Mr HATTON: I did not bother to contribute on that point of order because it was absurd. The House is discussing parents, families, dysfunction, children spinning out, violence amongst young people and violence amongst parents. It was nonsense for the honourable member for Camden to raise a point of order that parental responsibility has nothing to do with families and children. It was a clear indication, however, that at least some members on the other side of the House know nothing about families. We seek to punish the parents when in fact there is appropriate punishment in existing law that covers the matters that the bills attempt to deal with. Certainly the existing law does not punish parents, and neither should it. Revenge is no substitute for justice. I should like to share with the House a brief quotation from a letter from the National Children's and Youth Law Centre, which reads as follows:

Part 3 of the Bill is of considerable concern. The Bill takes us back to the days prior to the new legislative package of 1987. One of the notable reforms introduced by the enactment of the Children (Care and Protection) Act 1987 and the Children (Criminal Proceedings) Act 1987 was the decriminalisation of welfare issues. No longer are children being charged with being "uncontrollable" or "neglected" as they were under the Child Welfare Act 1939 -

that is how out of date the Government is -

and treated in the same way as children charged with criminal offences.

The letter also stated:

Police are not best placed to undertake a welfare intervention role, although they may be the first point of contact between a young person and an appropriate welfare service. It is more properly the role of youth or community workers or Department of Community Services staff . . .

The letter stated further:

Some young people will have no home to be taken to, so police may have to spend possibly hours securing emergency accommodation for them in youth refuges . . . Some young people will have been given permission to be out by their parent/s and it is likely that the police action will be condemned by those parents as an invasion of both civil liberties and privacy . . . Again, some young people may be physically or emotionally abused by parents who are upset at sharing the blame and being drawn into the criminal justice system in this way. There will be other parents who do not have the personal skills or resources to make their children behave more appropriately.

Police are being put in an extremely difficult situation. Throughout the entire city of Shoalhaven, for example, there is no proclaimed place where a parent under the influence of alcohol, for instance, may be taken. For the police to deliver that parent back to the family, especially if the parent is violent, is a recipe for disaster and does nothing to help the family. Families must be given support. Recently I met members of the State Executive, as I have done on numerous occasions, with members of the Shoalhaven family support service. I met my fellow Independent members also, and I should like to share with the House a briefing note I prepared. My briefing note made the following points:

Family Support . . . deals with situations of family breakdown, domestic violence, sexual assault, parenting skills, general counselling and support.

All Family Support Services are undergoing extreme financial crisis. In the city areas there are a number of services close and handy for support and referral, and an available transport network. But there is the problem of overwhelming numbers.

In the rural areas Family Support is often the only service offering the response to particular needs.

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The honourable member for Dubbo is in the Chamber, and he would agree with my comments. I mention in particular the serious problems of a lack of real family back-up support in the Dubbo area. The briefing note continued:

The areas are huge. There is isolation. There are problems of distance and lack of resources.

The Government's approach to this problem has been piecemeal, and in some respects, illogical. For example, C.P.I. has been paid but there is no recognition of the extraordinary demands for growth in services in many areas, particularly coastal New South Wales. Consequently Family Support came under more and more pressure, and in the year when Virginia Chadwick was Minister, there was no money for C.P.I. at all for that year.

In 1993 there was a 4.4% increase for on-costs and C.P.I., of which 2.2% for on-costs and 2.2% for C.P.I. But it should be noted that 1993 was the first time that the State had financially recognised and therefore paid money towards superannuation and award costs.

I could continue to talk about the considerable budget problems faced by family support services

throughout country and urban New South Wales. We should consider what we ought to be doing about the problem. Families in crisis need support if we are to prevent ourselves going down the same track taken by New York, where there are more police, violence, guns, drugs, alcohol abuse, crime and repression and little justice. The United States cities of New York, Washington and San Francisco are among the most violent, unsafe cities in the world. There is a need to get to the grass roots of the problem; we need to treat the causes of the problem. Children do not suddenly become violent. *[Extension of time agreed to.]*

Children are victims of their background. Punishing parents will not fix that background. What is needed are services such as those provided by family support services. There is a need for one-to-one team work with families; group activities with support groups that usually meet weekly for most of the year and have open membership; courses for a set number of sessions to develop particular skills in parenting, self-esteem and communication; self-help groups, in which people who have a particular experience in common, such as bereavement, domestic violence, sexual abuse or drug and alcohol problems, meet for mutual support; and child care provision while parents are involved in group activities. Family support workers form a relationship with members of the family, and through this relationship they assist families to decide what issues they want to work on and what changes they want to make in their lives. Often the changes relate to many of the things I have mentioned. A booklet entitled "Family Support Supports Families - An Introduction to Family Support Services in NSW" contains the following quote:

My Family Support Worker is helping me to get in touch with my feelings about my partner, helping me to be more assertive, helping me with the children as well, helping me to mother better, and letting me know what other services are around - she has really supported me. I have a lot more confidence. I can now do a lot more for myself.

Under the heading "Education" the booklet states that family support workers work with individual parents and with groups, assisting them to learn new approaches to parenting and to gain knowledge about children and how they develop. Family support services prevent child abuse; prevent the removal of children from their families; prevent homelessness of children; effectively support the family and promote family self-sufficiency; assist people to get off social security by teaching them new skills; foster self-respect and parenting skills; and improve parent-child and other personal relationships.

Unless this problem is attacked with large amounts of money, resources, training and workers, graffiti and violent behaviour of young people will not be prevented. No member of this House would say that people who disobey the law should not be punished - that would be politically unacceptable and wrong - but the emphasis must be on prevention. If police are suddenly given the power to lock up people on suspicion, it should be remembered that there is a clear link between detention of youths overnight in cells and deaths in custody. Ten per cent of Aboriginal deaths in custody relate to youths between the ages of 15 and 19 years. Police are concerned about those statistics.

Police in my area work in a positive and constructive way with family support workers, sexual assault counsellors, drug and alcohol counsellors and families. They do not want draconian measures; they do not want to have to arrest people on suspicion or to try to find a place for them overnight when available resources are inadequate and there is nowhere for those people to go. If places were available for them, they would not be sleeping under the Shoalhaven River bridge or in shop doorways. Many people think such problems are peculiar to city areas, but that is not so. In the Shoalhaven area recently the deaths of two children have resulted in the conviction of one set of parents and the placing on trial of another set of parents. The region has an extraordinarily high suicide rate among young people. The Shoalhaven area has the highest reported rate of domestic violence in New South Wales. There is high unemployment, low income and drug and alcohol problems. The area does not have enough resources or enough counsellors.

If the Government put its money and its emphasis into those areas, it would be seen to be doing

something about the problem. Parents must come to grips with their own upbringing and confront their past and the sources of their problems. They can do that if they are assisted; punishing them will not do it. Like the curate's egg, the bills contain some good provisions which I am pleased to support. I will examine the Opposition's amendments and the amendments of the honourable member for Manly, who has taken a keen interest in this matter. However, the weaknesses in the bills are so serious that the entire egg stinks.

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Dr KERNOHAN (Camden) [10.54]: I am delighted to support the Children (Parental Responsibility) Bill and cognate bill. A recent happening in the sleepy town of Camden demonstrates the necessity of these bills. Camden made the headlines in the newspapers and news broadcasts on television when a local councillor, Gary McMahon, asked for a youth curfew. Camden is not experiencing any great crime wave, but unfortunately newspapers made it appear as though it was. What was a small country town 20 years ago has slowly grown in size and population, and more recently has expanded greatly due to urbanisation. The area now has a large child population. That call for a curfew can be compared with someone taking a sledgehammer to crack a nut. Nevertheless, it shows the feeling of the community about minor problems that have become major problems - vandalism, wilful destruction of property and graffiti.

This has occurred because the Labor Party, at the instigation of Frank Walker, repealed the Summary Offences Act and prevented police interfering when children first commit offences. Intervention in the early stages of mischief can have a great effect on the future of children. For more than a generation people who believe they are doing the right thing have been telling children about their rights. But children have not been informed of the responsibilities that accompany such rights - responsibilities associated with being part of a community or a society. The stage has been reached whereby as soon as parents - good parents, not abusive ones - speak to their children, the children tell them of their rights. If children are spoken to by police they say, "We have our rights".

The Children (Parental Responsibility) Bill addresses the question of parental responsibility and the rights of the general public. It addresses the rights of the 70 per cent of people - and I believe the figure is higher than that - that the honourable member for South Coast referred to as good and honest citizens. They have the right to feel safe when they walk the streets and they have the right to feel that their property is secure. The bill will require parents and guardians to be more responsible for the wellbeing of their children. By law, parents are technically responsible for the welfare of their children until they are 16 years old.

The primary bill will require juveniles, parents or guardians to attend court. Is that such a terrible thing? Any decent parent would make every effort to do so. It would be unlikely that they would have a legitimate reason for not attending court if their children had to attend court. The bill relates to parents who are irresponsible and who need assistance in looking after their children. The bill will provide for counselling of parents as well as children. The bill requires children to give undertakings that their behaviour will improve, and parents will be asked to give undertakings that they will look after their children. Is there anything wrong with that? Perhaps I am out of date, perhaps I am old-fashioned, but I believe that when one has children one has the responsibility of caring for them, loving them and looking after them. Many people in the community fail in this regard because of unfortunate circumstances. However, others simply do not attempt to assume this responsibility. Under this legislation the police will be able to take children home to their parents. If the parents are not home, the police can take children to another safe place. The police will welcome this power as they do not want to see accidents waiting to happen on the streets in the form of groups of children who might get into trouble.

People in the community will welcome the legislation. Similarly, the Summary Offences and Other Legislation (Graffiti) Amendment Bill will be welcomed by the general community. The only people who will not welcome the legislation will be graffiti artists and the Council for Civil Liberties. I use the word

"artists" because some people have talents which have been channelled into good works. I refer particularly to the pedestrian tunnel at Campbelltown railway station, where marvellous murals have been done by graffiti artists. I congratulate all the artists and the people responsible for organising the painting of that mural. However, some other mindless spray can users, not artists, in the community have added their tags and spoilt these glorious works of art. Mindless scribbling on public property has been around for a while - indeed, one can see it in the ancient temples in Rome and Greece - but not to the extent that it is today. It is much more widespread and easily done today because of the availability of spray cans.

For months the honourable member for The Hills has spoken to me and other honourable members about graffiti. He has already given honourable members many interesting facts - I do not intend to go into them now. The comment has been made that it is wrong to punish intent. I am sorry, but I cannot accept that any person carrying more than one spray can in his or her bag would be doing so with anything other than the intention of doing graffiti; they would do legitimate work at home, and with care. These two bills will be welcomed in the general community. Hopefully, they will go a long way towards reducing the problem of street gangs.

Mr McMANUS (Bulli) [11.03]: I speak not only as a legislator but as a parent and a concerned neighbour. The Labor Party will support the amendments to the legislation. I support the legislation because the Government has finally conceded that, after seven years in government, its law and order policies are failing dismally. After seven long years of inaction, the Government, in the final seven days of this Parliament, introduced legislation which clearly indicates that it wants to do something about a problem in our State that has been increasing for years.

I am concerned about the lack of consultation. As a parent and a concerned neighbour I have been given seven days to determine whether the Government's action in bringing forward the

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legislation is a clear indication to the people that it intends to do something serious about the problem. When I examine other important issues affecting the State it becomes obvious that the one thing missing is consultation. The Staysafe committee, of which I am a member, deals with issues resulting from trauma that occurs on our roads. That committee consults on an apolitical basis because of the importance of protecting the community. Yet in this instance members are asked to consider some of the most important legislation to come before this House relating to the youth and parents of our State, and must make a determination in seven days.

It is an unadulterated disaster for the Government to introduce legislation which deals with the punishment of parents for their children's actions and the punishment of children because they have been brought up wrongly, and then expect honourable members to make a determination in seven days. As far as I am aware, the Juvenile Justice Advisory Council has not been consulted on the legislation; indeed, the only person I am aware of who has been consulted is the Sydney Children's Court magistrate, Mr Rod Blackmore. I am concerned, as is the Opposition, about the way in which the legislation has been introduced. The Government should also be concerned about that. The honourable member for South Coast said that the police should be pleased with the actions of the Government in relation to the legislation, and that the police would be happy to do such things as take children home.

I am worried about what the police may be taking children home to. If there is an abusive parent as well as a wayward child, allowing the police to take the child back to the abusive parent will probably exacerbate the problem. God knows what would happen to the child. I am not talking simply as a member of Parliament who represents a severely socially depressed area but as a member of Parliament representing an area that also has high unemployment. The police in my region are not the only ones concerned. I refer to an article in the *Manly Daily* of 30 November, in which the police indicated that they do not have the manpower or the appropriate facilities to detain youngsters. They say that police stations are inappropriate places to detain young people.

The police made it clear that the legislation does not address the needs of the youth in the area and

that, unless trained welfare and social workers are properly resourced, in both numbers and accommodation, the legislation can only be described as toothless. I agree with the police in the Manly region. At least this legislation starts the process for the future, but it does not go anywhere near addressing the problem of the youth. Even the police have said that. Undoubtedly, the honourable member for Manly will also mention this matter. The police in Manly said that the Government has introduced the legislation too quickly. The Government introduced the legislation because someone at Marrickville railway station threw a couple of bottles at the Leader of the Opposition last week. That is what happened.

The Premier panicked when he realised that the Leader of the Opposition had highlighted in this House and in the public eye the fact that Marrickville has a problem with youth gangs. The Premier panicked when pictures on television showed youth gangs attacking the Leader of the Opposition. The Premier brought the legislation forward without consulting Cabinet; he threw it to the media and away he went. It is a disgraceful situation. I shall get down to tintacks. A number of things are missing in our community. There is a shortage of police numbers - something that the Opposition has been saying in this House for some time. The Auditor-General also mentioned that in his report. After seven years the State still does not have enough police, yet the Minister for Police continues to tell us that there will be more police on the street. The police will have to delay working on crime in the community in order to take children home, possibly to abusive parents. There is a lack of discipline and self-discipline, which we should be addressing as a community.

In general people have a lack of responsibility and a lack of self-esteem. Most importantly, there is a lack of community support systems. Children are let loose on our streets. I have children at my front fence regularly. I was laughed at yesterday, by members of my own party, but they laughed too quickly. I had to advise them that the children at my fence at 3 o'clock in the morning were 13-year-old girls. Obviously their parents have no control and take no responsibility. Is it the duty of the police to pick them up and take them home? Where are the parents? If those children were taken home, what would they go home to? The Government has not addressed this issue as seriously as it should have in the past seven days. I agree that, if children are before the courts, it should be necessary for parents to attend, as most responsible parents do. Sadly that was the concern of the recently retired magistrate, Barbara Holborow, who stated publicly her concern and disillusionment with a justice system that did not have the ability to bring parents to the court to make them responsible for the actions of their children.

The legislation will clearly show the parents of wayward children that they have a responsibility to come before the courts with their children, to hear about and understand the problems their children have caused. One then has to consider the associated problems. What does one do with a single parent who has very little income, who has a wayward child, who lives in a depressed condition, who has no opportunity for employment, yet the court may indicate that he or she has to pay tens of thousands of dollars for the damage caused by the child? Where is the justice? There is none. There is no way in the world that the courts or the Government will be able to recoup the money from a person in that depressed situation. The Government has not thought through the legislation, but it should be thought through.

I am critical of Mr Marsden of the New South Wales Council for Civil Liberties. It is obvious that he and his friend John Fahey are at loggerheads. But

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there must come a time when the Council for Civil Liberties accepts that parents have a responsibility for their children. I, and many people like me, have accepted that responsibility. Last week I attended a Lions Club youth function. An impromptu question was asked of the 17-year-old students, three of whom were females and two of whom were males: what do you think of John Fahey's bill that will be coming into the House this week? It was interesting to hear that the young people agreed with the principle of the bill. But one of their questions, which obviously has not been considered by the Government, was: where does one draw the line on responsibility? The law says that the age of responsibility is 18. How does one deal with a small-framed, unemployed, meek, single mother who is trying to control a six-foot

two-inches tall, large, obnoxious, young 16-year-old who does not want to do as he is told? Do we say that she is responsible for that child and that she has to control that child?

The students who attended the Lions Club youth function agreed that all parents have responsibilities. But it cannot seriously be suggested that parents can be responsible for children who reach the age of 16 and 17 who are told at school that they have rights and are encouraged to come home and say, "Mrs Jones allows her daughter to do it, therefore I should be able to do it". Parents have to be stronger. I do not believe that penalising parents will resolve the problem. If that were the case one could draw an analogy with the head shebang of the Liberal Party, John Fahey, the fatherly figure of the Liberal Party. If one were to use him as an analogy of parents being responsible for their children, consider the children of John Fahey's Liberal Party - Packard, Pickard and Smiles. He would be the first one unaccountable and he should be thrown in gaol. [*Extension of time agreed to.*]

The Government has to realise that charity begins at home. If it cannot tidy up its own house, it should not expect to be able to tidy up other people's houses. There will be a special sitting of the court on 25 March and the people of this State will pass judgment. The Government will be found guilty and sent to Coventry for its actions. I am concerned that the Government has not taken up this issue seriously. I hark back to what I said earlier: if the Government has been serious about dealing with this problem, it would not have introduced the bills last Thursday night and promoted the legislation as the be-all and end-all of the problems of our youth. This is a most serious issue. The former Minister for Housing, the honourable member for Wagga Wagga laughs. He could not even control his own administration, yet he is laughing about the seriousness with which the Opposition is treating these bills. He should control his own administration before he determines whether I am right or wrong.

Only recently a serious incident occurred on the boundary of my electorate at Bellambi Surf Club. This aspect has not been covered in the legislation, but it should be. We should be tough on young people who cause wanton destruction of such things as emergency services equipment or property. Bellambi Surf Club and Garie Surf Club have been continually attacked by wanton youths destroying property that is necessary to carry out emergency services. Recently Bellambi Surf Club's rubber duckie was attacked with a knife that was in the boat, causing \$7,000 damage, a cost which has to be borne by the club. But, more importantly, the lives of people are at risk whilst the club is endeavouring to replace the rubber duckie.

I made it quite clear in the media in the Illawarra, and I make it quite clear in this House, that when the equipment of emergency services such as those at surf clubs - which are life saving organisations - and bush fire brigades, whose radios are continually stolen by young people parading around the streets at night, tough penalties must be imposed. If it is necessary for families to be brought to the courts to ensure that they are seen to be responsible and that certain consultations take place, that should be done. But that cannot be achieved adequately in one sitting of this House when an election is to be held within the next few months. It has to be done with the full and complete consultation among members of Parliament on an apolitical basis.

There must be full consultation with the police force and services that provide community support. And, most importantly, as an apolitical group members must discuss the serious and necessary financing of the support groups. In the past couple of months in my electorate of Engadine the youth centre has been closed by the council because it does not have sufficient funding to ensure that the youths have adequate facilities to keep themselves off the streets.

That lack of funding has been caused by the same Government that requires police to take kids home, at a time when there are not enough police to take them home anyway. That is crazy. The Government has introduced these bills for a political purpose - to create a perception in the community that something is being done. However, if the Government does not allow for a proper process of consultation, we will probably have another disaster on our hands. There is nothing worse than legislators making laws that mean nothing. That is not our purpose. A bill should be the subject of full

consultation, consideration and debate so that, if passed into law, its requirements may be fully understood and facilities and resources made available to ensure the law is observed. The bills are seriously flawed. However, I intend to support it, as does the Opposition, because it makes a start, though only a small start. I will be urging the Opposition to ensure proper consultation in the lead-up to the election, in order to tie up another mess created by this Government.

Mr PEACOCKE (Dubbo) [11.21]: I strongly support the bills. I listened with great interest to the remarks made by the honourable member for Bulli. In 1982 I introduced the Public Protection Bill, which incorporated provisions similar to those in the proposed legislation. For some strange reason Frank Walker, the Attorney General at that time, allowed
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me on to the list of members to make a second reading speech, and then set about accusing me of being a racist because I believed that children, and parents of children, who are allowed to wander the streets at night should be dealt with sensibly. Had that legislation been passed at that time, much of the crime and vandalism would not be happening on our streets. It seems simple commonsense to somehow enforce on parents their foremost obligations to their children and to society as a whole.

Our society is becoming daily more decadent. Parents daily are rejecting more and more of their obligations to their children, leaving it to the State, to the police and welfare officers to carry out functions that parents should readily perform themselves. The world is full of do-gooders who find all sorts of excuses for those who commit crime, but they forget about the victims of crime and the physical and psychological costs of the increase in crime, much of which is carried out by young children. Parents often forget their obligation to try to stop young people drifting into a permanent life of crime, which wastes lives and society's resources. This problem should be addressed seriously by the Parliament.

The honourable member for Bulli claimed that there are not enough police to do what he says will be a costly job. What is more costly - preventing crime or resolving crime after it has been committed? The better approach is crime prevention. The Children (Parental Responsibility) Bill attempts to seriously address an issue of enormous consequence to our community. Several years ago I attended a meeting at Bingara, in the northern part of the State, which concluded at about 11 o'clock or midnight. I had to be at another meeting in Dubbo at nine o'clock the next morning, so I drove home through the night. In every single town I passed through - Tamworth, Gunnedah, Coonabarabran, Gilgandra and Dubbo - at all hours of the night, through to the early morning, I saw great swarms of children wandering around the streets quite aimlessly. There is a tendency for children wandering the streets with older children to commit offences such as vandalism or, even worse, break and enters, robberies and assaults on people.

Dr Macdonald: Are you suggesting they should all be locked up?

Mr PEACOCKE: I am suggesting that people such as the honourable member for Manly should insist that parents accept responsibility for their children. It is easy for the honourable member, sitting opposite in his usual stupid way, to suggest that a facile answer to the problem is to lock everyone up. That is typical of the honourable member's thinking. Maybe he should be locked up back in Scotland, where he should have stayed. However, these measures adopt a general approach by imposing a sense of responsibility on parents.

Dr Macdonald: Read clause 12.

Mr PEACOCKE: The kind of comment made by the honourable member is what I would expect from him. He is one of those who promote destruction of the traditional values we grew up with in this country. In the old days it would have not have been necessary to have such legislation because the police would have done exactly what is prescribed in the bill, of their own motion - probably accompanied by a kick up the tail. In my time, many kids who were dealt with in that way by the police never became criminals because they got back on track pretty early.

Mr Schultz: Some of them are members of Parliament.

Mr PEACOCKE: That is right. This bill is not a stupid piece of legislation. This measure, long overdue, is aimed at making parents responsible for their children. If parents are not prepared to be responsible for their children, they should not be having children. In my home town of Dubbo, which is no different from any other town in this State, there are dozens of parents who could not care less where their kids are, day or night. When their kids end up in trouble, half the time they do not even bother to go to the courts. The principal bill is aimed at making parents go to court and listen to what their children did and the likely consequences of their actions. The proposed legislation is aimed at making those parents give an undertaking about the future behaviour of their children.

The measure also provides that the police can take a child under the age of 15 years home or, if no parent is at home, to some other proclaimed place. The honourable member for Bulli asked what will happen if a parent cannot control a child. The fact that parents cannot control their children can be linked to the efforts of do-gooders worldwide. The United Nations established a treaty which provides that parents cannot discipline their children. We cannot have it both ways. A disciplined, law-abiding society needs disciplined, law-abiding children. But if parents are unable to discipline their children because of the actions of the Labor Party, some other course of action must be taken.

There will be difficulties. The police may not have sufficient numbers to enforce fully the proposed legislation. However, the bill provides that a police officer may elect to take a child home to his or her parents. Police in my area will be most grateful for this legislation because it will enable them to break up gangs of kids roaming the streets, before trouble happens. Ultimately the alternative is that if the Government does not do something to correct the situation that now exists, society will. I live with the fear that eventually, if the State is not able to maintain law and order through the proper instrumentalities, the public will do it. That will be disastrous. We will have vigilantes on the streets trying to -

Dr Macdonald: You are just a right-wing reactionary.

Mr PEACOCKE: The honourable member for Manly ought to go back to Scotland. If he does not like it here, he should go somewhere else. If he is not prepared to face the realities of our society, he
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should not be a member of this House. He is a disgrace; one of the typical useless do-gooders who contribute to the problems in our society. Society is sick and tired of people finding excuses for parents, for kids and for criminals. It is time we faced the reality of today's society. I certainly hope the constituents of the honourable member for Manly know what he says in this House because I am certain that on 25 March next year they will throw him out of this place - something that should have happened a long time ago.

The bill is a genuine attempt to address an extraordinarily serious problem; it is trying to bring back some sense of responsibility of parents. Certainly it is trying to bring back a sense of responsibility to those parents who otherwise would never take any steps to try to control the activities of their children. I would have preferred the bill to contain more provisions. Nevertheless, it is a start. It will be successful and I hope further provisions are added in the future. The cognate bill is also long overdue. The cost of removing graffiti is enormous. Graffiti is disfiguring great sections of our cities and in the process exposes graffiti artists to considerable personal danger. A number of young people have been killed while spray-painting graffiti on trains. I addressed the graffiti issue and the availability of spray cans, amongst other things, when I was Minister for Consumer Affairs. Obviously, at that time the sale of spray-paint cans could not be banned as there was a genuine need for the product. This bill is again an attempt to grapple with the problem. It may or may not be successful, only time will tell, but at least the Government is giving it a go.

I congratulate the Premier and the Government on the steps taken to address an extremely difficult, costly and annoying problem of society. The public and parents in particular will welcome this piece of

legislation. I hope that as a result of this bill we get a better society and we do not have to proceed with further legislation. The people in this State are sick and tired of crime and sick and tired of being prevented from walking on the streets at night because they fear being mugged or murdered by kids. Children aged 15 years are not kids any more; they are young adults. They are exposed to every kind of influence through television and other media that warps their minds about their attitude to violence and crime. It is time something was done. Though it should have been done 11 years ago, it is better late than never.

Dr MACDONALD (Manly) [11.34]: I did not realise the honourable member for Dubbo had it in for me. I am disappointed that he misinterprets my position on a range of issues. After the bills were introduced last week I reflected over the weekend on the role members of Parliament have, particularly those on the crossbench. Dickensian legislation such as this should be moderated. I oppose the Children (Parental Responsibility) Bill, though I support the cognate bill relating to graffiti. I will ask that the questions be put separately. The main bill is a journey into the dark past. It is reactionary, it is regressive and it tackles the problem from the wrong end. It capitalises on fear. Indeed, this issue is far too serious to be left to politicians in the middle of election mode and would be better referred to a legislation committee to be dealt with. We have had the white paper for juvenile justice, which was a comprehensive -

Mr ACTING-SPEAKER (Mr Hazzard): Order! I call the honourable member for Burrinjuck to order. I call the honourable member for Bligh to order. The honourable member for Manly is the only member with the call.

Dr MACDONALD: The problem should not be serviced; it should be prevented. Surely that should underline our approach to the matter. I do not enter this debate without some experience. My electorate of Manly has had extensive problems. Indeed, those problems were partly brought about by the Government. The Government deregulated alcohol to make it available 24 hours a day. Manly does not close any more, but licensing hours are being limited by drawing closing time back to 3 a.m. In 1989 Premier Greiner introduced deregulation and many social problems have flowed from that. However, the problem is addressed in a more sophisticated way in the Manly electorate, which is the way a committee should approach the issue. It should look at the causes and availability of alcohol. It should look at providing venues for our young people.

The honourable member for Dubbo spoke about kids roaming the streets of Dubbo. He should consider that the problem could be overcome by diverting the energy of kids into recreational activities such as youth dances. Manly has a number of support agencies. Unfortunately the Manly Youth Support Service has not received funds for the last six months. However, that service provided youth workers at the coalface in the middle of the night: they are present on The Corso from 8 o'clock on Friday and Saturday nights until 2 a.m. or 3 a.m. The honourable member for Wakehurst would be aware of that service as he has a close association with the Manly area. A number of religious organisations and church groups operate at night in an attempt to help overcome the problem. That is the way to deal with the issue, not through steel-capped procedures, which are reflected in this piece of legislation.

I acknowledge the good things in the bill. Clause 5 refers to parents being present at court hearings. It is important that families should be included at that point, particularly if there is the possibility of mediation. The inclusion of the family is important rather than blaming the family, which seems to be the undercurrent to this social problem. Families should be included in the early part of the process. Clause 8 and clause 9(2) make provision for counselling. That is the only component of the bill that I sympathise with, apart from the presence of parents at court hearings. Clearly, addressing these problems in the future must be through the up-front approach rather than the application of law and order measures. The bill has been condemned by police.

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The honourable member for Dubbo said the police support it. He should consider what the chief of police in Manly said: he rejects the role of police as a welfare agency. All community groups and welfare

organisations are opposed to this bill. The Premier, in his second reading speech, talked about being tough but fair in dealing with juvenile crime before it gets out of hand. Quite frankly, that is a lot of nonsense. The Council for Civil Liberties, in its submission, states:

A policy which allows police to deprive youth of their liberty on the basis of essentially nothing more than suspicion is clearly against all principles of human rights and civil liberties that we, as a social democracy, appreciate, respect and uphold. This element of the legislation is not dissimilar to some of the worst pieces of legislation introduced into Queensland during the Bjelke-Petersen years.

It is difficult to argue with that statement. It frightens me that we are using these blunt instruments to solve welfare problems. It is an extremely unsophisticated approach. We should be talking about community safety, not necessarily about law and order. This legislation will result in trench warfare between generations. Police should not be asked to perform the duties of welfare officers. We should be talking about prevention, counselling, the problems causing disunity and dislocation in families, unemployment, alcohol and the major role it plays in disrupting family units, and an increased role for welfare officers and community workers. Unfortunately, there has not been much consultation on this legislation, which reflects that it has been hastily introduced in the dying weeks of this Parliament because of the impending election.

Major peak community groups were not consulted on this legislation. A lot of youth and welfare workers have written to me - they must have written also to other honourable members - saying that they were not given an opportunity to make an input into this important piece of legislation. I am disappointed that other honourable members have not acknowledged that fact. This legislation will not do the job it is supposed to do. In fact, it might have significant adverse impacts. Many homeless children who are roaming the streets, who are at risk and who are tempted to commit crimes, might well be returned to places they left because of abuse and mistreatment. They could be put at risk if they are forced to go back home. Unfortunately, young people are somewhat suspicious of police. This legislation will only make that situation worse. I received a letter from the Marrickville Legal Centre in response to this legislation, which states:

Police, emboldened by this new power, will stop and question young people persistently. We will see a dramatic increase in public order offences such as offensive language, offensive behaviour, resist police and assault police as young people react to what they see as an unjustly broad and arbitrary power of police.

I hope that does not come about. I point out that this bill, which has not been properly thought through, will have an adverse impact.

Mr Schultz: You are a doctor of social engineering.

Dr MACDONALD: The honourable member for Burrinjuck has the right to refer in this place to his work experiences in the community. I have not sought to indicate that I have a monopoly on matters relating to social issues, but I claim to have spent 20 years in general practice, which has exposed me to some of these issues. I do not claim that I have more right to speak on this legislation than any other honourable member. It would be better for the honourable member for Burrinjuck to keep quiet.

Mr Schultz: I know a lot more about it than you.

Dr MACDONALD: The honourable member should tell us about it. I will listen to him.

Mr ACTING-SPEAKER (Mr Hazzard): Order! The only member who has the call is the honourable member for Manly.

Dr MACDONALD: This legislation might result in resentment amongst parents - another matter that

has been referred to in correspondence that I have received. An article in the *Sydney Morning Herald* states:

Yet the Court, confronted by obvious cases of neglect, presumably will be under some constraint to make orders against the most clearly errant parents. In a very few cases that might be salutary. In many others, however, it would make a bad situation worse. Incompetent parents, judged negligent when their children offend, will hardly be better disposed towards their children as a result. Instead of making such parents more responsible, punishment is just as likely to make them vengeful and even less able to keep their children well behaved and out of trouble. Not only that, any punishment of parents correspondingly reduces the degree to which children are made to face the consequences of their own bad behaviour.

Did the Government consider the impact this legislation would have on parents? It will dramatically increase tension between young people and their families. Another matter to which I wish to refer - I speak with some experience, and I would be interested to hear what the honourable member for Burrinjuck has to say - is the safety of young people in prisons. I have had the sad experience of the death in prison of a 15-year-old or 16-year-old youth. The youth, who was detained because he was causing problems, died in prison. I note that members of the Opposition have indicated that they will be moving amendments in Committee to the provision in the bill relating to prescribed places. That provision will enable police to take children aged 15 or younger to a prescribed place if they consider that they are in need of care. What is a prescribed place? We do not have any refuges. [*Extension of time agreed to.*]

As a result of the Government implementing the recommendations in the Usher report, an increasing number of juvenile institutions and detention centres have been closed. That means that juveniles will be going to gaol. Authorities might be able to separate juveniles from prisoners, but they will end up in gaol as there is nowhere else for them to go. The disgraceful thing about this legislation is that children aged 15 and under will be put in gaol even though they have not committed an offence. The honourable
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member for South Coast referred to the fact that we have failed to learn anything from the Royal Commission into Aboriginal Deaths in Custody. Many of that royal commission's recommendations were never implemented. Australia has the highest teenage suicide rate in the world, yet we are intending, through this legislation, to place children aged 15 and under in gaol for 24 hours if homes cannot be found for them. We would be exposing them to completely unacceptable risks. The powers to be given police under clauses 12 and 13 of the Children (Parental Responsibility) Bill are frightening.

There will be differences of opinion. The Minister for the Environment has suggested that this provision is excellent for children under the age of 15. This legislation will take us back to the Dark Ages. We need to look at the recommendations in the white paper on juvenile justice, which was released three months ago, which refer basically to prevention and rehabilitation. The white paper talks about community safety rather than criminalising welfare issues, which essentially is what this legislation will do. This legislation will result in further negative interaction between young people and the police. Antisocial behaviour will be treated in the same way as criminal behaviour. I have received correspondence from people who have asked whether this legislation is in contravention of article 15 of the United Nations Convention on the Rights of the Child, which states:

State parties recognise the rights of the child to freedom of association and freedom of peaceful assembly.

How do we proceed? I recognise the social problems, because they are evident in my electorate. I recognise, too, that there are more sophisticated ways of dealing with the problem than making use of the blunt instruments provided by the bills. We already have the powers needed to deal with the problem. The Government, the Premier in particular, wants to be able to parade the legislation before the public a few months before the coming election. Sections 60 and 61 of the Children (Care and Protection) Act

1987 provide that children who are at risk may be removed. I have pointed out that the 1987 Act decriminalised welfare issues but we are now moving back to the position occupied before 1987.

After the passage of the 1987 Act no longer was it possible to charge children with being uncontrollable or neglected, as was the case under the Child Welfare Act 1939. The Child Welfare Act treated children so charged in the same way as children charged with criminal offences. The necessary powers and penalties are already available to the police. The bills are about social problems which should be dealt with by social and welfare measures. Somewhat coincidentally, last week I had a meeting, along with the honourable member for Bligh and the honourable member for South Coast, with family support service groups. Our meeting went to the heart of the issues. It is clear that family support services need to be enhanced.

Mr Schultz: More money to keep them on the streets, is that what you want?

Dr MACDONALD: Submissions I have received from family support services make it clear that the enhancement of family support services would lead to great gains and achievements. There is evidence to suggest that family support services prevent child abuse, the removal of children from their families and the homelessness of children, and effectively support the family in the rearing and development of children. I tell the honourable member for Burrinjuck that is the way to go about it; children should not be stuck in gaol for 24 hours.

Mr Schultz: Why don't you talk to the Feds about keeping their money?

Mr ACTING-SPEAKER (Mr Hazzard): Order! I call the honourable member for Burrinjuck to order for the second time.

Dr MACDONALD: Family support services have progressively had difficulties with funding. For the past three years there has been no increase in family support services funding other than consumer price index increases. All that the services are able to provide now is crisis management, rather than prevention services. Quarterly funding for the services comes from the Department of Community Services grants program, which is a State program. Family support services are able to provide token support only. They are able to put a finger in the dike. They are not able to make an impact. Family support services need to be enhanced. Not only that, the demand for the services increases as the Government implements hotline and awareness programs. More people seek assistance but there is no corresponding increase in funding. Implementation of the recommendations of the white paper on juvenile justice, a comprehensive document put together with great purpose and much input and consultation, is important.

At a local level, we need to enhance youth support schemes. In my area there is a youth support scheme, which works well. Multicultural workers are needed, and they need to work with the Department of Health and the Department of Community Services. I have multicultural problems in my electorate and I am sure that such problems are evident in some of the electorates of western Sydney. There is a need for more education, counselling, peer support and drug and alcohol counselling. The courts should take a more enlightened approach to children's crime. Increased community service is needed and emphasis needs to be placed on the concept of an accused person facing his or her victim, rather than the punishment of a gaol sentence. We should not criminalise welfare issues, we should not use the blunt instruments of law and order and we should not be cheating at the back end. We should aim for community safety and upfront measures.

