

LEGISLATIVE ASSEMBLY

Wednesday, 5 June 1996

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

Mr Speaker offered the Prayer.

TRANSPORT ADMINISTRATION AMENDMENT (RAIL CORPORATISATION AND RESTRUCTURING) BILL

In Committee

Consideration resumed from 30 May.

Schedule 1

Mr LANGTON (Kogarah - Minister for Transport, and Minister for Tourism) [9.00]: I move Government amendment 5A:

Page 10, Schedule 1[15], proposed section 19E. Insert after line 2:

(6) Each annual report of Rail Access Corporation prepared under the *Annual Reports (Statutory Bodies) Act 1984* must include a section that:

- (a) identifies the trends in access for passenger and freight services on the NSW rail network, and
- (b) having regard to those trends, identifies any parts of the NSW rail network where there is or is likely to be insufficient capacity for passenger or freight services, and
- (c) sets out what Rail Access Corporation proposes should be done to ensure sufficient capacity for those services.

Like all State-owned corporations, Rail Access Corporation must prepare an annual report to be laid on the table in Parliament. Because Rail Access Corporation has significant infrastructure management and access functions, it is appropriate that it be expressly required to publicly report annually on the important issues set out in the amendment. The amendment is straightforward. If the Rail Access Corporation identifies problems with capacity and lets the Government and the public know about them in advance the Government can consider plans to overcome those problems.

Dr MACDONALD (Manly) [9.03]: I welcome the amendment because it will provide transparency in the reporting mechanism and also a measurement of the benefits or potential disadvantages of the freeing up of access to the railway system. I draw to the attention of the House a letter I have received. The author did not divulge his name; he may well work within the system. The letter highlights potential problems with deregulation and the potential impact on passenger services of the freeing up of the rail system. It states:

The private rail operations debate has been primarily focussed on the Hunter region. It is there that the coal industry has an easy run from mines to port . . . There is little intra-regional passenger train travel to disrupt etc. As I understand it the coal industry will soon take over the entire system and run it for its own benefit.

There is an example of a region in which increased freight activity could be comfortably allowed without the disruption of passenger train services. The letter continues:

Already the industry co-operatively runs shared facilities at the loading end and at the dispatch end - Port Waratah and Kooragang loaders. The bit in between - the publicly owned rail system is not only the remaining inefficient element but it is also an added burden on mining through various coal freight "levies" and taxes.

Given the Hunter circumstances you'd almost be inclined to agree with the industry argument that a wholly privatised system there is logical, justifiable and inevitable.

I want to raise alarm bells that the same arguments will eventually/inevitably be put forward to justify private operations on the western line from Lithgow and this will ultimately jeopardise all passenger services in the Blue Mountains/country as well as seriously impact on western Sydney passenger rail services.

The coal industry in the Western Field (between Lithgow and Mudgee) has severe constraints on growth and has added costs and overheads due in large part to State Rail passenger services.

The numbers speak for themselves:

A modern longwall based mine will produce some 2 to 3 million tonnes per annum. Some even more. Using the lower end of 2 million tonnes let's look at impacts on the rail system of just one mine -

2,000,000 tonnes divided by current sized trains (2,250t capacity) = 888 train journeys or roughly 2.5 journeys a day between Lithgow and Port Kembla. Currently the average journey is taking 7-8 hours - one way. This makes Western Coal very uncompetitive compared to the efficient Hunter system.

But multiply this one mine by the actual number of export mines operating in the West. Also add to this the number of proposed export mines that the industry wants to open up, as well as the planned upgrading of inefficient older mines and there is only one conclusion to be reached.

At some point in the not distant future all Blue Mountains and country passenger rail services must be at serious risk.

In the last few years Freight Rail has spent billions on upgrading track and signalling. Most of it unjustifiable from the point of view of passenger train operations.

The track improvements are designed to allow longer and heavier and much more frequent coal trains. In time, the beancounters and economic rationalists will come to an obvious conclusion about the questions that are already in their faces.

The facts are:

1. State Rail loses a billion dollars a year in passenger operations. Most of it lost on long distance commuter services just like Blue Mountains.
2. Freight Rail coal revenue is a state government milking cow.

3. Western Field coal is highly likely to become uncompetitive unless journey times and costs are reduced to match Hunter and Queensland transport costs. The likely impacts to rural unemployment, a marginal Labor seat, export earnings are substantial.

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4. Significant new mine developments can proceed if the journey time and freight costs are made comparative to other coal regions.

5. Governments will gain significant financial benefits from an expanded Western Field coal industry.

Draw your own conclusions on the basis of these facts.

At certain times of day the rail system is already in gridlock. In recent years, at weekends and night times the system has been given over entirely to coal freight.

Why does a 90 kilometre Central to Katoomba journey take two hours? No passenger train services on a weekend? Wondered why people in Sydney's west endure car travel against all logic?

The rail issue is bad enough. But when you see the monumental environmental damage being daily inflicted on pristine wilderness areas you begin to realise just what an unstoppable juggernaut the coal industry has become.

The amendment requires the Rail Access Corporation annual report to deal with the impact of changes on freight and passenger numbers. In the long run there is a risk of the freight industry, as the letter says, becoming a juggernaut and overriding the passenger industry, with passengers losing access to the rail system. That is clearly not in the public interest. Other provisions in the bill will allow for advocacy of the public interest, but I welcome this amendment in particular.

Mr PHOTIOS (Ermington) [9.09]: The Opposition welcomes the amendment. Although the Opposition feels that one of its proposed amendments provided for more detail in reporting arrangements, it welcomes this move as it will provide transparency. The Opposition welcomes also provision for a comparison of passenger and freight movements in making determinations in relation to rail and transparency to enable third-party access. Accordingly, the Opposition supports the amendment.

Mr O'FARRELL (Northcott) [9.10]: I do not disagree in any way with the shadow minister, but he failed to point out succinctly that an Opposition amendment moved earlier would have ensured full and open transparency in the whole process. This amendment proposes nothing more than sham transparency. It may assuage some of the concerns expressed by the honourable member for Manly but at the end of the day it goes nowhere near the sort of commercial approach taken in the electricity industry and other areas of government. The Minister should not be pleased about this sham transparency.

Amendment agreed to.

Mr LANGTON (Kogarah - Minister for Transport, and Minister for Tourism) [9.10]: I move Government amendment 6:

Page 13, Schedule 1[15], proposed section 19O, line 22. Insert "and is to consist of not fewer than 3 and not more than 7 directors" after "shareholders".

This amendment reaffirms provisions in the State Owned Corporations Act that the boards of Rail Access Corporation and Freight Rail Corporation will consist of at least three and no more than seven directors. This time the honourable member for Northcott should read the amendment before he speaks to it so that

he does not make a fool of himself.

Mr PHOTIOS (Ermington) [9.11]: In defence of my colleague the honourable member for Northcott I think he had given careful consideration to the previous amendment, and his concerns were well expressed given his years of experience in the transport Minister's office. The Opposition supports the amendment.

Amendment agreed to.

Mr PHOTIOS (Ermington) [9.12]: I move Opposition amendment 4:

Page 14, Schedule 1[15], lines 4 and 5. Omit all words on those lines. Insert instead:

that have members employed in the public sector. However, a person cannot be a nominee of the Labor Council if there would be a conflict of interest between the person's being such a representative and the person's being a director of a Rail Corporation.

The Opposition believes strongly in the principle that employee representation from trade unions is an appropriate asset for any corporate authority at board level. It is inconsistent, however, with the reform plans and the rail restructuring that is required of the authority to appoint to the board a representative of the very union body that has a vested interest in determining the restructure. There is widespread concern in the industry and particularly at the board level of the proposed Freight Rail Corporation that the proposal to have the Labor Council nominate a panel of three employees, in effect from the existing rail unions, will lead to the creation on the board of a vested employee interest that may regularly oppose reforms that are required from a corporate and a business perspective. After all, the proposed legislation seeks to put the Freight Rail Corporation on a commercial basis. Groups with a vested interest could work against the objectives of the legislation and board policies.

The previous Government appointed Mr Costa, a senior member of New South Wales Labor Council, to the State Rail Authority board. His performance was, on any measure, admirable and it was welcomed by business and unions alike. His role and the discharge of his responsibilities exemplified the need for and the merits of union representation on the board without a direct conflict of interest that could compromise the functions and the smooth operation of the board if discussions became heated or personal. I am aware that the Treasurer in his private discussions has expressed a more flexible attitude to employee representation than the Minister for Transport, who has worked closely on a weekly basis with the union movement relevant to his portfolio. The Opposition believes that the bill provides for a vested interest in perpetuity. Therefore, it strongly opposes and seeks to amend the proposed section to enable the Labor Council to provide representation on the board, but

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not so that the nominee could compromise the operation of the board by providing, by definition, for vested interest.

Mr O'FARRELL (Northcott) [9.15]: This proposal seeks to turn back the clock to the bad old days of the Unsworth Government when employees by right had positions on what were then laughingly described as boards. Those boards had no commercial orientation or commercial focus and, surprisingly, did little to reform either public transport or other aspects of the public sector of New South Wales. The Transport Administration Act, which was passed in this place in 1988, had no express provision for employee or union representation, but that did not stop the then Minister for Transport from assuring Michael Easson, the Chairman of the Labor Council, that they would have a voice on the boards of the State Rail Authority, the State Transit Authority and, subsequently, during the debate on the Maritime Services Board bill, the Maritime Services Board. That was done with the express knowledge that the Labor Council could take a wider perspective on such issues but was not bound to accept the Minister's invitation to appoint people to the various transport boards from a specific union perspective. However, in appointing Drew Robertson to the State Transit Authority it did just that.

The first union representative on the State Rail Authority was Michael Easson, the Chairman of the New South Wales Labor Council. He was followed, as the honourable member for Ermington said, by Michael Costa. On the Maritime Services Board the Labor Council representative was Peter Sams who is, of course, now the Secretary of the Labor Council. In the bad old days of industrial relations, of no reforms, of go slows, of a massive bloated public transport sector, representatives were appointed to so-called boards from the work forces they were supposed to be governing. Of course, nothing happened. That is the current proposal. I have heard that the Labor Council put up a list of three names, drawn from unions affected, and that is the choice. I do not know why the Minister would support a proposal that will limit his choice or the reforms that he claims he wants, unless he is so wedded and beholden to the union movement that he will sacrifice reform. This is a return to the bad old days.

Mr LANGTON (Kogarah - Minister for Transport, and Minister for Tourism) [9.17]: The Government opposes the amendment. The reforms before the House are considerable and have been achieved in cooperation with the union movement, something that the coalition could not achieve. It is clearly reasonable that selection committee and panel members, that is potential board members, come from unions with rail industry members so that the appropriate level of expertise is ensured. Apart from that the amendment is confused; it is circular; it is wrong. In the same way as any board member, the board members will have all the duties and responsibilities required of board members under the Corporations Law and would need to resolve any conflict of interest in order to become a board member.

Mr PHOTIOS (Ermington) [9.18]: I want to make one point in response to the Minister's remarks. Broad policy decisions that a board will confront are detailed, and specific policy decisions have implications for the work force and the employees of the relevant authority. It would be impossible for employee representatives who have responsibilities as directors under the Corporations (New South Wales) Act effectively to absent themselves from discussions. It would be dysfunctional, given that much of the work of the boards will affect the work force directly and indirectly. Accordingly, though the Opposition understands that those responsibilities will be tempered by other legislation, it does not accept the view that employees who represent a specific trade union as opposed to the trade union movement would be able to discharge their responsibilities without exercising a vested interest given that the policy implications of the issues are so wide and varied that it would be difficult to point directly to the issue that affects the conflict of interest.

Mr LANGTON (Kogarah - Minister for Transport, and Minister for Tourism) [9.20]: The honourable member for Ermington shows no knowledge of the Corporations Law or the history of the State Rail Authority. I was astounded to hear the extraordinarily circumlocutory amendment moved by the honourable member. He has talked about conflict of interest and vested interest. I sometimes have problems with conflict of interest, but I have observed that vested interest is often a healthy thing. I draw the attention of the honourable member to the minutes of the board of the State Rail Authority between 1988 and 1995. They show how many board members have had to absent themselves from discussions because of conflict of interest; they were not union representatives.

Mr O'FARRELL (Northcott) [9.21]: The Minister and the honourable member for Manly fail to accept that in opposing the Transport Administration Act in 1988 the head of the Labor Council accepted the point that union representation was needed on commercial boards to give the boards a wider perspective. The minutes of the State Rail Authority from 1988 to 1995 show that Michael Easson and Michael Costa always took a wider union perspective. If they had not done so, the sorts of reforms achieved over those years would never have occurred. I do not know why the Government wants to pursue proposals that will limit the types of people who can sit on the State Rail board and take a wider union perspective, which has to be healthy.

Pursuant to standing orders division deferred.

Mr LANGTON (Kogarah - Minister for Transport, and Minister for Tourism) [9.21]: I move Government amendment 7:

Page 14, Schedule 1[15], proposed section 19O, line 12. Insert "from among persons with relevant expertise" after "at their discretion".

This amendment requires the directors of rail corporations be selected from among persons with relevant expertise. This amendment is included at the request of the Independent members of this House and in another place and is consistent with the Water Board (Corporatisation) Act.

Mr PHOTIOS (Ermington) [9.22]: The Opposition supports this amendment, which will improve the bill. The Opposition notes that the head of the Maritime Services Board comes from Queensland. That demonstrates the obvious need to bring people with relevant experience from interstate.

Amendment agreed to.

Mr LANGTON (Kogarah - Minister for Transport, and Minister for Tourism) [9.22]: I move Government amendment 8:

Page 14, Schedule 1[15], proposed section 19O. Insert after line 12:

(6) The voting shareholders may remove a director from office at any time for any or no reason and without notice (but only at a duly convened meeting of the voting shareholders) and, in that event, the office of the director is taken to have become vacant for the purposes of Schedule 8 to the *State Owned Corporations Act 1989*.

The bill will modify the State Owned Corporations Act and provides that the appointment of directors of rail corporations is a matter for the voting shareholders rather than for the Governor on the recommendation of the voting shareholders. The amendment makes it clear by corollary that the removal of directors is also a matter for the voting shareholders rather than for the Governor. The removal of directors can be effected only at a duly convened meeting of the voting shareholders. This approach is consistent with the legislation dealing with electricity corporations.

Mr PHOTIOS (Ermington) [9.22]: The Opposition has no difficulty with this amendment.

Amendment agreed to.

Mr LANGTON (Kogarah - Minister for Transport, and Minister for Tourism) [9.23]: I move Government amendment 9:

Page 14, Schedule 1[15], proposed section 19O, line 13. Omit "Subject to subsections (1) and (7)". Insert instead "Subject to subsection (8)".

This is a technical amendment required as a result of amendment 8.

Amendment agreed to.

Mr LANGTON (Kogarah - Minister for Transport, and Minister for Tourism) [9.23]: I move Government amendment 10:

Page 14, Schedule 1[15], proposed section 19O, line 17. Omit "Section 20J(3)(a) and (4) of, and clause 4". Insert instead "Section 20J(2), (3)(a) and (4) of, and clauses 4 and 79(1)(d) and (2)".

This is a technical amendment required as a result of amendments 8 and 9.

Amendment agreed to.

Mr LANGTON (Kogarah - Minister for Transport, and Minister for Tourism) [9.24]: I move Government amendment 11:

Page 17, Schedule 1[15]. Insert after line 4:

Division 2 Objectives of Railway Services Authority

19V Objectives of RSA

(1) The principal objectives of the Railway Services Authority are:

- (a) to be an efficient, safe and reliable supplier of goods and provider of services to the rail industry in New South Wales, and
- (b) to be a successful business and, to this end:
 - (i) to operate at least as efficiently as any comparable businesses, and
 - (ii) to maximise the net worth of the State's investment of the Authority, and
- (c) to exhibit a sense of social responsibility by having regard to the interests of the community in which it operates, and
- (d) where its activities affect the environment, to conduct its operations in compliance with the principles of ecologically sustainable development contained in section 6(2) of the *Protection of the Environment Administration Act 1991*, and
- (e) to exhibit a sense of responsibility towards regional development and decentralisation in the way in which it operates.

(2) Each of the principal objectives of the Railway Services Authority is of equal importance.

This mirrors amendment 1, which the Government moved last week. It gives the Railway Services Authority the same objectives as a State-owned corporation. In addition, the authority has a business-specific objective to be an efficient, safe and reliable supplier of goods and a provider of services to the rail industry of New South Wales. Very briefly, the bill provides specific objectives for the corporations and will give the authority the same objectives.

Mr PHOTIOS (Ermington) [9.25]: In the same vein as my previous remarks in relation to the earlier amendment that reflected these objectives, the Opposition supports the amendment.

Amendment agreed to.

Mr LANGTON (Kogarah - Minister for Transport, and Minister for Tourism) [9.25]: I move Government amendment 12:

Page 18, Schedule 1[15], proposed section 19W, lines 6-14. Omit all words on those lines.

This amendment is consequential on amendment 11.

Amendment agreed to.

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Mr LANGTON (Kogarah - Minister for Transport, and Minister for Tourism) [9.26]: I move Government amendment 13:

Page 24, Schedule 1. Insert after line 13:

[16] Part 3, Division 1A

Insert after Division 1 of Part 3:

Division 1A Objectives of State Transit Authority

20A Objectives of STA

(1) The principal objectives of the State Transit Authority are:

- (a) to operate efficient, safe and reliable bus and ferry services, and
- (b) to be a successful business and, to this end:
 - (i) to operate at least as efficiently as any comparable businesses, and
 - (ii) to maximise the net worth of the State's investment in the Authority, and
- (c) to exhibit a sense of social responsibility by having regard to the interests of the community in which it operates, and
- (d) where its activities affect the environment, to conduct its operations in compliance with the principles of ecologically sustainable development contained in section 6(2) of the *Protection of the Environment Administration Act 1991*, and
- (e) to exhibit a sense of responsibility towards regional development and decentralisation in the way in which it operates.

(2) Each of the principal objectives of the State Transit Authority is of equal importance.

This amendment mirrors amendment 1 and will give the State Transit Authority the same objectives as a State-owned corporation. In accordance with my amendment in relation to the Railway Services Authority, the State Transit Authority has a business-specific objective to operate efficient, safe and reliable bus and ferry services.

Amendment agreed to.

Mr LANGTON (Kogarah - Minister for Transport, and Minister for Tourism) [9.27]: I move Government amendment 14:

Page 24, Schedule 1. Insert after line 13:

[17] Section 23 General duties with respect to services

Omit the section.

The amendment is consequential on Government amendment 13.

Amendment agreed to.

Mr LANGTON (Kogarah - Minister for Transport, and Minister for Tourism) [9.28]: I move Government amendment 15:

Page 24, Schedule 1. Insert after line 15:

[18] Section 31 Corporate plans

Insert after section 31(2):

(2A) During the preparation of a corporate plan after the commencement of this subsection, the State Transit Authority is to make a draft plan available for public comment for at least 30 days and is to have regard to any submissions it receives about the draft plan within that period. The arrangements for obtaining or inspecting the draft plan and for making submissions are to be advertised in a daily newspaper circulating throughout the State.

(2B) The State Transit Authority is to make the completed corporate plan available for public inspection. However, the Authority is not required to include in any draft or completed plan made available for public comment or inspection information that is of a commercially sensitive nature or that it would otherwise not be required to disclose under the *Freedom Of Information Act 1989*.

Under this amendment the State Transit Authority must also make its draft corporate plan available for public inspection and comment. The amendment mirrors amendment 3 relating to the State Rail Authority.

Amendment agreed to.

Mr LANGTON (Kogarah - Minister for Transport, and Minister for Tourism) [9.29]: I move Government amendment 16:

Page 26, Schedule 1[22]. Insert after line 4:

(iv) a representative of the Public Transport Advisory Council nominated by that Council, and

This amendment is linked to amendment 17 and provides that the advisory council be represented on the Public Transport Authority. By way of explanation, amendment 17 relates to the Public Transport Advisory Council, but this amendment will put a representative on the Public Transport Advisory Council and the Public Transport Authority.

Amendment agreed to.

