

LEGISLATIVE ASSEMBLY

Thursday, 12 October 1995

Mr Speaker (The Hon. John Henry Murray) took the chair at 9.00 a.m.

Mr Speaker offered the Prayer.

ANTI-DISCRIMINATION AMENDMENT (SEXUAL PREFERENCE) BILL

Bill introduced and read a first time.

Second Reading

Ms MACHIN (Port Macquarie) [9.00]: I move:

That this bill be now read a second time.

The purpose of this bill is to amend the Anti-Discrimination Act in two areas. The aim is simple: to ensure that the Anti-Discrimination Act maintains the support of the general community and that the entire community sees the Act as being there for its protection as needed. In recent times the general community, the silent majority if you like, has indicated its disquiet at the way the Act has operated in a few circumstances. The perception is that the Act is only available for use by some minority groups. In my view it is essential that anti-discrimination legislation is available to protect the interests of minority groups, but not to the point where majority groups feel excluded. A case in point was an incident publicised some months ago surrounding a court case. Some heterosexual people had sought entry to a restaurant where a function was being held for homosexuals. They were refused entry on the grounds of their sexual preference. Legal action was taken under the Liquor Act as the Anti-Discrimination Act made no provision for that occurrence. However, in the reverse situation provisions in the Act would apply. To the average person this situation would seem unfair and, in my view, it should be rectified.

A second aspect of the present legislation that applies unevenly to the community is that of vilification. This was previously the subject of amendments moved in this House by the honourable member for Bligh. While I agree and support her aim, I disagreed at the time with her method partly on the basis that the amendments did not apply to the whole community. As the Act stands, if a homosexual person is seriously vilified - and this needs to stand the test of seriousness - action may be taken under our anti-discrimination laws. In the reverse scenario, when heterosexual persons are seriously vilified they have no protection under the Act. I acknowledge that the latter example occurs less frequently, but there have been reports of its occurring and obviously it is distressing to the people concerned. Again this situation seems to be unfair to the average person.

Other issues have been raised about the application of our anti-discrimination laws, but I do not intend to address those in this bill. I refer particularly to alleged discrimination in sport based on a person's sexual preference. That is a much more complicated area and proposals for changes to the Act are under preparation by the Anti-Discrimination Board. I assume it will be a more wide-ranging package than my bill and perhaps these and other issues will be considered.

I now turn to the main provisions of the bill. Clauses 1 to 3 simply deal with the title of the Act, commencement date and the principal Act involved. Schedule 1 deletes the specific definition of homosexual and inserts a new part 4C. Part 4C deals with discrimination on the grounds of sexual preference. Clearly, this means that the section now applies to a person whether they be heterosexual, homosexual or bisexual. Division 1, clauses 49ZF to 49ZG, states what constitutes discrimination on the grounds of sexual preference. Division 2 deals with discrimination in work and makes it unlawful for an employer to discriminate on the basis of any sexual preference.

Exceptions are employment in a private home, or where the total number of persons is under five, or employment by a private education authority. It is also unlawful to discriminate on the grounds of sexual preference against commission agents, contract workers, partnerships of more than six, members of a council, industrial organisations, employment agencies and qualifying bodies. Division 3 deals with the enrolment of students, provision of goods and services, accommodation and membership of registered clubs. The proposed amendments essentially mirror what is in the Act but they extend or change it to include discrimination by sexual preference, which is more wide-ranging than an Act applying discrimination only to homosexuals.

Division 4 deals with sexual preference vilification and makes it an offence to vilify any persons on the ground of their sexual preference. This is a slight change to the wording of the existing Act, but it is one that will be seen as fair to all in the community. In summary, I strongly state that this bill is not a move against the homosexual community. I do not have any particularly strong views on that issue. Rather, I hope this bill will strengthen general community support for the Anti-Discrimination Act by making it applicable and available to any persons who feels they have been discriminated against. I have given examples of a couple of incidents that gave rise to this proposed legislation. The bill is not unreasonable and I believe it is important that the whole community supports and embraces this legislation. If people

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feel they are alienated from it, it would be hard for them to support it. I trust this bill will be seen for what it is: an attempt to make the laws applicable to all people in cases of discrimination. I commend the bill to the House.

Debate adjourned on motion by Mr Amery.

FAIR TRADING (PETROLEUM RETAIL MARKETING) BILL

Bill introduced and read a first time.

Second Reading

Ms MACHIN (Port Macquarie) [9.05]: I move:

That this bill be now read a second time.

This issue was debated in the House during the last sittings. Most honourable members will be aware of the reasons for the introduction of this bill. I stress at the outset that this bill is not a stunt. It is introduced because of genuine concern by a large number of people in the community, in all electorates. But mostly it is concern expressed by small businessmen and their families at developments in the marketplace in franchising arrangements in the petroleum industry. The Opposition feels the issues need to be addressed fairly quickly because things are moving quite fast. It has been said that the Opposition has done an about-face on this subject; that we did not do anything when we were in government. The issue was not raised with me as Minister and those small operators now concerned about their business and their future concede that the problem started to accelerate in about April this year. Since that time many honourable members would have received representations from individual franchisees in their electorate,

particularly those franchised to Shell.

Approaches have been made to me by people within my electorate and from around the State. For some reason there is a particular centre of concern on the central coast. That is where many franchisees at present have, in their view, either accepted an offer under duress or are facing the possibility of accepting one as their leases are starting to expire. As has been said before in this House, fuel pricing is a thorny and controversial issue and it will not go away in a hurry. The Shell proposal is to have a marketplace with one person controlling, say, 20 sites. Mobil has a slightly different structure, but it is probably underpinned by the same approach and reasons. Should these proposals go ahead, the other concern is with the impact on the market in general. Those outlets will not discount fuel in competition with each other at their own expense. It certainly would not happen on a large scale.

I suspect the incentive would be to try to make life difficult for other operators in the area, particularly independent operators who have introduced competition into the market. This has led to price decreases or fluctuations and discounting, especially in the city market. The aim of this bill is to impose a moratorium on multisite franchising - I assume honourable members understand what that means - unless all parties are willing to do a deal and until the Australian Consumer and Competition Commission has examined the issues, which will occur later this financial year. There has been talk that the inquiry date may be brought forward and I hope that is so. The Australian Capital Territory Government has already introduced similar legislation. One of its unintended consequences was that it stopped everybody from doing deals. If a person operated an outlet and was particularly happy to get out of it by accepting an offer, that legislation precluded them from doing so. We do not want to interfere in a transaction where all parties are willing. Our concern is when parties are not willing or are worried about the conscionability of the offers being made. That is what we want to buy a little time for.

The Opposition would like to keep the matter as straightforward as it possibly can. Many issues in the Australian fuel industry are of concern to people working in the industry and to consumer groups. These issues have been the subject of a number of reports and are part of a much broader debate. The Opposition does not want to complicate this legislation by trying to rope in all the related issues despite the fact that some in the industry have asked us to broaden the scope of the legislation. The Opposition would be happy if the Government introduced its own legislation or picked up this bill and ran with it. The Opposition does not want to make political capital. It is concerned about what is happening in the marketplace as it affects a lot of consumers and constituents. If the Government would like to pick up this bill or introduce its own legislation, the Opposition would consider withdrawing this bill in favour of the Government's legislation, as long as that legislation achieved the same objectives.

In order to achieve the objectives that we have in drafting the bill - it is not overly complicated - has not been an easy task. The draftsmen of the Australian Capital Territory bill probably faced the same challenges. The specific aspects of the bill provide that it will commence seven days after assent. That is a relatively short time frame but, as I have said, the developments in the industry are moving fairly quickly. We do not want to leave this matter for some months or a year, as is often the case with legislation. The need of addressing the issue quickly should be balanced with allowing the parties to be notified. Obviously they are aware of what is going on. We will circulate the bill after this morning. Clearly it will lie on the table. It will be widely circulated to any member of the Government who wants it as well as to the oil companies involved, the consumer movement and the various other associations that have an interest in this issue.

Clauses 4 to 7 inclusive deal with the restrictions on multiple site franchising. Clause 6 takes into account particular company structures and

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other structures that might be involved in the business. At the end of each of those clauses there is the provision that the sections will cease to operate after 31 December 1996. The reason for putting that time frame into the clauses is twofold. Firstly, we do not want this legislation hanging around forever. It is intended only to buy some time, to introduce a moratorium. The Opposition does not want to unduly

interfere in the marketplace. Secondly, we do not want some companies to wait until the legislation expires by tying it up in court proceedings until 31 December 1996 when it can be taken off their books. We are trying to make that compromise.

Clause 8 gives the Minister who will administer the proposed Act - it is up to the Government to decide which Minister will have carriage of the Bill - power to grant exemptions under certain prescribed conditions. The aim is to allow willing parties to do a deal. The regulations provide for further conditions to be introduced if necessary. The Opposition is taking the Government on trust in that if the bill is passed as a private members bill, the Opposition expects the Minister administering the Act to do so in good faith and take into account the interests of the people affected. The Industrial Court has been cited as the court to be used in dealing with issues such as penalties, injunctions and the like. The reason for that is twofold. The Supreme Court was an option, but litigation is expensive and fairly slow and we wanted to have a forum that is reasonably efficient and that has some sympathy with the issues. It was suggested that the Industrial Court might be appropriate because of possible parallels that have arisen in recent years regarding contractors.

The bill provides for the imposition of significant penalties for breaches. The penalties are of the order \$100,000, which is much greater than the penalties provided in the Australian Capital Territory. The reason for that is simple. I am advised that in the Australian Capital Territory the \$10,000 penalty is not a deterrent. The companies are building that amount into their costs. They are breaching the Act and then paying the fine. If this State is to have an Act that introduces a moratorium under certain conditions, it seems pointless doing so if the penalties do not act as a deterrent. Clauses 11 and 12 deal with the provision of information to the Minister. The aim of this provision is to monitor what is occurring in the marketplace. The Minister needs to know what developments are occurring. This clause provides him or her with the powers to seek information and it gives guidance on how that information should be used.

I understand that there are already certain reporting requirements under the Federal legislation applying to this industry. Hopefully these requirements will not be too onerous. Clauses 13 and 14 deal with proceedings and appeals for offences against the Act. Clause 15 provides that regulations may be made. Clause 16 binds the Crown. Those last two clauses are fairly standard provisions. In summary, I reiterate that this is not a political stunt on the part of the Opposition. It is a genuine concern that has been raised. We are introducing this legislation quickly in order to get some action. We would be very happy if the Government wanted to take similar action or adopted this legislation. This problem is of real concern to many small businesses in all electorates. I fully understand the reasons for the action of the companies. There is a lot of merit in what they are trying to achieve.

However, there are two issues. The first is how they achieve their aims and whether they are giving a fair deal to the people they are buying out. The second is the long-term impact on the market. Those issues need to be looked at more closely so that we can be assured the market will remain competitive. This is not an attempt to bash one particular oil company or give it a hard time. It is simply saying, "There are a number of issues that need to be looked at. Let us do that and buy some time which will be about 18 months from now." I hope the proposed legislation will be taken in the spirit in which it is advanced. I commend the bill to the House.

Debate adjourned on motion by Mr Amery.

PARLIAMENTARY ELECTORATES AND ELECTIONS AMENDMENT (REDISTRIBUTION) BILL

Bill introduced and read a first time.

Second Reading

Mr O'FARRELL (Northcott) [9.15]: I move:

That this bill be now read a second time.

It is a basic tenet of Westminster-style democracy that a person's vote carries the same weight as his neighbour's. This principle of one vote one value is central to our democracy. Wars have been fought and revolutions won on the issue, and people have rightly protested when the principle was threatened or corrupted. Electoral systems based on the principle of one vote one value are seen as the fairest possible means to achieve our two main democratic objectives: firstly, the principle of equality of representation through equal numbers of electors in electoral districts each represented by a single member; and, secondly, the principle of fairness of outcome in that the party winning the majority of the two-party preferred vote also wins a majority of the seats and therefore forms government. The first of these basic tenets is guaranteed by legislation in New South Wales. The second is not and, as of today, it exists in neither law nor practice in this State. This bill seeks to rightly restore it to our political system.

In March of this year, 52 per cent of New South Wales voters expressed a desire through the ballot box for the return of the Fahey-Armstrong

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coalition Government. Labor received 48 per cent of the two-party preferred vote. In other words, 144,000 more electors supported the coalition than supported Labor. If the one-vote-one-value principle had been alive and well in this State, the coalition - and not Labor - should have won 50 seats in this Chamber and, for the first time, the former Premier, John Fahey, would have led a majority government. That the reverse occurred, should threaten the public confidence in this State's electoral system. After all, when claims of gerrymandering were made in Queensland in the 1980s there was righteous protest in the streets and through the media.

That such an outcry did not occur after our State election speaks volumes for the damage done to the New South Wales body politic by four years of minority government - the blight of the so-called balance of madness - where citizens became inured to the bastardisation of Westminster principles. Nevertheless, in a democracy it is important that an electoral system is, and is seen to be, both fair and equitable. To maintain democracy, vigilance is required. We should no more accept the distorted results of our State election than Queensland citizens earlier accepted unfairness in their electoral system. This bill seeks to overcome the bias obvious in our electoral system by implementing changes to our redistribution process similar to those operating in South Australia since 1991.

In South Australia in 1989 a general election produced an identical result to our own. Labor was re-elected with just 48 per cent of the two-party preferred vote. Following a public outcry a parliamentary inquiry proposed changes to that State's redistribution processes. The change requiring electoral boundaries to be drawn so that the party winning a majority of the two-party preferred vote was able to form a government, attracted support from all sides of politics in South Australia. It was overwhelming passed into law through a 1991 State referendum. There have been two subsequent redistributions in South Australia, in 1992 and 1994, which have both proved the workability of these new provisions and which have provided to the citizens of that State a guaranteed fair electoral system which upholds the one-vote-one-value principle.

In this State a referendum is not required to achieve the same end. All that we need to do is simply amend the Parliamentary Electorates and Elections Act, and it is that which this bill seeks to do. Specifically, this bill amends section 17A of the Parliamentary Electorates and Elections Act 1912 by effectively inserting an electoral fairness requirement. As a result of the amendment, electoral district commissioners would have to consider three criteria in drawing up electoral boundaries. They are: State demographic trends, which are already provided for in the Act, requiring electoral districts during the life of the Parliament as far as practicable to be equal, subject to a margin of 3 per cent, more or less; the new provision of electoral fairness ensuring that at a general election the party or group of candidates obtaining more than 50 per cent of the popular vote, after the distribution of preferences, will win sufficient seats to form a government; and, finally, certain physical and other characteristics of each electoral

district - the criteria reflected in section 17A(b) of the current Act.

There are those who argue that the power to rectify the problem of a distorted electoral system was within the hands of the former coalition Government and that it should have remedied it then. There are two answers to such a claim. Firstly, vigilance must always be ongoing, and these matters should always be reviewed in the light of each and every electoral outcome, regardless of who is successful. Indeed, I have hopes that this Parliament may establish a body like the Federal Parliament's Joint Standing Committee on Electoral Matters to provide this type of ongoing vigilance on all matters relating to our electoral system.

Secondly, however, the former Liberal administrations did try to remove the bias and distortion from our electoral system which prevent the principle of one vote one value effectively operating. Barrie Unsworth's disgraceful sorting of electoral districts prior to the 1988 election gave Labor what Malcolm Mackerras estimated as a 3.5 per cent advantage over the Liberals. In other words, in 1988 a minimum coalition vote of 53.5 per cent was required for Nick Greiner to win government. As it transpired, a significantly higher vote was attained, although, as Mackerras stated, the fact that the Liberal-National majority was so modest in 1988 is the main proof of the gerrymander.

The Greiner Government tried to remedy the pro-Labor bias through the 1991 redistribution and in this endeavour it was partially successful. It won - just - a majority of the seats in that election with 52.6 per cent of the two-party preferred vote, although, as Mackerras noted, a boundary bias favouring Labor still existed. It is interesting to note that, based on the 1988 boundaries, Labor would have won the 1991 election with just 47 per cent of the vote. A re-elected Fahey Government would have sought to remove the remaining Labor bias at the redistribution now due. It is now up to the Carr Government to demonstrate its bona fides in this area. It must demonstrate its commitment to the principles of equity and fairness, its adherence to democratic rule, and its determination to return the principle of one vote one value to New South Wales. Until it does so, it has no mandate, no matter what the Premier says on radio. Until it does so, its legitimacy will always be questioned.

In South Australia in 1989, in Western Australia in 1989, federally in 1990, in Queensland in 1995 and here last March, voters' wishes were ignored through distorted election results. In only one State, South Australia, largely through the efforts of the Liberal Party, led by Nick Minchin,

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has action been taken to restore the one-vote-one-value principle to electoral systems. In researching this subject, I came across a speech of a former State Secretary of the South Australian Labor Party - and current Federal Minister and Senator - Chris Schacht. Senator Schacht, recounting Don Dunstan's fight to implement a fair electoral system in South Australia, quoted Don Dunstan as stating:

You only get good, clean, honest government when you have good clean honest electoral systems where it is known that if 51 per cent of the people vote for a party that party will form government. If a government believes that it can be elected irrespective of the majority wishes of a population you will then get an arrogant and ultimately corrupt government.

I am one of those who believe that the election of the Greiner Government in 1988 and its establishment of the Independent Commission Against Corruption put an end to the likelihood of corrupt government ever occurring again in New South Wales. If I believed Don Dunstan, such a threat will not be exterminated until we gain a fair electoral system where 51 per cent of the vote gives a party government. Historically, this State, through this Parliament, has always acted swiftly to uphold democratic rights and ensure fair and equitable electoral processes. It is now time for us to follow the South Australian example, act quickly and restore full democracy to our State.

Debate adjourned on motion by Mr Amery.

FORESTRY AMENDMENT (CONTROL SIGNS) BILL

Second Reading

Debate resumed from 11 October.

Mr D. L. PAGE (Ballina) [9.23]: I wish to support the legislation and to commend the honourable member for Coffs Harbour for introducing what is essentially a technical piece of legislation to correct an anomaly. On going back through *Hansard* one finds that the Minister who originally introduced the bills in relation to forest controls in 1978 was the Minister for Conservation and Minister for Water Resources, as he was then called. He indicated plainly in his second reading speech that it was always intended that the Forestry Commission would have power to erect signs and to control activity in the forests for the purpose of good forest management. The honourable member for Coffs Harbour is seeking to introduce legislation to clarify the situation in the light of a magistrate's decision, which in my view is probably the correct legal decision, that control signs do not have any legal backing.

The reason for that decision is that the regulations that the Minister indicated in his second reading speech ought to be moved and implemented by the Forestry Commission at that time were never implemented by the commission. It was the fault of the Forestry Commission for not tidying up the legislative framework which would have given them the control they need to properly manage the forests. The commission should have alerted the Minister to the need for the regulations to be moved, but that never happened. This was originally Labor legislation. I quote - this is the nub of the issue - from the then Minister's second reading speech:

New specific regulation-making powers envisage the prescribing by regulation of control signs which when erected in or at the entrances to state forests will have legal effect to prohibit the doing of certain things - for example, the riding of trail bikes in specifically set aside rest or picnicking area, exceeding the stated speed or load limit on a certain road or bridge, using a certain track or trail or even entering a section of a forest during extreme bushfire danger periods or when dangerous logging operations are in progress.

Mr Jeffery: Who said that?

Mr D. L. PAGE: Lindsay Gordon, the honourable member for Murrumbidgee, Minister for Conservation and Minister for Water Resources - a Labor Minister. He made clear in his second reading speech that these regulations were intended for the proper management and control of the forest. He went on further to state in his second reading speech:

They are intended to permit the recreational use of state forests to continue and to be further developed with greater protection and safety for the public and the forest environment.

I am concerned that the Government is not supporting the proposed legislation and is accusing the honourable member for Coffs Harbour, who I believe is well intentioned, of a knee-jerk reaction. I believe that the Government's response is a knee-jerk reaction. The bill is specific. It is not about the general forest debate, as the Minister said. The only essential point of substance offered by the three Government members who have contributed to the debate is that the matter has gone to an appeal court and that nothing should happen until that appeal court makes its decision. We do not know what the appeal court will say, but it has two options: accept the magistrate's decision or overturn it. If the appeal court rules that the magistrate was correct at law and upholds the decision, the existing situation will prevail and State Forests will have no capacity to control movement in the forests by the erection of signs. The bushfire season is approaching and with it the potential for the public to be put at risk because the signs have no authority.

Members of the Government are sitting on their hands facing the real possibility that the appeal court

will uphold the magistrate's decision. I believe he was correct at law. State Forests has always believed it had the power to manage the forests, but it has not implemented the former Minister's proposals. The Government is prepared to allow that dangerous situation to develop. The other alternative is that the appeal court will overturn the magistrate's decision. If that happens, the bill will have no effect other than to clarify the situation. I cannot believe that the Government is

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taking such a stupid approach to a genuine, well-intentioned attempt by the honourable member for Coffs Harbour to introduce legislation to help State Forests manage activities in the forests in a proper and organised fashion and in the interests of public safety. It concerns me that the Government has taken the approach that it has. Of all the contributions made to the debate, the honourable member for Hawkesbury hit the nail on the head, as did the honourable member for Coffs Harbour in his second reading speech.

The Government is trying to embrace this simple piece of legislation as part of the broader forestry debate when in fact it is not part of that debate. The bill was introduced by the honourable member for Coffs Harbour after consultation with the Parliamentary Counsel. The honourable member for Swansea in speaking to the bill went into a rigmarole about its failure to provide an appropriate solution. Frankly, I would believe the Parliamentary Counsel's version before I would believe the remarks of the honourable member for Swansea on whether the proposed legislation is an appropriate method of controlling and managing New South Wales forests. I commend the honourable member for Coffs Harbour for bringing forward the proposed legislation. It is a responsible and appropriate response to a problem that has arisen from the failure of State Forests to carry out the former Minister's intentions. This legislation will clarify an unclear situation and there is absolutely no reason why the House should not support it. If the Government does not do so - and it appears it will not - forest fires and deaths will be on the Government's conscience.

Mr NEILLY (Cessnock) [9.33]: The Government opposes the bill. I understand the motivation of the honourable member for Coffs Harbour in introducing this legislation, but I should add that I do not believe it has emanated solely from a Local Court decision consequent on certain actions in Wild Cattle Creek State Forest. To my mind it involves the whole question of control signs or regulatory signs, holes that might emerge in various pieces of legislation passed by this Parliament and possible flaws in the regulations. I hope the pending appeal will clarify the issue and enable appropriate measures to be taken to close any existing gaps by way of amendment to the legislation or the regulations. New South Wales forests must be controlled by regulatory signs, not only to prevent the many illegal actions that occur, particularly during protests, which are becoming a frequent occurrence, but also to improve public access. If movement through forests cannot be controlled through the use of regulatory signs, in the short term at least until the situation is remedied, the Government may have to deprive people of the open access they have enjoyed in the past.

Mr Fraser: Then the Government should support the legislation.

Mr NEILLY: I acknowledge the comments of the honourable member for Coffs Harbour, but the Government has to deal with the broader question. Illegal activity occurs in forestry areas in the Cessnock electorate. A constituent who operates four items of plant in forestry areas phoned me on Monday. He was not involved in the incidents that occurred at Wild Cattle Creek, but virtually every weekend his on-site equipment is damaged - though not sabotaged by greenies - and fuel is stolen. Eventually it might become necessary to consider providing security for those who operate justifiably in forest areas. I believe State Forests are under an obligation to overcome another problem in forestry areas. A forest in the Cessnock electorate close to urban population is full of pigs, which foul streams on adjoining rural properties. I would not mind if forestry workers were a little more proactive in pig control. The honourable member for Coffs Harbour introduced this bill pursuant to the magistrate's dismissal of charges at the Bellingen Local Court on 23 May. The defendants in the case were charged following arrests made during protests in the Wild Cattle Creek State Forest near Dorrigo in October 1994.

The defendants argued that the charges were invalid because notices posted by State Forests of New South Wales - excluding unauthorised persons from the area - were ineffective as no form or description of a control sign had been prescribed for the purposes of section 36A of the Forestry Act. An opportunity existed for the previous Government to address the situation, but I do not think there was any deliberate endeavour by either side of this Chamber to avoid the issue. The bill introduced by the honourable member for Coffs Harbour seeks to amend the Act to remove the requirement to prescribe the form or description of control signs in the regulation and to insert in the Act instead a physical description of signs. I do not believe the proposed legislation would address the problem. The Parliamentary Counsel has designed the legislation, but he has done so to accommodate the needs or wants of the honourable member for Coffs Harbour. He has not taken into account the outcome of the appeal. The appeal court, as was previously suggested, has two options, but a third way out of the problem might be to amend the legislation so suit the outcome of the appeal and any recommendations the appellate judge may make. The Government will oppose the bill as it appears to be a hasty and ill-considered reaction by the honourable member for Coffs Harbour. The Bellingen Local Court decision that prompted this bill is under appeal. Any action to amend the Act would be premature and pre-emptive of established judicial processes. Legal advice has been obtained that it is possible to overcome any problem by prescribing forms or descriptions of control signs in the regulation, but it is preferable that necessary changes only be made following the appeal.

The Government, as a matter of principle - and it is a Government of principle - is not prepared to support ad hoc amendments to the Act that have not been the subject of careful legal advice and

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consultation with affected parties. Legal advice has been obtained that the proposed physical description of signs is inappropriate and does not reflect the fundamental intent of the legislation. The control provisions have wide-ranging applications for safety, protection of the environment, firefighting and other matters. Premature, ill-considered changes might cause difficulty in such cases. It is the Government's intention to review the efficacy of the Forestry Act 1916 and the regulatory scheme, and if necessary a comprehensive package of legislative reforms will be introduced. If it is ultimately necessary to amend the control provisions, this would be most appropriately done as part of this initiative. This approach is eminently more sensible than the ad hoc provisions in the bill.

Mr McMANUS (Bulli) [9.42]: My colleague has been rather polite to the honourable member for Coffs Harbour, but I will not be polite. I join with the Minister for Land and Water Conservation in opposing the bill. It is no more than an ill-considered, knee-jerk reaction from the honourable member for Coffs Harbour. He has dredged up this bill in response to a Bellingen Local Court magistrate's dismissal of charges against demonstrators. He has completely ignored the fact that this decision is the subject of an appeal that is expected to be heard within the next month or two. The honourable member for Coffs Harbour has also ignored the fact that any doubts raised by the case in relation to the powers of the Forestry Commission may well be clarified by the due process of law. The Government acknowledges that the proper management of State forests requires some ability to regulate the activities of people within those forests. The Forestry Act 1916 and the Forestry Regulation 1994 contain provisions that specify such powers. These controls are necessary to ensure public safety during bushfires or when logging and other forest management activities are in progress.

During periods of excessive rainfall, road closures are often necessary to minimise damage and soil erosion. As State forests are increasingly used by schools, bushwalkers and campers it is necessary to be able to regulate these visitors. That was recognised when the Forestry Act was amended in 1978 to insert section 36A, which relates to the issue of directions by way of control signs. The honourable member for Coffs Harbour has clumsily attempted to provide a physical description of the form of construction of control signs and to incorporate that into his bill. This is totally inadequate where communication with forest users may need to embrace a wide range of media and symbols. The Government's forestry policy includes wide-ranging reforms that will establish a proper management, regulatory and operational regime for State Forests.

If the bill is passed it may restrict the flexibility of the powers of State Forests to implement modern, effective regulatory signage in its forests. A number of the wide-ranging reforms the Government is proposing as part of its forest policy will require legislative action and, accordingly, a comprehensive review of the Forestry Act 1916 will be undertaken over the next 12 months. Most importantly, statutory forestry plans will be established by this Government according to principles of ecologically sustainable development and after community consultation - something the former Government never did - on a regional basis. This Government will talk to the people. The environmental impact statement process and the results of comprehensive regional assessments of all forest resources will underpin these management plans. The plans will ultimately ensure a proper balance between competing forest values and will remove the grounds for conflict that characterised forest management under the previous coalition Government.

The management of forests under forest management plans, which will have the benefit of stakeholder input and agreed allocation of the forest resource on a regional scale, will avoid the type of conflict that led to the introduction of this bill. Hasty, heavy-handed regulation as proposed by the honourable member for Coffs Harbour is not the solution to conflict in the forests. The solution is proper consultation with stakeholders and the implementation of a balanced and fair policy. That is the road this Government will take. If, after the conclusion of the legal proceedings that prompted this bill, it appears that some clarification of the powers of State Forests is required, that should form part of the wider review I have foreshadowed. This will ensure that any future provisions are properly conceived with the benefit of full consultation with interested parties.

The Government is committed to a balanced approach to forest policy. It will not support an approach that targets a particular group or movement. Similarly, it will not be dictated to by extremists on either side of the debate. The Government will be even-handed and fair in the way it deals with forests. This balanced approach will inform both its policy development and its management of forests. The Government opposes this ad hoc, ill-conceived bill. As the honourable member for Cessnock said, it has been introduced for all the wrong motives.

Mr McBRIDE (The Entrance) [9.47]: I oppose the bill also. As the honourable member for Cessnock and the honourable member for Bulli said, it is a backward initiative and a hasty and ill-considered reaction. The honourable member for Coffs Harbour is basically trying to reinforce his position on the north coast. It has nothing to do with forestry control or regulation. This is the new green north coast National Party. The honourable member for Coffs Harbour wants to copy the pre-election actions of the honourable member for Tamworth, who introduced a petition to bring back the death penalty. He got the best result possible.

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Mr Fraser: On a point of order: I fail to see the relevance of the reference by the honourable member for The Entrance to the death penalty and the honourable member for Tamworth in debate on this bill. I ask you, Mr Speaker, to direct the honourable member to return to the legislation. If he has nothing to say he should be asked to sit down. The honourable member is indulging in tedious repetition.

Mr Yeadon: On the point of order: the honourable member was making passing reference and drawing a connection to the sorts of activities that are undertaken by members of the National Party. He was not dwelling on it for any significant period.

Mr D. L. Page: On the point of order: the honourable member for Tamworth is not a member of the National Party.

Mr SPEAKER: Order! No point of order is involved. The correction of a misstatement of fact is not a valid basis for taking a point of order. I suggest, however, that the honourable member for The

Entrance confine his remarks to the subject matter of the bill rather than to such issues as the death penalty, which have no relevance to the debate.

Mr McBRIDE: As honourable members have pointed out, the difficulties could be dealt with after the court decision has been handed down. Basically, the honourable member for Coffs Harbour has introduced the bill to pander to his constituents, to reinforce his vote. If he were serious he would take a broader approach. Should the member succeed in having his bill passed, every time there is a conflict with a regulatory sign a bill could be introduced in Parliament to deal with the issue. That is the greatest nonsense that could be perpetrated on the Parliament. If such a matter goes before the courts and someone does not like the court decision an appeal process is available. It seems that the honourable member for Coffs Harbour is giving in already: he has introduced the bill, but it also will be unsuccessful. If the honourable member were serious about the matter he would approach it properly. But he is not; all he is looking for is local publicity on the north coast.

Mr McManus: It is his ego.

Mr McBRIDE: Honourable members have seen such performances from him in the past and they have just witnessed another waste of parliamentary time by the honourable member for Coffs Harbour. The bill should not have been introduced. The honourable member could have approached the Minister and waited for the outcome of the court decision. But he wanted a headline this week in the local newspaper. I hope the local newspaper will quote my remarks as well. The honourable member for Coffs Harbour is not looking after the interests of the local people or the State. The honourable member for Coffs Harbour could have simply suggested that a regulation be made in accordance with section 36A of the Act, which was inserted to facilitate the control functions of forest managers.

The honourable member for Coffs Harbour instead is seeking to repeal the power provided in section 36A to prescribe the form of description, or description, of control signs. Instead of taking the sensible solution of providing a workable alternative, the honourable member for Coffs Harbour simply seeks to insert into the Act a crude physical description of the construction of a sign and of the structure on which it may be affixed. At the time of introducing section 36 the then Minister for Conservation and Minister for Water Resources, the Hon. Lin Gordon - a famous Labor Party country member - explained its purpose. It would be good if there were a few more Labor people in rural areas, as there were in the past. National Party members are turning green, green, green as more people migrate to their electorates. The north coast Nationals will turn more and more green over the next three years as election time approaches. With more Labor Party representatives in rural areas in the future -

Mr Fraser: Where?

Mr McBRIDE: Out in the country, mate. As the Minister said yesterday, as he goes around the country people are glad to see him.

Mr Yeadon: Every time I go out there.

Mr McBRIDE: When the coalition was in government people never saw National Party Ministers in country areas. At a meeting in the country a month ago our Minister was congratulated on being there. The Hon. Lin Gordon explained that section 36A was aimed at facilitating the Forestry Commission in its exercise of powers under the Act to control and regulate the State forests. The Minister pointed out in introducing the amendment that the provisions were not designed to discourage people from using State forests for their recreation. Rather, they were intended to permit the recreational use of State forests to continue and to be further developed with greater protection and safety for the public and the forest environment. I cannot understand why the honourable member for Coffs Harbour proposed the bill. It is difficult to comprehend why the honourable member for Coffs Harbour, whose electorate relies so heavily on tourism, seeks to repeal a provision that was designed to facilitate safe visits to State forests. I suspect that the honourable member for Coffs Harbour, a member of the National Party, has never heard

of the eco-tourism industry, despite the burgeoning level of eco-tourism in his own district.

Eco-tourism operations are a rapidly expanding segment within the Australian tourism market and State forests represent an excellent base for such operations. The Government's forestry policy recognises this and gives a commitment to encourage a range of commercially viable tourist activities in State forests. State forests cover some

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3.5 million hectares, and much of this area is not subject to harvesting or active management for long periods. About 55,000 hectares of high conservation value are protected in formal forest reserves. Under the Carr Government there will be significant additions to these protected areas. The Government's policies provide for forest management plans to be drawn up on a regional basis. There will be provision in the plans for ecologically sustainable tourism and recreational use of the forests.

If the unrestrained exploitation of native forests that was condoned by the coalition Government had been allowed to continue, there would have been nothing of heritage value left in State forests for tourists to see. The vision of the honourable member for Coffs Harbour and the coalition for the management of our forests was narrowly focused on logging and woodchipping for export. In fact, in the last 3½ years that is all I have heard from them on forests. That is why the honourable member for Coffs Harbour wants to introduce heavy-handed powers that could be used to lock out those who have a genuine care for the environment. I have seen many statements reported at Nambucca Heads about the honourable member for Oxley turning green - slowly, slowly.

Mr Fraser: Light green, not dark green.

Mr McBRIDE: It will not be long. He might be light green at the moment but he is turning green from the feet up. When one travels up the north coast one sees statements by National Party members in the local papers. They are slowly moving. They know the demographics. National Party members are being asked to tone down their statements and not be as rednecked as the honourable member for Monaro. Come the next election, all the National Party members opposite will go down the toilet of history. The coalition forest management regime was opposed by the majority of the people of New South Wales and was a recipe for conflict in the forests - which has occurred, as we have all seen. The Government's forestry policy will defuse this long history of conflict. Our vision is for a rational process of resource assessment including the use of geographic information systems, environmental impact statement information, State agency databases, and any other necessary additional information, and investigation to identify environmental regions. This will lead, through a process of consultation with regional stakeholders, to regional forest agreements, which will provide for an allocation of the forest resource based on a recognition of the many values of our native forests.

Once the correct balance is struck between competing interests the reasons for conflict and protest in our forests will be removed. Confrontation must be removed. However, it suits National Party members politically to continue the confrontation. They are not interested in their constituencies; they are interested only in what the confrontation achieves for them electorally. There will be a continuing need for adequate controls on visitors to and users of our State forests. The present provisions of the Act will be carefully reviewed with the advice of those who have experience in their application and, if necessary, amendments will be made in due course. They will not be made in isolation but will take into account a comprehensive strategy of forest management and will be introduced following an overall review of the Forestry Act and regulations. That is what the Government is about: getting the best possible results for the State. It is about good government. Unlike the honourable member for Coffs Harbour, it is not about nonsense.

Mr JEFFERY (Oxley) [9.59]: I did not intend to speak today but members opposite have brought me out of my shell. The honourable member for Bulli and the honourable member for The Entrance do not know the first thing about forestry or what it represents. I represent an area with a rich history in timber, conservation and many other things. Members opposite have missed the whole point of the bill.

Mr McBride: You are a hypocrite.

Mr JEFFERY: I am speaking without the prepared notes that the honourable member received from State Forests. His speech was full of tedious repetition. He could not read out the notes that State Forests had prepared for him because he did not understand what they meant.

Mr SPEAKER: Order! The honourable member for The Entrance and the honourable member for Bulli, who have already contributed to the debate, will refrain from interjecting.

Mr JEFFERY: The Forestry Amendment (Control Signs) Bill brought in by the honourable member for Coffs Harbour is very specific. It is a limited bill of only a few pages.

Mr McBride: Rubbish.

Mr JEFFERY: It is not rubbish. On 22 November 1978 Lindsay Gordon, the Minister responsible for forests, brought into this House a bill that was meant to include this provision. Unfortunately, it did not. This amending legislation will provide the power to erect signs. The intention of Lindsay Gordon at that time was exactly as has been put forward by the honourable member for Coffs Harbour. The Act is not worth a gumleaf unless we pass this amending legislation to provide that power. Under the Act there is no power to allow State Forests to erect these signs. If State Forests erects these signs in state forests, that will give a clear indication of what the law is about.

We are here to make laws; we are not here to wait and see whether a magistrate's decision will be overridden by the High Court. Surely this place is all about making legislation for the good of the people of New South Wales. In my area of Oxley substantial damage has been done by way of

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vandalism of equipment, including sawmilling equipment, plant and bulldozers. As a result of that damage, businesses have incurred costs. There has been sabotage by people whom I call extremists. I am sure that honourable members, particularly the honourable member for Bulli and the honourable member for The Entrance, are not prepared to support those people.

[Interruption]

I feel sorry for the honourable member for Cessnock because he tried to support us and at the same time take his marching orders from the government. He read out a speech that even he did not believe in. I have great respect for him but today I felt sad for him. I feel sad for him because he did not mean what he read out - but he had his marching orders. I know that the honourable member and the Minister for Land and Water Conservation do not talk. The honourable member tried to look after his electorate as best he could and put on the record that he opposed the legislation, although he did not. He was sitting on the fence, like Feargus O'Connor. It was one of those rare occasions during my 11½ years, nearly 12 years, in this place, on which I saw the honourable member for Cessnock being forced to support the Government on something that he did not believe in, so I feel sorry for him. There is a gap in the current legislation which will be filled by the legislation brought forward by the honourable member for Coffs Harbour. This is not about control of courts.

Mr Yeadon: It is about pre-empting them.

Mr JEFFERY: It is not about pre-empting them. It is about filling a gap and correcting a flaw in the current law. Why do Government members come into this place and oppose everything good simply for the sake of opposing? Honourable members referred to the cost of implementing the legislation. We are trying to save the Government money. Your Government is broke. Ministers are economic vandals. We are giving the Government an opportunity to save the people of New South Wales - the shareholders of New South Wales - probably millions of dollars by bringing forward this amendment and giving the Act

teeth. This legislation will not stop picnicking and responsible use of our forests. Indeed, the opposite will be the case. If the Government does not allow the amendment, the Act will stop picnicking and responsible use of our forests. However, if it allows the amendment, State Forests will be able to erect signs where necessary. I shall finish on this point.

Mr McBride: It's about time.

Mr JEFFERY: The honourable member for The Entrance tries to masquerade as a National Party member on several days of the week by wearing into the Chamber a sports coat with leather patches on the elbows. The object of the bill is simple. I quote:

The object of this Bill is to amend the *Forestry Act 1916* to make it clear that the Forestry Commission of New South Wales may, by the display of notices in forestry areas, prohibit entry to, or regulate activities (such as the driving of vehicles) within, those areas.

Mr McBride: Are you reading this?

Mr JEFFERY: I am not reading prepared notes from State Forests, as the honourable member did.

Mr SPEAKER: Order! The honourable member for The Entrance will cease interrupting.

Mr JEFFERY: The Wild Cattle Creek incident was probably the trigger for bringing forward this amending legislation. The incident was unfortunate, but one good thing came out of it. The bill will give Parliament an opportunity to correct an idiosyncrasy of the Act and make it better. If the Minister represents people in the forestry industries who have had their equipment vandalised, he must support this bill. If he does not support the bill it will be on his head - and we will rightly issue press releases in our electorates. I hope that that will not be necessary. I hope that we can congratulate the Minister on supporting us. I will issue a press release congratulating the Minister if he supports the amending legislation brought forward by the honourable member for Coffs Harbour. If the Minister does not support the legislation, we have an obligation to inform our electorates. I have much pleasure in supporting my colleague the honourable member for Coffs Harbour and the good amending legislation that he brought forward. I congratulate him not only on representing his electorate but on the commonsense shown throughout the State.

Mr FRASER (Coffs Harbour) [10.07], in reply: Firstly, I thank the honourable member for Swansea, the honourable member for Hawkesbury, the honourable member for Keira, the honourable member for Ballina, the honourable member for Cessnock, the honourable member for Bulli, the honourable member for The Entrance and the honourable member for Oxley for participating in this debate. It is necessary to re-address the issue and the reasons why the legislation was brought before the House. This legislation is not retrospective legislation. It will not affect those people who have appealed against a Bellingen court decision relating to the authority of State Forests signs; they will not be penalised, as suggested by some honourable members. The legislation is about giving State Forests the opportunity to control activities within State forests by way of control signs. At the moment, the court decision means that people can enter State forests and blatantly disregard control signs erected by State Forests for the safety of foresters, picnickers, bushwalkers or anyone else who wishes to enjoy the forests, and not be accountable to the courts.

Mr Yeadon: It is subject to appeal.