Mr SCHIPP (Wagga Wagga) [11.54]: I strongly support the measures before the House. I congratulate the Premier and the Government on the initiatives that have been taken. The bills do not represent a knee-jerk reaction on the part of the Government but have been built up over time as the

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public and members of Parliament have become concerned about what is happening on our streets. It is

time that we reclaimed our streets for the safety of the public. People want to be able to walk on our streets without fearing molestation, muggings and all of the other crimes we read about and hear about. Last Friday night I went to the Coca-Cola Schools Spectacular and at the conclusion of the entertainment I heard people on the street asking others which streets were safe. People watched to see which streets others were taking and then followed, in the belief that they were walking on safe streets. Those people were not far away from the central business district, yet they had to ponder whether it was necessary for them to walk an extra block and go out of their way in order to feel safe.

People feel threatened by what has been happening on our streets. Speakers from the other side of the House have been involved in a performance this morning. The honourable member for Manly, the honourable member for South Coast, the honourable member for Riverstone, the honourable member for Mount Druitt and the honourable member for Bulli appear to have put together a speech, the *Hansard* copy of which will later be cut and pasted. Members opposite will send to one group of constituents the parts of their speeches that express sympathy over the problems on our streets. Other parts of their speeches, in which honourable members have taken the trail of the do-gooders and others who have criticised the bills, will be sent to other groups. The Government will expose members opposite in that practice. Government members will send out the complete *Hansard* copy of speeches, rather than allow members opposite to get away with cutting and pasting and sending selected excerpts to different groups of society.

Members opposite, one after the other, have admitted that there is a big problem but have said that the bills are not appropriate for dealing with the problem. Members opposite have spoken about pre-1987 conditions. Which party won the 1988 election on the basis of promising to reinstate the Summary Offences Act to give strength to the police on the street? Why did the Government win that election? It is surprising, therefore, to hear members opposite say that the bills represent a Government election stunt for the upcoming State election. These bills have been developed over time. Honourable members have brought to the Government their constituents' concerns, and the concerns relate not only to the cities but across country New South Wales as well. The problem is a minority problem but it is an increasing minority problem that the people will not take any longer. The people want to reclaim the streets.

We know of the Reclaim the Night movement. Many thought that the group consisted mainly of ladies who feared what might happen to them if they walked the streets at night. I say that private citizens should not have an artificial curfew put on them, leading to the feeling that they should not go to certain parts of the cities or certain parts of our country towns after a given hour of the night because they face the possibility of molestation. In Wagga Wagga not so long ago an elderly citizen was bashed to death. My worries did not arise out of that issue alone. It is of great concern to me to learn that eight year olds have been known to bash people to death in a park at two in the morning. We are not necessarily talking about the older age groups when we speak of our concerns; we are talking about very young children who are allowed to run free at all hours of the day and night. I cannot understand responsible members of Parliament criticising an attempt to address the problem. The Premier has made absolute assurances that the proposed legislation will be a softly, softly approach.

I recall that the honourable member for Manly used the word "frightening" over and over again, in an attempt to scare people into believing that there is a draconian aspect to the bills and that the police have no brains and do not know how to handle the problem. The honourable member for Manly condemned the police in the way that he addressed their role under the proposed legislation. He cannot escape the innuendo of what he was saying about police. The honourable member talked about a provision for putting people in gaol, which was the biggest furphy of all time and ought to be corrected as quickly as possible, and I do that now. Specifically, there is no mention of people being put in gaol. Many prescribed places are run by the Sydney City Mission and other groups and they will be commissioned as prescribed places. The Premier has given an assurance that such places will be provided with resources.

Honourable members have spoken about the many problems being experienced in society. But what can be done now? Parents can be educated, but what can be done about the situation on the streets? Representatives of civil liberties groups are not concerned about victims; they want to put a bandaid on the problem and pretend it does not exist. We are being told to put our heads in the sand. The honourable member for Mount Druitt said he wanted a review to take place in 12 months. The Government will review the legislation on an ongoing basis, month by month, to ensure that necessary structures are implemented to allow the legislation to work. Many people will be concerned about the attitude of the Opposition and the Independents, who have indicated that they will emasculate the bill; they will water it down until it has no impact.

When the legislation was introduced the Leader of the Opposition said it was not tough enough. He said he would be tougher in dealing with lawlessness on the streets. When he received a few dissenting letters from other groups he said he might amend the legislation. He sent the honourable member for Mount Druitt, his emissary, to inform the House of the drastic amendments the Opposition would make to the legislation. The Government will tell those people who support the legislation - and they are in the overwhelming majority; people who want to feel safe on the streets - the direction the Opposition is taking

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and how it has joined forces with the three Independents to undermine the effect of the bill - to make it a nothing bill - so that the bill that will be reviewed in 12 months will be nothing like it is now. Emotive terms such as "impounding kids" are being used in the debate as a scare tactic. That expression conjures up a picture of children being taken to the dog pound and locked up with the dogs.

Others have suggested that the next step will be a curfew. An artificial curfew exists now, because people are too scared to walk on the streets after dark, and even in daylight hours in many cases. What is wrong with empowering police to approach a group of young people who are obviously up to no good and say, "Break it up. Move away or else you will be dealt with"? It has been said that this proposal is a return to the dark ages pre-1987. When this Government came to office it honoured its commitment to redress the deficiencies in the Summary Offences Act, which was repealed by Mr Frank Walker. Letting Frank Walker have a go at the laws of the land is like letting a bull loose in a china shop.

The Government reinstated most of the provisions but not the law relating to loitering. This legislation is aimed directly at that issue. It will not be used in everyday situations. It has been suggested that two people having a conversation on a street corner could be charged with loitering. That is nonsense. The legislation is aimed at gangs of people who are obviously acting in a way that is threatening to citizens. I instance the recent bashing murder in a park of Peter Baker. On another occasion a law-abiding citizen and his lady friend, who went out to buy a hot dog at 2.00 a.m., were harassed. The man was struck with a broken bottle and, but for the presence of an off-duty wardman from the hospital, he would have bled to death. He could not even go out to buy a hot dog without being molested.

All the scare tactics of the Opposition will not deal resolve the issue. It is no good talking about curfews. No-one in their right mind would consider a curfew, even though it has been suggested by concerned members of the community. A councillor has requested a curfew. As the honourable member for Dubbo said, if the problem is not addressed now the citizens of this State will take matters into their own hands. That will be even worse than the worst aspects of the legislation, as described by members opposite. Police must have adequate resources, and welfare agencies that run youth refuges must also receive resources to fulfil their functions as prescribed places. I have been told by the Premier that those issues will be fully addressed and there will be no deficiencies in that regard.

Everything went wrong when Australia became a signatory to the United Nations Convention on the Rights of the Child, which was promoted in an over-the-top fashion. Young people believe they have more rights than their parents or their schools. They defy the establishment whenever they can because they have been told they have these all-embracing powers. They can even divorce their parents! That was the turning point so far as the respect young people have for older people is concerned. Not only

are young families involved in the problem. Many responsible parents ask how they can control their children. They have been told by schools and by left-leaning politicians that the children have rights and can defy their parents. The Federal Government should address that issue and back away from the position that was created when Australia became a signatory to the Convention on the Rights of the Child and continued in the International Year of the Child.

Graffiti is a huge problem. It is not only an economic problem; it is also an unsightly problem. In the main street of Wagga Wagga some young louts with cans of spray paint defaced private property and public property. I do not want to live in a society that condones such acts of hooliganism. If it is not regarded as fair for these young people to help clean up the mess they have made, we are going wrong somewhere. If they cause the problem, they should help clean it up. One Government member said that rather than seeing it as badge of honour these youths would be embarrassed by having to scrub off their mess in full view of the public. I can see nothing wrong with that.

The Premier said we are moving down a complex pathway, and the problem needs to be addressed in a slowly-slowly way. He has given an assurance to Government members who are concerned about some aspects of the legislation that it will be monitored every inch of the way. We will not have to wait 12 months, as proposed by the Opposition. The legislation will be monitored on a day-to-day, week-to-week basis. There will be close consultation with police, welfare groups, the Department of Community Services and all other groups that are involved. For heaven's sake, let us address the current problem - not only the perception but the reality that people are living in fear, even in small country towns. That situation cannot continue. Australia is not a Third World country; it is a country with a strong tradition of freedom, and its citizens have a right to walk in public places without being threatened by louts. [*Time expired.*]

Ms MOORE (Bligh) [12.09]: Why is member after member getting up and talking about reclaiming the streets? Why do we have the problem of young people hanging around the streets, threatening members of the community, particularly the elderly, acting violently or even criminally, terrorising neighbours and desecrating public places with graffiti? Could it be the result of economic rationalist policies of this Government and the Federal Government? Could it be the result of consecutive governments over the past 20 years failing to talk about or act upon the impact of the technological revolution on our way of life? Could it be that governments have done nothing about changing employment opportunities, changing family roles, both parents being forced to work to support the family, the high divorce rate, the dramatic increase in the number of single-parent families, the dramatic increase in brutality in the home, and the domestic violence and child abuse that comes with unemployment and poverty?

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Are we seeing on our streets the results of Thatcher-type policies? That is exactly what we are seeing. The legislation before the House today is nothing more than an election mandate solution. These are 1950s solutions - obviously supported by people such as the honourable member for Wagga Wagga - which are trying to respond to the problems of the 1990s. The legislation will tell the police to take the kids home to mum, who will undoubtedly be baking a cake for tea. The reality is that mum will probably be at work if she has a job or, if she is so distraught and devastated by life as it is today, she might have left home. Indeed, a senior police officer told me only this week that one child whom he picked up in my area begged not to be taken home because dad would beat him up. The senior police officer said, "Well, let's get on to mum" who was separated from dad, and the child said, "No, mum doesn't want me". The police officer told the child not to be so ridiculous. He rang up mum, and guess what mum said? She said that she did not want the child. That is the reality for such children living in my electorate, which experiences real youth problems.

I do not have time to talk about what is happening in Darlinghurst Road or Kings Cross, with young people coming into the Moore Park area to attend various football matches or concerts. I want to talk

about two specific areas where youth problems have been identified. The first area is Woolloomooloo. There is terrible distress in that community. Over the past six months, I have held meetings with community workers and the police to discuss the terrible distress that the Woolloomooloo community is suffering. A small gang in the area has members as young as four years of age who burn cars, throw stones through the windows of the houses of single mothers while young infants are in their bedrooms, terrorise very ill people who have HIV and AIDS and light fires in vacant houses. These children are involved in street violence against older residents and stealing. There is also a tremendous amount of drug trafficking and drug taking in the area.

At the other end of my electorate there is also a problem in Double Bay. Recently I wrote to the Minister for Police to inform him that in the almost seven years that I have been holding regular meetings around the electorate of Bligh I have not encountered such an alarming response from residents in the Double Bay-Darling Point area to the rapid increase in crime and violence in the neighbourhood. I pointed out to the Minister that residents from New South Head Road had detailed the offensive behaviour of adolescents on Friday and Saturday nights as they leave local hotels. Teenagers who appear to be under age scream obscene language, play chicken on New South Head Road, urinate into passing cars and fight in the middle of the road. Another problem is that when the police are called, they do not arrive or they merely give those involved a warning. The residents in the area find it extremely distressing.

At my most recent community meeting, the owners of a delicatessen in Ocean Street, Woollahra, detailed a most horrific experience. At 4.30 p.m. on a Sunday afternoon, four youths entered their shop and held a gun to one owner's head while the other owner was bashed with a baseball bat and kicked. Understandably, the couple is traumatised and is selling up its business. I do not deny that we have a real problem with youth. The problem in the Double Bay-Darling Point-Point Piper area is the result of the long absence of a police presence as a result of government dithering over the new Rose Bay police station. I am pleased that work on that project has now commenced. The problem is exacerbated by the fact that the patrol commander has not been responsive. Action has been taken at the community level. I am pleased to say that Woollahra council held a meeting about one week ago with the Federal member and the two State members in the area, Neighbourhood Watch representatives and school principals. They are directly addressing the question of teenage drinking and unsociable behaviour.

The community has also responded to the problem in Woolloomooloo. Indeed, I highly commend the police who, after the first meeting, organised a camp, supported by the Chamber of Commerce and the Minister for Community Services. As a result of the camp, which some of the local wild kids attended, a positive relationship has developed. More camps will be conducted to enable us to address positively the terrible things that are going on in Woolloomooloo. Workers at the Juanita Nelson Centre have applied to South Sydney council for increased funding to provide further drop-in centres in the evening. One of the reasons that youths behave so badly in Woolloomooloo is that they have nothing to do, nowhere to go and no-one to care for them.

Woolloomooloo needs a constant police presence on the streets and adequate policing for the shopfront police station. These are all positive steps that can be taken to deal with the immediate problem of youth violence. But in this important debate we should be talking about what will happen in the long term. I regret that the legislation responds in a responsible way to what will happen in the long term. One of the reasons that I fought so hard during discussions with both the Government and the Opposition for a four-year parliamentary term was to enable us to address in a responsible way the big issues facing the community in the long term. The social dislocation that I have described, following on from economic rationalist policies and the technological revolution, should be one area that a government elected for two terms of four years - any government that is worth its salt should be re-elected for two terms - looks at to find responsible solutions for the long term. The legislation before us today will not provide those solutions.

What sort of society do we want in the long term? Do we want a society in which the division

between the people who have, who are diminishing in number, and the people who have not, who are growing in number, increases? Do we want the rich battened down behind high walls with security guards and increased police, while the poor become wilder and more alienated? We should be doing the sorts of

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things that the honourable member for Manly suggested for the long term. As he said, we should not be busy applying a blunt instrument - that is a good description of this legislation. He talked about youth support schemes and peer support schemes, and implementing the recommendations of the juvenile justice white paper. I wholeheartedly support him.

I shall refer to documentation which I received from the family support network. Last week representatives from the family support network came to see the Independents and pointed out that it is a network throughout rural and urban New South Wales that deals with family breakdown, domestic violence, sexual assault, parenting skills, general counselling and support. Surely, those are the very issues that we are talking about that have caused problems leading to young people behaving in a totally unacceptable and unsociable way. What has the Government done? Representatives of the Family Support Services Association of New South Wales came to see the Independents last week to tell us they were undergoing extreme financial crisis. In city areas a number of services are close and handy for support and referral and available transfer, but the number seeking those services is overwhelming.

In rural areas, support services are often the only services offering a response to particular needs. The needs of rural areas are huge because of isolation and the drought. Support services maintain that the Government's approach has been piecemeal. When Virginia Chadwick was the responsible Minister, the Family Support Services Association received no support in excess of the consumer price index for a whole year. One would think that the Government would want to support and embrace enthusiastically an agency that provides long-term support, not just short, bandaid election solutions. But support services maintain that funding has been greatly diminished and that they are in desperate need of financial support.

I should like to refer to a letter I received from a group representing the peak organisations of youth services and young people in the State. The Youth Action and Policy Association of New South Wales maintains that the bill contradicts the principles for legislation proposed in the juvenile justice white paper, which were developed over three years of community consultation. The group maintains that the only result of the bill will be a further victimisation of young people, particularly in relation to young people in public places. [*Extension of time agreed to.*]

The bill will empower police, using reasonable force when they believe that such action would reduce the likelihood of young people committing crime, to remove young people 15 years of age and under from public places. It is entirely against the well-established principle of natural justice to detain such young people when there are no grounds for arrest. The group is particularly concerned that the legislation might lead to discriminatory police behaviour, and I do not need to detail why that concern has arisen. It is also concerned about what will happen to young people who have no families to whom they can be returned, which is the point I made originally, and the nature of hostels in which young people will be detained - a very important point. The group further points out that the legislation is likely to breach the United Nations Convention on the Rights of the Child. If it is passed, it will override the recent Anti-Discrimination (Age Discrimination) Amendment Act, the function of which was to consolidate the position of young people in New South Wales.

The group points out that families need more support, rather than legislation enforcing the Liberal Party's narrow interpretation of responsibility. It is tragic that we are dealing with such an important issue in this way. It is a tragedy that the Government is not looking long term, creatively and responsibly at an issue that reflects the changing lifestyle in Australia. The problems will not go away. Criminal activity and alienation of people, and of young people, disillusionment and lack of opportunity will set in. As legislators and representatives we will have to continually try to ensure adequate police numbers on the

street so that people can go about their daily lives without fear of threat. It is certainly an issue I have to constantly work on in my electorate. But I do not believe that the legislation provides creative, long-term solutions. Obviously, we will have to deal with it because this measure is short term, it is election oriented and, for that reason, is grossly irresponsible.

Mr JEFFERY (Oxley) [12.25]: It is with great pleasure that I support the Children (Parental Responsibility) Bill and the Summary Offences and Other Legislation (Graffiti) Amendment Bill. I applaud the Premier for introducing the legislation, which has been called for in my electorate for many years. On Saturday I attended a Christmas function at South West Rocks attended by more than 220 senior citizens. When I advised them that the Premier would be introducing this legislation, there was general applause. They want to be able to walk their streets safely. I have asked the Minister for Police to provide more police at Kempsey. Since this Government has been in office police numbers at Kempsey have increased from 22 to 37, but more are needed.

I am receiving daily reports of gangs of kids, lawlessness, threats and assaults. People who are being assaulted are fearful of going to the police, or even reporting the assault. I have asked them to report such incidents; they must stand up and be counted. However, when they do so they are then scared of being targeted by the gangs; their cars and homes could be vandalised and they are subjected to verbal abuse. It is rumoured that vigilante groups will be set up. I believe that the legislation will go a long way towards ensuring that parents are made more responsible, through supervision and punishment, for the actions of their children. Children who are not punished think it is all right to reoffend. It has been proved overseas that discipline for the first offence is a better deterrent than any other course of action, because offenders are made to feel they have committed a wrong. Having to submit to parental control will ensure that adequate punishment is meted out and that the juvenile is committed to serving that punishment.

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I have received many letters from the Council for Civil Liberties. I put them in the rubbish bin where they belong. They are rubbish. We should be concerned about the liberties and rights of people to walk the streets at night without fear, not the liberties of wrongdoers - those who break the law by spraying graffiti on homes, abusing, threatening and robbing people. I will stand up in this House, or anywhere, for law-abiding citizens. I will fight for my constituents who do the right thing. I recall that years ago the police gave kids who misbehaved a good, swift kick up the backside - an action that saved many a kid from further problems. Offenders had to clean up whatever mess they made. It was a very effective system.

It has been said that this legislation will turn back the clock. In some respects it will. The Opposition and the so-called Independents can accuse me of being right wing, but I would rather be right wing than a member of the loony left and the social engineering friends of Frank Walker. He started the rot by repealing the Summary Offences Act. This Government reintroduced it. We have also given the police the power to appeal against lenient sentences passed on juveniles as well as adults. Time and time again courts have been given a slap on the wrist for being too lenient. That is what good, law-abiding people are looking for.

Most members of Parliament, when returning home late at night, will have seen groups of young kids roaming the streets. One might ask where are the parents of those children? The legislation will go a long way to enabling police to get in first, to try to stop the trouble before it starts. It upsets me when I see kids of eight, nine and 10 out on the streets at half past twelve or one o'clock in the morning. On Monday last I took this very matter up with our local acting superintendent. I am compelled to speak on these matters and to applaud the Premier and the Government for introducing the legislation. As I said, juveniles must respect other people's property. My parents taught me to respect other people's property. Safety was also taught in the home.

Many offences are occurring. I have spoken to parents of kids involved, but they do not know what is happening. Parents should be told what their kids are up to. The bill will make that course possible by making parents more responsible for the actions of their children and for any supervision a court deems necessary as a result of their children's actions. Clause 8 introduces family counselling. Laws are necessary to address graffiti and vandalism, which have increased because of falling standards and family breakdown. That is a sad indictment of our society. People ask me what the Government is going to do about it. I put the question straight back to them: what are we going to do about it? It is not just the Government's problem; it is not a police problem. Even though police numbers in Kempsey climbed from 22 to 37, and more police are being asked for, police cannot be on every street corner. It is up to the community to forget its falling off the back of a truck attitude. A person who is assaulted should make sure the offender is charged; if not, the victim contributes to society's downslide.

These laws are necessary to address the existing problems. Under the proposed graffiti laws juvenile offenders may be charged with damaging and defacing property with spray paint and with possession of spray paint with the intention of committing vandalism. Young people think graffiti is cool. They had better think again. It is not cool; it is wrong, and it is hurting people. Many people are fearful. Courts will again be able to order all offenders to remove graffiti and repair damage to property. These laws will strengthen rather than reduce the roles of parents, police and courts in addressing juvenile crime. These measures reflect the coalition Government's commitment to the family and to security in the community.

That commitment is in stark contrast to the attitude of the Labor Party and the so-called non-aligned Independents, who should be ashamed of themselves. On the one hand they - including the Leader of the Opposition - call for tougher laws; on the other hand they say this law is no good. The Leader of the Opposition is a hypocrite. What is to be expected from someone who does not even know the name of the captain of the Australian cricket team? People want these offenders to be dealt with and juvenile crime to be stamped out before it gets out of hand. Community policing works if police are trained to work with and understand young people. It is critical to have laws that uphold the Government's commitment. The cost of adequately supervising a young person in the community is one-tenth the cost of supervision in an institution.

Police are being given power to return young people 15 years of age and under to their place of residence. In circumstances where parents are not at home, police will be authorised to take juveniles into care for up to 24 hours for their own good, and parents will be notified as soon as possible. I am aware of parents dropping their kids off at a service station at 8 o'clock at night, telling them, "We will pick you up at 1 o'clock in the morning". So far as I am concerned they are not good parents. In those instances counselling will be needed for the children and the parents. The public will be better off if more young offenders are kept in the community and given better supervision and support.

Parents have a major role to play in looking after the young. Every effort is being made to maintain young offenders and their families and to provide the opportunity for them to become responsible. In the main I applaud our young people. Most of them are good. However, the bad habits of a percentage of young people who are not really useful members of society have to be changed. I pay tribute to the youth centres and to the police citizens clubs that do an excellent job. They cannot be everywhere but they are in major centres. Police in the community are to be applauded and congratulated. These measures send a clear message to youths who might want to spray-paint graffiti, break the law or mug people, reminding them that they cannot continue such behaviour. I ask all members, including members of the Labor Party, to be fair dinkum and support the bill.

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Mr BECKROGE (Broken Hill) [12.35]: I support the Children (Parental Responsibility) Bill and the Summary Offences and Other Legislation (Graffiti) Amendment Bill. In a perfect world, these measures would not be necessary. However, after 13 years as a member of this Parliament and having attended

meetings every three or four months of citizens concerned about their way of life and harassment by people under the age of 18 who cannot be dealt with appropriately because of their age, I know these measures are welcomed by my constituents. The bills provide an opportunity for the law to address a growing problem. Although the spraying of graffiti on walls and the misbehaviour of children throwing stones on roofs are not regarded as hanging offences, the victims of such behaviour find that their lifestyle and amenities are badly affected.

Throughout the Broken Hill electorate, from Walgett to Brewarrina, from Bourke to Wilcannia and Broken Hill, communities are crying out for protection against criminal elements amongst young children. Sadly, young children are able to take part in those activities because their parents are not being parents. Some children, when growing up, do not have other role models to enable them to behave in a proper and social way. These children have become a difficulty for every community. I am not talking about sweet little children with their parents at the Royal Easter Show. Vicious operators, children with walkie-talkies who skulk through the night tuning into police radios, can outfox the police. When police turn up where the children are, the children scamper off and the police are unable to catch them. For many years the police have told me about the difficulty of handling young children, given the lack of legislation under which police can take children home. These measures will ensure that police will be able to take children home and deliver them to their parents.

I and other members receive correspondence that can be described only as absolute nonsense from people who call themselves the Lawyers Reform Association and the National Children's and Youth Law Centre. Those kinds of organisations and the people representing them are out of touch with the world. I cannot believe that the Lawyers Reform Association, in the second point in its letter of 28 November, made the terrible criticism that the bill allows police to demand a child's name and address, a power they do not have in relation to adults. I did not realise that. If a police officer asks for a person's name and address, it is a reasonable request. I do not know who these lawyers reform association people are, but they claim that asking a child his or her name and address is a fundamental breach of civil liberties. Has society reached the stage where asking a child his or her name and address is a breach of civil liberties? That is nonsense.

People have rights and responsibilities. There cannot be rights without responsibilities. These measures provide that if a child is not acting responsibly, the child's parent or guardian will be held responsible. The Opposition is concerned, and rightly so, about what will happen in communities which do not have a suitable detention centre to take a child whose parents are not at home or are in such a state that they cannot take care of the child. No-one would like to see children locked up in cells. But some children are of the criminal element; they are not the nice little children who attend the Royal Easter Show. I support the Opposition's amendment. The Government also needs to establish safe houses and safe areas where children can go.

The future of society depends upon children growing up and being given the right messages. People have not been given the right moral codes. Society will be doomed if we take any notice of those who put themselves forward as spokespersons of the majority when they are spokespersons for a very small minority. Those who believe everyone has civil liberties that entitle them to do what they like will hear the screaming from the once silent majority. Recently in Bourke the community tried to supplement police action by keeping an eye on the streets through the night. If the group was to become a vigilante movement, I would not support that action, but certainly the community tried to address a problem that successive governments have failed to address.

These bills will send a message to the people of Bourke that they are not alone; that the legislators of the New South Wales Parliament believe that their actions are right. Those who have not voiced concerns by joining organisations will be protected by this proposed legislation. I have been a member of Parliament for 13 years. Young children joining gangs, terrorising people in their homes and making their lives unbearable have been a constant problem regardless of whether the government at the time was Labor or coalition. I hope these bills ameliorate that situation and put paid to all the tripe that comes

from so-called do-good groups. We have had enough of their claims about civil liberties with no mention of responsibility and the right of people to quiet and peaceful lives.

Mr SCHULTZ (Burrinjuck) [12.42]: I pay tribute to the honourable member for Broken Hill, the only member from that side of the House who has spoken honestly, sincerely and with conviction about what I often refer to as the traditional values with which he and I grew up, unlike the trendy do-gooders and civil libertarians who promote rights of individuals that are contrary to the mainstream community expectations for looking after children and promoting traditional family values. I listened with care to some of the ravings of the honourable member for Manly, one of the disciples of that person who refers to himself as, and thinks of himself as, God. I take issue with his comments about the rights of children. He was promoting the increase in and continuance of social welfare payments from the Federal Government that effectively keep children on the streets doing things that society has had enough of. I commend the Premier and the Government for introducing these bills, particularly the Children (Parental Responsibility) Bill.

Many of my parliamentary colleagues, when driving through their electorates late at night and in the early hours of the morning seeing what children are up to, experience the problems and concerns that people continually complain about, that is, the activity of children on the streets at all hours. Sadly that

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activity has brought about situations such as that to which the honourable member for Wagga Wagga referred, when children 14 years of age and younger lured an elderly person into a park and bashed him to death. That is the activity that the Government is concerned about. In 1987 the Government's policy was to reintroduce the Summary Offences Act, and that Act was reintroduced. Since then I have received countless complaints from police in the Burrinjuck electorate about public criticism of the lack of power under the Act for police to remove children from the streets.

Children have created massive problems for society, in cost and inconvenience: shopkeepers complain of windows being broken; shire councils complain of vandalism to public amenities and buildings. When considering what ought to be done to pull these children into line, as outlined in the bill, the honourable member for Manly disgracefully misrepresented the intent of the bill by continually referring to children being gaoled. Clause 12 deals with police functions relating to children. Subclause (1) enables a police officer to request a child to state his or her name and age and his or her parents' residential address or the address of his or her care residence. Subclause (2) empowers a police officer to escort the child to the parents' residence or care residence or, if that is not practicable, to some other place prescribed by the regulations.

Subclause (3) provides for the power to be exercised only if the police officer knows or has requested the child's details referred to in subclause (1) and considers that this action would reduce the likelihood of a crime being committed or of the child being exposed to risk. Subclause (4) requires the police officer to notify a parent or carer if the child is escorted to a place that is not the parents' residence or care residence. Subclause (5) authorises the police officer to use reasonable force. Gaol is not mentioned in the bill. The honourable member for Manly ought to be ashamed of himself for misrepresenting the intent of this bill to the House. People such as the honourable member for Manly and the honourable member for Bligh continually erode the traditional values and responsibilities that we all had in the past as members of society. They should concentrate on the wishes of the mainstream community rather than concentrate on the rights of minority groups at the expense of mainstream society.

The honourable member for Bligh has so much of a grasp on what is happening in the real world that she tells the Parliament that the answer to needlestick injuries from discarded needles is to place more containers in the parks in the hope that addicts who are high on illegal substances will see them! Not only is she out of touch on that aspect, but she constantly advocates the rights, not responsibilities, of wacko groups such as homosexuals and transsexuals at the expense of heterosexuals. The honourable member for Bligh took exception to me, as the member representing the people of Burrinjuck, when I took her to task on these issues. I said to the honourable member for Bligh that she is a disgrace to her

gender. As a female she opposes the Government's efforts to make parents be responsible for their children and to ensure that they are doing the right thing in society.

What will we do about it? It will depend on the Parliament. It would not surprise me if the three so-called non-aligned Independents do what they have done 95 per cent of the seven years that I have been a member of Parliament - that is, vote against the Government simply because they have this megalomania about controlling this lower House of Parliament. That gives honourable members an indication of how fair dinkum the Independents are about the rights and responsibilities of parents. What have the Independents done about this? They have criticised the Government for attempting to implement this legislation. They have not made any positive contributions in this House, and they have not referred to the role they have played in trying to prevent young children from committing crimes in our community.

Recently I gave financial support to a group of parents in Cootamundra and made representations on their behalf to local business houses and organisations for financial assistance to buy sporting equipment and pool tables in an attempt to keep kids off the streets. This Government is taking a responsible attitude towards children in our towns and cities. I compliment the Government, the Premier and Cabinet for responding to the concerns expressed by people in the community about those parents who will not take responsibility for their children. The police have been given the power that they need to take irresponsible children off our streets in an attempt to protect the rights and property of individuals who are working hard to maintain decent standards of living. There is nothing wrong with that. I actively and publicly promote the need to return to the traditional values that minority groups are intent on eroding at the expense of the community. I support the bills.

Mr NAGLE (Auburn) [12.53]: The Children (Parental Responsibility) Bill is an important bill. A lot of people have expressed concern at what has been happening in our community. Yesterday morning, when I was travelling by train to Parliament House, I noticed the section of the railway carriage that I was in was covered in graffiti. Recently, I was invited by Sefton High School to speak about the graffiti problem. I referred to the destruction of people's property and I said that young vandals had defaced the houses of elderly people in my electorate. I spoke also of the concern that had been caused to these people and I said that parents were requested by police to attend police stations while their children were being interviewed. I told students that young offenders had to be fingerprinted, photographed and interrogated by police officers and were then further humiliated by having to appear in court.

I got a good reception from students at Sefton High School on assembly day. I thank the principal and the teachers for inviting me to speak to the students at that school. I received that invitation because I had attended a meeting where the case of a gentleman who lives at Rawson Street in Auburn was discussed. The home of that gentleman had been vandalised four or five times. There was graffiti on the wall of his home that was facing the main street. This 75-year-old man, who was distressed as a result of the actions of these young people, had to clean fingerprints and palm prints from the wall and then paint it. Immediately after he had done that the young

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people returned, but a couple of police officers who were in the vicinity at the time caught them in action. They and their parents were taken to the police station and I believe that the parents took disciplinary action.

The ethnic community in Auburn paid a great deal of money to have a mural painted on a wall at Auburn railway station. This beautiful mural, which had a background of trees and displayed various ethnic communities and their children, was defaced only 48 hours after it was painted. That shows the insensitivity of these young people. The mural portrayed the unity of the ethnic communities, which pooled their money to have a mural painted on an old brick wall at Auburn railway station. Shame on those who defaced that mural! Unfortunately, they have not been caught. The aim of this legislation is to make parents aware of their responsibilities towards their children.

Some of the provisions in this legislation are a cause for concern. Youths who were arrested in my electorate used to be taken to Minda Youth Centre rather than the local police station. That will not be possible any longer because Minda Youth Centre and Minali are to be closed. Where are these children to be taken? Should they be taken to the Lidcombe or Auburn police stations and placed in the cells, or is there another facility to which they can be taken? The honourable member for Riverstone has foreshadowed that he will move an amendment to this provision in Committee. Another amendment proposed by the Opposition will enable us to review this legislation after one year to determine whether it has been successful. It is important to review legislation that deals with children.

Father Flanagan, the man who founded Boys Town, said that there is no such thing as a bad boy. There are a lot of young people who are not bad, but there are some who are responsible for creating problems in our community. There is nothing worse than young people yelling, screaming and carrying on in trains and spray-painting graffiti on the walls of the carriages. Elderly people should not have to endure that sort of behaviour. The bill sets out in detail the powers of the police when arresting young people. Police can arrest and detain anyone who they believe may have committed an offence. They can ask young people for their names and addresses. What procedures will be adopted if a person who is being detained refuses to give his name, rank and serial number, so to speak? Guidelines should be set by local patrol commanders so that police officers know how to deal with those types of incidents.

There has been a great deal of discussion and correspondence on this matter. People have written to me claiming, and rightly so, that there has not been a lot of community consultation about the proposed legislation. The honourable member for Riverstone has shared comments made by Mr John Marsden, President of the Council for Civil Liberties. Mr Marsden is concerned about the issue. It may be that the Government should have undertaken more community consultation. Be that as it may, the legislation is before the House. The bills are an attempt to rectify what is a growing problem in the community. The problem is one of grave concern. Part 2 of the Children (Parental Responsibility) Bill deals with parental responsibility. The bill aims to bring parents into the process of taking responsibility for their children. I support the bills and the amendments that will be moved by the honourable member for Riverstone in the Committee stage.

Debate adjourned on motion by Mr Whelan.

POLICE NUMBERS

Suspension of Standing and Sessional Orders

Motion, by leave, by Mr Whelan agreed to:

That Standing and Sessional Orders be suspended to allow the rescission of part of the resolution of 17 November 1994 for certain police documents.

Motion

Mr WHELAN (Ashfield) [1.01]: I move:

(1) That this House rescinds that part of the resolution of the House of 17 November 1994, calling for the production of papers under Standing Order 54 on the motion of the Member for Ashfield, which would require the Minister for Police, and Minister for Emergency Services to table documents being sought in 2(a) and 2(b) of that resolution which could prejudice the safety of police officers or the security of police operations, namely:

POLICE UNIT

POLICE
REGION

Major Crime Squad, Drug Unit	North
Major Crime Squad, Drug Unit	North West
Major Crime Squad, Gaming and Vice	North West
Major Crime Squad, Special Crime	North West
Major Crime Squad, Task Force	North West
Major Crime Squad, Special Investigation	North West
Major Crime Squad, Command/Intelligence	North West
Monaro District, Drug Unit	South
Major Crime Squad, Gaming and Vice	South
Major Crime Squad, Drug Unit	South
Telephone Interception Unit	
Joint Technical Services Group	
Drug Enforcement Agency	
Fraud Enforcement Agency	

(2) That the Minister substitute collated details of police numbers for those papers which are affected by (1) above.

After a detailed conversation with the Minister for Police, it became clear to me that the numbers I had sought could not be obtained without the release of what would ordinarily be regarded by anybody as confidential information and information in confidence to the Police Service about the matters I have mentioned, whether they relate to drug enforcement, to the major crime squad or to telephone interceptions. For that reason, I am happy to amend the resolution. The House is to get a collation of those materials. All other materials will be produced, as I understand it, by the Government. The collation has been discussed and will be certified by a senior officer of the Police Service as being true and correct and in accordance with the collation of the original material not being produced for the reasons I have outlined.

Mr WEST (Orange - Minister for Police, and Minister for Emergency Services) [1.03]: The Government supports the third attempt to amend the original motion relating to Standing Order 54. It Page 5999

became clear to me last week when I came to table the papers that they included rosters that detailed names of particular officers who were working in undercover operations. The material went so far as to detail the motor vehicles being driven, the hours of the shifts being worked and the location of particular drug units working within regions. It was obvious that for the security of those officers and the integrity of ongoing operations of the New South Wales Police Service the tabling of those details was inappropriate. I was not prepared to allow that material to be available through the public resources of the motion. The delays in meeting the requirements have been the result of attempts to meet the requirements of security. When the motion is carried I will be able to table immediately the papers and the compilations required. Again for the sake of clarity, I indicate that some of the rosters provided will show drug units but will not show names, which have been deleted from the documents for security purposes.

Motion agreed to.

Mr WEST (Orange - Minister for Police, and Minister for Emergency Services) [1.04]: I table the papers required by the motion moved by the honourable member for Ashfield under Standing Order 54.