Mr LANGTON (Kogarah - Minister for Transport, and Minister for Tourism) [9.30]: I move Government amendment 17:

Page 26, Schedule 1. Insert after line 32:

[23] Part 5A (sections 45A-45D)

Insert before Part 6:

Part 5A Public Transport Advisory Council

45A Meaning of "public passenger services"

In this Part, **public passenger services** means the carriage of passengers for a fare or other consideration by motor vehicle, vessel or train.

45B Constitution of Council

- (1) The Minister is to establish a Public Transport Advisory Council.
- (2) The Council is to consist of part-time members appointed by the Minister, of whom:
 - (a) 1 is to be the person appointed as Chairperson under clause 3 of Schedule 3, and
 - (b) 2 are to be representatives of the users of public transport, selected from a panel of at least 6 persons nominated by non-government organisations designated by the Minister whose primary aim is to represent the interests of public transport users, and
 - (c) 1 is to be a representative of the users of public transport who have disabilities, selected from a panel of at least 3 persons nominated by the Accessible Transport Forum established by the Minister or other body designated by the Minister, and
 - (d) 1 is to be a representative of the users of public transport, selected from a panel of at least 6 persons nominated by non-government organisations designated by the Minister whose primary aim is to represent the interests of consumers generally, and
 - (e) 1 is to be selected from a panel of at least 6 persons nominated by non-government organisations designated by the Minister whose primary aim is to protect the environment, and
 - (f) 1 is to be a representatives of local government, selected from a panel of at least 3 persons nominated by the Local Government Association of New South Wales, and
 - (g) 1 is to be selected by the Minister because of the person's expertise in public transport planning, and
 - (h) 1 is to be a person with expertise in urban planning nominated by the Minister for Urban Affairs and Planning.
- (3) Schedule 3 has effect with respect to the constitution and procedure of the Council.

45C Functions of Council

- (1) The principal function of the Council is to advise the Minister and the Public Transport Authority on community requirements for public passenger services.
- (2) The Council may, in particular:
 - (a) advise on appropriate performance targets for public passenger services, and

- (b) advise on arrangements for community participation in the planning and development of public passenger services, and
- (c) advise on any changes to the NSW Rail Access Regime referred to in section 19B.
- (3) The Council may undertake public consultation for the purpose of exercising its functions.
- (4) Any advice by the Council may be given either at the request of the Minister or the Public Transport Authority, or without any such request.
- (5) The Council is required to keep minutes of proceedings at its meetings and to furnish to the Minister a copy of the minutes of each meeting within 14 days after the meeting was held.

45D Annual report by Council

- (1) The Council is to prepare an annual report on the performance of public passenger services, including an assessment of the extent to which the services are meeting their targets and are taking into account relevant environmental and social factors.
- (2) The Minister is to be provided with a draft of the report and given at least 30 days to make any observations the Minister wishes to make to the Council on the draft report.
- (3) The Council is to publish its annual report in such manner as it thinks fit. However, any observations of the Minister on the draft report are to be appended to the report.

This amendment provides for the establishment of a Public Transport Advisory Council. The council will comprise nine people, including an independent chair, drawn from experts in public transport and urban planning, together with representatives of organisations representing public transport users, environmental, local government, disabled people and consumer interests. The principal function of the council is to advise the Minister and the Public Transport Authority on community requirements for public passenger services. The council will be required to keep minutes of proceedings and publish an annual report, provided it also publishes any observations that the Minister may make on the draft annual report. This is an important matter. The Government believes there must be as much community and commuter input into the operations of passenger transport services. This is an excellent way of doing it. I thank the Independent members of both Houses for their cooperation and assistance in this matter.

Dr MACDONALD (Manly) [9.31]: This is a landmark amendment within the legislation. I congratulate the Minister on the open-minded way in which he was prepared to consider this initiative, and I should like to comment on the long-term benefits that will certainly flow from it. It highlights the benefits of a cooperative approach within the parliamentary system. Unfortunately, we are damaged and besieged by the adversarial system as a result, particularly, of the numbers in the upper House. However, on this occasion there has been an opportunity to negotiate for useful amendments that allow for public participation, and that is an example of a very useful outcome.

This amendment creates an opportunity for a voice for the public, through the Public Transport Advisory Council. The council is designed to be a strong voice speaking out for public transport and to represent consumer interests. It will have the role of closely monitoring the performance of the Rail Access Corporation and the possible disadvantages that might flow from, particularly, overaccess by freight, which I have already talked about this morning. It will also consider the capacity of the rail network. It will have some specific functions that ultimately bear on its responsibilities as an advocate for public transport; of setting appropriate performance targets for public passenger services; and for annual reporting on the achievement or otherwise of those particular targets. The council must be free to speak out; it must have free access to information, and it can only do its job if it is given the necessary resources.

There have been discussions with the Minister about adequately resourcing the council and about his giving prompt replies to a council request for information. I understand that the Minister has agreed to confirm that commitment in writing. I would ask him to make that commitment to the Committee today so that it is incorporated in *Hansard*. The Public Transport Advisory Council, if shackled by a lack of information and denial of access to appropriate resources, could effectively become emasculated. Its formation is a good idea that must not be allowed to wither away because of a lack of resources. I ask the Minister to comment on that in his reply. We want an expansion of public transport services. In the past few weeks the House has been told of concerns about air pollution, car dependency and the need to expand our public transport system. I am not given to flattery, but I think the Minister for Transport is genuinely interested in expanding the public transport system. He will now have an ally in the Public Transport Advisory Council, which can work with him to achieve those goals.

Mr PHOTIOS (Ermington) [9.33]: The Opposition supports this amendment and does so on a bipartisan basis to demonstrate very clearly to the public that across this Parliament there is strong support for the advocacy role of the wider community, the commuters and potential commuters who are most affected by the provision or underprovision of public transport services in this State. Accordingly, the establishment of the Public Transport Advisory Council, by way of amendment today moved by the Government, following negotiations in this place and discussions elsewhere with a wide range of community groups and representatives, is an excellent initiative. The establishment of the council will provide in a formal sense, in a way not achieved by the Commuter Council previously, a mechanism for a comprehensive input directly to the Minister, either at his request or on the motion of the council.

Accordingly, whilst not being prescriptive and not imposing requirements on the Government of the day - and that is important - the independence of the council will be maintained in that it will be able to deliberate at its initiative. It will be required, as per the Act, to report from time to time in relation to matters referred to it and provided for in the Act. The Opposition supports the establishment of a Public Transport Advisory Council and we look forward to that body carefully monitoring the restructure, particularly providing primacy and priority of passenger over freight, and otherwise giving the public an important voice in the determination of public transport policy in this State.

Mr O'FARRELL (Northcott) [9.35]: Like the honourable member for Ermington and the honourable member for Manly I am a supporter of public transport. I can report to the Minister that the 7.30 train from Gordon to the city this morning was not only on time but well patronised. I support the formation of this council because I think it will give the lie to governments that talk strong about promoting public transport and do little. I support this council because I think we may see through its endeavours greater attention given to projects like the Parramatta to Hornsby rail link and to feasibility studies on the Epping to Chatswood links that are announced at a whim.

Dr Macdonald: And the Manly-Warringah link.

Mr O'FARRELL: Indeed, transport links are required for the Manly-Warringah peninsula. This sort of council can identify some of those issues and point out to the public in a fully public way that governments are saying one thing and delivering another. The other reason I support this council is it might actually give some added steel to the Minister in his battles in Cabinet to fund projects like the Parramatta to Hornsby rail link.

Mr LANGTON (Kogarah - Minister for Transport, and Minister for Tourism) [9.36]: I thank the honourable member for Manly for his very generous comments. I give him my assurance that the Department of Transport will adequately resource the Public Transport Advisory Council. Whether the Minister for Transport be me or anybody who may follow me, the holder of that office would be crazy not to use this advisory council to its fullest. Therefore, it is in the interests of any Minister for Transport and

any government to ensure it is adequately resourced. I give the honourable member for Manly that assurance. I was pleased to hear the comments from the honourable member for Northcott and I am pleased he caught the train this morning. I do not know what is happening to our rail system but apparently this morning it went via Damascus. The honourable member for Northcott was a member of a Minister's staff that very deliberately put into the M2 contract the most anti-public transport clause in the history of this State.

Mr PHOTIOS (Ermington) [9.38]: I am particularly pleased that this amendment is so widely supported and look forward to the Public Transport Advisory Council considering matters in relation to the Manly-Warringah transport corridor, which requires a very defined and formal approach to community consultation and input. I note that it was the previous Government that first used the section 22 committee to enable the community to have direct input to government to seek to move along a very important agenda in the provision of transport services in the Manly-Warringah area, which is hopelessly underprovided for by public transport. I note with great concern, indeed grave concern, that this Government, whilst now moving for the establishment of an advisory council to bring the public into the public transport policy-making arena, is the very Government that, on coming into government, very quickly and appallingly closed one of the very committees which in many respects replicated the work of this council's agenda in relation to the Manly-Warringah traffic corridor.

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The Opposition will ask the council to consider and report on the Parramatta to Hornsby or Parramatta to Chatswood rail link, the freight rail link from Port Kembla across to Maldon to Dombarton, and the Manly-Warringah transport corridor requirements; and looks forward to the council advising the Minister on the need to invest more, not less, in capital works for public transport. I note the spirit of the remarks of the honourable member for Manly. He is convinced that the Minister for Transport wants to improve and expand public transport in this State. That may well be the intention of the Minister, but, regrettably, even the most superficial glance at last year's and this year's public transport budget demonstrates that the money is just not there to support the rhetoric. Such a council will have an obligation to advise the Minister on necessary expansion, particularly in relation to passenger transport, and the Opposition looks forward to making a number of public references to the council so that it can focus the mind of the Minister beyond the rhetoric and onto the need to substantially improve services.

Mr O'FARRELL (Northcott) [9.41]: In making passing reference to the activities of the Public Transport Council the Minister mentioned what he alleged to be the anti-public transport clause in the M2 contract. The Minister cannot have it both ways. Either he has committed \$900,000 over the course of three years to a feasibility study on a public transport link along the route of the M2, or he has not; either the Epping to Chatswood link study is a serious study, or it is not; either it is precluded by the M2 contract, or it is not. Which one is it?

Dr MACDONALD (Manly) [9.41]: We have strayed into a discussion of the various benefits that might flow from the proposed advisory council. I want to join in the debate because I believe it is relevant to the sorts of issues that are likely to flow from the council bringing to the attention of the Minister and his department various local constituency issues. I had hoped that the shadow spokesperson on transport would give an undertaking that when the Opposition is returned to office in 1999 it would consider the resourcing recommendations of the section 22 committee, one of which was to build a heavy rail link between Chatswood and Dee Why, via Brookvale, if necessary with private sector involvement. I would welcome that because it was an extremely useful long-term recommendation of that committee.

It is true that the Manly-Warringah area has numerous problems with access by two bridges to and from what is effectively an island. The bridges are constantly congested and there are numerous problems related to dependency on motor vehicles. The section 22 committee was established by the previous Government in recognition of community concerns. This Government did not close down the section 22 committee; that committee had completed its work. However, I was hoping for a stronger

commitment on the part of the Government, particularly with regard to rapid bus services to the peninsula. It may be that the Minister has already given that issue some consideration. It is all very well for members of the Opposition to say that we need a heavy rail link into Manly-Warringah. It would be nice to get a warm feeling about what we could look forward to if the Opposition attains office in 1999.

Amendment agreed to.

Mr LANGTON (Kogarah - Minister for Transport, and Minister for Tourism) [9.44]: I move Government amendment 18:

Page 33, Schedule 1[46], line 4. Omit all words on that line. Insert instead "**Authority, Public Transport Advisory Council and Roads and Traffic Advisory Council**".

This amendment is linked to amendment 17. Its effect will be to include the Public Transport Advisory Council within the definition of an advisory council for the purposes of schedule 3 to the Transport Administration Act, which has effect with respect to the constitution and procedure of advisory councils

Amendment agreed to.

Mr LANGTON (Kogarah - Minister for Transport, and Minister for Tourism) [9.44]: I move Government amendment 19:

Page 33, Schedule 1[47], line 6. After "Authority" insert ", the Public Transport Advisory Council".

This is a technical amendment, consequential to amendment 17.

Amendment agreed to.

Mr PHOTIOS (Ermington) [9.45]: I move Opposition amendment 5:

Page 37, Schedule 1[53]. Insert after line 5:

- (2) The consideration and value or values cannot exceed the optimised deprival value of those assets, rights and liabilities.
- (3) In this clause, **optimised deprival value** means a value determined by the application of the Guidelines on Accounting Policy for Valuation of Government Trading Enterprises prepared by the Steering Committee on National Performance Monitoring of Government Trading Enterprises, agreed on by the Commonwealth and States and published in October 1994.

The Opposition strongly supports the amendment because there are real questions to be asked about how certain we can be that the right valuation will be applied to State Rail Authority assets currently worth up to \$6 billion - to be devolved, as the Minister indicated in his second reading speech, on a fairly conservative basis down to other authorities, in particular the Rail Access Authority. By that I mean a valuation that is realistic and optimises the opportunity for third party access, which is germane to the objective of the new legislation, the restructuring of State Rail services in New South Wales. Accordingly, the Opposition is concerned that this bill uses the same definition of the

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valuation process that may otherwise be provided for in an access regime or by way of government policy, but, unlike legislation that has been enacted by this Parliament at other times, does not provide for a valuation that reflects the agreement between the Commonwealth and the States on national performance monitoring of government trading enterprises as agreed in October 1994.

The optimised deprival value of an asset is the amount that represents the loss that might be

expected to be incurred by an entity if that entity were deprived of the service potential or future economic benefits of the asset. For the purposes of the rail restructure, the optimised deprival value - the service potential that would be replaced if the entity were deprived of an asset - is the lesser of either the current replacement cost or the current reproduction cost of the gross service potential and the future economic benefit of the existing asset. Whilst that may appear complicated to those of us - myself included - who do not have degrees in accounting, I am assured it has been the subject of exhaustive analysis by those responsible at Commonwealth and State level; that it was the subject of agreement on a national basis by the coalition and Labor governments of the day; and that it is provided for in the agreement that relates to the accounting policy for the valuation of government trading enterprises prepared in October 1994.

For the purposes of the rail restructure, the optimised deprival value - the service potential that would not be replaced if the entity were deprived of the asset - is the greater of the net present value and the current market value. The Opposition believes that the amendment will provide for a guaranteed realistic valuation and will provide legislative teeth to ensure that there is a level playing field and a just outcome on valuation issues. It is quite possible, even if it is not immediately apparent, for various authorities to argue about the valuation of assets. This amendment seeks to provide for an acceptable outcome in the provision of optimised deprival value provisions as agreed to in the accounting policy for the valuation of GTEs prepared by the steering committee in 1994. The bill makes no such provision. The bill provides for consideration being given to the value or valuations at which the assets, rights and liabilities are transferred, and notes that there will be transferral. It does not provide for any definition or provision in relation to the valuation of those assets.

Accordingly, Opposition members believe this is a very important amendment if third party access is to be provided, particularly to the private sector, without pricing them out. Monopoly rent has been germane to this debate from day one as we have moved towards this restructure. Equally germane to the provision of third party access is a provision in the bill to provide a realistic and fair valuation. The discretion is not otherwise left to the strong arm of one authority over another, or the vested interests of one over another, in providing for access in the future, or limiting it on the other hand.

Mr O'FARRELL (Northcott) [9.50]: I share the concerns expressed by the honourable member for Ermington. There can be no clearer test of the Government's bona fides and the Minister's bona fides on this issue. On 17 April the Minister described this legislation as the most profound reform to rail system management ever undertaken in Australia - and in the second reading debate I reflected on his hyperbole. He also said that the Rail Access Corporation would be operated along equitable commercial terms. This amendment goes to the heart of whether it will be equitable or commercial. The bill as it now stands would allow the Minister to place a high asset value replacement cost on these assets. That would impose huge costs on users and could negate the reforms.

An artificial cost burden can be placed on the people who the Minister claims with great fanfare will benefit and who will be able to compete under this legislation. This amendment goes to the heart of competition and to the heart of the bona fides of the Minister. It is not the approach that is taken in other areas of administration that is seen elsewhere. There are guidelines on accounting policy for valuation of assets of government trading enterprises agreed by all Commonwealth and State jurisdictions. That is what ought to apply here. If it does not, the Minister has failed in his claim to be a great economic, commercial, equitable reformer.

Mr LANGTON (Kogarah - Minister for Transport, and Minister for Tourism) [9.52]: The amendment is based on a misunderstanding, and it is opposed. The Opposition does not understand; it seems to believe that in some way book values have an impact on the maximum value arrived at by the Independent Pricing and Regulatory Tribunal when determining selling prices for access, which is not necessarily the case. The model adopted by the Government will allow IPART to consider the most appropriate basis of valuation for arbitration. The maximum price will be set and if IPART thinks a lower valuation should be used, given the specific circumstances of the case, it can make that decision through arbitration.

Optimised deprival value is an interesting concept. Advice to the Government is that it would be extremely difficult to apply that concept in the current rail context and that to require the adoption of that approach would delay the reform process substantially. Asset valuation for transfer of assets needs to be done in conformity with professional accounting standards; and in any event it is not always relevant to ceiling prices. It is not clear that the guidelines on accounting policy for valuation of government trading enterprises prepared by the Steering Committee on National Performance Monitoring of Government Trading Enterprises are consistent with accounting standards in all cases. The Parliament should not direct the Minister to breach standards.

Mr O'FARRELL (Northcott) [9.54]: The Minister has finally confused me, and I ask a genuine question of him. I understood that the bill did not provide price oversight of charges by
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IPART, which, as I said in my contribution to the second reading debate, contravenes the competitive guidelines that other governments have adopted. How can the Minister claim IPART in his defence on this amendment? No answer?

Question - That the amendment be agreed to - put.

The Committee divided.

Ayes, 44

Mr Armstrong	Mr D. L. Page
Mr Beck	Mr Peacocke
Mr Blackmore	Mr Phillips
Mr Brogden	Mr Photios
Mr Chappell	Mr Richardson
Mrs Chikarovski	Mr Rixon
Mr Cochran	Mr Rozzoli
Mr Collins	Mr Schipp
Mr Cruickshank	Mr Schultz
Mr Debnam	Ms Seaton
Mr Ellis	Mrs Skinner
Ms Ficarra	Mr Slack-Smith
Mr Fraser	Mr Small
Mr Glachan	Mr Smith
Mr Hartcher	Mr Souris
Mr Humpherson	Mr Tink
Dr Kernohan	Mr J. H. Turner
Mr Kinross	Mr R. W. Turner
Mr MacCarthy	Mr Windsor
Ms Machin	
Mr Merton	<i>Tellers,</i>
Mr O'Doherty	Mr Jeffery
Mr O'Farrell	Mr Kerr

Noes, 50

Mr Amery	Mr Martin
Mr Anderson	Ms Meagher
Ms Andrews	Mr Mills
Mr Aquilina	Ms Moore
Mrs Beamer	Mr Moss

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

Pairs

Mr Downy	Ms Allan
Mr Hazzard	Mr Clough

Question so resolved in the negative.

Amendment negatived.

Question - That Opposition amendment 4 be agreed to - put.

The Committee divided.

Ayes, 45

Mr Armstrong	Mr O'Farrell
Mr Beck	Mr D. L. Page
Mr Blackmore	Mr Peacocke
Mr Brogden	Mr Phillips
Mr Chappell	Mr Photios
Mrs Chikarovski	Mr Richardson
Mr Cochran	Mr Rixon
Mr Collins	Mr Rozzoli
Mr Cruickshank	Mr Schipp
Mr Debnam	Mr Schultz
Mr Ellis	Ms Seaton
Ms Ficarra	Mrs Skinner
Mr Fraser	Mr Slack-Smith
Mr Glachan	Mr Small
Mr Hartcher	Mr Smith
Mr Hazzard	Mr Souris
Mr Humpherson	Mr Tink

Dr Kernohan	Mr J. H. Turner
Mr Kinross	Mr R. W. Turner
Mr MacCarthy	Mr Windsor
Ms Machin	<i>Tellers,</i>
Mr Merton	Mr Jeffery
Mr O'Doherty	Mr Kerr

Noes, 51

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

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Pair

Mr Downy	Ms Allan
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Question so resolved in the negative.

Amendment negatived.