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Mr FRASER: The Minister interjects that it is subject to appeal. He has not told the House what he will do if and when the appeal is lost. If the appeal is lost he will ask for the Act to be repealed. He is wasting the State's money on an appeal when this simple legislation making control signs legitimate will, if

passed, alleviate problems in the future. The Minister for Land and Water Conservation said that the State Government is going to look at all these aspects of the Forestry Act. He did not say anything about control signs. He said that there would be a change of attitude and that schools, four-wheel drivers, bush walkers and campers would be encouraged to use forests. What the Minister failed to acknowledge was that if people are utilising a forest in any way, shape or form and are injured - and the offending person is acting contrary to a control sign put up by State Forests - the offender cannot be convicted and State Forests will have to pay the damages if civil action is taken.

The bill corrects an anomaly in the legislation which was not intended by Lindsay Gordon in 1978. A couple of weeks ago foresters at Whian Whian refused to operate within the forest, which is licensed. The National Parks and Wildlife Service issued the licence and State Forests supervises it. The control signs said, "Keep out: this is a logging area". The logging contractors would not go into the forest because they did not want anyone to be injured. The protesters ignored the signs. The only thing the foresters could do in the interests of their safety and the safety of the people in the forest was to withdraw from that operation. Is the Government going to allow this to happen?

Yesterday the Minister was in the House when the Minister for the Environment introduced the Forestry Restructuring and Nature Conservation Bill. Is the Minister for Land and Water Conservation going to sit here and preside over the demise of his department? He is not interested in people who utilise the forests for recreational or industry purposes; he is interested only in pandering to the extreme greens. The Minister read a prepared speech, written by whomever - I hope it was not John Halkett because I thought he would accept this legislation quite easily. I suppose he is under instruction from the Minister. The Minister handed the speech to members in the House. and it got to the stage where coalition members had to prompt Labor members when they lost their place in the speech.

Mr Jeffery: It was tedious repetition.

Mr FRASER: As the honourable member for Oxley said, it got to the stage where it was nothing more than tedious repetition. The honourable member for Newcastle said that when logging operations are taking place forestry management can ensure that these people can be moved to a safe place. That is a fact. The Minister's attitude is, "I will not worry about forestry operators, the logging contractors or the forestry employees." Under this court decision, State Forests has absolutely no power to remove people who have been told by way of sign that they are not allowed to enter an area.

This bill is a simple amendment to the existing legislation to give effect to the intent of the original legislation of Lindsay Gordon. I refer to the speech of the honourable member for Swansea. I have never heard a more inept, ill-conceived or contemptuous speech on a bill than that delivered by the honourable member for Swansea. She had absolutely no idea what she was talking about. Eventually she had to be drawn to the leave of the bill, and she then started to read a speech on an issue she knew nothing about. She went on with a great load of nonsense and, quite frankly, did herself and the Labor Party a lot of harm in this debate. That shows the lack of knowledge and understanding of a government that is not prepared to come out to the bush and talk to the community or to people who work in the forests.

Mr Yeadon: I am out there all the time.

Mr FRASER: The Minister claims that he has been out there. He has not responded to correspondence from me requesting that he come to my electorate and speak to the loggers.

Mr Yeadon: I am not going up there to meet you.

Mr FRASER: The Minister says that he will not come up and meet me. He will not come to Dorrigo to speak to the people he is putting out of work. The Minister ought to be ashamed of himself.

Mr Yeadon: I am meeting people in the industry - not you.

Mr FRASER: So the Minister does not regard the residents of Dorrigo, on the north coast, as people. The Minister has indicated quite clearly that he agrees with the assessment of the Minister for the Environment that the people of the north coast are the T-shirt and thongs brigade. That is an insult to those people. I will pass that message on to the people of my electorate. The Minister should meet the people of my electorate. I have made that request of the Minister a dozen times, but he will not come up and speak to those people. The shop steward is playing with the extreme greens. The honourable member for Clarence presented the case for the north coast extremely well. The coalition understands the legislation and the need for it.

The legislation is not intended to bash the greens; it is a matter of protecting the people who use the forests. The honourable member for Keira used the term "knee-jerk reaction" throughout his speech. The Minister also used that term, and he is held in such high regard by his backbench members that they all quoted him verbatim throughout the debate. Labor Party members did not address the issue. The honourable member for Ballina, the honourable member for Oxley and the honourable member for Hawkesbury all addressed the intent of
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the legislation and the importance of it to the State, particularly with regard to the finances of the State. As the honourable member for Oxley said, if this legislation is not passed, the State might have to pay a lot of money. The bill will correct an anomaly.

The honourable member for Cessnock spoke in support of the bill, and I feel sorry for him. We did not take a point of order on him because he apparently cannot get in to see the Minister for Land and Water Conservation to object to what is happening in the forests in his area. The honourable member for Cessnock told the House about his abhorrence of the damage caused to logging equipment in his electorate. He supported the legislation. For the first time in his parliamentary career he had to read a prepared speech - his payback for making a representation in this House to the Minister. He was forced to read a prepared speech because the Minister said, in effect, "You can make a representation to me by way of coming into the House and speaking on this bill."

Mr Schultz: The honourable member for Cessnock is a respected, decent man.

Mr FRASER: Yes, he is a respected and decent person. The honourable member had to come into the House and do as the Minister instructed, in order to talk to him. As I have said, I feel sorry for the honourable member for Cessnock. I know he would dearly love to vote with the coalition on this legislation. The Government's argument has been, "We will fix it if we think it needs fixing after the appeal has been heard." In the meantime, nothing is happening. I was not going to say much about the honourable member for Bulli. He made a Freudian slip; he said that this Government does not consult. He was absolutely accurate: the Government does not consult. The Government does not even consult its members. The Minister will not consult his backbench, to the extent that the only opportunity members have to speak to him is in the House. The honourable member for Bulli should come into the House and restate his position: apparently someone is looking over his shoulder for his Vice-Minister's job. He has had to support this legislation although he knows absolutely nothing about the issue.

Mr McManus: I will come up to your electorate; I will give you something back.

Mr FRASER: I will welcome the honourable member to my electorate. The honourable member for The Entrance appropriately - even though I took a point of order on him at the time - spoke about the death penalty. If this legislation is not passed there could be a death penalty for someone. A person could be walking along a forest trail that is clearly signposted "No trail bikes", and a motorcyclist could come bolting up the trail and run him over and kill him. The motorcyclist will not be liable; he can laugh in the face of the foresters who put those signs up, because the court has ruled that such signs have absolutely no jurisdiction. The honourable member for The Entrance was trying to be funny, but was in

fact correct, when he said that foresters, picnickers or anyone else who wishes to enjoy a forest or forest reserve might receive the death penalty.

He then went on to state that it is a minor matter and it has no real import in forest management in New South Wales. If it is such a minor matter why did the then Minister for Conservation and Minister for Water Resources, Mr Lindsay Gordon, provide in his legislation for new, specific regulation-making powers for control signs, envisaged to be prescribed by regulation? His legislation was specific. It was important enough that the Minister at the time brought in legislation which changed the Forestry Act and gave the Forestry Commission the power to control the use of forests. Because the regulation was not made, the power that he intended for the legislation he introduced on 22 November 1978 is not available. One might also ask whether previous convictions under this legislation could now be overturned by a court because the signs were not valid. Mr Gordon was no doubt aware of the anomaly and foresaw the great nest of possibilities that has been opened up as a result of the decision of the magistrate in Bellingen.

This is not politicking; I have introduced this legislation to cure an anomaly in the Act. It is not retrospective; we are not going to go back to Bellingen court and say, "We want those extreme greens retried because they were acting outside the meaning of the Act in accordance with the intent of the Minister at the time he delivered his second reading speech." We are saying that in future we want State Forests to be able to control the way in which people use the forests. They are our forest managers, who have kept our forests in such pristine condition over the years that that the National Parks and Wildlife Service and the colleagues of the Minister for Land and Water Conservation are now saying they are good enough to be declared as wilderness areas and national parks. That has been achieved by good management, including the use of control signs that have now been found by the court not to be valid.

The Minister is responsible for our forests and it is incumbent upon him - although he will not have the job for too long the way he is going; either the Premier will sack him or will become the Minister for nothing - to support his employees who, after all, are his employees, and to support his constituents who wish to use the forests. He can support them by supporting this legislation. The National Party Whip informs me that he is prepared to give the honourable member for Cessnock a pair in this division. We feel sorry about the position in which he is placed, so we are prepared to pair him. We do not want to attack him, because he is a well

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respected member of this Parliament and a lovely fellow. We feel very sad for him that he had to come into the Chamber in order to make a representation to his Minister.

Mr McManus: He was shattered!

Mr FRASER: He was shattered, as the Vice-Minister for Police, the honourable member for Bulli, says. We are shattered that that very fine and honourable member of Parliament has been reduced to coming into this place and, for the first time in his parliamentary career, reading a prepared speech. I doubt whether poor Stan will sleep tonight on that.

Mr McManus: It was a well-researched document.

Mr FRASER: It may have been well researched but that was the first time that the honourable member for Cessnock has been forced to read a speech in this House. That was sad to see, particularly as the speech opposed a bill that he obviously supports; one that the people of New South Wales and State Forests want, and one that the House should support. He spoke from the heart when he started but when he got into his prepared speech the poor man started to tremble. I will buy him a beer tonight and try to console him - and the offer of a pair is available. I commend this legislation to the House and I ask members to look at it very carefully. If they do they will find that it not only will save the State money but will protect the interests of State Forests and members of the public who wish to use our forests for

recreation and for industry. I commend the bill.

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

The House divided.

Ayes, 43

Mr Armstrong	Mr Merton
Mr Blackmore	Mr O'Doherty
Mr Causley	Mr O'Farrell
Mr Chappell	Mr D. L. Page
Mrs Chikarovski	Mr Peacocke
Mr Cochran	Mr Phillips
Mr Collins	Mr Photios
Mr Cruickshank	Mr Richardson
Mr Debnam	Mr Rixon
Mr Downy	Mr Schultz
Mr Ellis	Mrs Skinner
Mr Fahey	Mr Slack-Smith
Ms Ficarra	Mr Smith
Mr Fraser	Mr Souris
Mr Glachan	Mr Tink
Mr Hartcher	Mr Turner
Mr Hazzard	Mr West
Mr Humpherson	Mr Windsor
Dr Kernohan	Mr Zammit
Mr Kinross	<i>Tellers,</i>
Mr Longley	Mr Jeffery
Ms Machin	Mr Kerr

Noes, 49

Ms Allan	Mr McManus
Mr Amery	Mr Markham
Mr Anderson	Mr Martin
Ms Andrews	Ms Meagher
Mr Aquilina	Mr Mills
Mrs Beamer	Ms Moore
Mr Carr	Mr Moss
Mr Clough	Mr Nagle
Mr Crittenden	Ms Nori
Mr Debus	Mr E. T. Page
Mr Face	Mr Price
Mr Gaudry	Dr Refshauge
Mr Gibson	Mr Rogan
Mrs Grusovin	Mr Rumble
Ms Hall	Mr Scully
Ms Harrison	Mr Shedden
Mr Hunter	Mr Stewart
Mr Iemma	Mr Sullivan
Mr Knight	Mr Tripodi
Mr Knowles	Mr Watkins
Mr Langton	Mr Whelan

Mrs Lo Po'	Mr Yeadon
Mr Lynch	<i>Tellers,</i>
Mr McBride	Mr Beckroge
Dr Macdonald	Mr Thompson

Pairs

Mr Beck	Mr Harrison
Mr Rozzoli	Mr Neilly

Question so resolved in the negative.

Motion negatived.

GOVERNMENT PUBLICITY CONTROL BILL

Second Reading

Debate called on, and adjourned on motion by Mr Gibson.

**PARLIAMENTARY ELECTORATES AND ELECTIONS AMENDMENT (ENROLMENT AND VOTING)
BILL**

Second Reading

Debate resumed from 8 June.

Mr WHELAN (Ashfield - Minister for Police) [10.37]: It is the intention of the honourable member for Coffs Harbour that this bill amend the Parliamentary Electorates and Elections Act: first, to require a person to provide proof of his or her identity before the person's name is entered into the roll of electors, and each time the person votes in an election; second, to provide for the issue of a voter identification card to each elector for the purpose of each election - cards would be issued prior to an election for the purpose of that election only, and electors would be entitled to vote only upon the production of the card to the returning officer; third, to provide for the recording of a

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person's age and occupation on the electoral roll; and, fourth, to require new rolls to be prepared for each electorate. All voters in the State would be required to re-enrol, involving the production of an identification reference as defined in the Act. The Government opposes these amendments because the bill has the potential to cause much confusion and incur great expense, without necessarily improving the electoral system. The honourable member for Coffs Harbour in debate on the second reading revealed how ill-conceived and ill-considered this bill is and showed his real motivation.

Mr Fraser: You don't like democracy, do you, Paul?

Mr WHELAN: I am going to talk about democracy in a second.

Mr Jeffery: Tell us about your preselection and democracy.

Mr WHELAN: They are almost the same sorts of democratic principles that the predecessors of the honourable member for Oxley had regarding preselection for that seat. One that springs to mind is Jim Brown, who spent a weekend going around clubs in his electorate enrolling people so he would win his preselection ballot the next Monday.

Mr Jeffery: At least we didn't go to McDonald's.

Mr WHELAN: McDonald's is out of limit because the people there were under age; that is the only reason Jimmy Brown did not go there. In fact, I have heard stories that he got more people to sign the attendance book at the Coffs Harbour Returned Services League Club than there were members of the club, and that is a great achievement. Let me confirm the following fact: according to the second reading speech made by the honourable member for Coffs Harbour, if you voted against him at the last election, or if you vote against him at all you must be a member of what he refers to as the extreme greens; one of the tree people; or a basketweaver. As I said, they are all terms used by him in his second reading speech.

Mr McManus: He is a redneck.

Mr WHELAN: Of course he is a redneck, but he is not alone. Many people from Coffs Harbour also think as he does. The honourable member for Coffs Harbour is a close personal friend of the mayor of Coffs Harbour, Councillor Smith.

Mr Jeffery: He is the mayor of Bellingen.

Mr WHELAN: Well, the mayor of Bellingen.

Mr Jeffery: You don't even know, do you?

Mr WHELAN: I was relying on a paper and if he is the mayor of Bellingen, I apologise to the people of Bellingen. But what a frightful person he is to hold such a position. He may not be a basketweaver, but he is one of the close supporters of the honourable member for Coffs Harbour, and he is a bigot, an absolute bigot. I have a copy of a letter from the AIDS Council of New South Wales written to John Smith, the mayor, in which the council says it has received complaints -

Mr Jeffery: On a point of order: the bill is very specific. It has nothing to do with the AIDS Council of New South Wales. The subject matter of the bill is elections. I ask you to draw the Minister for Police back to the bill and ask him to apologise for his outrageous statement.

Mr ACTING-SPEAKER (Mr Rogan): Order! Although standing orders provide that the contributions of members must be relevant to the subject of the question before the Chair, generally speaking all members - including Ministers - are extended a degree of latitude with regard to references that do not fall within the leave of the question. To uphold the point of order would be to set too restrictive a precedent. Accordingly, I do not uphold the point of order.

Mr WHELAN: The principle involved is who should be disfranchised? The honourable member for Coffs Harbour and the mayor have exactly the same degrees of concern about those with disabilities or those in the community who are suffering from AIDS. In his second reading speech the honourable member for Coffs Harbour referred to those who are likely to have voted against him as extreme greens, tree people or basketweavers. His system of democracy is built on the premise that those who do not vote for him do not get a vote. He is in good company up there with his very close personal friend Smith, who has been clearly identified amongst the community and by the AIDS Council as a bigot. This mayor, a personal friend of the honourable member for Coffs Harbour -

Mr O'Farrell: How many personal friends do you have in the hotel industry?

Mr WHELAN: Thousands, but none of them are bigots. None of them attack poor kids with disabilities like the confrère of the honourable member for Coffs Harbour, the mayor of Coffs Harbour. By introducing this bill the honourable member for Coffs Harbour is picking on the weak and less

fortunate. I am surprised that he did not include in the bill that people with disabilities would be disfranchised. People who cannot fight back are easy targets for the honourable member. In this instance the people who cannot fight back are the ones he is setting out to deliberately disadvantage. He espouses the virtues of democracy, but he marginalises everyone who disagrees with him. So does the mayor up there who is running a campaign and delivering a tirade against people with disabilities. Now that I have mentioned the mayor I might refer to the article in the *Coffs Harbour Advocate*.

Mr Fraser: On a point of order: the Minister is continually referring to a newspaper article in the *Coffs Harbour Advocate* which has absolutely nothing to do with the debate before the House. He
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is drawing a very longbow to link terminology used by me in my second reading speech to what has been written in this article. It has absolutely nothing to do with the bill and is nothing more than a personal attack on a Christian man, the mayor of Coffs Harbour. I would ask that you draw him back to the leave of the bill and direct his comments back to the legislation and away from a personal attack on the mayor. If he wishes to do that, he can do so in a private member's statement.

Mr WHELAN: On the point of order: it is only an indirect reference because it relates to the people who have been disfranchised. My point is that the mayor of Coffs Harbour, a personal friend of the honourable member for Coffs Harbour, has sought to single out a group. I am pointing out to the House that, just as the honourable member for Coffs Harbour is attempting to disfranchise people who did not vote for him and whom he described in his second reading speech as extreme greens, tree people or basketweavers, the next group he will attempt to disfranchise will be people with disabilities.

Mr Fraser: Further to the point of order: nowhere in the legislation or in my second reading speech did I mention people with disabilities. For the Minister for Police to refer to this newspaper article about people with AIDS, as I understand it is, and try to relate it to the legislation currently before the House is spurious. I would once again ask that you draw him back to the leave of the bill.

Mr WHELAN: Further to the point of order: as you would appreciate I am only making passing reference to this article. I do not intend to dwell on it except to quote a short excerpt from the article on the question of disabilities.

Mr Jeffery: On the point of order: my point of order is in relation to the -

Mr ACTING-SPEAKER: Order! Is the member taking a fresh point of order or is he speaking further to the point of order?

Mr Jeffery: My comments are contiguous to the first point of order. I am speaking further to the point of order. The Minister for Police stated that he is making passing reference to this article in relation to disability. At no time has the mayor of Coffs Harbour spoken in this House in relation to this bill.

Mr WHELAN: That is not the issue.

Mr Jeffery: It is the issue. The bill is very specific; it is a very clear, concise bill. It is limited. Its provisions do not extend to the matters the Minister has raised, and *Hansard* will prove it; he stated he was making only passing reference to the article. He has been talking about that issue since he commenced his contribution. I ask that you rule him out of order and direct that he come back to the leave of the bill.

Mr ACTING-SPEAKER: Order! I remind members of my earlier ruling with regard to the requirement that contributions be relevant and the latitude that is often extended to all members when canvassing general issues that may not fall within the ambit of the question before the Chair. However, I ask the Leader of the House to return as soon as possible to the subject matter of the question.

Mr WHELAN: As I said, anyone who is marginally against the current member will be disfranchised by this bill.

Mr Fraser: That is nonsense, Paul, and you know it.

Mr WHELAN: That is true. It is clearly true.

Mr Fraser: You do not want the Labor Party rorts to be uncovered.

Mr WHELAN: The honourable member for Coffs Harbour attempts to present himself as a bastion of democracy, yet the Opposition will not accept the Premier's offer to consult on electoral reform. On 22 May the Premier invited the Leader of the Opposition to discuss with him any constructive proposals he has for electoral reform. We have had no reply from the Leader of the Opposition. The invitation of the Premier has not been responded to. The Opposition appears to have no interest in the spirit of bipartisanship with a view to engaging in anything that might resemble meaningful reform. The legislation is ill-conceived, ill-informed, and a waste of time. The only people to profit from it will be the honourable member for Coffs Harbour and his colleagues, simply because people in his electorate choose to disagree with him.

The bill makes three essential points, and I shall deal with them in turn. Before I do so, I should say that if this legislation is passed the honourable member for Coffs Harbour will try to introduce similar provisions into the local government system so that his mate the mayor of Coffs Harbour, Councillor Smith, whose attitude is already publicly displayed, will benefit. The honourable member called the mayor for Coffs Harbour a good Christian man. I reckon he is the most bigoted person I have heard of in my 20 years of parliamentary life. Any man who says no child would be born with a disability -

Mr Fraser: On a point of order: once again the Minister for Police has a fascination with this newspaper article. I suggest that if the Minister wishes to read it into *Hansard* at some time he should do so by way of private member's statement or ministerial statement. He should be asked to speak about the proposed legislation. In regard to the newspaper article and the mayor of Coffs Harbour, apart from the fact that the person who wrote the article and the mayor of Coffs Harbor are both constituents and the legislation will affect the way they enrol for voting in the future -

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Mr ACTING-SPEAKER: Order! The member will state his point of order.

Mr Fraser: The point of order is simply that the reference being made by the Minister has nothing to do with the subject matter of the bill. I ask you, Mr Acting-Speaker, to bring him back to the leave of the bill.

Mr WHELAN: On the point of order: the point I raise goes to the credibility of the issue and the member opposite. Councillor Smith has publicly supported the honourable member for Coffs Harbour on this measure. The member just told the House that Councillor Smith is a great Christian, but this is the same bloke who was quoted in the Coffs Harbour newspaper as saying that if people live by the Bible they will not have disabilities! That comment related to a young person. That is the insanity that the honourable member has supporting him.

Mr Fraser: Further to the point of order: the Minister is trying to make an unsubstantiated attack on the Mayor of Coffs Harbour in this debate. That has nothing to do with the leave of the bill, to which he should confine his comments.

Mr ACTING-SPEAKER: Order! Members will not seek to intervene in the debate under the guise of taking points of order. The Minister, who has concluded his reference to a newspaper article, will

return to the subject matter of the bill.

Mr WHELAN: The bill makes three essential points. Firstly, the enrolment process is currently carried out by the Australian Electoral Commission under the joint roll agreement. Persons seeking to become enrolled or to change their enrolment details must complete an electoral claim form, which is then processed by the AEC for the joint purposes of updating the State and Commonwealth rolls. The maximum degree of uniformity between the two electoral systems is therefore desirable in order to ensure the smooth operation and minimal cost of joint roll maintenance. Clearly, the proposal to require each and every elector in the State to re-enrol by providing certain defined references will cause an enormous administrative and cost problem for the joint roll. The Australian Electoral Commission would be required to process 3.6 million new claim forms, while checking the appropriateness of the references produced before every State election. This would be only for the benefit of the State as the Commonwealth's roll information would not be altered. In addition, enrolment details for the State and the Commonwealth rolls may begin to diverge, causing massive administrative costs and electoral confusion.

At any rate the joint roll agreement is in the process of being renegotiated, and the Commonwealth is seeking from the State appropriate payment for the level of work being undertaken by the Commonwealth on the State's behalf. The cost of requesting that the AEC undertake such a massive task, which will provide no benefit to the Commonwealth, is likely to be extremely high and under the new arrangements would be paid for completely by the State. In introducing this bill the Opposition has given little thought to the effect of the amendments on the joint roll agreement and the current renegotiating process. If passed, the legislation could well disadvantage the State in those negotiations. Age is not currently recorded on the roll, either at the State or Commonwealth level. The introduction of this requirement in the State but not the Commonwealth roll would again involve amending roll processing arrangements. The need for a person's age to be recorded on the roll is not apparent. Indeed, privacy considerations suggest that the roll should contain less, rather than more, information - for example, a person's sex and occupation should not be recorded on the roll.

Mr O'Farrell: Just take the address out.

Mr WHELAN: As the honourable member is aware, that is currently available and can be applied for. How can a person's occupation provide any useful identifying information for the roll, and what is the point of having that information on the roll and not on an ID card? If a voter's occupation changes, does he or she become disfranchised? After all, there is no requirement to alter enrolment details upon a change of occupation. Importantly, what would happen if the voter changed address during the months of processing the identification cards and the ID card were sent to the old address? Would the voter then be disfranchised? Could that card be used fraudulently by the new resident?

This proposal was suggested before, but it was rejected in view of the difficulties it posed. Implementation of this legislation depends upon sufficient time being available between the closure of the roll and polling day to enable cards to be printed and despatched. No consideration has been given to the time required to carry out this task or to ensuring that enough time is provided. The position of electors who have recently moved or changed occupation, and the procedure in respect of cards returned to the electoral office and lost cards have not been considered. Will such electors be disfranchised? The bill is deficient in this regard. It is a realisation of these facts that enables us to understand the motive of the member for Coffs Harbour in introducing the bill. The legislation has the capacity to disfranchise the transient worker and anyone else who may of necessity change address frequently.

Herein lies the deceitful agenda of the honourable member for Coffs Harbour: to disfranchise the transient worker and the homeless. Why? In the honourable member's mind, a transient worker, a homeless person or - to use his words from the second reading speech - a "tree person, a basketweaver or an extreme green" does not deserve a vote. This bill is more about the prejudice of the honourable member for Coffs Harbour than any genuine attempt at meaningful

reform of the electoral system. While he continues to have the support of people like Councillor Smith, it is no wonder that the personal vendetta of the member for Coffs Harbour will be continued. This is no more than a personal bill for the honourable member for Coffs Harbour because he was staggered by his reduced vote at the last election; therefore, he is doing all he can to disfranchise people. Along with his colleague and great friend the Mayor of Coffs Harbour, he is attempting to disfranchise everyone who stands against him in his electorate.

Identification cards could conceivably be intercepted and used by persons other than the elector concerned, and this would perhaps cause much bigger problems than those which the bill seeks to address. Finally, having shown that the voter identification proposal cannot achieve what the honourable member claims it will achieve, I must ask the question: has evidence been produced indicating that the problems which the bill seeks to overcome are of any significance? The cost of introducing a voter identification system such as is proposed would be substantial; the inconvenience, cost and potential disfranchisement involved cannot be warranted in the absence of evidence that a problem exists which needs to be addressed in this manner. If anything, the proposal has the potential to exacerbate the difficulties it apparently is attempting to correct. The Government opposes the bill and opposes the unchristian attitude of the Mayor of Coffs Harbour, demonstrated by his lack of tolerance for people with disabilities.

Mr O'FARRELL (Northcott) [10.58]: The Minister for Police should resign his commission. Indeed, the Minister should be fitted with a ministerial car; he should go for the wide-bodied Camry, as I find them very suitable! No honest person has anything to fear from this legislation. I thought the role of a police Minister was to root out crooks and to protect innocents. Today the Minister has stood up for people who are corruptly and dishonestly rigging the electoral process. For the member to call himself a police Minister is like Brian Langton saying that he did not attend a certain Cabinet meeting. The other remarkable feature of the Minister's opposition to this legislation is that he claims it will cause confusion for voters.

In 1992 and 1994 the current Minister for Police, then a member of the Opposition, argued in this place strongly that changes made by the Greiner Government to electoral legislation would cause confusion and increase the informal vote. To use that argument now is hollow and stupid; it does not stack up. It is wrong for the Minister for Police to attempt to portray the honourable member for Coffs Harbour as attacking itinerant workers. He should sheet home responsibility for such attacks to his Federal colleagues. Does the Minister understand the enrolment provisions of the Australian Electoral Act? One has to reside permanently in a house for a month to enrol. Therefore, any attack on itinerant workers comes from our friends in Canberra, not from the actions of the honourable member for Coffs Harbour.

This is an important bill dealing with an important issue which the honourable member for Coffs Harbour has rightly recognised. The bill revolves around our basic democratic rights. I accept that the Minister for Police, being a member of the New South Wales right, has no understanding of these matters, but surely it is the first duty of elected representatives in a democracy to ensure that the electoral system is fair and equitable in practice, and that it is seen to be fair and equitable. Clearly, that is not occurring in this State at present. What proof is there that voters are who they claim to be? What proof is there that they live permanently at their place of residence, as required by the provisions in the Australian Electoral Act? What proof is there that the people presenting themselves at a polling booth to vote are who they claim to be? The current electoral laws contain no provision for such proof.

The Australian Electoral Commission states three criteria for eligibility to vote: to be 17 years of age or older; to be an Australian citizen; and to have lived at the nominated present address for at least a month. No evidence is required on any of those points when applications are processed by the Australian Electoral Commissioner. A person aged 16 could enrol and not be checked. A person who is not an Australian citizen could enrol and vote. A person might not have lived at his or her permanent address for the last month, but could still enrol and vote. The honourable member for Coffs Harbour has

evidence of a famous by-election in Port Stephens where a Labor Party official attempted to do that.

Mr Fraser: And found guilty in a court.

Mr O'FARRELL: As the honourable member for Coffs Harbour said, that official was found guilty by a court. Birth certificates are not required, naturalisation or citizenship certificates are not required, and rates and telephone rental notices are not required. A person can enrol by mail. No wonder people have no confidence in our voting system. People can enrol by mail; they do not even have to front up to an official. They do not have to look an official in the eye. There is no spine test, something about which the Minister for Small Business and Regional Development, who is in the Chamber, would know nothing. This leads to other problems. The fact that people do not have to front up but can enrol by mail can lead to cases of multiple enrolments at a single address. That was certainly discovered in 1993 following the election result for the Federal seat of Macquarie. Members of the Liberal and National parties, who conducted extensive research on multiple voting, found - surprise, surprise! - that a number of people with the same name, who were probably related to the honourable member for Hurstville, had enrolled using as their address vacant blocks.

Mr Scully: All Liberal voters!

Mr O'FARRELL: Actually, they voted for Maggie Deahm. The enrolment test is not as tough as tests for everyday activities. If I wish to open a
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bank account I have to establish a certain number of points. If I wish to join the local video club at Pennant Hills I have to produce a driver's licence. If I want to lease a motor vehicle I have to produce a rates notice. If I want to hock State assets at Cash Converters - something about which the Minister would know - I have to produce at least three forms of identity. Is the protection of our democracy any less important than any of those tasks? Clearly, the answer is no.

The honourable member for Coffs Harbour correctly referred in his second reading speech to the fact that there is no evidence to prove who a person is when he or she fronts up to vote. If the honourable member for Coffs Harbour so desired he could go into the Northcott electorate at the next election and vote on my behalf. His vote would be welcome and would be part of the 20 per cent majority that I have. He could do that without any questions being asked. People might think that I had a bad night and had lost weight, but no questions would be asked if he did that.

Mr Jeffery: Even Hansard got it wrong in the galley yesterday.

Mr O'FARRELL: Indeed. They mistook me for the honourable member for Oxley, and I am considerably younger than he is. On polling day people have only to front up at a polling booth and have their names crossed off the list. Voters do not have to prove who they claim to be. There is no guarantee that voters have not been touring booths and submitting multiple votes. Where is the protection for the honest voter to ensure that his or her rights are not being violated? None of those protections exist. This bill seeks in a small way to provide those protections in our electoral system. In the recent Willoughby council elections there was a voter with a unique ethnic name - in fact, the name occurs six times across the whole of Australia - who was denied a vote when he fronted up at a polling booth as his name had already been crossed off the list. That would not occur if we had the proof of identity required in the bill introduced by the honourable member for Coffs Harbour. That proves that this bill is necessary.

Fraud and the potential for fraud exist under our electoral system. Recently in Victoria the Department of Social Security successfully prosecuted a person who had enrolled 12 times using false names and addresses. He had done so to obtain social security benefits. It is interesting to note that he was not identified by the Australian Electoral Commission when it conducted checks. He was caught because of social security checks for fraud. This clearly demonstrates the need for greater vigilance by

State authorities in enrolment issues and it highlights the complete and utter failure of the Federal Government to adequately address the issue. Why will the Federal Government not address this issue? Clearly, there are benefits for the Federal Government not to address this issue: it will ensure that it remains in office.

The Federal Government was elected in 1990 on less than half the vote and it had a very narrow margin in 1993. The Prime Minister and his Minister for Industrial Relations and Minister for Transport pulled off the greatest preselection rort in the history of the New South Wales Labor Party to ensure Paul Keating's entry into the Federal Parliament in 1996. Is it any wonder that we do not expect any honesty from them in regard to our electoral system? The measures proposed in the bill introduced by the honourable member for Coffs Harbour are reasonable and administratively simple. When the rolls are closed every voter will be forwarded a voting card. When a person fronts up to vote he or she will be required to produce that card. No honest person or a person genuinely living at an address and entitled to vote need fear anything from this legislation. The attitude of the Minister for Police to this legislation is atrocious. The honourable member for Coffs Harbour admitted in his second reading speech that the legislation was not perfect. He said:

I do not believe the system I propose is perfect, but it will remove the ease with which people can enrol incorrectly.

If the Minister for Police were serious about protecting us from fraud and about rooting out corruption in our democratic processes - just as he is serious about rooting out corruption in the police force - he would have picked up this legislation, made some minor amendments to perfect it, and there would have been support for it from both sides of the House. The honourable member for Coffs Harbour correctly pointed to the closeness of the outcome in recent State elections as a reason why this type of legislation is necessary. We saw what happened in New South Wales in March. We saw what happened in Queensland where the closest result in the State election was in the seat of Mudginburra which was decided by 16 votes. We saw what happened in the 1993 Federal election where the result in the seat of Macquarie was decided by 164 votes. Under the current system it does not take much imagination to effect a result in those types of electorates using electoral fraud. Our friend in Victoria, the man who was picked up by the Victorian division of the Department of Social Security, would have affected the result of the election had he been enrolled in the seat of Mudginburra.

We deserve a better system than the one we have. The honourable member for Coffs Harbour is seeking to give us a better system. Until measures such as this are taken to eradicate fraud our electoral system will remain flawed. Citizens' democratic rights are being violated. The one-vote-one-value system does not exist. The Government's mandate, its legitimacy, is under a cloud. This Government and the Federal Government know all about the rorting of electoral systems. It is inherent in the preselection processes of the Right. We saw what happened to Chris Haviland in Macarthur. We saw what happened in 1969 in the seat held by the Prime Minister. We saw what happened to the

Minister for Police and to the former member for Liverpool. I hope we will see some honesty from this Government in relation to this State's electoral system.

Mr IEMMA (Hurstville) [11.09]: Members of the National Party, when speaking on electoral reform, always provide us with the best show in town. They always give us the best laugh in town. We can rely on them to oppose any proposal that will make our electoral system fairer, more democratic and more easily accessible to voters. We can rely on them to introduce proposals that will disfranchise people and place obstacles in the way of those who wish to vote freely and openly. They always introduce proposals to make our electoral system more complex and will disfranchise people. Just look at the National Party's marvellous history on electoral reform in Australia and, indeed, in New South Wales, the National Party has a marvellous record. Who led the charge against any proposal, such as democratising the upper House, where - shock, horror - the citizens of New South Wales actually vote for its members? The National Party!

Honourable members will remember the old electoral rorts when the State was divided into electoral zones. Remember the electorate of Temora with 15,000 voters and the old seat of Nepean with 48,000 voters. Who led the charge against the redistribution by the Wran Government to remove that electoral rort? The National Party did. We heard a great cry from the National Party when the proposal was to change the rorted electoral boundaries and to introduce one vote one value, giving fair electoral boundaries and a fair electoral system. It can hardly be said that the National Party is at the forefront of any proposal to make our system more democratic. The National Party can always be relied on to put forward anything that would bring back the old rorts in rural areas.

Today we have had the latest instalment from the honourable member for Coffs Harbour - the shock, horror of all the phantom voters in his electorate. He has never produced any evidence about multiple voting or voter rorts. His proposal is based on the result of a mail-out during the recent State election. What seems to have set him off is his receipt of 300 letters marked "Not known at this address". He was shocked by the result. It was probably the first letter he had sent his constituents since he was elected. Of a mail-out of 40,000, about 300 letters were turned, prompting him to believe that something was going on, a rort was on. His proposal will not streamline the system or make it fairer or more open; it will place obstacles in the way of people exercising their democratic right.

Between elections the Australian Electoral Commission undertakes regular habitation reviews, and it is doing so now. Those reviews are the most appropriate way to cleanse the rolls, update them and keep them as true records. The proposal of the honourable member for Coffs Harbour is to produce an ID card for every voter and forward the cards just before election day. He suggests that in the three-week period between the closure of the rolls and the polling date 3½ million ID cards could be sent to New South Wales voters. What will happen with those who do not receive cards and attend at the polling booth on election day to cast their votes? Will they be allowed to vote? No way!

Mr ACTING-SPEAKER (Mr Rogan): Order! The honourable member for Coffs Harbour will have an opportunity to contribute to debate at the appropriate time.

Mr IEMMA: The honourable member for Coffs Harbour is making sure that those who do not vote for him and do not support the National Party will not get a vote. The National Party has always been on about rorted electoral boundaries, whether in Queensland under Joh's regime, or in the Western Australian Legislative Council. The High Court is now examining the rorted electoral boundaries in Western Australia. The National Party opposed every move made by the Whitlam Government or the late Fred Daly to institute one vote one value, fair electoral boundaries and other electoral reforms. It opposed every measure on the basis of protecting its vested interests, of protecting rorted electoral boundaries, of protecting complex electoral procedures.

Yesterday the House heard that the National Party would not allow voting procedures to be made simple and fair so that people could exercise their democratic right at the polling booth and record their intentions by way of valid votes. Today we heard of the National Party's proposal to have an ID card. It is interesting that the National Party led the charge in the mid-1980s against the Commonwealth's proposal to introduce a uniform national identification card. There was the National Party, along with the League of Rights and every other mad right-wing organisation in this country that also has associations with some of the lunatic right from the United States, leading the charge against the Australia Card. Yet today the honourable member for Coffs Harbour brought to this House his home version of the ID card, declaring that it would make elections fair and honest. He said it would be a good ID card because it would remove the rorts. He still has not produced any evidence of any rorts.

Mr ACTING-SPEAKER: Order! The honourable member for Coffs Harbour will cease interjecting. He will have an opportunity to contribute to debate at the appropriate time.

Mr IEMMA: The honourable member for Coffs Harbour cites 300 returned letters as support for his

proposal. Any member of Parliament who engages in direct mailing in between elections, or even during election campaigns, knows that the average amount of returned mail from such a mail-out is about that number. Given the number of people who change their residential addresses in between elections, 300 is hardly a remarkable figure

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and is hardly an example of a rort or an unclean electoral roll. The honourable member for Coffs Harbour would have received a letter from the Australian Electoral Commission office for the Federal electorate in which he lives. He would have been told about a habitation review that is taking place and is due to be completed before the next Federal election.

In the months prior to the State election he should have received a letter from the Australian Electoral Commission advising him of a habitation review - an ongoing process of checking and cleansing the rolls, keeping them up to date and doing the sorts of things that the Australian Electoral Commission does best in conjunction with the Australian Electoral Office - running elections and keeping the rolls clean and honest. Considering the lack of material and evidence the honourable member for Coffs Harbour has to substantiate his claims, I should like to quote some figures provided by the New South Wales Electoral Office on instances of multiple voting in the last State election.

Mr Fraser: What are you talking about?

Mr IEMMA: This is the basis of the honourable member's proposal. He said that hundreds and thousands of phantom voters roll up on election day to cast their votes.

Mr ACTING-SPEAKER: Order! I call the honourable member for Coffs Harbour to order.

Mr IEMMA: The honourable member for Coffs Harbour said that we have unclean electoral rolls, not that five or six people have recorded multiple votes, but that there are 200,000 phantom voters. He said that electoral fraud does take place in this State, but he did not produce any evidence. He said also that some people would assert that up to 200,000 voters who appear on the electoral rolls should not be there. What are those phantom voters to do? If one accepts the argument of the honourable member for Coffs Harbour, those phantom voters will turn up on election day, cast illegal votes and distort the results in seats.

I have figures from the electoral office that refer to the honourable member's electorate of Coffs Harbour. The honourable member was shocked to have returned to him 300 letters marked, "Not known at this address." Of approximately 25,000 letters, 300 came back. When it comes to dual voting we must not discount polling clerk error, but how many instances of multiple voting were there in the seat of Coffs Harbour?

Mr Nagle: Tell us!

Mr IEMMA: There were 23, with the caveat that that number could comprise a large part of polling error. Polling clerk error can occur when a clerk finds a double vote, discovers on checking that it is not a double vote, but to be on the safe side includes it as a double vote. Given the 23 multiple votes in the Coffs Harbour electorate, that leaves about 199,070-odd votes to be accounted for, if we accept the figure of 200,000. Surely, given the closeness of the last State election, if there were evidence that the system was unclean and dishonest, the Opposition would have briefed their legal eagles and gone to the Court of Disputed Returns. The Opposition would have checked every voter's name and vote cast in Badgerys Creek, Blue Mountains, Gladesville and every other close seat, including Kogarah. But the Opposition did not challenge any of the election results in court, because the results were all honest. There were no grounds for challenging the results in those seats.

Claims about phantom voters and unclean rolls do not stack up. If they had, the Opposition would have gone to court. The honourable member for Northcott, who was the State Director of the Liberal

Party, would not have allowed his good friend, Ivan Petch, former member for Gladesville and a valued member of the Liberal team, to have gone under. He would have checked every vote cast at every polling booth in the Gladesville electorate. The Liberals would have cross-checked all the rolls, every name and every vote. Figures from the State Electoral Office show only 11 examples of multiple voting in the Hurstville electorate. Poor Mick Frawley could not do too much with that figure. Across this State's 99 electorates there was a total of 1,433 instances of multiple voting. Even that figure could be inaccurate, given that approximately 3.5 million votes were cast. According to the honourable member for Coffs Harbour, 200,000 phantom voters - 400,000 according to Alan Jones - are supposed to be wandering around looking for a marginal seat or a National Party seat to cast a vote in to distort the result. The bill is an attempt to make the system more complex and to disfranchise people.