BUSINESS OF THE HOUSE

Hours of Sitting: Suspension of Standing and Sessional Orders

Mr WEST (Orange - Minister for Police, and Minister for Emergency Services) [1.05]: I move:

That Standing and Sessional Orders be suspended to permit the House to sit after 7 p.m. at this sitting for the purposes of:

- (1) Debate on the Water Board (Corporatisation) Bill up to the Minister in reply;
- (2) General Business Orders of the Day (General Orders) No. 4 standing in the name of Mr Whelan;
- (3) A motion to release in-camera evidence of the Joint Select Committee upon Police Administration, notice of which will be given this day; and
- (4) Members not being permitted to call a division on any question or call attention to the want of a quorum after 7 p.m. at this sitting.

The motion is designed to facilitate the passage of business through the House. With the cooperation of the honourable member for Ashfield, it has been agreed that the two motions that will be debated this evening will be agreed to in terms that are acceptable between the relevant parties. The motions are important and have to be dealt with as a matter of urgency. It is important also that we progress the second reading stage of the Water Board (Corporatisation) Bill so that before the House concludes this week's business we can endeavour to resolve that legislation in Committee, and I understand that the negotiations on amendments to be moved in Committee are progressing well.

Mr WHELAN (Ashfield) [1.09]: The first matter relates to the suspension of standing and sessional orders to enable the House to sit after 7 p.m. It seems that I shall be known as "Compliant Paul". I do not know whether Government members intend to speak to the Water Board (Corporatisation) Bill, but it would appear that after 7 p.m. six Opposition members will speak to it, on the basis that there will be no division or quorum called and that the debate will continue up to but not including the Minister's reply to the second reading debate. The Opposition agrees. It is an important ingredient that the majority of members will be able to keep to the arrangements that they have already made and at the same time the House will be able to have on record the contributions of some of those members who wish to speak to the second reading debate. This could probably be regarded as an informal gag, but that is not the case. Many members wish to speak. There is a Committee stage and those who wish to make an input will be able to contribute during the Committee stage.

In relation to general business orders of the day standing in my name, this concerns the reference of a motion to the royal commission and to the Independent Commission Against Corruption. I will give the Government a form of words that I hope will be agreed to prior to 7 p.m., so that there is no possibility of a division being required on that. If not, the matter may have to wait until tomorrow for resolution. There is also the matter of the release of in-camera evidence. I have no difficulty with that issue. I was surprised that the information had not been given to the royal commission already. That debate will be short.

Mr WEST (Orange - Minister for Police, and Minister for Emergency Services) [1.10], in reply: I thank "Compliant Paul" for his contribution.

Mr DEPUTY-SPEAKER: Order! The Minister will refer to the member by the name of his electorate.

Mr WEST: The honourable member for Ashfield volunteered his compliance to that appropriate phraseology. We are trying to make progress this week. The arrangement is sensible and I appreciate the compliance of the honourable member for Ashfield.

Motion agreed to.

[Mr Deputy-Speaker left the chair at 1.12 p.m. The House resumed at 2.15 p.m.]

PETITIONS

Newcastle Rail Services

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

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Marijuana Prohibition

Petitions 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 Gaudry** and **Mr Mills**.

Bass Hill Policing

Petition praying for an increase in police patrols in the Bass Hill Neighbourhood Watch area, received from **Mr Nagle**.

Wyang Shire Policing

Petition praying that additional police be provided in the Wyong Shire, received from **Mr Crittenden**.

Newcastle Acute Hospital Beds

Petition praying that the House support the provision of increased funding for acute hospital beds in Newcastle, received from **Mr Gaudry**.

Wyang Hospital

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

Bulli, Coledale and Port Kembla District Hospitals

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

Eastlink Power Line

Petition praying that the planning and construction of the Eastlink power line be opposed, received from **Mr Chappell**.

REORDERING OF GENERAL BUSINESS

Queanbeyan Showground (Variation of Purposes) Bill

Mr COCHRAN (Monaro) [2.23]: I move:

That General Business Order of the Day (for Bills) No. 24 (Queanbeyan Showground (Variation of Purposes) Bill) be reordered to take precedence on Thursday, 1 December 1994.

Since 1987, the Queanbeyan community, under the auspices of the former member, John Akister, has attempted to change the purposes of the use of Queanbeyan showground to allow for extended use. The community has waited patiently while the consultation process has taken place between Queanbeyan City Council, the Queanbeyan Showground Society and the community. Future management of the showground will depend largely on a decision made by this Parliament, which can be made either today or tomorrow, prior to the closing of business. There is a dire need for the Queanbeyan City Council, as the new trustee, to have authority to exercise its right to improve the showground on behalf of the people of Queanbeyan and, therefore, put forward its management plans as desired by the community to improve the situation at the showground. I ask the House seriously to consider the importance of this matter to the people of Queanbeyan. In the spirit of bipartisanship which has been enjoyed in this House, I ask honourable members to consider this matter seriously, and reorder the priority of business.

Local Government (Boarding and Lodging Houses) Amendment Bill

Ms MOORE (Bligh) [2.24]: I move:

That General Business Order of the Day (for Bills) No. 19 (Local Government (Boarding and Lodging Houses) Amendment Bill) be reordered to take precedence on Thursday, 1 December 1994.

This is a small but important bill for many of the most disadvantaged in the inner city community - the boarders and lodgers. It will overcome an unintended consequence of the Local Government Act which categorised boarding and lodging houses as commercial for rating purposes, and return boarding houses to a residential category. If the bill is not passed this session, the impact on the provision of low-income housing in the inner city could be disastrous. Finally, it is a bill which will, hopefully, gain the support of all members and take very little time of the House. I understand that the Government supports it, and that the Opposition spokesman on local government spoke in support of it at the recent local government conference.

Question - That the motion of the honourable member for Monaro be agreed to - put.

The House divided.

Ayes, 46

Mr Armstrong	Mr Merton
Mr Baird	Mr Morris
Mr Beck	Mr W. T. J. Murray
Mr Blackmore	Mr D. L. Page
Mr Causley	Mr Peacocke
Mr Chappell	Mr Petch
Mrs Chikarovski	Mr Phillips
Mr Cochran	Mr Photios
Mrs Cohen	Mr Richardson
Mr Collins	Mr Rixon
Mr Cruickshank	Mr Schipp

Mr Debnam	Mr Schultz
Mr Downy	Mrs Skinner
Mr Fahey	Mr Small
Mr Fraser	Mr Smith
Mr Glachan	Mr Souris
Mr Griffiths	Mr Tink
Mr Hartcher	Mr Turner
Mr Hazzard	Mr West
Mr Humpherson	Mr Zammit
Dr Kernohan	
Mr Kinross	<i>Tellers,</i>
Mr Longley	Mr Jeffery
Ms Machin	Mr Kerr

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Noes, 49

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

Pair

Mr O'Doherty	Mr Doyle
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Question so resolved in the negative.

Question - That the motion of the honourable member for Bligh be agreed to - put and resolved in the affirmative.

SELECT COMMITTEE ON BUSHFIRES

Report - Evidence

Mr COCHRAN (Monaro) [2.33]: I bring up and lay upon the table of the House the report of the Select Committee on Bushfires.

Ordered to be printed.

Mr COCHRAN: I also lay upon the table of the House the evidence taken and statements received by the committee.

[Notices of motion for urgent consideration.]

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

[Interruption]

Mr SPEAKER: Order! I place the honourable member for Eastwood on three calls to order for interjecting while the Speaker is on his feet. As the end of the session draws nearer and the pressure on members becomes more intense, it is important that members cooperate to maintain the decorum and dignity of the House. I warn members that during question time I intend to be particularly severe on members who interrupt the flow of question time. Members will be called to order for indiscretions that might on other occasions not attract the attention of the Chair. No member has ever been removed from the House for being well behaved. If any member earns the distinction of being removed from the Chamber between now and the end of the session, it will be because that member has flouted the rules of the House.

BUSINESS OF THE HOUSE

Unanswered Questions upon Notice

Mr SPEAKER: Order! In accordance with the sessional order I draw the attention of the House to the following unanswered questions upon notice: Nos 1519 and 1571 standing in the name of the Minister for Health and Nos 1521, 1524, 1549 and 1585 standing in the name of the Minister for Sport, Recreation and Racing.

Mr PHILLIPS: They are in the process of being answered and will be in the House this day.

Mr DOWNY: The answers have been prepared and will be in the House this day.

QUESTIONS WITHOUT NOTICE

—

PROTECTED WITNESS JOHN GAZZARD

Mr CARR: My question without notice is directed to the Premier. Has the Attorney General told the Premier that he gave an undertaking not to prosecute John Gazzard, a major drug dealer responsible for the sale of amphetamines worth \$50 million? Was the undertaking given in return for his evidence against lesser criminals, who were nonetheless acquitted?

Mr FAHEY: The answer to the first question is no. Therefore, the second question is irrelevant.

DROUGHT RELIEF

Mr SMALL: My question without notice is addressed to the Minister for Agriculture and Fisheries, and Minister for Mines. Can the Minister advise the House if there has been any easing of the New South Wales drought? Has the Minister received advice on Federal assistance for drought-stricken farmers?

Mr CAUSLEY: The drought is having devastating effects on the whole of New South Wales and, for that matter, eastern Australia. Unfortunately, the drought situation in the past month has worsened. Now 94 per cent of the State is drought declared. That might come as a surprise to some people, because we have had reasonable rain across the south-east of New South Wales recently. But because the northern section of the Broken Hill Rural Lands Protection Board has been drought declared, and being such a large land area, the percentage of the State that is drought declared has increased to 94 per cent.

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This is one of the worst droughts in living memory for New South Wales and eastern Australia. We are all aware of the plight of those most affected by the drought. The New South Wales Government has, on a continuing basis, been supporting the farming sector and, through the efforts of my colleague the Minister for Small Business, the rural areas. That support must continue. Even though we have experienced reasonable falls of rain within the past two to three weeks, it has been very scattered and it has not been enough to break the drought.

The real issue will be what happens in the next two or three weeks. If we get follow-on rains they will have significant effect particularly in the north-west of the State, where there might be some summer crops, and across the drought-affected central area of New South Wales. We are still seeking assistance from the Federal Government - which is slow to come, I have to say. I have applied to Senator Collins, the Federal Minister for Primary Industries, to reinstate as extremely drought-declared areas those areas that he specifically excluded some weeks ago. We have reapplied for reinclusion of areas around Dubbo, Grafton and Merriwa. We have supplied substantial material to support this approach to the Federal Government. I understand that RASAC, the Rural Assistance Scheme Advisory Council to the Federal Minister, is assessing those applications at the present time.

The National Farmers Federation agrees with me, for a change. They are very concerned about core herds and flocks across New South Wales and eastern Australia. I have been making the point for some time that if considerable rains do not fall in the next few weeks - some has fallen but more is needed - we really will have to worry about core herds and flocks across this State. Some weeks ago I gave figures to show that if core herds and flocks drop below a certain level, this nation will be in considerable trouble in relation to the productivity we enjoy from the agricultural sector. The Federal Government seems reluctant to address that very important issue.

Farmers in New South Wales are looking closely at a crop scheme. If it is a good season next year, it will be absolutely necessary to use core finance to allow severely indebted farmers to plant crops. So far the Federal Government has been reluctant to even discuss those issues, and that is very disturbing. The reason that New South Wales and Australia bounced back from the 1982-83 drought so well was that we had protected core areas of agriculture. The Fraser-Anthony Government spent about \$605 million in present day dollar terms to support agriculture during that drought. We are not getting the same support from the Federal Government at the present time. That really places at risk the ability of this country to recover following reasonable rains and the breaking of the drought.

PROTECTED WITNESS JOHN GAZZARD

Mr SCULLY: My question without notice is directed to the Premier, and Minister for Economic Development. Will the Premier ask the Attorney General to explain why John Gazzard was allowed to keep all cash and real estate acquired with the proceeds of his drug business? Was he also permitted to keep all equipment used to manufacture amphetamines? Why were not these assets confiscated?

Mr FAHEY: I have already indicated to the House that I have no knowledge of the particular person referred to by the honourable member for Smithfield. I have no knowledge of any arrangements that were made, if there were any arrangements made. And I have no knowledge of any assets he may or may not have had.

Later,

Mr FAHEY: I have been advised by the Attorney General of the following information regarding a series of questions today from the Opposition about the person identified as John Gazzard. The person John Gazzard was granted an indemnity four years ago by the Solicitor General. He is considered to be a key witness in a large number of matters being dealt with by the State Crime Commission. As such, on its advice, the person has been placed in the witness protection program. No indemnity has been granted to Gazzard by this Government, although he has been granted legal undertakings, which means that nothing he says in evidence against others will be used against him.

[Interruption]

The non-lawyers laugh. An undertaking effectively removes his defence of self-incrimination from answering questions. However, it does not prevent the authorities from proceeding against him on the basis of any other information, and it certainly is not an indemnity. Any request for an undertaking is made by the Director of Public Prosecutions. It is then submitted for advice from the Crown Advocate or the Crown Solicitor. On no occasion has the Attorney General granted an undertaking without the proper process or against advice received.

SYDNEY AIRPORT THIRD RUNWAY NOISE

Mr PETCH: My question without notice is addressed to the Minister for the Environment. Is there any evidence that the Federal Minister for Transport, Laurie Brereton, misled the people of Sydney about aircraft noise associated with the operations of the second parallel runway?

Mr HARTCHER: I commend the honourable member for Gladesville for his continuing interest in a most important issue for the people of Sydney. There is no doubt that a mountain of evidence is slowly accumulating that Laurie Brereton misled the people of Sydney about aircraft noise that would come from the second parallel runway.

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

Mr HARTCHER: The evidence is coming out in many forms. It is coming out in bits and pieces like a mosaic. But it is all forming a picture which shows that Labor lied deliberately to the people of

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Sydney. The evidence is coming out from government departments, from the Federal Airports Corporation and from the Civil Aviation Authority. It is also coming out in great swathes from members of the Australian Labor Party at well-attended public meetings in Petersham, Marrickville, Ashfield and

throughout Sydney, where people just love to get to their Labor members of Parliament and talk to them about the noise.

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

Mr HARTCHER: Evidence is also coming from Labor politicians like Graham Richardson. Most importantly, it is coming again and again from the people of Sydney, of Marrickville, of Sydenham, of Kurnell, of Drummoyne, and of Petersham who are suffering this unbearable noise. Only today it has come to light that the Federal Minister for Transport, Laurie Brereton, knew that the air traffic noise would increase but he did not tell the public. That has been revealed by the former mayor of Marrickville in correspondence that he has.

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

Mr HARTCHER: We all knew that Laurie Brereton had lied to the people of Sydney.

Mrs Grusovin: We already knew -

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

Mr HARTCHER: The honourable member for Heffron admits that Laurie Brereton lied to the people of Sydney.

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

Mr HARTCHER: That is a frank admission. Not only was it false; they knew it was false. We thank the honourable member for Heffron for coming clean.

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

Mr HARTCHER: All Sydney residents will be grateful to the honourable member for Heffron that she has admitted that we were lied to, that we were misled, and that the people of Sydney have suffered because of what Laurie Brereton has done to them.

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

Mr HARTCHER: Every now and again one meets a really honest politician - and we have one here in the honourable member for Heffron.

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

Mr HARTCHER: Not only has the honourable member for Heffron finally come clean - after 21 days - but we also have the admission by the Federal Minister for Consumer Affairs, Jeannette McHugh, who said today that Federal Cabinet was told that the third runway would in fact solve Sydney's aircraft problems. Jeannette McHugh is a woman who takes an interest not only in Federal matters but also in State matters. She was a visitor to the State Parliament today. She actually wanted to talk about issues affecting the State of New South Wales, such as how Labor will get itself out of the noise problem? She and various other members of the Labor Right and the Labor Left - all the factions - came together in a wonderfully attended meeting in the office of the member for Maroubra -

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

Mr HARTCHER: - to talk about "How do we get ourselves out of our problem?"

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

Mr HARTCHER: There they all were, lined up one after the other, all looking at one another and thinking, "How do we get ourselves out of this? Who do we blame?"

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

Mr HARTCHER: At a well-attended meeting at Petersham town hall they had Labor State members blaming Labor Federal members, Labor Federal members blaming Labor State members - and the Labor mayors came along to blame Labor Federal members and then Labor State members. All of them were expressing that brotherhood and solidarity that so marks the Australian Labor Party when it is in trouble. They all stuck together in the face of the people of inner Sydney.

Mr Mills: No-one is listening.

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

Mr HARTCHER: The honourable member is listening and he is trembling.

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

Mr HARTCHER: The honourable member for Port Jackson even has to make sure about a speaking time.

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

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Mr HARTCHER: Senator Bob Collins said, in his contribution, that he was transport Minister at the time Labor decided to build the third runway. He said that he believed that the runway would decrease by 50 per cent the number of people affected by the noise, that when the third runway went operational it would reduce by half the number of people who were going to be affected by the noise. The honourable member for Heffron, true to her honest new image, nods her head in agreement - "That is what we were all told". Or were you just waking up, Deirdre?

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

Mrs Grusovin: On a point of order: Mr Speaker, I ask that you direct Government members to refer to members of this House by their correct titles.

Mr SPEAKER: Order! The Minister for the Environment will respect the rules of this House and refer to members by the names of their electorates or the titles of their offices. I call the Deputy Leader of the Opposition to order.

Mr HARTCHER: We have the evidence of Lawrence, McHugh, Brereton and, of course, we have the frank admission by that well-known truth teller Graham Richardson, who said that Cabinet was misled on the airport issue. In his book he wrote:

. . . many of the figures quoted in Cabinet from the Department of Transport were rubbery. Every estimate for Badgerys Creek was put at its utmost top edge, every one for the third runway was shaved for effect.

Not only have Labor politicians misled the people of Sydney, but it appears that they have been misleading themselves. The clear evidence is that Laurie Brereton has deliberately and consistently misled some of his colleagues - but obviously not the member for Maroubra, who has benefited - and, of course, the people of Sydney.

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

Mr HARTCHER: Labor politicians are gathering in their pathetic little groups in the office of the member for Maroubra in a vain and futile attempt to avoid the wrath of the public. The member for Maroubra was not prepared to attend the meeting at Petersham town hall. He is the leader of the Labor Party in this State and would like very much to be Premier. This is a crucial issue to hundreds of thousands of people living in traditional Labor areas, yet the member for Maroubra was not prepared to have the courage to attend that meeting, face those people and present a solution to this problem.

Mr Price: On a point of order: we have been listening to a tirade of abuse against private members of this House. It is time the Minister got back to the substance of the question.

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

Mr HARTCHER: Mr Speaker, I have finished.

POLICE BRIBES

Dr REFSHAUGE: My question without notice is directed to the Minister for Police, and Minister for Emergency Services. Did Gazzard reveal under cross-examination that he paid a \$25,000 bribe to New South Wales police and then sought to claim a tax deduction for it as a necessary business expense? When did the Minister find out about this matter? Will the Minister refer this to the police royal commission?

Mr WEST: It is incredible that Opposition members make all these allegations in this House, yet just down the road sits a royal commission set up by the Opposition. Rather than make allegations in this House they should take the matters to the royal commission. Recently when the honourable member for Smithfield raised specific matters with me I said that I would make sure that the royal commissioner was provided with the full text of the matters to ensure that Opposition members were true to their words.

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

Mr WEST: The question is about my knowledge of that case. I have no knowledge at all of the case referred to. Therefore, I am not privy to details of evidence given in the court case.

BEACH TAX PROPOSAL

Mr HAZZARD: Has the Minister for Land and Water Conservation been advised of proposals by the Federal Government to impose a tax on people using beaches as part of a beachcare program? Can the Minister advise the House of the New South Wales Government's position on this issue?

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

Mr SOURIS: Obviously this matter is of concern to the honourable member for Wakehurst, in whose electorate can be found some of Australia's finest beaches, namely, Curl Curl, Dee Why, Collaroy and Narrabeen. Electorates of others of my colleagues have some of Australia's most important beaches, especially my colleagues from the north coast. I am sure their constituents would be horrified to learn of the plans of Senator John Faulkner of the Federal Government to impose a beach tax on users of beaches. Senator Faulkner is lead weight in the Australian Labor Party's saddlebag and the State Opposition's saddlebag. Senator Faulkner is the worst enemy of honourable members opposite.

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

Mr SOURIS: Several Opposition members have tied themselves inextricably to one or other of their Federal Labor colleagues. For instance, the member for Maroubra has tied himself to Laurie Brereton. His flag is on the mast ready to be lowered to half mast with that of Laurie Brereton, the airport man - the one who brought us the noise.

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

Mr SOURIS: The Deputy Leader of the Opposition has tied himself to Carmen Lawrence's mast on health matters as she sets about destroying the health system and health insurance.

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

Mr SOURIS: The Prime Minister has the honourable member for Kogarah tied to his mast over issues such as the crazy notion about the Cahill Expressway. Now we have Senator Faulkner with the honourable member for Blacktown tied to his mast on the beach tax issue. One after the other the Opposition's Federal Labor colleagues are bringing them down. The best thing for the Government in the lead-up to the next election is for the Opposition to have this sort of help being offered by their Federal colleagues.

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

Mr SOURIS: The sort of gratuitous help Opposition members are getting from their Federal colleagues is nowhere near the calibre of the assistance coalition members are able to muster.

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

Mr SOURIS: The *Sun-Herald* under the reasonably misleading headline "Plan to green our beaches" referred to statements made by Senator Faulkner.

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

Mr SOURIS: The comment that causes alarm to the northern beach community is that which refers to costs with which beach goers are likely to be slugged as the result of a user-pays system. The Federal Minister seeks to involve himself in State matters. We know what he did in Queensland. In a newspaper article today he retracted his incredibly stupid position about that development in Queensland. Now we have the beach tax. We also have other suggestions from the Federal sphere to increase taxes. Yesterday the Reserve Bank suggested raising taxes to cut the deficit.

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

Mr SOURIS: New South Wales Labor members of Parliament talk about raising the airport tax from \$1.50 to \$10 to pay for the third runway. Now we have the beach tax. Access to our beaches is part of our heritage and is a birthright of all Australians. The people will vote with their sandy feet against Labor's proposal of a user-pays charge on our beaches. Crown land is a New South Wales responsibility and includes our beaches. The Federal Labor Party is not able to hit the people of New South Wales with a user-pays charge. Coastal protection and rehabilitation is a State responsibility and involves considerable cooperation between the State Government, local government and community groups.

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

Mr SOURIS: An enormous amount of goodwill has been built up between local government and community groups, particularly over the beachcare program.

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

Mr SOURIS: There are 650 dunecare groups, rivercare groups and landcare groups. There are 9,000 Crown reserve trusts catering for 36,000 separate parcels of land. Labor's Senator Faulkner, to whom the honourable member for Blacktown has tied herself, is trying to charge these groups a beach tax. The excessively green Senator, who had to back down, is trying to charge a beach tax.

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

Mr SOURIS: This Government absolutely rules out a beach tax.

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

Mr SOURIS: For the benefit of Mr Bean I will say it again: the Government absolutely rules out a beach tax, and it will not let the Federal Labor Party or Senator Faulkner impose such a tax.

PROTECTED WITNESSES

Mr KNIGHT: I direct my question without notice to the Premier. How many undertakings not to prosecute has this Government given to self-confessed criminals? How many violent drug dealers -

Mr SPEAKER: Order!

Mr KNIGHT: Mr Speaker, I will start again. How many undertakings not to prosecute -

Mr SPEAKER: Order! The honourable member for Campbelltown will continue from where he left off.

Mr KNIGHT: How many violent drug dealers are now free in the community because of those undertakings? Will the Premier now guarantee that John Gazzard will be prosecuted?

Mr FAHEY: As I indicated earlier, I have no recollection of this matter being brought to my attention.

Mr Knight: What are you going to do about it?

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

Mr FAHEY: I will tell the honourable member for Campbelltown what I am going to do about it. I am going to take it seriously, like I do all matters that are raised in this House, unlike the honourable member for Campbelltown. The honourable member for Campbelltown did not take seriously 133 questions concerning the police. He totally ignored them. I will take this matter seriously as I will the airport issue.

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

Mr FAHEY: I have a few things to say about the airport issue.

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

Mr FAHEY: This Government takes seriously the business of this State, but most issues are totally ignored by the Opposition.

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

Mr FAHEY: How serious is the Leader of the Opposition about the airport issue? His first suggestion was to establish a royal commission. It took Laurie two hours to throw that one out.

Dr Refshauge: On a point of order: the question that was asked was, "How many violent drug dealers is this Government allowing on the streets?" The question was not about John Fahey's support for lifting the curfew. Mr Speaker, I ask you to direct the Premier to answer the question.

Mr SPEAKER: Order! The point of order is not relevant. The Deputy Leader of the Opposition would be well aware that there have been numerous interjections. I have advised members on many occasions, particularly at the beginning of question time, that if they do not interject, question time will conclude more quickly.

[Interruption from gallery]

Mr SPEAKER: Order! Remove that lady from the gallery!

[Interruption from gallery]

Mr SPEAKER: Order! Madam, will you leave the gallery? If you do not leave the gallery I will clear all galleries.

[Interruption from gallery]

Mr SPEAKER: Order! Clear all the galleries!

[Interruption from gallery]

Mr SPEAKER: Order! Madam, will you leave the gallery immediately?

[Interruption from gallery]

Mr SPEAKER: Order! I shall leave the chair until the galleries are cleared.

[Sitting suspended from 3.04 p.m. until 3.15 p.m.]

Mr SPEAKER: Order! I direct the official cameraman to stop filming the proceedings of the House until further notice. It is always with the deepest of regret that the Chair orders that the public galleries be cleared, because in our democratic society members of the public should have the opportunity to observe the proceedings of the Parliament. However, the Parliament assembles to deliberate on matters concerning the State, and members of the public are permitted to observe those proceedings as a matter of privilege. If the presence of members of the public interferes with the capacity of the Parliament to deal with its business, two elements are thrown into conflict, and the needs of the Parliament must prevail.

The incidents in the public gallery on two consecutive days raise considerable concerns with regard to the safety of members, which is a primary concern of the Chair. Although neither incident caused actual bodily harm to any person, the possibility arises - having regard to the publicity that has been and will no doubt be given to the incidents - that people with little emotional control will contemplate more drastic action. I shall therefore conduct an immediate investigation to ascertain what measures can be adopted to increase security. In the short term, however, there is little that can be done.

Each person in the public gallery at any one time is, theoretically, present as the guest of a member of Parliament. All members, therefore, are responsible for the conduct of those whom they invite to sit in the gallery. Members should advise those whom they invite to observe the proceedings of the House that if they wish to remain in the gallery, they should maintain decorum at all times. If there is any disruption from the galleries on any day between now and the end of the sitting, I will clear both galleries immediately, as I have done today. The capacity of Parliament to continue to deal with its business and the security of its members are paramount considerations.

I trust that members will cooperate fully to bring to the notice of those whom they introduce to the galleries the necessity to be well behaved and remain silent at all times. The last thing that the Chair or any member of this House wants is to prevent any member of the public from visiting Parliament House and observing its proceedings. The galleries will be reopened at a later hour of the day when I deem it appropriate. Question time will continue, and the official cameraman may continue to film the proceedings.

Mr FAHEY: I wish to say briefly that I am sure that all honourable members regret the disruption that occurred to the business of the House. It is rather sad that somebody felt so disturbed and distressed that she felt it necessary to make such a demonstration. I have asked my staff to determine whether they can make contact with that lady and find out what it was -

Mr Knight: Why don't you call the Minister for the Environment -

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

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Mr FAHEY: I have asked my staff to try to find out what it was that was disturbing her. This incident highlights a matter of grave concern to all honourable members, the security of this House. I urge you, Mr Speaker, to call upon the Standing Orders and Procedure Committee to examine the question of security. Whilst, as you indicated, no incident has occurred that has caused danger or a breach of safety to any honourable member, I sincerely hope, as would all honourable members, that we do not have to wait for that day before something is done. It appears to me that it is open for anybody to come into the gallery and do as he or she would wish. There is absolutely no security whatsoever.

I return to the answer I was giving prior to the interruption. My response centred around the interjection of the honourable member for Campbelltown. I indicated clearly that the Government will continue to act responsibly on all matters. When it comes to acting responsibly in respect of the issue

that concerns half a million people in this city today - the residents in the flight path - it is abundantly clear that the Opposition is in total chaos on this matter and is terrified of the likely outcome as a result of its incapacity to deal with the matter. It worries me to the extent that all the Leader of the Opposition can come up with -

Mr Langton: On a point of order: the question at no time related to aircraft noise. Mr Speaker, I draw your attention to the fact that no Opposition member interjected in relation to the airport. The Premier interjected on himself.

Mr FAHEY: On the point of order: on three occasions the Leader of the Opposition referred to the 24-hour curfew.

Mr SPEAKER: Order! Members are well aware of the conventions that apply with regard to the answering of questions and responses to interjections. I say once again that if members do not wish to prolong question time or do not wish a Minister to stray from the subject matter of the question asked, they should not interject. The Premier is responding to an interjection that related to the airport. In the interests of question time proceeding in an orderly fashion, I direct the Premier to return to the leave of the question.

Mr FAHEY: In the light of your ruling, Mr Speaker, I will not refer to some of the other interjections. The matters that have been raised by the honourable member for Campbelltown and by other honourable members of this House this afternoon are obviously of concern. I am seeking a response from the Attorney General and I will consider it at the earliest opportunity.

OPPOSITION ECONOMIC POLICY

Mr TINK: My question without notice is directed to the Treasurer, and Minister for the Arts. Has the Minister received advice on Labor Party proposals to establish a razor gang to slash spending in New South Wales? How will this impact on government administration and essential services?

Mr COLLINS: Opposition members have been travelling around Sydney for some time telling different stories to different people. If they talk to nurses, they say they will spend more on health, there will be more nurses, and they will increase pay for nurses. If they talk to teachers, they say there will be more teachers and they will pay them more. If they talk to road construction workers, they say they will spend more on roads than this Government has been spending in record amounts over the last six years. The time came for the Opposition spokesman on finance in another place to talk to some finance people. The Opposition has tailor-made messages for each group. They do not necessarily add up; in fact, they are usually diametrically opposed. This is one such occasion.

The Leader of the Opposition has been around the boardrooms saying that the Labor Party would be much tougher in government; it would crack down on the profligate spending that the Government has undertaken to support a record program in health and roads, increased money for community services, and so on. That is the message that has been given in the boardrooms. It is totally different to the message given to various sectors of the work force. The Hon. Michael Egan, from another place, issued an Opposition financial policy, or at least a financial statement. So few are issued that when one comes along you really know it. Earlier this week the Opposition finance spokesman addressed the Institute of Internal Auditors and outlined some of the Opposition's finance proposals. As would be expected, members of the Opposition tell people there will be plenty more work for police, more work for teachers, more nurses will be needed - more everything. When they address auditors, of course they say more auditors will be needed, and there will be plenty of work for the auditors. Buried towards the end of the speech made by the Hon. Michael Egan were the words:

The next New South Wales Labor Government will place a greater reliance upon the ERC to

achieve significant economies and cost savings along the lines of the Commonwealth model.

In short, Michael Egan said the Expenditure Review Committee would be far more aggressive in New South Wales under a Labor government. That is the good news for the auditors. A Labor government would need every auditor it could get to join the razor gang it would have to establish if it had the slightest intention of pursuing any of the policies announced by the Opposition over the last couple of years. It is out of the bag: the Opposition is going to establish a razor gang "along the lines of the Commonwealth model". They are not my words, they are Michael Egan's words to the Institute of Internal Auditors this week.

In the last three days of this Parliament the Labor Party has admitted it will slash spending in core areas. Opposition members are quietly arming the auditors, telling them to get their job applications ready, telling them they will need all the auditors they can get to start slashing spending. The last razor gang that was established - the Commonwealth model

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to which Michael Egan had to be referring - was Senator Peter Walsh's razor gang. Under the Hawke Government Senator Walsh perfected the art and technique of the razor gang. We can expect headlines such as: Walsh orders 6 per cent cut in Government spending. If the Opposition had the slightest intention of delivering the policies it has announced to date, it would have to take half a billion dollars - that is \$500 million - out of next year's budget to deliver those promises. Peter Walsh went further than that, because the Federal Labor Government -

Mr Langton: Once upon a time!

Mr COLLINS: Once upon a time there was a Federal Labor Government called the Hawke Government, and that government had a senator whose name was Walsh. Senator Walsh decided that the Government would cut \$3 billion - that is \$3,000 million - from government spending. I am informed by Treasury that a State Labor government would have to cut at least \$500 million from the next State budget. No area was spared when Senator Walsh, the finance Minister, went to work, saving his 6 per cent. Newspaper articles at the time highlighted the extent to which the Expenditure Review Committee went. That committee is the model that the Opposition in government would seek to follow. That would result in cuts in core services; it could not mean anything else. That sort of money is not saved on advertising budgets or on senior executive service appointments. It is serious money, involving major cuts to core services. The *Age* newspaper of 26 May 1986 quoted Senator Peter Walsh as saying:

I am frequently exhorted by a variety of people to slash government expenditure - except of course for one or two areas which they see as sacrosanct. The problem is that everyone has a different view of what is sacrosanct.

In the same article one Minister was quoted as saying:

We've been doing this exercise annually since 1983 and we have done all the easy things. What we are talking about now are cuts that will reduce living standards. They are hard to confront, especially from an equity point of view.

That is the model the Opposition would copy. When Michael Egan made that throwaway remark to the Institute of Internal Auditors last week, warning them up for the 25 March election, he said there were significant economies and cost savings along the lines of the Commonwealth model - for which the Government reads the Walsh model, the 1986 Walsh razor gang. That is what the Opposition would do to the public sector in New South Wales. The Opposition says that it will balance the budget next year. There is only one way to balance the budget next year. On the advice that I have received from the New South Wales Treasury, the only way to balance the budget is to slash \$500 million from the State budget.

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

Mr COLLINS: That is about 10 per cent of the entire health budget. If 10 per cent is taken from the health budget -

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

Mr COLLINS: What would happen to ambulance response times if 10 per cent is knocked off the health budget. Which schools would the Opposition close or, better still, what projects that are already built into the forward estimates would Labor simply drop altogether?

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

Mr COLLINS: Which health and education projects would Labor slash? Which police stations would not be built? Which roads would not be built, and which black spots would remain black spots? Which community service programs would be slashed in order to save the \$500 million that Labor would save on the Commonwealth model that it has adopted? Of course, the Opposition will not tell us that. The Opposition said that it would tell us after the next State election. The Leader of the Opposition in the other place said that, if elected, the Labor Party would make a major financial statement in June 1995 - three months after the State election. Three months after the State election we would find out which services Labor would cut.

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

Mr COLLINS: That is not good enough. Opposition members say that Labor would cut waste and mismanagement. We all know that that means marginal trimmings. The only way to save \$500 million is to slash major projects in health, education, law and order, community services and the like. The Leader of the Opposition in the other place made a most interesting admission. We look forward to his next economic statement. For six years this Government has delivered microeconomic reforms. We have delivered the sale of the State Bank, and we sold the Government Insurance Office. We have given microeconomic reform for six years. Opposition members say that we should wait until June 1995 - three months after the State election - to see Michael Eganomic reform. That is what Labor stands for. The details have yet to be spelt out. Labor has adopted the razor-gang style of the Hawke Government. Labor would have to slash \$500 million from the next State budget if it is to have the slightest chance of delivering on the promises that it has made to date.

M2 MOTORWAY CONTRACT

Mr LANGTON: My question without notice is directed to the Minister for Transport, and Minister for Roads. Has a legal agreement been signed between the Roads and Traffic Authority and the Rouse Hill infrastructure consortium for the consortium to pay \$80 million towards the cost of the M2 Castlereagh tollway? Will the Minister immediately release full details of that agreement?

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Mr BAIRD: As the honourable member knows, the Auditor-General is providing a report on this project, and he can look at it tomorrow.

PORT HACKING DREDGING

Mr KERR: My question without notice is addressed to the Deputy Premier, Minister for Public Works, and Minister for Ports. How long have Port Hacking waterway users and the Government been

waiting for Sutherland Shire Council to initiate dredging of the port? What assistance is the Government offering to address both shoaling and environmental factors?

Mr ARMSTRONG: I thank the honourable member for his continuing concern about this matter and the intransigence of Sutherland Shire Council to address it in a proper and responsible way. By way of background, after coming to government in 1988, the coalition moved to redress the uncertainty of Labor policy. Today, the State subsidises councils to the tune of 50 per cent of the cost of dredging in recreational waterways under the waterways infrastructure development program of New South Wales public works. In 1988, the coalition Government made a conditional one-off grant of 100 per cent for dredging in Port Hacking, with the council developing a plan of management for the port and proceeding on a cost-sharing basis. It took the council two years to dredge, despite having 100 per cent of the funding for it. Meanwhile, there was no move to adopt a holistic management plan, and the long-term dredging needs of the port languished on the council's backburner.