Mr LANGTON (Kogarah - Minister for Transport, and Minister for Tourism) [10.06]: I move Government amendment 20:

Page 50, Schedule 1, line 1. Insert ", whether before or after the commencement of this clause," after "entered into".

The bill provides that if the State Rail Authority leases or licenses land to a third party the land is subject to a covenant. Under this covenant the lessee or licensee must, among other matters, notify the Rail

Access Corporation of any proposal to carry out works that threaten or are likely to threaten the safety or operational capacity or efficiency of any rail access facilities. The amendment makes it clear that the covenant applies to both existing and future SRA leases and licences.

Mr PHOTIOS (Ermington) [10.07]: The Opposition supports this amendment.

Amendment agreed to.

Mr LANGTON (Kogarah - Minister for Transport, and Minister for Tourism) [10.07]: I move Government amendment 21:

Page 50, Schedule 1, lines 4 and 5. Omit all words on those lines. Insert instead "to the land and buildings, the subject of the lease or licence, as are imposed by subclause (1) on the SRA in relation to SRA land and buildings".

This amendment removes a possible ambiguity in the bill and makes it clear that the obligations imposed on persons who lease or license SRA land apply in relation to the land that is the subject of the lease or licence rather than any other land.

Amendment agreed to.

Mr LANGTON (Kogarah - Minister for Transport, and Minister for Tourism) [10.09]: I move Government amendment 22:

Page 52, Schedule 1. Insert after line 8:

10 RAC has certain rights under SRA agreements relating to works and facilities on SRA land

- (1) This clause applies to any agreement entered into by the SRA (or a predecessor of the SRA) before the commencement of this Schedule under which a person may construct, maintain or use works or facilities on SRA land or in an SRA building, being an agreement under which the SRA has the following rights (within the meaning of Schedule 4):
 - (a) the right to supervise the construction, maintenance or use of the works or facilities, or
 - (b) the right to direct (or carry out at the expense of the person) the repair, alteration, replacement, temporary closure, removal or demolition of the works or facilities, or
 - (c) the right to be compensated for loss or damage suffered by the SRA because of any loss or damage, or other thing, that occurs during or as a result of the construction, maintenance or use (or the repair, alteration, replacement, removal or demolition) of the works or facilities, or
 - (d) any other rights of a kind prescribed by the regulations.
- (2) RAC has and may exercise any such rights, in addition to the SRA, if the works or facilities are, or are to be, situated on or near land or a building where there are rail infrastructure facilities vested in or owned by RAC. For that purpose, references in the agreement to the SRA are taken to include references to RAC.
- (3) The operation of this clause is not to be regarded:
 - (a) as a breach of contract or confidence or otherwise as a civil wrong, or
 - (b) as a breach of any provision prohibiting, restricting or regulating the assignment or transfer

of assets, rights or liabilities under the agreement, or

(c) as giving rise to any remedy by a party to the agreement, or as causing or permitting the termination of the agreement, or

(d) as an event of default under the agreement.

Without limiting this subclause, the operation of this clause is not to be regarded as giving rise to any right to compensation by a party to the agreement.

(4) This clause does not limit the operation of clauses 8 and 9 or the operation of Schedule 4.

(5) In this clause, **SRA land** or **SRA building** includes any land or building of which the SRA is the lessor.

This amendment is required to address certain issues that arise because the Rail Access Corporation will own and control rail infrastructure facilities installed on State Rail Authority land and buildings. The SRA currently has more than 14,000 agreements allowing railway land to be used by third parties for pipelines, cables, signs and other works and facilities. Because of the serious responsibilities that accompany the ownership of the rail network, the SRA typically reserves to itself certain rights before leasing or licensing the land. For example, the SRA may be able to direct that the third party's works be constructed and maintained to the SRA's satisfaction. In the future the Rail Access Corporation will own the network and every essential rail infrastructure, although the State Rail Authority will generally continue to be the owner of the land. Accordingly, the amendment provides for the Rail Access Corporation to be able to exercise certain rights under SRA agreements relating to works and facilities on SRA land and buildings.

Amendment agreed to.

Mr PHOTIOS (Ermington) [10.09]: I move Opposition amendment 6:

Page 52, Schedule 1[58], line 18. Omit all words on that line. Insert instead:

terms and conditions as it thinks fit. However, RAC must not unreasonably prevent a person from connecting railway track to the NSW rail network if:

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- (a) the NSW rail network has sufficient capacity to handle the additional traffic that will be generated by such a connection, and
- (b) the connection can be made without adversely affecting the safe and reliable operation of the network, and
- (c) the costs of connection to the network are to be paid by the person who proposes the connection.

This amendment provides a framework to encourage the Rail Access Corporation to make available the network that should otherwise be made available for third-party access. The current legislation imposes on the Rail Access Corporation no requirement to make connections to the rail network available to the wider community, or to any person or corporation seeking to connect a railway track to the New South Wales rail network. In fact, it merely provides that the Rail Access Corporation may grant a consent under this clause on such terms and conditions as it sees fit. The amendment will insert, in place of the words "terms and conditions as it sees fit", the following words:

terms and conditions as it thinks fit. However, RAC must not unreasonably prevent a person from connecting railway track to the NSW rail network . . .

I emphasise the words "unreasonably prevent". If there is good reason for preventing it the Rail Access Corporation would not approve any such connection, and it would not be required to do so under the terms of this legislation. Paragraph (a) in no way compromises the capacity of the existing network. However, it provides that where a connection will not compromise an existing capacity there should be no reason for preventing that connection. Paragraph (b) provides for the continued safe and reliable operation of the network. Finally, the amendment guarantees that the cost of connection to the network will be borne by the person or persons who propose the connection. That is appropriate because no public cost should be involved, unless otherwise agreed to elsewhere in the framework of this bill. The amendment clarifies the requirement that the Rail Access Corporation should make available connections to the railway network where there is sufficient capacity to handle the additional track and where the connection can be made without adversely affecting safe and reliable operations. By the inclusion of the words "unreasonably prevent" the amendment does not impose an absolute requirement on the Rail Access Corporation

Mr LANGTON (Kogarah - Minister for Transport, and Minister for Tourism) [10.13]: The Government opposes the amendment. It is not required because the bill provides that under the access regime the Rail Access Corporation must not engage in conduct designed to hinder access. Furthermore, the access regime provides arbitration processes whereby the Rail Access Corporation may be required to extend or permit extension of its facilities. The provisions in part 4A of the Independent Pricing and Regulatory Tribunal Act replicate the provisions in the competition principles agreement to make it clear that a determination requiring Rail Access Corporation facility connection will be subject to the kinds of factors set out in the amendment of the Opposition. The proposed new clause in schedule 6A to the Transport Administration Act that the Opposition seeks to amend is not intended to deal with access and connection entitlement of third parties. Rather, it addresses the special relationship between the State Rail Authority and the Rail Access Corporation that arises because the State Rail Authority will generally retain legal title to railway land on which the New South Wales rail network is situated. Third-party access and connection issues are governed by the regime set out in schedule 6A. Accordingly, the Government does not support the amendment.

Dr MACDONALD (Manly) [10.14]: I was hoping to hear cogent reasons from the Government for opposing this amendment. It seems to make sense to me. I would not be happy with the amendment if the necessary checks and balances were not in place within the system. I am referring to the reporting mechanisms that were discussed, and the advocacy group, in the form of the advisory council, which represents public transport issues. The amendment is designed to benefit freight; it will not benefit passenger travel. The amendment is consistent with the mission of the RAC, which is to encourage the connection of tracks into the system. There is nothing in the amendment that needs to be opposed. I am not sure I follow the argument of the Government as to why it opposes this amendment. The amendment is not something one would go to war over, because other parts of the bill address the matters contained in it, but it is quite a neat amendment.

Mr LANGTON (Kogarah - Minister for Transport, and Minister for Tourism) [10.15]: The provisions sought by the Opposition in the amendment are contained in the bill. The inclusion of a statutory right in the legislation as opposed to a process of applying for the granting of access does not help the mechanism in any way. The provisions in the existing legislation are perfectly capable of handling access and connection issues. It is unnecessary to include a statutory right for connection.

Mr PHOTIOS (Ermington) [10.16]: I welcome the remarks of the honourable member for Manly; they are of critical significance. The Minister relies on the rail access regime to provide guarantees of open access to rail network connections. The rail access regime is a creature of Executive Government. It is not defined in the bill in the context of connections. No reference is made elsewhere in the bill to the necessity for the Government to impose any requirement on the Rail Access Corporation in relation to

connections, so it is very much at the whim of the government of the day. The Opposition seeks, not unreasonably, to impose on the Rail Access Corporation imperatives in relation to connecting the railway track to the existing New South Wales railway network. Those
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imperatives are not otherwise included in the bill. Should this amendment be defeated in this House, the Opposition will move in the Legislative Council to impose this new requirement on the Rail Access Corporation. As the honourable member for Manly and I have pointed out, the bill contains checks and balances. Bearing those matters in mind, the amendment is reasonable and I urge the Government to consider supporting it.

Question - That the amendment be agreed to - put.

The Committee divided.

Ayes, 46

Mr Armstrong	Mr O'Doherty
Mr Beck	Mr D. L. Page
Mr Blackmore	Mr Peacocke
Mr Brogden	Mr Phillips
Mr Chappell	Mr Photios
Mrs Chikarovski	Mr Richardson
Mr Cochran	Mr Rixon
Mr Collins	Mr Rozzoli
Mr Cruickshank	Mr Schipp
Mr Debnam	Mr Schultz
Mr Ellis	Ms Seaton
Ms Ficarra	Mrs Skinner
Mr Fraser	Mr Slack-Smith
Mr Glachan	Mr Small
Mr Hartcher	Mr Smith
Mr Hazzard	Mr Souris
Mr Humpherson	Mr Tink
Dr Kernohan	Mr J. H. Turner
Mr Kinross	Mr R. W. Turner
Mr MacCarthy	Mr Windsor
Dr Macdonald	
Ms Machin	<i>Tellers,</i>
Mr Merton	Mr Jeffery
Ms Moore	Mr Kerr

Noes, 49

Mr Amery	Mr Martin
Mr Anderson	Ms Meagher
Ms Andrews	Mr Mills
Mr Aquilina	Mr Moss
Mrs Beamer	Mr Murray
Mr Carr	Mr Nagle
Mr Clough	Mr Neilly
Mr Crittenden	Ms Nori
Mr Debus	Mr E. T. Page
Mr Face	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 Knight	Mr Tripodi
Mr Knowles	Mr Watkins
Mr Langton	Mr Whelan
Mrs Lo Po'	Mr Woods
Mr Lynch	Mr Yeadon
Mr McBride	<i>Tellers,</i>
Mr McManus	Mr Beckroge
Mr Markham	Mr Thompson

Pair

Mr Downy Ms Allan

Question so resolved in the negative.

Amendment negatived.

Schedule as amended agreed to.

Schedule 2

Mr LANGTON (Kogarah - Minister for Transport, and Minister for Tourism) [10.27]: I move Government amendment 23:

Page 64, Schedule 2. Insert after line 7:

2.2 Bush Fires Act 1949 No 31

[1] Section 22 Powers of bush fire brigade officers

Insert "or Rail Access Corporation" after "State Rail Authority" in section 22(2)(b).

[2] Section 22(2)(b)

Insert "or Corporation" after "the Authority" wherever occurring.

[3] Section 22A Reduction of fire hazards

Insert in Columns 1 and 2 of the Table to section 22A after the matter relating to the State Rail Authority:

Land vested in, or under Rail Access Corporation the control of, Rail Access Corporation

[4] Section 27 Powers of fire control officers

Insert "or Rail Access Corporation" after "State Rail Authority" in paragraph (d) of the definition of **bush fire district** in section 27(3).

Under the Bush Fires Act railway land is treated as a special category, so that, for example, bush fire brigade officers must obtain State Rail Authority approval before entering on railway land or removing or destroying structures on railway land. The amendment means that railway land will be treated in the same manner as land owned by the State Rail Authority or the Rail Access Corporation.

Mr PHOTIOS (Ermington) [10.28]: The Opposition has no difficulty with the amendment.

Amendment agreed to.

Mr PHOTIOS (Ermington) [10.28]: I move Opposition amendment 7:

Page 67, Schedule 2.8. Insert after line 24:

2.9 Independent Pricing and Regulatory Tribunal Act 1992 No 39

[1] Section 12B Notice of proposed access agreements

Insert "(or, if the agency is the Rail Access Corporation, as a matter of course)" after "requests it" in section 12B(2).

[2] Section 12B(3A)

Insert after subsection (3):

(3A) In the case of a proposal to which Rail Access Corporation is a party, the Tribunal must, if requested by a person that is the Corporation or any other party to the proposed agreement, give advice to the person. The advice must relate to whether the proposed agreement

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complies with the NSW Rail Access Regime (within the meaning of Part 2A of the *Transport Administration Act 1988*) and any relevant pricing policy.

[3] Section 12C Registration of access agreements

Insert "(or, if the agency is the Rail Access Corporation, as a matter of course)" after "requests it" in section 12C(2).

[4] Section 12C(3)

Insert "The Tribunal must also include in the register a copy of the agreement itself if the agency is the Rail Access Corporation." after "prescribe".

[5] Section 24B Appointment and functions of arbitrator

Insert after subsection (4):

(5) An arbitrator in an arbitration under this Part that concerns the NSW Rail Access Regime (within the meaning of Part 2A of the *Transport Administration Act 1988*) is not bound, in determining the relevant dispute, to enforce that regime or to make a determination that is consistent with that regime.

[6] Schedule 1 Government agencies for which Tribunal has standing reference

Insert "Rail Access Corporation" at the end of the Schedule.

This amendment includes, among its sundry provisions, a requirement that, in the case of a proposal to which the Rail Access Corporation is a party, the Independent Pricing and Regulatory Tribunal must, if requested by a person, a corporation or any other party to the proposed agreement, give advice to the person, corporation or party. The advice must relate to whether the proposed agreement complies with the New South Wales rail access regime or any other relevant pricing policy. The Opposition had not intended to proceed with this amendment but, given that an earlier amendment was not successful, I have now formally moved this amendment. It also includes provisions in relation to the appointment functions of an arbitrator whereby an arbitrator in an arbitration under this part that concerns the New South Wales rail access regime within the meaning of part 2A of the Transport Administration Act 1988 is not bound in determining the relevant dispute to enforce that regime or make a determination that is consistent with that regime.

Mr LANGTON (Kogarah - Minister for Transport, and Minister for Tourism) [10.29]: The Government opposes the amendments. The impact of the proposed reference would require the Independent Pricing and Regulatory Tribunal - IPART - to take a specific approach to rail access issues that it would not take to other access issues, for example, electricity. Parliament has legislated for amendments to the role of IPART. By moving these amendments the coalition seeks to revisit that role and make specific provisions for Hunter Valley coal producers. The amendments require that all rail access agreements be lodged with IPART, be formally registered by IPART and be made publicly available, and that IPART provide advice to any party rather than only to the Premier and the Rail Access Corporation about whether a rail access arrangement fits within the New South Wales rail access regime. IPART would not be bound by the New South Wales rail access regime and would have to have a standing reference to review pricing policies of the Rail Access Corporation.

Rail access agreements are to be commercial contracts and, therefore, they should not be publicly available until the parties agree. The motivation for the amendment is to move away from a genuine negotiation model. This will disadvantage marginal operations, including marginal coal operations in the Illawarra and western areas. IPART is not to assist rail operators in their negotiations. IPART should arbitrate, but it will not be able to do so independently if it has previously been required to provide advice to a rail operator. If the coal industry wants advice, it should go to other independent professional sources. It is extraordinary that the coalition would propose an amendment that would not require IPART to arbitrate within the regime.

The effect of the amendments is that New South Wales will not have an access regime. This would mean that the Commonwealth regime would apply and, therefore, IPART arbitration would be irrelevant. That is certainly against the interests of all groups within New South Wales. The Government does not support giving IPART a standing reference to review pricing policies of the Rail Access Corporation. IPART's principal role should be as arbitrator, which would be in conflict with also having to review wider industry issues annually. It is unreasonable for Parliament to ask IPART to review every potential access price when there are potentially thousands of different rail movements and prices in New South Wales. IPART needs to focus on resolving individual problems as they arise, which was the approach adopted when Parliament approved the general IPART amendments. Nothing in the legislation precludes the Premier from asking IPART to review pricing policies and the access regime. However, a standing reference should not be provided. The proposed amendments to the Independent Pricing and Regulatory Tribunal Act are directed to providing a special deal to the Hunter Valley coal industry. Parliament should reject entirely those proposed changes to that Act.

Amendment negatived.

Mr LANGTON (Kogarah - Minister for Transport, and Minister for Tourism) [10.33]: I move Government amendment 24:

[1] Section 555 What land is exempt from all rates?

Insert after section 555(1)(g):

(g1) land that is vested in or owned by Rail Access Corporation and in, on or over which rail infrastructure facilities (within the meaning of the *Transport Administration Act 1988*) are installed,

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This amendment modifies the Local Government Act so that land vested in or owned by the Rail Access Corporation and in, on or over which rail infrastructure facilities are installed, is exempt from council rates. This exemption currently applies to the State Rail Authority, which is a statutory body representing the Crown. The amendment continues the status quo and means that land used for railway purposes will be exempt from council rates whether it is owned by the State Rail Authority or the Rail Access Corporation.

Amendment agreed to.

Mr LANGTON (Kogarah - Minister for Transport, and Minister for Tourism) [10.33]: I move Government amendment 25:

Page 68, Schedule 2. Insert after line 9:

[2] Section 611 Annual charge on rails, pipes etc

Insert at the end of section 611(6)(b):

, or

(c) Rail Access Corporation.

This amendment means that if the Rail Access Corporation's railway lines cross public places, the lines are exempt from annual charges. This amendment does not change the status quo. The State Rail Authority as the statutory body representing the Crown is exempt from annual charges. Similarly, other State-owned corporations controlling public infrastructure, such as Sydney Water, are exempt from annual charges.

Amendment agreed to.

Schedule as amended agreed to.

Bill reported from Committee with amendments.

Adoption of Report

Mr LANGTON (Kogarah - Minister for Transport, and Minister for Tourism) [10.35]: I move:

That the report be now adopted.

Motion by Mr Beckroge agreed to:

That the question be amended by leaving out all the words after the word "That" with a view to inserting the words "the bill be recommitted for the reconsideration of Schedule 1".

In Committee (Recommittal)

Recommitted Schedule 1

Amendments, by leave, by Mr Langton agreed to:

Page 7, Schedule 1[15], proposed section 19B(1), lines 2 and 3. Omit "by rail operators to the NSW rail network". Insert instead "to the NSW rail network by persons as rail operators".

Page 7, Schedule 1[15], proposed section 19B(4) (as inserted by amendment in Committee). Omit "by rail operators to the NSW rail network". Insert instead "to the NSW rail network by persons as rail operators".

Page 9, Schedule 1[15], proposed section 19E(3), line 15. After "must" insert ", in a manner that is consistent with the NSW Rail Access Regime,".

Page 9, Schedule 1[15], proposed section 19E(3)(a), line 17 (as amended in Committee). Omit "in a manner that is consistent with the NSW Rail Access Regime".

Recommitted schedule as amended agreed to.

Bill reported from Committee secundo with further amendments, and report adopted.

INDUSTRIAL RELATIONS BILL

EMPLOYMENT AGENTS BILL

Second Reading

Debate resumed from 4 June.

Mr COCHRAN (Monaro) [10.38]: I oppose the Industrial Relations Bill on the basis that it is not only ill conceived but ill advised. It is an economy-wrecking piece of legislation that takes New South Wales back to the days of Norm Gallagher and the Builders Labourers Federation. This bill is a retrograde step of reform in New South Wales. This piece of legislation should be well analysed by the million or so unemployed people across Australia, which is the legacy left by the Keating Government. Those unemployed people should look at the industrial relations policies that the previous Prime Minister implanted in this country. This bill takes us back two or three generations to accommodate the promises made to unions by the current New South Wales Government. Welcome back to the days of Norm Gallagher and the BLF, the beast of thuggery which was recently taken over by the CFMEU - the Construction, Forestry, Mining and Energy Union. That thuggery is taking place in the union movement in New South Wales right under the wing of the CFMEU. This legislation has been introduced to accommodate the wishes, promises and undertakings given by Premier Bob Carr to those union leaders who funded Labor's campaign in the last State election.