The National Party should be the last political party to talk about fairness in electoral systems. Its members should be careful, because one day a proposal might be put forward to abolish single-member electorates and to introduce proportional representation. The National Party will lose out because it is grossly over-represented in this place in the ratio of seats to votes. In 1991, the Nationals had 10.5 per cent of the vote and 17.5 per cent of the seats. In 1995 they had 11 per cent of the vote and 17 per cent of the seats. If single member electorates are abolished, how long and hard will the National Party members scream about voting and electoral systems? They do very well out of the current system, and they might find that any real changes will disadvantage them. [Time expired.]

Mr HUMPHERSON (Davidson) [11.24]: This debate is a test of support for the integrity of our electoral system and for democracy. Obviously, the Minister for Police and the honourable member for Hurstville do not support those ideals. The bill seeks to improve the electoral system by including votes that have been disallowed where voters have been disfranchised, and by ensuring that those who vote are legitimate voters.

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Extremely close results have occurred in marginal seats throughout New South Wales and elsewhere. Many of those results, especially in the State election in March this year, would have been different had disfranchised voters been able to have their votes included in the count, and if people ineligible to vote had not done so. There is ample evidence of fraud in the electoral system. The Government does not want to do anything about that fraud, for reasons that will become clear. Recently the Premier said he supports one vote one value. Yet no evidence of that has been seen in practice, certainly not in the debate so far. The Government does not support the integrity of the electoral system.

Mr ACTING-SPEAKER (Mr Gaudry): Order! I call the honourable member for Auburn to order. The member will have an opportunity to contribute to debate at the appropriate time.

Mr HUMPHERSON: The Government is proposing improvements to the electoral system to remove fraud and inappropriate practices. But those very practices are entrenched in the Labor Party and will continue to Labor's benefit in this State's electoral system. Labor is prepared to dud its own preselection system, to rort it and stack it to get its mates into Parliament. Labor is quite happy to extend that inappropriate activity and action into the electoral system.

Mr Nagle: Tell us more.

Mr HUMPHERSON: There are plenty of examples. I could start with allegations of thuggery, reported in the *Sydney Morning Herald* on 15 May this year, and accounts of the ousted Labor backbencher, Chris Haviland, about factional thuggery. That would not be the first such allegation. I see smiles and nodding of heads by honourable members opposite. Labor left-wing members opposite can confirm that rorting of the system and stacking of branches have occurred. We have seen it with Chris Haviland, and with Peter Anderson, the former member for Liverpool. What about the Australian Labor Party Newcastle branch, where the police had to be brought in? Ask Allan Morris. At Bankstown the branch was stacked and the police were again called in.

Mr Whelan: Do you want me to tell you about Morris Mansour, the Liberal candidate in Ashfield?

Mr HUMPHERSON: Does the honourable member want to talk about the bashing and thuggery in the Enmore branch? There was no greater proof of such behaviour than the wonderful document *Abuse of Power*, tabled in the Upper House: it has been confirmed as truthful and factual by left-wing members of the Labor Party. All those allegations of thuggery, fraud, assaults and threats are correct. Government members are directly and personally involved. The proposal to introduce a voter identification card will ensure that up to 10,000 voters will not be disfranchised. In the last State election many people lodged postal, absentee or pre-poll votes, but their votes were disallowed because the form was filled out with the name of the wrong electorate. They voted incorrectly, in another electorate, not through any fault of their own but they were never told that their votes were invalid. Tens of thousands of people believe they voted legitimately, but their votes were not counted. The Electoral Commission did not tell those people subsequently that their names could not be found on the roll for the electorates they nominated.

Pursuant to standing orders business interrupted.

REGIONAL CRIME SQUADS REVIEW

Mr WEST (Orange) [11.30]: I move:

That this House calls on the Minister for Police to conduct a comprehensive review of the regional crime squads with regard to their staffing levels and the need to decentralise.

This motion had its genesis at the time I was the Minister responsible for the police portfolio. Following a review conducted in the north region, I received a proposal to decentralise the crime squad in that region, which is based in Newcastle, to a number of other centres within that region. The Police Association resisted the proposal, obviously because its members were comfortably entrenched in their positions in Newcastle. I am using Newcastle as an example, but I do not want to concentrate on staffing needs in Newcastle because the motion relates to a review of all staffing levels. It may not be necessary to move many officers from Newcastle, but the needs of other major provincial centres within that region must be recognised.

Regional crimes squads in Lismore, Tweed Heads and Coffs Harbour are unable to cope with their workloads. After the commission of certain crimes there are often delays while officers travel from nearby centres and from Newcastle. In some of these regional centres two detectives may have the use of only one car between them. They might both need to use the car at the same time to travel in different directions. Therefore they cannot service the particular region. I am not casting aspersions on the Government because it has not yet had a chance to improve staffing levels. When I was Minister for Police I identified the issue of staffing levels as a matter that needed to be addressed, but I did not have the chance to do so.

Staffing levels and the physical needs of the various regional crime squads must be reviewed. As a result of the decentralisation of crime squads that has taken place over a number of years, communities such as Wagga Wagga and Albury, which are located in the south region, have a sufficient number of detectives to meet their needs. However, at times a spate of incidents will place excessive demands on those officers. On some occasions every detective in the State could be moved to a certain area and they would still take longer than what some would regard as reasonable

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to solve a particular crime. The Minister and the New South Wales Police Service need to concentrate on staffing levels. The Police Association will resist the movement of staff because, like staff in many spheres of the public service, police officers who have moved into larger centres and found comfortable living arrangements do not want to be moved. I believe that people who join the public service should be

prepared to move to a number of places throughout the State on the basis of need. The regional crime squads in the south region are particularly good examples of successful decentralisation and changed staffing levels.

The north-west region, where my electorate is located and where there has been a lack of decentralisation, covers a huge area and presents real difficulties to detectives investigating major crimes in an extremely diverse region. A few years ago I was talking to a detective about vehicles. He told me he had to travel, in a car with no airconditioning, as far as Bourke and the surrounding areas to collect bodies. Honourable members can imagine the difficult conditions under which he worked. The motion I have moved relates not only to staffing, but also to work conditions, facilities, vehicles and equipment. Police officers are an integral part of community protection. When a crime is committed, it is essential that sufficient staff are available to travel quickly to the crime scene.

I am aware of incidents that have been reported. On one occasion a motel was broken into, and the owners were told that there would be a four-week delay before fingerprints could be taken in a particular room. The inability of the motel operator to let one of his rooms for that period of time had a considerable impact on his income. Officers want to perform their duties properly, but they do not have the necessary resources to do so. I do not expect the Minister to wave a magic wand and produce extra staff numbers straightaway. However, a comprehensive review is needed. The establishment review branch of the New South Wales Police Service conducts such reviews all the time. That branch knows how to waste time and generally delay matters as much as possible, but it also knows how to justify requirements, sometimes in excess of what is needed. It does not even consider where the funding will come from.

Mr Whelan: Orange did all right.

Mr WEST: I am not saying Orange has done badly. I am simply saying the establishment review branch sometimes makes recommendations without considering where the funding will come from. I ask the Minister and the management of the New South Wales Police Service to undertake a review of staffing and equipment needs, and to plan for a budget. I commend the motion. A review of the type suggested in the motion will help to improve community safety, something that all people of this State seek from the Government and from members of Parliament.

Mr WHELAN (Ashfield - Minister for Police) [11.40]: I should like to refer to one or two political matters. The dates that I will mention are important because of their political context. At the outset, however, I propose to move an amendment to the motion. I move:

That the motion be amended by leaving out all words after "House" with a view to inserting instead the following words "notes that an evaluation of major crime squads has already been carried out and its recommendations are currently being implemented".

In 1993 the quality and review branch of the Police Service conducted an evaluation of major crime squads. The branch considered the different approaches adopted by the regions for investigating and managing major crime, the performance of each region and, most importantly, the best future practices for the investigation and management by the Police Service of major crime. The State executive group of the Police Service approved the 21 recommendations contained in the report on 28 January 1994. That report followed a 1993 report. I acknowledge that the honourable member for Orange was not the Minister for Police at that time. In April 1994 a steering committee chaired by the Assistant Commissioner Alf Peate was established to oversee the development and implementation of the recommendations. Those recommendations were in the process of implementation by the Police Service during the time the honourable member for Orange was the Minister for Police. I have been advised that all of the 21 recommendations have now been implemented.

I am a little amazed that the honourable member was unaware that those recommendations had

been implemented. Perhaps his recollection will return when I recount some of the facts. The review identified a number of opportunities to improve performance in accountability, management practices and systems. The evaluation included a study of the workload of each major crime squad, a survey of patrol commanders to gauge their needs and their satisfaction with the services provided by the major crime squads, a survey to assess morale, a survey to gauge the quality of briefs of evidence presented for prosecution, and a review of the management information systems used by major crime squads to determine their future requirements. The review concluded that essentially major crime squads were achieving their stated objectives. It found that major crime squads remained a sound means of investigating and managing complex, sensitive and protracted major crime, particularly armed holdups, arson, child mistreatment, drugs, homicide, motor vehicle theft and organised crime.

The review also identified that the structures and systems did not allow the service to achieve the best operational performance in investigating and managing major crime. The report identified a number of issues, including the need for greater cooperation between individuals, teams, patrols, districts and regions to improve operational

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effectiveness; the need for clear responsibilities; the need for highly specialised skills to provide arenas for major crime squads to exchange intelligence and expertise between regions and with other law enforcement agencies; the need for compatible and adequate management information systems, supplemented with training by the police academy in case management systems; the need for a formalised system for determining matters to be investigated and managed by the major crime squads; and the need for criteria to be determined when matters are suitable for referral to major crime squads.

As I mentioned, the majority of recommendations have been implemented or addressed. The honourable member for Orange can be sure that I will be reading my briefings on this review. The original motion mentioned staffing levels. As the inheritor of the honourable member's legacy on police staffing, I find this a bit rich. The House knows that the Government is well on the way to increasing the number of available police by 650 officers by the end of 1998. Let me contrast that with the parlous position of police staffing when the honourable member was Minister for Police, as discovered by the House in November last year under Standing Order 54.

As any informed observer of areas that depend on the deployment of skilled resources knows, the staffing of major crime squads is not a matter of crude numbers. The report provided for an evaluation of staff numbers of major crime squads to occur 12 months after the implementation of the referral system. It is sound management practice to determine how work should be carried out before the number of officers needed to fulfil those tasks is determined. I am advised that the implementation of the referral system commenced on 1 November 1994. The dates are very important. I have also been informed that the Police Service will commence the evaluation process after 1 November this year, when the 12-month period has expired.

In the north region, the Police Service maintains significant elements of the major crime squads at Chatswood and Newcastle. This arrangement allows a rapid response to serious crime in Newcastle and the north coast area of the region. When the honourable member for Orange was Minister for Police a proposal was developed that would have disestablished the major crime squad at Newcastle. His proposal was to centralise all elements of the squad at Chatswood. The remainder of the region as far as the Queensland border would have been distanced from highly skilled investigators. Recently, the Police Service undertook a review of the north region major crime squad. The current command structure is fragmented with units at nine different locations throughout the region. To overcome this difficulty, it is proposed to concentrate the command at two locations: Chatswood and Newcastle.

That proposal not only fulfils the Government's commitment to maintain a major crime squad presence in the greater city of Newcastle, but will also overcome the current accountability difficulties in the command. In light of the work that has been and is being carried out by the Police Service, the motion of the honourable member is superfluous and redundant. That is the reason for my amendment. While

speaking to the motion I should like to mention task force CROCI - comprehensive review of criminal investigation - which was established by the State commander to report on the nature and scale of critical issues affecting criminal investigations. The task force will deliver recommendations on developing a set of coordinated procedures and best practices for the investigation of criminal activities. These recommendations will cover everything from career path planning to software systems.

I understand this is the first time that this crucial area of police work has been considered as a whole. The CROCI analysts have already collected and summarised all reports with official recommendations regarding criminal investigation. Five research teams have drawn upon the experience of officers in the field at all levels, and upon interstate and international practice. The teams have produced five research papers on current investigative practice, education and training, information management, the Police Service relationship with the judiciary, and issues relating to the accountability of the Police Service. The CROCI report will give the Police Service a comprehensive understanding of how criminal investigation is practised and managed within the organisation, and how to improve it.

The preliminary report is currently under consideration by the State executive group. I anticipate receiving a copy of the report in the not too distant future, and I look forward to reading the recommendations and findings. I conclude by saying that major crime squads have always had a legitimate and very important role in the Police Service. Evidence suggests that decentralising major crime squads to patrol level would mean losing expertise, which in turn would only act to hamper investigations, rather than enhance them. The review clearly pinpointed some areas that required improvement. However, I am confident that the problems are being addressed by the Police Service, and that major crime squads will continue to provide the people of New South Wales with an effective and prompt investigative response to major crime.

Mr WEST (Orange) [11.50], in reply: The fate of my motion and the amendment is of no consequence, and will not take any skin off my nose. I am well aware of previous reviews, and I am well aware of police staffing in this State. Despite those reviews, to claim that the needs of the people of Lismore and the far north coast can be adequately serviced by major crime squads located at Chatswood and Newcastle is simply not good enough. That is the reason I moved the motion. It is obvious that the Minister has been served up the same diatribe as I was always served up on these matters. I sincerely ask the Minister to consider

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decentralising these centres into some of the districts. I appreciate that they cannot all be downgraded to patrols, but some districts on the far north coast and in the far west of this State need the support of additional resources.

Despite the reviews that have been undertaken in the past, the needs of people in those areas are not being met. The Minister referred to the staffing levels that he inherited from the previous Government and to implementing a number of marvellous programs to change those levels. I will have an opportunity to debate the budget at a later time, and at this stage I will content myself by saying that the Minister has not promised one police officer in addition to the numbers promised by the previous Government. The former Government had prepared forward budget estimates to fund that promise. I commend the Minister for maintaining that promise, because police numbers clearly need to be increased. The Minister claims that by using Standing Order 54 he will solve overnight the staffing crisis he says he found. If he visited the particular patrols now, he would find exactly the same problem.

Mr Whelan: There are now more police at Orange than there have ever been.

Mr WEST: I am not talking about Orange.

Mr Whelan: There are now more police at dozens of stations, including those on the north coast.

Mr WEST: The patrols in the western suburbs -

Mr Whelan: There will be more there soon.

Mr WEST: The Minister claims there will soon be more police in the western suburbs. He claims to have fixed the problem, but he has not fixed it at all.

Mr Whelan: Of course the Government is fixing the problem.

Mr WEST: The Minister might be in the process of fixing the problem but he has not yet done so; that will take a long time. I implore the Minister not to gloss over the problem by merely claiming that all the reviews have been done. I ask the Minister to visit places like Lismore and Coffs Harbour and ascertain from the patrol commanders and district commander whether they are satisfied with the staffing levels. I suggest that if the Minister went to Orange and Dubbo and spoke to the patrol commanders he would find that they do not have sufficient time and enough capable officers to meet the demands placed upon them. I am not claiming that the problem can be solved overnight. However, the Minister should concentrate seriously on increasing staffing levels, because that is the only way police officers will be able to solve the major crimes that are occurring not only the cities of Sydney, Newcastle and Wollongong, but in many country communities as well. The Minister has the responsibility of ensuring that police officers are able to respond to the needs of the community.

Amendment agreed to.

Motion as amended agreed to.

PARRAMATTA TO HORNSBY RAIL LINK

Mr PHOTIOS (Ermington) [11.55]: I move:

That this House:

- (1) Calls on the Minister for Transport to immediately reaffirm his Government's pre-election promise to build a new rail link from Parramatta to Hornsby, via Carlingford and Epping.
- (2) Notes the planning, design, engineering and environmental investigations for this \$400 million project commenced by the Coalition Government is now under way.
- (3) Calls on the Member for Parramatta to publicly and immediately reaffirm her commitment to her promise.
- (4) Calls on the Premier to publicly and immediately reaffirm his commitment to his promise.
- (5) Calls on the Minister for Transport to tell the people of Sydney when the Government will honour its promise.

Mr Langton: On a point of order: that is not the motion as printed.

Mr PHOTIOS: On the point of order: as I understand the Minister is referring to the final words on page 131 of the business paper, which read " . . . when the project will be completed".

Mr SPEAKER: Order! The business paper is an official publication. I am sure that is what the Minister will be alluding to in his speech.

Mr Langton: Further to the point of order: it is not a matter of alluding to it. It is a matter of which

motion is being moved. The honourable member for Ermington must move the motion that appears in the business paper.

Mr PHOTIOS: For the benefit of the Minister, who cannot read what is in front of him, I am happy to move the motion again. I move:

That this House:

- (1) Calls on the Minister for Transport to immediately reaffirm his Government's pre-election promise to build a new rail link from Parramatta to Hornsby, via Carlingford and Epping.
- (2) Notes the planning, design, engineering and environmental investigations for this \$400 million project commenced by the Coalition Government is now under way.
- (3) Calls on the Member for Parramatta to publicly and immediately reaffirm her commitment to her promise.
- (4) Calls on the Premier to publicly and immediately reaffirm his commitment to his promise.
- (5) Calls on the Minister for Transport to advise when the project will be completed.

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I have moved this motion to draw attention to yet another Labor lie. In the recent election campaign the Minister for Transport - the anti public transport Minister for Transport - misrepresented the position taken by the Labor Party when in opposition in relation to the Parramatta to Hornsby rail link. This rail link was an exciting project. It was part of the renaissance in rail that emerged under the previous coalition Government. It has come to a screaming halt under this Government because of a \$288 million cutback in funding for capital works. Public transport has been savaged in the budget in much the same way as the kids and the mums are being savaged.

Mr Langton: On a point of order: the honourable member has now read the motion twice, so we know what is in it. I ask that he be directed to speak to the motion and not about matters that are totally unrelated to it.

Mr PHOTIOS: On the point of order: I submit that infrastructure investment on the part of this Government is germane to the funding of the Parramatta to Hornsby rail link. The budget casts serious doubt on whether the Government can afford to fund the construction of the rail link. If money is to be saved by cutting back on the school transport subsidy scheme, for instance, the Government will have the opportunity to honour its election promise. There is a direct correlation between those two matters and I will keep my remarks within that confined context.

Mr SPEAKER: Order! The member will confine his remarks to budgetary constraints relevant to the leave of the motion.

Mr PHOTIOS: I do not wish to address the school transport subsidy scheme as such in the context of this debate. The action taken by the Government in relation to that scheme speaks for itself and the public are screaming. I want to point out that notwithstanding the savage \$100 million cutback to families, public transport has gained nothing. This anti-public transport Minister is showing a clear direction. In its first anti-public transport budget the Government has savagely cut back \$288 million worth of public works across the board. That is a milestone. At the same time it has stripped \$100 million from the people of New South Wales through the school transport subsidy scheme. That money is to be spent elsewhere. If the Minister is an honourable man and intends to deliver to the people of New South Wales, he should tell members of this and he should tell the people of western Sydney when

he will deliver on his promise of rail infrastructure expansion: the Parramatta to Hornsby rail link.

The construction of that rail link was a firm and unequivocal commitment by the Labor Party when in opposition. It won the seat of Parramatta on the strength of this promise, this lie, and it is now in government - promise makers in opposition; promise breakers in government. The Minister for Transport is no more than a portfolio manager. He is largely irrelevant around the Cabinet table and equally as irrelevant, it would appear on the strength of his record to date, to the public transport system of this State. The people of western Sydney and those of us who are passionate about public transport want to see great rail expansion. We want to see the airport west link promised by the Labor Government, just as we want to see the Parramatta to Hornsby rail link. We want to see the Maldon to Dombarton rail freight link, which was promised by the Labor Party, just as it promised the Parramatta to Hornsby link.

Mr Langton: On a point of order: the Maldon-Dombarton line and the airport rail link are not mentioned anywhere in the motion. I ask that the honourable member be brought back to the terms of the motion.

Mr PHOTIOS: On the point of order: I was indicating that a number of rail infrastructure projects - such as the Parramatta to Hornsby link - were promised by the previous Government and I was canvassing where the money is being spent or not being spent in the context of rail infrastructure. I moved from the school transport subsidy scheme immediately on rising to my feet. I tried to confine it.

Mr SPEAKER: Order! I understand the difficulty the member faces. Although paragraph (5) of the motion, which calls on the Minister for Transport to advise when the project will be completed, may leave room for some deviation, the motion is quite specific and members should ensure that their comments are relevant to it.

Mr PHOTIOS: I hope, for the sake of western Sydney today, that the Minister for anti-public transport and the Minister for Sport and Recreation, for whom I have considerable regard, will state clearly and unequivocally in the House when the Labor Party will honour its promise. In this year's budget an amount of \$1.3 million of coalition money has been extended into the current financial year to accommodate further feasibilities. We do not want feasibilities any more, we want action. The people of western Sydney do not want rhetoric and broken promises, they want at least \$100 million of this commitment now so that the Government can honour its promise. This Government stands condemned, as this Minister for anti-public transport stands condemned, for failing the people of New South Wales. He failed his first test in not delivering these important rail infrastructure needs. He is battling, as the *Daily Telegraph Mirror* says, for light rail control. The *Daily Telegraph Mirror* of 26 August reported:

Opposition transport spokesman Michael Photios said Mr Carr's rejection of the Langton plan reaffirmed the fact that Mr Langton had become "utterly irrelevant" to State transport policy.

"In the last 24 hours we've seen the most monumental backdown and broken promise by Labor on its rail policy."

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Then it was the public transport authority, now it is the Parramatta to Hornsby rail link. Yesterday it was the school transport scheme. In the budget there were \$288 million of savage cuts to public transport. Public transport is screaming for a Minister who can give it pride and direction. It wants Bruce Baird back. It wants money back. It wants the drive back. It wants more than a portfolio manager; it wants a real Minister for Public Transport, not this State's Minister for anti-public transport. The Minister is a disgrace. He stands condemned if he cannot deliver. He is a Minister for broken promises. It is not good enough to dream up ideas in opposition and not deliver. [*Time expired.*]

Mr LANGTON (Kogarah - Minister for Transport, and Minister for Tourism) [12.05]: The

Government is committed to achieving its election commitment to developing a public transport system which is environmentally sustainable, supportive of public transport, effective for freight movements and a sensible reflection of Sydney's land use and transport planning needs. To realise what this task involves, the House should be reminded of the transport mess that the Government inherited just six months ago. With its obsession with roads, the former Government ignored public transport. After seven years of neglect Sydney was left with a public transport system in which train, bus and ferry services were not integrated; cross-regional links were minimal; timetables did not meet passengers' real needs; public transport users felt unsafe -

Mr Photios: On a point of order: only minutes ago the Minister for Transport was drawing to my attention the precise and specific nature of the motion in so much as it refers to the Parramatta to Hornsby rail link. I was conscious of that and was merely making, as is appropriate, passing reference to other issues. The Minister is now talking about transport policy per se and is not referring to the Parramatta to Hornsby rail link. I would ask that the Minister bring himself back to the motion and that he be given some guidance with respect to the nature of the motion.

Mr SPEAKER: Order! The member will realise that in my earlier ruling I said that paragraph (5) may allow some room for deviation as it calls on the Minister to advise when the project will be completed. Obviously the Minister is referring to that matter.

Mr LANGTON: It is no wonder that rail patronage was lower in 1994 than it was in 1988 when the coalition Government came to power. It is no wonder that this Government is now having to address a backlog of service and infrastructure improvements, as well as the congestion and pollution facing the city. Whilst this Government is making headway, the Opposition obviously has not learned anything from its defeat just six months ago. The motion reflects the limited, blinkered view that put our transport system in its current state. Let us see what the former Government really did to develop a Parramatta-Epping rail link. In the 1994-95 budget the project was highlighted in Budget Paper No. 2, in the budget summary and in Bruce Baird's budget statement. It was promoted as the next major step in developing Sydney's rail network. It supposedly proved the former Government's commitment to public transport. In short, it was milked for all it was worth in the pre-election budget.

But when it came to the crunch, when it came to Budget Paper No. 4 in which the real commitment lies, in which the real dollars are allocated, the hoax was revealed. This mammoth project, this significant investment in western Sydney, was relegated to a mere footnote. If you get out your magnifying glass you will see that there is no \$400 million, there is no commitment to funding the project; there was only enough to commence an initial study, which was never completed under the previous Government. The truth is that, whilst the press releases trumpeted that the new line would be opened in the year 2000, all we got from the previous Government were initial studies that were never properly completed. That hoax by the previous Government in its last budget proved that it did not care about allocating funds to support its commitments. It left this Government to pick up the pieces.

The motion of the honourable member for Ermington shows that the Opposition remains the visionless, reactionary bunch it always was and proves that it is also utterly in the dark. As a result of studies that have been carried out in the past six months the Government has developed a series of options that will enable a rigorous assessment of alternatives to be undertaken. Options for heavy rail links to Parramatta include routes via Epping, Eastwood, Thornleigh or West Ryde. A Parramatta-Epping rail link would make effective use of existing infrastructure by largely using the Carlingford line. Additional tunnelled sections from Parramatta to the Carlingford line and from Carlingford to Epping would be part of the project. Such a link would have underground stations at Parramatta and Epping integrated with the existing surface stations, as well as upgraded bus-rail interchanges.

The proposed tunnel sections have been developed with the objectives of minimising environmental impacts, social disruptions and avoiding heritage buildings and conflicts with the foundations of

multistorey buildings. The needs of communities adjoining the line have been taken into account as well throughout the development of these plans. Noise barriers would be installed at sensitive locations, and pedestrian and vehicle access to stations have been thoroughly investigated. The Parramatta-Eastwood option would follow a similar route as far as Dundas before turning off the Carlingford line and tunnelling to a new station under the existing Eastwood station. It has been found that such an option would allow direct connections with the main northern line, permitting direct rail services from Hornsby.

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All this key work, which will provide the basis for informed decisions on the best development options, has been completed since the election. But the momentum that the Government has brought to this project does not stop there. In just six months the Government has moved the vision beyond just Parramatta-Epping and towards a strategic west to east transport corridor north of the harbour extending from Parramatta to Chatswood. A Parramatta-Epping link alone would greatly enhance Parramatta's position as Sydney's second central business district by providing additional direct public transport access. It would work with existing infrastructure and the soon-to-be-completed Harris Park Y-link to enable direct access to Parramatta from the Sydney CBD and from north, south-west and west.

A rail link between Parramatta and the main northern line would also improve opportunities for cross-regional travel for passengers using stations on the main northern line. It is through greater public transport accessibility that Parramatta will sustain the already high rates of commercial growth and the associated employment benefits for those living in western Sydney. The limitations that the previous Government placed on these studies have been lifted. The scope of this vital preliminary work is being expanded to acknowledge the reality of where Sydney's planning future lies. Under this Government, comprehensive studies will now also incorporate the benefits of rail links between Parramatta and Epping and extending to Chatswood - the so-called Macquarie rail link.

This reflects the Government's commitment to public transport, its commitment to western Sydney as a place to live and a place to work and its commitment to a sustainable future for Sydney. Things are now moving quickly to enable the Government to receive the report in the first half of 1996. Already work has begun on the studies that will be required for assessment of the full corridor. State Rail has sought pre-registrants to undertake passenger demand forecasts for the full corridor, while other work on the necessary studies will commence immediately. The investigations will now combine two projects which have merit individually, but which together have a much greater regional impact.

The previous Government was also well aware of the potential of a Macquarie rail link to join the main northern line with the lower north shore. In 1993 it was presented with a private sector proposal for a 12-kilometre link between Epping and Chatswood or St Leonards. Developed by a consortium, including Barclay Mowlem Construction Limited and Ove Arup and Partners, the Macquarie rail link had an estimated construction cost of \$500 million in 1993. State Rail had previously identified the benefits of such a link in improving transport access to the major educational, commercial and retail centre at North Ryde. It would also ease congestion on the main western line by using spare capacity through North Sydney and providing additional paths for central coast train services. In starting the Parramatta-Epping studies it is clear that the previous Government was wishing only to create a smokescreen to hide its inaction.

In contrast, this Government is actively seeking value from the commitment of public funds on studies to ensure that its investment in rail infrastructure achieves the greatest benefits for public transport users. The concept report on the Parramatta-Epping-Chatswood corridor will provide the Government with clear advice on staging, impacts, benefits and costs and a preferred alignment for a rail link between these centres. As I said, this substantial project will be completed by May 1996. The Government will then have the benefit of a comprehensive body of information on which to base clear recommendations on how the overall Parramatta-Chatswood corridor rail project should be developed.

Mr Photios: When will it be built?

Mr LANGTON: The question of when is not in doubt. Our election promise to commence work on this new rail link to Parramatta before the end of this parliamentary term remains unaltered.

[Interruption]

Not one word in our policy states that we will maintain the school student transport scheme. Our commitment with regard to the Parramatta to Hornsby rail link was that we would investigate the options and commence work in the first term. Those are the words that were used, and they are there for all to see. We are on track for that.

Mr Photios: When will it be built?

Mr LANGTON: We said that we would commence work in the first term. Despite the previous Government's delaying tactics, this Government is committed to extracting value from the \$1.3 million allocation from this budget.

Mr Photios: The words were that you would build the rail link.

Mr LANGTON: We said we would commence work in the first term. If the honourable member for Ermington wishes to rewrite our policy, he can go for his life; but the words are there for all to see. The words were that we would commence work on the best option during this Government's first term in office. We will honour that commitment. The honourable member for Ermington will not find words in the statement that are any different from those.

Ms HARRISON (Parramatta - Minister for Sport and Recreation) [12.15]: This Government is getting public transport in New South Wales back on track. Under the previous Government rail services in western Sydney were cut to the bone. Stations were not staffed, ticket offices were closed, late night train services were slashed and security was downgraded. What a legacy: rail patronage

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lower in 1994 than it was in 1988! The honourable member for Ermington has called on me to publicly and immediately reaffirm this Government's commitment to the northern rail link with Parramatta. I am happy to do that. As the Minister for Transport has said, the Government will commence work on the best option during its first term.

Mr Richardson: On a point of order: the Minister is reading her speech. It is a long-standing tradition of this House that members may use copious notes but that they should not stand at the table and read their speeches. That is exactly what the Minister is doing.

Ms HARRISON: On the point of order: the standing order does not apply to Ministers.

Mr DEPUTY-SPEAKER: Order! Notwithstanding the valid point raised by the Minister, given that the Minister has been speaking for only a short time the Chair is not able to determine whether she is reading or merely referring to copious notes.

Ms HARRISON: This Government is ensuring that proper studies are conducted, that the impact on the environment is properly monitored and that the correct route is established. We have made a commitment in this budget to ensure that those studies are carried out. The honourable member for Ermington talked about an election promise during the Parramatta by-election. That is something he should know a lot about. After all, he, together with the honourable member for Eastwood, was the previous Government's brains trust in the Liberals' campaign. What a success that was! They went through a litany of candidates, including Peter Sterling, Peter Wynn, Anne Sergeant and Dennis Fitzgerald, until the party in Parramatta finally self-destructed when nominations were reopened, resulting

in some of its best local candidates withdrawing. The Government loves talking about the Parramatta by-election and about the claims of the honourable member for the Southern Highlands that the Liberals would win the seat and that Bob Carr was finished. It is relevant today to talk about the Parramatta by-election because that is what the honourable member for Ermington is referring to in his motion. The previous Government promised to build the northern rail link to Parramatta. The previous Government said, "We will build it." An article in the *Daily Telegraph Mirror* of 15 July 1994 stated:

A \$400 million rail extension linking Parramatta and Hornsby was approved yesterday by the State Government.

The former Premier said - and I have his statement in black and white - that his Government was all revved up and ready to go. He had detailed plans, including new underground stations for Parramatta and Epping, underground rail lines, tunnels and bus interchanges. The new underground stations for Parramatta and Epping were so well planned that a map of them was prepared for the *Sydney Morning Herald*. An article in that newspaper stated:

The Cabinet's capital works sub-committee this week approved funding for the rail link which is to partly benefit from the \$370 million to be paid to the Government in November for the Sydney Casino licence.

The former Minister for Transport said that the line would "create a fast, direct connection between Parramatta and the central coast and cut travel time from Parramatta to Hornsby by as much as 30 minutes". During the last general election the former Government claimed that all its promises were fully funded. But there was no provision in the forward estimates for the \$400 million project.

Mr Photios: Where are your forward estimates?

Ms HARRISON: The former Government, not the present Government, made all the promises with regard to this proposal, but it made no provision for it in the forward estimates. When the Leader of the Opposition was Treasurer he said that every promise the former Government made had been costed by Treasury. This one was not. The Opposition's motion is an attack on itself for failing to honour the promises it made in its desperate days during the Parramatta by-election. The former Government made over \$2 billion worth of promises during that by-election. It made so many promises that the local newspaper kept a list of them, which it published in order to keep an eye on what the former Government was doing. Some of the promises were: a new police station at Westmead; a new transport initiative for Westmead; additional police; and an additional \$3 million for Westmead station upgrading - all promises that were not kept.

Mr Photios: On a point of order: the Minister for Sport and Recreation is now exceeding the licence extended earlier by the Speaker which enabled the Minister for Transport and me to talk about matters relating to public infrastructure. However, the Minister is now talking about police stations and issues that are not relevant to the motion. The issues that we raised were other transport issues; they were not out of the transport portfolio. I ask you to draw the member back to the leave of the motion.

Mr DEPUTY-SPEAKER: Order! I am sure the Minister was making only passing reference and that she will now return to the leave of the bill.

[Time expired.]

Mr O'FARRELL (Northcott) [12.20]: The honourable member for Ermington deserves to be congratulated on his motion. He showed foresight before the budget was delivered by putting this motion on the notice paper. Today he caught the Minister for Transport lying once again. He lied about not attending a Cabinet meeting in August. Today he again failed to commit funds for the construction of the Hornsby-Parramatta rail link as promised by Labor during its election campaign. It seems that if a promise is not made, it is kept; if a promise is made, it is not kept. The Minister for Transport also

misleads this House in his

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description of the former Liberal Government's commitment to transport. The Minister claims that the coalition Government let transport run down. The fact is that \$3 billion was spent by the Greiner and Fahey governments over seven years to restore the public transport rail system from what it should have been in 1988 to what it eventually became. The Minister should tell us about signalling, track work and trains.

Mr Langton: I'll tell you about signalling.

Mr DEPUTY-SPEAKER: Order! The honourable member for Northcott is the only member with the call.

Mr Langton: I am very pleased that you raised signalling.

Mr O'FARRELL: With regard to signalling, the international consultant's report on signalling found that on a scale of zero to 10 the New South Wales transport rail signalling system was at 9.9. Level 10 is when you die, Brian! We were at 9.9 thanks to Barrie Unsworth.

Mr DEPUTY-SPEAKER: Order! I trust the member is making but passing reference to this matter.

Mr O'FARRELL: Indeed.

Mr DEPUTY-SPEAKER: Order! The member will return to the leave of the debate.

Mr O'FARRELL: Only under the Greiner and Fahey governments was the New South Wales rail transport system in metropolitan Sydney expanded. There was the electrification of the Richmond to Windsor line. Across the metropolitan area \$3 billion was spent on capital works. For the Minister to claim otherwise is to mislead this House. The people of New South Wales were promised by the former Liberal Government that the Hornsby to Parramatta rail link would be built. It would ease congestion on the rail system that services my electorate. It committed \$2 million to a feasibility study which is now complete and for which I heard the Minister take credit in his speech. In this year's budget not a cent has been allocated to the construction of that rail line.

Again the Minister has demonstrated that Labor was prepared to lie, say or do anything to get elected. I am surprised that the Minister for Sport and Recreation would come into this House and support this sham. Her constituents stand to suffer. Those who live in the Parramatta electorate and travel to Hornsby to work or to the central coast to play will suffer by the failure of this Government to honour its election promise. The motion of the honourable member for Ermington should be supported. It demonstrates great foresight and honestly protects the interests of New South Wales electors. It will ensure that the Government keeps faith with its election promises. It is a shame that the Premier forced the Minister for Transport to take back his resignation.

Mr NAGLE (Auburn) [12.25]: It is quite amazing in such an important debate that for the Opposition only the shadow spokesman for transport and the honourable member for Northcott have contributed to this debate. I am waiting to hear the contribution of other Opposition members. This motion proves that the Opposition remains the visionless and reactionary bunch it always was and always will be. Opposition members should understand the nature of government. The Labor Party has been in office for six months. Remember, six months ago the people of New South Wales tossed the coalition parties out of office, and they will remain out of office for a long time. The honourable member for Ermington spoke about a broken promise. It has been and always will be the policy of this Government that the construction of a \$400 million Hornsby-Parramatta rail link will be thoroughly investigated and work will commence on the best proposal in Labor's first term of office. That promise is being kept.

As usual, the Opposition has jumped the gun. A railway system cannot be built unless studies have been undertaken as to the best available route, facilities and structure. Extensive reconstruction, enlargement and upgrading work has commenced at a number of stations, such as Rydalmere, Dundas, Telopea and Carlingford, through which this railway system is likely to pass. Footbridges will be constructed at all four stations, and there will be provision for full access facilities, including lifts for people with particular access needs. It is all part of the Parramatta-Epping-Chatswood-Hornsby connection. The concept report on the corridor will provide the Government with clear advice on staging, impacts, benefits and costs and a preferred alignment for a rail link between these centres. The result of the study stated:

The investigations and design work needed to assess the feasibility of the various transport options will include:

Land investigations including site surveys, current and planned land use, geotechnical investigations, heritage and archeological investigations, land ownership, noise measurements and impact on services and infrastructure . . .

That is a pretty hefty list of things to be done before a government can commence to build a railway. Detailed demand and patronage forecasts must be looked at as well as studies of potential impacts on local residents, businesses and other stakeholders, including studies of traffic management, local public transport, noise and vibration and land use impacts. A government simply cannot say, "Let's build a railway and take it through these places." It is not the done thing in the final stages of the twentieth century. Given the way the mob on the other side behaves, it more than likely would have opposed the Parramatta-Sydney rail link in the 1850s.

Consideration also needs to be given to the development of the preliminary layout of stations and interchanges, including access requirements,
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parking and traffic management and mode interchange facilities. This Government's proposal is to undertake all of those necessary steps. During the Parramatta by-election, all of a sudden the coalition had to produce some policy initiatives. Out of the air, and without any forethought or the concept of responsibility that goes with government, it said it would spend \$400 million to build this rail link. Of course, very little was heard about the rail link because the project died when the seat was won by the Minister for Sport and Recreation, the honourable member for Parramatta.

After considering these problems and evaluating the future rail link, the substantial project will be completed by May 1996. The Government will then have the benefit of a comprehensive body of evidence from which to choose the best route and best possible way to achieve that goal; that is, to consider the rail link corridor; impact studies; staging and impacts on local residents, commuters and businesses; preliminary evaluation of environmental issues; and a financial and economic evaluation of the most feasible options. When that is completed the election promise will be kept and the work will commence on the new rail link in Parramatta within this term of government. That is part of the policy statement made in this Parliament. Yet, despite the previous Government's delaying tactics, this Government is committed to extracting value for the \$1.7 million allocated in the budget. That allocation is to commence the work needed to build that railway line. Of course, we have one little obstacle, which is the outrageous and disgraceful - *[Time expired.]*

Mr O'DOHERTY (Ku-ring-gai) [12.30]: My constituents have been waiting for the announcement they expected from the incoming Government, that the Parramatta to Hornsby rail link would be built. My constituents, like those in the electorate of my colleague the honourable member for Northcott, deserve and desire this particular rail link not only to improve their access to a part of Sydney that is fast growing, but also to relieve the congestion on both the road and rail links that run through the middle of my electorate. I focus particularly on road congestion problems in the Ku-ring-gai electorate. The Parramatta to Hornsby rail link is imperative to ensure an integrated solution to the combined transport

problems of the people in the Ku-ring-gai electorate.

Running through the middle of my electorate is the F3 freeway, which links the central coast to Sydney. Every day the traffic congestion on that freeway gets worse. Every day, residents in my electorate who rely on the freeway to get to the city have to queue up, at places like Berowra, behind ever-growing numbers of motorists travelling from the central coast to the city of Sydney and to the greater west of Sydney. Many of them work at centres between Hornsby and Parramatta that would be served by the new proposed rail link - the rail link of which the people of New South Wales have been dudded because the Government did not provide for it in its budget.

My constituents expect that if that rail link is built it will be part of a long-awaited integrated strategy to ensure that the growing number of motorists travelling from northern New South Wales, the central coast and elsewhere change to rail. We hope they will make that shift. The people of the Ku-ring-gai electorate will greatly benefit from being able to board a train at Berowra, Mount Kuring-gai, Mount Colah, Asquith or at any other station north of Hornsby to travel to places of work further west that are not now on the rail network. Construction of a Parramatta to Hornsby rail link, as promised by the Government, would greatly ease congestion on the F3 and on Pennant Hills Road in particular. The honourable member for Northcott could go on for ever about the problems experienced by his constituents because of congestion on Pennant Hills Road.

The work done on Pennant Hills Road - part of the enormous contribution made by the former Minister for Transport, Bruce Baird, sadly now retired from this Chamber - is part of the integrated road and rail strategy. Construction of a Hornsby to Parramatta rail link would encourage commuters to travel to work by train rather than use their cars. My constituents were delighted when the former Government announced and then conducted a feasibility study into the Hornsby to Parramatta rail link. However, they were sceptical and cynical when the Labor Party made the same offer. They thought it might be just another of those Labor election lies we have come to know so well.

Yesterday when I received my capital works list for the Ku-ring-gai electorate - provided late by the Government, but provided nonetheless - I scanned the pages for any small morsel of evidence that the Hornsby to Parramatta rail link was to be constructed. That very thin document made no reference to such a link. The people of my electorate have been dudded by the Government; they deserve much better than the Government's overtly cynical, political and divisive approach to the funding of capital works and projects such as the Hornsby to Parramatta rail link. I am steeling myself to ensure that in 1999, if not before, our constituents will have the chance to elect a government that will build the Hornsby to Parramatta rail link and start to look after the interests of all residents of New South Wales, not just narrow sectional interests, its mates or people whose votes it seeks to buy.