By the middle of this year, ratepayers and waterway users were fed up with the council. We should not be surprised - I have been told that the mayor and another councillor are endorsed Labor candidates for the next State election. That is a little political grandstanding. More than 500 people crammed a public meeting in Cronulla to vote unanimously - there was not one dissenting voice, with the exception of the Labor councillors - to demand that Sutherland Shire Council meet its responsibility and get on with the job. The message was simple: why were waterway users and boat owners still being placed at risk by a council failing in its duty? Still nothing happened; the council still ignored the issue. Finally, after six years, a management strategy was tabled in council in September. As an act of goodwill, I immediately offered an unprecedented package. The two-year \$600,000 plan of works attacks both the short-term and long-term needs - the dredging of the shoaled navigation channels now, with environmental works including gross pollutant traps at Gunnamatta Bay and Engadine, and a management strategy for Yowie Bay. The share of the initial dredging costs to Sutherland Shire Council is around \$100,000. Again, the weeks dragged into months until I finally heard from council about two weeks ago, wanting the environmental subsidies but again rejecting the dredging work.

Then who should turn up but the Leader of the Opposition, the member for Maroubra. A couple of Fridays ago, he slipped into Cronulla, signed a pact with the Labor mayor and then took off like a Bondi tram. What did he promise? It is hard to be sure what he promised. In five sentences, he said that dredging in Port Hacking - and only Port Hacking - was a "State Government responsibility". There is no funding figure, just the words. The fact is that there is no common law duty or statutory duty imposed on the State Government to dredge these waters. That is recognised by Rockdale Council, which is next-door to Sutherland Shire Council. Rockdale Council is dredging Muddy Creek on a 50-50 partnership basis with the State. Sutherland Shire Council maintains that it has no responsibility, but the adjoining council is proceeding with dredging. The adjoining council recognises its responsibilities. If there is any doubt, and for the benefit of Opposition members, I shall quote a letter from the Minister for Public Works to the honourable member for Cronulla, which states:

While the Government is prepared to maintain an adequate channel for the Bundeena/Cronulla ferry service, further funds for dredging of other channels cannot be justified, particularly as the cost of this work is continually escalating . . . the options for long-term solution to shoaling problems are being examined but any solution must be largely self-supporting.

That letter was written by Laurie Brereton in June 1985. He set the policy, and that is the policy by which the council will not abide. The council is not honouring the agreed program to which the Government was committed in 1985. Does the Leader of the Opposition remember Mr Brereton? He certainly did not remember him when he went out a couple of Fridays ago to try to pull a swift public stunt that did not work. The coalition did not abandon the users of Port Hacking; indeed, the opposite is true. In 1988, we moved quickly and comprehensively to address the needs of the users of Port Hacking, as we have done now with a \$600,000 works package.

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

Mr ARMSTRONG: Where is Sutherland Shire Council spending its money, given that it has refused to budget \$100,000 for this badly needed dredging work? Honourable members in another place found out last week. The proceedings of the Legislative Council reported in *Hansard* of 16 November state that Sutherland Shire Council has now allocated an extra \$15,000 to fight a developer at Helensburgh. But Helensburgh is outside the council area. Ratepayers have forked out a total of \$60,000 for a campaign based on a brochure urging Sutherland residents to protest against the State Government. The only problem is that Wollongong City Council is the consenting authority, not the Government. Some \$60,000 of Sutherland ratepayers' money has been syphoned off to raise the profile of Labor candidates, for a political exercise. Does the Leader of the Opposition support the council's syphoning off of \$60,000 of ratepayers' money for a pure political stunt to oppose a development in the adjoining shire? I notice that the Leader of the Opposition has become quiet. He has thrown away any pretence at genuine concern for the users of the Port Hacking waterway. He is a willing party to a blatant, political stunt that

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has been perpetrated on the people of southern Sydney. The risks being suffered by the users of the Port Hacking waterway run a distant second behind Labor Party tricks.

The Opposition pretends that it likes to be responsible, yet it does not hesitate to put its hands in the pockets of ratepayers, who pay their rates to Sutherland Shire Council, to politicise the issue of the Port Hacking waterway. They have been caught with their hands in the till. The people of Sutherland recognise it and the people in the southern seats recognise it. The only person who cannot see it is the Leader of the Opposition. He stayed for only three minutes the other day; he was not game to stay any longer because he was aware of the 500 people who met recently to protest about Labor tactics being used in the southern suburbs of Sydney - \$60,000 to back up a couple of Labor stooges who are running for election on 25 March.

CONSIDERATION OF URGENT MOTIONS

Leader of the Opposition

Mrs CHIKAROVSKI (Lane Cove - Minister for Industrial Relations and Employment, and Minister for the Status of Women) [3.43]: I ask the House to consider giving priority to this matter for urgent consideration. Whilst I agree that there is a need for the Parliament to continue to expose and to condemn the outrageous lies told by the Labor Party in relation to the impact of the third runway, and the total hypocrisy of the Leader of the Opposition in relation to the third runway, it is also important that the people of New South Wales understand that the Leader of the Opposition is a complete hypocrite when it comes to his treatment of women.

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

Mrs CHIKAROVSKI: My motion is one that affects every woman in this House and affects every woman in New South Wales. Urgency should be granted so that we can expose the absolutely appalling behaviour of the Leader of the Opposition in this House yesterday afternoon when he launched a disgraceful and sexist attack on the Chief Secretary. He is not even in the House to hear the comments. The Leader of the Opposition, this out-of-touch, arrogant Leader of the Opposition, mocked and taunted the Chief Secretary - not over her administration, not over her integrity, not over any matter with which she has been dealing in relation to the casino, but he attacked the Chief Secretary over her appearance and her choice of lipstick. It was a deliberate, disgraceful attack from a man who deserves to be condemned by this House, a man who will undoubtedly be condemned by the people of New South Wales. We have regularly seen the intimidating behaviour of the Leader of the Opposition in relation to

female members of this House.

Mrs Lo Po': On a point of order: my understanding is that the Minister should be canvassing why her motion should take priority, not debating the issue. She is now moving to the substance of the motion.

Mr SPEAKER: Order! I am concerned that the Minister for Industrial Relations and Employment is referring to matters that may be raised if her motion is given precedence. The Minister should be informing the House of the reasons that the motion should take precedence over other matters on the business paper for consideration today.

Mrs CHIKAROVSKI: I am surprised that the honourable member for Penrith, a female member of this House, would take a point of order. This House should be given an opportunity to condemn the Leader of the Opposition for his behaviour and to send a clear message to the women of New South Wales that this House will not tolerate sexist behaviour from the Leader of the Opposition.

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

Mrs CHIKAROVSKI: This House should have an opportunity to demand that the Leader of the Opposition apologise to the Chief Secretary.

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

Mrs CHIKAROVSKI: I suspect we should not hold our breath. We know that this is not a thing the Leader of the Opposition is keen to do, but we believe he should be brought to account for his outrageous behaviour in relation to both my colleague the Chief Secretary and also for his previous behaviour in relation to the Minister for Consumer Affairs who, as we know, he referred to as a silly bitch - great words of encouragement to women in this State. This House has the right - and should demand the opportunity - to say to the women of New South Wales that this would-be if he could-be should not be the person leading the Opposition and he definitely should not be the person leading this State.

Sydney Airport Third Runway

Mr WHELAN (Ashfield) [3.47]: What a hypocrite! What an absolute hypocrite! Why does not the Minister for Industrial Relations and Employment and Minister for the Status of Women have a resolution about women's health issues or about legal aid for Aboriginal women?

Mr SPEAKER: Order! The honourable member for Ashfield should address the reason why his motion should take precedence of other business of the House.

Mr WHELAN: What is more important in the mind of every person in New South Wales at the moment is that 500,000 people have had their lives turned upside down -

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

Mr WHELAN: - as a result of a decision made by the Federal Government, opposed by the New South Wales State Labor Party -

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

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Mr WHELAN: - agreed to by everyone in that ministry over there, because they were all in Cabinet when they put a big rubber stamp on it. That is why they do not like Standing Order 54.

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

Mr WHELAN: Standing Order 54 will show the complicity of the Minister, when he was Minister for Tourism. It will show how he acted in concert to destroy the lives of 500,000 people or more in the inner west of Sydney as a result of the program. Information has been given to the Opposition from court cases in New South Wales that reveal that the Government gave away land worth hundreds of millions of dollars - \$400 million - at Kingsford-Smith Airport to enable the Kingsford-Smith third runway to proceed for one lousy dollar.

Mr Cochran: On a point of order: Mr Speaker, you have already ruled that the previous speaker should address the matter before the Chair. The honourable member is avoiding that and is attempting to draw other issues into the debate. He should be drawn back to the substance of the debate.

Mr SPEAKER: Order! I uphold the point of order. The honourable member for Ashfield is debating the substantive issue. He should inform the House of the reasons that his motion is more important than other matters on the business paper.

[Interruption]

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

Mr WHELAN: A resolution under Standing Order 54 will enable all the documents listed in the motion to be made public, and will allow those government departments, including the Premier's department, to be finally accountable on this issue. If the Government objects, it is clearly part of a complicity. The Government has no reason to object to my motion. For days the Government has been saying nothing else but that the State Labor Party has been actively responsible for what happened with the third runway. The fact is that it is not. The State Labor Party put in a submission opposing the third runway proposal.

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

Mr Photios: On a point of order: it is clear that the Leader of Opposition business in this House is canvassing the issues and is bringing forward information. He is, therefore, dealing with the substance of the debate that may or may not proceed shortly.

[Interruption]

I will respond to the interjections, if it -

Mr SPEAKER: Order! I call the honourable member for Blacktown to order for the second time. The Minister for Multicultural and Ethnic Affairs is debating the point of order. However, there is substance to his point of order. The honourable member for Ashfield should return to the reasons why this matter should take precedence over other matters before the House.

Mr WHELAN: Standing Order 54 provides that all the information, documents and papers have to be laid before the Parliament.

[Interruption]

Mr Speaker, are you going to permit interjections like that without calling the member to order? His language is disgraceful.

Mr SPEAKER: Order! I did not hear any particular words said by any member on the Government side of the House. However, I did realise there was some interjection. I thought that the honourable member for Ashfield might wish to make the best use of his time, and for that reason I did not intervene.

Mr WHELAN: I was shocked by what the Minister said - and it is not often I get shocked. Standing Order 54 will enable the whole of the House to review the Kingsford-Smith Airport proposal, with full justification for the Minister, given that opportunity, to say to the people of New South Wales how he opposed it and how his Premier did not want the curfew lifted to allow 24-hour operation. [*Time expired.*]

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

Question - That the notice for urgent consideration of the Minister for Industrial Relations and Employment be proceeded with - put.

The House divided.

Ayes, 45

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

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Noes, 48

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

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

Pairs

Mr Fahey	Mr Carr
Mr Hazzard	Mr Doyle

Question so resolved in the negative.

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

BUSINESS OF THE HOUSE

Consideration of Urgent Motions: Suspension of Standing and Sessional Orders

Motion by Mr Whelan agreed to:

That Standing and Sessional Orders be suspended to allow the consideration of the following motion of the member for Ashfield:

That pursuant to Standing Order 54, this House orders to be laid before it and made public without restricted access, by noon tomorrow all documents, including minutes, notes, memoranda and reports, concerning the third runway at Kingsford-Smith Airport held or relating to the Kingsford-Smith Third Runway Prenegotiation Task Force, the Sydney Airports State Steering Committee, the Sydney Airports Commonwealth Steering Committee and the Sydney Airports Commonwealth/State Coordination Committee, those documents including those held by:

- a) the Office of Economic Development;
- b) the former Department of State Development;
- c) the former Department of Business and Consumer Affairs;
- d) the Department of Planning;
- e) the Environment Protection Authority;

- f) the Maritime Services Board;
- g) the former Sydney Organising Committee for the Olympic Games;
- h) the Cabinet Office;
- i) The Premier's Department;
- j) Tourism NSW; together with;
- k) a report on the third runway for the Department of State Development by Hill and Knowlton Consultants;
- l) all documents, minutes, notes, memoranda and reports to the Cabinet Sub-committee on the third runway; and
- m) documents provided to the Cabinet sub-committee on the Olympic Games chaired by the Minister for Transport, and Minister for Roads.

With the following time limits:

Mover	10 mins	
Minister	10 mins	
Deputy Leader of the Opposition		10 mins
Member for Port Jackson	10 mins	
Member for Drummoyne	10 mins	
Three other members and mover in reply		10 mins

SYDNEY AIRPORT THIRD RUNWAY

Consideration of Urgent Motions

Mr WHELAN (Ashfield) [4.00]: I move:

That, pursuant to Standing Order 54, this House orders to be laid before it and made public without restricted access, by noon tomorrow all documents, including minutes, notes, memoranda and reports, concerning the third runway at Kingsford-Smith Airport held or relating to the Kingsford-Smith Third Runway Pre-negotiation Task Force, the Sydney Airports State Steering Committee, the Sydney Airports Commonwealth Steering Committee and the Sydney Airports Commonwealth-State Co-ordination Committee, those documents including those held by:

- a) the Office of Economic Development;
- b) the former Department of State Development;
- c) the former Department of Business and Consumer Affairs;
- d) the Department of Planning;
- e) the Environment Protection Authority;
- f) the Maritime Services Board;

- g) the former Sydney Organising Committee for the Olympic Games;
- h) the Cabinet Office;
- i) the Premier's Department;
- j) Tourism NSW; together with:
- k) a report on the third runway for the Department of State Development by Hill and Knowlton Consultants;
- l) all documents, minutes, notes, memoranda and reports to the Cabinet Sub-committee on the third runway; and
- m) documents provided to the Cabinet sub-committee on the Olympic Games chaired by the Minister for Transport, and the Minister for Roads.

More than half a million people now live with unacceptable aircraft noise as a consequence of building the third runway at Mascot airport. The Fahey Government supported the Federal
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Government's decision to build the third runway. The Fahey Government bent over backwards to fast-track this runway. It heavily invested New South Wales taxpayers' funds and State-owned land to ensure that the runway was built at all costs. The Fahey Government suppressed official government reports that raised serious concerns about the noise impact of the third runway for fear that publication of the reports would jeopardise construction. The motion seeks all documentation that exposes the role of the Greiner and Fahey governments pushing for the construction of the third runway. This motion is the equivalent of the Parliament's royal commission into the Fahey Government's handling of and its complicity in expediting the construction of the third runway.

Two things are absolutely clear. First, the State Labor Party did not and does not support the construction of the third runway. The State Labor Party does not agree with the Federal Government on this issue and stands apart from it. Second, the keenest supporters of the third runway were the State Liberal Party, the National Party under Greiner and Fahey, and Minister Baird, Minister Webster and Minister Murray. There is no keener supporter of the third runway than the Premier. His Government wanted it and helped to fast-track it. Now that it has been built, the Government does not want a bar of it. Premier Fahey supports the third runway and supports the lifting of a curfew at Mascot airport. No Curfew John, or Frequent Flyer Fahey, wants jumbo jets flying over Sydney 24 hours a day - that is his solution to aircraft noise over Sydney.

It is important to make the Government accountable, and the carriage of this motion will provide members of Parliament and members of the public with all the evidence needed to nail the decision to build the third runway where it belongs - on the Fahey Liberal Government. The documents will provide the clearest evidence that Fahey and his Ministers, and Nick Greiner before him, did all that was possible to ensure that the third runway was built at the earliest possible time. The papers will reveal that the State Liberal Government under Greiner and Fahey allocated up to \$1.3 billion for the construction of the third runway - three times the amount contributed by the Federal Government. Court documents in 1992 initiated by an anti third runway group showed that the Government was so keen to support the third runway that it was willing to pay millions of extra dollars for additional work.

These documents that were limited to the court case will show that Fahey was told that if he did not shoulder these costs, the Federal Government would have to build Badgerys Creek airport instead. The documents state that the Fahey Government faced costs of up to \$1.3 billion associated with the third

runway. That is the amount of money that Fahey, Baird and Webster were seeking in compensation from the Federal Government for work directly associated with building the third runway. The Opposition seeks production of those documents so that the full picture will emerge about how the former Liberal Government and other Government members egged on the Federal Government to build the third runway irrespective of the cost to New South Wales taxpayers and irrespective of the noise inflicted upon Sydney residents.

The documents will show clearly that since 1988 the Liberal Party-National Party Government was in complicity with the Federal Government. That is where the money went. We hope the figures will not only show but prove beyond any doubt that the Roads and Traffic Authority spent up to \$957 million on projects that were brought forward; the Maritime Services Board spent \$142 million; the Department of Minerals and Energy, up to \$164 million; the Department of Health, \$67 million; the Department of Agriculture and Fisheries, \$4.7 million; and the National Parks and Wildlife Service \$2.3 million. All of this expenditure was from a Government and a Premier that supported the runway not just with words but with hundreds of millions of dollars from the New South Wales taxpayer.

The Opposition seeks documents about the Government's decision to sell 220 hectares of State-owned land at Botany Bay valued at \$400 million to the Federal Government for \$1. That is not a bad deal to show their complicity! What is the real consideration? The people of New South Wales, particularly those in the inner city, are now faced with this noise pollution and degradation of life that is occurring throughout the whole of the Sydney metropolitan area. This brilliant financial negotiator transferred a \$400 million State asset for \$1! The Premier would like to say he had nothing to do with the third runway now, but he would be telling an untruth. In the *Sydney Morning Herald* on 9 September 1992, four months after he became Premier, he said:

The State is happy with the financial arrangements we have got particularly in light of benefits that will flow to the State through tourism.

The great god tourism! The Premier told the *Sydney Morning Herald* on the same day:

We haven't budgeted for any huge expenditure on a runway, and nor are about to factor in any expenditure other than what could be considered a reasonable amount relating to the infrastructure.

It is not bad infrastructure - \$1.3 billion! The Premier thinks that is not huge expenditure. Of course it is. He knows how determined the Government was in its commitment to the third runway. It is a \$1.3 billion commitment to a project he wanted but which has now gone bad. He cannot hide the Government's commitment to this project. He has aided and abetted and showed complicity in its construction and its fast tracking. He enthusiastically supported the construction of the third runway by using hundreds of millions of taxpayers' dollars and transferring the multimillion dollar State asset to the Federal Government. He did this knowing that his full support for the third runway was given at the expense of proceeding with Badgerys Creek airport. That is what he traded off when he negotiated the building of the third runway with the Commonwealth Government.

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The Premier's commitment to build the third runway and provide funds for infrastructure sold out any hope of Badgerys Creek airport being fast tracked. The documents of the State and Federal governments will reveal the same information that was revealed in the 1992 court case. The Opposition wants those documents because they show that John Fahey wanted the third runway and the inconvenience at all costs - \$1.3 billion - and at the sacrifice of expediting Badgerys Creek airport. The documents to be obtained under Standing Order 54 will constitute the Parliament's royal commission into the Fahey Government's role in building the third runway. The documents will reveal that the Government wanted to build the runway at all costs and even resorted to suppressing Environment Protection Authority reports that express serious concerns about the impact from aircraft noise.

The documents were sought by community groups. State Labor members of Parliament do not want the third runway. The Opposition put forward a submission to the authority condemning and opposing the third runway. The State Opposition opposed the third runway from the start and opposes it now. Ministers like the Minister for the Environment acted in concert with the Federal Government, which wanted this runway built. The Minister for the Environment was in Cabinet when a decision was taken to allocate \$1.3 billion to fast-track the building of the third runway at Badgerys Creek. Today we are focusing primarily on Premier Fahey and his dishonesty and hypocrisy over the third runway at Badgerys Creek. [*Time expired.*]

Mr HARTCHER (Gosford - Minister for the Environment) [4.10]: If ever there are desperate, frightened men, they are the members of the Australian Labor Party in the inner city areas of Sydney - the Deputy Leader of the Opposition, the honourable member for Ashfield, the honourable member for Drummoyne and the honourable member for Port Jackson. They are not just desperate; they are scared. They have never been so scared in all their political lives. Do honourable members remember that wonderful song in *Les Miserables* - "Do you hear the people marching now?" Yes, we hear the people marching now. They are marching through the streets of Sydney. They are marching to their town halls and their schools and they are saying one thing over and over again. [*Quorum formed.*]

The people are crying now as they march to Petersham, Marrickville and Ashfield. They are crying, "Aircraft noise equals Labor and Labor equals airport noise". If ever there is a group of desperate people anxious to put up any smoke screen, any device in an attempt to deflect the blame from where it rightfully lies - on the Labor Party - it is members opposite, led by the honourable member for Drummoyne and the honourable member for Ashfield in their dying days as members of this Parliament.

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

Mr HARTCHER: So far the honourable member for Ashfield has called for new environmental laws for New South Wales; a judicial inquiry; a nickname competition to solve the aircraft noise problem; a moratorium on the use of the east-west runway; and, finally, he called last night for a blockade. He advocated civil disobedience at Petersham Town Hall and called for a blockade of the airport. The honourable member for Ashfield is the Opposition spokesman on law and order in this Parliament.

Mr Whelan: On a point of order: the Minister is making unsubstantiated, malicious and serious allegations that I, as a member of Parliament, was promoting civil disobedience. Mr Speaker, I ask you to request him to withdraw that statement, unless he has some proof. He has none.

Mr HARTCHER: It is not a reflection on the honourable member.

Mr Whelan: Of course it is!

Mr SPEAKER: Order! Such references are common in the cut and thrust of debate. I will not direct the Minister to withdraw the statement.

Mr HARTCHER: The honourable member for Ashfield is sensitive, and rightly so.

Mr Whelan: Mr Speaker -

Mr SPEAKER: Order! I have ruled on the matter. The honourable member for Ashfield well knows that allegations of a similar nature are frequently made in this Chamber.

Mr HARTCHER: The honourable member for Ashfield has a lot to be scared about. The biggest thing he has to be scared of is not me - it is the wrath of the people on 25 March 1995. The honourable member for Ashfield can run, but he cannot hide. No matter what he does the clock is ticking away and

the days are passing one by one. The Australian Labor Party built the third runway. Hawke went into Cabinet and forced Cabinet to change its mind, as is evidenced in Richardson's book. The Australian Labor Party, under Brereton, is the party that reorganised air traffic schedules to ensure that the east-west runway was effectively closed down. We had a two-runway system, both running north and south and bombarding the north-south corridor with noise unprecedented in the history of Sydney and New South Wales. That is what the Australian Labor Party visited on the people of Sydney.

Opposition members may say that they oppose the runway. That will hardly be an issue. The issue is: who built the runway? The Australian Labor Party built the runway. This motion is nothing more than a smokescreen and a device to deflect blame from members of the Australian Labor Party. The New South Wales Government supported improvements to the operation of the air facility at Mascot. Did we get those improvements? No. First, we were misled about the third runway. We did not get a third runway; we got only a second runway running north-

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south. Second, we were misled about the noise impact. Day after day in this Parliament I have detailed how we were misled by Laurie Brereton and by his friend and companion Bob Carr on the impact of the noise over Sydney. Bob Carr and Laurie Brereton are the two beneficiaries of the changed system of air traffic operation in Sydney - not the people of Ashfield, Drummoyne, Port Jackson or Marrickville, inadequately represented though they are by Opposition members. The closure of the east-west runway benefited the electorates of Coogee, Maroubra, Heffron, Rockdale and Kogarah. Those are the areas that have benefited, whereas the rest of Sydney has had to suffer.

The Government is quite prepared to give appropriate information to any proper inquiry, such as the Standing Committee on State Development, to which it has forwarded a reference. That information will detail how the Environment Protection Authority was ignored. I have said in this House on two occasions that the Environment Protection Authority and the Department of Planning walked out of the noise quality management steering committee. Its advice was ignored because Laurie Brereton and Bob Carr wanted to fast-track the opening of the runway so that the noise that affected their electorates could be minimised. The position of the State Government is simple: environmental laws have been overridden by the Federal Airports Corporation Act 1991 and the State Government has been excluded from any operations. The only role the State Government has played is in the provision of necessary road and rail infrastructure. We do not walk away from that; we always provide roads and railways in this State. That is our responsibility. We will continue to do that at Badgerys Creek, though we ask for appropriate Commonwealth Government financial assistance.

The Commonwealth has exclusive responsibility for aviation in this State. The Commonwealth built the third runway. The Commonwealth planned the flight patterns. The Commonwealth visited this plague upon the people of Sydney. Labor equals aircraft noise and aircraft noise equals Labor. That is the fundamental message that has gone right through the inner city areas of Sydney. That message was manifest at the Drummoyne public meeting and at the public meeting at Petersham Town Hall. Australian Labor Party members have no credibility whatsoever, be they Labor mayors, Labor members of the State Parliament or Labor members of the Federal Government. Not one Labor Party member is believed by the public, because everyone knows that the Labor Party lied.

However much individual members may seek to distance themselves from their party, as the honourable member for Ashfield, the honourable member for Port Jackson and the Deputy Leader of the Opposition are seeking to do, they remain members of the Australian Labor Party. They remain committed to their party's platform and policy, loyal to their party's decisions and responsible for the decisions made on behalf of their party by Paul Keating, Laurie Brereton and Bob Carr. The Government is concerned about the suffering that has been inflicted upon its citizens. The Premier has twice written to the Prime Minister to express Government members' outrage at the way we were lied to and misled by Laurie Brereton; at the way our advice to the Environment Protection Authority was ignored and bypassed; at the fact that more studies have not been done and will not be done until December 1995; and at the fact that Badgerys Creek has not been fast tracked and will not be fast tracked by the ALP.

[Time expired.]

Dr REFSHAUGE (Marrickville - Deputy Leader of the Opposition) [4.20]: It is important to put on record that it was the Australian Labor Party of New South Wales that from the beginning opposed the third runway option for expanding air traffic in New South Wales. It was the ALP that said that Badgerys Creek must be fast tracked. Despite the obvious and intentional lies of the Minister for the Environment that the Government supported that proposal, the Government did not support the Badgerys Creek fast tracking. The Government, the former Government of Nick Greiner and the present Government of John Fahey, his Ministers, and the Minister for the Environment in particular, who was involved in that decision, said that Badgerys Creek should not be built. The Minister for the Environment does not take any objection. Obviously, he agrees that he lied -

Mr Hartcher: Mr Speaker, I object.

Mr SPEAKER: Order!

Mr Hartcher: I have been invited to object, and I object. I ask for a withdrawal.

Mr SPEAKER: Order! The Deputy Leader of the Opposition invited a response and the Minister for the Environment responded. Therefore, I presume that the Deputy Leader of the Opposition is happy to withdraw.

Dr REFSHAUGE: I withdraw. The Government's position was clear. Quotations are available from the Minister for Transport, speaking on 14 October 1992, despite the lies of the Minister for the Environment when he said that the third runway was built by the Federal Government. The Minister for the Environment lied when he said that it was not built by the State Government. On 14 October 1992, when speaking about the third runway, the Minister for Transport said:

This long overdue runway is being built by the Federal and State governments.

It is obvious that the Minister for the Environment does not know what his Government is doing. He is prepared to lie about the building of the runway, he is prepared to lie about the effects of what is going on

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Mr Hartcher: Mr Speaker, I must object. I ask for a retraction of those accusations.

Mr SPEAKER: Order! The situation is becoming farcical. I ask the Deputy Leader of the Opposition to temper his language a little. I will not tolerate accusations flying backwards and forwards

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across the Chamber. On the first occasion I allowed the request for a withdrawal because the Deputy Leader of the Opposition virtually asked for it - and I granted him his wish. For the remainder of the debate, I ask that members exercise decorum.

Dr REFSHAUGE: The State Government is attempting to weasel itself away from the anger directed its way by the people of New South Wales. One can understand the desperation of Government members. I should like to tell the House about the meeting last night that the Minister for the Environment discussed. At that meeting the honourable member for Strathfield got up and said that he was representing the Premier -

Mr Zammit: I did not.

Dr REFSHAUGE: He said that he was representing the Premier, and he read a letter from the Premier.

Mr Zammit: I did not.

Mr SPEAKER: Order! The member for Strathfield will have the opportunity to speak later in the debate.

Dr REFSHAUGE: As he said that, almost everyone - there were two notable exceptions: one the honourable member for Gladesville and the other a Liberal Party stooge - booed him and booed the Premier's statement. It was clear that whatever the Premier was saying was not of interest to the people at that meeting. In fact, the people at the meeting knew that the Premier was on record as wanting to lift the curfew. The Liberal Party in this State has no credibility on aircraft. When Liberal Party members wanted the third runway built they criticised Labor Party members for saying that it was the wrong thing to do. When they wanted the third runway built and not Badgerys Creek they criticised Labor Party members and said that we were standing in the road of progress. As soon as the runway was built, Liberal Party members tried to run away and say that they were not prepared to be part of it. They were prepared to be part of it all the way through.

The Minister for the Environment said that the Environment Protection Authority, which was a joint member with the Department of School Education on the steering committee on the noise management plan, walked out because its officials were not being listened to. Those people walked out having agreed to the noise management plan. Having already agreed to the report, they decided, at the instruction of Cabinet, to move away from it. People in the Environment Protection Authority and in the Department of School Education wanted to make reasonable statements and say that what was happening with the third runway was not good enough, but Cabinet was not prepared for that. Cabinet brought in all the submissions that were to be presented. I believe that there were good people in the Department of School Education and the Environment Protection Authority who wanted to say the right thing, but they were crushed from on high by Cabinet.

Cabinet decided that those people had to leave the committee and not put in their own submission. Cabinet decided to put in a whole-of-government submission. It was decided to water down the submission because Cabinet wanted the third runway to go ahead. Despite knowledge of the disaster the third runway would be, political interference was exerted from on high, from Cabinet, to crush those good people. We have heard the bleating from the other side of the House. Government members say that they want to make sure that the people of New South Wales under the flight path get a fair deal. I ask those in the Government who claim to be listening to the noise that is going on and the people who are hurting why they have not gone to the schools to find out what insulation is required. Right now the learning of hundreds of school children is being destroyed, and the Government has not bothered to send someone out to determine what is required to insulate school buildings. If the Government wanted to provide protection, it would have done so. Not only have Government members not done that, it is clearly understood by every parent and every school that the Government has been neglectful.

People have been ringing my office to tell me that they have not had a visit from Government representatives even though visits have been requested. I have in writing the number of times people have asked for the Department of School Education to appear and do something. The notifications go back at least a year, if not two years. Not only has there been no reply from the Government; nobody has bothered to visit the schools to find out what is going on. I am quite happy for Government members to go out now, at my call. It is about time Government members did that. The Government has no credibility on this issue. The honourable member for Strathfield was booed, hissed and jeered when he tried to read out the Premier's letter, so was every other Liberal Party member who went to the meeting and tried to say anything about what the Government would do. The credibility of Liberal Party members is below zero.

It is not a matter of how people will vote at the next election; it is clear how they will vote. Will they vote for somebody who will be a member of the Premier's team, if he is re-elected? If they did, they would be voting for someone who wanted to lift the curfew; they would be voting for the curfew lifter.

They would be voting for someone who opposes the fast-tracking of Badgerys Creek, refuses to provide any insulation or even assessment of the insulation needed for schools, refuses to provide any health resources to assess the effect of the noise and kerosene pouring all over people in the inner city, and refuses to allow its own authorities - the Environment Protection Authority and the Department of School Education - to make worthwhile submissions.

The options are to vote for the curfew lifter or for the team that is prepared to fast-track Badgerys Creek; the team that is prepared to stand up to its own party and to say the party got it wrong. People will make it clear that there will be no support for the

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Liberal Party or the National Party at the next election. The people of New South Wales have a clear option. They can make a clear and rational judgment, and I have no doubt they will do so. The honourable member for Strathfield should be frightened, because his support will evaporate when people find out about the curfew lifters. The representative of the people of Gladesville - the honourable member for Drummoyne - supports the lifting of a curfew. The people of Cronulla, when considering the lifting of the curfew for Kurnell residents, will say - [*Time expired.*]

Mr ZAMMIT (Strathfield) [4.30]: How fair dinkum is the Opposition about this issue? Last night I attended a meeting at Petersham Town Hall. The Labor Party was there in full force, and what did it say to the people? The Labor Mayor for Ashfield suggested that all Labor mayors run as single-issue candidates at the next election. They were not talking about running for election in Strathfield, they were not talking about running against the Liberals; they were talking about Labor seats, such as Ashfield. That demonstrates how strongly they feel about the issue. How fair dinkum is the Opposition about trying to resolve this issue? The Opposition's Federal colleagues must have phoned Opposition members last night and told them to stop kicking the Federal Government in the head by telling people they are the bad guys. They must have told Opposition members they are on their side and want to work with Opposition members. They must have told them to stop telling meetings of 2,500 or 3,000 people the Federal Government is at fault. Today members of the Opposition have said what they were told to say. They were told to take the heat off the Federal Government and to get stuck into the State Government. They were told to raise the issue of Standing Order 54, or to do whatever they could to take the pressure off the Federal Government.

How positive is the Government in acting to resolve this massive problem? I grew up in 31 Westbourne Street, Petersham, in a home which was under the flight path. It was the only place my parents could afford. Every day, virtually on the hour, a plane flew over the house, so I understand the problems. The people of the inner west are my people. What did the Premier do? In a spirit of goodwill and cooperation he said there should be an attempt to resolve the issue, but that people should not talk of taking illegal action - as some did at the meeting last night - and doing things that would result in their being thrown into gaol. Last night people were not interested in sitting down in a constructive manner with the State Government and with local government to resolve this problem - a problem that is out of hand.

The Premier wrote to the Prime Minister in an endeavour to resolve the problem. I attempted to read out the majority of the two-page letter at the meeting last night, but the meeting was headed by some firebrands who advocated physical violence and taking the law into their own hands. They were so fired up by the hysteria of the State members who were present that they were not interested in hearing how the issue could be resolved. In the second paragraph of the letter dated 29 November the Premier wrote to the Prime Minister asking him to intervene. He asked that the State Government, Federal Government, local government and community representatives attempt to resolve the matter quickly. The second paragraph of the letter stated:

The Commonwealth Minister for Transport, the Hon Laurie Brereton, has dismissed the significant disruption caused to the people of Sydney as "inevitable". This outrageous response does little to temper the disgust many thousands of residents of Sydney rightly feel about the significant increases in

noise levels over their homes. In addition, Mr Brereton's attempts to play down the gross negligence of his administration in failing to honestly inform the public of the impact of the second parallel runway only serves to further anger those people affected by the aircraft noise.

He recommended, among other initiatives, that:

A joint committee be established with clear terms of reference to give guidance on the acquisition, insulation and monitoring programs, and this should include representatives from the Commonwealth, State and local government, as well as community representatives.

What an opportunity for the State Labor Party and Federal Labor Party to reach out to the State Government and say, "Enough is enough. Let us work together at trying to resolve the issue". Instead it incited people to violence and illegal acts in an irresponsible way. Let us see how fair dinkum members of the Labor Party are about this issue. Eighteen days went by from the opening of the third runway until the Leader of the Opposition said anything about the issue. The Leader of the Opposition was so concerned that he waited 18 days before making a tentative statement. Obviously he was under instructions from his Federal colleagues to cop it sweet and say nothing or - and I cannot dismiss this possibility - perhaps he was pleased that the flight path was no longer over his electorate. He may have told his Opposition colleagues that he is delighted about it, that he is going to save his seat; but the honourable member for Drummoyne will have to go.

The Opposition knew that the Federal legislation introduced by the Keating Government specifically overrode the EPA laws of New South Wales. In other words, the Federal Government said that it would bring in the third runway; it did not care about the laws of New South Wales as they applied to the environment and noise pollution; it would take direct action; and it would do what it wanted to do. Why did Opposition members not say anything about that? They had an opportunity to say something, but they said nothing.

In the spirit of goodwill, the New South Wales Environment Protection Authority agreed to serve on the noise steering committee. However, when it became apparent to the EPA that the Federal Government did not care about what it had to say, the EPA said that it did not matter; it would lock the Federal Government out. That provided the opportunity for Opposition members to tell their Federal colleagues, or at least to say publicly, that

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certain noise pollution regulations and laws applied in New South Wales, and that the Federal Government should abide by them. However, they said absolutely nothing. How fair dinkum are they? The Premier tabled a letter in which he offered to resolve the matter as urgently and as quickly as possible, in the spirit of bipartisanship. What did Opposition members say? At public meetings they told people to go out, break the law and be violent. That is what they said, but it is not what they should have said. They should have said that the matter would be resolved in a sensible way. [*Time expired.*]

Ms NORI (Port Jackson) [4.40]: I shall make something perfectly clear to the House, my parliamentary colleagues, the Federal Government and my constituents. Opposition members who opposed the runway from the beginning did so with their heart and soul. We arranged public meetings and followed the issues through. I arranged a number of meetings with my school communities to ensure that the schools in my electorate of Port Jackson received adequate compensation for insulation. All of us have done such things since 1989. I put my house and the future of my children at risk by saying exactly what I felt about the Prime Minister of the day, Bob Hawke. I did not make my comments in this House; I made them outside. Indeed, the Prime Minister said that he would sue me. That showed the level of my commitment. At that time I attacked the Prime Minister because I felt that he had decided to support the third runway in the interests of certain people, rather than in the interests of the people of New South Wales - and I stand by that comment.