The proposed legislation is partly a product of the transformation of the Builders Labourers Federation into the Construction, Forestry, Mining and Energy Union and its subsequent return to the thuggery of the past. The bill will do immense damage to the normal calm, sensible and rational debate that occurred on State awards under the previous Government's industrial relations policy. The legislation seeks to undo all of the revolutionary work introduced by the coalition Government between 1988 and 1995. The legislation introduced in the upper House by John Fahey, the Minister for Industrial Relations of that time - and it took forever to pass through that House - resulted in some of the most

revolutionary, advanced and modern industrial relations policies seen in the western world for a long time.

Parts of the industrial relations legislation introduced by the previous Government were adopted by the Federal Government, which viewed that legislation as industrial relations progress and as

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the way to go. The Australian Labor Party has been unprotesting, if I could use that word. In the industrial relations revolution realm the Government has been under pressure from the unions for some time now, ever since it was elected a little over 12 months ago, to introduce this measure to protect the interests particularly of senior union officials who trot around the workplaces with their so-called unfettered, ungoverned right to enter non-union workplaces and attempt to intimidate the people who work there. There is no question that Australia waited for decades for the Greiner-Murray inspired industrial relations revolution, which was applauded by employers and employees across the country. One has to ask why the unions are losing their membership in droves. Undoubtedly, the intimidatory and thuggish tactics used by unions in the workplace, particularly in non-union workplaces, have alienated the work force throughout this country.

I can remember the first revolutionary industrial relations legislation being introduced in Australia, I think in 1976, when the current Prime Minister, John Howard, introduced sections 45D and 45E of the Trade Practices Act. Many honourable members will recall the events that followed the introduction of that legislation. Honourable members may also recall that the current Minister for Defence, Ian McLachlan - who was at that time President of the National Farmers Federation - took up the case of Mudginberri with regard to secondary boycotts. In those days that action was seen to be revolutionary. Here was a national lobby group in the form of the NFF taking advantage of legislation which had been introduced by the government of the day, and that group pursued the issue through the courts and won. The Trade Practices Act was substantially amended by the incoming Hawke and Keating Governments, to the discredit of those who claimed that such an industrial relations policy would gain peace and tranquillity in the workplace. This proposed legislation will go nowhere towards obtaining any sort of peace amongst workers in the workplace. I question the motives of the Government in introducing this legislation.

How can the Government justify a measure which allows union thugs to enter non-union workplaces? That is a thing of the past, and it is not acceptable in today's society. Australians live in a free and democratic country, and have the right to decide whether union officials should attend their workplaces. In very recent times - as I am sure the Minister will recollect - representatives of the CFMEU entered timber mills along the south coast of New South Wales - not at the invitation of the employers or the employees but of their own volition - and used intimidating tactics on the employees to try to encourage them to join their unions. The representatives were told where to go by the workers at that workplace - as they should have been.

I find it intolerable that the Industrial Relations Bill in its objects talks about discrimination. One of its objects is to prevent and eliminate discrimination in the workplace. No ticket, no start - that surely must be one of the earliest acts of discrimination. Any form of intimidation which discriminates against those people who choose not to become a member of a union is discrimination, and breaches the objects of the bill. Opposition members may well scoff at what I am saying, but increasing numbers of people are leaving the union movement for that very reason. If honourable members opposite do not believe me, they should ask about union numbers. Workers are leaving their unions at a rapid rate. Honourable members opposite are slow learners, and they may well take joy in the Government's present position. However, I assure the Minister that the people in the south-east will well remember what the Government has done to the timber industry, and will long remember this legislation, which will reduce the prosperity and productivity of companies affected by it.

I go back to the objects of the legislation. One object of the Industrial Relations Bill is to encourage and facilitate co-operative workplace reform and equitable, innovative and productive workplace relations. Union thugs bowling their way into any premises where non-union labour is employed will not do anything

to encourage and facilitate a cooperative workplace. Such behaviour would amount to extreme intimidation. The proposed legislation will cause on-site disputes. This is the Government's legislation, and there is no stepping back from it - the Government owns it and will wear it for many years to come. I am further amused by the objects of the legislation which talk about encouraging improved productivity. Surely, the sort of dispute that will arise from this legislation will not result in an attempt "to promote efficiency and productivity in the economy of the State". The honourable member for Barwon is quite correct when he says it is a joke, because it is a joke. Employers who are currently in their workplaces trying to create jobs for young Australians will not be encouraged by this legislation. Opposition members encourage productivity and prosperity in business, for the very reason that we want to motivate and enthuse those employers to create job opportunities for young Australians. Such motivation was not evident under the Keating Government regime, nor will it be under this State Labor Government. The Government talks about encouraging productivity. The Opposition talks about competitiveness, and dreams of an industrial peace that is not possible under this measure. The aims and objects of the legislation are alien, and detrimental generally to the economy of the State. The Opposition acknowledges that the keys to prosperity and full-time employment are industrial peace, competitiveness and productivity, which can be generated only through harmony between employer and employee in the workplace.

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This archaic, troglodyte mentality legislation is the product of the minds of those union officials who see power, intimidation and thuggery as their tools. They drafted this legislation, which will result in the destruction of the encouraging elements that emerged after the Greiner-Murray Government introduced its effective and efficient industrial legislation. Australia lives in an international highly competitive marketplace. It must be more productive and efficient if it wishes to produce, sell, distribute and market its products competitively throughout the world. This piece of legislation will go a long way in destroying the marketing edge that this country has had during the regime of the preceding industrial legislation introduced by the Greiner-Murray Government. At the estimates committee last Friday the Minister admitted that Australian ports, particularly the Port of Sydney, were well below the productivity levels of the ports of Auckland, Singapore and other competitive ports, for the very reason enunciated in this legislation, that is, they are not productive, efficient or competitive. Therefore, we have to lift our game, change our practices and have legislation in place to encourage us to be more productive and competitive.

This bill will do untold damage to the relations we have begun to establish with our international trading partners. In the past few years it has been established that Australia can control its industrial relations. This legislation hands back to the Norm Gallaghers, and to unions like the Builders Labourers Federation, powers that the Opposition believes should be in the hands of employees and employers, especially employers and tradespeople in the productive sectors in this country who can conduct enterprise agreements with their employees without this load of nonsense. What an absolute waste of paper. Here we have a government that claims it is introducing new business into the State. Welcome to the new state of industrial relations!

People coming on board will expect reasonable industrial relations in this State. This type of legislation will turn them away, back to Victoria and Queensland. The bill should be further scrutinised by the community, by the upper House and by those people in this place who purport to represent the working people of Australia. All that the Government is doing with this legislation is taking away the jobs of employees. I call on the House to throw it in the dustbin, where it belongs.

Mr KINROSS (Gordon) [10.52]: What is surprising is that the Minister for Land and Water Conservation spoke for 15 minutes in his second reading speech, in which he acknowledged that debate on the bill in the upper House occupied about 32 hours. I will touch on the role of the unions in the enterprise bargaining process and on the former Prime Minister's comments that he strongly believes in enterprise bargaining and that that is the only way to make Australia competitive, especially among

countries in the South-East Asia Pacific Basin. As the honourable member for Monaro said, New South Wales will lose its competitive edge by lack of agreement on reforms proposed in the upper House relating to enterprise bargaining and the process of achieving it. Turning to the role of unions, the bill provides a payback for the Australian Labor Party. Last week I spoke about the union payback following the Gyles royal commission. At the sole request of the union movement, the building industry task force was disbanded.

The union movement pays the wages of the Australian Labor Party. Accordingly, it is not surprising that the ALP has had to cave in to union demands, despite former Prime Minister Keating's acknowledgment of the need for legislative amendments contrary to those demands, and despite the role of enterprise bargaining worldwide. The honourable member for Gosford, who is shadow minister for industrial relations, and other honourable members raised their concerns about the proposed right of entry to premises to inspect personal and private records. I thought that the Australian Labor Party valued privacy. If I am not mistaken, the Government proposed to reintroduce its brilliant privacy and data protection bill because it was dissatisfied with the bill introduced by the honourable member for Eastwood. How can the Government justify an alleged right to enter premises to inspect personal and private records of people who are not union members in the face of the Government's intention to support privacy legislation? The Government's move stands in marked contrast to Labor philosophy evident in privacy and data protection legislation endorsed by the Opposition. The Minister did not touch on that point in his second reading speech, as brief as it was. Perhaps in his reply or at the Committee stage he may cover that specific issue, bearing in mind his Government's privacy and data protection proposals.

Preference clauses mean no ticket no start. On 28 September last year the *Daily Telegraph Mirror* heralded Mr Carr's new industrial laws as requiring workers to obtain a union ticket first. No-one denies the right of unions to participate in enterprise bargaining debates, but unions should not be accorded preferential treatment in the processes of industrial democracy in New South Wales or elsewhere in Australia if this nation is to grow. This legislation will set New South Wales back many years, as many members have said, including the honourable member for Northcott, who spoke in his excellent speech about the history of industrial relations in this State. The honourable member described how Premier John Fahey spent about six weeks in the upper House arguing for reforms that were eventually widely accepted and earmarked New South Wales as a leader in industrial relations at that time.

This bill is a return to the bad old days of reduced productivity, unjustifiable preference for union-only job starts, and union rule. Last year I examined in some detail the Westmead nurses and

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Westmead staff specialists enterprise agreements, which were reached after much consultation prior to these laws. I spoke to the Hon. Patricia Staunton in another place about those agreements, and indeed an enormous amount of work was undertaken in relation to them. One can always recognise the need for improvement, but those agreements are regarded as good working documents and were reached without the need for legislation such as this; they were reached after good negotiation between the hospital, the nurses and the staff specialists. Finalisation of the agreements took a great deal of time and involved all parties coming together to negotiate under John Fahey's laws. It is hard to understand why someone of Patricia Staunton's standing would consider this legislation necessary. New South Wales will lose its competitive advantage to other States. It was only earlier this week that the Premier said that New South Wales was in for a boom - in fact, Sunday's papers contained a double-page spread showing all the projects on the table.

Mr Jeffery: It lasted five minutes. It was a five-minute wonder.

Mr KINROSS: That is correct, it was five minutes of economic sunshine - a five-minute wonder, rather like the Premier's eighth wonder; the Opera House. As a result of this legislation New South Wales will lose a substantial number of projects. It is clear that already other States are gaining substantially through their gross State product, with reduced labour costs and overheads. One has only to consider the rate of growth in Queensland and the poor performance of New South Wales, as

demonstrated by a comparison of economic indicators between the States after the budget was brought down by the Treasurer a few weeks ago. The economic indicators were frightening for New South Wales, not only in terms of the underlying deficit but also in the general standing of New South Wales in relation to other States.

I turn to other provisions in the legislation. One has to ask why the Government would not accept the appropriateness of secrecy provisions for an enterprise bargaining agreement. The inclusion of secrecy provisions would be a justified amendment. The non-inclusion of a secrecy provision defies explanation. The Opposition's proposed amendment, which was discussed in another place, would have allowed, under proposed section 36, employees covered by an enterprise agreement to approve that agreement by secret ballot. Inclusion of a secrecy provision would be preferable to a return to the standover tactics that unions have used in the past. The general lack of consultation and the haste with which the legislation has been introduced stand in marked contrast to the consultative style of this side of the House.

In November last year I spent a couple of days in Sydney talking to a number of organisations, ranging from the Chamber of Manufactures of New South Wales to the Restaurant and Catering Association, the Association of Independent Schools, the Meat and Allied Trades Federation and a range of other industry groups. The purpose of the consultation was to enable the Opposition to put before the House the various concerns of those groups about this legislation. It was also of benefit in the drafting of proposed amendments, which I shall not go into now. The level of consultation of the Labor Government is in stark contrast to that undertaken by the Opposition, and there is more than one example of the Government's lack of consultation. There was a marked lack of consultation on changes to the role of the Governor and there has been a decided lack of consultation on this legislation. I note that today the legislation is subject to the provisions of Standing Order 100. Although there should be full participation in debate on such important legislation, the Government intends, in effect, to gag the debate on this bill.

I wish to speak also about dismissal laws. It is widely recognised by employers and employees, especially with the high rate of unemployment in this State, that dismissal laws make an employer think twice before hiring additional employees. Dismissal laws are a disincentive to employment. Why would an employer go through the process of conducting interviews and then hiring employees when legislative provisions limit the productivity of the workplace? New South Wales has experienced difficulties presented by stupid dismissal laws, and the Prime Minister has referred to some of those. There have been, for example, occasional instances of stealing offences by employees, which have clearly resulted in loss of productivity to the employer - the State Rail Authority is the instance that comes to mind - and yet the employee is reinstated. I think of another example: any employer with any commonsense would not employ someone, given the tortuous process that has to be followed under the dismissal provisions, including the various warnings involved.

Opposition members are concerned about dismissal provisions, the right of absolute veto of enterprise agreements and - for the want of a better expression - the general concern about the decriminalisation of victimisation in relation to various practices. Time does not permit a detailed discussion about the bill. If Opposition members are lucky, there may be a chance for a more detailed discussion at the Committee stage. I conclude by repeating that it is frightening to see a return to the bad old days at a time when New South Wales should be encouraging economic growth. The Premier has spoken about a number of projects for the future but there is no incentive for further employment.

Mr TRIPODI (Fairfield) [11.07]: It is with great pleasure that I shall speak about this legislation. As honourable members know, I spoke about this legislation in my inaugural speech, having waited a long time for its introduction. It is a great shame that the workers of New South Wales have

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had to wait a whole year for the introduction and installation of the legislation. The Parliament is finally close to the conclusion of debate on these bills, and it is with much expectation that workers are waiting for the Parliament to give effect to the legislation. The Industrial Relations Bill keeps intact the very

important system of awards. It is only through awards that workers have a minimum base from which they can negotiate, which is very important. It has been suggested by the Opposition that somehow having a minimum base affects the flexibility of workers and employers in negotiations. Awards are designed to establish a minimum base. They are designed to give people who cannot establish a base for themselves a minimum position from which they can extend.

The bill also protects the very important element of collective bargaining. Speakers from the other side of the House have spoken extensively on the right of individuals to enter contracts, a right which all of us respect. We have to constantly remind members on the other side of the House about the Liberal philosophy that underpins their ideology because they often get it wrong. Contracts should be of mutual benefit, with both parties agreeing on an outcome. If there is an element of duress or pressure in the process the contract struck will not be in the mutual interests of those involved. That was recognised in the seventeenth, eighteenth and nineteenth centuries and in part of the twentieth century. But this does not seem to be recognised by the Opposition. People entering contracts should have a fair bargaining position. To achieve an outcome which is fair and not a result of duress or exploitation, with both parties benefiting, both sides should have similar bargaining power. Only in that way can the outcome be fair. An unfair outcome is obviously not of mutual benefit and therefore is not consistent with the Liberal philosophy that members opposite pretend they support. What they actually support is maintenance of high levels of profit and exploitation of workers as often as that can possibly be achieved.

Mr Richardson: Do you really believe that?

Mr TRIPODI: Yes, I do. The reason the bill is so important to me and my constituents is that I see examples of this type of exploitation every day. Two days ago two workers came into my office and told me that they had been sacked five years ago from Rothmans on a trumped-up charge. They proved in court that the charge was wrong but Rothmans refused to reinstate them because under the present law there is no obligation for them to be reinstated - despite the fact that the charge had been trumped up and an independent court had found them innocent of the charge.

Mr Richardson: What have they been doing for five years?

Mr TRIPODI: They have been unemployed for five years. They have been looking for work.

Mr Richardson: They could not find another job in five years?

Mr TRIPODI: That is right. The honourable member may find it surprising that someone could not find work for five years. But these are migrant workers: one is Portuguese and the other is Russian. This sort of thing happens all the time. Maybe they have the audacity to expect to be paid a proper amount when they enter the process of negotiation. Unions serve as cheap sources of industrial representation. For \$2 or \$3 dollars a week workers have access to legal services which will not cost them \$1,500. The two workers who saw me on Monday paid \$1,500 to solicitors in an effort to get their jobs back. They received a letter stating that because of a recent decision of the High Court of Australia - because of the laws in this State - they are no longer entitled to get their jobs back, even though the charges have not been proved in court. They are out of pocket \$1,500, which may not be much to the constituents of honourable members opposite but it represents a major hole in the pocket of these two men and affects their ability to survive.

Unions provide a very cheap source of industrial representation. It is a big deal to visit a lawyer, a frightening experience. It is an even larger challenge for workers to front up to a court on their own. Most people would find it daunting. Unions provide a cheap, accessible, friendly way of informing people about their entitlements and representing workers in forums so that their rights may be enforced. If workers have to act as individuals in negotiating contracts with an employer they will be crushed - no other word can describe it.

The bill sets minimum standards. It does not say that people cannot negotiate above those minimum standards. The processes of negotiation with employers have not been replaced. The legislation recognises that enterprise bargaining provides productivity improvements, which are important to Australia's economic advancement. But the bill ensures that people who will not be negotiating on an equal basis will also get a reasonable outcome and that their contracts will not be the result of exploitation or duress, but the result of a fair process. This is made possible by providing minimum conditions in an award with an independent arbitrator and having workers represented by experts.

Workers are experts in their work; they are not experts in negotiation, and they are not informed about their rights and entitlements. Workers are not expert in the legal complexities of the negotiation process. For a measly \$2 or \$3 dollars a week unions give workers access to cheap, intelligent and valued advice - on tap. Union members are then not ripped off by a lawyer who may, after receiving a large fee, simply write a letter saying that the worker is not entitled to anything. In such a situation the worker has no recourse. However, members of unions have recourse through the ballot box if they are not happy with the service provided by their organisation.

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The bill will also provide a shelter for New South Wales workers, we hope, against the provisions of the legislation which is currently before the Australian Parliament. Those provisions reflect the ideology of coalition members, who do not understand the kind of provocation, industrial action and rebellion that will occur when the Federal legislation is introduced. Honourable members opposite talk about productivity. There would need to be a lot of increased productivity through the elimination of restrictive work practices to make up for five or 10 working days a year lost because of industrial action. The real productivity benefits in the 1980s and early 1990s came from elimination of industrial action.

The peaceful process of determining wage outcomes under the accord brought such productivity benefits. We came to realise this in the mid-1990s. The accord was not perfect. Australia lost many opportunities in the early 1980s with the depreciation of the Australian dollar. Workplace flexibility was not sufficient to maximise the benefit to Australia. Towards the end of the 1980s and in the 1990s enterprise agreements became an integral part of industrial relations and Australia achieved higher levels of productivity because it exploited the opportunities arising from currency movements. The economic make-up of the economy also changed. It is very important that workers, such as outworkers and migrant workers, many of whom live in my electorate, are given some avenue of recourse or access to advice as the minimum standard from which they can begin to negotiate. It is not uncommon that in workplaces - garages, sheds or the back of industrial estates in my electorate - workers are paid \$5 a day.

Mr Slack-Smith: It is a disgrace.

Mr TRIPODI: It is a disgrace. It happens because people do not have industrial representation. They do not have a union.

Mr Slack-Smith: Do something about it.

Mr TRIPODI: The Government is doing something about it and that is why the unions are to be given the right to access workplaces on almost no notice to fine employers who are responsible for exploiting workers. They will be made to pay the price. The honourable member for Gosford said this bill has been introduced to stem the haemorrhage that occurred in trade union membership in the 1980s under a Federal Labor Government. In reality, the haemorrhage in union membership occurred because during the 1980s and 1990s workers felt safe working under the industrial laws of a Federal Labor Government. Workers had a security net, a welfare net, that they could rely on. As a consequence they no longer needed to take out insurance against industrial exploitation and, therefore, union membership declined.