Mr PHOTIOS (Ermington) [12.35], in reply: Today the Government has told nothing but lies and has put into proper context the fraud it has inflicted on the people of western and north-western Sydney in making a promise it had no intention of keeping. If a rail link from Parramatta to Hornsby is to be built, it should be built now. If the Government is serious about its commitment, the money should be in the budget - but it is not there. If the Government had any real intention to deliver bigger and better public transport for the people of Sydney's west and north-west, its commitment would not be, as evidenced today, merely to investigate, to explore possibilities and probabilities.

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The people of western Sydney want \$400 million for a rail link now, but the budget papers give clear evidence that the link has been pushed out into the never-never. The Government's true intention is evident from a reading of page 99 of Budget Paper No. 4. The project description is "Parramatta-Epping-Chatswood railway construction", the location is given as "Parramatta/Hornsby", and it is shown as having started in 1993. The start and completion dates are detailed in the Government's budget documentation. Interestingly enough, the project's completion year is in the next millennium;

2001 is the best the Government can offer. The budget allocation for this project is merely money held over from the coalition's commitment the previous financial year. The previous Government provided \$2 million for feasibility studies on the project, studies that were delayed by this anti-public transport Minister as soon as he went into office. As a portfolio manager - he is not much of a Minister - he was told to put the brakes on the project. He has done that today, and he stands condemned.

The people of west and north-west Sydney want the \$400 million rail link as promised by Labor. They want it now, but they have been given nothing. They have been told they will have to wait until the Government explores all the possibilities. This project is one of those that bit the dust following a savage \$288 million cutback in public works budget funding. If that \$288 million, available under the previous Government, were available today, the project would at least have a \$200 million start. The project, dropped by Labor, was a coalition commitment and was on the coalition's agenda. We mean to dog - I use that word advisedly - the Government on this issue, just as the people of western Sydney will dog the Government about its tollways and broken promises, and about its tollways and no Parramatta to Hornsby rail link. The Opposition will drive this issue to the edge. We want to see where the honourable member for Parramatta stands on this question when the vote is taken.

Will the Minister tell us that the railway will be built today, or will that be in 2001? When the Opposition goes out to the people of western Sydney it will tell them that the public works budget allocation for commercial and non-commercial State Rail capital programs spent by the coalition Government in its last term in office was \$677 million. Under the present Government that allocation has been cut back to \$544 million. Because of that 20 per cent cutback - a cut of \$133 million just in State Rail but more than \$2 billion across State transport - the Government could not deliver on its promise. We want the Minister to come clean. He has been a fraud today. He has been ineffective on State Rail. He is languishing in his portfolio responsibilities. It is not surprising that in his frustration he wanted to resign. Resign he must. That is the only way we will get a real Minister for Transport in this State, one who is not anti public transport. [*Time expired.*]

Motion agreed to.

BOYS EDUCATION

Mr O'DOHERTY (Ku-ring-gai) [12.40]: I move:

That this House calls on the Government to immediately implement the recommendations of the O'Doherty report on boys' education.

On 31 July 1995 the *Sydney Morning Herald* reported the Federation of Parents and Citizens Associations of New South Wales as accusing the Carr Government of allowing partisan politics to interfere with the implementation of a policy to promote learning opportunities for boys because, according to the article, "the policy's author is now the Opposition education spokesman". The Carr Government and the Minister for Education and Training put in the bottom drawer the department's work and draft implementation strategy for the gender equity strategy, which built on the work of my committee when the coalition was in government. That was nothing more than an overt and cynical act that will stand in the way - and is already standing in the way - of development in the education of both boys and girls.

There can be no doubt that there is a demonstrated need for a gender equity strategy that addresses in a comprehensive, systematic way the overall needs of boys and girls to understand better how gender impacts on their educational and social development. That strategy was recommended by the committee that I chaired and was spelled out in what has become known as the O'Doherty report. The Government has bottom-drawer'd or sidelined that strategy for its own political reasons. I offer once again, in a bipartisan spirit, to support the Minister for Education and Training if he implements the recommendations of the O'Doherty report. As I said to the conference of parents and citizens associations earlier this year - and it brought spontaneous applause - we should not be in the business of

putting aside important educational developments for cynical political reasons.

There is no doubt about the need for a strategy that for the first time addresses the needs of boys while it continues to address the needs of girls. The O'Doherty report spells out a number of the key educational and social reasons why the needs of boys need to be addressed. The work of Bob MacCann of the Board of Studies clearly demonstrates that in the higher school certificate, tertiary entrance rank and tertiary entry scores, boys have been under-achieving in literacy rates and in many other measures in education. Girls have been improving their performance in many of those scores for 13 years - particularly since 1991 - while the boys scores have been declining. It is crucial that a strategy be adopted to address that problem. The O'Doherty report makes the recommendation that there should be an overall gender strategy with programs for boys, programs for girls, and programs for both boys and girls. The report states:

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The two imperatives in gender equity are to continue the development of the Girls' Education Strategy, and to begin to deal in a coordinated way with the identified problems of boys. These two needs exist side by side. Neither is more important than the other, because each depends on the other.

An overarching Gender Equity Strategy in New South Wales . . . provides a tremendous opportunity to bring about meaningful change. It provides the opportunity to change the way students see themselves; allowing them to see themselves as individuals with potential, not bound down by inappropriate gender stereotypes. It also provides the opportunity to change the way students and teachers relate to each other, in a community where gender issues do not form the basis of power plays, harassment and abuse.

The report makes it clear that the girls' education strategy should not be reduced but that the new approach should represent an enhancement of our ability to deliver meaningful change for girls as it should bring about change in the attitude of boys and a more equitable approach across the whole system to gender-related bias in all forms. Members of the quality assurance unit conducted interviews and some investigation into the girls' education strategy. They concluded, in their report of July 1994, that interviews confirmed that boys and girls still hold stereotyped subject orientations and achievement expectations. The report pointed out that very little training and development in girls' education has been available in recent years or undertaken by most staff. It stated that there was limited teacher understanding of the concept of gender equity, and that gender issues are not usually addressed in classroom practice.

The report into girls' education is important in that all the problems that are raised by the quality assurance unit in its various work on girls' education are addressed by the strategy that I recommended. They are addressed in a sophisticated way that also brings into play the need for boys to understand the way gender construction limits them - the way gender stereotypes limit their educational understanding, educational outcome and outcomes in life. This report makes it quite clear that if gender equity as a whole is not addressed, we will be letting down girls as well as boys. That is the difference between the approach that I recommended and the approach that the Minister for Education and Training apparently wants to take.

The Minister spoke at a conference of educators and others in the Parliament on 4 August this year. That conference was organised by the National Conference of Women. At that conference and in the Minister's press conference later he demonstrated his lack of understanding about this issue. One would be sympathetic if he had not told everyone that for seven years he was the educational expert for the then Opposition. One would be sympathetic if he could not read. Where has he been? In his comments following the address the Minister made it clear that he thinks enough has been done for girls and that something should be done for boys. The Opposition rejects that approach and it has been condemned by all those involved in education. The *Sydney Morning Herald*, in its report of 8 August, said that the

comments were attacked from all sides. The honourable member for Lane Cove will dwell more on that subject later in the debate.

The Government must implement the findings of my inquiry now, because the Department of School Education is ready to proceed with them. In February this year at a conference in Canberra organised by the Ministerial Council for Education, Employment, Training and Youth Affairs on gender equity, called Promoting Gender Equity in Canberra, Van Davey, the manager of the equity programs unit of the Department of School Education, made it quite clear that the Department wanted to implement my report. In fact, it accepted 24 of the 26 recommendations. He made it clear that the then draft strategy prepared by the department was in an advanced stage and that only the implementation of the recommendations of the O'Doherty committee was going to directly benefit both boys and girls in the best possible way. Van Davey's paper states:

The report appears to have drawn a very high degree of support from both within the education system's administration and all major interest groups. The apparent level of unity is worth reporting to this conference for it reflects, I think, a genuine effort by the system and interest groups to work together to:

- enhance the educational performance of girls and boys across the full range of Key Learning Areas . . .
- and *remove*, over time, the unequal power relationships between men and boys, and girls and women.

Van Davey said that the reason for this broad acceptance of my report was the extensive consultation that allowed the formal procedures of the committee to work and the informal process of networking, analysis and dialogue to take place within and between individuals and groups. Cheryl Vardon, the Chair of the Gender Equity Task Force of the Ministerial Council for Education, Employment, Training and Youth Affairs, said that the challenges and opportunities report - the O'Doherty report - has played a key role in clarifying the issues surrounding boys' education. That comment was in a letter in which she thanked me for my work on the gender equity task force, and regretted that the Government dumped me from the task force for political reasons. The task force has done important national work, and I was glad to make a small contribution to that. The department had a draft report and a draft implementation strategy in schools before the State election, and it wanted to implement the report.

The department's consultation provided overwhelming support for the work of the O'Doherty committee, for the report and for the draft strategy prepared by the department. The final report was never released because the Minister, in a cynical, political fashion, simply dumped it for his own reasons. Rolling over the
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report to some other amorphous committee on broad equity issues is simply a stalling tactic - a political tactic to launder the work of the committee, including recommendations that schools and parents want implemented and students deserve to have implemented. If the recommendations are not implemented, the Minister will live to regret the continuing difference between the performance of girls and boys, the continuing underachievement of boys and the continuing sexual stereotypes that limit both boys and girls. Once again I offer the Minister bipartisan support - and he knows that I am genuine about this - for implementing the recommendations of my committee.

Mr AQUILINA (Riverstone - Minister for Education and Training, and Minister Assisting the Premier on Youth Affairs) [12.50]: I move:

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

"congratulates the Government on its work in implementing a gender equity strategy in the context of a broader educational equity policy and supports the continuation of this work."

The honourable member for Ku-ring-gai is gaining an unenviable reputation for being selective in what he puts to the community at large. He is selective in what he chooses to say to different audiences at different times. He is selective in what he quotes from various articles such as the one in the *Sydney Morning Herald* that he referred to today. He quoted certain sentences at the beginning of the article but did not quote the words attributed to me in quotation marks. I was quoted as saying that we need to focus more specifically on boys' education as well as girls' education. That is precisely what I said after the conference.

The honourable member has been a party to misrepresentation of my statements since that day. He has continued to misrepresent me even as recently as today; he quoted selectively from the very article that sets out my statements in quotation marks. On a number of occasions the honourable member has said I am keeping his so-called report in my bottom drawer. There are many bottom drawers in the Department of School Education, and although I have searched almost all of them I could not find his report. However, I found another report which, curiously, the honourable member referred to today for the first time that I can recall. It is a quality assurance report on the evaluation of educational outcomes for girls in New South Wales government secondary schools.

I wonder whether the honourable member has read that report because, frankly, it is an indictment on the previous Government. When did the previous Government choose to release the report? At 3 p.m. on the last day of school in 1994, which shows the value that the previous Government placed on it. The former Government was desperate to ensure that the report by the Department of School Education quality assurance directorate was buried from public view before the election. The honourable member for Ku-ring-gai had the hide to tell us how committed he is to gender equity. However, his only commitment is to a report that bears his name. He wants to aggrandise himself; it has nothing to do with his commitment to gender equity or anything else.

By releasing the report on the last day of school, the previous Government hoped that its report would not be undermined by contradictory conclusions. One of the key findings of the quality assurance report on educational outcomes for girls was that under the former Government there was no substantial change in the relative proportion of girls enrolled in traditional male subjects such as four-unit maths and four-unit physics, that participation by girls in both technical and further education and higher education is lagging behind that by boys, especially when the field of study chosen is considered, and that in three-quarters of coeducational schools there is no consistent trend of improved academic outcomes for girls. That means that we cannot attribute all academic success or failure to gender. We must look at educational outcomes to target our program. Another lie that the honourable member for Ku-ring-gai continues to repeat is the claim that it will not cost anything to implement the recommendations in his so-called report.

Mr O'Doherty: I never said that.

Mr AQUILINA: I have heard the honourable member state that publicly.

Mr O'Doherty: I have asked you to resource it.

Mr AQUILINA: He says now that he has asked me to resource it. Let us consider what it will cost to implement the so-called recommendations of his inexperienced report. The department has advised me that the cost of implementing the recommendation in the O'Doherty report that all coeducational schools have a boys' program coordinator and a girls' program coordinator would be exorbitant. That implementation would affect 410 schools and require an additional 820 executive positions. This would cost an extra \$48 million or almost \$200 million over a four-year term. The honourable member wants us to resource the recommendations out of thin air.

Implementation of the recommendations would take funding now allocated for more than half of our computer and technology policy, funding equivalent to the cost of building 40 primary schools or 20 high schools. I wonder how many colleagues of the honourable member would support that - and I shall come to that in a moment. That funding would result in the non-implementation of our entire rural education policy - I wonder how the National Party would feel about that - and 80 per cent of our non-English speaking background language program. The recommendations of the O'Doherty
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report are not only exorbitant for little gain but also divisive. The establishment of separate boys' and girls' program coordinators in schools was seen to be divisive by those members of the educational community who responded to a survey on the O'Doherty report undertaken by the Department of School Education.

Mr O'Doherty: On a point of order: the Minister has referred to a survey on the report. I ask that he table the document.

Mr AQUILINA: On the point of order: I suggest that what the honourable member for Ku-ring-gai said is no basis for a point of order. I referred to the survey about which he made various claims in his speech.

Mr DEPUTY-SPEAKER: Order! No point of order is involved. There is no requirement on the Minister to table documents unless he wishes to do so.

Mr O'Doherty: Why doesn't the Minister have the courage to table the document?

Mr AQUILINA: Wait and see. Once again the honourable member is being selective. He cannot even get support from his party for his report. On 21 September 1995 in another place the Hon. Dr Marlene Goldsmith said:

. . . statistics show that across a range of measures, boys still reap far more rewards from schooling than girls.

Dr Goldsmith also described the comments of Dr Victoria Foster of the University of Western Sydney as "cogently outlined".

Mr O'Doherty: She went on to criticise Dr Foster.

Mr AQUILINA: I have a copy of Dr Goldsmith's speech, in which she said that the work of Dr Victoria Foster was cogently outlined. I ask the honourable member for Ku-ring-gai to take up the matter with Dr Goldsmith. Perhaps he will maintain that she is confused. Frankly, he is confused. What does the cogent Dr Foster say about the ideas of the honourable member? In a letter to me she said that both the conduct of the O'Doherty inquiry and the resulting report were inadequate and insubstantial in terms of what is normally expected in a major education report to government, and that the nature of the representation on the committee was inadequate and select. It is intriguing how the word "select" continues to crop up. The O'Doherty committee visited only eight schools, compared with nearly 30 schools visited by the much more cogent Eltis committee. The O'Doherty committee relied selectively on submissions made to it. The report lacked a sophisticated, theoretical analysis and contained no bibliography or reference list, compared with 123 comprehensive references in the quality assurance report. The O'Doherty inquiry did not use any recent Australian research and policies.

Pursuant to standing orders business interrupted.

PUBLIC ACCOUNTS COMMITTEE

Report: Annual Reporting

Mr RUMBLE (Illawarra) [1.00]: I should like to make a few comments in respect of report No. 92 of the Public Accounts Committee entitled "Proceedings of the Seminar on Annual Reporting in the NSW Public Sector - The Best is Yet to Come". Earlier this week, the Treasurer presented the Government's first budget in this Chamber. Twelve years ago Michael Egan was the Chairman of the Public Accounts Committee when the committee produced its landmark report on the accounting and reporting requirements for statutory authorities. That report led to the introduction of comprehensive reporting legislation for all New South Wales public sector agencies. Over the years the annual reporting legislation has been amended and new requirements have been added. Some time ago the New South Wales Treasury announced that it was rewriting the financial and annual reporting legislation. The Public Accounts Committee, which has continued to take a strong interest in annual reporting over the years, believed this was the perfect time to conduct a comprehensive review of the quality and effectiveness of public sector annual reporting.

The public seminar held at Parliament House on 9 August was an integral part of the inquiry of the Public Accounts Committee into annual reporting. More than 150 senior public servants participated in the seminar together with a number of annual reporting experts from academia and the private sector. The Public Accounts Committee greatly appreciates all the speakers who donated their time at the seminar and who contributed towards its success. In addition to the transcript of the speeches delivered at the seminar the Public Accounts Committee has also included in its report written papers provided by a number of speakers. The seminar enabled a wide range of views about public sector annual reporting to be expressed.

Professor Bob Walker from the School of Accounting at the University of New South Wales, who is Chairman of the Council on the Cost of Government, was quite critical of the quality of public sector annual reports. The Auditor-General, Mr Tony Harris, was also critical of the content of public sector annual reports. Associate Professor James Guthrie emphasised the importance of non-financial performance information in public sector annual reports. Both the Director-General of the Premier's Department, Mr Ken Baxter, and the Director-General of State Development, Ms Alison Crook, spoke about the opportunities for using modern technology such as the Internet in annual reporting. Since the seminar the Public Accounts Committee has conducted two public hearings at which these and other issues have been examined. The transcripts of these hearings and the submissions received by the committee have been tabled and are available to interested parties.

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The Public Accounts Committee has formed some initial views on the issues under review. Despite significant improvements in the quality of annual reporting since the landmark report of the Public Accounts Committee on this subject in 1983, there is still considerable room for improvement. The Committee is keen to ensure a greater focus on performance information in public sector annual reports. The committee is also committed to ensuring increased parliamentary scrutiny of annual reports. The committee will continue to deliberate on the issues raised at the seminar and at the hearings during the coming weeks. I anticipate that the committee will report to Parliament on this inquiry during the current budget session.

Mr GLACHAN (Albury) [1.05]: I should like to add a few remarks to those of the Chairman of the Public Accounts Committee, the honourable member for Illawarra, in regard to report No. 92 of the Public Accounts Committee, entitled "Proceedings of the Seminar on Annual Reporting in the NSW Public Sector - The Best is Yet to Come". One of the corporate objectives of the Public Accounts Committee is to inform other members of Parliament, public servants and the public about public sector finance and accountability issues. An important way in which the Public Accounts Committee seeks to do this is by conducting public seminars. Public seminars have, therefore, become an integral part of the committee's work.

Last December, when I was Chairman of the Public Accounts Committee, the committee held a seminar: The Implementation of Accrual Accounting - The Scorecard to Date. The recent seminar - Annual Reporting in the NSW Public Sector: The Best is Yet to Come - was one of the most successful seminars ever held by the Public Accounts Committee. Not only was there a full house, but, more importantly, the seminar enabled a frank public discussion about the quality and effectiveness of public sector annual reporting in New South Wales. The issues to emerge from the seminar included the need for annual reports to focus on performance, particularly non-financial performance; the need for increased parliamentary scrutiny of annual reports; the opportunities for using modern technology such as the Internet in annual reporting; and the need to ensure that annual reports are accessible to readers.

As the chairman has said, a number of speakers were critical of the quality of public sector annual reports. It was important that those views be stated publicly and discussed. The Public Accounts Committee is committed to ensuring that annual reports are valuable accountability tools that inform the Parliament about the performance of public sector agencies. This may mean the production of shorter summary reports. It also requires integrating the annual reporting process with the budget process. If annual reports are to be stripped down to essential information about performance and accountability the question arises as to what should happen to all the other information that must currently be included in annual reports.

One option being considered by the committee is to have central agencies compile and publish this information. Another option is to ensure that any information to be dropped from annual reports is available from agencies upon request by a member of Parliament or members of the public. I have a number of personal concerns about some aspects of annual reporting and feel that many annual reports in the public and private sectors are simply glossy showcases that try to draw attention only to the good points and gloss over those points that might be less acceptable. I believe that sometimes the important content is sacrificed for gloss and show.

Many of the speakers at the seminar said that there was a need for increased parliamentary scrutiny of annual reports. How should this be achieved? What should be the role of the Public Accounts Committee and the new Public Bodies Review Committee? These are some of the issues being considered by the Public Accounts Committee during this inquiry. As the chairman said, the committee will continue to deliberate on these questions over the next few weeks and should be in a position to report to Parliament before the end of the current budget session.

Report noted.

PUBLIC ACCOUNTS COMMITTEE

Report: Darling Harbour Sports Facilities

Suspension of standing orders, by leave, agreed to.

Mr RUMBLE (Illawarra) [1.09]: I should like to make one or two comments in support of report No. 1/51 of the Public Accounts Committee entitled "Darling Harbour Sports Facilities". Earlier this year considerable public concern was expressed about the impending closure of the sports facilities that had been operating in Darling Harbour for some three years. The complex, which is to be replaced by a theme park, was popular with both city office workers during the week and young people on the weekend. The Minister for Public Works and Services, the Hon. Michael Knight, the Minister responsible for the Darling Harbor Authority, requested the Public Accounts Committee to examine aspects of the deal relating to the sports facilities. Specifically the Minister asked the PAC to report on the circumstances and appropriateness of the deal.

The committee took the time to visit Darling Harbour and have a look at the complex in operation. The committee's inquiry revealed that the Darling Harbour Authority had always experienced trouble in completing the development of this particular site. Although the site was originally planned for low-key development, the concept was changed to high-tech development early in the project. However, this concept was never completed. In an endeavour to resolve this longstanding problem, which came to a head in late 1990, the authority came up with a deal which gave

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Uras Holdings, the developer, an option to further postpone development until finance could be arranged. In the meantime, the site was available for use on a temporary basis. The sports facilities were constructed on that basis.

In the committee's report it acknowledges that the authority's development of an interim solution for a troublesome site is an approach that has been adopted on other sites around the city. The authority has, therefore, shown itself to be innovative in this area. However, the need to find a solution was, at least in part, caused by the determination of the authority to keep Uras as the site developer even after Uras had failed to meet a number of contractual deadlines. It must also be pointed out that the use of the site as a sports facility did not comply with the Darling Harbour master plan current at the time of its construction. Furthermore, the committee had concerns about some details of the contractual arrangements. In particular, the expenditure of \$2.5 million of the developer's contribution on the sports complex was initially expected to return \$2.5 million to the authority over three years. In fact, the sports facilities cost the authority \$119,000 and the authority will not be able to recoup the capital investment of \$2.5 million.

I would like to point out that the committee was not critical of the developer of the sports facilities - Gameplan - or its projections. The committee was concerned that the authority did not apply reasonable commercial standards in dealing with the development of the sports centre. This criticism of the authority is not a criticism of Gameplan. I would like to make mention of the work of Ian Thackeray, the committee secretariat's senior project officer, who very capably carried out all the research and drafted the report; Patricia Azarias, who edited the report; and Jozef Imrich, Caterina Sciara and Kendy McLean, who prepared the main script for printing. In conclusion, I must thank my fellow committee members - the honourable member for Monaro, the honourable member for Albury, the honourable member for East Hills and the honourable member for Fairfield - for their objective, even-handed and bipartisan approach to the issues under consideration in this inquiry.

Mr GLACHAN (Albury) [1.13]: I should like to add my comments to the remarks made by the chairman in relation to report No. 1/51 of the Public Accounts Committee entitled "Darling Harbour Sports Facilities". Like most people, I was unaware of the Darling Harbour sports facilities until stories appeared in the press earlier this year reporting on the imminent closure of the complex. I quickly came to learn more about them during this inquiry. The committee had a difficult job to do in a short time. A look at the history of the site showed that the Darling Harbour Authority had considerable problems in developing it. In fact, the authority told the committee that it was the most difficult site within the Darling Harbour project, and the fact that it has not yet been developed to its final form is evidence of that. The authority found itself with a difficult problem in 1990 when the developer again failed to meet a deadline. It was a time of recession. The authority found itself with an undeveloped site, which was impacting adversely on other operations, and the developer was having trouble organising the finance to complete the project.

As the chairman has pointed out, the authority, faced with this difficult problem, came up with the innovative solution of developing the site on a temporary basis as a sports complex. However, a number of authority boards had allowed problems to go on for too long and therefore contributed to the crisis that occurred on the site in late 1990. The innovative nature of the solution notwithstanding, the committee certainly had some problems with aspects of the deal. In particular, the structure of the deal with Uras for the temporary development of the site was such that it encouraged the use of the developer's full contribution of \$5 million while at the same time removing any incentive for the authority to deal with the contribution in a financially responsible manner. For example, the authority did not develop a business plan for the operation of the sports facilities.

The committee's terms of reference required it to consider aspects of the contractual arrangements, but it did not extend to consideration of the best use for the site. However, I would like to say that I was satisfied to hear that the Government and the authority are actively seeking a replacement site for the sports facilities. In conclusion, I would like to thank the staff of the Public Accounts Committee for their assistance in producing this report and to compliment my fellow committee members for the cooperative approach they have, as usual, taken in working on committee reports. As a former chairman of the PAC, I appreciate the importance of such an approach, and I compliment my colleague the honourable member for Illawarra, the new chairman of the PAC, for the objective manner in which he directed this, his first inquiry. I thank him on a personal basis for the courtesies he has extended to me since he became chairman. I thank him as well on behalf of my colleague the honourable member for Monaro for the courtesies extended to him.

Report noted.

[Mr Deputy-Speaker left the chair at 1.16 p.m. The House resumed at 2.15 p.m.]

USE OF COMPUTERS IN LEGISLATIVE ASSEMBLY CHAMBER

Mr SPEAKER: Order! I wish to inform honourable members that I received an inquiry from the honourable member for Northcott as to whether it was permissible for a member to use a notebook-laptop computer in the Chamber. The honourable member for Northcott has demonstrated to me that

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using such equipment in the Chamber does not interfere with the orderly conduct of proceedings and, on that basis, I am prepared to allow members to use notebook-laptop computers in the Chamber.

ADMINISTRATION OF THE GOVERNMENT

Mr Speaker reported the receipt of the following message from His Excellency the Administrator:

A. M. GLEESON,
Lieutenant-Governor.

The Honourable Anthony Murray Gleeson, Chief Justice of New South Wales, Lieutenant-Governor of the State of New South Wales, has the honour to inform the Legislative Assembly that, consequent on the Governor of New South Wales, Rear Admiral Peter Sinclair, assuming the administration of the Government of the Commonwealth of Australia in the absence of the Governor-General overseas, he this day assumed the administration of the Government of the State.

Government House,
Sydney, 7 October 1995.

AUDIT OFFICE

Report

Mr Speaker announced, pursuant to the Public Finance and Audit Act 1983, receipt of the following report:

Performance Audit "Luna Park".

PETITIONS

Pottsville to Kingscliff Traffic

Petition praying that an alternative traffic route be provided between Pottsville and Kingscliff in order to reduce traffic on the Coast Road, received from **Mr Beck**.

Service Station Multiple Site Franchises

Petition praying for a moratorium on and an inquiry into oil companies controlling retail outlets by way of multiple site franchises, received from **Ms Machin**.

Avalon and Mona Vale Police Stations

Petition praying that Avalon Police Station not be closed and that Mona Vale Police Station not be downgraded, received from **Mr Longley**.

Westlakes Polyclinic

Petition praying that a polyclinic be provided at Westlakes, received from **Mr Hunter**.

South Sydney Policing

Petition praying for additional pro-active operational police for South Sydney patrols, particularly Redfern, Waterloo, Surry Hills, Darlinghurst, Kings Cross and Woolloomooloo, received from **Mrs Grusovin**.

Rose Bay-Circular Quay Ferry Service

Petition praying that the Rose Bay-Circular Quay ferry service be extended to include a service to the Finger Wharf and a link to Manly and Balmain, received from **Ms Moore**.

Steel-jawed Leg-Hold Traps

Petition praying that the House legislate to ban totally the manufacture, sale and use of steel-jawed leg-hold traps in all areas of the State as they cause great suffering to all animals and birds, both target and non-target, caught in them, received from **Ms Moore**.

Sydney Showground Fox Film Studio

Petition praying that the Fox Film Studio proposal for the Sydney Showground be subject to the conditions set out in the petition, received from **Ms Moore**.

Law and Order

Petition praying that police be given the power to remove from streets or public places children under the age of 16 years who are not accompanied by a responsible adult and are behaving in an offensive or inappropriate manner; and that a system of uniform penalties be introduced for adults and minors with maximum and minimum penalties for specified crimes, received from **Mr Slack-Smith**.

QUESTIONS WITHOUT NOTICE

Mr SPEAKER: Order! Members will recall that on Tuesday last a member was removed from the House for displaying material. I warn members against a repeat of such unacceptable behaviour.

MAMRE PROJECT EMPLOYMENT PROGRAMS

Mr COLLINS: My question without notice is directed to the Premier. Has the budget slashed funding for the Mamre Project employment programs run by the Sisters of Mercy at St. Marys, which will leave hundreds of unemployed disadvantaged people stranded? Is this the same group which the Premier previously encouraged for its exceptional work for the young and jobless of Sydney's west?

Mr CARR: Once again, we have the hypocrisy of a treasurer in a government -

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

Mr CARR: - that brazenly cut 50,000 jobs from the public sector, the bulk of them by forced redundancies.

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

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Mr CARR: The Leader of the Opposition in a speech last week referred to Menzies' expression "the forgotten people". I am keeping my list of the forgotten people here. This is my list: Willis, Lewis, McDonald, Coleman, Dowd, Greiner and Fahey, to be joined by Collins. Community services under this Government have received nothing less than a 20 per cent budget increase.

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

Mr CARR: Children's services, child care and support for charities have all benefited from this increase. These front-line services that are dependent on the community services budget have received that increase.

Mr Collins: On a point of order: the question specifically referred to the Sisters of Mercy at St. Marys and the Mamre Project, which I suspect has already lapsed from the Premier's memory. Mr Speaker, would you ask the Premier to answer the question that has been asked rather than make a series of statements.

Mr SPEAKER: Order! No point of order is involved. The Premier is obviously making preliminary statements prior to addressing the subject matter of the question.

Mr CARR: The increase in funding for training in this budget, if I am not mistaken, is 28 per cent. I have a way with percentages. I will drum them into the skulls of Opposition members.

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

Mr CARR: Under the last Labor Government national park acreage increased by 100 per cent.

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

Mr CARR: This Government has allocated a \$41 million increase in training.

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

Mr CARR: That is a 28 per cent increase.

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

Mr CARR: The voice of the honourable member for Lane Cove is getting deeper at each question time. She is taking the hormone tablets that he ought to be taking. It is a generous increase in funding. Let me say it again so that even the dumbest Liberal opposite can absorb it - it represents a 28 per cent increase.

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

Mr CARR: It is a \$41 million increase in this budget for training.

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

Mr CARR: New work initiatives receive \$36.4 million and \$13.2 million is allocated for the prevocational places program for apprentices and trainees.

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

Mr CARR: Contracted training provision will receive \$16.66 million and traineeship providers will receive \$9.9 million.

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

Mr CARR: Adult and community education will receive \$7.5 million. The Australian National Training Authority growth funds are provided with \$22 million and \$6.4 million for land and environment action program.

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

Mr CARR: The youth initiative strategy receives \$6.9 million.

Mr Kerr: On a point of order: my point of order is about relevance. The Premier's answer has gone on for some time. He was asked about the forgotten people of St Marys.

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

Mr CARR: The Government will go on to provide all the details so that everyone can get it right.

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

Mr CARR: Let us boast about the 28.5 per cent increase in funds for training under this Government - up \$41 million.

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

Mr CARR: Under the Aboriginal employment and training assistance programs an amount of \$4.5 million and \$7.6 million for the Australian traineeship system.

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

Mr CARR: Above all - and most importantly because we are reorienting the system towards training - there will be 5,000 extra TAFE positions under this Government. In fact, the expansion in TAFE expenditure is \$46 million. The list goes on.

Mr SPEAKER: Order! The Leader of the Opposition has asked the question and should remain silent.

Mr CARR: No Government in the history of this State - I applaud the Minister responsible - has done more to train young people and assist them in employment than this Government.

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Ms Machin: On a point of order: the question was about the State budget, not the Federal budget.

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

KIRA CHILD-CARE CENTRE POSSIBLE SOIL CONTAMINATION

Mr TRIPODI: My question without notice is directed to the Minister for Urban Affairs and Planning, and Minister for Housing. Has the Minister been informed of the possibility of contamination of soil at Sydney Water's Kira Child-Care Centre? What action is the Government taking?

Mr KNOWLES: Last night I was informed by Sydney Water that its Kira child-care centre, located in Paddington, may be situated on or near contaminated soil. This was revealed when an adjacent site, due for development, was examined and found to contain unacceptably high levels of lead, arsenic, tar, and other heavy metals. I immediately ordered Sydney Water to take all appropriate action to ensure the safety of the children and staff at the centre. Sydney Water is currently testing the site of the child-care centre to determine whether contaminants are present in the soil. However, as both the centre and adjoining area were once part of the one industrial site, the Government has left nothing to chance. We have acted immediately to ensure the safety of the children and child-care workers. The last Liberal Government opened the child-care centre in 1992. When the centre was approved for construction and built, no contamination of the site was identified. No tests were required under existing law, or conducted. The centre was built to provide long day care for the children of Sydney Water's employees. There are currently 46 children at the centre.

Mr Collins: On a point of order: the information that the Minister is correctly bringing to the attention of the House should have been brought to the attention of the House by way of Ministerial statement. That course would have enabled me to make a response on this issue. I ask that the Minister be directed accordingly.

Mr KNOWLES: On the point of order: the question clearly was about what action I was taking to deal with contamination of soil at a child-care centre operated by Sydney Water. I am responding to that question.

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

Mr KNOWLES: During the last three years of the operation of the child-care centre, 79 children have attended. The site is a former depot which has been in Sydney Water's ownership for over 80 years. Last night I instructed Sydney Water to take the following action to address the problem. First, the child-care centre has been closed from today. This will enable the site to be tested thoroughly to ascertain that it is safe. Parents of children at the centre have been informed of the situation by the managing director of Sydney Water at a meeting that was held this morning. Counselling will be made

available to the parents so that they are fully aware of all the necessary action they should take to ensure the ongoing wellbeing of their children. In cooperation with the Department of Health a medical assessment program will be established for all the children if the site is found to be contaminated.

Sydney Water has been instructed that it will be required to pay any medical bills associated with any illness that the children or child-care workers experience as a result of exposure to any contaminants that may be identified on the site. We are arranging alternative child-care arrangements for children enrolled at the centre in conjunction with the Kindergarten Union while the site is being investigated. Any parents who are forced to pay more than they currently do for child care will have the additional costs reimbursed by Sydney Water. If alternative child-care arrangements cannot be organised for any of the children, Sydney Water will allow the parents to stay at home with their children. They will, of course, be given special family leave on full pay.

The Environment Protection Authority has been informed of the situation and is treating the situation as serious and as a matter of priority. The EPA has met with Sydney Water and will review the results of the audit Sydney Water is currently conducting. Contact is being made with parents of children who have previously attended the centre but have subsequently ceased to use it. Of course the same offers of assistance will be provided to these parents. Parents who arrived this morning at the centre were given the option of immediately removing their children or allowing them to stay in a safe enclosed indoor area at the centre. The situation with the child-care centre has raised the issue of how we deal with contaminated lands generally. As a consequence, and in conjunction with my colleague the Minister for the Environment, the Hon. Pam Allan, the Government has developed a new protocol for dealing with contaminated land. This will involve amendments to the Environmental Planning and Assessment Act, and I will bring the matter before the Parliament in the current session.

The Government's new approach will help ensure that another problem like the one at the Kira child-care centre does not happen again. I have today commenced discussions with my colleagues, the Minister for Community Services and the Minister for Local Government. High on our list of priorities will be improving planning controls to eliminate any possibility of an inappropriate development on a contaminated site. It is our intention to fix the problem and to ensure it does not happen again. I inform this House that every possible action is being taken to assist the parents

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and to minimise the dislocation to families affected. The parents of children at the child-care centre will have the full support and assistance of the Government in dealing with this matter.

MAMRE PROJECT EMPLOYMENT PROGRAMS

Mr ARMSTRONG: My question without notice is directed to the Minister for Education and Training. Has the Minister cut almost \$120,000 from the mature workers and workplace programs of the Mamre project, which last year saw over 160 disadvantaged people placed in new jobs? Why has the Minister abandoned the unemployed people of western Sydney?

Mr AQUILINA: I am grateful for the honourable member's question. Obviously, he cannot read the budget papers, nor can he understand the Treasurer's Speech.

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

Mr AQUILINA: I would have hoped that last Tuesday the honourable member listened attentively to the Treasurer's speech. It was such a special event, bringing the Treasurer all the way down to this Chamber. The honourable member would have heard that the mature workers program is indeed funded in the budget.

PREMIER'S TRAVEL, HOSPITALITY AND DISCRETIONARY GRANTS ALLOCATION

Mr NAGLE: My question without notice is directed to the Premier, Minister for the Arts, and Minister for Ethnic Affairs. Did the Opposition claim yesterday that the Premier's travel, hospitality and discretionary grants allocation had increased by up to 200 per cent? Is this the case?

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

Mr CARR: Yesterday the Deputy Leader of the Opposition misled the House by claiming that my travel allowance had been increased in the budget by 200 per cent.

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

Mr CARR: He was aided and abetted in this mischief by one of those very rare occasions in this Parliament, a press conference by the Leader of the Opposition. Both were wrong - and wrong on two counts. According to page 57 of Volume 1 of Budget Paper No. 3, the amount in question is not a personal allocation for my travel.

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

Mr CARR: It is a contingency fund for the department, referred to as "Ministerial travel, special reports for the Premier, and unforeseen expenses approved by the Premier". This year's allocation is \$247,000, which compares with the previous allocation of \$240,000.

Mr SPEAKER: Order! I call the honourable member for Myall Lakes to order for the second time. The Leader of the Opposition will remain silent.

Mr CARR: That represents an increase in real terms. The second misstatement relates to the false claim by the Leader of the Opposition that my personal hospitality budget had increased from \$1.1 million to \$2.5 million.

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

Mr CARR: The budget item in question relates not to any personal allocation but to the budget for the protocol and hospitality division of the Premier's Department. That division, which is located on the forty-first floor of Governor Macquarie Tower, organises itineraries, receptions and other functions for visiting heads of state and other foreign dignitaries, such as the lunch on Tuesday for the visiting Japanese Crown Prince and Crown Princess, which the Leader of the Opposition was happy to attend, luncheons such as that and opening nights being his favourite recreation. Under the previous Government level 41 of the Governor Macquarie Tower was to contain a penthouse apartment for the former Premier, as well as function areas. Under this Government the penthouse has been converted to office space for public servants. The budget of the protocol and hospitality division contains an explanation for the increase: it covers rental costs for level 41. Exorbitant I agree, but not a cost that can be sheeted home to this Government. I have the lease agreement here. It is dated 4 March 1994 - a year before the election!

[Interruption]

Do not waste your breath on him now. The circle will close by talking about the former Treasurer. Finally, we come to the third fib of the Leader of the Opposition. He claims that I massively increased the allocation for discretionary funds from \$59,000 -

Mr Collins: On a point of order: it was not clear whether the Premier was tabling that document.

Did he seek to table it?

Mr SPEAKER: Order! The Leader of the Opposition has requested that the document be tabled. However, it is a matter for the Premier whether he tables the document.

Mr CARR: The Leader of the Opposition claims that I have massively increased the allocation for discretionary funds from \$59,000 to \$1.7 million. He referred to it as a slush fund.

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The Leader of the Opposition could not read a budget balance sheet when he was Treasurer, and he still can not. These funds have absolutely nothing to do with my discretionary grants allocation. As the budget papers show clearly, those funds were allocated to the Cabinet Office for social policy initiatives. The \$59,000 was spent by the previous Government in 1994-95 on the International Year of the Family. The \$1.7 million is the residue of a 1994-95 allocation for the operation of the Natural Resources Audit Council. These funds are being transferred from my department to the Department of Urban Affairs and Planning. As to my allocation for discretionary grants, I make the following point. The former Premier was allocated \$793,000 for discretionary grants but, 1994-95 being an election year, the honourable member for the Southern Highlands managed to spend \$3.2 million. In other words, in an election year my predecessor overspent his allocation by \$2.5 million. I have to make one concession to the Leader of the Opposition and I do so candidly: there is an increase of \$200,000. I have the documentation here.

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

[Interruption]

Mr CARR: Who said "Too much"? The honourable member for Port Macquarie said it was too much. It is very interesting that the honourable member for Port Macquarie should say "Too much" because -

Mr Phillips: You should apologise.

Mr CARR: Members of the Opposition find it very funny. The Deputy Leader of the Opposition says I should apologise. There is no apology for this, because the increase of \$200,000 represents an ex gratia payment of \$100,000 each to the widows of Constable Spears and Constable Addison, who were shot three months ago in the line of duty at Crescent Head. There was an increase in this aspect of the funds by \$200,000. Government members make no apologies for that, and we not regard it as a joke. Until yesterday I had assumed that this action of the Government had the support of both sides of the House. I can no longer make that assumption.

Mr O'Doherty: On a point of order: during the answer to that question, Mr Speaker, you ordered, and the Premier agreed, that the document be tabled. He has not done that.

Mr SPEAKER: Order! I understand the document will be tabled.

Mr CARR: I seek leave to table the document.

Leave granted.

EASTERN DISTRIBUTOR FUNDING

Ms MOORE: My question is directed to the Minister for Public Works and Services, Minister for the Olympics, and Minister for Roads. How does the Minister plan to fund the desperately needed Eastern Distributor, a \$130 million project due for completion in the year 2000, if he has allocated only \$4 million in this year's budget?

Mr KNIGHT: I reiterate in public what I said to the honourable member for Bligh in private: that tenders have been called from the private sector for the provision of the Eastern Distributor.

Mr Cochran: On a point of order: the Minister has indicated that he has already answered the question asked by the honourable member for Bligh.