I also stand by the call that I made on the sixth floor some hours ago when I said that unless the

Federal Government and the Federal Cabinet wake up and hear the message that is coming through loud and clear from the residents of the inner city, they have two weeks before I, together with the honourable member for Drummoyne, the honourable member for Ashfield and the honourable member for Marrickville - the Deputy Leader of the Opposition - organise demonstrations at Sydney (Kingsford-Smith) Airport. Do not think that I am joking and do not think that it is a stunt; I mean it, as do other honourable members. If that is what it takes to send a message to the Federal Government, so be it. I am a loyal member of the Labor Party, but that does not mean that the Labor Party in Canberra, or certain elements of it, have got it right. Indeed, they have got it very wrong.

Mr Hartcher: Why does the honourable member not resign?

Ms NORI: I believe in the Labor Party. Members of the Federal Government, especially those who do not come from New South Wales, do not understand the issue. They do not appreciate the enormity of the issue, and are preventing the Federal Cabinet from making the only sensible decision possible. The Federal Government has two weeks to make a decision before demonstrations at Kingsford Smith Airport commence. It does not matter whether I or my colleagues organise the demonstrations; they will happen anyway. The demonstrations will take place, whether or not the Minister for the Environment likes it.

Mr Hartcher: I will like it; I will be there.

Ms NORI: Perhaps the Minister should stand up and be counted. If demonstrations are what it takes, they will happen. The only sensible solution to this crisis, debacle, joke and mess that was foisted on us by the Prime Minister in 1989 is, first, to put the third runway out of action until such time as it can be operated properly with the correct air traffic controlling equipment that is meant to come on stream. Build the tower. If that is not possible, let us consider simultaneous operations. If it is good enough for the San Francisco and Chicago airports, and other airports to operate simultaneous intercepting runways, why can we not have them here? If our air traffic controllers - I am not having a go at them - feel that they need time to develop the skills and the knowledge to implement such procedures, let us give them the additional time. Let us bring in air traffic controllers who have had experience with simultaneous operations in such conditions to help to train our air traffic controllers. Let us start to develop these procedures.

I am convinced by advice which I received that simultaneous operations with intercepting runways are a possibility. They are a reality in many parts of the world where air traffic flow is much more prevalent and many more movements must be dealt with. A number of other things can be done, such as the introduction of such things as the displaced threshold. For example, aircraft taking off on the north-south runway - the original runway - should take off as far down into the bay as possible. Aircraft should also land as far as possible down the runway. Aircraft would be in the air faster, and they would land further down -

Mr Hartcher: You could take over air traffic controlling.

Ms NORI: Do not interrupt me; you have had your chance.

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

Ms NORI: Who does the Minister think he is? He wants to hold us responsible. He is a hypocrite.

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

Ms NORI: Holding the New South Wales Opposition responsible for the third runway is about as sensible as blaming the Launceston Municipal Council for the third runway. That is how much input we had into the matter. The decision on the third runway was made before 1991, before there was a

balance of power in this Chamber. The decision was made when you had the numbers completely - when you had a free reign to support the third runway, and you did so. That is what happened. Stop blaming us! At least we had honesty and guts. Stop smirking. You are awful when you smirk.

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Mr SPEAKER: Order! The time of the honourable member for Port Jackson would be better spent if she addressed her remarks through the Chair.

Ms NORI: As I said, we genuinely opposed the third runway with our hearts and souls. Our opposition and the hours spent on the matter since 1989 were detrimental to our families, unlike the Minister for the Environment. All he can do is smirk. The State parliamentary Labor Party moved consistently, and as recently as a day or two ago, to oppose the third runway. It was opposed at a State Labor Party conference, not a Liberal Party conference, a National Party conference or anyone else's conference. I must point out to the Democrats, who have been very vocal on this issue, that their colleague in the Senate, Norm Sanders, supported the third runway and opposed the Badgerys Creek airport. There has been much hypocrisy on this issue, and not only from Government members.

Opposition members are the only people who have consistently opposed the third runway. What has the Government done? It gave New South Wales taxpayer assets worth \$1.3 billion, and forgone income, to the Federal Government so that the third runway could go ahead. That meant income of \$57 million forgone on sand that could have been dredged from the bay. The Department of Mineral Resources did not get \$164 million, the National Parks and Wildlife Service lost \$2.3 million, the Department of Agriculture and Fisheries was paid \$4.7 million to compensate for the loss of fishing fleet in the bay, and the list goes on.

The Government sold 220 hectares of State-owned land for \$1. That is similar to what happened in Queensland. What has the Opposition asked the Government to do? What could it have done to fast-track the Badgerys Creek airport, which is the real issue? A sensible solution would be to remove the interim arrangements at Kingsford Smith Airport and fast-track Badgerys Creek airport. What could the Government do? It could help to fast-track planning in connection with the development of the airport and its transport links, but it has not done so. It could help us to work out a possible rail route and to ensure a speedy environmental impact statement, but it will not do so. The Government could support the development of road links, but it has not done so and will not do so. It could pay for the upgrade of Elizabeth Drive between Cecil Park and Badgerys Creek airport, but it has not and will not do so. That does not suit the Government, which has been dragging the chain.

The State Government wanted the Federal Government to put billions of dollars into a rail link between Kingsford Smith Airport and the city, because it wanted to build up the infrastructure around Kingsford Smith Airport. The State Government wanted to put so much money into Kingsford Smith Airport that we could never, ever reduce the debt. The Minister for the Environment is nodding. He agrees. He is a hypocrite! At least he is coming clean, but he is such a fool that he does not even realise what he is saying. The Government spent billions of dollars to try to make sure that the third runway was up and running, but it will not spend money on the necessary infrastructure that would fast-track Badgerys Creek.

As recently as September the Government was holding the Federal Government to ransom over the rail link from Kingsford Smith Airport to the city. It was trying to say that unless the Federal Government put millions of dollars into the rail link, the State Government would not help the Federal Government with Badgerys Creek. The State Government has always supported the third runway. It has always felt that the third runway, with the building up of infrastructure at Kingsford Smith Airport, was the way to go. It has never had a commitment to Badgerys Creek. It is hypocritical and it will pay the price. People at the Petersham meeting were angry. I understand their anger, and I do not blame them, but my dear colleague the honourable member for Strathfield nearly got himself lynched. They absolutely hate the

Libs. The people are not foolish. They know.

Mr KERR (Cronulla) [4.50]: I want to address what has been said by members opposite. Honourable members have just heard a remarkable contribution from the honourable member for Port Jackson. The body of her speech consisted of questions that should have been addressed to her Federal colleagues, such as: if it is good enough for the management of air traffic in San Francisco, why is it not good enough for Sydney? She compared Sydney with a number of international airports and their air traffic management. The questions she raised are pertinent. I would expect that she would write to Mr Brereton and demand the answers to those questions. She should also write to the Prime Minister and demand answers to those questions.

People in her electorate are entitled to know why those questions have not been responded to. I would have thought that she would have been asking those questions in the past five or six years. We have seen a Canberra-Macquarie Street axis between the mates - Paul Keating and his best man, Laurie Brereton, and the other mate, the honourable member for Maroubra. They got together to run the nation. There was a fourth musketeer, of course, Senator Richardson. That is what this has all been about: covering for one another. Since 1984 I have been on the record calling for the opening of Badgerys Creek. What support has been received from the Opposition for Badgerys Creek?

Mr Thompson: Yours was the lone voice on your side.

Mr KERR: No, it was not the lone voice on my side. If the honourable member for Rockdale goes back to the records of 1984 he will find a number of people making the sensible suggestion that Australia needs a second international airport. The honourable member for Rockdale should check the records and see who was calling for the fast-tracking of Badgerys Creek in southern Sydney. Labor and
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Keating came into power in 1983. What was done about Badgerys Creek then? Where were the people in the 1993 Federal election drawing attention to what their Federal colleagues were saying? Everybody on the other side of the House was happy to be photographed with Keating, Brereton and their Federal colleagues, but now they are saying they knew all the time what was going to happen. I draw the attention of the House to the personal sufferings occurring in my electorate. I received a letter from one of my constituents stating:

I have lived in Kurnell for nine years, I expected to live with the Refinery when I bought the house, I did not expect that the **DANGER** would be increased by the Authorities allowing a Flight Path to pass directly over the site.

My husband is a shift worker and does not need his rest to be disturbed every two minutes by the Thunderous sound of Aircraft, nor do my children who are currently undertaking various stages of study.

We were informed that the flight path would be over the Botany Bay entrance or alternatively over the sand dunes to the south. This has not been the case since the opening of the new airport runway and therefore that was a direct lie!

A direct lie by whom? The Keating Government and Mr Brereton, and the people who work for them. Mr Brereton, the mate of the Leader of the Opposition, said:

It's my view that Kurnell in these first weeks of operation has been overflown to far greater extent in the take off mode that is when planes are taking off to the south than is necessary . . .

I was at Kurnell school, but it was not the take-offs that were causing the problem, it was the landings. That is why the people of Kurnell and the students of Kurnell school can make out the markings on aircraft, because they are landing. The people of Kurnell and, therefore, the people of New South Wales

have been lied to; they have been lied to in the course of this debate also. We have heard all about the \$400 million. Which Federal Government are we talking about? When listening to the honourable member for Ashfield one would have thought he was talking of an enemy Federal Government, but he was not. It was the brothers in Canberra he was talking about. But he could not tell the truth.

I have been advised by the Office of Economic Development that the land in question was purchased under the Commonwealth Land Acquisition Act. It was a compulsory acquisition by the Commonwealth at a nominal value of \$1. The land in question is actually the water that needed to be filled. A deed of agreement was signed by the Commonwealth, the State and the Federal Airports Corporation. The deed of agreement allowed the State to get the land back if it was not used as an airport. The \$400 million bandied about in those days is hardly a true figure. Labor's lies continue. It is no wonder that the initials ALP stand for another lousy plane. But the Leader of the Opposition, the recipient of the Maroubra manoeuvre, is not here to speak in the debate. He does not care, nor do Opposition members who thought so little of the debate that a quorum had to be called. The honourable member for Smithfield is now in the Chamber.

Mr Crittenden: He has run out of time.

Mr KERR: I have not run out of time. I want to talk about the Deputy Leader of the Opposition's performance tonight when he lied about the contribution made by the Department of School Education. What he did not tell the House was that the Minister for Education, Training and Youth Affairs wrote to the Minister for Industrial Relations and the Minister for Transport, Mr Brereton - the same Mr Brereton we have heard so much about. The Minister for Education said:

I am writing concerning the management plan prepared on behalf of the Federal Airports Corporation for the third runway to be constructed at Sydney's Kingsford Smith Airport.

The management plan has been the subject of discussions between officers from the NSW Department of School Education and the Federal Airports Corporation's Planning and Environment Manager, Mr Gary Milner. These discussions concerned the possible effects of aircraft noise in schools as a result of the decision to construct the third runway at Sydney airport and, in particular, the provision of noise mitigation for education and health facilities.

I am concerned that the management plan prepared by the consultants, Mitchell McCotter, has been limited to those schools within the twenty five to forty ANEF (Australian Noise Exposure Forecast) noise exposure zones. This is despite the Australian Standard for noise levels in schools indicating that schools and universities with a noise exposure greater than twenty ANEF require special measures in their construction to ameliorate the effects of external noise. Indeed, for existing schools these measures must be designed on a case by case basis.

The plan prepared by Mitchell McCotter for the Federal Airports Corporation proposes modifications to only seven schools being those in an area exposed to greater than twenty five ANEF. The list is considerably longer if schools exposed to greater than twenty ANEF, in accordance with the Australian Standard, are considered. A revised list prepared on this basis is attached.

That list included Kurnell school and many schools in electorates represented by members opposite. But where were those Opposition members then? The letter continued:

It would seem to be an absurdity bordering on negligence for a government agency, such as the Federal Airports Corporation, to contemplate anything but the acceptance of the relevant Australian Standard and to not then alert the Commonwealth Government of its responsibilities . . .

The honourable member for Ashfield, the honourable member for Drummoyne, the honourable member for Port Jackson and the honourable member for Marrickville have adopted a proposal for a public

disobedience march on Sydney airport. Their efforts have already been undermined by their leader, the honourable member for Maroubra, who was one of those who benefited from the Maroubra manoeuvre. The honourable member for Drummoyne has not asked one question about school noise or any of these matters. He has only asked questions about sleaze in an attempt to defame members on this side of the House. The honourable member is in the gutter all the time. [Time expired.]

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Mr J. H. MURRAY (Drummoyne) [5.00]: I have just listened to the greatest hypocrisy ever heard in this House. The honourable member for Cronulla says that he has a concern about those citizens who are involved in the problems of the third runway. He said he has always shown a concern. He expressed his concern on 28 October 1992 in this House when he asked a question of the then Minister for Transport, and Minister for Tourism. Minister Baird opened up and told the House what the honourable member for Cronulla thought about the third runway and about how that honourable member had always supported it. The truth is that the honourable member has never worried about his constituents at all. Minister Baird said:

I thank the honourable member for Cronulla for his question. He has a great interest in the airport. Many of the people who work at the airport actually reside in the electorate of Cronulla.

The honourable member has always supported the opening of the third runway.

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

Mr J. H. MURRAY: The honourable member for Cronulla, the greatest hypocrite who ever sat in this Parliament, sheds crocodile tears and claims he has always worried about the third runway. That is absolute humbug. The honourable member's attitude is epitomised in a similar stance adopted by the Minister for the Environment. When this motion is adopted and the documents come forward, both the Minister and the honourable member will be in exactly the same situation. Their lies and humbug will be exposed. The Opposition has some of those documents as a consequence of High Court challenges. We know that what the Minister has been saying during the past week is nothing but a whole pack of lies. When the documents come forward, the Minister for the Environment will be running for cover as well, because that was the stance of the Cabinet of which Minister Baird and most of those on the Government frontbench were members. I quote from an article in the *Canberra Times* in 1992:

The NSW Government has seized control of development decisions involving the controversial third runway at Sydney's airport from angry local councils in a bid to ensure a speedy commencement of construction.

The Premier, Nick Greiner, said work on a third runway should start as soon as possible in the wake of the proposal being backed in a draft Environment Impact Study published yesterday.

The EIS backs the construction of the third runway and the phased construction of a second airport at Badgerys Creek . . .

That is, by 2015. That was their attitude. They wanted an airport at Badgerys Creek by the year 2015. According to this article Mr Greiner said - and this is the clincher about the Government's attitude to the third runway:

The sooner it goes ahead, the better . . . The third runway is good in environmental terms; . . .

That is what the Liberal Premier of this State said when the decision was being made. Now 24-hour-planes-over-Sydney Fahey, who backed Premier Greiner and was part of the Government at that time, says, "We never backed that. We did not want these aircraft to land on the third runway". But

there it is in black and white, in the *Canberra Times* article. The Government's big lie has been exposed once again. It is most important that documents are obtained, because they will show that the Minister for the Environment and his colleagues have run roughshod over departmental advice which is quite contrary to decisions made by the Minister. Those documents will also show that the Labor Opposition in this State stood solid. In 1992, according to the *Canberra Times*:

The NSW Opposition Leader, Bob Carr, said that the State ALP was . . . to maintain its opposition to Federal Government moves to build the third runway.

That article reported that the Opposition would be studying the EIS report closely but the overriding concern was for the protection of the one million people who would be affected by additional aircraft noise. Bob Carr has not changed one iota from the time this Opposition stood solid against the proposal. The Minister for the Environment should have attended some of the meetings I have been running. As soon as the word "Liberal" or "coalition" was mentioned at those meetings there was outrage, so much so that the audience did not want even to listen to Liberal upper House members. They were barred from talking at meetings. Last night we saw the unedifying spectacle of a representative of the Premier who attended a meeting being booed, heckled and stamped out by 2,000 people. As soon as he said, "I am here to represent the Premier of New South Wales", the whole meeting erupted. All the scaremongering by the Minister in the press during the last few weeks has come to a little nought. People are much more sophisticated than he ever thought they were.

In the Drummoyne area, where I have been running meetings for the last four years, residents are well aware of the coalition Government's stance on the third runway. That is one reason Bob Woods was beaten in the last elections and went to work for the Minister. That is the reason he lost his job, and the reason his previous boss will be beaten over the third runway. The Minister for the Environment will not represent Gosford after the next election. He is not a bad bloke, he has a family to look after, but he will be looking for some other job. Geoff Grace, secretary of an organisation in Hunters Hill called CRASH, Citizens Revolt Against Sound Harassment, put in a submission to the Department of State Development and Planning inquiry. In his submission he stated:

During 1991 . . . Dr Bell and I attended a meeting with government officers from the above Departments at the State Office Block. Representatives from FAC and their EIS consultants (Kinhill Engineers) were also present.

He said they were going to meet the Minister, but unfortunately Minister Yabsley could not make it. But a leaked copy of a report from the Environment

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Protection Authority expressed serious concerns about impacts to arise from the runway. That document is one of the reports that the Minister for the Environment is going to hand over once the motion is carried. The Minister will not be nodding when that happens. The Environment Protection Authority, in its brief report, expressed serious concerns about impacts from the third runway, but when community groups made a freedom of information application to obtain the final documents they were told, "Sorry, it is a Cabinet document". We will have the document after this debate and we will see who has been hoodwinking the people. We will see that the undercurrent created by the Government is nothing but a falsehood. No-one in New South Wales will listen to the Minister for the Environment ever again because he is nothing but a sham. It is important that the submission of community groups to the Government said:

When pro-third-runway fever was at its height, Premier Fahey offended many people when he made an uninformed and insulting public remark denigrating those opposed to the runway.

Yet the bleeding-heart Premier at question time says, "I have always shown an interest in this. I have always been on their side. Those people over there have opposed it." Last week the community groups put the position in black and white. The Federal Government has already committed \$73 million for the

construction of the 2.9 kilometre runway to be completed by 1998-99 and the terminal to be completed by the year 2000. What has this Government done? [*Time expired.*]

Mr PETCH (Gladesville) [5.10]: Never in my life did I realise we had three Labor parties in this Commonwealth - the Federal Labor Party, the State Labor Party and a local government Labor Party - all with their own agenda and all fighting one another. Yesterday I attended a meeting at the Petersham town hall. What a beaut meeting it was! The State Labor Party was sticking it right up the Federal Labor Party. All the mayors intend to run as Independents at the next State election. They will stick it up these State Labor members of Parliament because they saw the opportunity to get on the bandwagon. I have never seen people so incensed in my life as those at the meeting last night. They did not want to know about politicians - Liberal, Labor, State, Federal, callithumpian, whatever, were all on the nose.

The Glebe newspaper shows His Honour, His Graciousness Paul Keating saying, "It is the runway we had to have." To hell with him and his third runway. It is not a runway we had to have at all. We were lied to and we were conned. We were given examples of standards to be adopted, but what did the Federal Labor Party do? It wanted to fast-track the runway so it could hold a Federal election very soon. Federal Labor Party members were prepared to stick it right into the State Opposition because it wants to win the election. I have never seen such an exercise when the Federal Labor Party has pulled the rug out from under its State counterparts in order to set them up. The State Opposition has been set up and its members are on the nose. It is the Labor lie that we are talking about!

The people in Hunters Hill, Gladesville and North Ryde are suffering and they are incensed. They will be holding their meeting very shortly and the Labor Party will get its short point. Residents cannot sit on their verandahs anymore because air traffic that should have used the east-west runway has been diverted from the flight path of all the happy souls in Kogarah. Air traffic is going over Gladesville, Ryde and North Ryde. Residents cannot have a sensible conversation on their verandahs without the noise of aircraft flying overhead only minutes apart and driving them mad. For years those residents put up with this issue; they were conned by the Labor Party. Before the last State election the proposal for the third runway was discussed but the Labor Party produced the little magic item called a microwave landing system. They sold everyone on the idea that when the third runway was built they would not have to worry anymore about planes flying over Gladesville, Ryde, Hunters Hill and Huntleys Point. All the planes were going to fly over Sydney, do a little left-hand turn on to the runway and the noise would be reduced. What happened to the noise reduction? It increased, which is absolutely intolerable, unsustainable and unwarranted!

A sensible suggestion was made at the meeting last night to reopen the east-west runway in the interim and give us all a break. More importantly, the north-south runway is the longest runway - it runs almost to Auckland, New Zealand. It can sustain any 747 aircraft even with a tail wind. I cannot understand why pilots of these aircraft want to take off in a northerly direction over Drummoyne, Gladesville and Huntleys Point. I cannot understand the rationale or reasoning behind putting Gladesville residents in this position. My colleague the honourable member for Drummoyne is in the Chamber. He deserves 10 points out of 10. He knew the State Opposition was in big trouble because his Federal colleagues had pulled the rug in order to fast-track the runway. The runway was fast-tracked so fast that it was opened before the control tower was built. That is how anxious the Federal Government was to finish the runway.

My colleague the honourable member for Drummoyne is smart. Quick as a flash he arranged a public meeting because he knew that he had been sold out by his Federal counterparts, who do not give a damn whether he gets re-elected in the State, as long as they can seize and hang on to power in the Federal sphere. That is all that matters to the Federal Government. A change of leadership in the Federal coalition may happen; I would not know, but the Federal Government is not going to take the risk; it would like to hold an election a little earlier than anticipated so that it can take advantage of the current climate. The State Opposition will be the scapegoat for that election. Opposition members with electorates in the north-south runway flight path will pay the price and all their friends to the east and west

in Maroubra, Rockdale and Hurstville will be nice and cosy.

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No wonder the honourable member for Hurstville is smiling; he does not have to suffer the pain of aircraft noise. The kids in his area do not have to suffer sleepless nights, but the kids living in the north-south runway flight path cannot get a proper education because of aircraft noise. More importantly, mothers hang washing on the line and within five minutes a blasted plane has gone over again and down comes the fallout and the hydrocarbons covering all the washing, which has to be washed again. The north-south take-offs should be abandoned immediately. Gladesville residents have put up with aircraft noise for many years. If the Federal Government were prepared to play fair, those residents would have a reduction in aircraft noise. The Federal Government only wants to con, lie, cheat and do anything to retain the very thin thread of power it has over the Australian people. It gives me no pleasure to be this critical but as all honourable members know, the people in the real world are absolutely incensed about this runway. They do not want to hear about the year 2000 and maybe Badgerys Creek airport at some future date. They want action now.

Mr Davoren: Give us a solution.

Mr PETCH: The honourable member for Lakemba has just asked for a solution. A very quick solution would be to immediately open the east-west runway, which would take some of the pressure off the north-south runway and redirect as many flights as possible in and out of Botany Bay. That solution, which would be a step in the right direction, would take a lot of pressure off those people who cannot endure these problems any longer. I do not know why Opposition members are resisting this move. An air traffic controller, who was present at last night's meeting, was asked why the east-west runway could not be used. He said, "That would be totally impossible as we would have to be retrained". He listed the reasons why that runway could not be opened, yet the experts present at that meeting said that it could. They made the right suggestion - to open the east-west runway quickly and to retrain air traffic controllers - as they have been in countries such as Holland which has multiple cross-over runways - in order to accommodate traffic and maintain the level of safety that everyone wants. This motion is just a big con. We have all been conned and sucked in. I do not think we should endure it any longer.

Mr WHELAN (Ashfield) [5.20], in reply: What a lacklustre performance by Government members! The claim that the Labor Party is on the run has a hollow ring about it. No-one dealt with the central issue in this motion. The Government should let the cards fall on either side - the truth and the lies - in relation to the role of the Government in this whole issue. The honourable member for Gladesville did not refer to the central issue in the motion because his head is on the electoral chopping block. I hope that the Minister for the Environment, who thinks we would be politically disadvantaged by the Opposition's seeking information under Standing Order 54, votes for this motion. The Opposition is seeking to establish a royal commission into the failure, complicity and maladministration of the Government on this issue of the third runway. This Government wilfully expended \$1.3 billion on that runway, but Badgerys Creek has been put on the backburner.

The Premier has no solutions to reduce aircraft noise over Sydney. Premier Fahey, from one day to the next, dishonestly changes his position and contradicts himself. On Monday, 28 November, he was asked by journalists, "Do you now concede that the third runway was a mistake?" He said, "No, we needed an efficient airport". The Minister for the Environment, who is nodding his head in agreement, will be voting against the motion which is seeking information so that the Parliament, the public and the press will know who is telling the big lie, the big porky, about this whole issue. Earlier I noticed one of the bureaucrats from the department of the Minister for the Environment going up in the lift with a huge bundle of files. I hope he was not going towards the shredding machine. We will look carefully at the documents that are provided. I am sure that we will find confirmation of not only the actions of the Minister for the Environment but also the actions of the Premier and his unequivocal commitment to and support for the third runway, with all the noise it has brought to people in the inner western area of

Sydney.

It is clear that the Premier, the Government and all Government members support the third runway. Former Premier Greiner and the present Premier, Mr Fahey, did everything they could to ensure that the third runway was built, regardless of the objections of residents and State Labor members of Parliament. Do honourable members remember Greiner standing up in this Parliament after being asked when the runway would be finished and saying, "Analysis paralysis. The Labor Party is having too many enquiries. Analysis paralysis". Nick Greiner said, "Build the third runway quickly because of tourists, dollars and jobs. Forget the people". He kept on saying, "Analysis paralysis". It rings in my ears because I heard it all the time. "Analysis paralysis", he would say. He said, "The Federal Government should fast-track the third runway. It is not happening fast enough". That is why he gave the Minister for the Environment \$1.3 billion towards the third runway. He gave the Minister the golden egg. Imagine that great businessman in his private enterprise capacity doing a deal and, after purchasing a block of land someone saying, "It is not really a block of land, it is just a waterway". The Government gave the whole of the third runway, which is filled-in land, to the Federal Government for one lousy dollar.

Mr Hartcher: It was compulsorily acquired.

Mr WHELAN: It would not matter if it was compulsorily acquired. The Minister for the Environment would know that, under Federal Government legislation, compensation is available.

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This Government sold that big block of improved land - 220 acres - to the Federal Government. I do not know how much that land would be worth now.

Mr J. H. Murray: It is worth \$400 million. If we want it back we have to buy it from the Federal Government.

Mr WHELAN: The honourable member for Drummoyne has just pointed out the total complicity of this Government. It sold this land to the Federal Government for \$1. Our budget must be in a terrible state! What a great business operator this Government is! It sells off a block of land for \$1 and then enters into an arrangement with the Federal Government to buy back this land at market value. The honourable member for Strathfield could not attend the public meeting I attended last night, as he was booed and hissed as soon as he mentioned Premier Fahey's name. The honourable member for Gladesville obviously could not attend either. The central issue in the motion concerns the Government's proposals for Sydney airport.

There are two things about this issue that stand out and are recognised by the public. The first is the Government's hypocrisy, in particular the hypocrisy of National Party members. National Party members are desperate to lift the curfew at Sydney airport. They would fill in Botany Bay to ensure the completion of the third runway, because they want it for all their commuter aircraft. Who in the Federal shadow cabinet has the transport portfolio? Members of the shadow cabinet do not want the Prime Minister's job or the Deputy Prime Minister's job; they want the transport portfolio because they would like to look after all the rural areas in Australia.

Mr Rixon: And they will too.

Mr WHELAN: The honourable member for Lismore has admitted that he is in favour of lifting the curfew, as is Premier Fahey. That was another thing that was revealed clearly at last night's meeting. The honourable member for Strathfield, in a very poor fashion, attempted to justify the decision taken by the Premier to lift the curfew. The people rightly booed, hissed and took him apart. He read a letter under sufferance. I pointed out to the 1,000 people who attended that meeting that a vote for the Liberal Party was a vote for lifting the curfew in New South Wales. The papers we are seeking will establish the views of the Government and the Premier concerning the lifting of the curfew. The Minister for the Environment did absolutely nothing. People are now subject to the curfew, which finishes at 11.00 p.m.

but, under this Government, the people of the inner west will suffer from noise problems 24 hours a day. There was not much in the debate that required a reply.

The Minister made one very silly remark. He said that I encouraged people to take the law into their own hands and break the law. I took a point of order at the time and you ruled against me, Mr Speaker. As a member of Parliament I am duty bound to uphold the law. I am not about breaking the law or involving myself in any breach of the law, nor did I implicitly, impliedly, directly or inferentially encourage people to involve themselves in a breach of any law - I would not. It has been suggested that people will be involved in civil disturbances and so on. The Liberal Party would love that to happen. Liberal Party members take great joy from the fact that some person threw a brick through the front window of the home of the Federal Minister for Transport. I abhor such behaviour and get no solace from it. It is the most disgraceful thing that could happen.

Mr Petch: On a point of order: I take offence at the Minister's statement that any Government member would find joy in someone throwing a brick at the home of the Federal Minister for Transport. I ask that he withdraw that remark.

Mr SPEAKER: Order! I am not prepared to ask the honourable member for Ashfield to withdraw the remark.

Mr WHELAN: There has been a fair amount of lawlessness in the seven years in office of the tired mob opposite. I am reminded of the Metherell march, when more than 50,000 people undertook a peaceful demonstration against the Government's education policies. The demonstration was well organised, as any peaceful demonstration organised by the people will be -

[Time for debate expired.]

Question - That the motion be agreed to - put.

The House divided.

Ayes, 48

Ms Allan	Mr Markham
Mr Amery	Mr Martin
Mr Anderson	Ms Meagher
Mr A. S. Aquilina	Mr Mills
Mr J. J. Aquilina	Ms Moore
Mr Bowman	Mr Moss
Mr Clough	Mr J. H. Murray
Mr Crittenden	Mr Nagle
Mr Face	Mr Neilly
Mr Gaudry	Ms Nori
Mr Gibson	Mr E. T. Page
Mrs Grusovin	Mr Price
Mr Harrison	Dr Refshauge
Ms Harrison	Mr Rogan
Mr Hatton	Mr Rumble
Mr Hunter	Mr Scully
Mr Iemma	Mr Shedden
Mr Irwin	Mr Sullivan
Mr Knight	Mr Thompson
Mr Knowles	Mr Whelan
Mr Langton	Mr Yeadon

Mrs Lo Po'	
Mr McBride	<i>Tellers,</i>
Dr Macdonald	Mr Beckroge
Mr McManus	Mr Davoren

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Noes, 46

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

Pairs

Mr Carr	Mr Fahey
Mr Doyle	Mr Hazzard

Question so resolved in the affirmative.

Motion agreed to.

CHILDREN (PARENTAL RESPONSIBILITY) BILL

SUMMARY OFFENCES AND OTHER LEGISLATION (GRAFFITI) AMENDMENT BILL

Second Reading

Debate resumed from an earlier hour.

Mr WHELAN (Ashfield) [5.39]: I will speak briefly to these two bills. I will deal first with the Children (Parental Responsibility) Bill, followed by the Summary Offences and Other Legislation (Graffiti)

Amendment Bill. The first bill has wide ramifications with regard to parental responsibility. The second bill deals with graffiti and its consequences. The essence of the primary bill is, as stated in clause 5:

A court exercising criminal jurisdiction with respect to a child may require the attendance, at the place where the proceedings are being or are to be conducted, of one or more parents of the child. The court may specify which parents are to attend.

The bill does not refer simply to local courts but to all courts, including appellate courts. It refers to the obligation on parents to attend court and, in many cases, to give an account of their role as parents. I foresee many problems with the bill. If a child commits an offence that results in his or her appearance before the Children's Court and a later appeal to a superior court, the parents of the child will be compelled by legislation to be present at the hearing and to give an account of their role as parents. Society is not as insistent as it once was about contracts of marriage. Therefore, there could be difficulties in the future requiring one parent or both parents to be present at a court hearing. When a child commits an offence is the child or the parent at fault? Is the parent at fault because of neglect of the child? Neglect is often a subjective judgment. Even the best parents cannot say they have always done the best for their children.

I have always thought that children up to a certain age are the responsibility of the parents. When they are no longer children they are still the responsibility of the parents. Children nowadays seem to be more determined to be irresponsible about pecuniary matters than about their conduct and behaviour. One should not become personally involved in legislation; a broad-brush approach has to be taken to it. However, I have some misgivings about the definition of parental responsibility. I do not know how to respond to it. When I was young, I was always expected to be home by midnight. Today young people do not leave home to go out until just before midnight. Theatres, nightclubs, places of entertainment, hotels and clubs close late, and their patronage increases dramatically in the wee small hours of the morning. Does the change in the nocturnal habits of young people mean that parents are irresponsible for allowing their children to go out late in the evening?

For all my misgivings, I agree with the provision that parents should attend court with their children. This is about as far as any legislation should go. If it went any further, the Parliament would be seen as interfering in the role of parents and parental responsibility. Wherever it is possible parents should attend court with children. In some circumstances parents, guardians, aunts or uncles cannot be with them. The legislation is deficient in that respect. Many of the young males who appear in children's courts charged with such trivial offences as railway offences, throwing rocks or breaking windows are repeat offenders. For many offences they are not caught, but when they are caught they often have to attend court without an uncle, aunt or parent. The parents are either at work or they drop the young people at court. There is a massive problem with the number of young people in the community who are wild - those who are aptly described as feral.

The bill is deficient in that it makes no provision other than to determine who will represent a child at court. I have many difficulties with the bill, one of which is that the court may, upon a finding of guilt against a child, instead of dealing with the child, require the child to give an undertaking to the court. Children are not allowed to enter into contracts or financial arrangements, yet a child appearing in court will be expected to give an undertaking to submit to parental or other supervision as ordered by the court.

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It is an indication of how far society has slipped when a statute provides that a child has to give an undertaking as specified in clause 6(1) of the bill, which states:

- (a) to submit to parental or other supervision as ordered by the court; or
- (b) to participate in a specified program, or to attend a specified activity centre; or
- (c) to reside with a parent or other person, as directed by the court; or

(d) to do such other thing as may be specified by the court.

If a child appears in court on a trivial matter such as breaking a school window, he may be required to give the undertaking referred to in clause 6(1)(c). However, the parent may be abusing the child. A child may appear in court in the presence and care of a parent who is also an abuser. In those circumstances the child has to make an undertaking to the court -

Mr West: That is when the Department of Community Services steps in.

Mr WHELAN: The bill does not say that.

Mr West: That is the procedure now.

Mr WHELAN: It is not. I am explaining that if a child is in court and the court asks for an undertaking, the young person will give that undertaking and, in doing so, goes home -

Mr ACTING-SPEAKER (Mr Rixon): Order! It being 5.50 p.m., pursuant to sessional orders the debate is interrupted.

PRIVATE MEMBERS' STATEMENTS

LIDCOMBE LONG DAY CHILD-CARE CENTRE

Mr NAGLE (Auburn) [5.50]: I raise a matter of importance relating to the Lidcombe long day child-care centre - it is known as "The Wolery" - in my electorate. The day-care centre is currently situated on the old Lidcombe hospital site. One of the old hospital wards has been rebuilt and restructured into a child-care centre catering for children up to the age of two. The day-care centre has been operating for a lengthy period. It was originally set up for use by the staff of Lidcombe hospital, and was then attached to the Cumberland College of Health and Sciences. Since the rundown of Lidcombe hospital - it is now facing closure - the long day child-care centre has put its arms out to the community in the Auburn electorate and taken in children from far and wide as there is a great need for child-care centres in the electorate.

Although the Auburn electorate has a high unemployment rate, a significant number of mothers and fathers are in employment, hence the need for day-care facilities. It is a shame that since the relocation of hospital resources from Lidcombe to the Bankstown site, the future of the Lidcombe long day child-care centre has been at risk. A number of letters have been sent to the Minister for Health in relation to this matter, and the people at the child-care centre have asked me to bring to the attention of the House and the Minister the fact that they are now applying for grants from the Federal Government. However, they cannot get these grants unless the subject land is dedicated for that purpose. That is the problem. On the one hand, we have the Government and the Minister saying that they are not sure what they will do with the land in Lidcombe; on the other hand, this area of land needs to be dedicated as a future child-care centre.

Rumour had it that the University of Sydney Cumberland College campus had been granted Crown land at Lidcombe hospital site to build a child-care centre. The long day child-care centre wanted to be involved in that project, but there was adverse reaction from some parents at the child-care centre because a number of the children were to be used in an experiment, as it were. Video cameras were to be used to monitor their progress. That was only a rumour. Although negotiations and discussions have

taken place, they have not yet come to fruition. Auburn has been identified as an area that requires more child-care places for children up to two years of age.

If the land could be dedicated, the Federal Government would certainly provide a grant. That means that the day-care centre would be able to take children up to five years of age, and that would fill a great need in that part of the electorate that comprises Regents Park, Berala, Yagoona, Sefton, part of Bankstown and Birrong. The centre is well placed geographically for the 70 families who now use the service, and there are plans to build an additional service on the site - as long as the land is dedicated to the Lidcombe long day child-care centre for that purpose. The centre currently has a well-designed area. I have been there. It has large playing grounds for the children, and it has a good building set up for child care.