Recently I was speaking to a union organiser who told me that unions cannot sign up people quickly enough. People are rushing to join unions at the moment because of insecurity in the work force. Members opposite are supposed to understand the basics of economics. With insecurity there are low levels of consumer spending, low levels of investment, and a general slowing down of the economy. If the majority of workers feel insecure about a continued income stream, obviously they will increase their savings and try to insulate themselves against that insecurity and against any unforeseen circumstances. When workers face insecurity, when jobs are cut and workers feel threatened, the whole Australian economy suffers. It is only when workers have a sense of security that they can work, earn, spend and plan for the future. That is what legislation such as this is all about. During the 1980s workers felt insecure and did not take out an insurance ticket of union membership. But now there is a rush to rejoin unions because workers need that insurance to protect themselves against what they see as a very hard future. *[Time expired.]*

Mr RICHARDSON (The Hills) [11.22]: The Government has made out a less than compelling case for introducing this new Industrial Relations Bill. Indeed, it is only five years since the previous Government's Industrial Relations Bill was introduced and passed after significant trials, tribulations and enormous community consultation. The legislation is working very well, with something like 500 enterprise agreements signed in 1994. Clearly employers and employees are benefiting from and supporting that system. This new mammoth bill - nearly 300 pages - will overturn the good work done in the last five years. As many speakers on this side of the House have pointed out, the Industrial Relations Bill is not about economic growth; it is not about improving Australia's international competitiveness; it is all about looking after Labor's mates. Honourable members heard from the honourable member for Fairfield his rationale for introducing the bill, that it was all back to the bad old days of class war. At one stage I thought he was going to invoke the image of Blake's dark satanic mills and the Tolpuddle Martyrs because that is the era in which he is living.

This legislation is about paying back the Labor Council for its generous support of the Labor Party before and during the last election campaign, and for not foreclosing on the debt that the Labor Party owed it for Sussex Street. Obviously that support demanded a reward and this legislation is the 30 pieces of silver demanded by the Labor Council. From the point of view of the Carr Government the passage of this bill has been made even more urgent by the election of the Howard Government. John Howard and Peter Reith have flagged their intention to radically overhaul the industrial relations law Federally and to provide a more competitive workplace in which businesses can thrive. The new Federal industrial laws will allow the productivity that the honourable member for Fairfield talked about to become a goal towards which both employers and employees aspire. Under that new

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environment Australia can become a more prosperous nation and start on the long, arduous task of repaying some of the huge \$185 billion foreign debt that was racked up during the Hawke and Keating years.

I have great concern that this Industrial Relations Bill will turn back the clock and undo the good work that the Howard Government is doing. There are approximately one million workers under State awards. This legislation will be the lead in the saddlebags that will drag Australia backwards. This occurred in Victoria, and those of us who were in business during the Cain and Kirner years will remember the negative effect that the slowdown in the Victorian economy had on businesses and the profitability on businesses if they were operating on a national basis. The Labor Party has had other compelling concerns and they have been spoken about by the honourable member for Fairfield. Regardless of what he said about people rushing to join the union movement, there has been a decline in union membership in this State from almost 50 per cent in 1983, when the Federal Labor Government was first elected, to about 35 per cent now. That is indicative of the fact that the world has moved on. Australia has been opened up to the chill winds of international competition. Businesses that have not adapted to those massive changes within the economy, that have not restructured, or introduced enterprise agreements or improved awards, have gone under.

This has to be considered in the context of an 8 per cent unemployment rate in this State and 10 per cent in other States, and it is a matter of considerable concern. What I have said is backed up by comments made by the Minister for Industrial Relations, the Hon. Jeff Shaw, in December last year when he said that it was his intention to promote the soon-to-be-reformed New South Wales system as a viable alternative to the new Industrial Relations Act that the Howard Government would introduce, if it were elected. The Hon. Jeff Shaw warned that New South Wales would take High Court action to block any attempt by a Howard Government to prevent workers moving into the State system. That statement is indicative of the provisions of this bill and the concerns that employers and businesses have about it.

Businesses want competitiveness and flexibility in the workplace. An example is the application made by the restaurant and catering industry to eliminate casual and penalty rates for those working on a Sunday. Weekends are a peak period for the restaurant trade and if penalty rates apply, the added cost can discourage people from dining at a restaurant. In America, penalty rates do not apply in the hospitality industry for employees working at weekends and at night. I want to touch briefly on the New Zealand experience. New Zealand has been identified in a recent survey as one of the three most competitive nations in the world. It has wrought an economic miracle that Australia has yet to emulate. I believe that in the same survey Australia ranked twenty-fifth and is still going down. Volume 9, issue No. 8, of a document entitled "Industrial Relations and Management Letter", dated September 1992 - shortly after the new Employment Contracts Act 1991 was introduced in New Zealand - stated:

There are some important Lessons for Government, Businesses, Employer Organisation and Unions from the N.Z. experiment.

In relation to increased employee awareness about the need for greater competitiveness and real flexibility, plus the ability of many business operations to reduce their costs by changing penalty rate provisions, Australia is miles behind. One senior executive is quoted in the document as follows:

Australia is where New Zealand was a number of years ago. As a country, we have not yet faced up to the hard reality of the changes we have to make if we are to be world competitive. We are still only fiddling around the edges. New Zealand on the other hand, has faced up to the hard realities.

It is clear that the Government has not faced up to the hard realities of life in the late 1990s and into the twenty-first century. It wants to turn back the clock to the bad old days, as the honourable member for Lane Cove remarked. New South Wales will have in place an industrial regime that will inhibit growth, stunt development, militate against workers' benefits and increase unemployment. I was interested to hear members on the other side of the House talk about productivity, and to read the second reading speech and the comments of the Hon. Jeff Shaw prior to the introduction of the bill. We on this side of the House recognise that there ought to be a partnership between workers and employers. In the two most successful post-war economies, Germany and Japan, that partnership is alive and thriving. Workers there recognise that it is in their interests not to send their companies broke; they recognise that it is in their interests to develop new ideas and new work practices, and ways of doing things that are not obstructionist, so that business can prosper and their wages increase.

The level of workers' wages in those two countries is considerably higher than the level of wages in this country, for precisely that reason. That is a lesson that has been learned in New Zealand, where real wage levels are rising as that country has come to grips with the international economy, has become objective, and has recognised that export is not an add-on that export can be the primary concern of a business. The coalition believes that parties should be allowed to negotiate enterprise agreements provided there is an appropriate level of protection for employees. A major concern that the Opposition has with the bill is that unions will be involved at all stages of the process, whether or not the employees or employers want them to be involved. The Opposition believes that there is no need for that third-party involvement, and that it is possible for parties to

resolve the conditions of the enterprise agreement on a mutual basis to their mutual benefit. That is a long way from the image conjured up by the honourable member for Fairfield of the exploitation of workers.

If honourable members on the Government benches had ever bothered to read the excellent book *In Search of Excellence* they would be aware that the companies that are thriving and going ahead are those in which a partnership exists between employees and the employer, a partnership that is mutually beneficial. That is clearly understood, and suggestions from workers about how things can be improved, on a production line for example, are welcomed by employers. Clause 34(2) of the bill will permit a union to be represented during the approval process, whether or not any of its members are involved. The clause is not restricted to members of unions; the definition of relevant employees includes those who are eligible to become members of a union. The Opposition has serious doubts about questions of privacy and the right of entry of union representatives, because if employees do not want to be members of a union, that is their right. This bill proposes that if there are employees in the workplace who are entitled to become members of a union, that union has an unfettered right of access to that workplace.

Mr Yeadon: What nonsense! They can go there to recruit members. Do not misrepresent the issue.

Mr RICHARDSON: The word "unfettered" has been changed by amendments to the bill in the upper House. Unions will have to give 48 hours in lieu of 24 hours notice. Unfortunately, the Opposition does not believe that even 48 hours is long enough. In the Opposition's view, the unions should not be involved in proceedings of the Industrial Relations Commission and should not be able to sign enterprise agreements if the employees do not want the union to be present. If employees believe they can negotiate an enterprise agreement with their employer to their mutual benefit, there should not be a requirement for a union to be involved in that process. The Opposition believes that that will tend to remove freedom of choice. The union is trying to recruit members, as the Minister said earlier, and turn back that inexorable decline in union membership; and the bill is an example of the Labor Party looking after its mates. In an article in the *Sydney Morning Herald* on 14 December 1995, Allen Kohler stated:

. . . the union movement is being systematically rolled by workers in setting up their conditions on an enterprise basis.

That is not happening under New South Wales legislation; it is happening under Federal legislation introduced by Laurie Brereton. [*Time expired.*]

Mr GAUDRY (Newcastle) [11.37]: I congratulate the Government and the Minister for Industrial Relations on bringing forward the Industrial Relations Bill and for consulting widely with employer bodies, unions and the broader community. The Government is carrying out its election promise that when it attained office it would repeal the Industrial Relations Act introduced by the former coalition Government. It is doing so to ensure that New South Wales maintains its premier position in regard to business and development and, more importantly, to ensure that the workers of this State have a right of participation in the process of enterprise bargaining and a right to have a trade union negotiate on their behalf.

The honourable member for Fairfield referred earlier to the right to have an expert in the field of industrial relations negotiating and participating on behalf of workers so that they might receive a fair return for their increased productivity, and that they are able to enjoy the conditions and standard of living to which they are entitled. In addition, the occupational health and safety rights and responsibilities of employers should be maintained. Honourable members opposite referred to the freedom and rights of individuals to negotiate directly for improvement in their conditions and the appropriate level of remuneration. Of course, in a perfect world that would work out very nicely, but there are legion examples where unprotected workers are exploited. Much was said yesterday about outworkers and the failure of the former Government to stop exploitation in sweat shops, particularly in this city, and to improve the conditions of those workers.

The rates of pay of workers in sweat shops do not allow them to live at a reasonable level; and these workers do not enjoy the conditions that are set down under the Occupational Health and Safety Act. That leaves them without the power to negotiate on an even level. Therefore, owners of an enterprise, in negotiating an agreement, could have disproportionate power that would allow them to determine the conditions of the agreement. Without having input from a union and a collective organisation, workers will not achieve a reasonable outcome. When the legislation is passed and becomes law, it will do much to ensure, first, that workers continue to be productive and, second, that their conditions and rights will be protected. I wish to refer briefly to a group of workers in this State who at the moment are facing a sustained attack on their working conditions by Novacoal Australia Pty Limited, a subsidiary of CRA. I had the opportunity to visit these workers and witness the impact on them of potential Howard-Reith Government industrial relations laws. That made me realise all the more why it is so important that this legislation become law.

This State does not want to go down the path followed by the Federal Government. I refer to the miners at the Vickery coalmine, who have been on strike and picketing against CRA for a period of more than 10 months. Some 50 workers are involved at that mine site, which is 24 kilometres from Gunnedah. It is an isolated site and the workers live in Gunnedah, Boggabri or the

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surrounding towns; many travel up to 1½ hours each way to and from work. Under their award the workers were required to work 8½-hour shifts. CRA in that area has more than one-third of the State's coal reserves and over a period of time it has embarked on a campaign of pressuring those workers to accept a 12½-hour hot seat changeover process. That has been rejected by the workers and by the union. The company has exerted enormous pressure and in the 12-month period leading up to the workers going on strike on 15 August 1995, 22 members and their families left the area. Rather than cave in to the company, they resigned and moved away from the area; and of course that resulted in a loss of revenue to the town.

The 30 remaining miners have taken sustained action against CRA over that entire period because they do not wish to work 12½-hour shifts, to have their family lives destroyed or to suffer health problems that would arise from working those extended hours contrary to occupation health and safety legislation. Workers across industry who work longer periods experience lack of concentration and reduced productivity. This also results in a greatly increased risk of injury. It is a classic example of a work force placed under pressure by, in this case, a large and powerful subsidiary of a multinational company to accept an erosion in its working conditions. Under the Howard-Reith approach to industrial relations, that situation would be duplicated across the nation.

The industrial relations legislation introduced by the Minister for Industrial Relations and the New South Wales Labor Government affords workers in this State the protection and the right to have a union operate on their behalf. It will give union organisers the right of entry to workplaces and to recruit. However, more importantly, this measure will enable union organisers to examine wages books to ensure that workers are not exploited, that their conditions are upheld and that the occupational health and safety standards accepted for workers in workplaces across this State and nation are maintained.

There is no doubt that the trade union movement in this State is in the forefront of ensuring restructuring, change and participation with workers to ensure that improved productivity takes place. One need only examine the Australian best practice programs and the involvement of workers at the enterprise and workshop level to acknowledge the improvements in work design and outcomes. The Government is committed to that. I have the honour to represent constituents in the Newcastle and Hunter Valley areas and time and again projects in that area come in on time and under budget. That is because of the active participation of the trade union movement, and the cooperation of individual unions, workers and employers in ensuring that productivity targets are reached and that workplace change occurs.

The process involved has been active and participatory. Certainly, the trade union movement has not been backward in ensuring that change occurs in the workplace. We are concerned to lift productivity levels in the workplace, but not at the expense of the wages and conditions of workers and their occupational health and safety. This is in all respects important legislation. It turns back the clock to some degree: it turns it back to the extent that it repeals the Industrial Relations Act that was brought in by the former Government.

That is done in the interests of the productivity and growth of this State, ensuring that workers have their needs represented and that they are not exploited. Women workers, part-time workers, outworkers and workers in the building and other industries and in the factories of this State have the right to seek to improve their conditions and to have unions represent them in bringing about such improvements. This legislation ensures continuity of that right and entrenches the rights of workers in law. I have much pleasure in supporting the bills.

Mr DEBNAM (Vaucluse) [11.52]: It is with some regret and a great deal of concern that I speak to the Industrial Relations Bill and the cognate bill. I explain that it is with regret that I speak to the bills because I had hoped the Carr-Egan-Knight triumvirate would be able to withstand the blackmail of the union movement and choose not to bring in these bills. I had hoped that the Carr Government would place business confidence and labour market flexibility ahead of the need to satisfy the unions. The honourable member for Newcastle said that to some extent this legislation turns back the clock, and he mentioned exploitation of workers. The Industrial Relations Bill is not about exploitation of workers. No doubt members on both sides of the House would be concerned with any instance of exploitation, regardless of who is affected and where it occurs. The bill is actually about abuse of enterprise in this State. I find it absurd to even contemplate the controlling Right faction of the New South Wales Labor Party willingly embracing this cynical legislation, which undoubtedly will prove a defining moment for this Parliament and certainly this Labor Government.

This industrial relations legislation is actually a payback for union support. That has been said a number of times in this debate. The bills are a payback for industrial action in the last year of the Fahey Government, and a payback for union support in the 1995 New South Wales general election and the by-elections since. This legislation is a futile attempt to turn back the tide of labour productivity in Australia, and specifically in New South Wales. It is an attempt to re-establish union power in this State. In that regard I am reminded of a previous occasion on which I watched this sort of legislation coming into force. I am reminded of 1983.

At that time I was working in the aircraft industry in Victoria on a defence project with a company that was designing and building an aircraft for the air force. Labor came to office federally in

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March 1983, and the shift of executive power from Canberra to Swanson Street, Melbourne, had to be seen to be believed. In the first few months after the March 1983 election we in the aircraft manufacturing industry heard stories of Ministers being kept on a leash by the Australian Council of Trade Unions. I suppose most took that to be largely rhetoric, but it was obvious within six months that those stories were right. I saw enough to convince me that Labor Ministers would not make any significant move without the approval of the ACTU hierarchy.

That instance, which went on for a number of years, proved extremely counterproductive to the project with which I was involved, and the influence was extended. Eventually, union influence extended to workplace democracy experiments in the aircraft manufacturing industry and a number of other industries. In due course, as honourable members would know, those experiments collapsed as Labor Ministers in Canberra were exposed to the real world outside Labor caucus. We saw evidence of that a number of times, as Labor Ministers visited factories, saw what was happening, and were forced to discuss the reality of competing in a modern world. Industry itself was forced to restructure under the pressures of real world competition later in the 1980s. In later years even that great friend of Australian exporters, Bill Kelty, was prodded into thinking about enterprise agreements as opposed to centralised

bureaucratic control of labour conditions.

This misguided legislation now in this House takes us back to those ridiculous days of the 1980s when unions were absolutely determined to flex their muscle, and to do so with the support of their mates in the new Federal Labor Government. The legislation before this House is a betrayal of the business community in this State. Those who look at the bills need not wonder why business confidence in this State has slumped. They need not wonder why unemployment and inflation are of concern to business in New South Wales. They need not wonder why the Premier's approval rating wallows in the bilges.

I should now like to contrast the two public leaders who have most influence on New South Wales. John Howard was elected Prime Minister earlier this year with an overwhelming mandate. There can be no doubt that John Howard expected to win, and planned to win, the Federal election. Certainly members on this side of the House and perhaps some members on the other side would agree that John Howard will govern in the best interests of all Australians, and they would acknowledge that he has the unprecedented approval of a huge section of the Australian community.

There is also no doubt that, by contrast, Bob Carr did not expect to win the State election last year. Bob Carr did not plan to win, or expect to win, the State election. He in fact tripped over the line by buying a bare majority of seats. The truth that Bob Carr had lost government before he was sworn in. He had run a risk-everything, high-rolling campaign and was prepared to buy votes anywhere, at any time, at any price. That State election involved the unions. Bob Carr has no mandate for anything in this State, other than the abolition of tolls. He certainly has no mandate to take New South Wales back to the dark ages of union manipulation, back to the days of class warfare. We have heard a lot of rhetoric from honourable members opposite on that matter.

The most outstanding rhetoric delivered to us by the Government on this legislation is a profound statement by the Premier and the Attorney General that they would create fortress New South Wales. I find it difficult to believe that they had thought about using that term before using it, but they did repeat it. Honourable members opposite should be in no doubt that they have no hope whatsoever of building a moat around New South Wales. They should not be fooled into believing that the lone Labor Government in Australia, the lone Government of backward thinkers in Australia, can build itself into a fortress against competitive forces in Australia, in this region or anywhere else in the world. This fortress mentality will not work with its industrial relations legislation or any other part of its socialist agenda.

The Premier's rhetoric will not protect the people of this State from the pressures of competition, but it may delay the benefits. That is the critical factor. We cannot afford Bob Carr as Premier unless he decides to manage in the best interests of the State, not in the best interests of Sussex Street or the Labor Party head office. As with other pieces of legislation introduced by the Government in this Parliament, the Government's consultation on this legislation has been questionable. I am reminded of what happened with Government legislation introduced last year which sought to amend the rate of stamp duty. That legislation was released to the public on a Friday evening and a telephone number was given for consultation. People ringing that telephone number over the weekend - which was the only time available for consultation - were connected to an answering machine. The lack of consultation is clearly reflected in the amendments moved by the Opposition. I think 150 amendments were proposed by the Opposition in the Legislative Council, of which 57 were agreed to; of those, many were accepted by the Government. That is a reflection of the Government's lack of consultation with the business community or anybody else interested in this legislation other than the unions.

As the honourable member for Northcott said earlier in this debate, the Hon. John Fahey introduced historic changes to industrial relations in this State. His changes allowed New South Wales to move forward towards true labour market flexibility and cooperation between all engaged in enterprises. The Parliament must protect the people of this State by rejecting Labor's attempt to impose

initiative and healthy employee-employer relationships within enterprises. Labor's legislation proposes to allow union storm-troopers to lay siege to business enterprises in New South Wales. The Opposition has proposed changes to the project contract provisions to protect small business and contractors. There is no doubt that if the Government proceeds with its proposed legislation it will strangle those small players in our economy.

Previous speakers in this debate have mentioned the Niland green paper, which argued for an increased enterprise focus on industrial relationships and greater access to the system by individual employees and employers. The proposed legislation undermines these objectives. The Opposition's amendments seek to correct this problem. Labor's legislation allows unions to attack vulnerable businesses through right of entry, regardless of union membership on site. That is clearly an outrage. The business community is greatly concerned about that provision. Once it is further understood in the wider community, it will cause many employers to be enraged with contempt for the Premier. We will see his approval ratings hit rock bottom - they are close to it now. What will be the net effect of this legislation on New South Wales?

Despite the best emotional rhetoric of Government members, this debate is not about class warfare as they have suggested; it is about the momentum for progress in this State. This debate is about the reform process in this State. In March 1995 the coalition left a healthy financial position for New South Wales and a pipeline of reform for implementation. That is what this Parliament is about. Whether we go forwards or backwards, that pipeline of reform has been used up. The only significant legislation we have seen in this Parliament over the last six weeks has been this industrial relations legislation. The decision that has to be made by honourable members today is whether to move New South Wales forwards or to move it backwards into union feudalism and conflict. Honourable members have to decide between institutionalising workplace conflict and motivating the people of New South Wales to work together in pursuit of common interests.