Mr SPEAKER: Order! I remind the honourable member for Monaro that the Chair cannot direct that a Minister respond to a question in any specific manner.

Mr KNIGHT: Tenders have been called for the Eastern Distributor, and they have closed. An assessment committee is expected to soon deliver a recommendation for the building and construction by the private sector of the Eastern Distributor as a toll road.

Mr Photios: As a toll road!

Mr KNIGHT: In response to the interjection by the honourable member for Ermington, I might say that the Government is honouring a promise. The promise was made in 1988 by Nicholas Greiner who said -

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

Mr KNIGHT: - that the next coalition government would proceed with construction of the Eastern Distributor as a matter of priority after the 1988 election.

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

Mr KNIGHT: The only contribution Nick Greiner made to building the Eastern Distributor was that when he was thrown out of Parliament he became Chairman of Baulderstone Hornibrook, which is one of the three tenderers for the project. That was the limit of his contribution.

SCHOOL STUDENT TRANSPORT SCHEME

Mr PHOTIOS: My question without notice is directed to the Minister for Transport, and Minister for Tourism. Will his changes to the school transport scheme take as many as 2,000 buses off the road and cripple the State's bus companies, especially in Sydney's west? Will he guarantee no loss of bus services to either school students or the State's commuters?

Mr LANGTON: I thank the honourable member for his question.

Mr SPEAKER: Order! The honourable member for Ermington is now on three calls to order.

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Mr LANGTON: The Passenger Transport Act 1990 provided that private bus operators and State Transit Authority operators in New South Wales must comply with minimum service levels and maximum fare structures. That means that every bus route in New South Wales, whether operated by a private operator or the State transit authority, must provide services at regular intervals, depending on population and several other factors. Under existing legislation bus operators may be required to provide services every 15 minutes during peak hours; they must provide a minimum number of services. The number of children travelling on school buses makes absolutely no difference to the requirement on bus operators to provide services. Under existing legislation school student transport services must be provided, whether or not by a private operator. There will be no loss of services, whether by route buses or school buses.

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

Mr LANGTON: Since the budget was presented on Tuesday we have not heard from the Leader of the Opposition or the honourable member for Ermington about the decision taken by the Government. Would they reinstate the cuts that have been made? They are silent on that matter, but they have much to say about getting rid of -

Mr Kerr: On a point of order: I refer you to the ruling made in question time yesterday, in response to the honourable member for Oxley, about ministerial answers being argumentative and Ministers debating issues.

Mr Carr: On the point of order: the Minister for Transport is not only in order; he must be congratulated by the House on asking the pertinent question: would you reinstate the cuts made to the scheme?

Mr Photios: On the point of order: the Minister for Transport invited the Opposition to comment on this matter. That is the issue raised by the honourable member for Cronulla. The Premier suggests that we should respond -

Mr SPEAKER: Order! The member will resume his seat.

Mr Collins: On the point of order: I refer to Standing Order 139. The budget debate has been adjourned; I will answer the Minister's question, and many other questions about the budget, in my speech on the budget at 4 p.m. on next Tuesday.

Mr SPEAKER: Order! The Leader of the Opposition is seeking to debate the matter. He is out of order and I direct him to resume his seat.

Mr LANGTON: To summarise, there will be no loss of services to people who need to use buses in New South Wales, whether by route buses or school buses. I reiterate that the people of New South Wales are anxiously waiting to hear the position of the Leader of the Opposition and the honourable member for Ermington on school student transport subsidies.

AUDITOR-GENERAL'S REPORT ON LUNA PARK

Mr ANDERSON: My question without notice is directed to the Minister for Land and Water Conservation. What is the Government's reaction to the report of the Auditor-General into Luna Park?

Mr YEADON: For a lesson in sheer incompetence and reckless disregard for taxpayers' money, all honourable members should read this document.

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

Mr YEADON: It is better than a Sidney Sheldon novel. The Auditor-General's report is a reader's guide to the shonky practices of the previous Government. It records the failure of the Liberal Government to follow proper procedures in setting up Luna Park.

Mr Armstrong: On a point of order: the Minister read from a document, held it up and then put it down. I ask him to identify it and table it.

Mr SPEAKER: Order! Is the member asking that the document be tabled?

Mr Armstrong: I am asking that the document be, first, identified and, second, tabled.

Mr YEADON: On the point of order: if the Leader of the National Party paid attention, he would realise that the Auditor-General's report on Luna Park was tabled some 15 minutes ago. He would also know that the honourable member for St Marys asked me to comment on the report.

Mr SPEAKER: Order! No point of order is involved. It is obvious that the Minister was referring to the report.

Mr YEADON: To comply with the request of the Leader of the National Party, I will table the document.

Mr Armstrong: On a point of order: with due deference, the document just presented was not the document waved around by the Minister. Nor did the Minister identify it.

Mr SPEAKER: Order! The Chair accepted the Minister's assurance that he was referring to the Auditor-General's report. There is no point of order.

Mr Armstrong: Mr Speaker -

Mr SPEAKER: Order! The Leader of the National Party will resume his seat. I have ruled on the matter.

Mr YEADON: So the Leader of the National Party is under no misapprehension, the title of the document is "Luna Park: Auditor-General".

Mr Armstrong: On a point of order: Mr Speaker, you accepted the Minister's word that he tabled the document he referred to.

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Mr SPEAKER: Order! The member will state his point of order.

Mr Armstrong: My point of order is that the Minister tried to mislead you and the House when he indicated that that was the document.

Mr SPEAKER: Order! The Leader of the National Party will resume his seat. If he wants to canvass the rulings of the Chair, he should do so by reference to the appropriate forms of the House.

Mr Hartcher: On a point of order: I refer to Standing Order 137(5), which states:

Questions cannot anticipate discussion upon an Order of the Day or other matter.

The answer is out of order, as the question is out of order, because it anticipates a matter set out in *Notices of Motion and Orders of the Day*. The matter was put there by no less a person than the Minister for Land and Water Conservation. The question is out of order; the answer is out of order.

Dr Refshauge: On the point of order: obviously, the report of the Auditor-General on Luna Park is a great embarrassment to Opposition members; they have raised many spurious points of order to try to stop debate on an important issue highlighted today by the Auditor-General.

Mr YEADON: On the point of order: I shall draw a distinction for the honourable member for Gosford. The question that I am answering at present relates to the view of the Government on the content of the report. My notice of motion condemns those involved in the matter.

Mr O'Doherty: On the point of order: the Minister has admitted that the question directly relates to the matters which will be debated later in the afternoon. How can one possibly condemn without referring to the content of the report?

Mr SPEAKER: Order! No point of order is involved. The motion for urgent consideration deals with the actions of the Deputy Leader of the National Party, whereas the question deals with the content of the report.

Mr West: On a point of order: there are two notices for urgent consideration set down for discussion and determination as an order of the day for a later hour of this day. The notice you just referred to is a notice given by the Government which has not yet been determined. The other notice given by the Deputy Leader of the National Party refers to the condemnation of the current Government. I submit that the material being canvassed in the Minister's response is the same as the material that would be canvassed if the notice of the Deputy Leader of the National Party were to be given approval at a later hour of the day. The House cannot anticipate the subject matter of that debate.

Mr SPEAKER: Order! I will not entertain any further argument on the point of order. The motion for urgent consideration under the signature of the Deputy Leader of the National Party deals specifically with the management of the Luna Park Trust after events referred to in the report. The Minister is in order and may proceed.

Mr YEADON: It will not save the Opposition. This Auditor-General's report is a reader's guide to the shonky practices of the former Government. It records the Liberal Government's failure -

[Interruption]

Mr SPEAKER: Order! In accordance with a ruling of the Chair of Tuesday last that resulted in the removal of a member from the Chamber - a ruling about which I reminded members at the commencement of question time today - and given that the honourable member for Ermington is already on three calls to order, I direct the Serjeant-at-Arms to remove the honourable member for Ermington from the Chamber for disorderly conduct and for disobeying a direction of the Chair that members not attempt to display material in the House.

[The honourable member for Ermington left the Chamber, accompanied by the Serjeant-at-Arms.]

Mr YEADON: This report exposes the Opposition's outrageous ploys to avoid public scrutiny when the coalition parties were in government. The Auditor-General's report suggests serious impropriety on the part of the Deputy Leader of the National Party. It questions the propriety of his dealings with Luna Park. The Auditor-General's report does not go to the question of Luna Park's viability. That is a matter for the administrator appointed by our Government to the Luna Park Trust. The report shows very clearly that governments should not meddle in what are supposed to be private sector ventures. It vindicates the Carr Government's decision not to pour additional taxpayers' money into Luna Park. It shows that the former Government helped to handicap Luna Park right from the start. The report on page 3 finds:

. . . several issues that are of major concern and represent departure from basic accountability principles that, in the opinion of the Audit, should be observed in the public sector . . .

It continues:

As a consequence of some of these departures, the New South Wales taxpayers have incurred substantial additional costs.

Yes, substantial additional costs: some \$54 million and rising!

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

Mr YEADON: Who was the Treasurer during this time? Who was he? Who was the man in charge of safeguarding the taxpayers' purse? None other than the present Leader of the Opposition. Where was he? Why was he not

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keeping a more watchful eye on this venture? Was he too busy at rehearsals with his highly paid budget consultants? The report further finds:

Commitments that were entered into for which the Government is ultimately liable were not recorded in the Government's accounts.

That is right; there was no record at all kept of important financial transactions. And who was the Treasurer then? The present Leader of the Opposition! The report found that the former Government, although ill-suited and ill-equipped, wrongly involved itself in the running of an amusement park. Again, who was the Treasurer? The present Leader of the Opposition! The report found that for the Deputy Leader of the National Party, who was at that time Minister for Land and Water Conservation - the Minister responsible for Luna Park - there was the appearance of a conflict of interest in relation to his handling of the affair. That is right: a conflict of interest.

The report documents how he conveniently became Acting Treasurer for just eight days in late 1993 - just enough time to approve the creation of a company to run Luna Park which roped the New South Wales taxpayers into a multimillion dollar risk. That was an expensive week for New South Wales and a sad day for public administration in this State. The Opposition seems to have gone a little bit quiet! The Auditor-General's report details how, in creating this company, the Deputy Leader of the National Party did not follow the Premier's guidelines. In fact he set up a company in a way that ensured there could be no parliamentary or public scrutiny of its affairs. This is unprecedented action.

Mr SPEAKER: Order! The Deputy Leader of the National Party will have an opportunity to address the matter at a later time.

Mr YEADON: The Auditor-General found the Deputy Leader of the National Party approved changes to the management plan for the park which led to the increase in project costs -

Mr Cochran: On a point of order: I seek clarification of your ruling in that you just directed the Deputy Leader of the National Party that he would have a chance at a later stage to address the Chamber on the matter. That confirms the remarks made by you earlier -

Mr SPEAKER: Order! No point of order is involved. The honourable member for Monaro will resume his seat.

Mr YEADON: As I was saying before I was rudely interrupted, the Auditor-General found the Deputy Leader of the National Party approved changes to the management plan for the park which "led to the increase in project costs and the inability of the park to complete infrastructure work." The Auditor-General found further that the Luna Park Reserve Trust's strong desire to have a large roller-coaster led it to divert \$10 million of funds from the site restoration to fund the construction of the roller-coaster. An amount of \$10 million of taxpayers' money had been allocated from Treasury's consolidated revenue to be spent on restoring Coney Island and Crystal Palace, but instead it was spent on a roller-coaster that was too loud to operate legally on the site. The Auditor-General says that the Luna Park Trust should have got the Treasurer's approval for this diversion of funds, but where was the Treasurer? Was his approval sought? Why did he not know what was going on? He was not up to the job, and he is still not up to the job. The report finds that no environmental impact study into the park was conducted. The report specifically says:

Had an EIS been conducted it should have highlighted the possibility of operating restrictions . . . public reaction to the park may have been different if the public had been better informed of the noise, light and parking impacts of the Park.

The Auditor-General found no evidence that the trust properly assessed private sector interest in the proposed project. The former Government did not properly investigate having an amusement park without a roller-coaster and it did not properly gauge private sector interest in fully funding and operating the park as a purely commercial venture. Who was the Treasurer at the time? It was the present Leader of the Opposition. When in government the former Treasurer and the Deputy Leader of the National Party and their mates proclaimed themselves to be responsible financial managers and competent public administrators.

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

Mr YEADON: They proclaimed themselves to be responsible financial managers and public administrators. What a joke!

Mr Cochran: On a point of order: I draw your attention to the length of this answer, which has taken up a great deal of question time -

Mr SPEAKER: Order! Standing orders do not provide that responses to questions without notice should be of any specific length.

Mr YEADON: They proclaimed themselves to be responsible financial -

Mr D. L. Page: On a point of order: a moment ago the Minister indicated that the former Minister had a potential conflict of interest. The report on page 32 -

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

Mr YEADON: They proclaimed themselves to be responsible financial managers and competent public administrators. The jury is in on that one and the verdict is unanimous: they are guilty of gross maladministration. They should hang their heads in shame. They spent public money -

Mr SPEAKER: Order! The Chair was hopeful that members would maintain decorum and order after the early departure from the Chamber

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today of the honourable member for Ermington. Members who have been called to order are now deemed to be on three calls to order.

Mr YEADON: They spent public money on foolish vanities. Remember Terry Griffiths and his locks, sirens and flashing lights? They poured \$140 million of taxpayers' money into a motorcycle raceway, and now we find that they discovered basic guidelines and principles to expose taxpayers to a multimillion dollar risk in Luna Park. It is the Liberals Eastern Creek by the sea. The report vindicates the Carr Government's decision not to put more taxpayers' money into Luna Park. It was never meant to be a publicly funded venture. It has been handicapped from the start by the former Government's shonky practices. It put a trust that had no business running an amusement park at the head of a company - a company that failed to undertake basic measures such as conducting an EIS for the roller-coaster. But this is just the beginning of the story. It is the first instalment on Luna Park, confirming the Leader of the Opposition's incompetence as a financial manager. I look forward to telling the rest of this story to the House later day.

LOCAL GOVERNMENT ELECTIONS

Mr O'FARRELL: My question is directed to the Premier, Minister for the Arts, and Minister for Ethnic Affairs. Is it correct that Mr Phuong Ngo headed the local government ticket for the Australian Labor Party in Fairfield? Does Mr Phuong Ngo enjoy the complete confidence of the Premier, and Minister for Ethnic Affairs as a leading Labor identity and influential figure in the Vietnamese community in Sydney's west?

Mr CARR: I have no idea whatsoever who headed the local government ticket for the Labor Party in a ward of Fairfield or any other municipality. I have not the faintest idea.

ADMINISTRATION OF PRESCRIBED MEDICATIONS TO SCHOOL STUDENTS

Mr WATKINS: My question without notice is directed to the Minister for Education and Training, and Minister Assisting the Premier on Youth Affairs. Can the Minister inform the House of any progress to resolve difficulties with regard to administering prescribed medication to pupils in government schools?

Mr AQUILINA: The honourable member for Gladesville is a serious member who, unlike his predecessor, is keen and alert during question time - not snoring his head off - and that is obviously the reason he is the honourable member for Gladesville today. He is another former teacher and a person who is very much an expert in education, unlike honourable members opposite who claim to be experts in education but know nothing at all about the subject.

Mr Fraser: On a point of order: there is so much noise coming from the Government benches that I cannot hear -

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

Mr AQUILINA: Is it any wonder there is trouble on the Opposition side of the House, given the drivel that has just emanated from the honourable member for Coffs Harbour.

Mr SPEAKER: Order! The Minister will address his remarks through the Chair.

Mr AQUILINA: I can inform the House that, following extensive consultation, agreement has now been reached with the Public Service Association on the difficult question of the administration of prescribed medicines for school students. I am pleased to say that the matter has been resolved in the best interests of school students, their parents and the school community. But I am sad to say that the Opposition, and in particular the honourable member for Ku-ring-gai, have tried to use parents and students and, indeed, ancillary staff for their base political purposes. This is the man who gets up in this House time and time again and says, "We want a bipartisan approach to education matters." These serious matters deserve public scrutiny and public attention. Yet, time and time again on issues as important as this, he resorts to the base political practice of misleading and misguiding people.

It is shameful for the honourable member for Ku-ring-gai to unnecessarily frighten parents into believing that their children would not receive their medication at school. The agreement provides for appropriate information and support being given to an ancillary staff member who will be paid an allowance to administer prescribed medications to students and to maintain relevant records. For students who require certain health care procedures such as catheterisation, tube feeding, suction of fluids, and administration of rectal Valium, a special teacher's aide will be given accredited training in such health care procedures and will be paid an appropriate allowance. Some Opposition members are making a joke of this. This is a serious matter. They ought to realise that parents are concerned.

Mr O'Doherty: On a point of order: this is a serious matter and should be the subject of a ministerial statement.

Mr SPEAKER: Order! No point of order is involved. The honourable member understands fully what a ministerial statement is. He is deliberately interrupting the Minister.

Mr AQUILINA: If the honourable member for Ku-ring-gai had asked me the question, I would have been happy to answer it.

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

Mr AQUILINA: In reaching agreement on these matters the Department of School Education and the Public Service Association have made a

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commitment to the provision and administration of medication and health procedures in all relevant schools. These proposals, which will provide improved care for students and recognise the work of ancillary staff in government schools, also demonstrate the Government's commitment to improve student welfare. This can-do Government is resolving these issues in the best interests of the children, their parents, the schools and the staff. Once again, the Carr Labor Government is getting it right, right from the start.

MINERAL AND PETROLEUM EXPLORATION

Mr NEILLY: My question without notice is directed to the Minister for Mineral Resources, and Minister for Fisheries. What impact has the Discovery 2000 program had on the mineral and petroleum exploration industry?

Mr MARTIN: The honourable member for Cessnock, a diligent member of Parliament, has done as much for mining as my colleagues the honourable member for Broken Hill, the honourable member for East Hills and other honourable members. The Discovery 2000 program - a \$40 million six-year program to attract new mineral and petroleum exploration to New South Wales - is aimed at increasing the New South Wales share of exploration investment in Australia by targeting key prospective areas and by providing up-to-date geological and geophysical information. It is aimed also at matching similar programs which have been announced by most other States.

The first year of the Discovery 2000 program has been completed. About \$6.5 million of the \$10 million budget was spent on high-resolution geophysical surveys over areas that are prospective for minerals or petroleum but where there has otherwise been limited exploration. The areas selected for the mineral program were north of Parkes, around Bourke and an area north-east of Broken Hill. The results from these surveys have now been released. Exploration companies have been impressed with the quality of the data. Discovery 2000 incorporates the New South Wales Government's participation in a joint program with the Commonwealth and South Australian governments to encourage exploration in the Broken Hill district. All three governments recognise the serious consequences for Broken Hill and Port Pirie if no new mines get under way by the time Broken Hill ore reserves are exhausted in 10 to 15 years time.

Results for the first geophysical survey around Broken Hill were released in April. Already there has been a substantial increase in exploration licence applications in this area. Increases in exploration licence applications have occurred also in respect of other mineral target areas, even though the results have only just been released. This is a very positive program. On the petroleum side of the Discovery 2000 program geophysical surveys were carried out in the Darling Basin, which is in the Broken Hill area; in the Surat Basin, which is in the Moree area; and in the Clarence northern area, an area which has been poorly represented for some time. If honourable members need to know where that is, that is the area that is poorly represented.

The results of those surveys were released on 5 and 6 October at a major New South Wales petroleum conference attended by more than 100 industry and government representatives. At that conference I announced the release of a number of blocks for petroleum exploration licence applications. It appears that there will be keen interest in these blocks by petroleum exploration companies. This is the key to the Discovery 2000 program. It is important to have active petroleum research in New South Wales. At present all the State's gas is supplied from South Australia, but new sources of supply will be required as current contracts expire after the year 2000. The Government has demonstrated its commitment to Discovery 2000 by providing \$9 million for the second year of the program. Without a doubt this is a very exciting program for New South Wales. This Government must be commended for its achievements.

Questions without notice concluded.

PREMIER, MINISTER FOR THE ARTS, AND MINISTER FOR ETHNIC AFFAIRS

Personal Explanation

Mrs CHIKAROVSKI: I wish to make a personal explanation.

Leave granted.

Mrs CHIKAROVSKI: Earlier today in question time the Premier made some remarks in relation to me which I found particularly offensive. He referred to so-called medication that I might be taking. I was offended by those remarks. The Premier would have no idea what sort of medication I may or may not be taking. The remarks were offensive not only to me but also to women in New South Wales taking that sort of medication. Mr Speaker, I ask you to direct the Premier to apologise.

Mr SPEAKER: Order! The Chair has no power to direct the Premier in that regard.

PREMIER, MINISTER FOR THE ARTS, AND MINISTER FOR ETHNIC AFFAIRS

Personal Explanation

Mr PHILLIPS: I wish to make a personal explanation.

Leave granted.

Mr PHILLIPS: In answer to a question today the Premier made what I consider to be a serious accusation. He said that the Deputy Leader of the Opposition misled this House yesterday. If he believes that I misled this House he is entitled to move a motion to that effect.

Mr SPEAKER: Order! That is not a personal explanation.

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Mr PHILLIPS: It is quite clear that the question I asked yesterday related to actual expenditure by the former Premier on this account.

Mr Knight: On a point of order: the Deputy Leader of the Opposition well knows that a personal explanation should be brief and should deal with the manner in which he claims his reputation has been impugned. He is not allowed to debate the matter.

[Interruption]

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

Mr PHILLIPS: It is quite clear this matter is serious and needs to be explained. Yesterday in the question asked it was quite clear the previous Premier's expenditure was \$79,000 -

Mr Whelan: On a point of order: clearly the Deputy Leader of the Opposition is wasting the time of the House. This is a frivolous personal explanation. He knows only too well that if he wishes to reply to criticism, he should use the forms of the House, whether by notice of motion or question. He cannot do so by way of a disguised personal explanation. The Deputy Leader of the Opposition is deliberately flouting the forms of the House to make a debating point. I ask that he be ruled out of order and directed to sit down.

Mr SPEAKER: Order! I will entertain no further discussion. The Chair has ruled on the matter on a previous occasion.

Mr PHILLIPS: It is a serious matter to impugn my reputation and say that I have misled this House. I am explaining the purpose of my question yesterday.

Mr SPEAKER: Order! The member is entitled to make a statement.

Mr PHILLIPS: The question asked yesterday referred to actual expenditure by the previous Premier of \$79,000 against the line item for travel budget.

Mr SPEAKER: Order! As the member is debating the essence of the matter rather than seeking to explain how his reputation has been impugned, I direct him to resume his seat.

AUDITOR-GENERAL'S REPORT ON LUNA PARK

Personal Explanation

Mr SOURIS: I seek leave to make a personal explanation.

Leave granted.

Mr SOURIS: During questions without notice, the Minister for Land and Water Conservation referred to a matter in the Auditor-General's Luna Park report. He said that there was a matter of impropriety in that I had exercised a conflict of interest in my duty as Minister for Land and Water Conservation at the time and as Acting Treasurer. As Acting Treasurer I received a file from Treasury, which clearly states on the last page that I noted that I was the Minister and referred the file to the Premier for his decision, not mine. This fact is also clearly stated in the Auditor-General's report on page 32.

Mr SPEAKER: Order! The Deputy Leader of the National Party is debating the matter. The purpose of a personal explanation is to enable a member to show how his or her reputation has been impugned or reflected upon.

Mr SOURIS: I reject the accusation of impropriety and rely on the statement of the Auditor-General that I addressed this question by seeking the Premier's involvement. Clearly that resolves any question of impropriety. The Minister for Land and Water Conservation has lied and misled the House about the contents of the report.

Ms Machin: On a point of order: whilst the Deputy Leader of the Opposition was making his personal explanation the Minister for Small Business and Regional Development, Minister for Ports, Assistant Minister for Energy, and Assistant Minister for State Development quite clearly leaned forward on his seat and in his usual fashion called him a liar. Mr Speaker, I draw your attention to standing order -

Mr SPEAKER: Order! I cannot uphold the point of order. Because of the level of audible conversation I did not hear the word complained of.

Mr Hartcher: On a point of order: the honourable member for Lane Cove sought an apology from the Premier in relation to offensive and personal remarks made about her. I draw your attention to Standing Order 82 which says that imputations and personal reflections on members are disorderly. I ask you to rule on the Premier's comments and on the request of the honourable member for Lane Cove for an apology from the Premier to her and all women of this State.

Mr SPEAKER: Order! Had the honourable member for Gosford been alert, he would know that earlier I ruled that only the member to whom comment is directed can seek an apology or withdrawal.

CONSIDERATION OF URGENT MOTIONS

Luna Park Operations

Mr YEADON (Granville - Minister for Land and Water Conservation) [3.37]: There is nothing of more importance to this House than the shameful saga of Luna Park. More than \$54 million of taxpayers' money has been frittered away on a venture that was supposed to be run by the private sector. One of Sydney's best loved attractions, a heritage site of vital importance, has been handicapped by foolish mismanagement. This House must be told the reasons and it must pass judgment on the actions of those involved.

Mr West: You have already answered the question, so why is it urgent?

Mr YEADON: So that this House can pass judgment on those involved in the saga. This House must be made aware of the shonky and irresponsible

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practices that proceeded in secret behind the backs of New South Wales taxpayers without proper scrutiny by the Auditor-General or the Parliament. This scam was unprecedented and this House should know the details so that it can make a judgment upon the actions of the men involved, the men who had the hide to pretend that they were competent administrators.

Mr West: On a point of order: this is really the address the Minister should give if the House decides that his notice should proceed. He has not yet explained why the matter is urgent. The report to which he refers was tabled today in the House.

Mr SPEAKER: Order! I uphold the point of order. The Minister should establish why his motion should be given priority.

Mr YEADON: This matter is urgent because this House must be appraised of all that occurred in the setting up of Luna Park. It must be appraised of the actions of the people involved. It is a disgrace that the setting up of Luna Park was carried out in unprecedented secrecy. That is why it needs to be brought to the urgent attention of this House and the people of New South Wales. This House needs to make a judgment on business deals that allow private sector developers to double their equity value in this business through questionable valuations.

Most importantly, this House must be alerted to the behaviour of the man who would be Premier - the Leader of the Opposition. He believes he is good enough to run this State. The House must be given the chance to judge his competence as Treasurer during the setting up of Luna Park. This House must hear the full story behind his involvement. The full story is not contained in this report, but I will fill in the bits and pieces. This matter is urgent because millions of dollars of taxpayers' money has been squandered in secrecy and deliberately held from the Parliament and deliberately kept from the eyes of the Auditor-General until this Government allowed the Auditor-General to examine the Luna Park set-up. The papers on this matter were spread from one end of Sydney to the other. That is where the Auditor-General had to go to look for all the bits and pieces of papers on Luna Park. It was a sham and a mess.

Mr Cochran: On a point of order: in pursuit of the argument put by the honourable member for Orange, I suggest that the Minister is arguing the point, rather than demonstrating the urgency of his motion.

Mr SPEAKER: Order! The Minister is seeking to establish priority for his motion.

Mr YEADON: The taxpayers of New South Wales have waited for months to find out the full story behind the rebirth of Luna Park. They witnessed the glitzy opening, the fireworks and the champagne, but it was all a shining facade. Behind the scenes was a tawdry management mess, and we should know why. Taxpayers and lovers of Luna Park were shocked when the Government first raised alarm bells about the finances of Luna Park. They endured the lengthy court case which passed judgment on the roller-coaster, and heard about its fate. They waited with bated breath, and now we need to know what went on behind the scenes. [*Time expired.*]

Luna Park Management

Mr SOURIS (Upper Hunter - Deputy Leader of the National Party) [3.42]: My motion is urgent because of the need for ongoing management at Luna Park. The tabling of the Auditor-General's report today is of historical significance. The Government, since it came to power in March this year, has had seven months of management of Luna Park. During that time the Government has destabilised and devalued the park, and indeed has even created a default on a loan. These are urgent matters for consideration in this Parliament, this day. Four Ministers have been involved in that destabilisation - the Premier, the Treasurer, the Minister for Land and Water Conservation, and the Minister for Public Works. Since the election those Ministers have created a destabilising atmosphere about Luna Park. They have attacked it, destabilised it, and by their actions they have devalued it. But for the statements made one weekend by the Treasurer, supported by the Minister for Land and Water Conservation, Luna Park would have been cleared of people and vacated by the following Monday. But for his remarks, the ANZ Bank would not have called upon the Government to make good a completion guarantee. There is urgency about management, not about history.

Mr Yeadon: On a point of order: the Minister is debating substantive matters that concern the past. He has mentioned the future management of Luna Park. He should explain why his motion is urgent.

Mr SPEAKER: Order! The Deputy Leader of the National Party is well aware of the standing rules.

Mr SOURIS: Urgency is sought because Luna Park needs good, ongoing management and confidence boosting from the Government, not continual destabilisation. The issue is urgent because it is current and the Government needs to take action. The historical perspective does not excite urgency as does the ongoing management of Luna Park. The issues I have raised are far more urgent than the content of the motion of the Minister for Land and Water Conservation. The previous Government had given a completion guarantee - though no other form of guarantee - about amelioration of noise. That need is still current and urgent.

Mr SPEAKER: Order! If the member for Monaro continues to interrupt, he will be removed from the Chamber.

Mr Yeadon: On a point of order: the honourable member is canvassing substantive matters and is not explaining why his motion is urgent. The completion obligation is historical, and
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it is over. The Government has an administrator in place. That bears no relationship to the present management of Luna Park; it is in the past.

Mr SPEAKER: Order! I uphold the point of order. The Deputy Leader of the National Party will return to explain the reasons why his motion should be given precedence.

Mr SOURIS: The reasons for the superior urgency of this motion is that the requirement for good ongoing management and a good attitude by the Government to what has been highly valued over many years was passed by this Parliament in order to re-create Luna Park. The actions of the Minister and his colleagues to destabilise the bank have recently created a problem of urgency that did not exist prior to the election. That is the urgency of the matter.

Mr Yeadon: On a point of order: again the honourable member is canvassing substantive matters. The bank loan he is talking about has been paid back by TCorp. He is talking about nothing.

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

Mr SOURIS: There is a cost structure which is deemed to be a cost structure only because of the present Government's recent actions which make the issue of the financing of Luna Park an urgent matter for consideration this day. If it was not for those actions of recent months, if the completion guarantee had been continued as it should have been in recent months, urgency would not have been created.
[Time expired.]

Question - That the notice for urgent consideration of Mr Yeadon be proceeded with - put.

The House divided.

Ayes, 49

Ms Allan	Mr Markham
Mr Amery	Mr Martin
Mr Anderson	Ms Meagher
Ms Andrews	Mr Mills
Mr Aquilina	Ms Moore
Mrs Beamer	Mr Moss
Mr Clough	Mr Nagle
Mr Crittenden	Mr Neilly
Mr Debus	Ms Nori
Mr Face	Mr E. T. Page
Mr Gaudry	Mr Price
Mr Gibson	Dr Refshauge
Mrs Grusovin	Mr Rogan
Ms Hall	Mr Rumble
Mr Harrison	Mr Scully
Ms Harrison	Mr Shedden
Mr Hunter	Mr Stewart
Mr Iemma	Mr Sullivan

Mr Knowles	Mr Tripodi
Mr Langton	Mr Watkins
Mrs Lo Po'	Mr Whelan
Mr Lynch	Mr Yeadon
Mr McBride	<i>Tellers,</i>
Dr Macdonald	Mr Beckroge
Mr McManus	Mr Thompson

Noes, 42

Mr Armstrong	Mr Merton
Mr Blackmore	Mr O'Doherty
Mr Causley	Mr O'Farrell
Mr Chappell	Mr D. L. Page
Mrs Chikarovski	Mr Peacocke
Mr Cochran	Mr Phillips
Mr Collins	Mr Richardson
Mr Cruickshank	Mr Rixon
Mr Debnam	Mr Schipp
Mr Downy	Mrs Skinner
Mr Ellis	Mr Slack-Smith
Mr Fahey	Mr Smith
Ms Ficarra	Mr Souris
Mr Fraser	Mr Tink
Mr Glachan	Mr Turner
Mr Hartcher	Mr West
Mr Hazzard	Mr Windsor
Mr Humpherson	Mr Zammit
Dr Kernohan	
Mr Kinross	<i>Tellers,</i>
Mr Longley	Mr Jeffery
Ms Machin	Mr Kerr

Pairs

Mr Carr	Mr Beck
Mr Knight	Mr Rozzoli

Question so resolved in the affirmative.

LUNA PARK OPERATIONS

Motion for the suspension of standing orders, by leave, by Mr Whelan agreed to:

That standing orders be suspended to allow the speaking times for the debate on the motion for urgent consideration to be as follows:

Mover	15 minutes
Member for Upper Hunter	20 minutes
Member for Newcastle	5 minutes

Consideration of Urgent Motion

Mr YEADON (Granville - Minister for Land and Water Conservation) [3.54]: I move:

That this House condemns the actions of the member for Upper Hunter and the Leader of the Opposition for squandering more than \$54 million of taxpayers' money and for their incompetent handling of Luna Park.

I have a story for the House today: a story of one man's folly and the millions in taxpayers' money that has been squandered as a result. It is a story of one man's fun park fantasy and the roller-coaster ride he took his Treasurer on. It is a story of their failed foray into the commercial world, and of their attempts to hide their story from the world. It is the story of George and Peter. My apologies, Mr Speaker, this is the story of the Deputy Leader of the National Party and the Leader of the Opposition, and it is a sorry tale indeed. It is a tale which can only prompt this House to condemn them both, one for incompetence and the other for ignorance at best.

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Mr Hazzard: On a point of order: the thread of what has already been said would seem to indicate that the only purpose for this debate is to make a substantive attack on both the Deputy Leader of the National Party and the Leader of the Opposition.

Mr SPEAKER: Order! As the motion for urgent consideration seeks to condemn the actions of the Deputy Leader of the National Party, the Minister is in order making reference to the Deputy Leader of the National Party.

Mr YEADON: The Auditor-General's report handed down today vindicates and confirms all the concerns that the Government had about Luna Park. It vindicates the Government's decision not to pour more taxpayers' money into this venture. The report uncovered "several issues that are of major concern and represent departure from basic accountability principles that, in the opinion of Audit, should be observed in the public sector". The report continues:

As a consequence of some of these departures, the New South Wales taxpayers have incurred substantial additional costs. Commitments that were entered into for which the Government is ultimately liable were not recorded in the Government's accounts.

No records were kept of transactions that exposed the taxpayers of New South Wales to millions of dollars of risk. The report continues:

The Government, although ill-suited and ill-equipped . . . is involved in running an amusement park . . .

How did this happen? How did the taxpayers wind up footing the bill for what was supposed to be a commercial venture? It occurred because the Deputy Leader of the National Party was driven to ignore basic guidelines and safeguards to help set up a company to run Luna Park. The report is one long indictment of the Deputy Leader of the National Party. Was he dazzled by the smiling face and bright lights of Luna Park? Did he want to get into show business? Whatever the reason was, he put aside concerns for public accountability and fiscal responsibility and executed a string of bad decisions. Who was the Treasurer? Who was supposed to be presiding over the finances of this State, and safeguarding the public purse at this time? The Leader of the Opposition. I will return to him in a moment.

Honourable members will recall that the Deputy Leader of the National Party was the Minister for Land and Water Conservation. He was in charge of the Luna Park Reserve Trust, a government body

set up to administer the site of Luna Park. It developed a plan of management for the park in which its only role was as landlord. It was supposed to find someone else to run the park and pay rent for occupying the park. Instead, the Minister decided that the trust could become involved in running the commercial operations of the park and created Luna Park Amusements Proprietary Limited. The trust had a 56 per cent share in this company. That means that, thanks to the honourable member for Upper Hunter, the taxpayers of New South Wales had a 56 per cent share in a risky business, a business in which the Auditor-General said they should not have been involved. The Auditor-General found that, in setting up this company, the honourable member did not follow the Premier's guidelines for the formation of a subsidiary company.

Under the guidelines a copy of the memorandum and articles of association of LPA should have been tabled in each House within 14 sitting days of the formation of LPA. That would have enabled the Auditor-General and the Parliament to scrutinise the financial operations of Luna Park. Instead, because of the folly of the honourable member for Upper Hunter, serious financial and managerial blunders were made in secret and with disastrous consequences. There was no parliamentary scrutiny of the financial records of Luna Park and no independent audit of its records. A private auditor, not subject to the scrutiny of Parliament or of the public, was appointed to vet the financial records of Luna Park. The Auditor-General clearly said that he should audit all subsidiary companies. He expressed concern that a company in which a government trust has the majority shareholding, and thus New South Wales taxpayers have the majority interest, did not appoint the Auditor-General as auditor, in contrast to the guarantees given to Parliament by the honourable member for Upper Hunter. On 18 November 1993 he told this House:

The trust is expected to operate in a commercially sound manner and its dealings will be subject to the scrutiny of this Parliament.

One really has to laugh; nothing could have been further from the truth. The honourable member misled the Parliament, and I condemn him for it. There was no scrutiny of the internal financial workings of the company. One is left to wonder why. The Auditor-General advises that this is unprecedented. I ask again: why did the honourable member for Upper Hunter shy away from public scrutiny of Luna Park? Perhaps he can supply us with the answer. [*Quorum formed.*]

Mr Jeffery: On a point of order: earlier Parliament passed a motion relating to speaking times. The Leader of the House just walked in and announced to all within hearing range -

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

Mr YEADON: The Auditor-General advises that this is unprecedented. The Auditor-General also found that the honourable member for Upper Hunter, in approving this company, ignored the Premier's earlier advice. The former Premier wrote to the honourable member, stating that there seemed to be a basic misunderstanding and that he could not distinguish between the trust and the Government. I quote:

The Trust was never to be in position active or passive in the operation - only to ensure the best revenue stream came back to Government. Therefore, I do not believe that the Trust should invest in any way.

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For the benefit of the House, I will repeat what the then Premier said:

... I do not believe that the Trust should invest in any way.

The former Premier added:

If the investment fails, the Government is ultimately liable.

Despite this sound and sober advice from the Leader of the Government - one would have expected that the honourable member for Upper Hunter would have listened to him - the honourable member went ahead and created the company. The Auditor-General found no written evidence that the former Premier ever altered his position and gave his approval. That is an important point. I quote from the report:

Given the concern expressed by the then Premier, it is considered that written approval should have been obtained.

It was not so easy for a honourable member for Upper Hunter to create this company and expose taxpayers to millions of dollars in losses. He had to work hard at it. He had to become the Treasurer because only a Treasurer could approve the creation of a special purpose company. Luckily, by complete coincidence the honourable member was Acting Treasurer from 22 November to 30 November, just long enough to approve the creation of this company. The Auditor-General expressed some concern about this. He said that there might be an appearance of conflict of interest in that arrangement. I agree, and I thank the Auditor-General for his insightful comments. One may wonder why the honourable member for Upper Hunter was so eager for the trust to become involved in the company.

It all comes back to money. The trust needed more money. But it could get money only from TCorp, the banking section of the Treasury. That would have meant Parliamentary scrutiny of the trust's workings. Instead, the trust tried to find the money elsewhere. It approached the State Bank, the Commonwealth Bank, the Australian Industry Development Corporation, and Westpac, but no-one would touch it. It is all in the records. Finally, the Australia and New Zealand Bank decided that it would take on the risk. The trust was a shareholder in a special purpose company, Luna Park Amusements, and it could take money from the ANZ. On 8 December 1993, a dark day for New South Wales taxpayers, the honourable member for Upper Hunter approved the loan and gave a government guarantee to service the loan and any subsequent debts - debts that now stand at more than \$54 million and are still increasing. I thank the honourable member.

I am sure that the taxpayers of New South Wales would love to thank him as well. It is interesting that the Leader of the Opposition knew nothing about the loan - or so he says - until August the following year. It is surprising that he had no idea of what was happening for eight months. It is also surprising that although the honourable member for Southern Highlands knew about these developments, apparently he did not bother to tell his Treasurer. What a close relationship they must have had! Picture the meeting when the Leader of the Opposition discovered the debt for which the taxpayers were then liable: more than \$14 million as well as liability for the whole of the company because the Government had provided a guarantee on the loan. Was it a chummy meeting between Peter and George, or did the sparks fly?

Mr Jeffery: On a point of order: the Minister should refer to honourable members by their correct titles, not by their Christian names.

Mr SPEAKER: Order! I uphold the point of order.

Mr YEADON: We will never know what happened at that meeting but we do know that the Leader of the Opposition says that he was forced to approve the loan eight months after the honourable member for Upper Hunter had agreed to it and the money was being spent. I quote from a letter from the Treasurer to the former Minister:

... I would like to stress that the need for my involvement in providing undertakings for the financing of Luna Park Redevelopment arose from your decision as acting Treasurer.

He went on to admit the enormity of the former Minister's blunder. He said:

In view of the above, the Government's commitment to Luna Park and the commitments already in place regarding the Park and the amusement facilities, there is little option but for additional funding to be made available.

They were already locked into it. The poor man was forced to pay more taxpayers' money into a park which was supposed to stand alone without public support. No wonder he was not to be seen partying at Luna Park's opening. He did not want to be anywhere near it. [*Time expired.*]

Mr SOURIS (Upper Hunter - Deputy Leader of the National Party) [4.11]: In my eight years in Parliament I have never heard such a ridiculous motion and such a fabrication from what is essentially a report on what are suggested to be administrative failings by the auditor of the trust and by the department, but certainly not by me. The major point made by the Government during question time and repeatedly made during this debate was an allegation of impropriety and a conflict of interest. The Government knows only full well, having seen both the file and Auditor-General's report, that this charge does not stand up. The Auditor-General's report not only completely exonerates me, but indicates that I acted most properly in realising that a potential conflict of interest may arise and that I pro-actively and in advance referred the file and sought a decision from the Premier. There is no doubt about that. The Auditor-General's report on page 32 reads:

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Under the PAFA Act . . . It is considered that there could be the appearance of a conflict of interest for the former portfolio Minister,

The Auditor-General has said that there was no conflict of interest in relation to this matter. On page 32 the following also appears:

The former Minister addressed this by seeking the Premier's involvement in the issue, as discussed above.