As a future father - our baby is due on 26 January - I might be well advised to put my name on the waiting list. I suppose it could be said that I have an indirect interest in this matter. This community child-care centre has been running successfully for 10 years, and currently has 200 children on the waiting list; it may have 201 on the list soon. The centre employs 13 staff. If the centre were to close, not only would the people and families who use it be affected; the children on the waiting list would also be affected. I ask the Minister for Health to consider whether, in all the circumstances and as a result of all the work done by the child-care centre, the land could be dedicated to the child-care centre so that it can apply for a Federal grant, which it stands a good chance of receiving. I commend the matter to the Minister, and hope that he will do something to help these people.

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NEWCASTLE KNIGHTS RUGBY LEAGUE TEAM

Mr BLACKMORE (Maitland) [5.54]: I wish to raise the dilemma facing the Newcastle Knights. On Saturday, the Premier came to Newcastle and inspected the Knights' facilities at Marathon Stadium. We were joined by the honourable member for Newcastle, the honourable member for Wallsend and the honourable member for Charlestown. We had a look at the facilities at Marathon Stadium and met some of the players, including Marc Glanville and Tony Butterfield. The Knights club has certainly been turned around by its current team; one of the best things to happen to the Hunter Valley in recent years. Under the leadership of Terry Lawlor and Rod Harrison, the Knights' board has done a great job in putting the club on a sound financial and commercial footing.

One remaining stumbling block is a capital debt of \$2.6 million, which stems from improvements that the club made to the stadium, formerly known as the International Sports Centre. The stadium urgently needed upgrading, particularly to cater for the crowds that attended the Knights' home games. More than 30,000 people witness some of the Knights' home games. The club is struggling to address the debt. It lacks a leagues club and a major sponsor, so it is at a disadvantage, compared to other clubs. Undoubtedly, if the club could get rid of its capital debt, it could proceed at a great rate of knots.

The Hunter Valley is a fiercely competitive area. Newcastle is the only team to have beaten four British touring sides, whenever they have dared to venture into the Hunter Valley. Kurri Kurri, a local suburban club, has the most Australian representatives of any club in the region. Newcastle boasts such champions as Herb Narvo, Clive Churchill, Chip Charlton, Dally Messenger, John Sattler, Les Johns, Wally Prigg, John Cootes, Jim "Pogo" Morgan, Bill Hamilton, Don "Bandy" Adams, Allan Thompson, Garry Banks, Paul Harragon, Mark Sargeant and Brad Godden - not forgetting a dual rugby league rugby union international, the late Phil Hawthorn.

Who can forget such local champions as Terry Pannowitz, Allen Buman, Don Schofield, Allen Glover, Bill Wylie, Brian Burke, Wacka Greaves and Noel Pidding. They all represented Newcastle on numerous occasions and did their city, as well as the Hunter, proud. The people of the Hunter Valley are proud of their achievements. From the early days, men would come out of the coal mines or off the farms,

and perhaps off the wharves and out of BHP, to play football on Saturday. How can one forget scenes at the No. 1 Sports Ground on a big day when it is standing room only, or at a district park filled with juniors? In Newcastle, people say, "When the going gets tough, the tough get going". Undoubtedly, if financial assistance from the Government were forthcoming, the rest of New South Wales would certainly be much more aware of the presence of Newcastle in the Winfield Cup rugby league competition.

I urge the Premier to consider wiping away the Knights debt. I am sure that he got the message at the weekend. The Newcastle Knights engender a great sense of community pride. They give us a reason to cheer and unite. The 500,000 residents in the region get behind the sporting achievements of all sportspersons in the Hunter Valley. Some people in the community feel that it would be better for the \$2.6 million to go to health and education agencies, and other government agencies. However, the Newcastle Knights have such an impact on the whole of the Hunter region that the money would be well spent. It would clear a debt, it would lift an enormous burden, and it would provide leadership for so many young people in our community who follow the Newcastle Knights. The involvement of the Knights with local junior rugby league football players would also be enhanced. Many people in the Hunter Valley watched the recent Rugby League Tests and followed their local hero, Paul Harragon, or "Chief" as we call him, representing the Hunter Valley. I urge the Premier to look favourably at this matter.

KENWYN STREET, HURSTVILLE, CHILD-CARE CENTRE

Mr IEMMA (Hurstville) [5.59]: I raise a matter that is causing a great deal of concern to working families in Hurstville; that is, the delay in establishing a child-care centre in Kenwyn Street, Hurstville, near Hurstville Primary School. The delay has been caused by the refusal of the Department of School Education and the Department of Community Services to reach an agreement with their Federal counterparts. In 1992 the Federal Government provided funding for the establishment of a child-care centre in Hurstville. After a process of determining the most appropriate site, Kenwyn Street was decided upon.

It has been two years since Hurstville City Council granted approval for the development, but in that time the two State departments have not been able to get together with the Federal department to have the centre constructed. The proposed Kenwyn Street child-care centre will have 60 much needed child-care places for working families in Hurstville. In 1992 a preliminary agreement was reached about rent, but the Department of School Education reneged on the agreement. The Department of Community Services backed up the Department of School Education and, as a result, forced a delay in the project.

Recently the Australian Taxation Office opened a regional office in Hurstville for 700 workers. As part of the development the Taxation Office offered to add another 20 places to the child-care centre, funded by the Taxation Office, bringing the available child-care places from the original 40 to a total of 60. It was a very generous offer by the Taxation Office in recognition of the fact that an additional 700 workers may draw upon the services of a child-care centre. It was a generous Federal offer for the original 40 places, yet the Minister for Community Services and the Minister for Education, Training and Youth

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Affairs have not been able to get their departments to reach agreement, an appalling state of affairs when one considers that this year is the International Year of the Family.

The Government should be facilitating the agreement, taking up the Federal Government's offer and establishing the Kenwyn Street day care centre. The delay in Kenwyn Street, Hurstville, is symptomatic of this Minister's refusal to sign the national child care strategy. The State Government signed the original national child care strategy in 1988, but only delivered half the numbers it was supposed to. It is holding out on the new child care strategy, an appalling state of affairs that the Minister for Community Services should rectify immediately.

He could start by signing the agreement and instructing the Department of School Education to stop being obstructionist in its dealings with the Federal department, to stop being obstructionist in its dealings with the Taxation Office at Hurstville, to reach an agreement and have the Kenwyn Street centre established so that working families in Hurstville, like Mrs Diane Leonard who has written to me about this issue, can obtain child-care places and maintain their families in a more appropriate way than is currently the case. I call upon the Minister for Community Services to have his department, together with the Department of School Education, conclude the negotiations forthwith.

CROWN AND FREEHOLD LAND SITES

Mr BECK (Murwillumbah) [6.04]: I raise an issue concerning parcels of Crown land and freehold land situated in my electorate just south of the southern boat harbour at Tweed Heads that have created concerns within the local community. One parcel of freehold land is being used by Markwell Pacific and the other parcel of freehold land was operated by Seacatch Australia Proprietary Limited, which is now in the hands of the receivers and managers Clout and Associates. I bring to the attention of the Minister that the area of land that concerns me most is portion 716, a parcel of land immediately south of the area where fishermen use the slipway, on special lease to Seacatch. I would like consideration given to the purchase of portions 652 and 440, two parcels of freehold land.

I shall enumerate all the parcels of land, which include portions 433 and 438, special lease; portion 434, special lease under receivership to Clout and Associates from Seacatch; portion 445, split up into a couple of areas, one of which is administered by Tweed Council; portion 709, special lease to Lynwill Limited; and portion 437, freehold site to Lynwill. It is important that all the land return to public ownership so that it can be used for future development of the southern boat harbour. Since 1988 the Government has expended \$3 million on the southern boat harbour, a project that has support from the Tweed Council, the Tweed residents, the ratepayers association and me. Tenders will be called next month for the \$23 million project to dredge the Tweed bar. It will be necessary to improve moorings and future marinas.

I would like the area to become one parcel of land to enable the construction of marinas, possibly a good fish restaurant and other facilities that the public can enjoy. I have made representations to the Minister and I know they have been considered, particularly representations about Markwells, which the Government tried very hard to retain. I have been advised by directors of Markwells that the fish factory will be closing after 40 years, resulting in the loss of 150 jobs. It is important that its employees receive correct termination payments. We must look forward and ensure that the land, which is vital for the future use of the Tweed River and the Terranora inlet, returns to public use with the addition of the facilities to which I referred earlier. I have the support of the community in the Tweed and I feel confident that when we have greater use of the Tweed River, following the dredging of the Tweed bar, the popularity of such areas will be so important that land must be available for the construction of future boat mooring facilities and marinas and the provision of open public space. I note that the Minister for Land and Water Conservation is in the Chamber tonight listening to my statement. I know he is fully conversant with my requests and I know that I have his support. [*Time expired.*]

Mr SOURIS (Upper Hunter - Minister for Land and Water Conservation) [6.09]: In recent days the honourable member for Murwillumbah has made direct representations to me on this very issue. I was pleased to hear in his contribution his strongly expressed views in support of ultimate restoration of Crown land to public land and public use. I can advise the House that this issue is at present under very active consideration by my department, which is seeking ways to restore that land to essential public use and purposes. I am unable to say those inquiries have been concluded, but I hope that the department will be able to give me more substantive advice in the near future. I will be liaising closely with the honourable member for Murwillumbah in the hope of being able to satisfy efforts strongly supported by him and other members of the community, including local government and other groups, to restore use of

that land for essential public purposes.

PORT KEMBLA COPPER SMELTER

Mr SULLIVAN (Wollongong) [6.11]: I wish to speak on the announcement today by Southern Copper Limited that it will close its copper smelter at Port Kembla in January 1995. The effect of such closure will be that about 400 employees will be stood down and another 700 to 800 employees in the Illawarra will be affected through a multiplier or ripple effect. Closure of the smelter will place in some doubt the operations of Incitec and MM Metals. Incitec uses Southern Copper acid as a feed stock, and MM Metals uses its copper as primary input in the manufacture of copper products. The Government should be condemned for this most unfortunate situation. I quote from today's media release by Southern Copper:

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. . . The principal factors which have contributed to the decision include:

- * Continued operation of Southern Copper without firm commitment to early environmental upgrading is not acceptable to the local community of the NSW Environmental Protection Authority or the Southern Copper shareholders.
- * Further major capital expenditure, of the order of \$230 million, is necessary for environmental upgrading and expansion of output to improve economic performance. The expenditure is not supported by all shareholders.
- * Financial performance of Southern Copper has been consistently poor since completion of the redevelopment in 1991 and the shorter term outlook is particularly bleak.

Southern Copper's profitability record, up until the major \$200 million improvement in 1989, 1990 and 1991, was marginal - somewhere between \$1 million and \$4 million a year for the previous 10 years, and one year the company had a loss of about \$1 million. The company believed that with such major investment it could lift production from 40,000 tonnes to a projected maximum of 80,000 tonnes, but it has not achieved that level of output. Following that \$200 million investment, given the costs of servicing the debt, the company has regularly made losses of between \$15 million and \$30 million each year. What has been the role of the State Government in this company's difficulties or its response to them? I have a copy of a letter signed by a number of people including every State and Federal member in the Illawarra, the Lord Mayor of Wollongong, the Mayor of Shellharbour, the Mayor of Kiama and a representative of all unions directly involved with the employees of Southern Copper. I quote from page 2 of that letter:

We urge you, as Premier, to intervene in this issue as a matter of urgency. We suggest that negotiations be initiated with CRA at the highest level, with representatives of the combined trade unions and the region's parliamentary representatives. Our union is united in its determination to ensure that the plant does not close and we appeal to you as Premier to support our efforts.

Our region and New South Wales cannot afford huge job losses, particularly as the Illawarra region is now generating a significant economic recovery.

That letter was dated 1 November. Since then, over a period of three weeks, I have been seeking to set with the Premier's staff a time for that meeting. No time has been set. I find the whole situation now is one of great despair and disgust. I quote from a letter I delivered to the Premier's office today:

I write to express my concern that I have not heard from you or your staff regarding a meeting

between State members of Parliament in the Illawarra and trade union representatives and yourself over the proposed closure of the Southern Copper Plant at Port Kembla.

You have received a letter signed by all of the above and dated 1st November 1994 but have not responded to date.

I have visited your office in Parliament House on a number of occasions and spoken to members of your staff, most frequently your Appointments Secretary, about such a meeting and am still waiting for a response from you.

Today Southern Copper have announced that they will be placing their plant at Port Kembla on a care and maintenance basis from January 1995. I am absolutely dumbfounded at your apparent total indifference to this event occurring.

I again request a meeting with you by representatives of the people of the Illawarra (Elected State Members of Parliament) and representatives of the unions covering the employees who will be seriously affected by this decision.

I await your early reply and again emphasise the urgency of this request.

What is going to be left? Unemployment will increase in the Illawarra. The industrial base of New South Wales will be reduced. Southern Copper's copper smelter is the only one in New South Wales. What will happen to the site? Southern Copper's announcement that they will be placing their plant on a care and maintenance basis from January 1995 means that the company will walk away and will not be required, on the face of it, to reclaim or repair the site. [*Time expired.*]

Mr CAUSLEY (Clarence - Minister for Agriculture and Fisheries, and Minister for Mines) [6.16]: I note the important comments of the honourable member for Wollongong. As Minister for Mines I was involved in certain of these issues. One issue is lead contamination. Opposition members have asked questions about lead contamination from that and other sources, and the problem is of great concern. My recollection of the figures is that each year about 30 tonnes of lead go up smelters in that area. It is a vexed question. I would be the first to say that a balance should be struck in these arguments. Industry, agriculture and production are vital to this nation. I dare say, however, that the local Wollongong community is concerned about contamination from those smelters. The problem has to be addressed. I understand that the company has been given time to do that but has not done a lot about it. I understand also there is a problem with the union and the work force, which is being a little recalcitrant - an interesting word when used previously in another place. People should come to terms with these issues, which are very serious. Employment is extremely important, but lead poisoning is also a most important issue for the community.

RYDE WASTE INCINERATOR PROPOSAL

Mr PETCH (Gladesville) [6.18]: I wish to draw attention to the concerns of people in Gladesville about misleading statements by members of the local Labor Party, reinforced last night by the honourable member for Blacktown in this House, that Ryde City Council is proposing to build a waste incinerator at North Ryde. There is no foundation whatsoever for those statements. The Labor Party, however, takes great delight in its philosophy of not letting the truth get in the way of a good story. No-one has ever approached Ryde council, and as late as this afternoon I had discussions with Chief Health Surveyor Mr Bernie Murphy and Manager Mrs Gerry Brus, of that council, regarding this issue. They have assured me that no-one has ever approached Ryde City Council

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regarding the installation of a waste disposal incinerator, nor has Ryde City Council ever suggested, ever hinted, let alone made the statement that a waste incinerator was being considered for North Ryde.

In fact, many suggestions about incinerators started from a statement by the honourable member for Londonderry regarding a toxic waste incinerator not being an option for his electorate. I agree with him. It was not an option for his electorate but it is obvious from the Labor Party's internal resources that it is an option for somewhere in the North Ryde area on a regional basis. If it was not an option for the Labor Party, it would not be talking about it. Ryde City Council does not know anything about it, as the local member of Parliament I do not know anything about it, the Minister for the Environment does not know anything about it, yet the Labor Party seems to know everything about it. I believe the Labor Party has a hidden agenda for such an incinerator if it ever attains government in this State.

I will still be the honourable member for Gladesville and I will fight to the last drop of blood against any suggestion or any move by the Labor Party to try to install a waste incinerator at North Ryde. The Minister for the Environment issued a document called, "No Time to Waste" requiring every local government in the metropolitan area to develop options and strategies with other councils in the region for future management of waste. Management of waste is a problem: our landfill areas are being filled with more tonnage of waste. The recycling projects of the Metropolitan Waste Disposal Authority, the Minister for the Environment and the local council are second to none. Thousands of tonnes of bottles and putrescible waste that would normally have found its way into landfill are being recycled.

The budget set aside \$1 million for acquisition of land at North Ryde near the magnificent Metropolitan Waste Disposal Authority transfer station to enable local residents to bring their garden clippings and foliage to be recycled into compost for redistribution. That will go a long way to addressing the movement of additional waste that would have ordinarily found its way into landfill areas. With the investment in a magnificent waste disposal transfer station at North Ryde, why would Ryde City Council, this Government or anybody else want to build an incinerator in that area? If we did not have other options, the result would be different.

Ryde City Council has many options. For many years it has successfully managed its own waste disposal at Porters Creek before the Metropolitan Waste Disposal Authority put its transfer station in the area. Ryde City Council is good at managing waste disposal and recycling, and so is Hunters Hill Council. I am always honoured to present a cheque for \$20,000 or whatever for the council's quarterly rebate. I am proud of the council's recycling work. A waste disposal incinerator will be installed in this region over my dead body.

DISAPPEARANCE OF GORDANA KOTEVSKI

Mr MILLS (Wallsend) [6.23]: Nothing in my six years as a member of Parliament has saddened or upset me more than the tragic disappearance last Thursday night at about 8.45 p.m. of 16 year old Gordana Kotevski of Cardiff as she walked the few hundred metres from Charlestown Square shopping centre to her aunt's house nearby. As at 5 o'clock this afternoon, almost six days later, Gordana has not been found. Gordana has medium long black hair, is a beautiful, very petite young woman - a slip of a girl at about 45 kilograms and 1.65 metres tall. She is described as being of Mediterranean appearance. She was last seen wearing a cream coloured T-shirt, jeans and cream coloured joggers when she left Charlestown Square at 8.30 p.m. on 24 November.

Her aunt heard what sounded like a scream outside the house at about 8.45 p.m., but when she looked outside she saw only a four-wheel drive vehicle going off down the street. By about 9.30 p.m. when Gordana had not turned up, relatives found on the footpath outside her aunt's house a torn shopping bag that she had been carrying and her wallet. Witnesses have revealed that the vehicle was a white Hi-Lux four-wheel drive but of unknown registration. The driver was not seen. Since dawn last Friday huge police resources, including helicopters, as reported in the media, have been thrown into the search. The immediate family has exhausted itself searching for Gordana. Hundreds of people from Newcastle's Macedonian community and from the wider community have been searching the lower Hunter, the coalfields and the upper Hunter regions, especially bushland, all to no avail.

Parents Peg and Branko Kotevski are distraught. They are good people. I have met them several times. They have given their children a fine and righteous upbringing as responsible young Australians. I say to Peggy and Branko, "Please don't blame yourselves. Reserve your blame for the evil people who have abducted your innocent young daughter". I commend the community and the police effort - 16 detectives are on the case, plus the major crime squad and any number of uniform police. About 15 witnesses have been interviewed and about 50 items of information are being followed up. Gordana's description has been circulated around New South Wales and interstate. I hope that by now immigration checks are being or have been undertaken.

Gordana is still missing. Hunter Television and print media, especially the *Newcastle Herald*, are following the case, but apart from last Saturday, the Sydney media have lost interest in Gordana's abduction. I spoke at length to Mrs Kotevski last night and we agreed that I would issue an appeal. Before doing so, I request electronic and print media in metropolitan and country areas around Australia to help enlist community assistance because the probability is high that she has been taken a long way from the Hunter region. On behalf of the family we appeal for immediate help from all property owners in New South Wales, Victoria and Queensland to find Gordana Kotevski who has been feared abducted.

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We ask all owners of unoccupied property that they or their agents check their houses and outlying buildings for unauthorised occupation or signs of occupation, especially property on the outskirts of towns and in the country. We also ask all residents to check sheds and outlying buildings, especially if the sheds are far enough away from the house to allow abductors to hide. Anything suspicious should be reported to Charlestown police station by telephoning 049 42-9955. Police have committed huge resources to the search but they now need urgent help from the public in an effort to find Gordana as soon as possible. It is the family's desperate hope that Gordana is still alive. Please pray for her safe return.

WARRINGAH CHILD-CARE FACILITIES

Mr HAZZARD (Wakehurst) [6.27]: I join the honourable member for Wallsend in expressing the hope of coalition members that Gordana Kotevski is found safe and assure her parents that the thoughts and prayers of all members of Parliament are with them. We trust that the media will respond to the appeal of the honourable member for Wallsend. The topic I refer to is child care. In the Wakehurst electorate some 500 to 600 families are waiting for child-care placements for their children aged under five years. It is interesting that two other members of Parliament also raised issues about child-care facilities in their electorates. It is an issue that moves people with a passion because it is a real problem for many families that simply cannot provide adequate child-care facilities in these times, when often two parents have to work or perhaps it is a single-parent family.

I was disappointed recently to hear that Tony Harris, the Auditor-General, considered that Warringah was better served or well served with child care. Warringah is not well served with child-care facilities. In fact, many people still need those facilities. Many families do not even bother to put down their child's name for a child-care placement because they know the waiting list is so long that it is fairly useless. In the last 3½ years that I have been a member of this Parliament I have fought long and hard to increase child-care facilities in Wakehurst and Warringah. I have become familiar with many of the issues. Child care can be provided by a number of different sources - by the private sector, by council or by the community - but, in the end, it comes down to a partnership between the Federal Government, the State Government and councils.

On behalf of my constituents I express frustration at the Federal Government's inflexible view on child-care requirements in its negotiations with the State Government. My dealings with the Minister for

Community Services, the Hon. Jim Longley, have indicated that the State department is flexible and very keen to address child-care issues in their broad perspective. It should be remembered that child care is not just about looking after a kid for a day; it is about giving primary carers, often women, options. It is about giving children from disadvantaged backgrounds a chance at normalcy. It is about giving a sound basis for educational and social needs. But it is also about flexibility. To that extent I wrote today to the Minister for Community Services asking him to seek support from the Federal Government to provide for particular needs of children.

I have grave concerns about the services provided for children under the age of two. Currently, I am a community representative at my young son's school. We are endeavouring to set up a child-care centre at that school. I have found that the private sector is more keen to become involved in providing child-care services, but there is no encouragement for it to look after children under the age of two. Apparently, carers are paid at exactly the same rate to look after children under the age of two as they are for children over two. They do not want to do it. Extra facilities are required for children under the age of two - places for changing nappies, places for sleeping and additional staff.

I have asked the Minister for Community Services to approach the Federal Minister and tell him that we should be offering the private sector more encouragement to look after this needy group. I hope there will be a partnership between the Federal and State governments. The Federal Government should not simply lay down the conditions that it considers appropriate. In the end, the State Government and councils are much closer to community needs than the Federal Government, which is distant, remote, situated in Canberra, and is not aware of the needs in Wakehurst. I implore the Federal Minister to wake up and to acquaint himself with the need for child-care services in local areas. [*Time expired.*]

CUMBERLAND HIGHWAY NOISE LEVELS

Mr SCULLY (Smithfield) [6.32]: I raise a matter of concern to the residents of Gipps Road, Jersey Road and Beths Road, Greystanes - the latter two roads are on the Cumberland Highway - who are outraged at the levels of traffic noise they have to endure in the vicinity of their homes. I have been concerned for a long time about this Government's commitment to noise reduction works on Pennant Hills Road on the Cumberland Highway, as not one cent has been spent in areas where roads have already been built. In fact, \$7.1 million was spent on noise walls on Pennant Hills Road where there are good and loyal Liberal Party voters. This has outraged my electorate, particularly those living along the Cumberland Highway.

St Gertrude's School, which is located on the Cumberland Highway at Smithfield, is forced to endure a great deal of noise along that highway, but this Government could not care less. A noise wall should be built in the vicinity of the school. If taxpayers' money is to be spent to reduce noise on one part of the Cumberland Highway, it should be spent at all those places where noise is adversely affecting the lives of local residents. A few months ago I attended a public meeting of residents who live along Beths Road on the Cumberland Highway who

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are justifiably extremely angry about being ignored by this Government. It was almost impossible to conduct the meeting as the noise from passing trucks and cars was so great that I could not hear myself speak.

Residents from Jersey Road, Greystanes, have also expressed their anger. They and the residents of Beths Road on the Cumberland Highway, have told me how much the traffic noise has affected the quality of their lives. They have difficulty sleeping, watching television or engaging in conversations. These are the things that people who live along Pennant Hills Road take for granted, because of their government provided state-of-the-art noise walls. I have taken these matters up with the Minister for Transport, and Minister for Roads, and I am not particularly impressed with his response. He said:

The problem of controlling noise along the established road network is a large issue and not one that can be readily resolved.

That is simply not good enough. I complained to the local police about traffic speeding along Jersey Road and Beths Road. The police had this to say:

To date no speeding motorists have been detected.

This was simply not believed by local residents. The police should undertake more effective speed detection work. I also raised this matter with the Environment Protection Authority which I think ought to be renamed the economic protection association. After seeing its logo honourable members would be aware why it is aptly named, "One eye open and one eye shut". In this case, when I asked the Environment Protection Authority to investigate noise and air pollution, it flicked it - it is very good at flicking things when it comes to environmental protection - to the Roads and Traffic Authority, the very agency responsible for noise in the first place. I am not sure why we have an Environment Protection Agency as its logo demonstrates that half its operation is really closed.

I call on this Government to provide noise reduction devices for this part of my electorate, to install bitumen along Beths Road and Jersey Road and to lower the speed limit to 60 kilometres per hour in this residential area. The speed limit in a nearby industrial estate is 60 kilometres an hour, whereas it is 70 kilometres an hour in this area. Noise reduction walls should also be erected. I have made a number of complaints about noise in respect of Gipps Road, Greystanes - a matter that requires special attention. I am concerned greatly by the policy of this Government to install noise reduction devices and works only on new roads. The parliamentary Labor Party is opposed to this policy - I am vehemently opposed to it - as it is totally inequitable. It does not surprise me that this Government is not particularly concerned about equity. Opposition members are concerned about equity. I say to the people in my constituency and the people in my electorate that we will not allow this inequity to continue.

The honourable member for Wallsend asked a question on notice which referred to the fact that \$7.1 million of State Government funds is being spent on noise walls for the Cumberland Highway. That is an outrage! Those funds should be equitably spread across Liberal Party and Labor Party electorates. Liberal Party and National Party voters should not be the only ones who receive these sorts of benefits. It is a disgrace! After the election next year I will be telling people in my electorate that I will be doing my best. The new minister for transport, Brian Langton, has said that a priority loud zone program will be implemented and Jersey Road, Beths Road and Gipps Road, which will be part of that loud zone program, will be assessed for priority funding. [*Time expired.*]

FINDON CREEK BRIDGES

Mr RIXON (Lismore) [6.37]: This will be the one hundredth time that I have spoken this session. I raise the plight of a small community called Findon Creek, situated to the north of Kyogle, which has a population of 87. One has to cross three large timber bridges in order to gain access to that area. Those bridges are at the point of collapse. There are three milk farms in that area, a number of cattle producing properties, one farm producing small crops for markets and a holiday cottage. The bridges carry all produce going out of the area and all supplies coming into it. Dairy farmers and others who need molasses and other stockfeed are being charged an extra 30 per cent because these commodities have to be transported in small trucks.

The bridges are in such a state that large trucks simply cannot travel over them. One farmer has already had to tip out milk on occasions because the tanker could not travel over the bridge to take out his produce. Two school buses travel over the road each day on their way to Kyogle and Rukenvale primary schools. The Moore Park bridge was built in 1938, with extensions after the 1954 flood. The

other two bridges, known as the No. 2 bridge and the No. 3 bridge, were built in 1954 after previous bridges were washed away by flood in that year. The bridges are constructed of timber. One is almost 50 years old and the other is 40 years old. They are in a bad state of repair. Kyogle Council has been conscious of the condition of the bridges for at least 10 years. Kyogle Council, though, is a poor council and has about 300 timber bridges in its shire area, all of which need constant maintenance or replacement.

It should be noted that Findon Creek has not experienced a major flood for at least three years. In that time there has been a major build-up of growth such as young oak trees in the creek and adjoining waterways. In addition there has been a normal build-up of timber in the creek. When a flood does come the bridges will be in grave danger of being washed away. Because of the load limits it is impossible to move heavy machinery such as dozers and excavators, which are needed for dam sinking during drought conditions. I must emphasise that there are no other routes into the valley. I wish to draw the Minister's attention to the financial plight of Kyogle Council.

The bridges are sited on rural local roads, so in actual fact they are the responsibility of Kyogle Council ratepayers and the Federal Government's untied grants. As yet the Federal Government has not come to the party and is not doing anything to help

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the people of the area. In 1982-83 the Federal Government provided 62.38 per cent of the fuel taxes it collected for roads. In 1993-94 the Federal Government provided 12.1 per cent of the fuel taxes it collected for roads. The Federal Government has plenty of funds to help the Kyogle Shire but refuses to do so. I ask that the State Minister consider providing a fraction of the \$750,000 needed to replace the three bridges, in order to shame the Federal Government into assisting with the project. A sum of \$250,000 is needed to replace each bridge. Perhaps the State Government could find a third of the funds. We could then ask the Federal Government to provide a third of the funds, and Kyogle Council could provide the other third.

Private members' statements noted.

BUSINESS OF THE HOUSE

Hours of Sitting: Suspension of Standing and Sessional Orders

Motion, by leave, by Mr West agreed to:

That Standing and Sessional Orders be suspended to permit the resolution agreed to this day for business to be dealt with after 7.00 p.m. at this sitting to be varied to:

- (1) Omit General Business Order of the Day (general orders) No. 4 (Paedophiles Investigation) standing in the name of Mr Whelan;
- (2) Add consideration of:
 - (a) A motion to extend the reporting date of the Select Committee Upon Lead Pollution;
 - (b) Government Business Order of the Day No. 28, (Criminal Procedure (Sentence Indication Hearings) Amendment Bill);
 - (c) Government Business Notice of Motion No. 2, (Coal and Oil Shale Mine Workers (Superannuation) Further Amendment Bill), up to the Minister's second reading speech; and
 - (d) Government Business Notice of Motion No. 3, (Health Legislation (Miscellaneous

Amendments) Bill (No. 2)), up to and including the Minister's second reading speech.

ENERGY LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL

Bill received and read a first time.

BILLS RETURNED

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

Totalizator Legislation (Amendment) Bill
Royal Commission (Police Service) Amendment Bill

SELECT COMMITTEE UPON LEAD POLLUTION

Motion by Mr West agreed to:

That the terms of reference of the Select Committee upon Lead Pollution be amended by omitting paragraph (5) and adding instead the following paragraph:

(5) The Committee report by Monday, 5 December 1994.

WATER BOARD (CORPORATISATION) BILL

Second Reading

Debate resumed from 17 November.

Mr MILLS (Wallsend) [6.49]: As there was one minute of my time remaining when this debate was adjourned, I seek an extension of time. [*Extension of time agreed to.*]

When the debate was interrupted on 17 November I was talking about the absurdity of having an availability charge when a product is not available. I speak of the instance of a vacant property without a water connection. We do not impose availability charges when gas or electricity utilities are not available but we do charge for no water connection. Councils can justify a charge for property rates against unoccupied property, but water corporations that do not provide a water service cannot similarly justify a charge. A water corporation offering a product for sale has to find a better excuse than the excuse given to my constituents, that the charge on unconnected properties could not be removed because the resultant loss in revenue would be too high. That is arguing in a circle.

I referred earlier in my contribution to one of the problems of the corporatisation model that the Government has offered in the case of the Sydney Water Board and offered some years ago in the case of the Hunter Water Corporation. I refer to the difficulty in getting answers in the House to questions about the accountability and the performance of the water utility. The Minister responsible should be responsible for what goes on. Today's *Questions and Answers* provide a good example. I had asked a question about the Sydney Water Board and its charge of late fees. I had hoped to have that question answered but, unfortunately, that will not happen if the Government's corporatisation model is accepted. In answer to a question about why the late payment recovery fee was being applied, I was provided with the following answer:

Analysis of customer payment trends indicates that less than 60 per cent of the Water Board's

customers pay their accounts on time.

It is no wonder less than 60 per cent pay on time, when only 14 to 16 days are allowed by the Sydney Water Board for payment of bills. Another part of the reply was:

The Board's Credit Terms are consistent with all other utilities.

That is not true. The Minister for Planning, and Minister for Housing, who is responsible for the Sydney Water Board, should wake up to himself. That untruth should not be perpetrated. Gas utilities do not charge for late payments, particularly if the payment is only one day late. I pay my electricity bills to Shortland Electricity, which does not charge if a payment is one day or five days late. The Hunter Water Corporation, to whom I pay my water bills, does not charge if my payment is one day or five days late. The manager of the Sydney Water Board was

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formerly the manager of the Hunter Water Corporation. I do not know what is going on, but I do not like the information the Minister has provided.

The Opposition has indicated that it will move some amendments to the original legislation in an attempt to ensure that the bill does not come into force until the Government has passed the promised second stage of the environmental protection legislation that was intended to overhaul all of the State's anti-pollution statutes that are up to 30 years out of date. The second amendment the Opposition intended to move was to have an employee representative on the board. In the interim there has been debate on the Electricity Transmission Authority Bill, during which the Minister for Police, who has carriage of the matter in this House, said the Labor Party had changed its position, and that instead of its preferred model being for workers in an enterprise to elect their representative, it agreed with the Government that the workers' representative be chosen by the Government from a panel of three persons nominated by the Labor Council of New South Wales.

That is interesting, because one of the amendments that the Opposition hopes to move in Committee will be for an employee-elected representative on the board, as a better and more direct representative of the workers in that enterprise. I would like to boast a little about the Hunter Water Corporation in regard to sewage pollution. The Hunter Water Corporation has not run as foul of the Environment Protection Authority as some other bodies have. Murdering Gully sewage treatment works discharges sewage into the ocean after secondary treatment. Edgeworth sewage treatment works used to discharge sewage into Lake Macquarie after secondary treatment, although none of the sewage currently goes into Lake Macquarie because it is now being used to put out a fire in Rhondda colmine.

The Hunter Water Corporation still charges a levy of \$77 per annum to pay for sewerage enhancement in the fringe areas. There are still higher charges for water under the user-pay system in the Hunter than in Sydney. The Labor Party supports the corporatisation. It disagrees with the Government's model and will seek to move amendments in Committee to make Sydney Water Board more accountable, particularly environmentally.

Mr SCULLY (Smithfield) [6.53]: The parliamentary Labor Party is not opposed, per se, to the corporatisation of the Water Board. It is opposed to the Government's method of doing so and the Government's agenda in respect of the Water Board. Documentation is available from the Water Board which suggests that it may ultimately be privatised. One of my greatest concerns is that if this Government is, unfortunately, re-elected in March, one of its primary goals will be to sell off the Water Board. On behalf of the people of Smithfield I would vehemently oppose the privatisation. I would like the Minister in this House to give an undertaking that if the Government is re-elected, the Water Board will not be sold in its next term of office. I believe this legislation sets up the shell structure by which the board can be sold. The obsession with privatising something that should never leave public hands is of great concern to me.

I would not like to see the provision of water and treatment of sewage run by the private sector. It should remain a public utility. Of greater concern to me are the environmental considerations of the proposal. At the moment the board can be directed by the Minister in regard to its functions. The constituents of Smithfield are concerned about the water supply canal which runs from Prospect Reservoir to Pipe Head at Guildford. Some honourable members may be aware that an underground pipe has been constructed, to run underground from the filtration plant which is being built at Prospect Reservoir to Pipe Head. That will mean the open water supply canal can be decommissioned once the pipeline is commissioned late next year or in early 1996.

The canal was constructed more than 100 years ago and the residents of the northern part of my electorate, around Greystanes, Woodpark and Merrylands, have expressed outrage at the thought that this canal, and particularly the land surrounding it, will disappear. The Labor Party, in government, cannot deliver a commitment that this land will not be sold because this Government has, on the eve of its electoral defeat in March next year, put in place a structure for the Water Board which will preclude the new Minister responsible for water and the environment - the honourable member for Blacktown - from fulfilling a commitment to people of my electorate that this canal land will not be sold.

Currently there is a proposal by the property section of the Water Board that strong consideration should be given to the land along the water supply canal to be subdivided and sold off for housing, on the basis that that land is surplus to Water Board requirements. I am concerned about the loss of ministerial accountability, the loss of power of the Minister to step in following public outrage and concern and direct the board not to take an inappropriate decision. I invite the Minister for Land and Water Conservation - the Minister at the table, who has often expressed concern about environmental degradation - to visit some urban open space in my electorate at Greystanes. This open space runs for 7 kilometres, from the reservoir to Guildford, and it is an area of rare open space in an otherwise highly developed suburban and industrial landscape.

The honourable member for Gladesville said that over his dead body there would be an incinerator in Ryde. Over my dead body will this canal area be sold off for housing. I am confident that the people of my electorate will react appropriately in March and a strong message will be given to the ex-government - and it will be an ex-government for reasons such as this. I do not apologise for delivering to members of my community what they want. They

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want open space. They have enjoyed this area of open space for decades, and I have given them a commitment from the Labor Party and from the new Minister responsible for water resources and the environment from March next year that the land will not be subdivided, it will not be built upon, and it will be left as open space.

If the bill is passed she will be caught. This Government will prevent her from delivering the commitment she has made. That highlights the disgraceful nature of the bill and is the reason that I hope the three Independent members, who have expressed strong environmental concerns, will support the Labor Party's amendments so that ministerial accountability can be maintained. I am concerned about the catchment areas surrounding the dams and reservoirs under the Water Board's management and control. Prospect Reservoir includes some of the remaining wooded areas from the original Cumberland pine forest. The National Parks and Wildlife Service has identified that area as one that should be preserved. We have a wonderful recreational area that will benefit the people of western Sydney.