This House must choose either expensive regulation or freedom of choice for employees and employers. Are individuals able to take control of their lives, or must citizens always have Big Brother, in the form of the union hierarchy, peering over their shoulders? We have to decide whether we should build business confidence or undermine employment and economic growth. Should we consolidate the industrial relations club or give power to the people? I note that the honourable member for Cabramatta said in this debate that the legislation has been particularly well received by industrial relations practitioners. Need we say more? I acknowledge that the Opposition would have some difficulty in changing the legislation in this Chamber. But the Opposition does have the opportunity to warn the Government that it is working against the interests of the State. It should consult with the business community and heed their pleas to accept the Opposition's amendments.

Debate adjourned on motion by Mr Neilly.

GAMING AND BETTING AMENDMENT (BETTING AUDITORIUMS) BILL

Bill introduced and read a first time.

Second Reading

Mr FACE (Charlestown - Minister for Gaming and Racing, and Minister Assisting the Premier on Hunter Development) [12.06]: I move:

That this bill be now read a second time.

The purposes of this bill are twofold, namely, to provide for the establishment of betting auditoriums on licensed racecourses in New South Wales and to provide for the introduction of sports betting by

bookmakers. As honourable members may be aware, under the existing provisions of the Gaming and Betting Act 1912, betting may only take place at a licensed racecourse during the course of a race meeting or when a race meeting has been abandoned on either the day it was scheduled or on the preceding day.

In its racing policy, the Government indicated that it would legislate to enable betting auditoriums to be established, initially at the Randwick and Rosehill racecourses. This undertaking was in response to approaches from the Australian Jockey Club and the Sydney Turf Club which argued that betting auditoriums would provide an opportunity to generate additional revenue for not only the clubs themselves, but the racing industry as a whole. The bill will enable betting auditoriums to be established on licensed racecourses, providing patrons with bookmaker and totalisator betting facilities. In essence, patrons attending betting auditoriums will be offered the same betting services as those provided at a normal race meeting. To enable appropriate controls to be placed over the operations of betting auditoriums, including the number of auditoriums which might be operated, the bill provides that auditoriums may only be established with the approval of the Minister for Gaming and Racing on such conditions as the Minister may impose.

Prior to giving final approval to the introduction of betting auditoriums at the initial venues, I intend to consult closely with the racing industry to ensure that appropriate conditions are in place to protect the interests of all race clubs. In addition, the results of operations at the initial auditoriums will be evaluated before consideration is given to any approaches from other race clubs to establish auditoriums at their racecourses. Irrespective of the success or otherwise of the initial auditoriums, it is unlikely that the racing industry

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would be able to sustain more than a limited number of auditoriums. I therefore do not envisage a great demand from race clubs wishing to provide the facility. In examining the betting auditorium proposal, it became apparent that the ability for bookmakers to offer betting on sporting events would significantly enhance the viability of such auditorium operations.

Sports betting is currently legal in every other State and Territory of Australia, with a significant level of investments from within New South Wales being directed to interstate sports betting bookmakers. Accordingly, potential revenue from sports betting is being lost to interstate governments. It is also interesting to note that wherever sports betting has been set up in other States a degree of illegal sports betting has been changed. I do not think that New South Wales would be any different in this respect. It is anticipated that in a full year of operation in this State, sports betting will generate additional government revenue of \$1 million. If my suspicions about illegal activities are harnessed, it is likely to be higher.

The legislation provides for the Minister to authorise licensed bookmakers operating at any time on a licensed racecourse, including in a betting auditorium, to accept bets on sporting events approved by the Minister and on such terms and conditions as the Minister may impose. Concerns have been expressed by some quarters that the introduction of sports betting could damage the image of the sports involved. It has been argued that betting on sports could lead to allegations of corruption or a perception of corruption.

Honourable members would no doubt appreciate that, in view of the fact that sports betting is already conducted in all other States and Territories, it would be difficult to support the contention that the legalisation of such betting in New South Wales would increase the likelihood of corruption in the sports involved. In addition, a significant number of events on which sports betting will take place will be conducted outside of New South Wales and even outside of Australia. Nevertheless, the bill includes a provision that will enable the Minister to direct that bookmakers make available to the appropriate sports administrators in this State details of betting on their sports. This is a measure that could clear up concerns held by the sports. The introduction of sports betting in New South Wales will not only arrest the flow of investments out of the State but also assist the bookmaking industry. I am sure that

honourable members would agree that bookmakers are an integral part of the racing industry in this State. In recent years, the number of bookmakers has declined dramatically and it is felt that sports betting will provide an opportunity for bookmakers to improve their viability and to compete on an equal basis with their interstate counterparts. I commend the bill to the House.

Debate adjourned on motion by Mr Rozzoli.

AJC PRINCIPAL CLUB BILL

Bill introduced and read a first time.

Second Reading

Mr FACE (Charlestown - Minister for Gaming and Racing, and Minister Assisting the Premier on Hunter Development) [12.11]: I move:

That this bill be now read a second time.

With this bill the New South Wales thoroughbred racing industry begins an historic transition to a modern, representative and accountable structure. The specific purposes of the bill are fourfold, namely: to establish the AJC Principal Club, known as the AJCPC, as a representative body to govern thoroughbred racing in New South Wales; to establish a Racing Industry Participants Advisory Committee, known as the RIPAC, to give advice to the AJCPC on industry policy and strategic direction, as well as nominating one member of the AJCPC; to provide for the establishment by the AJCPC of a separate appeal panel to hear appeals from decisions of race stewards; and to provide for the transfer of relevant functions, assets, rights, liabilities and employees from the Australian Jockey Club, the AJC, to the AJCPC.

The Government's initiative will implement the essential aim of the recommendations made by Ian Temby, QC, namely, to create a broadly representative governing body able to carry out its functions independently from individual race clubs. This bill is a result of the most extensive consultation process ever undertaken by an Australian government in relation to the thoroughbred racing industry. Mr Temby's final report was itself the outcome of a four-month review involving comprehensive consultation with all sections of the industry by means of public calls for submissions, production of a detailed issues paper, and meetings and interviews with a wide range of individuals, race clubs and industry associations. Much of that was done not only by my department and those facilitating and implementing the findings of Mr Temby's report but also by me, after I travelled extensively throughout the State. I thank the many racing clubs, especially those in country areas, that gave their views throughout that period, enabling the Government to tailor this measure in the way it will proceed through the Parliament.

After receiving Mr Temby's report in October last year, the Government consulted extensively with the AJC and the industry before deciding on the framework outlined by the Premier in this House on 15 May. Consultation with the AJC on the detail of this bill has been particularly important because the AJC has been the controlling authority for thoroughbred racing in New South Wales for more than 150 years. The Government has also consulted with other race clubs and industry groups concerning provisions of particular concern to them. The AJCPC will consist of 10 voting members: four nominated by the AJC, two nominated by the

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Sydney Turf Club, one nominated by the Provincial Association of New South Wales, two nominated by the Country Racing Council - one from the north of the State and one from the south, and one nominated by the RIPAC. The provision for Country Racing Council representatives came about as a result of my travels through the State in the early period of this legislation.

It became apparent that there was agreement for two Country Racing Council representatives on the AJCPC but there was also a natural concern that the two representatives may come from the same area

or from areas close to each other. The Government therefore decided to divide the State on the basis of the Totalizator Agency Board boundaries, which are used for other purposes. One representative will come from the north and one from the south of the State. The chief executive of the AJCPC will also be a participating member of the new body, but without voting rights. Mr Temby recommended that members of the new governing body not be allowed to serve simultaneously on race club committees. He believed that this would encourage members to take a broad view of their responsibilities, and not just the interests of the body that nominated them. However, in view of strong opposition from the race club sector, the Government has not included this restriction in the bill. Nevertheless, the Government encourages all the nominating bodies to put forward members they consider best qualified to lead the industry, and to look outside their race club committees as appropriate.

The Government has included clause 11, which provides, as recommended by Mr Temby, that each member of the AJCPC must act in the public interest and in the interests of the thoroughbred racing industry as a whole, rather than just in the interests of the body which nominated him or her. The AJCPC will be the new controlling authority for thoroughbred racing, and its functions and powers in clauses 13 and 14 are appropriately comprehensive. Its functions include traditional "principal club" functions, and also the promotion, strategic development and welfare of the industry. Specific mention is made of the key functions with respect to the insuring of participants in the industry, including those presently exercised by the AJC in relation to workers compensation and sporting injuries insurance.

The AJCPC and its operations will be funded from registration fees and the industry's share of TAB revenue in the same way as the AJC is presently funded to carry out those functions. During the consultation process, concerns were expressed by many in the industry that a cost-effective approach be taken so that the additional call on industry revenue, if any, is minimal. For this reason, it is intended to locate the AJCPC at the Randwick premises of the AJC, so that facilities and administrative staff may be shared if appropriate. However, the bill recognises the importance of separate and accountable administration by the AJCPC. The chief executive will be responsible solely to the AJCPC and will not be allowed to be the employee of any race club. The AJCPC will also be required to produce an annual report. This must be provided to the Minister by 1 November each year for tabling in both Houses, and the AJCPC must make it publicly available. The annual report must contain financial statements prepared by an independent auditor.

These measures will help ensure separate and accountable administration. In circumstances in which the AJC and the AJCPC share staff, as is likely with some administrative functions, their responsibilities and accountabilities, together with payment arrangements, will need to be clearly defined. Conflict of interest was a major theme of Mr Temby's review and report. He identified potential conflicts of three kinds. Firstly, there was potential for conflict between the AJC's responsibilities on behalf of the thoroughbred racing industry and its private interests as a race club. This has been addressed by the creation of the AJC Principal Club. Secondly, Mr Temby pointed out the problems inherent in the AJC, as employer of the stewards, also being the body which hears appeals from the stewards' decisions. This has been addressed, with the full support of the AJC, by providing for the establishment of a separate appeal panel.

Thirdly, individual members of the governing body may have private interests that conflict with aspects of their functions. For example, obvious problems arise when substantial horse owners are involved in the hearing of appeals or in close monitoring of the stewards' activities. The bill takes a three-point approach, based on the Temby recommendations. First, clause 21 will require all AJCPC members to disclose direct or indirect pecuniary interests in any matter under consideration by the AJCPC or its committees. The AJCPC will itself decide what action is necessary in response to those disclosures.

Secondly, clause 23 requires the AJCPC to establish an integrity assurance committee, with primary oversight of those functions relating to race stewards, drug testing and control, licensing, handicapping, and the appeal system. The AJCPC will be required to determine necessary disqualifications for

membership of the committee, having regard to the need to minimise conflicts of interest which may arise from ownership of active racehorses, professional involvement in race preparation, or professional or commercial dealings with licensed persons. Thirdly, AJCPC members are prohibited from membership of the appeal panel, and the AJCPC must also determine any other necessary disqualifications, having regard to the same factors as for the integrity assurance committee. The overall intention of these provisions is to minimise conflicts of interest while ensuring that experienced people actively involved in the industry are not unnecessarily precluded from serving on the governing body.

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The Government recognises that industry participants are entitled to a say in their industry and greater opportunities for involvement than is presently the case. Since last century it has been traditional for race clubs and race club committees alone to govern thoroughbred racing. As thoroughbred racing has evolved from a sport to a major industry, the need for greater industry participation in policy development and future planning has become increasingly recognised. In the past five years, both Queensland and Tasmania have created statutory principal clubs with some provision for industry representation. At the racing Ministers conference on 3 May 1996, I received unanimous support from my counterparts for a resolution which read in part:

This meeting of Racing Ministers . . . supports the trend towards broadening the membership of governing bodies to include representation of stakeholders other than race clubs.

This Government's approach to industry representation has evolved during the consultation process. Ian Temby recommended two industry representatives on the governing body, namely, one joint nominee by the three categories of licensed persons and one nominee on behalf of punters. After his report was released, the Government received strong representations from many industry stakeholders arguing for additional or separate representation. During this process, seven major stakeholder groups were identified: owners, breeders, trainers, jockeys, bookmakers, stablehands and other industry employees, and punters. No sensible structure could provide separate representation for each of these groups on the governing body. I will make reference to that in my remarks in reply later because various groups still have concerns and I want to clarify the position.

The Government decided to take a different and innovative approach. Firstly, the bill creates a statutory advisory committee, RIPAC, consisting of representatives nominated directly by each of the seven stakeholder groups. RIPAC will be required to meet at least four times each year, with administrative support to be provided by the AJCPC. Most importantly, a minimum of two of these meetings must be joint meetings of the AJCPC and RIPAC, with a quorum from each required. The bill also provides for RIPAC to nominate one member of the AJCPC, thereby giving industry stakeholders as a whole direct representation on the governing body. Obviously the RIPAC member on the AJCPC will not be solely responsible for raising every issue of concern to the industry. A key part of his or her role will be to ensure that RIPAC functions effectively and is listened to by the AJCPC, and that the AJCPC opens itself up to industry participation and involvement in other ways.

For example, clause 22 authorises the AJCPC to involve non-members of the AJCPC in any committees it establishes, including the integrity assurance committee. Involvement in relevant committees and working groups provides an important potential avenue for industry stakeholders to participate effectively and fruitfully, and this should be a high priority for the AJCPC member nominated by RIPAC. The bill will require the AJCPC to appoint a separate appeal panel, including a principal member who is to be a legal practitioner of at least seven years standing. The appeal panel will consist of a pool of members who will be drawn upon to establish hearing panels for individual appeals. Appeals from decisions of race stewards now heard by the AJC committee will be heard by a hearing panel of three members or more, including the principal member, who will preside at the appeal as convener. Where the principal member is unavailable or already sitting on another appeal, the bill provides for another member to be designated as the convener, provided that person is also a legal practitioner of at

least seven years standing.

The appeal panel will have the same procedural powers and protections as those previously enjoyed by the AJC committee in its appeal role. The AJC committee has delegated its appeal powers in relation to country appeals to the various country racing associations. The bill will enable the AJCPC to continue this delegation as it chooses. Where it does so, country appellants will continue to be able to appeal to their local racing association, thereby assuring a quick and inexpensive hearing of their appeal. However, country appellants will also be given the option of appealing directly to the new appeal panel, but may not appeal to both bodies. Their further right of appeal will be only to the racing appeals tribunal, in the same way as metropolitan and provincial appellants. This will bring to an end the present lopsided arrangements by which country appellants have three tiers of appeal, while metropolitan and provincial appellants have only two.

I move now to the transition process. The Government anticipates that if the bill is enacted this session the AJCPC and RIPAC can be in place by early October. The Government welcomes the support of the Leader of the Opposition for the initiative in this House on 15 May. I compliment the Opposition spokesperson for raising matters. I have kept him completely informed at all times. His assistance has been important. The first task of the AJCPC will be to hire its chief executive and begin preparations for the takeover of the industry functions. This will include negotiations with the AJC on arrangements to share its Randwick premises and to transfer relevant assets, liabilities, rights, and employees to the AJCPC.

The transitional provisions are set out in schedule 1 to the bill. The Government anticipates an outcome negotiated between the AJCPC and the AJC over several months. Clause 9 provides for the entering of voluntary agreements, including payment of compensation where appropriate, covering these matters. Clause 8 places a duty on the AJC to facilitate the transition process, including

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providing information and access to relevant records and documents. Clause 9 also requires the consent of the AJCPC before the AJC may transfer or otherwise deal with any asset which is concerned with the exercise of principal club functions. This will ensure preservation of the status quo until negotiations are complete. Clause 9 also provides for the making of regulations directing the transfer from the AJC to the AJCPC of relevant assets, rights, liabilities or employees.

The historical intermingling of the AJC race club's industry functions means that some related assets are also intermingled. Difficult issues are likely to arise in relation to these during the negotiations. For example, the extent of private ownership, if any, by the AJC race club may take some time to establish in relation to the AJC laboratory and the workers compensation insurance funds. However, clause 7 of the schedule makes it clear that private AJC race club interests must be preserved or justly compensated, and also that AJC employees whose employment may be transferred must be treated fairly. Clearly the regulation-making power would only be used as a last resort in the event of complete breakdown in negotiations between the AJC and the AJCPC. To further protect the private interests of the AJC race club, clause 9 ensures that any transfer by regulation will not take effect until after the period in which either House may disallow the regulation. Taken as a whole, these provisions create a balanced framework for a timely and effective transition, with appropriate safeguards for the private interests of the AJC race club. Schedule 1 also provides for the takeover of functions by the AJCPC on a staggered basis pursuant to ministerial order. This will ensure that the AJCPC assumes responsibility for industry functions only as and when it is ready to do so.

The establishment of the AJCPC and RIPAC marks the beginning of a new era for a great New South Wales industry. The Government acknowledges the enormous contribution of the Australian Jockey Club during its 150-year stewardship of the industry and looks forward to its constructive cooperation in the transition process. From the race clubs and industry groups who will directly participate for the first time in the control and management of their industry, the Government looks forward to a contribution characterised by vision and enthusiasm. This initiative will provide a modern

structure for the industry to plan its future into the next millennium. The Government acknowledges that different sections of the racing industry have been critical of several aspects of the bill, including the composition of the AJCPC. During the consultation process, the Government has listened carefully to all race club and industry sectors, and has brought forward the initiative which it considers best takes all competing considerations into account.

Getting bills through Parliament and getting consensus on them is one thing; being able to achieve that is another. Politics is the art of the possible. That is what this document portrays. In conclusion the Government recognises that the structure and supporting arrangements established by this bill will require review in the light of experience. For this reason clause 53 requires a ministerial review after five years to assess the success of the initiative, and identify any changes which may be necessary. I commend the bill to the House.

Debate adjourned on motion by Mr Rozzoli.

GAS SUPPLY BILL

Bill introduced and read a first time.

Second Reading

Mr SCULLY (Smithfield - Minister for Public Works and Services, Minister for Ports, Assistant Minister for Energy, and Assistant Minister for State and Regional Development) [12.32]: I move:

That this bill be now read a second time.

Last year the Carr Government delivered on its promise to ensure that consumers in New South Wales get the expected benefits from the competitive national electricity market. We delivered on our promise to reform the generation sector, and we delivered on our promise to corporatise the electricity utilities with environmental, social and equity considerations backed by legislation. With the Gas Supply Bill the Carr Government delivers on more election commitments. This bill will bring the benefits of competition to the New South Wales natural gas market and provide for the Independent Pricing and Regulatory Tribunal to regulate gas pricing and third-party access to the natural gas distribution systems. It is very much in the interests of New South Wales that there be free and fair trade in natural gas across and within State borders. The natural gas retail market in New South Wales is monopolistic. New South Wales has no commercial sources of natural gas within its boundaries and currently depends on a single pipeline to transport all its natural gas from the Cooper Basin in South Australia.

The contracted supply of Cooper Basin natural gas to New South Wales is scheduled to begin to decline soon after the turn of the century and further supplies will be needed. The Council of Australian Governments agreed in 1994 to the removal of legislative and regulatory barriers to free and fair trade in gas and the introduction of a nationally consistent third-party access regime for all gas transmission pipelines by 1 July 1996. The 1995 Competition Principles Agreement provides for State-based third-party access regimes to be established where they comply with the relevant principles set out in that agreement. The current Gas Act 1986 makes provision for the Minister to impose conditions on gas distributors to allow access by third parties to the distribution system. However these arrangements are unsatisfactory and

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would not be considered an effective regime under the Competition Principles Agreement. The development of an effective access regime is also one of the agreed reform objectives New South Wales must meet by 1 July 1996 to qualify for payments from the Commonwealth Government under the National Competition and Related Reforms Agreement 1995.

The legislation before the House today is consistent with national competition principles while taking account of the particular needs of the industry in New South Wales. The Gas Supply Bill is designed to open up the New South Wales natural gas market to competition by establishing a right of third-party access to the pipelines and pipes which deliver gas to the final customer. A customer will then be able to seek alternative sources of gas and contract directly with reticulators for the transport of that gas. Alternatively, new gas suppliers may enter the market and offer customers a choice. Third-party access will be phased in across the market, with full competition currently targeted for mid-1999. A transitional phase-in period will facilitate the development of a competitive market and cushion any significant adverse impacts on existing market participants. The bill provides a mechanism for phasing in the application of third-party access to progressively smaller customers. The actual staging of the transition period will depend on the reform progress made by other States and in the electricity market.