There is no question of impropriety or conflict of interest. The Minister is lying and misleading the House.

Mr SPEAKER: Order! The Deputy Leader of the National Party will cease using the words "lie" and "lying". Previously I have ruled that the Chair will not tolerate members using such terms. Alternative non-offensive words may be found in any dictionary.

Mr SOURIS: The Minister for Land and Water Conservation has deliberately tried to create an incorrect and untrue impression. He has deceitfully sought to mislead this Parliament by claiming that the report contains matters that it does not contain. The report contradicts the Minister and completely exonerates my activities. The report says that I acknowledged the potential conflict of interest and addressed it by referring the matter to the Premier. There could not be a clearer statement in an Auditor-General's report. The idiocy indulged in during question time and the remarks of the Minister for Land and Water Conservation in this debate relating to this alleged conflict of interest are out of order and completely wrong. The remarks are misleading because the Auditor-General's report, on which the Opposition hangs its hat, clearly states that I addressed that concern and that, therefore, no question whatsoever arises.

Mr Yeadon: Where is the Premier's response?

Mr SOURIS: Here is the file. It contains a clear statement that I pro-actively referred this file to the Premier for consideration and decision.

Mr Yeadon: Where is the Premier's response?

Mr SOURIS: The Minister is heckling and interjecting because he knows that his accusations of impropriety have no substance. He knows that the Auditor-General has recognised that and has stated it clearly in his report. The Minister has misled the Parliament. He has made a mockery of the Parliament by having the cheek to hold up a document and purport to make statements from the document that it clearly does not contain. He has not maintained the standard required of a Minister of the Crown. He is a disgrace! Essentially, the Auditor-General's report highlights many matters of an administrative nature which normally would have been departmental considerations or matters for the trust. Those matters include an indication that the memorandum and articles of association of the company should have been tabled in this Parliament. Under the Westminster system that is indeed so, and I would have tabled the memorandum and articles of association if the department had given them to me.

The Premier's guideline 91-2 of January 1991, which was issued before I was a Minister, contains a set of directions for dealing with these matters. Ministers do not carry myriad guidelines in their heads. The Minister may want to establish a precedent that Ministers are supposed to be complete experts on absolutely every government procedure and every guideline that has been issued. The Minister has been a Minister for only seven months, and he has not adhered to many of those guidelines. The Minister has supposedly known about all these guidelines and has supposedly taken an interest in Luna Park. In fact, he has not stopped trying to denigrate and destroy Luna Park, and to break the hearts of the people of New South Wales.

Mr SPEAKER: Order! Obviously this debate is of great interest to a number of members. However, I am quite sure that the Deputy Leader of the National Party needs no assistance from his National Party colleagues. Debate will proceed in an orderly fashion.

Mr SOURIS: What has happened since the March election? The Minister for Land and Water Conservation, the Treasurer from another place, the Premier and the Minister for Public Works have done nothing but denigrate Luna Park. They have destabilised the operations of Luna Park. They have lowered the financial value of Luna Park, and lessened the affection that people have for Luna Park. Indeed, they have defaulted on one of the Luna Park obligations. In creating Luna Park Amusements the previous Government made the decision that the State, the people of New South Wales, would ultimately be the beneficiaries of the capital gain associated with Luna Park, and that the capital gain should not be given away to a group of financiers that the Minister almost fell victim to: the Schrodgers group. The Minister was almost sucked in.

[Interruption]

That is an endorsement for not being taken for a ride by a group of financiers. It is an endorsement that the Government should have retained a notional equity - the Minister would not understand these terms - in a company it created and then allocated a minority of shares for consideration to the Wittingslow group. That means that the Government is in a position to sell down its notional equipment and not give it away to a group of financiers. The financiers wanted a lease on the site for 37 years, a lease that they intended to mortgage for financial accommodation. The plan of management changed to protect the interests of the people of New South Wales, to ensure that the value of that asset in Luna Park accrues for the people of the north shore.

But what actually happened? The moment the Labor Party took office it got excited - Luna Park is an exciting item; so are a couple of other projects - and said, "I know what we will do, let us

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try to destroy Luna Park. Let us see if we can squeeze an ounce of grubby politics out of it, like a latrine rodent scavenging around the rafters. Let us see if there is something dirty we can do to Luna Park." And it did. The Government said, "Luna Park will be closed by Monday and jobs will be gone - but that is irrelevant. We have destabilised it. We are going to wreck Luna Park. I will tell you what else we are

going to do, we are going to sell this site to some developer and build a huge, high-rise development, a hotel, an expo centre - who knows? But we are going to jam everything we possibly can on to what is one of Sydney's most significant heritage sites on the harbour."

It is a heritage site that has had the benefit of expert heritage restoration, using money not from the Government, not from the taxpayers, but from the Open Space and Heritage Fund - a fund that is contributed to by developers. It is not consolidated revenue, it is not government money. The Open Space and Heritage Fund is a fund contributed to by the private sector for the restoration of one of the State's significant heritage assets. And what an excellent restoration it has been, internationally acclaimed for its faithfulness to the heritage of Australia, a heritage that comes from the construction of the Sydney Harbour Bridge - that was the assembly point - and, indeed, a restoration so good as to be completely and utterly universally acclaimed, except by the Minister for Land and Water Conservation, the Treasurer, the Premier, and the Minister for Public Works - the leading lights of the Labor Party.

They have sought to do nothing other than to break the hearts of those who have placed faith in what has been a remarkable heritage - open space restoration. There is no entry fee to Luna Park. It is available to the public forever. The \$25 million from the Open Space and Heritage Fund has created a public space, publicly accessible at all times to the people of New South Wales and Australia. It has involved the construction of infrastructure - wharfs, walkways, parkways - the restoration of the magnificent buildings, Coney Island and Crystal Palace, and Luna Park's face.

Mr Yeadon: They are not finished. You spent your money on something else. They are not finished.

Mr ACTING-SPEAKER (Mr Clough): Order! The Minister will cease interjecting.

Mr SOURIS: The Minister should hang his head in shame because the Government destabilised Luna Park. It created a situation whereby the loan was defaulted. The Government incurred costs and then created greater instability over noise amelioration. That is the only problem yet to be resolved so far as Luna Park is concerned. Noise amelioration was bound to take some time, but seven court cases later the problem still exists. The Minister should be working on it and should have been working on it for seven months. Instead his attitude was: I hope Luna Park falls; I hope the court shuts it. That would be a great political hit. What is the Minister going to tell the kids and adults of New South Wales who have Luna Park in their hearts? Is he going to say, "Guess what, chaps" - breast-beating stuff - "we wrecked Luna Park."? He tried, but he failed.

Luna Park is a great success. I am proud of it. I am proud to have been involved with it. I know that all the people of New South Wales, except members of the grubby little Labor Party, are equally proud of it. If the Government had not destabilised Luna Park, if it had not threatened closure, if it had not threatened high-rise construction, the ANZ bank would not have felt that the Government was reneging on its obligation to complete Luna Park. That is why the bank called in the loan. That is why the Government fools had to order New South Wales TCorp, Treasury Corporation, to pay out the bank loan. That is how the loan came to be on the books of the State. All the Minister had to do was remain dedicated to Luna Park and work through the noise amelioration problems. The bank would then have seen that the Government was trying to do something positive, instead of trying to destroy Luna Park. Had the Government not destabilised the park, it would not have destabilised the bank and it would not have incurred \$14 million worth of debt for the New South Wales Treasury. Who is to blame for TCorp having to pay out the loan?

Mr ACTING-SPEAKER: Order! I call the honourable member for Coffs Harbour to order.

Mr SOURIS: TCorp was uninvolved until the shop steward from the inner city stepped in - the shop steward who would not have a clue about financial matters, who we already know does not have a clue about rural matters. He had better get used to censure and no confidence motions because we are

going to get him. He is history. It is all over for him. It has been clearly established that the Auditor-General has dismissed the question of impropriety - the issue is not one of impropriety. The Minister knows that as well as I do. Honourable members on this side of the House saw the first draft of the Auditor-General's report. We have seen the adjustments. The Minister knows that this issue has been subjected to the most intense investigation by the Auditor-General of New South Wales, who found no conflict of interest. Indeed he congratulated the Minister of the day on a job well done.

The present Minister realised this, so he referred the matter to the Premier. Therefore, he discharged any potential conflict. There is no conflict of interest; that is off the deck. Today the Minister has misfired in the most pathetic way. The only other issues that come from the Auditor-General's report are administrative issues. There are only two recommendations in the report. One, that in future the Auditor-General should be appointed as the auditor of any subsidiary company

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to a trust, even if the trust does not need to be audited by the Auditor-General. That is fine. Two, that the Premier's guidelines ought to be more closely adhered to in future, in the administrative sense. That too is fair enough. Under the Westminster system that is the job of the Minister.

If I had still been the Minister when this report came out, my obvious instructions to my department would have been to ensure that every little bit of this - all the administrative references that are not central to the debate - was truly adhered to. I hope that the Minister has already issued such an instruction to his department. I rather think he should have instructed his department in a similar fashion 28 days ago when he first got the draft, or whenever it was. Did he do that? Did he instruct his department in the last month or so to ensure that it carried out whatever administrative tasks were yet to be carried out? Was I not here on the day when he tabled the memo and articles of association of Luna Park Amusements Proprietary Limited? The Minister has not done so.

He is such a fool. He has mesmerised himself to such an extent taking a cheap shot at Luna Park - "Let us see if we can give Luna Park a bit of stick" - that he has forgotten a whole batch of administrative requirements; requirements that he either ignored or was oblivious to for seven months. The Minister has created a little precedent of his own and he will wear the consequences of it. The inexperience and immaturity of this little shop steward from the inner west - this Minister who is destroying forests, destroying the rural landscape and destroying agriculture as we know it, who is giving as much stick as he possibly can to one of Australia's greatest heritage icons - is showing through. A heritage icon which, by the way, has not been criticised by the shop steward, the Auditor-General or anyone else in terms of the quality of its restoration or operation. The Minister said, "Let us find something to hit. Let us give Luna Park the stick. Let us threaten to close it. Let us build a big hotel and call in this loan so we can put it on the books. That will be a good debating point when we are in Parliament." The Minister is a fool! He was sucked in. He was conned. He got done and he is a fool.

Mr Yeadon: On a point of order: Mr Acting-Speaker, I ask you to ask the Deputy Leader of the National Party to refer to members by their correct titles.

Mr SOURIS: On the point of order: when I refer to the Minister I will call him the Minister for Land and Water Conservation. I was making a subjective evaluation of his performance. He is a foolish Minister of the worst kind. He is inexperienced and immature.

Mr ACTING-SPEAKER (Mr Clough): Order! Traditionally debate in this Chamber is of a robust nature. However, the Deputy Leader of the National Party has spoilt his rather theatrical, and otherwise enjoyable, contribution by calling a fellow member a fool. He might wish to moderate his choice of words in future debates.

Mr SOURIS: For some months it has been important for the Government to do the right thing. Give Luna Park some confidence. Help it to overcome the noise amelioration problems. Help Luna Park become -

Mr Yeadon: Pour another \$40 million into it.

Mr SOURIS: Pour nothing into it. The Minister knows that that is a lie. The Minister knows that the Government has not incurred that cost - [Time expired.]

Mr GAUDRY (Newcastle) [4.31]: I was not sure whether I was at Luna Park watching the clowns or whether I was at a Falstaffian exhibition: watching a poor player strutting and fretting his hour upon the stage, and then is heard no more. It is a tale told by an idiot, full of sound and fury, signifying nothing. For generations the catchcry of Luna Park has been "Just for fun". Just for fun indeed! What fun and folly the Leader of the Opposition and the Deputy Leader of the National Party had with Luna Park. Through their mismanagement and deceit more than \$54 million of taxpayers' money has been squandered on what has become the Luna Park black hole. It has been called the Eastern Creek of the eastern seaboard.

The Auditor-General's report goes into great detail about the elaborate and secretive manner in which the Leader of the Opposition and the Deputy Leader of the National Party were able to hide from New South Wales taxpayers the true extent of the debt they were exposed to. The Auditor-General's report, which was handed down today, vindicates and confirms all the concerns that this Government had about Luna Park. It vindicates our decision not to pour more taxpayers' money into this venture. The report uncovered "several issues that are of major concern and represent a departure from basic accountability principles that, in the opinion of the Audit, should be observed in the public sector". The Auditor-General referred to the use of \$10 million for the roller-coaster and said:

It would be expected that the trust would have sought the Treasurer's approval to reallocate funds intended for construction work to the roller coaster project.

However, the Auditor-General stated:

Audit could not locate evidence of approval being granted to the trust to reallocate the funds.

These funds were to be used on the roller-coaster. Where was the Leader of the Opposition all this time? Was he a very ignorant Treasurer or a complicit one? I refer to a letter written to Anne Cohen in 1993 by Garry West, the then Minister for Conservation and Land Management, which states:

The State Government's funding of Luna Park, provided to the Luna Park Reserve Trust, is limited to works associated with the rehabilitation of the site and public facilities, such as repair of the seawall, restoration of heritage items and general infrastructure.

No reference was made to the roller-coaster, yet money was to be used for that project. The former Government was so obsessed with the creation of Luna Park and so drunk on the notion of

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resurrecting this Sydney landmark that it overrode a North Sydney Council development application which placed restrictions on the park's operations in August 1994. The former Government implemented its own Crown development application, which was far more lenient. North Sydney Council could not oppose the CDA, and legal action against the development of Luna Park and the original development application was quashed. Legislation was also introduced under the Local Government Act to exempt the trust from being required to obtain further building approvals. The Auditor-General made the following observation:

Given the Government was building an amusement park the question needs to be raised as to why the Government thought it important to use its reserve powers in order to meet self-imposed deadlines.

A forthcoming election might have had something to do with it. The former Government's constant pleas

to the ANZ bank not to call in its loan might have been as a result of the forthcoming election. The last extension took the completion obligation date and any chance that the bank could call on the Government to pay for the loan way past the election. This story lurches from one bungle to the next and from one shonky deal to another. Luna Park is part of Sydney's heritage. It is an icon to which I hope to take my children one day. If that happens, it will not be because of the Deputy Leader of the National Party and the Leader of the Opposition. They stand condemned for the shonky way in which they established Luna Park. They stand condemned for their mismanagement of the venture and their deceit of the Parliament. They stand condemned for lumping New South Wales taxpayers with a \$1 million debt and for putting under a cloud the much-loved Luna Park. Their very actions have placed Luna Park in jeopardy. They embarked on the roller-coaster project without adequate guidelines and a proper environmental impact statement. The noise that was being suffered by surrounding residents was more than they could be expected to bear. *[Time expired.]*

Mr YEADON (Granville - Minister for Land and Water Conservation) [4.36], in reply: As was the opening of Luna Park, we have just seen a shiny and glitzy performance by the Deputy Leader of the National Party. It was shiny and glitzy but it had no substance. Behind the facade is shonkiness and impropriety.

Mr Souris: On a point of order: I object to the word "impropriety". I have addressed the whole question.

Mr YEADON: No, you have not.

Mr SPEAKER: Order! The Deputy Leader of the National Party has objected to the use of the word "impropriety". Given the robust nature of the debate, I suggest that the Deputy Leader of the National Party should accept the burden of the accusation.

Mr YEADON: The Deputy Leader of the National Party referred to the fact that the Auditor-General said that there was no conflict of interest in his position. But he has left out the rest of it, that is, that approval should have been sought from the Treasurer. Given the gravity of this issue, there should have been a written response from the former Premier as a result of correspondence received from the Deputy Leader of the National Party. There was no response from the Premier. This matter was too hot for him. He did not want to go near it. He did not want anything to do with it. Opposition members can search as much as they want; they will not find any record of this matter in the files. The former Premier did not acknowledge that he had received correspondence from the Deputy Leader of the National Party when he was a Minister. The Deputy Leader of the National Party also said that the company's articles of association should have been tabled in the Parliament. The former Premier's memorandum was written before I became a Minister. I cannot keep all these things in my head. There is no doubt that the honourable member would have been advised by his department of the former Premier's memorandum on those issues.

Mr Souris: On a point of order: the Minister is now making fresh allegations of impropriety. I object to that. I had to restrain myself from using the words "You are a liar", which is what the Minister is. I think he should restrain himself.

Mr SPEAKER: Order! I ask the Deputy Leader of the National Party to withdraw the words, "You are a liar".

Mr Souris: I withdraw that and request you to ask the Minister to do the same.

Mr YEADON: On the point of order: I was indicating quite clearly that in my view the Deputy Leader of the National Party would have been informed by his department. He raised the issue concerning the company's articles of association. I am responding to an issue that he raised in debate.

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

Mr YEADON: There is no doubt in my mind that the Deputy Leader of the National Party would have been advised by his department that he was required to table the articles of association. It is a cheap excuse to say he did not know anything about it. If he did not, he stands guilty of incompetence. When he was Minister he diverted from the plan of management that had been publicly exhibited and that everybody knew should have been implemented. He diverted from it and never informed the Parliament about it.

Mr SPEAKER: Order! The member for Upper Hunter will cease interjecting.

Mr YEADON: The funds allocated were to allow a range of proposals to be undertaken at Luna Park. Those funds were diverted elsewhere, to projects that were never intended, such as the roller coaster. The Deputy Leader of the National Party spoke at length about how great Luna Park is - the great infrastructure and site. But the park remains unfinished because the allocated funds were diverted to the roller coaster. The funds were used for the wrong purpose. When this Government came to
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office one of the first things I discovered as Minister was that as a result of the failure to meet a completion obligation the ANZ Bank was going to call the loan by 30 April. The Minister said that this Government should have just agreed and carried on as he had. The trust failed to meet the completion obligations by 31 December. It got an extension of time to 28 February the following year and failed to meet that deadline. It still could not meet the deadline by 30 April. [*Time expired.*]

Question - That the motion be agreed to - put.

The House divided.

Ayes, 49

Ms Allan	Mr McManus
Mr Amery	Mr Markham
Mr Anderson	Mr Martin
Ms Andrews	Ms Meagher
Mr Aquilina	Mr Mills
Mrs Beamer	Ms Moore
Mr Clough	Mr Moss
Mr Crittenden	Mr Nagle
Mr Debus	Mr Neilly
Mr Face	Ms Nori
Mr Gaudry	Mr E. T. Page
Mr Gibson	Mr Price
Mrs Grusovin	Dr Refshauge
Ms Hall	Mr Rogan
Mr Harrison	Mr Rumble
Ms Harrison	Mr Shedden
Mr Hunter	Mr Stewart
Mr Iemma	Mr Sullivan
Mr Knight	Mr Tripodi
Mr Knowles	Mr Watkins
Mr Langton	Mr Whelan
Mrs Lo Po'	Mr Yeadon
Mr Lynch	<i>Tellers,</i>
Mr McBride	Mr Beckroge
Dr Macdonald	Mr Thompson

Noes, 40

Mr Armstrong	Mr Merton
Mr Blackmore	Mr O'Doherty
Mr Causley	Mr O'Farrell
Mr Chappell	Mr D. L. Page
Mr Cochran	Mr Peacocke
Mr Collins	Mr Phillips
Mr Cruickshank	Mr Richardson
Mr Debnam	Mr Rixon
Mr Downy	Mr Schultz
Mr Ellis	Mrs Skinner
Mr Fahey	Mr Slack-Smith
Ms Ficarra	Mr Smith
Mr Fraser	Mr Souris
Mr Glachan	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

Pairs

Mr Carr	Mr Beck
Mr Scully	Mr Rozzoli

Question so resolved in the affirmative.

Motion agreed to.

DISTINGUISHED VISITORS

Mr SPEAKER: I draw the attention of the House to the presence in the gallery of a group of rowers from the University of Technology, Sydney, Haberfield Rowing Club, which recently returned with a swag of medals from the world championships in Poland and Finland. The group also won 15 medals at the recent Australian championships. For the information of honourable members: those of the group who were recipients of medals at those world championships will represent Australia in rowing next year at the Atlanta Olympic Games. In addition, competitors who attained placings sixth and better will also be included in the Australian rowing team for Atlanta. As many of the medallists reside in the electorate of Ashfield, the Minister of Police might like to place on record the names of our most distinguished visitors.

HABERFIELD YOUTH ROWING TEAM

Ministerial Statement

Mr WHELAN (Ashfield - Minister for Police) [4.50]: I am delighted on behalf of all members of the House to congratulate the very successful youth rowing team from the University of Technology, Sydney Haberfield Rowing Club, whose results have been nothing short of outstanding. Rebecca Joyce won the

gold medal at the world championships in the women's lightweight single scull. Emy Snook and Bronwyn Roye qualified for the Atlanta Olympics by coming sixth at the world titles. James and Geoff Stewart won the gold medal in the under-23 world championships in the men's pair. Stephen Stewart, their brother, won the silver medal in the men's four at the junior world championships. Robert Mitchell won a bronze medal in the Nations' Cup men's lightweight double scull. Rhett Ayliffe took 11th place in the men's double scull at the world championships. Grant Precians took the silver medal in the men's four at the junior world championships. Zac Kirkham won the silver medal at the junior world championships in the men's four.

I take this opportunity on behalf of the Government to congratulate those involved in the coaching of these elite athletes - Tim McLaren, director of coaching, and Ellen Randell, assistant coach, who I am sure are as proud as we are of the young men and women of UTS Haberfield Rowing Club, who have done so much to bring pride to themselves and to this State and nation. We look forward to great results for you all in Atlanta, and particularly in 2000 when you will bring home gold in Sydney.

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Mr COLLINS (Willoughby - Leader of the Opposition) [4.52]: I join with the Leader of the House in welcoming these young rowers to the Chamber this afternoon. It may surprise many members, and most particularly the rowers present, to learn that I too rowed. I rowed in the St John's College eight - once. I was offered other positions, but I declined them. The Awesome Foursome have put rowing on the map and in the minds of all Australians. We welcome these young Australians back from their recent triumph. We are delighted to hear the Leader of the House say that they will get to compete in the Atlanta Olympic games. We wish them well in Atlanta. We hope they come back with a swag of medals and that they regard that as a rehearsal for the big and best games the world is ever going to see in Sydney in the year 2000. The Opposition joins with the Government on this rare and festive occasion this afternoon. Again I welcome these young athletes.

Mr ARMSTRONG (Lachlan - Leader of the National Party) [4.53]: On behalf of the National Party I join in congratulating these young rowers and sportsmen and sportswomen on their incredible performances. The National Party has a long history of association with rowing through the honourable member for Clarence, who is related to the famous Australian sculler of the 1880s, Mr Henry Searle. A precedent has been established this afternoon of reporting the achievements of these young sportsmen and sportswomen in *Hansard*. I propose that from this day forward it should be standard parliamentary practice that whenever international sports medal winners are present in the gallery their names be recorded in *Hansard*, upon the request of a member.

COAL MINING AND EXPLORATION

Matter of Public Importance

Mr MARTIN (Port Stephens - Minister for Mineral Resources, and Minister for Fisheries) [4.55]: I ask the House to note the importance of coal mining and exploration in New South Wales during this National Coal Week. Coal is of great significance to the economy of New South Wales. This week I was privileged on behalf of the Government to open National Coal Week in this State, which has as its theme "Fuel for Thought". This has been a time to remind ourselves of the value of the coal industry to Australia. Coal generates 92 per cent of electricity in New South Wales. Australia-wide, coal provides 80 per cent of our electricity needs and 40 per cent of our total energy needs. Australia earns \$8 billion in annual income from coal, and it is the country's biggest export.

The coal industry employs thousands of highly skilled people, it is technologically advanced, environmentally progressive and responsible. Australia is a major exporter of aluminium and iron and steel, and both of these major value-added industries are based on the coal industry's ability to produce

low-cost coal from our nation's abundant resources. We often take for granted the standard of living which resources such as coal provide for us. A recently published study by the World Bank indicated that Australians have the potential to be the richest people in the world. This analysis ranks 192 countries and gauged the wealth of the nations and their potential economic development. Our nation's relatively modest population and greater wealth in natural resources were clearly major factors in our premier position in this ranking. We are indeed a fortunate country to be blessed with an apparent abundance of mineral and other natural resources.

The Carr Labor Government during its short time in office has demonstrated a strong commitment to ensuring that the State's coal industry continues to prosper and create great economic benefits including jobs for the New South Wales community. Recent initiatives have included the introduction of State environmental planning policy 45 to facilitate approval of the \$10 billion Bengalla coal development project near Muswellbrook. The project will earn \$300 million per year and will provide 500 jobs during the construction phase and 300 long-term jobs. Bengalla went through a difficult and protracted approvals process.

Development consent was first sought in 1993 and was supported by the local council. A commission of inquiry recommended in August 1994 that the consent be granted subject to conditions to control and mitigate environmental impacts. The decision was challenged and due to a technicality relating to local government zoning the proposal was not capable of being approved. This finding meant that despite the fact that the commission of inquiry had found on balance in favour of the project, the project could not be approved. Consequently, this Government introduced SEPP 45 to allow the project to proceed, subject to landmark environmental conditions to protect the community. Thirty conditions, containing more than 90 controls, have been imposed on the mine, including stringent measures to prevent dust from affecting surrounding areas. Another initiative of this Government is a rail reform package which opens the State freight rail system to increased competition, which should benefit the coal industry and therefore all the community. This Government has also introduced a more competitive system into the power generation industry, to reduce costs and improve efficiencies.

The Government is committed to further supporting microeconomic reform and other measures to assist the New South Wales coal industry to remain a dynamic, low-cost world producer. To meet future increases in demand for coal, particularly thermal coal, it is important that we start planning today for the future of our mines. To this end, I announced during this National Coal Week the successful tenderer for a major exploration and evaluation tender for a potential

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coal area at Wyong. The successful tenderer is the Coal Operations Australia Limited consortium. The consortium has won the rights to begin a \$14 million exploration program together with a \$4 million mine feasibility and environmental impact study. The tender followed a recent study by the Department of Mineral Resources which found that the Wyong area contained the last significant unallocated resources in the Newcastle coal field.

The area contains sufficient coal to support a very large, integrated, modern underground operation, and this is indeed an exciting opportunity for a major new mining development. The successful tenderer was chosen on technical, financial and marketing capabilities as well as on the timeliness and comprehensiveness of the proposed exploration. The consortium is committed to full community consultation in connection with the exploration. The honourable member for Wyong and the honourable member for The Entrance have played a critical role in ensuring that there is full public consultation and that the matter goes through the fullest and most open process to ensure that approvals are granted with the community's blessing.

I pay a special tribute to a former conservative Minister, Milton Morris, who served in this Parliament as Minister for Transport in the Askin era for his efforts as chairperson of the community consultative committee. The Carr Labor Government will continue to strongly support an environmentally responsible coal industry that creates employment and community wealth. I am sure that National Coal Week has

significantly raised the level of awareness and understanding within the community and that the coal industry is indeed a most important member of our society.

In my first week in office I had a confrontation over the failed Clutha mines in the Burragorang Valley. An amount of \$18 million was owed to the men there. This Government, in its first week, was able to resolve that problem, which is something the previous Government did not want to do or could not do. The Government has done it right in the interests of the taxpayers of New South Wales, in the interests of the people of the Burragorang Valley and the general area. It is a credit to the Government. Since then the Government has carried out extensive work to ensure that the coal industry progresses. This work includes the opening of Bulga Mine for Oakbridge Proprietary Limited; the opening of Stratford; major improvements in many coalfields, particularly in the north. It is only fitting as fuel for thought that we look at the progress that has been made.

It took a year and a day from the first focus meeting on Stratford coal mine to the first trainload of coal being moved. Bengalla and Mount Pleasant are being developed. The Government has offered those who are running Glennies Creek the opportunity to explain what they are going to do with their investments. The Gunnedah mine will now have a 10-year life span instead of a two-year span because the Government has been firm and has been straightforward in dealing with the companies concerned. All in all, the Government has a very good rapport with the coal industry.

Mr Acting-Speaker, in your capacity as the representative of Lithgow, you have had a great relationship with the western coalfields. Many people do not appreciate your great efforts to ensure that Springvale and other mines in the western fields got a fair go. You have worked tirelessly, and Government members congratulate you on your efforts. There are problems in the south, with the amount of product going through the Port Kembla coal loader. There have been hiccups in the Kembla Coal and Coke Proprietary Limited facilities owned by CRA. There have been major problems with Oakdale and Brimstone, and the Government had to step in to make sure that they were able to keep up their 2.7 million tonnes so that an increase of \$1 a tonne would not be imposed on the Port Kembla coal loader.

The Labor Party has a proud record. It is with a great amount of pride that Government members can recognise National Coal Week on behalf of the labour movement. It is a great week and it is a great time for fuel for thought for the people of New South Wales. I congratulate Government members, who have contributed so much.

Ms MACHIN (Port Macquarie) [5.05]: I join with the Minister in commending the coal industry on its initiatives in National Coal Week. I also attended the dinner on Monday night, together with seven or eight of my coalition colleagues, in contrast to three Government members. We enjoyed the dinner very much and were pleased that industry representatives were present. The successful tenderer was announced and awards were presented by the Minister for safety and innovation. In many ways Australia is leading the world and is up with the best of them with our innovations, technology and methods in the coal industry. The Minister has outlined the facts regarding the coal industry today. He has stressed the significance of the industry not only to New South Wales but to Australia. Coal is still our biggest export earner, which makes it a very important commodity and one that deserves a great degree of prominence; perhaps more than it receives. I pay tribute to the Minister, whom the industry has found to be accessible. Part of the problem for this industry is that the portfolios at the lower end of the Cabinet pecking order receive proportionately lesser funding.

I want to address some of the issues and challenges within the industry. Whilst the Minister gave a very good sketch of the industry and its value to New South Wales and Australia, I am sure he is aware that he needs to acknowledge the many challenges facing the industry. He referred to reserves of coal, and for a long time it was widely accepted that we had huge reserves of coal that

would extend for hundreds of years. That traditional thinking is now being questioned, and the industry is

becoming aware that for a variety of reasons our coal reserves may not last nearly as long as was originally thought. For that reason continued exploration, including programs such as Discovery 2000, which was started by the coalition Government, are very important. It is good to see the Government encouraging and continuing funding for that significant program. Access to land for exploration as well as mining is a significant issue. Mining cannot exist without exploration, and the coal mining industry and the metalliferous industries are concerned about access. The Minister would be aware that it is an issue around the Pinnacles at Broken Hill.

Mr Martin: No coal.

Ms MACHIN: No coal, but the issue is access to land. I hope the Minister will acknowledge that it is of interest to the coal industry. The Minister said at the dinner that he had been out and around a few mines. I have been to a few mines myself, and it was a lot of fun. I have been to at least 13 mines in the past few months and I have appreciated the input and advice from industry groups. The Minister did not tell us about consultation in regard to a number of issues. A national park proposal has been released for consultation. However, it is difficult for people to obtain detailed information about it. They can look at maps but then they have to go away and work from memory. Some adjustments have been made to the boundaries of those maps and many Labor members of Parliament have been concerned about that. That has happened in the electorate of Bathurst, your electorate Mr Acting-Speaker. Industry representatives and some unions are concerned that park proposals in your electorate do not impinge on the mining industry in that area.

The coalition introduced a number of changes. I have mentioned Discovery 2000; another is the approvals process. The Minister mentioned Stratford, which took a year and a day from initial planning to opening, and that is an outstanding achievement. There have been other similar happy experiences. In our society, anyone who wants to set up a major project, whether it is a business, industrial or mining operation, has to expect a huge amount of time and cost to be involved. It is good that that can be done. There has been good feedback from industry groups about the way in which the department handles applications and liaises with other agencies to deal with those applications.

As is discussed in a number of papers issued by the department, including the recent document entitled "Winning Coal", the industry is concerned about Australia's competitiveness. Our competitiveness lies in the hands of the Federal Government, but clearly State governments have a role to play. Our competitiveness has improved. The market is extremely competitive, as we see with the price negotiations each year. The margins are not huge. I was surprised when some companies told me their margins. There is not a huge amount of fat in the profit margin after deducting mining, transport and other costs. Our competitiveness is critical. It is important that we remain competitive and continue to achieve the micro-economic reform referred to by the Minister.

The document entitled "Winning Coal" stated that an unsustainably large share of the economic value of Australia's resource endowment has been captured by governments and unions. In other words, there is room for improvement. The reduction in industrial disputes is widely acknowledged, but our mining industry still has a high incidence of industrial disputes - and it is higher than most of our competitors. The industry would like a real enterprise bargaining system and a move away from the use of employment lists. Closer to home, locals were very supportive of the Ward River proposal because they thought that it would provide fantastic employment opportunities. In their naivety they were not aware of the list system, and were disappointed to find that they were excluded from seeking jobs. That sort of thing needs to be considered further in the context of making our coal industry competitive on the world scene.

The moves to change the Coal Industry Tribunal - commenced by the coalition - have been welcomed. The move to open access rail is welcomed - once again the coalition did a considerable amount of work on that - and the Opposition trusts that that will come to fruition. We also trust that the industry will achieve the expected gains and that union pressure will not lead to any watering down of

that. The Minister referred to the Bengalla mine and State environmental planning policy 45. That involved a lively debate and strong lobbying, which is continuing, from people in the area. I congratulate the Government on resolving the problem at Bengalla mine, which is of great significance to the industry.

The Government has not won plaudits for other matters of concern to the industry, including SEPP 46. The Minister has received correspondence about the impact of SEPP 46 on the mining industry. Changes to the SEPP have been mooted to take account of other proposals. The Minister does not have control over that matter. I trust that in his dealings with his Cabinet colleague the Minister will vigorously defend the mining industry and ensure that policy does not unwittingly preclude further development of the industry. The mining industry is also concerned about the new water licensing policy. Mines use a lot of water, and some new projects - albeit not all relating to coal mining - depend on a water licence. The industry is unsure whether a licence will be granted. I am talking about projects worth hundreds of millions of dollars. The coal industry uses water and needs to clear land. But, clearly, the Minister

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is not interested in water licensing. Finally, I refer to the leases granted recently. Last year the honourable member for The Entrance said:

Let me say straight out that I am vehemently opposed to any mining under Tuggerah Lakes. Not only does mining represent too great a risk to the stability of home structures in the area; it would spoil the social amenity enjoyed by every resident living near the lake's foreshore, and would threaten to reverse all the progress being made in the Tuggerah Lakes restoration program.

I should like to know which view prevails. Today the Minister trumpeted the awarding of licences. The previous Government had called tenders for the licences, and we are also pleased that the licences have been awarded. I want to know the view of the honourable member for The Entrance and the honourable member for Wyong, because the comments made by the honourable member for The Entrance last year are at odds with what the Minister said today. *[Time expired.]*

Mr NEILLY (Cessnock) [5.15]: It is appropriate during National Coal Week for the Parliament of New South Wales to acknowledge the contribution made by the coal industry not only to the economy of this State but to the national economy. Early this week I was fortunate to attend the dinner organised by the New South Wales Minerals Council. Tomorrow the nineteenth annual coal discussion day will be held at Singleton in my electorate, and will be opened by the Minister. During the dinner on Monday evening all the attendees were provided with a magazine issued by the Minerals Council, which gives some idea of what National Coal week is about. The Opposition has not addressed that today. The magazine states that the purpose of National Coal Week is:

... to stimulate thought and discussion about those elements least known about the coal industry . . . We need to 'undermine' common perceptions of the coal industry as having, in some instances, changed little since the industrial revolution and put it firmly in a contemporary, forward-thinking context.

In conjunction with National Coal Week, at the historic ASN building at The Rocks there is an exhibition on the coal industry, focusing particularly on technological advances. To provide further insight into the industry, I shall read some of the topics covered in the magazine: "Cleaning and Greening Australia", "Teaching Environmental Management", "Greenhouse Debate to Promote Discussion", "Mines Rescue's Unsung Heroes" and "Taking Coal to Kids". It must be acknowledged that there were bad practices in the industry. The industry has dealt with only those facets appropriate to environmental management during the past 25 years. The advances made have put the industry at the forefront in relation to environmental management. The coal industry could probably teach other industries a few lessons. In the Hunter region, coal reserves were discovered in about 1800, and coal has been mined since 1880. Mining has since progressed up the valley. Ironically, Sydney was an early mining area.

Coal reserves in Australia virtually run from Balmain to Ipswich in Queensland. Mines dive a little too far underground at certain points but there are still some resources to be accessed. I subscribe to the view that at some time in the future we will need to address underground mining in some of our national parks. That is the stark reality. Economic development in the Hunter region has related almost exclusively to the development of coal resources. At present the hub of activity in the northern coal fields is essentially around the Singleton area, and further developments are taking place in the Muswellbrook area. By 2015, miners will be exploiting substantial resources in the Gunnedah basin. An article in the *Australian Financial Review* on Tuesday suggested that a resurgence in coal has meant that coal is a prominent export earner for Australia. The contribution of coal to the revenues of this State, bearing the substantial extraction which is occurring in New South Wales, has been bountiful. At present something of the order of 50 million tonnes of coal are extracted in the Hunter region. I cannot predict significant gains as far as future production is concerned, but state-of-the-art developments are taking place in underground mining.

Mr MARTIN (Port Stephens - Minister for Mineral Resources, and Minister for Fisheries) [5.20], in reply: I thank the honourable member for Cessnock who so ably represents his electorate, the home of coal in New South Wales. The name Neilly is synonymous with coal. One could not find a better advocate when discussing matters relating to the coal industry. The honourable member for Port Macquarie mentioned the dinner at the ANA Hotel the other night. I had the pleasant duty of being the speaker at that function, which was attended by five members of the Opposition, some of whom are former Ministers: the honourable member for Port Macquarie, the Hon. J. P. Hannaford, the honourable member for Pittwater, the honourable member for Gosford, the Hon. J. H. Jobling, the Hon. Patricia Forsythe, and the honourable member for Northern Tablelands.

We thought they were there with empty envelopes on the table, trying to get donations. The only alternative is that they were plotting against the Leader of the Opposition. If they were all together down there, one would know why: they would be plotting against Peter Collins. That is an appalling state of affairs. They will not do it out in the open; they do it behind the curtains. I want to put on public record some important rule-of-thumb figures relating to reserves. In the last 200 years about 6 per cent of the coal reserves of this State have been mined. In the next 30 to 40 years another 6 per cent will probably be mined. After that, new mining techniques will have to be found to extract coal from under urban areas or from other places where it is locked up. My colleagues are right when they say that the debate will take place in 30 to 40 years. National Coal Week signifies the importance of coal. The Government is committed

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to environmental protection and jobs. The Government is heavily committed to job creation programs, and is the greenest government in the history of this State.

Mr Hartcher: No, you are not.

Mr MARTIN: I hear an interjection from Toot Toot, the honourable member who had, at public expense, a wonderful little Thomas the Tank Engine doona cover on his bed in his ministerial office. It is about time he realised that the Government gets it right. The Government keenly supports the coal industry, jobs, the environment, rehabilitation, profit, and safety. The honourable member for Port Macquarie skirted around the Wards River issue. A few activists in the National Party are playing games with Wards River. The honourable member for Port Macquarie ought to make it clear whether she is playing political games about the Wards River proposal. She will not say whether she supports the proposal.

Ms Machin: On a point of order: I am happy to make my position clear. I support a mine -

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

Mr MARTIN: State environmental planning policy 45 was a clear initiative of the Government, and

we are working solidly as one on SEPP 46. The previous Government had Nationals on one side and Liberals on the other who could not see eye to eye. All they did was fight for the seven years they were in Government. The old whores are now thinking of getting married. Mr Peter Collins is under challenge; everything is happening. The honourable member for Port Macquarie mentioned the Gardens of Stone National Park. The cynical moves tried by members of the Opposition in relation to the Gardens of Stone was nothing short of disgusting. The Government is about supporting the coal industry, and getting it right. Competition is a topical subject these days. The Opposition wants to return to the new Right of industrial relations. The Government wants to work with the unions and the companies and get it right. The Government has plenty of food for thought. It will support the coal industry, jobs and the environment. The Government is second to none. [*Time expired.*]

Discussion concluded.

BUSINESS OF THE HOUSE

Order of Business: Suspension of Standing and Sessional Orders

Motion, by leave, by Mr Whelan agreed to:

That standing and sessional orders be suspended to allow:

- (a) Business with Precedence Notice of Motion No. 2 being considered before Business with Precedence Notice of Motion No. 1;
- (b) the conclusion of Business with Precedence Notice of Motion No. 1 before the taking of Private Members' Statements;
- (c) the sitting to be extended beyond 7.00 p.m., if necessary, to:
 - (i) conclude Private Members' Statements,
 - (ii) consider Government Business Orders of the Day Nos. 8 and 9.

Printing of Papers

Motion by Mr Whelan agreed to:

That the following papers be printed:

Report of University of New England for 1994

Report of University of Newcastle for 1994

Report of the Science and Technology Council for the year ended 30 June 1995

Report of the Industrial Registrar for 1994

WATER BOARD (CORPORATISATION) ACT: DISALLOWANCE OF REGULATION

Mr HARTCHER (Gosford) [5.28]: I move:

That this House disallows the Sydney Water Corporation Limited (Catchment Management) Regulation

as set forth in the notice appearing in Government Gazette No. 102 of 25 August 1995, at page 4858 and tabled in this House on 19 September 1995.