I am concerned that a water board charged only with commercial functions will not place the same value on its environmental assets as residents who live near them. I suggest that Prospect Reservoir is valued for its aesthetic beauty and the leisure and recreational value it provides to many thousands of people who enjoy it from time to time, year after year. I am worried that when the channel from Warragamba Dam to the filtration plant at Prospect Reservoir is completed, Prospect Reservoir will become not only a secondary source of water but almost an unnecessary source of water to Sydney, and that the Water Board will treat it simply as an emergency source of water supply and start to look at it with

envious commercial eyes. The Water Board could drain Prospect Reservoir and build on it. If there is a proposal for an area of open space along the canal to be subdivided and sold off, what is to stop the new Water Board, over which there will be no ministerial control, from starting to talk about draining Prospect Reservoir and subdividing it to raise money for its core responsibilities?

The Opposition seeks a guarantee that a corporatised water board will maintain environmental standards. We cannot trust the Water Board simply to consider the provision of water and the treatment of sewage. I understand that the bill provides that the Water Board will not be responsible for stormwater. That is absolutely astounding. When the honourable member for Moorebank brought that to my attention I asked who would be responsible. He said that the Government and the Water Board are not sure who will be responsible for stormwater. The Opposition will move an amendment to provide that the Water Board will be one of the managerial agencies responsible for with stormwater. I am committed to having the canal land retained as open space and the area surrounding Prospect Reservoir and the lake area preserved. I am absolutely committed to ensuring that the Minister for Land and Water Conservation has the power under enabling legislation to direct the Water Board when it seeks to involve itself in environmental degradation.

Another important matter is that of dam safety. Warragamba Dam and Prospect Reservoir are both in my electorate. From time to time, concerns are expressed about the safety of Warragamba Dam. More often concerns are expressed about the safety of the earthen wall of Prospect Reservoir. It is not well known that this wall is one of a few remaining earthen walls in a Water Board reservoir. The wall was built more than 100 years ago, and there is some movement in it from time to time. Some doubt has been expressed by the Dam Safety Committee about the capacity of the wall to withstand an earthquake. I welcome this expenditure by the Government, although it is a little late. A large sum of money is currently being spent to make the earthen wall at Prospect Reservoir more safe.

I am concerned about the secrecy and lack of accountability of the board in bringing to the attention of the public its concerns about the safety of Prospect Reservoir. I have often asked for details and for consultants' reports, I have asked for the reasons for delays and I have asked for the detail of the work that is being done. The board is typically secretive on those matters, as it is on most other matters within its responsibility. I am concerned that this legislation may make the board more secretive. In relation to the earthen wall, some local residents have requested the installation of a device that will give early warning of any break in the dam. The largest industrial estate in Australia is below the dam wall, and several hundred thousand people live there. I know that the risk of a break is minimal, but there have been earthquakes in the area and it is reasonable to request some sort of local early warning system in the event of a break occurring.

Another matter that I shall mention is the role of the Environment Protection Authority. Earlier, I referred to the EPA as the economic protection association - that is probably the most accurate description. The EPA is simply unable properly to carry out its duties in regard to protecting our environment. When the former Minister for the Environment, Mr Tim Moore, set up the EPA, he took on the American description. I do not know where the EPA got its logo from but it sounded and looked great. The EPA was to have environmental police out there blasting away to protect our environment. However, the EPA has been disappointing in this regard.

Each time I draw the attention of the EPA to a matter, it has been unable or unwilling to assist. Earlier, I referred to air and noise pollution in my electorate. The EPA passed on that responsibility to the Roads and Traffic Authority, which was the cause of the problem. Each time a matter is brought to the attention of the EPA, it is unable to assist. How in God's name will the EPA deal with the environmental standards of the Water Board if it cannot deal with simple matters referred to it by members of

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Parliament - simple matters such as checking noise and air pollution, waterways, spills and areas of woodland which perhaps should not be carved up? If the EPA cannot deal with that low level of environmental protection, how will it be able to audit properly the Water Board's involvement in

environment degradation? I have no faith in the EPA. Heaven help us if the EPA is given responsibility for auditing the Water Board - a huge megalomaniac conglomerate.

Mr Moss: It's the blind leading the blind.

Mr SCULLY: It will be the blind leading the blind. Unfortunately, the Government has cut EPA funding and resources. Funding for the EPA and its staff would be dramatically increased if stage two of the EPA legislation were implemented. We should bear in mind that the Clean Air Act, the Clean Waters Act and all other environmental legislation is, on average, 20 to 25 years old. The EPA is dealing with guidelines and standards which are out of date. The Government should not allow the EPA to audit the Water Board. We should not pass the bill without amendment. The House must support our amendments. The EPA should not be involved in auditing the Water Board until stage two of the environmental legislation is in place. I will not tolerate the Water Board selling canal land and Prospect Reservoir. [*Time expired.*]

Mr MOSS (Canterbury) [7.08]: Like other Opposition members, I have mixed feelings about corporatising the Sydney Water Board. Indeed, all members should take this matter seriously, not only those on this side of the House. I have weighed the positives against the negatives. I am afraid that I have got nowhere because I still have mixed feelings about corporatisation and its effect on the community. Certainly, the Opposition cannot agree with the bill as it stands and, to that end, it will move a number of amendments in Committee to address the problems. Another important factor in considering the corporatisation of the Water Board is that it is not merely the corporatisation of another government service that is involved. The bill attempts to corporatise an essential service, and for that reason deserves close scrutiny. It is argued that the corporatisation of government instrumentalities removes those enterprises from the day-to-day control of government and places them on a more commercial footing. It is not necessary that all government enterprises be corporatised, thereby distancing them from government in order for them to operate on a more successful commercial basis.

In particular, I question the rationale for the corporatisation of the Water Board, which, after all, is a monopoly; it has no corporate competitors. The board is not being corporatised to allow it to compete with other water collectors or water suppliers. In fact, when it is corporatised it will remain the same body with the same responsibilities and, I suspect, the same senior management. It might be thought that corporatisation will magically change the structure of the Water Board. The only change will be less ministerial and government control over the board. If at the time of corporatisation the Water Board is poorly managed, the move to corporatise will be detrimental. Corporatisation does not mean that the level of management will improve - an argument put forward in support of such a move.

Another argument in support of corporatisation is that the board will somehow be more accountable. I question that contention. It depends on how accountability is measured. If it is measured in terms of profit or minimising losses, the restructured board may be more accountable. However, accountability with regard to something as essential as water should be measured by its delivery of service. That does not mean I support the wastage of water. I agree that water is a precious commodity that should be conserved, where possible; but conservation can be achieved without corporatisation. It is not always possible to make a profit when delivering essential services. It does not matter who controls the board in the future, profits will not be made from constructing new stormwater drains, cleaning up after floods, maintaining pollution traps or repairing sewer mains.

As a shareholder the community may believe it will be better off with corporatisation, but as a consumer it is entitled to expect that the board will supply other non-profit making services, some of which I have just mentioned. If the board were to renege on any of those responsibilities, there could be a massive reduction in our living standards. Corporatisation does not necessarily mean that the board will be more accountable; it may become less accountable by denying services in a quest for profits. It has also been assumed that the community will be able to measure the board's performance and assess whether it has achieved its goal. This seems to imply that consumers will suddenly be more interested in

the Water Board when they are shareholders in the corporation.

I do not need corporatisation to convince me that I am a shareholder in State government trading enterprises. I consider that I am a shareholder in all of the State's assets by virtue of the fact that I am a New South Wales voter, a taxpayer, a contributor to government revenue, a consumer of government goods and services and, more important, a citizen of this State. What is more, I do not believe that the community will show more interest in the board when it is corporatised. Those who have shown an interest in the past will continue to do so, and those who have not bothered will not start to measure the board's performance in the future. Of course, everyone will take a keen interest following corporatisation, when and if rates rise beyond reasonable levels. If rates increase to above consumer price index levels, the entire community will take an interest. And unreasonable rate increases could occur in the future with corporatisation of the board.

The bill was introduced in accordance with the requirements of the State Owned Corporations Act 1989. That Act seems to emphasise profitability more so than efficiency of service. For example, the
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objective of the State Owned Corporations Act is to have instrumentalities operate at least as effectively as any comparable business and to maximise its net worth. In other words, the main objective of the Act is to make an enterprise a successful business. Therefore, its objective is to put profit before service, and although water is a product which is sold, it is also a basic necessity. Therefore, the provision of water in a civilised society should be regarded first and foremost as a right which government is obliged to provide rather than a commodity distributed for profit.

Corporatisation of the board downplays the right to acquire the commodity and tends to focus more on profit. The State Owned Corporations Act also enables the Minister to direct the corporation to undertake activities of a non-commercial nature. All I can say is thank God for that, because if that were not the case the board, when corporatised, may well decide to relinquish any responsibility in those areas in which it cannot make a profit. Though the Minister can direct activities of a non-commercial nature, the bill does not suggest that the board will undertake non-commercial activities.

In relation to an earlier draft of the bill the Opposition revealed that the Government had placed a clause in the draft to remove the board's responsibility for maintaining and upgrading its drains. While the Government has, under pressure, removed that clause, the Opposition is not convinced that the board will continue to maintain all of its non-profit making assets, such as stormwater drains. For that reason an amendment will be moved in Committee that will call on the board to maintain responsibility for its assets. Another amendment that the Opposition intends to move will provide for the appointment of an elected employee representative on the board - which conforms with the policy of the Opposition with regard to employee representation - when the government trading enterprise changes to a corporation. That is only reasonable. The Opposition cannot understand why the Government has a problem with regard to employee representation on the corporate board. *[Extension of time agreed to.]*

The amendment that most concerns me - and it has been referred to by previous speakers - is that which ensures that the bill does not commence until Parliament has dealt with stage two of the Environment Protection Authority's legislation. It is useless to restructure the board without overhauling the State's anti-pollution laws. I envisage a restructured board going hand in glove with a revised and upgraded anti-pollution strategy. Proper anti-pollution strategy will occur only if outdated laws are revised. Stage two of the Environment Protection Authority's legislation will supposedly overhaul all our anti-pollution laws, some of which are 30-odd years old and are definitely inadequate and outdated. The Opposition is not prepared to support the corporatisation of something as important as the Water Board when the Environment Protection Authority does not have sufficient power to deal with the numerous pollution problems that can and do occur within the water industry.

I know a little about this issue because within my electorate is a major Water Board facility - in fact, it is more than a Water Board facility - the Cooks River. If it is not Australia's most popular river, it is

certainly its most historic. It is named after Captain Cook, who sailed down the river. In some places the Cooks River is absolutely magnificent, despite problems with siltation, collapsing banks, floating debris, and inadequately maintained Water Board sewerage pipes that have been constructed over the river. The river is also a major facility of the Water Board for accommodating sewerage pipes and for drainage. The river runs for approximately 100 square kilometres. It is joined by five main tributaries, two of which are in the Canterbury electorate.

Some 23 years ago, when I first became involved in local government, I recall being told that the Cooks River collected stormwater run-off for one-fifth of the population of Sydney. The figure would not be so high now. Since I have been a member of this Parliament there have been three major catastrophes on the Cooks River. The first was in 1988 when a sewerage pipe in the Belfield area collapsed and raw sewage flowed into the river. It was the middle of summer. All marine life was killed. It took more than a week to repair the pipe. Workers were dropping chlorine and all other sorts of substances into the river at night to maintain the water at a respectably healthy level to prevent the outbreak of disease.

In 1989 an oil spill occurred. Again, all marine life was killed. The river died. Fish species were lost and birds died as a result of being caught up in the oil slicks. It took some weeks to clean up the oil spill. Another tragedy occurred in 1990. Again the river died. Nobody seemed to know what the problem was. I was convinced it was another sewerage collapse. Eventually I was informed by Water Board experts that it was due to a thermal rollover in the Cooks River. I do not want to go into the details of what a thermal rollover is because I am not a scientist, but I do know a little about it. When a cold snap follows very hot weather, the silt in the river lifts, killing off the oxygen in the water. The marine life dies and the river dies. The Cooks River should be thoroughly dredged because a thermal rollover could occur at any time.

I would rate the board's response to pollution problems from reasonably slow to downright sloppy and inadequate. I dread to think what a future board would do so far as pollution is concerned after corporatisation. If the main objectives of corporatisation are applied - maximising the net worth of the State's assets - God only knows what will happen if there is another catastrophe on the Cooks River. Things have been bad enough. Because the new board will be motivated by profit, I have some reservations about the amount of attention that will be given to spillages and other major problems. That brings me back to the need to introduce greater environment protection laws and to upgrade and revise existing laws prior to the adoption by the Parliament

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of the Water Board (Corporatisation) Bill. The Opposition has mixed feeling and grave reservations about the bill. It supports the bill, but subject to the amendments I have outlined, particularly a revision of the Environment Protection Authority's laws, which goes hand in glove with a restructured Water Board. One cannot have one without the other.

Mr MARTIN (Port Stephens) [7.28]: My contribution is based primarily on my experiences in the Hunter following the corporatisation of the Hunter Water Board. About this time a couple of years ago, I recall the Chief Executive Officer of the Hunter Water Corporation, who was seated behind the Minister, thinking that something simple like the corporatisation of the Hunter Water Board would pass through Parliament in a few minutes. It ended up taking a couple of days. The same concerns that were expressed then are being echoed throughout the Hunter today. Firstly, I refer to catchment areas. The Hunter Water Corporation has a number of catchment areas, particularly those within the electorate of Nelson Bay where the underground water is not hooked into a reticulation system tied to places such as Grahamstown or Chichester Dam. The great temptation for the corporation is to realise the real estate value of catchment areas.

After next March the corporation shareholders may have to consider seriously who should own the catchment areas. Perhaps some adjustment should be made of the handling of catchment areas so that they can be tied up to an extent and the State can have a say in the long-term land usage determinations.

Usually, these areas are of conservation value. They are of immense value to the people, yet the temptation for the corporatised body is to gain a cash return. This causes great alarm to members on this side of the House. I draw to the attention of the House an article in the *Newcastle Herald* of 23 November which was headed "Hunter Water's profits 'a lesson for Sydney'". The article, written by an eminent and capable State political journalist, reads:

The Hunter Water Corporation's improved financial performance in the 1993/94 financial year suggested similar gains could be achieved by the corporatisation of the Sydney Water Board, the corporation's managing director, Mr David Evans, said yesterday.

He was speaking after the tabling in State Parliament of the Corporation's 1993/94 annual report showing a 2.7% rise in before tax profit to \$17.7 million.

I emphasise that profit figure. The article then quotes the corporation's managing director as follows:

"The corporatisation process has resulted in a significant reduction in costs under a structure whereby all parts of the corporation are required to demonstrate they are efficient," he said.

He then states that such corporatisation would be good for Sydney. The Opposition has no objection to efficiency. However, having to use this model to achieve efficiency reflects poorly on the management and indicates that it knows of only one system for making an organisation efficient. That is a fairly narrow outlook. This narrow view has contributed to the negative outlook of many people in my electorate regarding corporatised bodies. I assure the House that the people of the Hunter have been guinea pigs for a water administration system which has caused people to shudder in the Sydney metropolitan area.

I turn now to the matter of charges. In 1988 signs were attached to every light pole in my electorate saying "Sewer without a levy". The Government of the day, under Minister Crosio, negotiated the costing for and implementation of the Hunter fringe area sewerage scheme. After seven long years of this Government, the funding arrangement for the Hunter fringe program is still being savagely felt by people in the Hunter. We are now paying close to \$70 a year, fully indexed, over 24 years for this scheme. That is somewhat similar to the failed environmental levy which has proved to be such a failure in cleaning up Sydney. It reflects very poorly on the administration. Each of the 168,000 contributors will pay a levy for 24 years to fund a backlog in sewerage schemes. Good profits can be made from such schemes. Also, people who had vacant land and submitted plans for approval after 17 February 1989 paid an approximate access fee of \$3,000, indexed to today's prices.

The Hunter Water Corporation has no responsibility to Parliament, so it tells us, and it is unable to give relief in addressing those serious issues. The corporatisation model does not have the will to respond to hardship and community need as it is always profit driven. Hunter Water Corporation charges must be taken into account when considering whether we want the same model to be used for Sydney. I am confident that the treatment dished out in the Hunter would not be acceptable to the people of metropolitan Sydney. Therefore, it is time that the Government looked seriously at its objectives. The bottom line is that profit is being placed ahead of service. What is the duty of a government, of society and of a government-owned organisation? Surely, it is to provide services to customers. It is more a responsibility of society to provide services than to make profits for some eager, money-hungry organisations which will utilise those profits on waste, mismanagement, consultants, Eastern Creek racetracks, and so on.

Interestingly, the Labor model of corporatisation is very different from the Government model. When the public hears the word "corporatisation", it has a perception that it is one step from privatisation. Fortunately, the Labor Party model does not go that far - it is about efficiency only. The structure of the organisation, as outlined in the bill, is one step short of privatisation. The water services in the United Kingdom are in a mess after what was done by Thatcher, and we can only look, shudder and insist that

the people of New South Wales never be subjected to such thinking. However, the Greiners of this world, and those in this Government, have not changed their thinking in this regard; for the seven long years it has been in power the Government's wont has been to privatise, and this proposal will wreck the supply of water to people in the Sydney metropolitan area.

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Two days before the close of a parliamentary session the Government is ramming legislation through the Parliament. There are two parliamentary sitting days before an election, and we must ask ourselves whether we want to leave such a legacy for the people of New South Wales, particularly those in Wollongong and Sydney. I draw the attention of the House to an article which appeared in the *Sydney Morning Herald* and arose in response to a question asked by the honourable member for Charlestown about the Hunter Water Corporation. That corporation was having many problems. The member for Charlestown is the father of the House and a well versed member of Parliament; he asked a very ordinary question about responsibilities in this place regarding the corporation.

The answer was that the matter was beyond the responsibility of the Minister because the body was corporatised. That was a thumbing of the nose by that organisation to this Parliament, but in the end this Parliament must be supreme in running such bodies. If we abrogate those responsibilities, we will be derelict in our duties to the people we serve in New South Wales. I turn now to the matter of ocean outfalls. What has occurred in this regard is nothing short of a scandal. If we did not have ministerial control, we would go back 100 years with the cheapest and ugliest means of getting rid of waste water - namely, through ocean outfalls. Are the dividends being sought by Treasury fair to the people who really own those assets and have paid for them over the years? The dividends being sought are highway robbery. The Government, through its Ministers, is able to set a dividend without argument. Treasury puts a gun at the head of an organisation and says, "Pay up!" - a tactic of which Ben Hall and Ned Kelly would be proud. Who is responsible for stormwater? Who owns the Newcastle infrastructure? Who is prepared to run it? Who is taking it over? It is nothing short of a scandal.

Politicians often receive complaints about amplification charges from constituents who want to connect their homes to water and sewerage services, but without a set formula they cannot help their constituents determine how those charges are worked out. The Hunter Water Corporation is about one-tenth the size of the Sydney Water Board. The board uses the Hawkesbury River system as a sewer for western Sydney but has made no commitment to clean up the river. The Environment Protection Authority does not have the teeth to enforce such work. Unless governments stand up to these organisations and make them do what they should do, our children will be left a terrible legacy - a world much worse than when we came into it. It is time we took a stand.

What happens with water flows and dams? What happens to the oyster industry, one of my near and dear constituent bodies, which relies on river flows? What happens with fish ladders? What happens when a corporatised body is totally out of control and is able to ride roughshod over people, do what it likes, charge what it likes, and operate under a model that is not acceptable to the people of New South Wales? For those reasons the Opposition has great reservations about the issue. The Opposition will continue to fight for its constituents, who elected us and whom we represent day after day in this Parliament in the fight to give them a fair go.

Mr AMERY (Mount Druitt) [7.42]: The position of the Labor Party has been put by the honourable member for Blacktown and other speakers in support of the proposed legislation. Amendments are to be moved in Committee. I understand there is an arrangement between the leaders of the House that this debate is to be continued at a later hour.

Debate adjourned on motion by Mr Amery.

JOINT SELECT COMMITTEE UPON POLICE ADMINISTRATION

Release of In Camera Evidence

Mr WEST (Orange - Minister for Police, and Minister for Emergency Services) [7.43]: Earlier today I gave notice of the motion, for which leave was granted before 7.00 p.m. The motion has been circulated. I also intend to move an amendment to paragraph (2) of the circulated motion. I move:

(1) That this House authorises the release to the Royal Commission into the New South Wales Police Service of all evidence taken in camera by the Joint Select Committee upon Police Administration.

(2) That the evidence be released on condition, agreed to in writing to the Presiding Officers, that it be used for investigative purposes only and not for publication.

(3) That the Clerk have leave to produce any documents or records of the House as may be requested by the Royal Commission.

(4) That leave be given to Members of the House to attend, if they think fit, as witnesses before the Royal Commission.

(5) That a Message be sent to the Legislative Council requesting that the Council adopt a similar resolution.

I propose to move an amendment to subsection (2) of that motion. I move:

That the motion be amended in paragraph (2) by leaving out all the words after the word "Officers" with a view to inserting instead "that it be treated as highly confidential and is not to be published and it only be received for intelligence and investigative purposes, including derivative use."

I appreciate that the amendment has only recently been supplied to the Opposition. Upon some agreement I might seek leave to incorporate that amendment as the original motion. While that proposal is being examined, I should indicate that the motion is brought before the House in the following way. Following the Joint Select Committee upon Police Administration, the Independent Commission Against Corruption sought access to the in camera evidence dealt with by that joint select committee, and it was agreed to in terms similar to the motion. Subsequent to the appointment of the royal commission, I received correspondence from the executive officer of the royal commission seeking, in

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the absence of the commissioner, similar access to transcripts of in camera evidence as was provided to the Independent Commission Against Corruption. In response to that correspondence, both I and my colleague in the Legislative Council, the Hon. John Hannaford, wrote back to the royal commissioner referring to the previous process of this House making available the in camera evidence, with appropriate assurances. We have subsequently received a letter from the royal commissioner, Mr Justice Wood, indicating his terms of acceptance of the use of that in camera evidence. It is important that I read the second paragraph of the royal commissioner's letter of response to me dated 28 November:

I am content to receive the transcript on the basis that it is to be treated as highly confidential, and is not to be published by this Commission. It would be our intention to receive it only for intelligence and investigative purposes, and to that extent, I would respectfully ask that derivative use be authorised.

That is why I have sought to amend the motion to provide for those words which I am advised procedurally would give greater clarity. So that the House has it available, for the record I seek leave to table the original request from the Executive Director of the royal commission, the letter that was

subsequently written by me and the Leader of the Government in the Legislative Council and the royal commissioner's response to the letter.

Leave granted.

Mr WEST: I understand that the motion is also in the terms used previously, providing access for members if they so desire to attend the royal commission. It does not require members to attend; it provides simply that members may attend, if they desire, as witnesses. Without wishing to delay the House, I seek advice as to whether the Opposition is prepared to accept my amendment as the motion.

Mr DEPUTY-SPEAKER: Order! Is leave granted to amend the motion?

Mr WEST: Do you want to accept it as the motion or do you want it dealt with as an amendment?

Mr Whelan: Ask me a little later.

Mr WEST: Mr Deputy-Speaker, to facilitate the process I again indicate that I have moved a substantive motion and I have moved an amendment to the motion. I would ask Opposition members to support the motion.

Mr WHELAN (Ashfield) [7.52]: I had the opportunity to meet Mr Justice Wood, the royal commissioner investigating New South Wales police. I raised, inter alia, this issue with him and one of his advisers. To my surprise, I learned that the transcript of evidence of material given in confidence, in camera, before the committee was not available to the royal commission and had not been provided to the commissioner. I am faced with the dilemma that there is a letter from the royal commissioner saying that he should divest himself of responsibility because he had worked out an arrangement with the Independent Commission Against Corruption acting commissioner, Mr Holland. There was a letter predating all this from Mr Justice Wood. It is part of the 12-page letter that we received.

Mr West: On a point of clarification: over the next day or two the House will have two matters before it. One is about providing the in camera evidence of the joint select committee to which the royal commission desires access. On the other hand the honourable member for Ashfield moved a motion a couple of weeks ago expressing his concern about a letter that had been sent to the Parliament from both the royal commissioner and the then acting commissioner of the ICAC that had to do with the references on paedophilia. This motion, I have to say with respect to the honourable member for Ashfield, has nothing to do with that paedophilia inquiry and the motion that he has on the -

Mr WHELAN: I understand that.

Mr DEPUTY-SPEAKER: Order! In the spirit of cooperation I understand that the honourable member for Ashfield has accepted the point of clarification.

Mr WHELAN: Yes. What I am saying to the Minister is that at the time the royal commissioner wrote the letter he did not know of the existence of the in camera evidence in relation to paedophilia. The royal commissioner did not take cognisance of that fact. Yet the royal commissioner and Mr Justice Holland, the acting commissioner, made an administrative decision on their own that the royal commission should deal with the investigation referred to by Parliament but that it should be dealt with by the Independent Commission Against Corruption. Question: how could Mr Justice Wood have made the decision without having all the information before him, particularly the information relating to paedophiles? I was a member of the committee. The material has largely appeared in the *Sun-Herald*. It is the most horrifying evidence in relation to police corruption that anyone could think of in their wildest dreams. It is just horrible and any person in this State would be reviled by what was revealed. But the royal commissioner did not know that when he made the decision and I think that has a great deal of bearing on his letter to us of 28 November.

I note that the Minister's amendment coincides with what Mr Justice Wood has said. I have to be absolutely certain that there will not be a total ban requiring subsequent amendments to allow publication of the findings in the royal commissioner's report in relation to police paedophilia and the operations of certain police officers and certain members of the community - leading citizens - actively involved in the paedophile movement. I want to make sure that by complying with the wishes of the House we are not circumscribing unnecessarily the discretion that the commissioner needs to have when he is dealing with the royal commission. In other words, if the royal commissioner wants to report publicly the outrage that has occurred about police corruption and paedophilia, I think he should. I think it is in the public interest that he have unfettered discretion to do so.

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I do not think he should be bound by a resolution of the Parliament that says that publication is prohibited so that forever it remains confidential and the police officers who have been involved in this terrible crime have immunity because the Parliament has said that the material will not be published in the future. I have great misgivings about it. The Leader of the House has been very good to me in organising these things but this is a late amendment and I have the gravest possible reservations. I urge him to put the matter over until tomorrow. If the Government is right and I am wrong, let it be, but I do not want to strangle it. I ask that we put the matter over until tomorrow and thrash it out then. But in relation to the general principle, I would have thought it went down before. I do not know why; I just pose the question. Maybe there is a very simple reason why the royal commissioner wrote on 14 September and there was no reply. That may be a straight-out administrative matter and other things were concerning the royal commissioner.

When the executive director wrote he obviously did not know anything about the confidential information either because he just wrote requesting a copy of the transcripts be released. He also wrote to the President of the Legislative Council. I am not asking that the matter be put off for any reason other than that I have the gravest possible concern that the police officers who have been involved in the paedophile racket and the protection of paedophiles - the evidence undoubtedly is against them - should be brought to book and they should be publicly exposed. If we do not allow that, in my view we are doing a great disservice to our community. I ask that the Minister allow the honourable member for Heffron to adjourn the debate and that we consider the question tomorrow.

Debate adjourned on motion by Mrs Grusovin.

WATER BOARD (CORPORATISATION) BILL

Second Reading

Debate resumed from an earlier hour.

Mr AMERY (Mount Druitt) [8.00]: The Labor Party supports the legislation with a qualification that stage two of the Environment Protection Authority legislation become effective with the corporatisation of the Water Board. This action on the Water Board is the last in a long line of activities by the Fahey Government and the Greiner Government that have dragged down the image and performance of the Water Board in the eyes of the public, and particularly in the eyes of the board's work force. Those activities include: ever-increasing water charges; the infamous \$80 levy, marketed as an extra charge to clean up the environment, only to have an almost identical amount transferred to Treasury as a dividend raid; and, of course, the reduction of the work force and the treatment meted out to many long-serving employees.

The Government should be condemned for its treatment of permanent employees of the board. The

future does not look any better under the corporatised model proposed by the Government. Over the past year I have had numerous conversations and meetings with employees of the Water Board, whose treatment by the Government has been the subject of discussions at these meetings. No-one could reasonably argue that the treatment the employees have received is nothing short of disgraceful. It is sad to hear the stories of men who have served the Water Board for decades only to be told that they are now surplus, as if they were old typewriters or lockers being taken to the tip for disposal. Many employees who followed their fathers into the job are now being told to take redundancy packages or sit at the redeployment centre, just down the road from this House, reading newspapers while the Water Board pretends it is trying to find alternative jobs for them.

I do not expect any Government member to understand what I am talking about because they will have become hardened by the Government's treatment of school cleaners, teachers and printers. Those employees had one thing in common: they were all promised job security by the coalition parties when they were in opposition but found themselves fighting to keep their jobs when the coalition won office nearly seven long years ago. The anxiety these employees have suffered at the hands of the Government is a personal tragedy and is now becoming public knowledge. The *Daily Telegraph Mirror* of 21 October highlighted an internal board document that showed that employees would be sacked if they could not be found alternative employment within six months.

The hide of the board was revealed when a spokesperson for the board and the Minister was quoted in the article as saying that whilst staffing levels were being reduced, that was only through natural attrition and voluntary redundancy. The words "natural attrition" and "voluntary" must be questioned. Only a Government backbencher who has been kept in the dark by this process would believe that line of argument on natural attrition and voluntary redundancy. Employees of the board who sit out their days at the career assistance program - known as the departure lounge - know how voluntary their future is. The article in the *Daily Telegraph Mirror* headed "Water Board sacking claim" was written by Jim O'Rourke. The Opposition spokesperson for the Water Board, the honourable member for Blacktown, highlighted this article in a document she released. The author of the article, using a statement attributed to the State Opposition, said:

The Water Board will sack thousands of workers as part of a radical cost-cutting campaign that could threaten Sydney's water and sewerage services.

. . . Ms Allan claimed the Minister responsible for the Water Board, Robert Webster, endorsed the alleged retrenchment policy yesterday . . . "There's no need to heartlessly sack workers and throw them on the unemployment scrap heap," she said.

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That was in reference to what the Minister said were to be voluntary redundancies. How voluntary are these redundancies and how much natural attrition is involved in this campaign by the Water Board to get rid of its employees? I refer to a letter on the letterhead of the Water Board dated October and signed by Kathryn Leaney, Manager, Career Assistance Program. This standard letter is forwarded to all employees concerned. In the back of our minds is the story that these retrenchments are by natural attrition or voluntary redundancy, but it is interesting that the letter said, "Welcome to the Career Assistance Program". The letter continued:

As a result of your decision to seek redeployment, you have been transferred to the Career Assistance Program - Job Search Centre.

It is known as the departure lounge. The letter continued:

While efforts are being made to find you a suitable redeployment assignment, you will remain in the Job Search Centre at 370 Pitt Street, Sydney. You will be assigned to a Career Assistance

Program -

The letter then refers to employees being paid the normal rate and mentions that a career change workbook has been put together to assist in the preparation of the employee's career change. The letter then refers to the number of offers the employee will receive:

Within the next three (3) weeks, you will again be asked to consider, for a second and final time, the Board's offer of voluntary redundancy with the full benefits attached, ie. four (4) weeks pay . . .

If, on this second occasion, you accept the offer of voluntary redundancy, you must sign all the necessary documents . . .

The letter goes on and on. This letter to employees by a spokesperson for the Minister tells workers that everything is voluntary and is by natural attrition. The second page of the same letter states:

Guidelines issued with the Premier's Memorandum No 93-36 of 15 October 1993, state that "in all cases, the redeployment or separation of excess employees should be finalised within six months from the date the employees affected are advised in writing by the employing agency that they are excess to the agency's requirements". Therefore, at any time between twelve (12) weeks in CAP and six months from the date of your first notification, if all avenues for redeployment have been explored, the Managing Director may approve retrenchment.

The letter states "may approve retrenchment". The position put publicly by the board and the Minister is that this process is by natural attrition or voluntary redundancy, yet in making these offers of voluntary redundancy or further job employment, out comes the big stick at the end of the letter in a threat that if all else fails they will get the bullet. The claims of the Opposition as outlined in the *Daily Telegraph Mirror* have been confirmed. The same intimidation campaign of these employees continues. Another standard letter that arrived a couple of weeks after the first letter continued the pressure on the employee. It states:

As a result of your decision to seek redeployment -

in other words, you are not going to take redundancy; you are trying to get another job -

you were transferred to the Career Assistance Program on . . .

You have now been in the Career Assistance Program for . . . days and to date, no suitable redeployment has been found. Therefore, as previously advised, I am making you a second and final offer of voluntary redundancy -

this is all voluntary redundancy -

with the full bonuses attached . . .

If you decline this second offer of voluntary redundancy, and again seek redeployment, after four weeks . . . in the Job Search Centre, you immediately forfeit access to the 8 week bonus payment -

More threats, more pressure. The letters continually put pressure on employees to either take redundancy packages or get out. I have been speaking to some employees and I will repeat comments they made to me. Honourable members who represent employees of the Water Board must be outraged by some of the comments that these employees heard. One senior person was heard to comment that the employees at the departure lounge were basically the lepers of the Water Board. Another reference which related to not enough people taking redeployment was, "We are not getting rid of the bastards quick enough". That is an appalling reflection on what is supposed to be a redeployment program to find

jobs for employees. Many employees have been with the Water Board for 10, 20 or 30 years and have had a family history in the board. It is nothing short of a disgrace that employees with long-standing and dedicated service are treated in such a way.

The Opposition does not oppose corporatisation of the Water Board. Run properly, a corporatised organisation can run more efficiently, taxpayers can benefit from improvements to the operations of the board and the giving of more autonomy to the managers, and at the same time the corporatised body can contribute to State revenue by way of appropriate dividend payments to State Treasury. I emphasise "appropriate dividend" payments, not the unreasonable increases that have been occurring over the last few years. It is hoped that corporatisation is not used only as a means of increasing charges, sacking staff, and putting customer service down the priority list. That concern is very real when autonomy is used as a guise to avoid ministerial accountability. This concern has been raised in the House by member after member from the Hunter area.

As a member from western Sydney, which has had an established Water Board office for decades, I will be watching what is going on in the Hunter area following corporatisation. Speeches made by honourable members from the Hunter area cause me to be concerned about the future of services to my area. As the local member I have always received prompt and efficient service from the regional office. Many complaints could have been avoided if managers at the local level had been able to sort out problems when the customer first approached the board.

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Notwithstanding that, representations from my office to the local office of the Water Board have generally been met with varying degrees of success. It is hoped that as this body moves further away from ministerial scrutiny under the Fahey Government, the level of service does not deteriorate. [*Extension of time agreed to.*]

One matter that I hope improves under a corporatised Water Board model is the clear definition of charges that apply to individuals and organisations. Confusion on this issue was the subject of representations to me by the local nursing home. The best way to illustrate my point concerning the confusion of charges is by reference to a letter to me dated 3 August from Our Lady of Consolation Home at Rooty Hill. This respectful letter starts off with this understatement by Mr B. J. Dooley, the administrator:

We have been having some difficulty with the Water Board over the past few years regarding the introduction of "additional charges and fees". . .

Before coming to the point with our current concern, by way of background I would like to briefly explain some of our earlier problems and how they were resolved.

1. Late in 1991 we received an account for inspecting and re-sealing our fire hydrants totalling \$780 (or something around this). As we had never had such an account previously I queried it and after it became apparent there were anomalies in how the account was determined, the charge was reduced to \$180. A significantly lower amount.)
2. In February 1992 we were charged for the first time for "sewer usage" - at a rate of approximately \$14,000 p.a. For many months I tried unsuccessfully to determine why, how and who introduced these new charges (none of my network of nursing home CEO's was paying this charge). Finally, after writing to Head Office I was advised per telephone call that the charges would be withdrawn and the (by then) \$9,496 already paid refunded. (this has now happened).

In May 1993 we received another letter advising that the suspending of these "sewer usage" charges was incorrect and they were to be re-introduced. Again we queried this decision and again the proposed charges were abandoned. This leads to our current problem.

Mr Dooley wrote about a new charge called a trade waste quality charge amounting to \$4,963. This nursing home provides essential care services to elderly people in my electorate. Representations were made to the Minister, who responded by saying that the Water Board would be in contact, and so on. The matter has not been clarified, let alone resolved. Obviously some pressure must be placed on a corporatised body to ensure that reasonable charges apply to all customers of the new corporatised body. My concern is that, under a corporatised body that has less ministerial accountability and responsibility, how successful would a customer like Our Lady of Consolation Home be in bringing the matter to the attention of the local member for the Minister to intervene and have the matter resolved or clarified? I am concerned that many social policies of the Water Board - the provision of services to nursing homes and so on - may be jeopardised as the board moves closer to becoming a commercial-based organisation. A few cautionary words were published in the *Sydney Morning Herald* of 6 May by the press gallery writer, Mark Coultan. He wrote a major article on the corporatisation of the Water Board and the activities of the Government. In an article relevant to this debate he said:

Fahey claimed this week: "This is the most open and accountable government probably in the Western world."