In the preparation of this legislation the Government has consulted widely with industry. In September 1995 the Minister for Energy requested the Gas Council of New South Wales to conduct a review of the principles and procedures for the provision of third-party access to the State's gas distribution systems. The Gas Council reported that, at least in the initial years as the industry moves towards a more competitive market, there should be State-based regulation to address the issues which are specific to New South Wales and the New South Wales gas industry. New South Wales has been an active participant in the national gas reform task force charged by the Council of Australian Governments with the task of carrying forward reform of the gas industry, including the development of a national third-party access framework. It is intended that the access regime being put in place by the Gas Supply Bill will adopt the national access code. However, while significant progress has been made, it is not expected that the national access code will be available for proclamation by 1 July 1996. Therefore an interim, locally developed, access code will be utilised, based largely on the national access code.

The access to be provided by this bill will apply to the natural gas distribution or reticulation systems such as those owned and operated by the AGL gas companies. Third-party access to interstate transmission pipelines such as the Moomba to Sydney pipeline and the proposed interstate pipelines from Victoria will continue to be subject to Commonwealth regulation. The extent of the proposed changes has enabled a wider review of the legislative provisions relating to the gas industry, in a manner consistent with the recently enacted Electricity Supply Act 1995. The Gas Act 1986 will be renamed the Gas Industry Restructuring Act 1986 and be concerned solely with the corporate structure of the Australian Gas Light Company. I now turn to specific provisions of the bill. The objects of the bill are: firstly, to encourage the development of a competitive market in gas, so as to promote efficient use of gas and its safe and reliable supply; secondly, to regulate gas reticulation and supply so as to facilitate open access to gas reticulation systems and promote customer choice in relation to gas supply; and, thirdly, to provide for the adoption of an access code in accordance with which the reticulation and supply of natural gas are to be regulated.

The Minister, the Independent Pricing and Regulatory Tribunal and the review panel, in exercising their functions, are required: to ensure that the public receives the benefit of a competitive gas market and to encourage the development of competitive gas supply in the non-tariff market, with a focus on free and fair trade; to take proper account of the interests of gas users and tariff customers in respect of pricing regulation and other terms of service; to ensure that authorised reticulators and licensed distributors satisfy, so far as it is economical for them to do so, all reasonable demands for the conveyance of gas; to take proper account of the business interests of authorised reticulators and licensed distributors and their ability to finance the provision of reticulation services; to take proper account of the business interests of persons supplying gas to the tariff market; and to ensure that third-party access rights are given effect to in accordance with the access code adopted by the legislation.

The bill provides for an overall framework for third-party access based on the main elements of the access code, the access undertakings to be developed by reticulators and the role to be taken by the Independent Pricing and Regulatory Tribunal. The access code will be external to the legislation but will

be given effect to by an order published in the *Gazette* by the Minister. This document will provide a general, high-level framework for the regulation of third-party access. This approach has been taken as it is intended that the Minister will gazette the national access code being developed by the national gas reform task force when that is available. As an interim measure, a locally developed access code will be utilised, based largely on the expected provisions of the national access code.

The access code sets out the rights and obligations of parties, the regulatory process, dispute resolution methods, and so on. There are a number of references to the access code in the bill which essentially will require that the code will be

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followed by the tribunal and the Minister in exercising their functions. The Minister brings a distribution system under the scope of the provisions of the legislation by gazetting it as a declared distribution system. The reticulator must then establish an access undertaking with respect to the use of that system by third parties. The access undertaking will include tariffs for standard transportation services, pricing principles and information requirements. Access undertakings developed by reticulators must comply with the access code and be approved by the tribunal.

If an access undertaking is not established within three months of declaration of a distribution system, the tribunal may make an access order establishing the access conditions that are to apply to the system. The access order ceases to have effect as soon as an access undertaking is established. Within the parameters set by the code, the undertakings or access orders and any guidelines made by the tribunal, reticulators and potential users will be free to negotiate terms and conditions of access for services. Parties to negotiations on access may seek conciliation, and where a dispute exists as to the terms on which the system user is to be granted access to a declared distribution system, either party may refer the dispute to arbitration. The tribunal will act as arbitrator.

The bill provides for the establishment of a review panel which acts as an appeal mechanism on decisions in respect of access matters, including the tribunal's establishment of access orders, the rejection by the tribunal of a proposed access undertaking or access agreement with an associated system user, or an arbitrator's decision with respect to the terms of an access determination. The grounds for making an appeal will be as set out in the access code. The tribunal will be empowered to conduct investigations for the purpose of exercising its functions, in accordance with provisions in the Independent Pricing and Regulatory Tribunal Act 1992. The tribunal will also be able to direct an authorisation holder to keep specified records and to furnish specified information to the tribunal for the purpose of monitoring the holder's compliance with the legislation and the access code.

The bill abolishes the Gas Council of New South Wales. The function of gas pricing regulation will be undertaken by the Independent Pricing and Regulatory Tribunal, which already regulates electricity tariffs, thus providing a consistent and equitable treatment of competing industries. It is also the most cost-effective option for New South Wales. The existing, fair approach to pricing regulation of the tariff market provided for in the Gas Act 1986 is being continued in the new bill. The tariff market represents 25 per cent of the total market and is made up of domestic customers and small industrial and commercial customers. Existing pricing conditions will be preserved as a transitional provision and will remain in force until new determinations are made by the tribunal. The tribunal will be empowered to make gas pricing orders for natural gas supplied to tariff customers. The bill provides for an appeal against a gas pricing order to a review panel.

AGL gas companies and the Albury Gas Company are currently required to provide pensioner rebates as a condition of their authorisation. The rebates are currently funded through cross-subsidies. As a transitional arrangement these provisions will remain for three years. Pensioner rebates will be included in the current review of social programs by Treasury to seek a common approach with the electricity industry, where pensioner rebates are directly funded by the Government. The Gas Supply Bill includes a mechanism which may be used to enable pensioner rebates to be provided in the tariff market. The Minister may impose a condition on authorisation holders to implement government policy on

community service obligations to tariff customers. This can only occur, however, if the Minister has entered into an undertaking, on behalf of the State, to indemnify the authorisation holder with respect to the costs of complying with that condition. The relevant clause in the bill will not be proclaimed until after the transitional period ceases.

At present industrial and large commercial gas users subsidise small commercial and domestic gas users, the tariff market. These cross-subsidies place New South Wales industry and commerce at a competitive disadvantage with other States. The pricing tribunal will administer appropriate transitional arrangements for the gradual phasing-out of cross-subsidies. The impact of the removal of cross-subsidies on the tariff market will be partially offset by efficiency gains in the distribution system and growth in the volume of gas sold. The AGL gas companies' gas customer reserve account was created by the 1985 legislation which restructured the Australian Gas Light Company. The account preserved an agreed value of \$134 million, to be applied for the benefit of tariff customers. The nominal value of the account has not changed since 1985.

However, the after-inflation value of the account's balance has declined significantly in that time and its long-term benefit to tariff customers will continue to decline. The bill provides for the equity in the gas customers' reserve account to be used for the benefit of gas users, in a manner determined by the tribunal after consultation with the AGL gas companies. The tribunal may approve the use of the account for the mitigation of any adverse impacts arising from the removal of cross-subsidies to the tariff market. Treasury is to examine the extension of the current energy accounts payments assistance scheme to cover gas accounts for households suffering financial hardship. The Gas Supply Bill provides for authorisations for two distinct activities: a reticulation authorisation for a person operating a distribution system for the purpose of conveying natural gas to any other person; and a supplier's authorisation for a person

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who supplies natural gas, either retail or wholesale, to any other person by means of a distribution network.

The bill will apply equally to all authorisation holders, including local government utilities. At present, authorisation fees based on the distributor's revenue are applied, but only to certain distributors. The bill provides for annual authorisation fees to be applied fairly to all authorisation holders, based on recovery of the cost of regulation of the particular authorisation holder. The Minister's role in granting authorisations will continue, but the Minister must now endeavour to consider authorisation applications within six months. The bill now specifies the grounds upon which authorisation may be refused, providing transparency to the process and certainty for market participants. As now, the Minister may attach a wide range of conditions to the authorisation. These may include the period for which the authorisation is to remain in force, the geographical district for distribution, and such other conditions as the Minister may from time to time impose.

The Minister may cancel an authorisation or attach new conditions to the authorisation, but this will now be subject to appeal to the Supreme Court. The existing Gas Act 1986 contains provisions for the separation of the regulated activities of a gas distributor's business from the non-regulated activities. Consistent with this, the bill allows for the regulations to provide for the separation or ring-fencing of gas supply and gas reticulation activities. The access code will define the minimum requirements for ring-fencing of activities. Ring-fencing is essential to ensure that customers are subject to fair and equitable transportation charges. Separation of these activities will enable the cost of the distribution service to be accurately assessed for pricing purposes by the tribunal.

It is also necessary to minimise opportunities for cost shifting between the activities of a distributor's business for competitive advantage and to minimise the risk of anti-competitive behaviour between related parties. Under current arrangements only certain distributors are required to pay a levy to the State Energy Research and Development Fund, amounting to \$1.6 million in 1995-96. On competitive neutrality grounds this requirement is to be removed. However, the fund will be continued using current

balances. The Minister for Energy has recently approved \$2.2 million in funding for energy research projects under this fund which will run for the next three years. The future of the State Energy Research and Development Fund will be the subject of a joint review to be undertaken by the Department of Energy and the Sustainable Energy Development Authority.

The Government recently announced funding of \$65 million for the Sustainable Energy Development Authority, which will be one of the main mechanisms the Government will use for setting and delivering on targets for the abatement of greenhouse gas emissions from the energy sector in New South Wales. The use of natural gas results in the emission of substantially less greenhouse gases than other fossil fuels. As it becomes more price-competitive, as new technologies are developed, and as applications such as co-generation become more common, natural gas will increasingly substitute for other traditional energy sources, reducing greenhouse gas emissions in New South Wales.

The bill carries forward from the Gas Act 1986 provisions dealing with the reticulation and supply of liquefied petroleum gas and gases other than natural gas. It also defines the powers and duties of network operators in connection with the installation, operation and maintenance of their distribution systems. The reforms in the gas industry are being coordinated with those in the electricity industry, both at the State level and nationally. The new energy market will bring about competition both between gas suppliers and also between gas and electricity. Increased and sustained competition will mean lower energy prices for all consumers in the long term.

Gas customers, especially large commercial and industrial customers, will be able to choose between, and contract directly with, competing suppliers. Energy cost savings will improve the competitiveness of energy-consuming industries, leading to higher industry output, more jobs and more efficient use of resources. Third-party access to the distribution network will provide security of supply for natural gas in New South Wales by encouraging producers from the Gippsland Basin in Victoria to compete with those in the Cooper Basin to supply the New South Wales market through interstate transmission pipelines.

Already the prospect of third-party access has been a factor in encouraging two proposals for new natural gas pipelines: one from Longford in Victoria to Wollongong, the other linking Wodonga in Victoria to Wagga Wagga. These proposed pipelines will establish an interconnected grid with the potential for effective interstate competition in the supply of natural gas to New South Wales. This Government looks forward to an integrated energy market amongst the eastern and southern States of Australia. So far as is possible, firms competing in this energy market will face the same regulatory and fiscal regimes. The aim is to avoid giving any market participant a government-provided advantage, or for that matter, placing them at a disadvantage.

The Government will be looking carefully at progress in other States to ensure that local utilities are not disadvantaged in this regard or that New South Wales customers are not disadvantaged because of a lack of progress in other States. After a transition period we look forward to full competition down to the retail level between electricity and gas, with suppliers able to provide

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both energy forms and a wide range of energy services. There is a synergy to be gained from adding a competitive natural gas market to a competitive electricity market. A new competitive energy market in New South Wales that extends interstate will open up a range of customer choices and a range of energy services. Most importantly, barriers to environmentally friendly energy forms will be removed and there will be structural and market pressures to keep energy prices down. I commend the bill to the House.

Debate adjourned on motion by Mr Kerr.

[Mr Deputy-Speaker left the chair at 12.56 p.m. The House resumed at 2.15 p.m.]

PETITIONS

Governor of New South Wales

Petitions praying that the office of Governor of New South Wales not be downgraded, and that the role, duties and future of the office be determined by a referendum, received from **Mr Armstrong, Mr Beck, Mr Blackmore, Mr Chappell, Mrs Chikarovski, Mr Collins, Mr Cruickshank, Mr Debnam, Mr Downy, Mr Ellis, Ms Ficarra, Mr Glachan, Mr Hartcher, Mr Hazzard, Mr Humpherson, Mr Jeffery, Dr Kernohan, Mr Kerr, Mr Kinross, Mr MacCarthy, Mr Merton, Mr D. L. Page, Mr Phillips, Mr Photios, Mr Richardson, Mr Rozzoli, Mr Schipp, Mr Schultz, Mrs Skinner, Mr Smith, Mr Tink and Mr J. H. Turner.**

Capital Punishment

Petition praying that the House will enact legislation to reintroduce capital punishment in extreme cases of murder where there is absolutely no doubt that the offender committed the crime, received from **Mr Windsor.**

Manly District Hospital

Petition praying that the present level of services at Manly Hospital be maintained, received from **Dr Macdonald.**

M4 and M5 Motorway Tolls

Petition praying that the Carr Government be censured for breaking its promise to lift the tolls on the M4 and M5 Motorways; that those responsible for breaking the promise resign; and that all such future proposals be independently audited before they are announced, received from **Mr Souris.**

Disorderly Houses

Petition praying that brothels not be legalised, and that the Disorderly Houses Act be fully enforced to close all brothels, received from **Mr Beck.**

Department of Agriculture Budget

Petition praying that cuts not be made to the budget of the Department of Agriculture, which would result in the loss of expertise, services, research and development, received from **Mr Beck.**

BUSINESS OF THE HOUSE

Notices of Motions

Notice of Motion (for Bills) No. 3, standing in the name of the honourable member for Bligh, called on and lapsed.

REORDERING OF GENERAL BUSINESS

Sydney Showground Site Development

Mr COLLINS (Willoughby - Leader of the Opposition) [2.25]: I move:

That general business notice of motion given this day for tomorrow have precedence on Thursday, 6

June 1996.

The matter of which I gave notice today should have precedence tomorrow because New South Wales taxpayers need to know whether the Government has made a good deal on the Sydney showground. The people of the State are not getting that information from the Government. They did not get any information whatsoever from the Premier yesterday in his answer to a question I asked; they cannot get a straight answer on the showground deal. The Premier has drawn a shroud of secrecy over the showground deal. Every time he is asked a question on the showground, he wriggles, squirms and dodges the question.

Mr WHELAN (Ashfield - Minister for Police) [2.25]: The Government will support the motion.

Motion agreed to.

QUESTIONS WITHOUT NOTICE

HONOURABLE MEMBER FOR LAKE MACQUARIE

Mr COLLINS: My question without notice is directed to the Minister for Health. Did the honourable member for Lake Macquarie gather over 4,000 signatures on a petition for the Government to construct a health facility at Morisset, only to later change the wording of the petition to Westlakes, which is about 25 kilometres away? Why did the Minister fail to act when informed by a local petitioner of what many of the honourable member for Lake Macquarie's constituents regard as a "form of fraud"?

Dr REFSHAUGE: I am delighted to at last be asked a question about health by the Leader of the Opposition. This is the first one. The polyclinic took a helluva long time to get there, but one thing we can say about the honourable member for Lake Macquarie is that he is the best-ever advocate for polyclinics. I am told that people from all around Australia who want a polyclinic are beating a path to his door; they know that he is the only person who can deliver. Many years ago when the father of the present honourable member for Lake Macquarie held that seat he made

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representations for a polyclinic in the Westlakes area. The present member for Lake Macquarie was then Secretary of the SEC for Lake Macquarie. Both he and his father were active in making representations for the polyclinic. Their endeavours were so successful -

Mr SPEAKER: Order! I call the honourable member for North Shore to order. The honourable member for Port Jackson will cease interjecting. The Chair does not appreciate members making background noises.

Mr Fraser: On a point of order. The Minister for Local Government appears to have dropped his bone and is barking.

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

Dr REFSHAUGE: The former Labor Government agreed with the honourable member for Lake Macquarie and his father and said that a polyclinic would be built at Westlakes. That was a commitment made by the former Labor Government.

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

Dr REFSHAUGE: Unfortunately, there was a change of government.

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

Dr REFSHAUGE: It is interesting that the Leader of the Opposition asked this question. He, as Minister for Health at the time, was written to by the former honourable member for Lake Macquarie, who asked when the polyclinic at Westlakes would be constructed.

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

Dr REFSHAUGE: The Minister for Health, now the Leader of the Opposition, responded to the former honourable member for Lake Macquarie by way of letter of 3 April 1989, stating that at that stage there was no intention to proceed with the planning and construction of a polyclinic in the Westlakes area. The previous Government was not going to do a thing about constructing a polyclinic in the Westlakes area. That response was made in 1989, and one would have thought that after some time the Leader of the Opposition, then the Minister for Health, would have realised the error of his ways, or that his replacement, the present Deputy Leader of the Opposition, would have realised the error of the decision made. One would have expected the previous Government to build a polyclinic at Westlakes. But, no, time and again the previous Government rejected the idea of a polyclinic; time and again the previous Government rejected the requests of the people of Lake Macquarie for the polyclinic. The single-mindedness of the honourable member for Lake Macquarie in fighting for his constituents, however

Mr Photios: On a point of order. On a matter of relevance, the question asked by the Leader of the Opposition was clear and precise: it asked the Minister whether he condones forged petitions. That is the issue.

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

Dr REFSHAUGE: I am delighted to have the honourable member for Lake Macquarie talk with my officers and the area health service. The polyclinic, a \$5 million enterprise, is being delivered and will be a tribute to the hard work of the honourable member for Lake Macquarie. It will include community health services, aged and disability resources and services, extended hours primary-care casualty services. The previous Government was not able to deliver those services, but this Government is doing so. The clinic will provide ante- and post-natal services and education on diabetes. The honourable member for Lake Macquarie recognised the problem of diabetes in our society, and insisted on the provision of diabetes education services at the polyclinic. The polyclinic will be a tribute to his commitment.

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

Dr REFSHAUGE: The Government has also recognised the need for cancer treatment at the clinic, another requirement highlighted in the representations of the honourable member for Lake Macquarie. There is a need for the provision of chemotherapy services on an out-reach basis at the Westlakes polyclinic. That imaginative idea came from the honourable member for Lake Macquarie, who listened to his electorate, found a solution, and is making sure that the service is delivered. The clinic will also provide dental services for adults and children.

Mr Collins: On a point of order. The Deputy Premier raised the question of delivery. I allowed that to go for some time before taking this point of order. My point is that the question relates to the delivery to the Parliament of a petition, an unchanged petition.

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

Dr REFSHAUGE: One would have thought that the Opposition would have a few hungry questions about what is going on, on any aspect of government responsibility.

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

Dr REFSHAUGE: This issue was raised weeks ago. The *Southlakes Register* of 23 May devoted its front page to the need for a polyclinic and the fact that the Government is delivering that facility. The Opposition is really behind. There is no way that Opposition members will ever get anywhere near to being in government in this State.

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I am delighted that the honourable member for Lake Macquarie not only persisted with the issue but is prepared to fight continually for the interests of his constituents, whether that relates to the provision of a polyclinic or other facilities in his electorate.

POLICE DISCIPLINE

Mr CRITTENDEN: Could the Minister for Police advice the House of the difficulties within the police disciplinary system and the means of addressing those difficulties?

Mr WHELAN: As honourable members would be aware, last night I reintroduced the Police Integrity Commission Bill and the Police Legislation Amendment Bill, after extensive consultation. Now that the bills are before the House we must turn our minds to other outstanding issues - in particular the police disciplinary system. It has been clear for years that the police disciplinary system is in need of a major overhaul. No-one should forget the notorious "Chook" Fowler, who beat the system on 13 separate occasions and was still a serving officer when exposed by the royal commission.

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

Mr WHELAN: No-one should forget the infamous Trevor Haken. And, of course, no-one should forget the central coast detective Wayne Eade, who was exposed by the royal commission as a drug and vice king. The rumblings about the police disciplinary system are not new. It is sad to note that in June 1994 the Ministry for Police prepared a draft discussion paper about reform for a coalition Cabinet subcommittee. But the coalition - those opposite - failed to act to remove police who were convicted of serious crimes. Currently, department charges can be laid against any officer who breaches discipline or is criminally prosecuted for an offence. But the procedures are protracted, complex and inefficient and they differ from the procedures that apply to all other public servants.