The Opposition moves the disallowance of this regulation on two main grounds: it is unduly restrictive of citizens' rights, and the recent breach of it illustrates the importance to this House and to the community of New South Wales of equality before the law. The area involved is the Warragamba catchment area, an area previously covered by regulations made in 1989 under the Water Board Act. Without consultation and without warning, the Minister has approved the repeal of those regulations and the introduction of new regulations which not only redraft the 1989 regulations but also extend them and regulate conduct in certain areas which was not previously regulated. However, there was no community consultation or demonstrated scientific reasoning behind the extension of the old regulations.

On 27 May no less a person than the Premier of this State entered the very area covered by these regulations and went to swim in the Kowmung River. Had he taken that action after the making of these regulations only three months later, the action would have been illegal because the regulations came into force on 1 September. At the time the regulations were mooted, the honourable member for Manly, who was chairman of the parliamentary inquiry into the Water Board - an inquiry that dealt with water catchment and the protection of water catchments - made the very appropriate comment that the decision to regulate was premature. At the time he said, using the royal plural, "We are surprised at the need to change the regulatory landscape before plans of management are developed with the National Parks and Wildlife Service."

This area of the Warragamba Dam and its catchment are acknowledged by everyone in New South Wales as being extremely beautiful.

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Historically they have been used by bushwalkers and by day campers. No evidence has ever been adduced by either the Minister or the Sydney Water Corporation that minimal use by responsible citizens exercising their democratic right to go bushwalking in the magnificent areas of this State has endangered the water supply or the Sydney catchment areas. The effect of the regulation and the extension of the regulation of conduct means that bushwalking will cease over most of the southern Blue Mountains, an area of over 3,000 square kilometres bounded by Katoomba, Jenolan Caves, Kanangra Walls and Mittagong. Part 4 of the regulation bans camping and picnicking in schedule 2 land. As that land is inaccessible and it cannot be reached in a single day, by prohibiting camping or picnicking the Government is effectively prohibiting people from walking there. I am advised that most of the area is inaccessible to single-day bushwalks.

One would understand that there might be some rationale behind such a regulation if that area were all pristine bushland. But it is not. The 3,000 square kilometres includes towns and farms, rural subdivisions, power stations, mines and the area of which the honourable member for Bathurst has claimed he is a champion, an area in which he claims to support responsible mining. He is in the Chamber, so it will be interesting to hear what he has to say about the exclusion of his constituents from these lands. Notwithstanding that this is not a totally pristine wilderness area, let me give honourable members some examples of the absurdity of the Minister's regulation. I am advised that every Sunday hundreds of tourists, both Australian and foreign, walk from the bottom of the scenic railway to picnic either at the ruined castle or at Mount Solitary, which is some kilometres from Warragamba Dam. Under the regulation such picnics will now be illegal for most citizens.

Every Anzac Day since 1947 bushwalkers have congregated at Splendour Rock, a much-loved vantage point in the Wild Dog Mountains. There they remember the bushwalkers who fell in the wars. The memorial was established by Paddy Pallin. The place is sacred to many walkers, but under the regulation this spot will only be accessible to that rare walker who is able to make the long return journey from Katoomba to Megalong Valley without either camping or picnicking on the way. Private lands, including in-holdings, within the national park will not be affected by the regulation. That only demonstrates the absurdity of the regulation. A great deal of private land, including in-holdings, in this

particular area that are not affected by the regulation. Activities will continue to take place that might be argued to be deleterious to the water catchment. Yet they are uncontrolled. Bushwalkers will not be able to camp at Cox's River at the junction of Breakfast Creek, which has been a popular area for bushwalking and camping. Yet at that spot the water is undrinkable because of pollution from the surrounding towns. Although the water is polluted and undrinkable, bushwalkers who want to camp there are being told that they cannot camp there because that will somehow have a deleterious impact on the water catchment area. The regulation is irrational and without any scientific basis. It has been introduced prematurely by a Minister and a corporation who are arrogant and indifferent to the community.

A second principle is involved in this discussion: equality of all before the law. On 23 September no less a person than the Premier of this State landed in the area in a helicopter, because he could not walk there. He walked in the permitted area of the catchment area, but when he was in the prohibited area he was an accessory to a misdemeanour, a breach of a statute: the lighting of a fire. In the opinion of the community the Premier of this State is guilty of a criminal misdemeanour. Yet no action has been taken by the Minister to ensure that a prosecution was lodged by the corporation for which he is responsible. No activity at all has taken place at the Sydney Water Corporation, the body that has pledged to uphold the law. Yet the Premier is a person who is said to have a blanket approval to visit the area.

However, the regulation it does not have the authority to give blanket approvals. People who wish to visit the area must apply for an approval to do so. So the corporation, the Minister and the Premier have all been caught out on a deliberate breach of the law of this State, a flagrant violation of the fundamental provisions of the law. Yet the Government has simply said that the regulation does not apply to the Premier. If the principle of equality before the law means anything, it means that we are all to be judged before it. The Premier of this State and those who accompanied him should be prosecuted for what took place on 23 September. What a magnificent statement from two independent witnesses appeared in no less a source than the *Sydney Morning Herald*! What did the two independent eyewitnesses have to say when the Premier asked, "Is that against the Water Board regulations?" The Premier it was against the regulations. He asked the very question. He put himself on notice, and got that immortal reply that is so typical of the Labor Party: "Bugger the regulations. We are in government now." That is what the Government is saying: "Bugger the regulations. They are there for the ordinary people, the workers, the battlers of this State."

Mr DEPUTY-SPEAKER: Order! The honourable member for Gosford would be well advised to moderate his language in this Chamber.

Mr HARTCHER: The attitude of the Government is that the regulations are there for the workers of the State, but all the Government is interested only in feathering its own nest. The regulation is ill thought out and has no scientific basis. The regulation has no scientific basis. It affects 3,000 square kilometres and it violates the principle of equality before the law. [*Time expired.*]

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Mr KNOWLES (Moorebank - Minister for Urban Affairs and Planning, and Minister for Housing) [5.38]: At least we know the truth. I inquired a little while ago whether the former Minister for the Environment had been invited to the champagne celebration at the conclusion of the debate over the corporatisation of Sydney Water. The Hon. Robert Webster was the Minister responsible for leading the former Government through the corporatisation process, together with the environment groups, and they were pleased with the result they managed to achieve. If I remember correctly, this was an example of world's best practice: environmental legislation linked to corporatisation of a government trading enterprise. It is a pity that the honourable member for Gosford was not invited to the party to celebrate the conclusion of the debate. I must say, in fairness, that he did not participate in any of the debates, the Committee stage or the second reading debate. He was nowhere to be seen, despite the fact that he was responsible for the environment. If he had been at the party or if had been involved in any of the debates he would realise that what he is trying to do now is repeal regulations compelled by legislation

enacted by his Government.

The legislation to corporatise Sydney Water requires the formulation of new regulations to be gazetted by 1 September 1995. Honourable members are witnessing extraordinary hypocrisy from the former Minister for the Environment in moving this motion for disallowance. First, his Government corporatised Sydney Water and, as a consequence, established the need for the regulations. Second, the regulations are as tough as they are because the previous Government agreed to the substantial amendment of its original corporatisation bill in negotiations with peak groups and the Independents in the Parliament, in particular, the honourable member for Manly. The honourable member for Manly, who is present in the Chamber, will have something to say about that in a moment. When the bill was amended it was trumpeted in the *Sydney Morning Herald* and in the *Daily Telegraph Mirror* by the former Government and by the former Minister for the Environment as an example of world best practice legislation in water quality and catchment management. They said it was the toughest piece of corporatisation legislation that had ever been created, and it was hailed as an extraordinary win for the environment. The Opposition cannot have it both ways. It cannot claim that this is the toughest environmental legislation in the world - that is the Opposition's claim; it is not necessarily my claim - and then say, when things get tough, "We want to repeal the bits we do not like." Essentially, that is what the Opposition is doing. By disallowing this regulation the Opposition is seeking to remove the protection of the catchment areas for Sydney's water supply.

If this regulation is disallowed major problems could be created for the quality of Sydney's water supply, there could be an impact on our environment and the health of our citizens could be endangered. If this regulation is disallowed there is no doubt that the Warragamba catchment will be left absolutely unprotected in the context of Sydney Water's operating licence. The ability to control pollution and disease in special areas will be removed, and the ability to remove and control stock will be removed. Sydney Water's ability to control the water supply will be interfered, with and the supply will proceed unchecked. What will be the consequences if the regulation is disallowed? Disallowance of the regulation will remove Sydney Water's statutory powers to manage the drinking water catchments of Sydney. Disallowance will also fly in the face of the principles for catchment protection and the preservation of ecological integrity brokered between government and the environment movement and reflected in the provisions of corporatisation legislation.

Disallowance of the regulation will have serious economic consequences if the quality of drinking water is diminished and the cost of water treatment increases because of the diminished quality of our bulk water supplies. Higher treatment costs will result in higher costs for Sydney Water customers and a lower economic return to the people of Sydney. Disallowance will put pressure on Sydney Water as a landowner to fall back on its legal rights to control trespassing through lengthy and costly court processes. If the regulation is disallowed, additional pressure will be placed on the National Parks and Wildlife Service to stretch its resources even further to cover those areas Sydney Water will no longer be permitted to cover. Disallowance will open up unprotected catchments to access for everyone, not just bushwalkers, but also four-wheel drivers, shooters, waterskiers, horse riders and land clearers, all of whom have legitimate needs and wishes but whose interests are obviously in conflict with protecting Sydney's water supply. Where was the former Minister for the Environment when this debate took place? There were two years of legislation committees and at least three months of debate in this Chamber with interminable, nauseating committees. He did not speak once in any of the debates. This man, who regards himself as a former Minister for the Environment - he is not a patch on Tim Moore and, in his capacity as shadow minister for urban affairs, planning and housing, he is not a patch on the former Minister, Robert Webster - seeks in this first debate on Sydney Water's role in managing water catchments to disallow a regulation that protects Sydney's water supply. What an extraordinary action for a former Minister for the Environment!

It is fairly clear that the principles for catchment management have escaped the honourable member for Gosford, but I should put on record the value of catchment management and the regulations that govern it. Catchment management is essential to both the health of consumers and the ecological

integrity of catchment areas. Sydney is the envy of the world as it possesses such unspoilt and pristine
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drinking water catchments. That has come about through a great deal of regulation over a number of years. It has been further reinforced by the recent corporatisation of Sydney Water and the regulations flowing from that, designed, developed and supported by the current Opposition. International experts consistently point out that Sydney's pristine catchments are priceless. In Europe, where pristine catchments are rare, raw water is of poor quality and is expensive to treat. By comparison, Sydney's treatment costs are kept down because our raw water is of such high quality.

In North America, where some cities have the benefit of pristine catchments, attempts are being made to reintroduce tough catchment regulations. Those cities have learned that by opening up areas for access by four-wheel drivers and horse riders, water catchments have become degraded through increased visitation, pollution and vegetation clearing. Because areas in New South Wales are needed as drinking water catchments, they have been protected over the years and have retained the environmental value they now have. This fact prompted the environment movement to make the preservation of the ecological integrity of drinking water catchments such an important issue in negotiations leading to the corporatisation of Sydney Water in 1994.

As I have said, some people want it both ways. They want the tough environmental regulation except when it applies to them. The former Minister for the Environment is advocating the removal of the regulation and the opening up of catchment areas, which will enable anyone to go into these areas, do what they want and put at risk the quality of Sydney's drinking water with the subsequent impact on health and the degradation of the environment. Is the former Minister for the Environment, the honourable member for Gosford, so inept that he does not understand the legislation enacted by his own Government? Is he not aware of the exhaustive negotiations that took place to formulate it? Is he unable to grasp the fact that for legislation to work the regulation that supports it, puts it into practice and gives us the tools to achieve the social, economic and environmental goals embodied in it, has to be established?

What has changed in the interim? The Government has changed. The members of the Opposition responsible for managing environment policy and development and the coalition's agenda have also changed. They are hopelessly out of touch. They want to maintain the opportunity to swing both ways. They argue for tough environmental prescriptions for corporatised entities such as Sydney Water, but when they have the opportunity to swing they want to disallow regulations. They are marginalising themselves. The Government puts a lot of energy into marginalising Opposition members. This morning members of environment groups who came to see me said, "We are here today to try to tell Chris Hartcher to pull his head in, to wake up to himself and to stop doing stupid things like attempting to disallow vital catchment protection regulations." The honourable member for Gosford is attempting to deal with a sensitive issue in a foolish way. While he may choose to go down the path of disallowance we do not choose to go with him. I would like to think that some of the more rational people involved in debate on the corporatisation of Sydney Water will take the honourable member for Gosford behind the woodshed and give him a clip around the ears.

Mr LONGLEY (Pittwater) [5.48]: I support this motion for disallowance. It is an important motion that has the strong support of all major environmental groups in our community. That is a salutary and significant point. This catchment management regulation should be disallowed for a number of reasons. It actively restricts the activities of bushwalkers, campers, swimmers and those who enjoy sailing and canoeing. It actively restricts those who wish to enjoy our environmental heritage safely and responsibly, in a way that does not damage the environment. In other words, it unnecessarily restricts the activities of the majority of the people of New South Wales. With regard to water activities, it may be that motor powered boats and such vehicles should be prohibited. However, activities such as sailing and canoeing do not pollute the water, so there is no need to prohibit them from certain areas within part 4 lands.

Mr Knowles: Are you advocating sailing on Warragamba Dam?

Mr LONGLEY: It is clearly a current activity in a number of areas. This regulation prohibits those who wish to light fires when camping. I remind honourable members on the Government side of the House of what happened recently when the Premier went bushwalking. Apart from wasting taxpayers' money to use a helicopter to arrive at his location, he also lit a fire when he arrived, in clear contravention of the regulation. Although the Premier was not prosecuted for that breach, I am sure that had anyone else lit a fire, that person would have been prosecuted. This proposed regulation is typical of the hypocrisy of the State Labor Government. What does it say to the people of New South Wales, the majority of whom treat the natural environment with the respect it deserves - more respect than was given by the Premier? The activities I have listed are some that will be affected by the regulation.

People who live in the towns in this area are also affected by this regulation. Residents of Woodford, Medlow Bath and Warragamba can be subjected to severe financial penalties for walking in bushland near their homes. Sydney Water may attempt to distinguish between who it will and will not prosecute. However, it is ridiculous to restrict the use of bushland just because residential homes adjoin part 3 land, to say nothing of the legal problems that are bound to ensue from enforcing a regulation on only some occasions. Of course, the

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coalition would have preferred that this regulation be amended so that effective environmental safeguards could still be maintained, but without unfairly and unnecessarily restricting visitors and residents. Regrettably, this cannot be done as the regulation must be either accepted totally or not at all. Because of its various faults, the regulation should be disallowed. I refer to some of the comments of the environmental organisations about this regulation.

Mr Knowles: What did they tell you this morning? You know they said, "Don't disallow it."

Mr LONGLEY: It is significant that the Colong Foundation for Wilderness, National Parks Association of New South Wales, Confederation of Bushwalking Clubs, Total Environment Centre and Kowmung Committee -

Mr Knowles: You will go to hell for telling lies.

Mr LONGLEY: The Minister for Urban Affairs and Planning is requesting me to respond to an interjection - a practice that I know the Speaker does not encourage. The Minister is implying that I have other knowledge about the matter and that I have met with environmental organisations today. I assure the Minister that that has not occurred.

Mr Knowles: You are the shadow minister for the environment. Don't you talk to the peak environment groups?

Mr LONGLEY: Indeed I do, and I have been speaking with them on a number of issues. However, I have not been speaking with them on this particular issue other than to receive a copy of their submission to the Regulation Review Committee, a document to which I am about to refer. The submission, which was prepared by the Colong Foundation for Wilderness, National Parks Association of New South Wales, Confederation of Bushwalking Clubs (NSW) Inc, Total Environment Centre and Kowmung Committee, makes a number of significant and important points. The first and perhaps most important point is that the statement and public consultation processes by which this regulatory process was put in place did not meet the spirit of the Subordinate Legislation Act. The submission also stated:

. . . the Catchment Management Regulation imposes unwarranted restriction on camping, swimming and the lighting of camp fires in about 300,000 hectares of national parks in the Warragamba Catchment Area.

At the moment, a blanket prohibition regarding the abovementioned activities is understood to apply . . .

It is precisely those unwarranted restrictions on environmentally benign activities within our national parks that are the subject of this debate. The Labor Party's approach to these issues must be rejected. We must insist that the citizens of New South Wales have the right to use national parks in an environmentally friendly fashion. That is the essence of this debate. The submission continued:

... swimming in Schedule 2 Special Area catchments causes no harm. The streams in many of these catchments are polluted with sewage discharged from Sydney Water's treatment works, as well as urban stormwater runoff and by the activities of coal mining. There is no reasonable justification why swimming should be so regulated in the light of the activities already permitted in these catchment areas.

That makes a mockery of what Labor Ministers say. The Minister for Urban Affairs and Planning said that giving open access to everybody will ensure that catchment management will be thrown out the window; that these are tough regulations for good environmental reasons. The reality is that there is no reasonable justification that swimming should not be allowed in these areas. The submission continued:

The purpose of this suggested disallowance is to permit current canoeing activities on Tallowa Dam on the Shoalhaven River. Sydney Water has provided no reason why these secondary storages should continue to be unavailable for water sports which do not involve contact with the water or that do not cause potential water pollution.

There are a number of significant and important areas in regard to the disallowance of the regulation. The Minister raised a number of issues. He said that the disallowance will mean that we will lose protection of our water supply, that catchment protection will be thrown out the window, that there will be severe economic consequences and that there will be open access to all sorts of people who want to cause environmental damage. The Minister knows that they are hollow arguments. If they were true and correct, they would beg the simple question of why the Government gazetted this regulation as one that forces this House to not be selective in its disallowance and amendment process but disallow the whole regulation? The Government did not permit that option. The Minister argued that catchment management would be thrown out. Of course, he knows that is a hollow, nonsensical argument. The coalition is moving this disallowance because there is no other option. The Government is bound to give credence to the rights of the people of New South Wales to behave in a benign and environmentally friendly fashion in our national parks. For that reason the House should vote for this disallowance to proceed.

Ms ALLAN (Blacktown - Minister for the Environment) [5.58]: Unlike the comments of the honourable member for Pittwater, this disallowance motion is about the Opposition's plan to open up every protected Sydney Water catchment for any type of use. Only a few years ago the honourable member for Wagga Wagga and then Minister responsible for the Water Board, the honourable Joe Schipp, was caught using a power boat on the Warragamba Dam catchment. He used the boat and a VIP lodge to have a holiday jaunt with relatives, without a care for the possible impact of his activities on Sydney's water. Obviously the honourable member for Gosford has a great deal of sympathy for his colleague, and this is the Liberal Party's retaliation. They now want to expand this

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sort of behaviour on all our sensitive catchments. The honourable member confirmed that in the comments he has just made.

Under the disallowance we could have a range of activities on protected waters including power boating, water skiing, jet skiing, fishing, swimming and a range of other possibly polluting activities in Sydney's drinking water. Imagine if there was an oil spill from a boat or some other serious pollution incident. This has several possible implications for the people of Sydney. It means that the \$2.5 billion investment that the people of Sydney, the Illawarra and the Blue Mountains are currently making in the upgrade of all drinking water treatment will be in vain. Or it could mean that our drinking water will soon

become polluted as a range of activities begin to take place in these pristine catchments.

If the regulation is disallowed, either people will have to tolerate drinking this polluted water, leading to illness, or water rates will have to skyrocket to fund yet another billion dollar upgrade of our water treatment plants. So after slugging households with the \$80 special environment levy and wasting the money on consultants, contractors and publicity propaganda, the honourable member for Gosford on behalf of the Liberal Party now wants to hit everyone again, this time from the Opposition benches. They could cry foul and say that the Government Pricing Tribunal would not have a bar of it but the fact is that the GPT would not have a choice. Faced with a serious health problem for Sydneysiders, people would be forced to pay more and get less for their money.

Though the National Party has not yet contributed to debate, the motion has the dead hand of that party on it. Its agenda is to open up these catchment areas, some of high wilderness quality, to horse riders, four-wheel vehicle drivers and trail bike riders - the typical constituency of the National Party. It may even allow the grazing of animals, the shooting of firearms, all those favourite activities that our colleagues in the National Party like to enjoy of a weekend or during a parliamentary recess. If the coalition is ever re-elected, they would be in a prime position to flog off these lands to developers. They want to torpedo the protection of these areas so they will never again be reserved as national parks or protected under Sydney Water's special area classification.

This Government is committed to providing the best quality catchment management to ensure the provision of pure drinking water to the people of New South Wales. It is essential that Sydney Water has the capacity to regulate activities within catchment areas in order to protect catchment values. I am sympathetic to the interests of those members of the community who wish to pursue a range of recreational activities within catchment areas, but the protection of the catchments must come first. I am also certain that wherever possible recreational activities can and will be accommodated. Indeed, we must not lose sight of the fact that the regulation has a broad and essential purpose of controlling access to catchments so that any activities which threaten their environmental integrity may be carefully managed by Sydney Water.

While purity of drinking water and maximisation of public health are clear priorities for the Government, it appears that the Opposition has no qualms at all about jeopardising these goals. The regulation is essentially in the same terms as its predecessor, which enjoyed broad community support and was developed after a process of public consultation. The Government is committed to continuing community consultation and will discuss matters of concern with interest groups, such as local bushwalking communities, in an effort to achieve an understanding of the need for catchment protection and at the same time negotiate mutually acceptable recreational alternatives. Some individual bushwalkers have expressed concern about this at various times. But these same people, if they were sitting up in the gallery today, would be horrified watching our blundering colleagues in the Opposition putting their big feet over a very important water catchment for Sydney. They would be the first people wanting to distance themselves from this very politically opportunist activity going on this evening. The community cannot afford the cost of having unregulated catchments when that cost could be the severe erosion of public health in this State.

The Government's policy is to protect these catchment lands ultimately as national parks and to ensure the catchments continue to be managed in the most effective fashion. The Government's policy also supports the continued funding of management for these areas by Sydney Water in recognition of its vested interest in keeping these areas pure for water quality purposes. I will be initiating discussion with the Minister for Urban Affairs and Planning to discuss how we can best effect this policy. This debate has been interesting in that it has brought the current coalition champions for the environment - the honourable member for Gosford and the honourable member for Pittwater - to their feet to discuss an important environmental issue. But - and I speak with experience - they have not picked the right topic to try to endear themselves to the vast numbers of people concerned about the protection of the environment in the Sydney metropolitan area and throughout the State. They have blundered badly.

This is a delicate issue. People want to enjoy these areas, probably only for bushwalking purposes. But I believe that the same groups, representing particular bushwalkers, really want to open up our catchment areas for the same sorts of activities that the honourable member for Gosford and the honourable member for Pittwater have outlined this evening. It is interesting that the water catchment area in the central coast region represented by the honourable member for Gosford, though managed by the local council, has a very

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high level of protection. The council has decided to maintain that level of protection in line with the protection levels currently enjoyed by Sydney Water. It is astonishing that the honourable member for Gosford can come down to Macquarie Street and argue for a breaking down of those environmental catchment protections in the Sydney Water catchment area when he is not prepared to argue for a freeing up of those activities in his own backyard. That is hypocrisy in the extreme, and it is important that we acknowledge it.

Earlier this evening we witnessed his unparliamentary performance when he referred to comments by the Premier. In recent times he has made a desperate attempt to justify the paucity of his argument. The honourable member should not be so cynical. He should not talk about protection, ultimate protection or penultimate protection in the Gosford catchment, and then in Sydney talk about breaking down environmental protection in the Sydney Water catchment. It is important that we, through the Sydney Water Corporation and as future protectors through the National Parks and Wildlife Service, get the protection of those areas absolutely right. We are not going to be able to do that if we allow the sort of activities that will inevitably occur in that catchment area if disallowance succeeds today.

Dr MACDONALD (Manly) [6.08]: I have concerns about the process by which we have arrived at this point in the gazetting of the regulations. Essentially, disallowance is a political stunt. I have spoken to the honourable member for Gosford; I was not convinced of the truthfulness of what he was saying, and his arguments appeared shallow. The disallowance motion is premature, particularly given that the matter is being reviewed by the Regulation Review Committee, which will look at the consultation process and other issues it is required to consider. If the honourable member for Gosford is unhappy with that outcome, he should move his motion later; in fact, he should defer it. The honourable member for Gosford referred to comments I made in the media - and I stand by them - that I was unhappy that regulations were not so much gazetted but drafted and talked about prior to the plan of management. We would not be facing difficulties in debate about appropriate use, access and protection if a plan of management was already in place. I understand that preparation of such a plan of management is likely to take up to two years and that under subordinate legislation these regulations had to be gazetted. There is an argument that the old regulations could have been rolled over. There is now a new set of regulations, the drafts of which were fairly draconian.

The honourable member for Gosford has obviously been lobbied, as I have, by the Colong Foundation for Wilderness, by the Total Environment Centre, the National Parks Association, the Kowmung Committee, the Confederation of Bushwalking Clubs (NSW) Inc, and others. They have been fellow travellers with me over the years I have been in Parliament. In a sense we have a common agenda. I think they are on the wrong side of the fence on this debate, and I will argue that shortly. They put the case that some aspects of the regulations are too onerous in terms of access into schedule 1 areas. We will not know whether that is true until the plan of management is developed. However, a clear analysis of the environmental impact is needed. I hope the Regulation Review Committee will consider that aspect.

That impact may be minimal, and perhaps at some future date the Minister could revisit the regulations in the light of that plan of management. I would like to hear him say that. If it proves that the regulations are too tough flowing on from the plan of management, I will call on the Minister to give a commitment to reconsider those aspects of the regulations. Meanwhile, in the changed regulations I am happy for the precautionary principles to be applied. I have problems with some of the groups. I do not

want to get into a battle or go into the trenches with these groups, but some of their arguments remind me of arguments from special interest groups such as four-wheel drive groups and horse riders who want access to these areas. There is a shrill argument from these peak environment groups that they are different, and that they should be listened to. That argument could be the same as the arguments of pony riders and four-wheel drive groups.

I would say to those groups that until the plan of management is developed we should adopt a precautionary principle. In its draft stage the regulation was recognised to be fairly draconian, particularly in relation to on-the-spot fines. I am glad the regulations have eased off significantly. I have a commitment and it is on the record in debate on the Water Board (Corporatisation) Bill in relation to protecting those areas. My concerns are recorded in *Hansard* of 2 December, and they relate to the transfer of those lands into a corporation; the protection of catchments; and the commitment that they should never leave public control, and that if they ever change hands control should go to the National Parks and Wildlife Service with the areas being subject to the plan of management. I continue to stand by that commitment. I would like that to happen publicly, but that has not happened. However, it will be considered by the Regulation Review Committee.

I have spoken to the Minister about those aspects of the regulation that worry me. I am concerned about the relaxation of controls on private lands, and I need to be convinced about the relaxation regarding domestic activities. There may be some inconsistency, and that should be considered by the Regulation Review Committee. If the regulation is disallowed, it will be three months before another regulation can be gazetted, if it is essentially the same. There are real dangers if this disallowance gets through. I want to get this message through to the upper House. If the

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regulation is disallowed, there will be a real danger that excessive use is made of the areas by horse riders and four-wheel drive groups.

I would say to those crossbench members in the upper House who are concerned, as I am, about catchment lands, that we should not do anything rash. We should take the precautionary measure of protecting the land and keeping the pressure on the Minister and on Sydney Water to develop plans of management. The Regulation Review Committee should consider some aspects that have been raised in debate. The regulation should certainly not be disallowed; it could open up a hornets' nest.

Mr GAUDRY (Newcastle) [6.15]: I compliment the honourable member for Manly on his input. It shows a lot more sense than that of members opposite. He emphasised the importance of catchment management and of ensuring that the people of Sydney have pure drinking water, that their health is protected, and that Warragamba catchment areas are protected fully. There is no doubt - as has been said by the Minister for Urban Affairs and Planning and the Minister for the Environment - that the thrust of the disallowance legislation would lead to the entry into those protected areas of a range of users that would be detrimental to the environment and to the quality of water in the Sydney Water catchment area. That would result in either expensive treatment to bring the water up to the required health standard or the environment being further degraded. Neither of those issues should be entertained.

Approximately a month ago, with representatives of the National Parks and Wildlife Service, the Blue Mountains National Park Trust and Sydney Water Corporation, I visited the Warragamba catchment area through Kanangra Boyd and the proposed wilderness area to consider some of the issues surrounding catchment management and the impact of the declaration of wilderness. Two things happened on that trip that demonstrated a need for strong regulation and cooperation between Sydney Water and the National Parks and Wildlife Service to ensure effective catchment in the area. There is certainly a need to develop a full catchment management plan.

To the great embarrassment of the four-wheel drive member of the Blue Mountains National Trust, in the Kowmung River area we came upon a group of what I would describe as hoons. They were using their four-wheel drive vehicles in watercourses, firstly, to see how long it would take to bog the vehicles in

the wetland areas and, secondly, to see how many four-wheel drive vehicles were required to retrieve those vehicles. Such action is detrimental to watercourses. It is indicative of the sort of unregulated activity that can take place. We also came upon some young people who had gone through the barriers and across the roadways that Sydney Water uses to access areas of the dam. They deliberately ignored the warning signs and were fishing in an area of Warragamba dam that is not accessible to the general public.

Regulations are being flouted. There is a need for continued surveillance and diligence on behalf of organisations whose principal concerns are the maintenance of pure drinking water for people of Sydney and the protection of public health. It is disappointing that the honourable member for Gosford - that St Ignatius old boy - used offensive and unparliamentary language to attack the Government, which is implementing these regulations after consultation with the community and interest groups. Obviously they have legitimate interests in pristine outer catchment areas and want as much access as possible to the areas covered by the regulations.

Let us look at the need for catchment management, which as I said is necessary to protect the health of the people of Sydney. In the outer catchments there is a natural pristine area. It is great to see so close to Sydney a large area dedicated as a national park - hopefully, it will soon be a wilderness area - for present and future generations. There are quality run-offs in those areas. The object of developed land in outer catchments is to protect storage areas from the impact of pollution, erosion and so on. The impact of pollution, erosion and so on can be minimised by proper consultation and arrangements with people involved in land use in those areas.

The exclusion zone operating in the inner catchment areas is important to limit biological contamination of the still waters of Lake Burragorang and the back-up supply in the rivers that run into the lake because waterborne diseases can be ameliorated by the oxygenation of swiftly running water being slowed down in still water catchment areas. It is important to limit human interference in those areas wherever possible. Catchment management is only one aspect of the overall water management strategy of Sydney Water which is aimed at ensuring that the customers of Sydney Water receive water of a quality fit for human consumption, at the lowest cost and with the greatest efficiency. The regulation that the Opposition is attempting to disallow is an integral part of the whole management process.

The multiple barrier strategy for supplying clean water to the people of Sydney represents world best practice. Undoubtedly, Sydney Water is achieving world best practice in providing safe and reliable drinking water to the people of Sydney. However, that is threatened by the disallowance of the regulation. As the honourable member for Manly said, if the regulation is disallowed, there will be a hiatus in the regulations and that will threaten the health of the people of Sydney. The disallowance threatens a long-established strategy of Sydney Water, as the former Water Board and in its present form, to employ the multiple barrier strategy to protect the health of the people of Sydney, Illawarra and the Blue Mountains. What we are threatening is the ability of Sydney Water to apply all the elements of the strategy, which would seriously weaken the ability of Sydney Water effectively to protect health.

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Loss of the ability to regulate access to water catchment areas will result in higher water treatment costs and an increased level of risks, and consumers will suffer an outbreak of waterborne disease. We are confronting a serious health issue. The honourable member for Gosford, in an irresponsible way, is attempting to overthrow regulations that resulted from proper consultation and that effectively control access to the important water catchment areas abutting the Warragamba Dam. For the reasons I have outlined, we should vote against the disallowance. *[Time expired.]*

Mr DEBNAM (Vaucluse) [6.25]: I support the disallowance. We heard eloquent explanations from the honourable member for Gosford and the honourable member for Pittwater for disallowing the regulation. I shall quickly run through on a couple of comments made by honourable members. The

Minister hides his head in shame, and I understand why. The Minister said that the regulation is compelled by water board corporatisation legislation. He noted that it is a sensitive issue, and there is no doubt about that. Our point is that the regulation is a simplistic approach; we want a more sophisticated approach. The Minister for the Environment said that the disallowance would mean an unregulated catchment. Certainly, the catchment would be unregulated until the regulation is sorted out. The Minister's statement was simplistic. We want a competent and appropriate regulation in this case. I quote an article in the *Sydney Morning Herald*:

'The decision to regulate was premature. We are surprised at the need to change the regulatory landscape before plans of management are developed for the National Parks and Wildlife Service', said Dr Macdonald's spokesman.

This evening the honourable member for Manly said that some aspects of the regulation are too onerous. That is our point. The regulation needs to be tidied up; it needs to be disallowed and rewritten. The honourable member for Newcastle gave us an exposé on hoons - to use his word - using four-wheel drive vehicles in an unregulated situation. Some people may act in the manner he described, but many responsible people who use four-wheel drive vehicles for recreation will be concerned about his comments. The regulation affects 3,000 square kilometres. It raises the issue of the importance of equality before the law, as noted by the honourable member for Gosford. The regulation has been put forward without consultation, and it needs to be tidied up. There is no evidence available of damage done by bushwalkers.

I note what the honourable member for Gosford said about prohibiting camping and picnicking. The remoteness of the area means that people are effectively prohibited from bushwalking there. That is of concern to a large number of people not only in the Sydney area but in other parts of Australia and overseas who come to the area to bushwalk. The regulation does not affect private lands in the middle of the area involved, and for that reason it is consistent. I shall refer to correspondence that we have received from interested parties. We received a letter from the president of Bushwalkers NSW, Andy Macqueen, who made the point that the effect of the regulation will be that bushwalking will cease over most of the southern Blue Mountains. Once again, that is an area of 3,000 square kilometres. He also refers to the fact that each weekend hundreds of Australian and foreign tourists walk from the bottom of the scenic railway to picnic around the Ruined Castle or at Mount Solitary, many kilometres from Warragamba Dam.

Those picnics will now be illegal under the regulations. He spoke of how on Anzac Day bushwalkers have congregated at Splendour Rock, a much-loved vantage point in the Wild Dog Mountains. Again this will be precluded under the regulations. He made the point that many of our youth groups, Scouts, schools and others who learn about the bush and undertake challenging expeditions such as those required under the Duke of Edinburgh Award scheme will not be able to use this part of the Blue Mountains, and I am sure that members would agree that that is a shame for the whole community. He also said in his letter:

Sydney Water has produced no scientific evidence to support the exclusion of people from the parks. Those who oppose Sydney Water's action include Professor John Burton of the University of New England, a national authority on resource management.

The honourable member for Gosford spoke about the 23 September visit by the Premier to this area. As we have heard, the Premier swam in this area before the regulations were invoked, and that activity would now be illegal. When the Premier went there on 23 September he did not walk in as most people have been doing; he used a helicopter to reach this remote area and get out of it again. I cannot remember the figures but I think the helicopter cost about \$600 or \$700 an hour. I think it sat on the ground there for about four or five hours waiting for them to finish their afternoon recreation. On 23 September the Premier was an accessory to lighting a fire, which is prohibited by these regulations, which came into force on 1 September. Was approval given for the lighting of the fire? Our understanding is

that no approval was given.

Obviously, the Minister should ensure that members of that 23 September incursion, including the Premier, are prosecuted for their offence under these regulations. We then ask what was the purpose of that visit. Clearly it was nothing more than a photo opportunity, which is all we have had from this Government since it was elected in March - a series of photo opportunities. In fact, the Premier is now known as the member for photo opportunities, and several of them have blown up. This has been the one that has been of the most serious concern to people of New South Wales, and certainly the honourable member for Gosford has been outraged by this particular incident. The call

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for prosecution under the regulations is a valid one. I would ask the Minister to look into that. I know bushwalking groups would support that call because they certainly feel outraged that they have been excluded from this area, which they have loved for some considerable time. In summary I feel there are valid reasons to support the disallowance of this regulation.

Mr SHEDDEN (Bankstown) [6.33]: It is amazing that the honourable member for Gosford has moved for disallowance of this regulation at this time, some five weeks before the last possible date for disallowance on this regulation. I thought it might be appropriate to mention to the House the Regulation Review Committee's consideration of this regulation at its meetings on 7 September 1995 and 21 September 1995. The Committee has met with representatives of the Colong Foundation, the National Parks Association and the Confederation of Bushwalking Clubs (NSW) Inc, at their request, to discuss it. The general issue that the group raised was that the new regulation created a blanket prohibition on camping, swimming and the lighting of fires in about 300,000 hectares of national parks in the Warragamba catchment area. They asked the committee to consider recommending that certain matters be addressed by the adoption of appropriate catchment management plans. On 11 October the committee wrote to the Minister to obtain his advice on various representations.

One point raised in these representations was that Sydney Water would be developing a plan of management as required for special areas under section 86 of the Act and that this plan of management would only apply to areas within national parks or in lands directly controlled by Sydney Water. Other Crown lands and private lands would not be covered by the plan of management. If this is the case, the plan of management may not be an adequate way of addressing the regulatory management of the whole catchment. This would mean that the regulatory management of Sydney Water and national parks would be pursued along different lines to that of other areas for which no plan of management is prepared under the Act. The committee has asked Sydney Water to address that issue. The committee noted that clause 84 of the regulation permits Sydney Water to direct land-holders in a special area to remove buildings or works if there are reasonable grounds for believing that this direction is necessary to prevent or minimise pollution.

This type of regulation was disallowed by Parliament in 1990 on the grounds that it made no provision for procedural fairness, appeals or compensation. The committee has requested the Minister to repeal this provision. On 8 September Sydney Water provided the committee with a regulatory impact statement and submissions on it together with details of considerations of those submissions. The material included a briefing note on a special briefing session by Sydney Water and ministerial staff on the regulation on 29 August 1995. It would appear from this briefing note that further dialogue will be undertaken to clarify matters of concern arising from the regulation and other general catchment issues. The last date for disallowance of this regulation or any part of it in this House is 21 November 1995. The committee is awaiting the Minister's reply to determine the finite attitude to the regulation in its current form. The motion at this stage is premature and I oppose it.

Mr HARTCHER (Gosford) [6.37], in reply: I thank members who participated in this debate, and especially the honourable member for Pittwater and the honourable member for Vacluse for their very clear and valid contributions. Might I take up the comments by the honourable member for Manly, who, when this regulation first came out, issued that unutterable utterance, using the royal plural:

We are concerned about the regulation and we think it is premature.

"We", because he speaks for everybody. When the House debates whether the regulation should be disallowed he says "this debate is premature." He has really gone into the prematurity mode. He says this debate is premature because we should be waiting for the report of the Regulation Review Committee.

Dr Macdonald: Why not?

Mr HARTCHER: The honourable member for Manly asks "Why not?" I will tell him. We heard from the honourable member for Bankstown, who is member of the Regulation Review Committee, that the committee has recommended that the regulation be disallowed. If the honourable member for Manly is not a hypocrite - and that is debatable - and if he stands by his comment when this regulation was introduced that the regulation was premature, that there should have been consideration, and that the plan of management was with the National Parks and Wildlife Service, he will support the motion. We will see whether he does so in a few minutes. There will be no gap, no lacuna at law under which people can commit all sorts of nasty offences, if this regulation is disallowed, because there is nothing to stop the Minister relying on the ordinary provisions of law.

If the Minister wants a further regulation he can bring one down. What is at stake here is that this regulation is inappropriate, premature, anti-bushwalking; it is against the customary pursuits and pleasures of thousands of citizens in this State not over a few years but over a 100-year period; it is ill-considered, reckless and has no scientific basis; and the leading authorities - not me - on natural resources and on catchment management, as well as the environmental movement, have all said that there is simply no valid reason for it. The Minister knew that this matter was to be discussed; notice of it was given yesterday. The Minister had every opportunity to come to this House and table something. All sorts of documents have been tabled in this place.

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Why was one not tabled this afternoon documenting valid scientific reasons as to why controls have to be placed on the conduct of the ordinary citizens of this State? He could not, because there are no such scientific reasons. In May the Premier was happy to swim in this area. In September he was prepared to go to there and light camp fires. Twice in the past four months the Premier has been to this spot and has enjoyed it. Yet the very privilege that is extended to the Premier and his friends is to be denied to the ordinary citizens of the State. This is hypocrisy at its best. This is the Labor Party at its worst. Few organisations other than the Australian Labor Party could sink as low as this Premier and this Government. This is the man who insults women again and again. He insulted women as recently as question time in this House this afternoon with his disgusting and degrading remarks directed towards the honourable member for Lane Cove.

Mr Knowles: On a point of order: I recognise that the honourable member for Gosford is wound up, but I ask that he be directed to speak to the substance of the debate, if he has any substance to contribute.

Mr SPEAKER: Order! I uphold the point of order.

Mr HARTCHER: The Premier was able to travel there by helicopter.

Mr O'Farrell: How much did that cost?

Mr HARTCHER: I will answer the interjection of the honourable member for Northcott in a moment. Privileges such as spending Government money on personal pleasures on a Saturday afternoon are not

extended to ordinary citizens. Once these walks by the Premier did not cost anything. He would walk along a cliff face - although nobody wanted to walk on his right-hand side - and it did not cost anything. There were lots of photos taken. But now the photos are a lot more expensive. The cost of the helicopter trip right into the wilderness areas, right into the designated catchment areas, was \$500 an hour. The issue before us is whether the Government will effectively protect the environment of this State in a consultative and rational manner.

Dr Macdonald: What is the point?