This was the same premier who intervened to stop the Water Board opening up its board meetings to the public. The most worrying part of Fahey's action is that the Water Board itself wanted to open its meetings, after market research found that the public thought it was too secretive.

Under the brave new world of corporatisation, Government bodies are supposed to act like commercial organisations, their board members like company directors.

Corporatisation may well be producing a more efficient public sector, but there is a danger that accountability is being traded off for efficiency.

The instinct to keep things secret still exists strongly in the public sector. Fahey should remember that public servants take their cues from their masters.

Obviously the cautionary words in that article have been echoed by many Labor members who spoke to this bill in the past few weeks: how accountable will the corporatised board be under the Fahey Government model outlined in the bill? The honourable member for Port Stephens dealt with the differences between the corporatisation model of the conservative parties and that of the Labor Party. Of course, under Labor there will be worker representation on the board of the Water Board and, more importantly, there will be a much improved level of ministerial accountability of the board to the public and to the customers of the board. In her opening comments the honourable member for Blacktown flagged that in Committee the Opposition will move amendments in relation to the provisions of the schedule to the Environmental Planning and Assessment Act, stage two, which should be effective and running when the new corporatised Water Board gets off the ground.

Mrs LO PO' (Penrith) [8.20]: This legislation, which is about the corporatisation of our water, will result in the Water Board becoming a government trading enterprise, removed from the day-to-day control of the Minister. It is the first step towards privatisation - something that is denied by many people. Last year the Premier issued a paper which listed the Water Board as a body that the Government proposed to privatise. Corporatisation means a loss of jobs. Water Board workers have already sniffed the winds of instability. They know that their jobs are to be contracted out. If a private company or government trading enterprise is handling all Water Board matters and is removed from the day-to-day control of the Minister and work is contracted out, why do we need a Minister? The buck would no longer stop with him or her.

Water is an imperative commodity. We take its availability and quality for granted. One has only to travel to France to see people wearing shoulder holsters carrying bottles of Perrier water. The water in France and in many parts of Europe is of such

inferior quality that residents prefer to buy bottled water. Wherever we find a tap in Australia we know that we can drink the water. In France, water is not potable if it comes from an outdoor tap. That comes as quite a shock to Australians, who have great confidence in the Water Board. In 1992 this Government contracted out the treatment of our water to a French company. The water in France is terrible, but this Government gave it the job of treating our water. What an astute move!

Water operations in this State are one of the keystones of our infrastructure. Water is one of our most valued commodities. Australia is the oldest, flattest and driest continent in the world, so it is easy to see why water and water operations are important to our communities. One would not think so after listening to the speeches of Government members. Given the importance of water to the community, one would think that the Fahey Government would not want to play a role in the administration of water. This Government has spent approximately \$100 million on consultants. All the information for which taxpayers have paid dearly should have made this Government an expert in water administration. After obtaining all this expensive information from experts in various fields the Government is giving the Water Board to the private sector.

This Government has divested itself of the direct responsibility for water quality, sewerage, drainage and waste systems. The Labor Party is concerned about the Government's corporatisation model. A much better model would be the one suggested by the Labor Party which would: establish a statutory corporation; maintain ministerial accountability, a major plank in the remodelling of any organisation; establish transparent community service obligation payment principles; require auditing by the Auditor-General; and maintain employee representation. The Labor Party has expressed concern about the monitoring process that will be used if the Government's corporatisation model is put into practice.

Current anti-pollution laws are over 30 years old. The Environment Protection Authority does not have staff to cover the areas that need to be monitored. The Environment Protection Authority took a substantial amount of time to resolve odour problems caused by Amgrow. Available officers tried for over a year to bring Amgrow - a putrescible waste disposal company - into line with air pollution laws. Residents had to endure an enormous amount of discomfort before a final decision was made. How long would it take to bring a corporatised body into line? Environment Protection Authority officers could not bring into line a company that was causing pollution problems along the Nepean River. However, that company is no longer in existence.

Unless the anti-pollution laws are updated and EPA staff numbers increased, this Government will be giving a blank cheque to a corporation to cut corners and make profits. A cornerstone of the Labor Party's alternative corporatisation model is the introduction of legislation to overhaul anti-pollution statutes to prevent the pollution of our waterways. We all know that the Water Board is the biggest polluter of our waterways. Environment legislation is in the hands of the Minister for the Environment. Does this Minister recognise the need for such legislation, understand the reason for improved anti-pollution laws, or have any intention of addressing these issues? Community groups who have an interest in the Water Board and its activities oppose this Government's corporatisation model. Mr Jeff Angel of the Total Environment Centre said:

We oppose corporatisation of the Water Board because we do not believe that such public resources should be under the control of a narrowly based organisation with a narrow commercial objective. A public resource should be managed in terms of meeting the public interest - both present and future.

Professor Bob Walker from the University of New South Wales School of Accounting said:

Experiences to date with corporatisation in Australia suggest that water authorities might be given financial targets which will, no doubt, encourage opportunistic behaviour in the choice of accounting practices to try and make that easier to achieve. One must ask if this is sending the right signals to an

agency which is initially set up to provide services to the community.

The issue of public ownership of catchment lands is also under question. The concerns are that catchment lands owned by the public are to be vested in the control of a narrow-based organisation with a narrow, commercial objective. Catchment lands should be protected and vested in the Minister administering the National Parks and Wildlife Act. A management plan should be drawn up and exhibited. Because these catchment areas have been locked away from the public they have been conserved and contain wonderful fauna and flora. If corporatisation means selling off or downgrading these pristine areas it can only be seen as a diminishing of our flora and fauna - an appalling indictment of this Government's lack of concern for the preservation of our environment. Another problem that has to be faced if this model of corporatisation goes ahead is its cost. Earlier this year an article in the *Sydney Morning Herald*, which referred to a secret report to the Government, stated:

The board must raise its residential water prices by at least 15 per cent above inflation within five years if it is to meet the cost of capital and State Government expectations for dividend payments.

The article also states:

The report is the first stage of a Government plan to corporatise the board and explore options for future privatisation.

What joy is there for the residents of New South Wales? We saw what happened in England when its water supply was privatised. Earlier this year the Water Board, which has a total lack of understanding of the community, sent out a brochure which frightened the life out of people in the Nepean Valley. The brochure detailed how the homes of those people were about to be washed out to sea. The Water Board has marvellous facilities which it uses to send us letters when it wants us to pay our bills, but it could not find a computer which contained everyone's name and address, so it sent out a tacky piece of paper which states:

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Dear Householder

The attached brochure contains important information for every household and business located in the Hawkesbury-Nepean Valley flood plain areas, downstream from Warragamba Dam to Sackville.

It is about flooding in the Valley. It provides information on new research which shows the risk of flooding in the area is greater than originally thought.

The last large flood in the Nepean Valley was in 1867. There has not been a flood of that dimension since, so how can there be new information? This information has been available since 1867. The brochure continues:

The brochure also outlines what action the State Government is proposing to take to reduce flooding by upgrading Warragamba Dam.

Warragamba Dam has always been a water storage facility; it has never been a flood mitigation dam. Suddenly, out of the blue, the Water Board tells everyone in the Emu Plains area that Warragamba Dam is a flood mitigation dam. We know that that is not true. The brochure also states:

It also gives you information on flood evacuation planning.

Imagine getting this in your letterbox! The Water Board is talking about a flood and it gives an evacuation plan. We are in the middle of a drought! This dopey Water Board has sent out a brochure

telling the people of Emu Plains that they will be flooded out to sea. The brochure continues:

The fact that you are receiving this brochure could mean that you are in an area which could be flooded or you may be affected by construction activities associated with the proposed upgrade of Warragamba Dam.

The Water Board sent out an accompanying brochure. It tells people about flooding. The bottom line is simply this: the Water Board knows that it needs another water storage facility and that it would cost between \$2 billion and \$3 billion. If the Water Board can upgrade this dam - and put a 23-metre wall on top of the dam which costs a quarter of a billion dollars - it will get cheap water storage. The Water Board denies that the dam will be used for water storage; it says that it will be used for flood mitigation. I will read from the accompanying document to highlight the confusion among people living in Emu Plains. It states:

The upgraded Dam will be able to safely handle the largest possible flood.

That is if the wall does not fall in. There is great doubt as to whether a 23-metre wall sitting on top of the existing wall will stay there. The document continues:

Not only will the upgraded Dam help to reduce flooding in the Valley it will also protect Sydney's water supply.

What does that mean? It means that the water will be stored there and that the Warragamba Valley will be flooded. The Water Board will do the sorts of things the environmental groups have claimed it would do. The Water Board has constantly denied that it would do these things. The oyster industry says that if the Water Board lets the water out of the dam after a flood it will kill the oysters. They have a problem. The Water Board has frightened the people of Emu Plains to such a degree that none of them could buy or sell homes. The section 149 certificates could not have anything written on them. The Water Board has not made reparation as yet. The Water Board is talking about building a 23-metre wall on top of the existing wall. The people of Emu Plains do not trust the Water Board because of this silly letter it put out talking about flood evacuations. We are in the middle of a drought! I have never heard of anything so damned silly. The people do not trust the Water Board to get the 23 metres right or to protect their homes. Some of the environmental groups have suggested that if the Water Board built this wall it would probably fail. Tomorrow the Opposition will move amendments to the bill. The amendments make a lot more sense than some of the things that appear in the bill. The main plank is to beef up the statutes of the Environment Protection Authority. I support the bill.

Debate adjourned on motion by Mr Photios.

CRIMINAL PROCEDURE (SENTENCE INDICATION HEARINGS) AMENDMENT BILL

Second Reading

Debate resumed from 23 November.

Mr WHELAN (Ashfield) [8.35]: Although the Criminal Procedure (Sentence Indication Hearings) Amendment Bill is insignificant in nature in that it only changes the date from 1995 to 1996 in relation to sentence indication hearings, this is a very important issue. The Opposition supports the bill. It will provide continuity and enable courts to be involved in sentence indication hearings. I look forward to the results of the pilot study being released in the future.

Mr HARTCHER (Gosford - Minister for the Environment) [8.36], in reply: I thank the honourable member for Ashfield for his assistance in the processing of the Criminal Procedure (Sentence Indication

Hearings) Amendment Bill. I thank him for his support of the bill. I commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

COAL AND OIL SHALE MINE WORKERS (SUPERANNUATION) FURTHER AMENDMENT BILL

Bill introduced and read a first time.

Second Reading

Mr WEST (Orange - Minister for Police, and Minister for Emergency Services), on behalf of Mrs Chikarovski [8.38]: I move:

That this bill be now read a second time.

The Coal and Oil Shale Mine Workers (Superannuation) Further Amendment Bill will put in place the final elements of reforms set in train some

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three years ago. The objective of these reforms is to achieve full funding and, therefore, the long-term viability of superannuation for New South Wales coal mine workers; and to enable the coalmining industry in New South Wales, independently of government, to assume control of and responsibility for the administration of the present statutory superannuation scheme. The Minister for Industrial Relations and Employment and I are very pleased to be associated with this legislation, which is an outcome of mature and considered negotiations by the industry parties represented by the New South Wales Coal Association, the employer body, and the United Mine Workers Federation, the principal coalmining union. More importantly, the bill achieves in the superannuation arena objectives of self-determination, free of government involvement, for this significant industry in the New South Wales and Australian industrial context.

Effectively, the changes before the House will transform the present statutory superannuation fund into a single industry superannuation fund, and will lay down the statutory foundation for the industry parties to assume unfettered control over the fund and its destiny. Instead of a statutory body having control of a fund governed by statutory rules, there will be a privately run industry fund established like any other private sector fund, under trust deed. Furthermore, under the existing legislation the industry scheme administrator will also take over the actual administration of the present statutory superannuation scheme. Underpinning those important objectives, the industry parties have kept uppermost in their negotiations the need to protect the rights of scheme members and pensioners. The legislation achieves that aim.

Today in the modern era we are prone to take superannuation for granted. It is a condition of employment which has now become universal, yet not so long ago it was a condition that was considered a prerogative of those in privileged employment, and in the public service. It is in that earlier industrial climate that the coal and oil shale mine workers superannuation scheme had its birth in 1941 legislation. And a difficult birth it was, following a royal commission into the industry in 1940. This followed a period of serious industrial disharmony such that only joint Commonwealth and State intervention could successfully provide for the industrial governance of the industry. It is in this way that the superannuation scheme came to be a statutory scheme governed by a statutory tribunal which was initially presided over by the responsible Minister.

As an industrial condition, superannuation in 1941, statutory superannuation at that, was something of an industrial milestone. But that was an outcome of the royal commission findings, and was pertinent

to the special conditions in the industry. Let there be no misunderstanding that work as a coalminer is arduous and dangerous. It was recognised that after, in many cases, long years of work under these conditions there had to be adequate provision of security and a livelihood in retirement for workers who had little opportunity because of the nature of the work to find the resources for retirement self-provision during their working years. Statutory provision and supervision were thought necessary in the industrial climate to secure these beneficial conditions.

Today's legislation is a milestone of a different, but nonetheless significant, sort. First, superannuation is past the threshold of being a universal industrial condition. But, more important, coalmining industry employers and employees together have negotiated and will now assume responsibility for conducting on their own behalf and in their own interests, the superannuation fund and schemes that will operate into the future to provide coverage for all coalmine workers in New South Wales. Gone is the industrial bitterness and distrust that marked the birth of the original fund and scheme. Gone is the reliance on, and the need for, the prop of direct government oversight. I applaud those industry initiatives and congratulate the parties on their achievement. I am sure that all members of both sides of the House will join me in welcoming the important changes that will be brought about by this legislation.

I should like now to speak about the immediate past background of the legislation and its actual provisions. Members will recall the 1992 amendments to the Coal and Oil Shale Mine Workers' (Superannuation) Act 1941, which closed the statutory superannuation scheme to new members. Under that legislation the statutory scheme was, in future, to provide only a benefit accrued up to the point of closure on 2 January 1993 and future accrual of benefit was to be provided in the new accumulation scheme for the industry. The new scheme, provided by the Coal and Oil Shale Accumulation Fund, had been set up to pay the 3 per cent superannuation productivity claim. The scheme was privately operated jointly by the industry parties. Under the 1992 legislation there was provided a safety net so that no mineworker who was a member of the statutory scheme as well as COSAF would receive a lesser benefit than the statutory scheme would have provided. There was some streamlining of benefits, and also there were special provisions to enable takeover of the administration of the scheme should this be decided by the scheme trustee, the Coal and Oil Shale Mine Workers' Superannuation Tribunal.

At the time, and as of today, the scheme administration is carried out by a statutorily appointed registrar, and staff who are public servants within the establishment of my department. Most important, the 1992 legislation laid down the basis upon which the statutory scheme would achieve full funding by the year 2002. Unlike most private sector superannuation schemes, the statutory coal mine workers scheme, which was a benefit-promise scheme, was not fully funded. That means that the amounts paid in and held as assets in the fund were insufficient to meet the ultimate liability for benefits accrued at the present. This arose largely as a result of the conversion of the scheme in 1978 to a lump sum scheme which promised a much enhanced benefit based on all past service - during which, of course, there had been no

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funding for the new level of benefit. To meet the backlog for the past service credits created in 1978, accelerated funding was necessary. But initially the additional funding was largely ineffective because of rapid wage inflation. The 1992 changes substantially increased the funding levels through salary sacrifice arrangements. Funding of pensions was also undertaken by surplus funds from the Joint Coal Board.

Negotiations between the industry parties to build on the 1992 amendments have been ongoing since that time. On 30 August the chairman of the Coal and Oil Shale Mine Workers' Superannuation Tribunal and the chairman of the COSAF trustee met the Minister and foreshadowed joint decisions of the two schemes' trustees to amalgamate the COSAF with the statutory fund and to make the statutory fund and scheme fully compliant with the new Commonwealth Superannuation Industry (Supervision) Act 1993. The purpose of seeking amalgamation was to achieve through the amalgamated fund maximum tax efficiency for provision of superannuation in the industry. The statutory superannuation fund and scheme currently comply with the pre-existing Commonwealth regulatory provisions, the Occupational

Superannuation Standards Act, known as OSSA.

As a statutory scheme, compliance with the new provisions would be required by 1 July 1995, unless exemption was sought. It was decided, however, that in essence the coal mine workers scheme was a private sector scheme and should comply with the new Superannuation Industry (Supervision) Act provisions. At a joint trustee meeting on 29 September, the tribunal and the COSAF trustee authorised the tribunal to carry the function of amalgamation through legislation. In addition the joint trustees agreed that the statutory scheme would be governed by trust deed, subject to retention of a statutory shell governing future funding until the full funding of the statutory scheme has been achieved. In accordance with the wishes of the parties, the legislation before the House does a number of things, and these are set out in the schedules to the bill amending the Coal and Oil Shale Mine Workers (Superannuation) Act 1941.

First, there are a number of provisions in Schedule 1 which will commence on assent. These provisions empower the tribunal to do certain things: to arrange for the amalgamation of the COSAF with the Coal and Oil Shale Mine Workers Superannuation Fund, and to arrange for the creation of a trust deed and scheme rules for the statutory scheme and other schemes. Schedule 2 to the bill contains provisions that implement the amalgamation of the COSAF with the statutory fund, and that will flow from the fund amalgamation. These provisions will be proclaimed to commence. The statutory fund which is continued in its expanded form is to be known as the COALSUPER retirement income fund. Important amendments will incorporate the necessary provisions governing contributions made by the industry to the COSAF. At present these are governed by an industry agreement and provided for under the COSAF trust deed.

The new provisions will be in new sections 18C and 19 of the Act. There are provisions accordingly for payments into the amalgamated fund of contributions by coal mine owners, and for the necessary payments out of the amalgamated fund for benefits under both the present statutory scheme and the COSAF scheme, and associated administrative expenses. Special provisions relating to the funding of pensions under the present statutory scheme are retained. Schedule 3 of the amendments deals with changes that will arise on the commencement of the new trust deed. Again, these amendments, which are quite substantial, involving repeal of many provisions, will commence on proclamation.

It is planned that a new corporate trustee to be the responsible entity for the amalgamated fund and associated schemes, in terms of Commonwealth legislation, will be established. The new corporate trustee will be Coalsuper Proprietary Limited. Thus all references to the statutory fund, and to the tribunal will be changed from that point in the Act. At the same time most of part 2 of the Act, providing for pension benefits and lump sum benefits, and part 4B of the Act providing for refunds will be repealed as these provisions will become schedules to the trust deed. I must strongly emphasise at this point that the rights of existing scheme members and pensioners will be fully protected in the course of the amendments. There are express provisions inserted for this purpose.

Part 4C of the Act - investment of superannuation and subsidy funds - is substantially redundant because of the application of the Public Authorities (Financial Arrangements) Act 1987. However, this part is also now repealed because of incorporation of powers of investment in the new trust deed. At the same time, provisions are to be made to rescind regulations and instruments of approval of investment powers under the PAFA Act. Part 4A of the Act relating to the management of the compensation subsidy fund for dusted mine workers will be retained. Some provisions in part 5 (Miscellaneous) of the Act will be repealed at this time. Other provisions will be retained. The provisions for inalienation of pension, suspension of pension, payment of benefit to another person, references to the industrial court, offences and penalties will be retained.

Provisions for actuarial review, provision of information, complaints and appeal, will be made in the new trust deed. I refer to the fact that some of these latter provisions are for compliance with the Commonwealth Superannuation Industry (Supervision) Act. For example, the trust deed governed

arrangements are expected to come within the dispute resolution provisions of the Commonwealth Superannuation (Resolution of Complaints) Act 1993, in replacement of the appellate procedure in the New South Wales Act. Provisions in the Act, in section 32A, and in schedule 3 relating to the 1992 restructuring agreement go to essential provisions being retained in the Act for contributions, and therefore will also be retained until finally those provisions will also be repealed. As I have indicated those provisions will be retained until the full funding of the closed statutory scheme is achieved in or about the year 2002.

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Finally there are a number of minor additional amendments that have been requested by the industry. Where these are to benefit provisions the amendments are, of course, of an interim character and will find ultimate expression in the trust deed and rules. The tribunal has sought provisions similar to those in the main public sector schemes empowering the payment of a death benefit to a de facto spouse notwithstanding the existence of a de jure spouse, and enabling the resolution of conflicting claims for spouse payments. The tribunal has also sought a power to pay an incapacity claim to a personal representative where the claimant dies before payment. This is similar to provisions already made for other claims and the amendment is requested validating a payment made.

Under the Act prior to its amendment in 1992, contributions were required on a weekly basis notwithstanding that a mine worker may work for only part of a week. Inadvertently this provision was modified in 1992 potentially causing widespread disruption to administrative procedures in the industry for calculation and collection of contributions. The parties have agreed, and the tribunal requests reinstatement of the provision for the weekly basis of contributions effectively from 3 January 1993. Under section 39 and schedule 2 of the Public Finance and Audit Act 1983, the tribunal is declared a statutory body and the Auditor-General is appointed to conduct audit of the present statutory fund. During the next six months not only will the administration of the fund be transferred to an entirely private sector body, but substantially the provisions that govern it will be in a document that will be beyond statutory control. This will happen before the end of the present financial year. It is appropriate, therefore, in accordance with special provisions of the Public Finance and Audit Act, to make a statutory provision enabling the appointment of an auditor other than the Auditor-General. This would of course be carried out in a way that complies with Commonwealth requirements.

It remains for me to remark that what is encompassed in this legislation is the ordered handover of this important industry superannuation provision and administration to those for whom it was originally established - the employers and employees of the coalmining industry of new south wales. The legislation consists of a series of interlocking empowering and repeal provisions. The timing of the activation of those provisions is for the industry to determine - always keeping in mind the deadlines imposed - specifically the Commonwealth compliance date of 1 July 1995, which it may be possible to postpone if need be, and the ultimate full funding of the scheme. The retained provisions in legislation are there for the ultimate protection of those with accrued interests and at the express request of the industry parties. These retained provisions are, I believe, a more than useful and prudent precaution.

Some might say that what is occurring is a privatisation, but I think that the industry parties would rightly point out that what is happening, in truth, is the handing back to the industry of what always belonged to it. The Government's role in 1941 was to set up a basis on which this beneficial scheme could be operated by a caretaker while the industry passed through a dark and unruly period. The Government's charge is complete - not in any ignoble fashion - having faithfully discharged a duty until the industry parties have demonstrated that they are willing and able to discharge the duty themselves. I commend the way in which the important industry decisions underpinning this legislation have been reached in negotiation, and trust. I also commend the parties on their close cooperation with my administration in settling issues in the context of the draft bill over an exceedingly short time constraint.

In closing, I note that the amendments proposed in this bill, and the structural changes to the coal

industry superannuation funds and schemes, impose no direct cost on government. Some public service employees, namely the registrar and staff of the tribunal, will be displaced. These persons will be subject to the normal redeployment and voluntary redundancy options, while there may be opportunities in the new private administration. The industry itself has indicated its willingness to assist in these processes. For my part, I am happy to reaffirm the Government's pledge to make every effort to place staff who are declared excess, through organisational change. I commend the bill.

Debate adjourned on motion by Mr Whelan.

HEALTH LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL (No. 2)

Bill introduced and read a first time.

Second Reading

Mr PHILLIPS (Miranda - Minister for Health) [8.56]: I move:

That this bill be now read a second time.

I seek leave to table the second reading speech and to have it incorporated in *Hansard*.

Leave granted.

The Bill amends several pieces of Health legislation for various purposes. Most of the amendments are being introduced to clarify existing legislative provisions or to address deficiencies which have recently become apparent in the operation of the various Acts. The amendments to each Act are set out in separate schedules of the Bill.

Schedule 1 contains amendments to the Medical Practice Act. In 1992, the 1938 Medical Practitioners Act was repealed and replaced by a new statute. The 1992 Medical Practice Act includes a number of improved and streamlined provisions for the registration of medical practitioners and complaints and disciplinary action relating to medical practitioners.

Both the 1938 Act and the 1992 Act set out similar grounds for making a complaint against a registered medical practitioner. The 1992 Act specifies that complaints can be made about a registered medical practitioner in relation to a criminal conviction, unsatisfactory professional conduct or professional misconduct, lack of competence, impairment or character.

While the 1992 Act specifies that a complaint may be made under any of these five broad headings, section 64 provides that suspension or deregistration is only possible in relation

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to complaints where the Medical Tribunal is satisfied that the person is "not competent to practise medicine" or is "guilty of professional misconduct".

However, the provisions of the 1938 Act also gave clear powers to suspend or deregister a registered practitioner where the Tribunal found that the practitioner was not of good character or had been convicted of a criminal offence. The Tribunal's power to suspend or deregister on these grounds was intended to be retained in the Medical Practice Act 1992. Similar powers exist in other health professional legislation and were most recently subject to the Parliament's scrutiny in the Nurses Act 1991 and Chiropractors and Osteopaths Act 1991.

Accordingly, Schedule 1 of the Bill amends section 64 of the Medical Practice Act to allow the Tribunal to suspend or deregister a medical practitioner where it finds that the practitioner is not of good

character or has been convicted of a criminal offence. This restores the powers available to the Tribunal under the 1938 Medical Practitioners Act.

The Medical Board sought the amendments before the House to correct this anomaly in the 1992 Act. As I stated to the House earlier, the 1992 Act allows a complaint to be lodged that a registered medical practitioner is not of good character or has been convicted of a criminal offence.

It also empowers the Medical Tribunal to conduct an inquiry into such a complaint but it does not allow the Tribunal to suspend or deregister a medical practitioner on the basis of such a complaint.

There have been significant cases which arose under the 1938 Act where a criminal conviction has formed the basis for an order of deregistration or suspension by the Medical Tribunal. Similarly, a finding that a registered medical practitioner is "not of good character" has been of major significance in past decisions of the Tribunal to suspend or deregister.

The Bill makes a second amendment to the Medical Practice Act, relating to the Medical Tribunal's power to award costs. The amendment will make it clear that the Tribunal may award costs against any person entitled to appear in proceedings before the Tribunal.

At present, clause 13(1) of Schedule 2 of the Act provides that the Tribunal may order "the complainant, if any, the registered medical practitioner concerned, or any other person granted leave to appear at any inquiry or appeal before the Tribunal to pay such costs to such person as the Tribunal may determine".

The Medical Tribunal will not always exercise its discretion to award costs under this provision. Examples of the types of circumstances where the Tribunal has exercised its discretion to award costs include:

- frivolous or vexatious proceedings - such as applications which repeatedly seek review of a single decision over a short period of time;
- proceedings which are considered an abuse of process; or
- proceedings which are withdrawn at the last minute, after detailed and time consuming preparation has been undertaken by other parties.

The intention of this power to award costs was that it should apply to any person appearing before the Tribunal. However, the wording of this part of the Act creates an anomaly because it fails to include a category of persons who may bring Tribunal proceedings, that is, deregistered medical practitioners.

The Medical Board drew attention to this anomaly in a recent case where a former medical practitioner whose name had been removed from the register following a Medical Tribunal hearing, had brought proceedings under section 92 of the Act for a review of his deregistration. The application was rejected, and when the question of costs was considered it was noted that, as the person was not now a registered medical practitioner nor a person granted leave to appear, there was no power to award costs even if the Tribunal had wished to do so. This is inconsistent with the Tribunal's discretion to award costs as it sees fit against any other person appearing before it, depending on the individual circumstances of the case.

The amendment makes it clear that the Tribunal may award costs against any persons appearing before the Tribunal, whether under a grant of leave or as of right, such as deregistered medical practitioners. The power to award costs is available against all other parties. It is seen as a significant deterrent to vexatious proceedings. The amendment was sought by the Chairperson of the Medical Tribunal and the President of the Medical Board.

Schedule 2 of the Bill amends the Poisons Act 1966, to put beyond doubt the Governor's power to make regulations under the Act concerning the withdrawal or limitation of certain practitioners' authority to prescribe drugs of addiction.

Under the Poisons Regulations, action is taken by the Director-General of the Health Department when the conduct of practitioners who may prescribe drugs of addiction (medical practitioners, dentists and veterinarians) comes to the Health Department's notice through unsound practices of prescription of those drugs to addicts or through self-administration.

In the majority of cases practitioners voluntarily agree to the imposition of controls on their authorities in relation to drugs of addiction by either total withdrawal of the authority or imposition of conditions on prescription of those drugs.

This power has operated in relation to these practitioners for many years without challenge, under the previous 1967 Poisons Regulations.

The Poisons Regulations were remade on 1 September 1994, as a result of the review required by the Subordinate Legislation Act 1989. However, in the process of remaking the Regulations, the Parliamentary Counsel's Office expressed some doubt as to the certainty of the statutory power under the Regulations to withdraw or restrict practitioners' authority to prescribe drugs of addiction.

Schedule 2 of the Bill makes minor amendments to section 24 of the Poisons Act to clarify that the regulations may "prohibit" the right of medical practitioners, dentists and veterinarians to prescribe drugs of addiction in addition to regulating practitioners' authorities to prescribe. As the amendment merely clarifies the power for the existing Regulation and confirms long-standing practice relating to prescribers' rights, there will be no change to existing procedures under this provision and no need to amend the Regulation itself.

Mr Speaker, I turn now to the amendments to the Public Health Act contained in Schedule 3 of the Bill.

Section 59 of the Public Health Act 1991 provides an offence for selling tobacco to a person under the age of 18 years. Under the Act, it is a defence to a prosecution for the sale of tobacco to a minor if, at the time of the sale, the person to whom the tobacco was sold was, on reasonable grounds, believed by the defendant to be at least 18 years of age.

Last year I announced a proposal to introduce a "proof of age card scheme" for tobacco purchases, to utilise the proof of age card applying to the purchase of alcohol under the Liquor Act 1982.

Under the Liquor Act scheme, young people over the age of 18 years may apply to the NSW Roads and Traffic Authority for a photo identification card which indicates their age and which can be used as proof of age for the purchase of alcohol. Liquor retailers may request young people whom they suspect of being under 18 years of age to provide proof of age before alcohol is purchased.

The proposal now before the House was developed in order to improve the effectiveness of section 59 of the Public Health Act. The amendment removes the current wide

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defence to prosecution under section 59 and replaces it with a more effective defence provision, which will provide a more objective means of determining that a purchaser is over 18 years of age.

At present, under section 59 of the Public Health Act, tobacco retailers need to rely on their own judgment to determine that a purchaser is over 18. The amendment provides that only one of three forms of identification will be acceptable for the defence to prosecution under section 59 to apply - a proof of age card from the Roads and Traffic Authority, a driver's licence or a passport.

As with the Liquor Act scheme, the defence to prosecution under section 59 will only be available in relation to minors over 14 years of age.

A further amendment will allow environmental health officers to utilise a recent amendment to the Liquor Act, which provides for suspected fraudulent proof of age cards to be taken out of circulation. Specifically, the amendment to the Public Health Act empowers environmental health officers under s.152A of the Liquor Act to confiscate proof of age cards which they reasonably suspect to be fraudulent or where the card does not relate to the person trying to use it.

The Health system will provide funding of \$50,000 per annum in order to implement the extension of the proof of age card to apply to tobacco purchases.

Separate provisions of the Public Health Act to improve procedures for the notification of diseases by hospitals are also being amended in Schedule 3 of the Bill.

Section 69 of the Public Health Act places a duty on the chief executive of a hospital to provide the Director-General of the Health Department with information concerning persons suffering from a notifiable disease. This provision targets all hospitals in NSW, both public and private, and is designed to ensure that action can be taken as soon as possible to protect the health of the community from the spread of notifiable diseases.

However, as currently drafted, the provision is somewhat unclear as to the nature and extent of hospitals' notification obligations.

Advice from the Department indicates that the inexactitude of these provisions has caused delays and other difficulties in the notification of diseases under section 69 of Act and has made the provision difficult to enforce. Many conditions of public health significance have short incubation periods - some only a few hours, others a few days.

Public Health Units need early notice in order to respond effectively to minimise the spread of infection in the community.

The Bill improves notification procedures by redrafting the duties imposed under section 69 into a clearer, more workable form. The provision will also allow for regulations to set out the specific reporting requirements for individual diseases, including the required time period for notification.

Some examples of highly infectious diseases which require a rapid response by public health units and which are dealt with under the notification requirements are acute viral hepatitis (including hepatitis B and C), bacterial meningitis, cholera and plague.

The Bill also creates an offence under the Act for a hospital chief executive officer to fail to notify the Director-General of the required information immediately the chief executive officer becomes aware of a person with a notifiable disease, related to treatment at the hospital.

Schedule 3 of the Bill also extends the time within which prosecutions must be taken in respect of offences under the Public Health Act relating to legionella and the notification of diseases.

A recent case of transmission of hepatitis C at a private hospital has highlighted the fact that the current limit of six months, within which a prosecution must be commenced, may limit the Department's ability to act in the interests of public health. With offences relating to legionella and the notification of diseases, the facts of the breach and the consequences may often take more than six months to appear, thereby rendering prosecution impossible because it is out of time.

The Bill provides a maximum time period of two years to commence a prosecution under Part 4 of the Public Health Act (which governs offences relating to legionella) and where hospitals fail to comply with notification requirements under the new section 69.

Subject to the passage of the Bill, an education campaign will be undertaken by my administration to ensure that the obligations of practitioners and hospitals are understood.

Finally, Schedule 4 of the Bill contains amendments to the Walker Trusts Act 1938 to broaden the terms of the Trust to allow the application of funds for public health purposes.

The Act established the Thomas Walker Convalescent Hospital and the Dame Eadith Walker Convalescent Hospital for Men to be administered as charitable trusts and empowers the Perpetual Trustee Company Limited to administer those trusts.

The Act also provided that the Royal Prince Alfred Hospital would control, manage and administer the Dame Eadith Walker Hospital. These functions are now exercised by the Central Sydney Area Health Service.

The main building was used by Royal Prince Alfred Hospital for convalescent purposes until 1988 when it was rendered inefficient and inappropriate by changing health service needs of the population. The Hospital is currently being used as a renal dialysis training centre administered by the Central Sydney Area Health Service, in order to ensure continued use of the premises while maintaining a focus on rehabilitation.

Recent legal interpretation indicates that the Perpetual Trustee Company cannot continue distributing the income from the Walker Trust monies as per the Act to the Dame Eadith Walker Hospital, due to the specific reference in the Act to the Estate being used as a "convalescent hospital for men". This precludes the Trustee from making further payments to the Area Health Service and the use of these funds for on-going maintenance on the site's heritage buildings.

Schedule 4 of the Bill addresses this matter by allowing the Estate to be used for public health purposes. Specifically, the Bill:

- renames the Dame Eadith Walker Convalescent Hospital for Men as the Dame Eadith Walker Hospital;
- removes the limitation on the use of the Hospital to enable it to be used for the provision of public health services; and
- validates the current use of the Hospital for renal dialysis.

The amendments to the Walker Trusts Act are supported by the Perpetual Trustee Company.

By broadening the application of the Trust in this way, the Trustee will be able to continue to provide funds for essential maintenance of the valuable heritage buildings on the site. Without the amendments, funds will need to be provided by the Central Sydney Area Health Service.

Given the varied nature of the amendments before the House, a wide variety of professional, industry and community organisations have been advised of relevant aspects of the Bill. The Medical Services Committee, which includes representation from the major medical professional organisations, supports the provisions of the Bill.

In addition, it should be noted that the amendments to the Medical Practice Act in Schedule 1 of the Bill were drafted in consultation with the Medical Board and are supported by the Chairperson of the

Medical Tribunal and the Health Care Complaints Commission.

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In summary, the provisions of the Bill will clarify and improve the effectiveness of the relevant principal Acts, which operate to promote or protect public health and safety. In particular, the Medical Practice Act amendments relating to the Tribunal's power to suspend or deregister a medical practitioner provide an important mechanism for public protection and are consistent with the former legislation regulating this profession and other health professional registration legislation.

The Poisons Act amendments, while minor drafting changes, clarify a significant aspect of the regulation of authorities to prescribe drugs of addiction.

The introduction of a proof of age card for tobacco purchases will assist the Government's long-term public health goals relating to the reduction of the level of juvenile smoking.

The other amendments to the Public Health Act in the Bill will assist public health action to protect the community from the spread of highly infectious diseases. The amendments will assist the Health Department to investigate possible breaches of notification provisions by hospitals and to prosecute offences relating to legionella bacteria and any failures by hospitals to notify specified infectious diseases.

Finally, the amendments to the Walker Trusts Act will ensure that Trust funds will continue to be provided for the maintenance of the Dame Eadith Walker Estate, rather than additional health system funds, which would need to be provided by the Central Sydney Area Health Service. I commend the Bill.

Debate adjourned on motion by Mr Whelan.

House adjourned at 8.59 p.m.