Mr HARTCHER: The point is that decisions are being made about environmental protection that do not take into account any community consultation; there was none in this instance. That has an injurious effect on the lives of thousands of ordinary citizens. I could instance many examples of that but the obvious one is of bushwalkers no longer being permitted to go into an area which they have been accustomed to visiting, with no evidence at all having been adduced to justify the regulation. The honourable member for Manly asked what is the point. They are the points. They are the points the honourable member for Manly was not prepared to address in his speech. He was only prepared to talk about the due process of the Parliament and to suggest we wait for the report from the Regulation Review Committee.

The role of the Regulation Review Committee is separate from the role of the House. The role of the House is to pass judgment on legislation and regulations as they impact upon the people of New South Wales; not simply to be sidetracked on whether one has crossed the t's and dotted the i's in the making of a regulation. That is the role of the Regulation Review Committee, in the various processes it follows. The role of the House is to protect the interests of the people. That is why it is quite legitimate to debate this issue now rather than wait for the report of a committee that may be narrowly focused. As for stunts, the honourable member for Manly is a past master at stunts, but we will not go into that. He is here by the grace of 150 people, but that will change.

The Opposition will support any sensible measure to protect catchment management areas. We have a real interest in making sure that the people of this great city have a pure water supply, which we gave them in our seven years in government. But this regulation has been introduced in an ill-considered, non-consultative, unscientific way and the Minister has not justified it. Nor has the Minister for the Environment been able to justify it other than in personal remarks such as those from the honourable member for Manly, who invokes the royal aura and says, "We are concerned" and, "We think it is premature."

The Opposition is asking members to consider how the Government has handled this regulation, to consider the lack of justification for it, to consider the impact it has upon thousands of people and to consider the simple stupidity of it, bearing in mind that in the 3,000 square kilometres of the catchment area there are villages, power stations, mines, roads, private land holdings, vehicles, houses and people. If the Government believes that somehow all of that will not have any impact but that a few dozen bushwalkers a year will have an impact, it really does not have an understanding of how the world works.

Mr Debnam: What about the photo opportunities?

Mr HARTCHER: The honourable member for Vaucluse reminds me about the photo opportunities. The fact remains that all that the Premier was interested in was a photo opportunity. He went to the area and took photographers from the *Sydney Morning Herald* with him. It was a media stunt that backfired, as so many of his media stunts have backfired. This is the man who, when he was Minister, had a photographer follow him around for the express purpose of taking as many photos as possible so that he could use them for party political purposes. The Opposition condemns the regulation. We are asking all sensible members of this House to vote for its disallowance. We commend the motion to the House.

Question - That the motion be agreed to - put.

The House divided.

Ayes, 39

Mr Armstrong	Mr Merton
Mr Blackmore	Mr O'Doherty
Mr Causley	Mr O'Farrell
Mr Chappell	Mr D. L. Page
Mr Cochran	Mr Peacocke
Mr Collins	Mr Phillips
Mr Cruickshank	Mr Richardson
Mr Debnam	Mr Rixon
Mr Downy	Mr Schultz
Mr Ellis	Mrs Skinner
Mr Fahey	Mr Slack-Smith
Ms Ficarra	Mr Smith
Mr Fraser	Mr Souris
Mr Glachan	Mr Tink
Mr Hartcher	Mr Turner
Mr Hazzard	Mr West
Mr Humpherson	Mr Zammit
Dr Kernohan	<i>Tellers,</i>
Mr Kinross	Mr Jeffery
Ms Machin	Mr Kerr

Noes, 46

Ms Allan	Mr Markham
Mr Amery	Mr Martin
Mr Anderson	Ms Meagher
Ms Andrews	Mr Mills
Mrs Beamer	Ms Moore
Mr Clough	Mr Moss
Mr Crittenden	Mr Nagle
Mr Debus	Ms Nori
Mr Face	Mr E. T. Page
Mr Gaudry	Mr Price
Mr Gibson	Mr Rogan
Mrs Grusovin	Mr Rumble
Ms Hall	Mr Scully
Mr Harrison	Mr Shedden
Ms Harrison	Mr Stewart
Mr Hunter	Mr Sullivan
Mr Iemma	Mr Tripodi
Mr Knight	Mr Watkins
Mr Knowles	Mr Whelan
Mr Langton	Mr Yeadon
Mr Lynch	
Mr McBride	<i>Tellers,</i>
Dr Macdonald	Mr Beckroge
Mr McManus	Mr Thompson

Pairs

Mr Beck	Mr Aquilina
Mrs Chikarovski	Mr Carr
Mr Longley	Mrs Lo Po'
Mr Rozzoli	Dr Refshauge

Question so resolved in the negative.

Motion negatived.

PRIVATE MEMBERS' STATEMENTS

INTERTIDAL ZONE INVERTEBRATE HARVESTING

Mr SULLIVAN (Wollongong) [6.57]: Intertidal zone invertebrate harvesting is occurring in the Illawarra region, in particular in areas in the Wollongong electorate. However, I will not restrict my comments to the Wollongong electorate. Invertebrate harvesting, which commenced in the last few years in the Illawarra, extends from areas north of Bulli and Austinmer down to Port Kembla and points further south. People visiting the Illawarra area are engaging in illegal activities. There are no areas in the Illawarra that have been declared protected intertidal areas. In Sydney there are about 14. The department concerned is looking at protecting areas in the Illawarra but it has not made specific recommendations at this stage. Two newspaper articles highlight this problem. The first article, which appeared in the *Lake Times* on 2 February 1994, states:

District Fisheries Officer, Mr Warren Winter, told the *Lake Times* that the "harvesting" of marine life, particularly sea urchins, from rock shelves, including Port Kembla, Barrack Point, Shellharbour and Bass Point, was such a problem that a proposal to close certain sections of the coastline was in the process of being presented to the Fisheries Department.

The other article, which appeared in the *Northern Wollongong News* on Wednesday, 19 January 1994 - another paper in the Illawarra district - reported Mr Bill Lewis as saying:

I spotted a large family group gathering garbage bins full of sea urchins and conk shells from the rocks on Sandon Point.

In many cases crustaceans are being discarded without being consumed. Some people seem to like to engage in this exercise, which has the effect of stripping intertidal zones of many of these crustaceans. At this stage I am unsure of the progress in declaring intertidal protected areas, but I urge the Minister to do that as quickly as possible. Little is done to enforce protection of the areas. The *Lake Times* article said:

Mr Medcalf said that he was also concerned that only two Fisheries Inspectors cover an area north of Wollongong down to Gerroa . . .

The article in the *Northern Wollongong News* which referred to Mr Bill Lewis stated:

Bill was unable to contact the Fishery's Inspector . . .

Many people have told me in the last few weeks that they have phoned fisheries offices only to hear a

recorded message; they have no opportunity to leave messages for inspectors. They have been unable to discern any responses from the offices. One suggestion has been to appoint honorary rangers. Section 18 of the 1935 Fisheries and Oyster Farms Act provides for the establishment of intertidal protected areas. Section 7 provides for
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the appointment by the Minister of honorary fisheries rangers for the purpose of exercising powers conferred under sections 12, 13 and 14. However, these powers include the rights of entry and search, of boarding a craft and search and of seizing gear, but they do not extend to the taking of names and addresses. This represents a significant weakness because people who are not known locally can simply refuse to give their particulars and no follow-up is possible for guidance in relation to a prosecution. While some councils have appointed rangers, this weakness in the Act needs to be addressed. The Minister for Mineral Resources, and Minister for Fisheries should consider, first, declaring intertidal areas as protected areas and, second, addressing the issue of enforcement so that those areas of the coast that have been abused can be protected.

Mr MARTIN (Port Stephens - Minister for Mineral Resources, and Minister for Fisheries) [7.02]: I congratulate the honourable member for Wollongong on his tireless efforts to protect the marine environment in his electorate. The Government proposes to create two marine national parks. Sanctuary areas will be created and high conservation areas will be protected. Access for recreation fishers and others will be guaranteed. The honourable member for Wollongong mentioned problems with intertidal protected areas. Officers of my department will see what should be done about that issue. The 14 marine protected areas in the State are important for the coast of New South Wales and the islands off the coast. One matter I shall take up with officers of my department is the printing of documents in different languages.

I ask honourable members to advise the department of the languages they believe should be included, so that the pamphlets can be published in seven or eight languages. It is important that the rock platforms along the coast are protected. The Government has a better management system and will do a better job than the previous Government. It must be remembered that this State has only 86 fisheries inspectors. A severe fine system is in place with \$300 on-the-spot fines for those who do the wrong thing. Other States have appointed honorary rangers. The Government is considering such appointments for education purposes. Such rangers should not be placed in jeopardy or in situations of possible violence. Education is more important than apprehension. The councils, the police and the fisheries officers will do a fine job.

REAL ESTATE AGENT Mr TONY ANDREA

Mr O'FARRELL (Northcott) [7.04]: I raise concerns about the continued operation of a real estate agent within the Northcott electorate, despite an adverse Independent Commission Against Corruption finding about him. In February 1995 the ICAC released a report entitled "An Investigation into the Disposal of Surplus Roads and Traffic Authority Properties." In a chapter entitled, "The Art of Bribery" reference was made to Tony Andrea, who is also known as Tony Papandrea. Mr Andrea, as he is known locally, has operated as an estate agent in the Pennant Hills area since 1980. The ICAC report outlined what it described as corrupt activities engaged in by Mr Andrea between 1990 and 1993. Essentially these activities involved the payment of commissions to an RTA employee responsible for determining which estate agents were appointed to handle the disposal of RTA surplus properties. The conclusion in the ICAC report stated:

I therefore find that Mr Papandrea engaged in corrupt conduct as described in 1(a), 2(b) and (y) of the ICAC Act which is not excluded by s.9.

Despite the finding, the ICAC assistant commissioner also stated that he was not of the opinion that consideration should be given to the prosecution of Mr Papandrea. That was because of the assistant

commissioner's view of the likelihood of a successful prosecution against Mr Papandrea and others. I accept the assistant commissioner's view because he has a far greater knowledge of the law relating to these matters than I. However, in March Mr Andrea relaunched himself into the real estate industry in my electorate less than a month after the release of the report. Mr Andrea's new employer produced a publicity flyer on him. In part it stated:

I had a number of offers from various agencies in the area, but The Professionals had the highest profile in the North Western Sydney area.

That claim is untrue. All estate agents in the area reject this claim, except Mr Andrea's employer. Those agents include Allen and Sheppard, J. A. Gilmour and Sons, Keith Soames Real Estate, Raine and Horne in West Pennant Hills and Cherrybrook, Stewart Upton in Thornleigh and Joan Thomson Real Estate. The flyer contains these other interesting quotes:

After selling his business in 1994 Mr Andrea went into semi-retirement but admitted he "missed it" too much to stay away.

. . . An expert in marketing residential properties, he attributes his success to a combination of professional focus and customer service.

That is certainly not what the ICAC report found. My concern is that a person found to have engaged in corrupt conduct, namely bribery, is continuing to operate as a real estate agent within my electorate. This situation does nothing for the image of other agents in the area who have not engaged in such practices and it does nothing to provide consumers with the sort of confidence they should have in the industry. The responsibility for this situation rests largely with the Real Estate Services Council, which has failed in its responsibility to uphold industry standards. Both the council and the Real Estate Institute were made aware of the ICAC report and Mr Andrea's continued operation as an estate agent. Six months have passed and Mr Andrea continues to operate. Avenues were available to the council that would have ensured a speedy end to this saga. I

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refer to the Property, Stock and Business Agents Act 1941 - Regulation. Schedule 1 - Rules of Conduct, No. 20 stated:

A holder must not offer to provide any person (other than another holder) with any gift, favour or benefit, whether monetary or otherwise, in order to induce another person to engage the services of the holder as agent in respect of any matter.

Clearly that Act was breached, as stated in the Independent Commission Against Corruption report. Section 29 of that Act allows the council to take action to cancel a licence if a person is not a fit and proper person to continue to hold a licence. I am concerned that action has not been taken against Mr Andrea. I am concerned that the issues I have raised with the Minister for Consumer Affairs and the Attorney General have to date been ignored. That is not good enough. It is unacceptable to honest members of the real estate industry operating within Northcott and to consumers who use real estate services in my electorate. The situation should be unacceptable to a Government that claims to pride itself on its protection of consumer rights and which alleges that it is serious in its determination to continue the previous Government's campaign to end corruption wherever it exists and to deal appropriately with those engaged in it.

Mr DEBUS (Blue Mountains - Minister for Corrective Services, and Minister for Emergency Services) [7.09]: I imagine that the honourable member for Northcott has achieved most of his purpose in making his statement. Perhaps he will make contact with the Minister for Consumer Affairs and the Attorney General, both of whom are, as the honourable member suggested, absolutely committed to not allowing shonky businessmen to practise.

KERRIE ROAD, DUNDAS, NOISE LEVEL

Ms HARRISON (Parramatta - Minister for Sport and Recreation) [7.10]: I speak this evening on the first anniversary of my inaugural speech in this Chamber on a matter of importance to my electorate of Parramatta, the provision of sound barriers on Kerrie Road, Dundas. For many years now the residents of Kerrie Road have had to endure unacceptably high levels of noise from cars and truck which use James Ruse Drive, which is one of the busiest roads in western Sydney. My late husband, the former member for Parramatta, Andrew Ziolkowski, took up the issue with gusto. While doorknocking during the 1991 election campaign he became aware of the problems of the residents of Kerrie Road. He took the matter very seriously. He felt that government and bureaucracies became too large to look after the average person. He went to Kerrie Road on a number of occasions to witness the problems the residents experienced and he became their outspoken advocate. In January 1992, when the then Opposition leader, Premier Bob Carr, was on one of his many visits to Parramatta, he visited the home of Mrs Beryl Murtagh. There he gained first-hand experience of the intolerable level of noise which residents have to live with.

I take this opportunity to congratulate Mr Harley Roberts on his efforts on behalf of residents in the area. He was a great advocate of their cause. When I was wondering what to say about Harley I thought the best summary would be that he is just a general good bloke. The commitment to the erection of sound barriers was reiterated during the Parramatta by-election campaign when Bob Carr stated that a Labor government would install appropriate noise barriers. I am delighted to say that this Government, with the assistance of the very able Minister for Public Works and Services, Minister for the Olympics, and Minister for Roads, the Hon. Michael Knight, has fulfilled the commitment. Residents of Kerrie Road had faith in my late husband and they have carried that faith on to me, and I am happy that this Labor Government has been able to deliver for them.

The budget delivered this week made provision under the Roads and Traffic Authority for the construction of noise barriers up to four metres in height which will extend for more than 200 metres to shield the residents of Kerrie Road from traffic noise. This is just one example of the Government demonstrating to my electorate that it cares about the people and that it will increase funds for essential road programs. I add that funding for the Parramatta electorate from the budget of the Roads and Traffic Authority has increased substantially. Another allocation in the budget is \$5 million to begin works on 21 projects to improve traffic management and safety in the Westmead Hospital area. My husband worked tirelessly in this regard. On 26 March 1992 he raised the matter in this House. He spoke at length about the problems of the people in Westmead, a subject he knew a lot about, having been to school at Westmead. His speech began with the words, "When I commenced school in Westmead 16 years ago it was still a quiet, almost semi-rural dormitory suburb."

Andrew outlined the changes that had happened to Westmead, largely at the instigation of the State Government putting in the school, the hospital and the university. At that time the State Government was blaming local government authorities for not dealing with the problems which had arisen. Andrew recognised that this was clearly rubbish and he stood up for the people of Westmead. He said, "The community is demanding action and this House must recognise that its responsibility extends beyond the construction of public utilities and includes the provision of the required infrastructure." I am happy this Government has dealt with those concerns along with a number of others. These two matters were particularly dear to Andrew's heart and I am delighted that we have been able to deliver to and keep faith with the people of western Sydney. The budget is evidence not only that the Government cares about improving the lifestyle of people in the

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Parramatta electorate - it has not forgotten the promises made before the Parramatta by-election, by Andrew, and at the general election just held - but also that we have not forgotten the spirit of Andrew Ziolkowski.

COUNTRY DENTAL SERVICES

Mr CRUICKSHANK (Murrumbidgee) [7.15]: A real health problem which never gets the recognition due to it - another problem vital to the health of western New South Wales - is the chronic lack of dental treatment for country people and pensioners in particular. The Government must understand that country people cannot walk an extra couple of kilometres to save money. They do not have public transport available to them. People are isolated from facilities in their own town and are light years away from the nearest alternative, which is probably in the nearest largest town, which is a long way away. In many cases they have no way of getting there anyway. There are no trains; there is no bus running at a suitable time; and petrol is normally 10¢ to 15¢ a litre more than it is in the city. That sets the backdrop.

The dental unit of Griffith Base Hospital was built four years ago at a cost of about a quarter of million dollars. It has four dental chairs but only one dentist and a waiting list of two to three years for dental work and more than three years for the provision of dentures. I am apprehensive because the latest budget gave the Murrumbidgee Area Health Service the worst treatment of any area health service in the State. I think it is the only one that received a minus increment in real terms. The annual salary of a dentist is about \$60,000 to \$70,000. Griffith needs at least two more dentists but provision for them cannot in any way be met from the present budget. In the social justice budget statement the Government says that the pensioner dental health scheme will receive \$12 million. I do not know whether that means that \$12 million will be added or that that will be the total. I ask the Minister to explain the situation. It cannot be established from the figures in the rest of the budget. Will Griffith in particular and other country centres receive extra money?

The message from Griffith is that the Government is not paying its dentists enough. Probably another \$200,000 is needed by the Griffith Base Hospital board to adequately pay its dentist and to attract new ones to bring the waiting list under control. Dentists in the private sector at the moment are unaffordable through the public system to most of the people on the hospital's waiting list. The dental clinic should be able to examine patients and then refer them to private dentists, their health card giving the patients the required dental cover. I ask the Minister to intervene by requesting the Commonwealth to make a gap payment of what the Commonwealth would pay for the work to be done and what the private dentist actually charges. Because there are few of them and government payments are inadequate, private dentists simply will not do pensioner work. The arrangement I have proposed would assist in reducing the waiting time for many patients requiring dental work at dental clinics.

Pensioners cannot afford private health insurance. Dentists are in short supply in country areas. Dentists want payment up-front. They will not wait for payment on difficult accounts or chase accounts. Waiting lists for dentures in some towns are more than three years. That is not good enough for the frail and aged living in remote areas. It affects health and inflicts considerable pain and embarrassment because of the aesthetic effects. Recruitment of dentists to country areas is difficult because dentists are not prepared to work for the Government when they can serve more profitably in the private sector. There are two positions at the Griffith hospital dental clinic. One is filled and three chairs are vacant. Dentists will not participate in the Federal scheme because not enough money is provided. A pensioner constituent of mine, Mr Brown, was recently advised that his partial denture would cost him around \$600 at the local dentist. It was either pay that amount or face a three-year wait. There was no option available, even if he was prepared to make a part payment.

Other pensioners, Mr Morphet, Mrs Robbins and Mrs Hearne have seen me recently about their problems getting dentures. They have complained about the inordinate waiting list. The plight of these people is in the hands of the Minister. I ask him please to make a special allocation of funds to Griffith hospital from the additional funds for the scheme mentioned in the budget yesterday to assist some of the people who have been on the waiting list for years. I also ask the Minister to explain the \$12 million allocation on page 6 of the budget statement. Who will get it and where will it go to? [*Time expired.*]

Mr DEBUS (Blue Mountains - Minister for Corrective Services, and Minister for Emergency Services) [7.20]: I will draw the remarks of the honourable member to the attention of the Minister, who no doubt will respond to them in due course, being as concerned about these matters as the rest of us.

CENTRAL COAST RESCUE SQUAD

Mr CRITTENDEN (Wyang) [7.21]: It is my pleasure to congratulate the Central Coast Rescue Squad on its twentieth year of operations on the central coast, and in Wyong shire in particular. The squad, the accredited rescue agency in the Wyong shire, has done sterling work over those many years. One of the most pleasing aspects of the squad is that it has never had the demarcation disputes that have been the hallmark of similar groups in other parts of the State. It has always had as members people who have the good of the community it serves as their primary aim. The squad is very active in the community. On long

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weekends and during holiday periods they conduct a driver reviver operation at Palmdale and Ourimbah on the central coast. The squad has been active throughout its 20 years of operations.

Those in the squad are Bob Crompton, president, Colleen Lewis, secretary, and members Scott Cooper, Mark Constable, Vaughan Clayton, Paul Thomas, Rod McDonough, Peter Devlin, Anthony Bliim, Glen Dawes and Elizabeth Houston, all of whom give generously of their time and resources. Many of them provide their own uniforms. They built their own hall or meeting room. The squad has taken part in outstanding community projects in the Wyong township in the last several years. The organisation has had as members a number of prominent Wyong residents. Wyong residents are aware that life members of the squad are very prominent in a wide range of community activities - people such as Bob Crompton, Bob Ives, Paul Lewis, Tom Collings, Terry Spencer, Paul Delbridge, Neil Solman and Ray Wells. They have all received personal bravery awards and have been recognised for their tremendous efforts by being awarded life membership of the New South Wales Volunteer Rescue Association.

Three of those life members, Bob Crompton, Bob Ives and Paul Lewis, are still very active in the Central Coast Volunteer Rescue Association. They have ensured continuity in the organisation to enable it to go from strength to strength and to maintain its important role in our community. To maintain the ongoing function of the organisation it is important to always have people in training. At present, family members of squad members such as Stephanie McDonough, Wayne Lanyon and Ben Ives are in training as members of the squad.

I look beyond the important functions conducted by this organisation in our community. Many people provide sterling community service which, if funded from the public purse, would cost hundreds of thousands of dollars. Volunteers give generously of their time and resources to provide a rescue service in the Wyong shire. In doing so they allow funds to be spent in their area on health, education and police resources - money that otherwise would have to be provided for a rescue service in the shire. The squad and its members are to be commended for the great community work they do. Volunteers help their own organisation and numerous service clubs in the area on building projects and other endeavours that crop up from time to time. Members of the volunteer rescue association are deeply community minded and assist in any community project when requested.

Mr DEBUS (Blue Mountains - Minister for Corrective Services, and Minister for Emergency Services) [7.26]: I support the remarks of the honourable member for Wyong about the rescue squad in the town of Wyong. Though we live in a highly organised society in which we employ a great many people to educate our children, arrest wrongdoers and collect the garbage, almost every aspect of our life is subject to the work of professionals. But at times of crisis, storms, floods, fires and earthquake, we remain reliant on the thousands of volunteers who come to the fore to help save lives, homes and communities. The fact that in 1995 we remain reliant on and comfortable with this dependence on volunteers in times of emergency is, I suppose, the greatest tribute we can pay to the men and women concerned.

The figures on just how many of us volunteer to help our community are rather fuzzy. We do know, however, that tens of thousands of people give their time and expertise freely for hundreds of hours each year. Among the hardest working and most dedicated of them are the men and women who are members of the New South Wales Volunteer Rescue Association, of which in turn the Central Coast Rescue Squad at Wyong is a distinguished member. There are 51 accredited primary land rescue units, another eight specialist land rescue units, 11 marine rescue units, five search and rescue coordination centres, and five radio relay stations within the VRA. Last year those people responded to nearly 10,000 calls for help; nearly 2,000 people were rescued, and another 12,500 were helped in one way or another. I would entirely support and commend the honourable member for his recognition of his local organisation. They deserve our support, and from this Government they shall certainly continue to get it.

NORTH-WESTERN SYDNEY PUBLIC TRANSPORT FACILITIES

Mr MERTON (Baulkham Hills) [7.28]: I wish to raise the issue of public transport, which is most important for the people of Baulkham Hills and the north-western Sydney area. Some time ago under the previous Government a transport study was commissioned to look at transport in Baulkham Hills, Castle Hill and the north-western parts of Sydney. I understand that a draft report has been prepared but that it does not give any indication that a rail system will be made available to that area. The report deals with buses, presenting them as a favourable alternative to light rail. That is not so. Baulkham Hills electorate is the gateway to the north-western sector. People have to travel through Baulkham Hills to get to the north-western sector.

The north-western sector development is not a child of the previous Government; it was the subject of a decision by the previous Labor Government some years ago. The coalition Government adopted the idea, but unfortunately the present Labor Government has the responsibility of implementing it. The north-western sector, which will have about 80,000 home sites and a population of about 250,000, can be compared to a city the size of Canberra. At the moment the only means of travel to Sydney from that area is by road. The previous Government entered into the necessary negotiations,

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and I am pleased that the present Government is continuing with the M2 expressway. But the reality is that there are no alternatives apart from the road system. The roads leading to the M2 are heavily congested. What will happen when the M2 is finished and 250,000 people are living in the new north-western sector development?

The Premier, in response to the broken promise in relation to the M4 tollway, indicated that a substantial amount - something like \$70 million - would be made available to western Sydney for road funding. I call on the Premier to consider seriously a rail service from Parramatta to Rouse Hill and across to Epping. Such a rail service has been talked about for many years. However, notwithstanding my efforts and the efforts of the honourable member for The Hills, no such rail service has been seriously contemplated. The previous Labor Government gave us the north-west sector. I now call upon the current Labor Government to act responsibly so far as the public transport system is concerned.

It was disappointing to note that public transport funding was reduced by some \$288 million in the budget. There has been no rail expansion. I am disappointed that that has not happened. If we are going to seriously consider implementing a rail link to service Rouse Hill, Castle Hill and the Baulkham Hills area, now is the time to do it. There will not be another opportunity before all the development takes place. There are two rail alternatives: light rail or heavy rail. Light rail has certain advantages with respect to practicality and cost savings. There is a transport corridor adjacent to Windsor Road which could be used as a light rail network. Heavy rail would be an excellent long-term proposal. It would be possible. I call upon the Minister for Transport to look at rail as a serious option. The north-west sector will be choked with motor vehicles. We all know that it is advantageous to keep motor vehicles off the roads. If people have no other means of transport a car is a necessity, and some families have three or

four cars. That does not help the community in the long term. I call upon the Government to seriously consider the use of rail. [*Time expired.*]

Mr DEBUS (Blue Mountains - Minister for Corrective Services, and Minister for Emergency Services) [7.33]: I shall pass on the comments of the honourable member for Baulkham Hills to the Minister for Transport, and Minister for Tourism. I am familiar with the issue raised by the honourable member and with the area. The first 19 years of my life were spent in that part of the world. I am obliged to ask: how is it that the honourable member for Baulkham Hills finds it necessary to raise this matter when the terms of the M2 contract - which have been publicised - were apparently agreed to by coalition members with electorates in north-west Sydney? Nevertheless, I shall pass the concerns of the honourable member on to the Minister.

PROPOSED CAMDEN HAVEN HIGH SCHOOL

Ms MACHIN (Port Macquarie) [7.34]: At the outset I thank the honourable member for Kiama for his gentlemanly behaviour in allowing me to speak ahead of him. I refer to schools in my electorate. It is fitting that I am raising such a significant issue for my electorate on the tenth anniversary of my election to this House, which is something I will be celebrating tomorrow night in my home town of Wingham. I raise an issue which I am very concerned about. It is something on which I have been working very hard for some time, in conjunction with the local community, including the local council. I refer to the provision of a new school to service the needs of the rapidly growing Camden Haven area. I know that many honourable members holiday in my electorate, which is understandable. I am sure, like me, they can see the growth of the area before their eyes as it is so rapid. One of the challenges is the provision of infrastructure to meet a level of growth which is almost double the State average.

I understand that the new school, which is to be called the Camden Haven high school, would have been funded this year if the previous coalition Government were still in power. I understand that it was one of the priorities of the previous Government - if not the top priority. That funding has disappeared. I guess other members will know where that money has gone. I stress the need for this school. The previous Government did well during its term of office; most of the schools in the area were upgraded. This school just did not get there. A new high school is needed to service the area. Camden Haven is served by a central school at Kendall. The area has experienced rapid growth and the school has outgrown its site. It is a very good school. In fact, I will be prize giving at the school on Monday at lunchtime. The school caters for primary school students and high school students.

There are well over 20 demountables at the Kendall Central Public School site. They are linked by a loose network of footpaths, most of which are not covered from the sun or rain. The school population is growing rapidly. I think there are over 700 students at the school - a school which is a group of buildings loosely cobbled together to service a much smaller population. A few years ago the then Government commenced a planning process involving the school, the community and the New South Wales Teachers Federation to work out the best options. The decision was a little complicated. For example, should we keep the old school or build a new school? Should we make the old school a high school or a primary school, if we built a new school? Should the site become an adult education centre, as was the will of some in the community? There were a number of options to work through.

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The decision was to upgrade Kendall Central Public School, to retain it as a primary school and to build a new high school adjacent to the primary school in North Haven, which is on the northern side of the main town of Laurieton. I believe the funding was in the order of \$9 million for a new high school, plus funds to upgrade Kendall Central School. Another issue which was a little novel and a great example of community cooperation was the proposal to include a multipurpose centre - or whatever the correct term is. I understand that in terms of the funding one has to be specific or the wrong type of hall will be built. The general proposal was for a facility that would service not only the needs of the school

but also the needs of the community. Some years ago the Hastings Council made an offer to contribute significant funding to that proposal. In addition, the local community has been fundraising for some time. It has raised tens of thousands of dollars in the expectation that this project will occur within the next year or so. They had a fairly clear time frame in mind.

It is disappointing for me, the council and all those in the community who worked hard to raise funds. We expected that a community centre would be developed that would be used by all of the community, not just the school. I think that is the way we need to go when we address these sums of money. We want to get maximum use out of them. The community was prepared to put its hands in its pockets and fund that centre. That has apparently gone into the never-never. There was great disappointment. I believe this decision breaches an election commitment by the Labor candidate in my electorate, who was most unsuccessful at the last election. People will be very bitter about the failure to proceed with the funding of this project, regardless of their political persuasion. It was so close to happening and there had been community cooperation in the efforts to raise the funds. I am sure it is one of those things that will be in people's minds at the 1999 election, unless the Government provides the money in a subsequent budget and gets cracking.

PROPOSED NORTH KIAMA BYPASS

Mr HARRISON (Kiama) [7.38]: I draw to the attention of the House my concern about the delays associated with the construction of the north Kiama bypass. For at least 10 years people in the Kiama area have been inconvenienced and frustrated. There have been serious accidents and deaths on the road which is used by buses travelling on the Minnamurra Bends. The people of Kiama were completely frustrated in their attempts to have a decision made by the previous Government about the alignment of the road. There have been a number of consultants' reports over many years. The preferred option was finally identified by consultants, and then adopted by the Roads and Traffic Authority, but the previous Minister for Planning - whose responsibility it was to call in the alignment in accordance with the Environmental Planning and Assessment Act - attempted to flick that responsibility back to the local council. In fact, he took the council to court in an attempt to prove that it was the council's responsibility. I believe he knew full well that if the council had attempted to determine it, the matter would have been held up for many more years in the Land and Environment Court.

When the Minister took the Shellharbour and Kiama councils to court he lost the case, and it was ruled that it was the responsibility of the Minister to determine the alignment of the road because wetland was involved. At about the end of June this year the Minister for Urban Affairs and Planning, the Hon. Craig Knowles, visited Kiama. He spoke to the mayors of the two local councils and to community representatives. He gave an assurance that he would use his powers under the Environmental Planning and Assessment Act to determine the section of road that had held up the development for a number of years.

He said the matter would be finalised in six weeks or two months, but if a commission of inquiry had been requested he would feel obliged to agree to that. My conversations with the Minister over the last two days have indicated that no request for a commission of inquiry has been forthcoming from any source and I suggest therefore that there is no impediment to the Minister now determining this road alignment. The citizens of Kiama have suffered for many years, having to put up with the stretch of sub-standard road that serves the Kiama local government area and the whole of south-eastern New South Wales.

The Princes Highway is the lifeline of south-eastern New South Wales and it is unthinkable that citizens of north Kiama, Minnamurra and Gainsborough estate should be subjected to the ever escalating cavalcade of coaches, large trucks and heavy traffic as well as normal traffic that passes through this residential precinct. It is an article of faith with me that wherever possible through traffic should be taken out of residential and town areas. In Goulburn, in the electorate of the former Premier, many millions of

dollars were spent on roads to bypass the city area. That is a far greater job than is being contemplated in north Kiama. I ask the Minister now to use his powers under the Environmental Planning and Assessment Act to determine this matter. With the best will in the world, the first car will not drive over the road for at least another five or six years. [*Time expired.*]

Mr WHELAN (Ashfield - Minister for Police) [7.43]: I listened with great interest to the honourable member, and I will refer his concerns to the Minister.

ROCKDALE POLICE STATION FACILITIES

Mr THOMPSON (Rockdale) [7.44]: I raise a matter concerning the state of Rockdale police station and the organisation of policing in the Rockdale area. Rockdale police station is a
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disgrace. It has been allowed to run down over the past four to five years as a direct result of the neglect of the previous Liberal-National Party Government. In early 1991 it was rumoured that Rockdale police station would close. Local citizens were naturally worried and Rockdale Council was also deeply concerned.

As the endorsed Labor candidate for the 1991 State election I organised a petition to give local people the opportunity to express their concerns and to request that the police station remain fully operational. The petition was strongly supported by the people of Rockdale and was presented to the Parliament by the then local member, my predecessor, the Hon. Barrie Unsworth. The Government, through police Minister Pickering, decided to go ahead and downgrade Rockdale police station. It was merged with the Kogarah patrol and police attached to Rockdale were transferred to Kogarah. The Rockdale staff of 41 were moved to join the 65 personnel at Kogarah.

It is indisputable that conditions at Rockdale were rough. The station was simply too small and police had to work in cramped, unpleasant surroundings. It was positively dickensian - but so, too, was Kogarah. Instead of spending relatively few dollars to improve Rockdale police station, it was decided by the then government to allow it to run down even further. Even more police and associated staff were crowded into an already severely overcrowded Kogarah police station. I note from the budget papers that the Carr Labor Government is to build a new police station at Kogarah. The Minister and the Government deserve congratulations for that. Even though the conditions of the facility at Kogarah had been hopeless for a decade, it took a new Labor Government to do something about it.

In 1991 police Minister Pickering declined to spend a modest sum on improvements to Rockdale police station to allow it to continue as a real police station. At the same time he was spending an estimated \$1.5 million to establish his personal office, with all the trappings, in police headquarters. It was clear that the real motive behind the downgrading of Rockdale police station was financial - this at a time when police Minister Pickering was luxuriously fitting out the twentieth floor of police headquarters for his own comfort and his considerable ego. Rockdale police station was downgraded from a fully operational patrol to shopfront status.

Public perception in the area from Rockdale to Arncliffe is that because of the downgrading local people are not getting the police service that they deserve or are entitled to. A few months ago Rockdale was granted city status. Rockdale Council is now considering upgrading the Rockdale police station building and precinct in keeping with its new status. The council has also noted the perception in the local community that Rockdale has been receiving a second-class level of policing since Rockdale police station no longer has official status. I am currently involved in negotiations with the Kogarah patrol commander and the district commander for Rockdale to be again designated as a formal sector of the Kogarah patrol and for an authorised strength to be determined and allocated to Rockdale.

I understand that integral to the re-establishment of effective operational command in Rockdale

would be the reinstatement of an officer in command or sector commander, preferably of no less rank than senior sergeant, with whom the community can identify and communicate as part of the gradual upgrading of the police station. I fully realise the financial restrictions with which the Government has to cope after seven long years of coalition mismanagement. However, I appeal to the new police Minister to consider the situation in Rockdale. If resources could be reviewed to assist in the rehabilitation of Rockdale police station and to allow for a senior sergeant to take command of an upgraded police station, I would be grateful, as would serving police officers in the district and local people who rely on them. Since being elected to Parliament in 1991 I have noticed that Neighbourhood Watch groups increasingly express concern about local crime and the perceived reduction in police activity. The upgrading of Rockdale police station would go a long way towards resolving their concerns and the concerns of the broader local community.

Mr WHELAN (Ashfield - Minister for Police) [7.48]: Before I reply I want to take the opportunity, while I see a full complement of Hansard staff in the gallery, to thank them for their patience over these varied and changed hours. Honourable members are not as unlucky as Hansard will be when dealing with the upper House this weekend. I thank the honourable member for Rockdale for raising the matter. Rockdale police station is a substation within Kogarah patrol and it also accommodates beat police. The station currently has an authorised strength of 27 officers and operates 24 hours a day. The accommodation is contained within a heritage-listed cottage. I listened with interest to what the honourable member said, and regrettably it is true that many of the problems at Rockdale police station emanated from the fact that it was downgraded in 1991 from a fully operational patrol to shopfront status.

Blame for that can only be attributed to the former Government. The former cells are now used as police accommodation and are clearly not satisfactory. The customer service facilities also are deficient and unsatisfactory. A conservation plan has been completed and will form the basis of proposed improvements to both the customer service area and police facilities. The improvements are on this year's minor works program and the

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preliminary costing is approximately \$100,000. As I indicated, the former Government had capital works projects in excess of \$400 million. I assure the honourable member that as a result of the neglect of the former Government I will ensure that the proposal for the Rockdale police station is highlighted and prioritised.

It is proposed to bring the facilities at Rockdale up to current police building code standards, bearing in mind the heritage nature of the building and the need to contain expenditure. The improvements to Rockdale police station will have special emphasis on customer service facilities. It is proposed to remodel the police station to improve public facilities to include, as far as possible, an interview room and accessibility to public toilets. I assure the honourable member of my continued interest in his electorate.

RECOVERED MEMORY ALLEGATIONS

Mr HUMPHERSON (Davidson) [7.50]: I raise a case of repressed memory involving constituents who live in the Frenchs Forest area. For obvious reasons I shall not name them. The two parents and a grandmother visited me several times. The parents informed me that 18 months ago they were charged with sexual assault following allegations made by their 18-year-old daughter. Their four children were subsequently removed from the family home and they were allowed to see their children once, and that was last Christmas to give them a present. This action has cost them \$300,000 and their jobs. They have been financially ruined, and their family has been destroyed, with the younger children being taken from the family home. All this has taken place on the basis of allegations of forced abortions, rape, satanic ritual abuse and animal sacrifice, none of which has been substantiated. The Department of Community Services has a responsibility to answer for its actions.

The Department of Community Services is unable to adequately protect children from violence, as

we have seen in recent times, so it has committed over \$500,000 in resources to fight what it sees as a test case for repressed memories. No corroborative evidence has been found despite bugging and searching of the home. Two of the children were threatened during interviews and coerced into admissions that they later retracted. The department has continued to pursue this family. The department knows that it has enormous legal and financial resources to crush the family. Following more than 30 sessions with a psychologist, relating to anorexia, the eldest daughter made allegations, and those allegations form the only basis for the case.

Dr Roberts, the psychiatrist reviewing the case, concluded that the daughter suffered from self-aggrandisement, fantasy, pseudologia phantastica and multiple personality disorder and was unreliable, yet the department has continued to pursue the family. The second eldest daughter initially made claims under duress of questioning, including blood extraction from her breast, needle insertion in her vagina and enforced abortion. She later retracted all claims and said, "The game's over. I want to come home." The younger son, after being isolated from family and friends for six weeks, said that there was no abuse but that he was pressured by police. He was told by Detective Yeomans in an interview to admit or, Detective Yeomans said, "I'll have you charged with rooting your sisters".

The Department of Community Services regards this as a test case and has pursued it in a paranoid fashion. One of the file notes by a case officer from the department, Michele McPherson, stated that police suspected a network of adults and children in ritualistic abuse. A year later police admitted that that was a misunderstanding and that that was not the case. Police notes state that the Department of Community Services seemed anxious to put everything before the Children's Court, even that which could not be supported by any fact or evidence. The actions of the department are an absolute damned disgrace. The Department of Community Services was advised by a foremost child psychologist, Professor Waters, that the department had a lot to answer for in relation to the actions it had taken, and that some officers could be held personally responsible and could lose everything.

It is a disgrace that the department has pursued this matter as a case study. I call on the Minister for Community Services to immediately intervene and seek to have the case mediated. This matter has gone on for 18 months. A family has been ruined on the basis of allegations that are not corroborated. The department has been abusing its power and resources, which are clearly much more substantial than those of any family. Neighbours and friends have said there is no evidence to warrant the charges and the pursuit by the Department of Community Services. In the interests of justice and incidents of repressed memory, cases should not be automatically pursued in this manner if there are no witnesses or corroborative evidence.

It would be more appropriate in the interests of the family and individuals for counselling and support to be the first priority, regardless of the nature of the allegations. Though there was no corroborative evidence this family was persecuted, the lives of three of the young teenage children were destroyed, and the family unit was irretrievably damaged. The Department of Community Services has a major case to answer. I call on the Minister to intervene and direct that the case be mediated, without the enormous resources employed to date utilised further to destroy this family.

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Mr WHELAN (Ashfield - Minister for Police) [7.55]: I listened with concern to the comments of the honourable member for Davidson. I will draw them to the attention of the Minister, Mr Dyer, who I am sure will be as concerned as I am about the assertions made by the honourable member.

Private members' statements noted.

DORMANT FUNDS AMENDMENT BILL

Second Reading

Mr WHELAN (Ashfield - Minister for Police) [7.56]: I move:

That this bill be now read a second time.

This bill was introduced in the other place on 21 September 1995, and the second reading speech appears at pages 1284 to 1285 in *Hansard* of that day. The bill is in the same form as the bill introduced in the other place, and I commend it to the House.

Debate adjourned on motion by Mr Kerr.

UNCOLLECTED GOODS BILL

Second Reading

Mr WHELAN (Ashfield - Minister for Police) [7.57]: I move:

That this bill be now read a second time.

This bill was introduced in the other place on 21 September 1995, and the second reading speech appears at pages 1286 to 1288 in *Hansard* of that day. The bill is in the same form as the bill introduced in the other place, and I commend it to the House.

Debate adjourned on motion by Mr Kerr.

BILL RETURNED

The following bill was returned from the Legislative Council without amendment:

Veterinary Surgeons Amendment Bill

House adjourned at 7.58 p.m.