Mr Hartcher: On a point of order. I have listened to the Minister's answer and I now raise a point of order under Standing Order 137(5), which relates to questions anticipating discussion upon an order of the day. The two bills to which the Minister has referred have been introduced, they are on the notice paper, they relate to police integrity and police discipline and they are now at the second reading stage. The Minister for Police is anticipating the debate on those bills.

Mr WHELAN: On the point of order. The question asked about difficulties within the police disciplinary system. It does not relate to the bills. The honourable member for Wyong is entitled to ask the question, and I submit that there is no point of order.

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

Mr WHELAN: As at 20 May 1996 more than 200 serving sworn police have recorded entries for convictions in the criminal histories system - some dating back to 1968. More than half of the convictions relate to alcohol, personal drug use and traffic offences. But the rest relate to more serious crimes such as stealing; false pretences; assault occasioning actual bodily harm; larceny; malicious damage; break,

enter and steal; sex offences; possession of explosives; drug dealing; conspiracy to pervert the course of justice; and malicious injury. I should make two points clear. As the Premier and I have said on many occasions, the Government believes that the vast majority of police are hard working and honest, and that corrupt police are in the minority.

Police officers are like any other group in our community: they have human foibles and failings. But there are too many police with serious criminal convictions still serving in the Police Service. I am pleased to advise that the Government has already turned its mind to this very difficult issue. It has been working with the Police Association, the Labor Council and the Department of Health in relation to drug and alcohol abuse within the Police Service. A working party chaired by my parliamentary secretary, the honourable member for Bulli, has prepared a draft random drug and alcohol testing policy. After final agreement is reached, I will introduce legislation in this regard. I can also advise the House that the Police Service policy on recruitment of applicants was reviewed last year. The policy is uncompromising in relation to applicants with criminal records. It says that applicants for police employment with adult criminal records will be rejected. Applicants with serious traffic records will not normally be acceptable. Applications from persons subject to current apprehended violence orders will be rejected.

Mr Jeffery: On a point of order. The Minister is now announcing Government policy. He should be making a ministerial statement.

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

Mr WHELAN: The community has a right to expect the highest possible standards from its police. If you are a crook, do not bother applying for a job in the New South Wales Police Service. But the problem remains: what do we do with police within the service who have serious criminal records? The Government, unlike the coalition, will not ignore the problems in the system. The ministry paper, as I mentioned earlier, recommends a complete overhaul of the disciplinary system and its replacement with a revised system. The royal commissioner described the existing system as "complex and convoluted" and the number of dismissed police who have been reinstated following appeals to the Government and Related Employee Appeal Tribunal was highlighted by him as of "concern". His Honour said the disciplinary system needs to be "addressed" but the commission "wishes

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to examine the disciplinary process further, and make recommendations in its Final Report". To ensure that we are ready on this important issue, I will be asking the industry consultation group to make the future disciplinary system a priority. The Carr Government will be ready to move as soon as the royal commissioner indicates his preferred approach.

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

Mr WHELAN: Finally, the onus is now on Opposition members, the people who said in 1994 that there was no need for a royal commission. They have to decide whether to support the Government in its determination to get rid of crooks in the New South Wales Police Service. They must now vote for the Police Integrity Commission Bill and the Police Legislation Amendment Bill to ensure that corrupt police are fast-tracked out of the New South Wales Police Service.

HONOURABLE MEMBER FOR LAKE MACQUARIE

Mrs SKINNER: My question is directed to the Premier. Do the standing orders of this Parliament prohibit changes to petitions after signatures have been obtained? Does the Premier condone the actions of the member for Lake Macquarie in betraying 4,000 of his constituents - an act which has been described as a "form of fraud"?

Mr Whelan: On a point of order. The standing orders are a matter for the Standing Orders and

Procedure Committee. You should refer the question to the Standing Orders and Procedure Committee.

Mrs Skinner: On the point of order. That is a most spurious point of order. The question was directed to the Premier and asked whether the Premier condones the actions of a member of this Parliament. It did not ask about the circumstances of the actions.

Mr Whelan: If that is not a question asking for a legal opinion then nothing is.

Mr Hartcher: On the point of order. What the question seeks to establish is a fact - the Premier's attitude towards a certain course of conduct. The question was prefixed by the statement about the House's standing orders. It is the responsibility of each member of this House to know and understand the standing orders, as interpreted by you, Mr Speaker. The Premier can be asked, as you have ruled, a question on any matter relating to public affairs in this State. This is a matter relating to the public affairs of this State because it relates to the conduct of the Parliament itself.

Mr Knight: On the point of order. As well as all the other errors in the question, the member for North Shore is anticipating debate, because it has already been decided by this House that the censure motion will come on after question time.

Mr SPEAKER: Order! I will allow the question.

Mr CARR: Remember the old days when there would be a question from the Leader of the Opposition and then one from the Leader of the National Party. What is remarkable in recent weeks is that the Leader of the National Party has been dropped to the bottom of the list. The Opposition is ashamed of him. He is just sitting it out until the Olympics when he is going to slip away -

Mr SPEAKER: Order!

Mr CARR: Remember the old days when -

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

Mr CARR: Why did the Leader of the Opposition not ask me this question?

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

Mr CARR: The Leader of the Opposition was a failed health Minister, a failed Minister for State Development, a failed Treasurer and a failed Attorney-General, and now he is a failed Opposition leader. His only achievement in government was to make himself a Queen's Counsel. I have every confidence in the way in which the honourable member for Lake Macquarie performs his duties on behalf of his great electorate.

FOOD HYGIENE

Mr MILLS: I ask the Deputy Premier, Minister for Health, and Minister for Aboriginal Affairs: what is the Government doing to improve food hygiene in the light of decisions made by the previous Government?

Dr REFSHAUGE: In 1993 the then health Minister, the honourable member for Miranda, amended the Food Act to omit the statutory role of the Food Advisory Committee in recommending changes to food regulations. Why did he do this? Because the Food Advisory Committee had the gall to question his decision to water down new food regulations on smorgasbords and salad bars. This decision put many

thousands of people at risk of dangerous food-borne diseases. On whose authority did the former health Minister base his decision, if he was not going to take advice from the Food Advisory Committee? None other than the proprietor of an up-market holiday resort just north of Sydney - but more of that later. In 1988 and 1989 the New South Wales health department food inspection branch identified significant health risks associated with self-service foods such as those available at smorgasbords and salad bars.

Video cameras used to monitor the handling of food in self-service environments highlighted serious breaches of food hygiene regulations. Customers

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ate food from food displays with their fingers or ate from serving utensils, raising the risk of food-borne diseases being spread to other patrons. In addition, open self-service displays were also vulnerable to inadvertent exposure to air-borne infections, and customers sneezing or coughing over the food. Following these investigations, two symposiums were held with the food industry. The meetings reached consensus that food must be protected from contamination by means of a suitable appliance and effective supervision

In accordance with section 90(1) of the Food Act 1989, the Food Advisory Committee formulated the Food (General) Regulation 1992. Clause 36(1) of the regulation as drafted by the Food Advisory Committee said, "a person must not sell self-service food unless it is protected from contamination by means of a suitable appliance and is effectively supervised". That is an important "and", specifically because it meant that customers would be protected from both inadvertent airborne infections and also from unhygienic behaviour. However the regulation introduced by the Deputy Leader of the Opposition said, "A person must not sell self-service food unless it is protected from contamination by means of a suitable appliance or is effectively supervised."

The Deputy Leader of the Opposition replaced the "and" with an "or" and thus took away a significant protection for the people of New South Wales. Under his amendments food outlets can legitimately ignore one of two major routes for the transmission of dangerous diseases. He did this against the recommendation of the Food Advisory Committee. When he put up the Ex-Co minute to the Governor for signature he claimed that it stated that the regulations were made on the advice of the Food Advisory Committee. When the committee, at its meeting on 28 September 1992, expressed concern over the changes the Deputy Leader of the Opposition had a response to hand. He did not change the regulation back to its correct form, instead he sacked the committee. He introduced an amendment to the Food Act which basically removed the role of the Food Advisory Committee. The Minister did not like the ruling so he got rid of the referee.

The people of New South Wales have a right to be mystified by the Deputy Leader of the Opposition's change of heart in regard to self-serve food. The food industry had agreed to the Food Advisory Committee's recommendation. The Government has opened the files and had a look, and there is no record of any letter or any representations suggesting that the regulation should be changed. Nobody said that the Food Advisory Committee was wrong, and there were no letters suggesting a change. However, one courageous departmental officer has told us that he was told by the Deputy Leader of the Opposition that the Deputy Leader of the Opposition was lobbied by an up-market holiday resort close to Sydney. Picture it now! The Deputy Leader of the Opposition liberally applying the suntan oil, lying there with the resort manager bringing him his mineral water and saying to him, "What about watering down the food regulations?" Only mad dogs, Englishmen and the Deputy Leader of the Opposition go out in the midday sun! Unfortunately the people of New South Wales were put at risk by the foolhardiness of the sybaritic Deputy Leader of the Opposition.

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

Dr REFSHAUGE: Clearly the resort manager would never have imagined that a word in the ear of this Minister could have totally changed the food regulations. He was wrong! I am sure all members of this House will join me in condemnation of that member's actions. I do not know why the Deputy Leader

of the Opposition considered this a good excuse for undermining disease prevention. I do not know why he claimed to have taken advice from an up-market resort rather than the Food Advisory Committee. I do not know why he lied to the Governor. He put up this Ex-Co minute to the Governor and lied to the Governor.

[Interruption]

He lied to the Governor. It was an irresponsible act to change the regulation against the recommendation of the committee. It was a vengeful act to remove the committee because it dared to criticise him.

Mrs Chikarovski: That is two. What is the third act?

Dr REFSHAUGE: Do you want to lie to the Governor too? I am happy to inform the House that the Carr Government is acting responsibly in restoring the right regulation so that we can protect the people of New South Wales. The Government, in remedying such wrongs, seeks to restore the confidence of the people of New South Wales following the disasters of the former Government.

COMMISSIONER OF POLICE

Mr TINK: My question without notice is directed to the Premier. Has the Government provisionally offered the position of Commissioner of Police to British Police Training College Director, Peter Ryan, subject to Cabinet approval? Why then did the Premier meet with Mr Ryan despite his admission today that he has not yet received a recommendation from the Police Board about the position?

Mr CARR: The Government has not received a recommendation from the Police Board.

PRISONER SECURITY

Mr GAUDRY: My question without notice is addressed to the Minister for Corrective Services, and Minister for Emergency Services. What

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information can the Minister give about an attempted escape by three serious offenders this morning from a prison van at Mittagong?

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

Mr DEBUS: I thank the honourable member for his most serious question. From time to time Opposition members and others make unjustified attacks upon the efficiency of hard-working prison officers as they try to perform one of the toughest jobs there is.

Mr Hazzard: Are you talking about me or Kerry?

Mr DEBUS: And you. Today I am able to report to the House on an instance illustrating the diligence that officers employed by the New South Wales Department of Corrective Services must daily demonstrate in protecting the community. Today at 8.30 a.m. a prison van left the maximum security Goulburn Correctional Centre carrying three serious offenders who were due in Sydney for court appearances. The inmates were of the highest classification and were guarded by two prison officers in one of the state-of-the-art transport vans which are now used to move inmates from courts to prisons across the State. The three inmates are serving sentences for extremely serious offences including murder, malicious wounding and armed robbery. The prison van left Goulburn without incident and began its run along the M5 motorway. Modern prison vans have specially reinforced steel structures and

are equipped with the latest in video technology.

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

Mr DEBUS: Prison officers, who are armed, monitor the inmates who can be held in separate compartments.

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

Mr DEBUS: I understand that this morning as the prison van travelled from Goulburn and neared the town of Hilltop the prison officers observed one of the inmates, Latoo Fata-fehi, tampering with the bolts on the grille on the roof of the van.

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

Mr DEBUS: The officers say that as they watched on the video camera Fata-fehi appeared to be trying to break out through the reinforced grille with the intention of then kicking out the exterior of the van. The officers responded quickly, and in line with departmental procedures contacted the nearest police station - Mittagong - and advised the officers there of the situation. The van was driven straight to the police station to ensure that the tightest possible security was in place when the doors to the van compartment were opened. The effectiveness of that procedure was vindicated when a violent scuffle erupted between the officers and the inmate seen tampering with the grille. He was eventually taken into the police station before being moved to Bowral courthouse to face charges of attempted escape. The other inmates, John Travers and Stephen Fuller, have faced charges over the incident. Needless to say, security at the court was high and they are now, under additional escort, being moved back to Goulburn prison where they will be held under the strictest security.

I am unable to provide more detailed information on the incident as the precise facts will be matters for the court to determine. Today's incident has demonstrated not just that the department's transport procedures are effective but that the vigilance and responsiveness of the officers, hand-picked to work in these stressful conditions, are more than up to the task. Of course this incident will be fully investigated. This has been a test of the transport unit of the department, and while they have responded with exemplary initiative, if the investigation reveals the need for any finetuning, that will be done. The core role of the New South Wales Department of Corrective Services' is to protect the community, and through its officers' actions today our confidence in it has been affirmed.

Goulburn prison holds some of the most serious offenders in New South Wales. The officers who work there face stress and huge responsibility every working minute. It is a great pleasure for me to be able to praise them for a job well done. All too often, as demonstrated in the last few minutes, people on the other side of the House are willing to make politically opportunistic attacks upon the efficiency of correctional staff. Of late there has been criticism by people who apparently cannot properly discriminate between a dangerous criminal who breaks out of maximum security and a shoplifter who walks away from a prison farm because he has heard that his wife is going to leave him.

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

Mr DEBUS: I would be the last person to be complacent about any escape. New South Wales prison officers, however, can be proud of the fact that over the last 18 months maximum security has been breached only once, which has been the subject of a massive investigation, itself leading to many security improvements. The latest incident vindicates the Carr Government's decision to concentrate security improvements where they count in the prison system, that is, in maximum security areas. Prison officers are our protectors at the most basic and important level, and they have proved again today that they deserve our praise. I should also say that, given the infamy of one of those allegedly involved in this

incident, the Government has ensured that the family of his victim is provided with all the information they might need to assure them of the security surrounding that inmate.

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CONDOBOLIN POLICE NUMBERS

Mr ARMSTRONG: My question without notice is directed to the Minister for Police. Is the Minister aware that an off-duty policeman and his wife were savagely bashed in Condobolin's main street recently? In view of this blatant and violent lack of respect for law and order, will he now provide Condobolin and all other country communities with an adequate level of police protection so that country streets can be safe again?

Mr WHELAN: I would have thought that a question that dealt with the physical injuries to people in rural New South Wales, or anywhere in Sydney, would have been a top priority question for the Opposition today. I will obtain the information and provide an answer to the House in due course.

PUBLIC TRANSPORT SERVICES

Mr ANDERSON: My question is directed to the Minister for Transport, and Minister for Tourism. What is the Government doing to make State Rail timetables meet the needs of the fare-paying public?

Mr Hartcher: Why don't you learn English?

Dr Refshauge: On a point of order. When the honourable member for St Marys was asking his question, the honourable member for Gosford interjected and said, "Speak English", or words to that effect. I find that offensive.

Mr SPEAKER: Order! The Chair was deaf to that comment. There is no point of order. I call the honourable member for Bega to order for the second time.

Mr LANGTON: Is the honourable member a bit lonely over there? Where are his mates? Don't his shadow ministers turn up for question time? Where are they?

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

Mr LANGTON: As honourable members would be aware, today is World Environment Day, a particularly appropriate day to occur in the middle of National Public Transport Week.

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

Mr LANGTON: It is the strong connection between public transport and quality of life which lies at the heart of this Government's unwavering commitment to attracting ever-increasing numbers of commuters back to public transport.

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

Mr LANGTON: The importance of public transport in cutting smog is amply illustrated by the fact that for each bus operating on our roads, at least 40 cars are not contributing to air pollution. If one multiplies that figure across the entire public transport network it is clear that the Government can best improve air quality and safeguard the health of New South Wales residents by promoting and improving

the public transport system. Earlier today I presented a special award in the public transport derby, a competition in which 10 teams using public transport were asked to visit 50 sites around Sydney before 1 p.m. Armed only with bus, train and ferry timetables, the teams set off from Parramatta station at 7 a.m. and rendezvoused on the steps of Parliament House at 1 p.m. I am delighted to say that the competitors all reported a significant improvement in their ability to negotiate the set course. With the Government's commitment to improved public transport, the trend can only continue. In the recent estimates committees I was asked to define the term world's best practice in relation to the Government's public transport goals. I am only too happy to repeat that answer now.

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

Mr LANGTON: World's best practice is about people more than it is about dollars and cents, unlike its meaning in the past seven years; it is about running an effective public transport system that everyone in Sydney would prefer to use rather than their private vehicles; it is about a system that provides the highest level of service with the minimum possible contribution from the taxpayer.

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

Mr LANGTON: The question - and it is obviously a question that was not asked by honourable members opposite - is: how do we achieve this? How does the Government provide the service that people want, which will take them where they want to go, at the time they want to go there? The answer is simple: we ask them. Today I have invited all western Sydney residents to attend a series of public forums in which they can have their say on how best to improve public transport in western Sydney. The process of public consultation extends right across the entire public transport network.

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

Mr LANGTON: The Government embarked last year on the most extensive program ever to seek public input into the CityRail timetable. Thousands of questionnaires were issued to commuters, and a number of public workshops were held in locations across the CityRail network. I am pleased to report to the House that there was an unprecedented level of public input, which continued after the findings were summarised in a

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December 1995 report proposing a number of possible solutions. That timetable is still being finalised, but I am pleased to be able to foreshadow a number of changes to the south, west and north suburban line services which will be made at the request of local commuters. The timetable will become effective from 3 November, but it will be released later this month to permit bus timetable adjustments, to maximise intermodal co-ordination. These timetable changes will, for the first time, fully integrate south-to-west services. In response to the requirements of passengers, they will provide more services and more seats on peak-hour trains on the East Hills and western lines.

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

Mr LANGTON: The changes will also take into account the needs of the thousands of commuters who travel from the central coast to work in Sydney each day. I am delighted to be able to provide the House with some details of the principal improvements to the timetable. Services between Campbelltown and Blacktown will now be supplemented in peak periods by additional trains between Liverpool and Blacktown every 15 minutes. Peak-period services between Liverpool and Campbelltown will be doubled from two trains every hour to four trains, and there will be two additional trains in the main peak hours between St Marys and the city.

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

Mr LANGTON: These additional trains will also benefit residents who live at Rooty Hill, Doonside, Toongabbie, Pendle Hill and Wentworthville. Most importantly, they will help to relieve crowding on Richmond line services.

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

Mr LANGTON: Most peak-period, and all off-peak period, Blue Mountains trains will now stop at Westmead at the request of health service workers and the thousands of people who travel to and from the area every day. Toongabbie, Pendle Hill and Wentworthville off-peak frequencies will triple from two to six trains per hour, including the Y-link services to the southern line, and peak-period train services at Lidcombe will double from four to eight trains every hour. Off-peak frequencies on the Carlingford line are to be improved. Additional fast peak-period trains will be scheduled from Macarthur and Campbelltown to the city, via East Hills, including new services in the shoulder and high peak periods. The demographic and geographical centre of Sydney has been given special attention. Additional direct services between Bankstown and Parramatta will increase the peak-period service to six direct trains in the morning and five in the evening.

Mrs Chikarovski: On a point of order. In order to conserve the time of the House could I suggest that the Minister table the timetables.

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

Mr LANGTON: In line with a multitude of requests from central coast commuters, there will be more central coast trains to the city.

Mr Hartcher: Hear! Hear! At long last!

Mr LANGTON: The former Government did not do anything. All it did was cut out services. A new direct service from Wyong to Parramatta and return will be introduced, along with an additional hourly off-peak service between Newcastle and Morisset.

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

Mr LANGTON: The prime southern highlands peak period services will be provided with a direct connection to Parramatta from Glenfield. These timetable improvements are the direct result of input and feedback from CityRail customers.

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

Mr LANGTON: Obviously the proposed November timetable will not be able to incorporate every suggestion or request. However, timetable review is a continuous process, and all worthwhile requests will be evaluated with a view to inclusion in future timetable revisions. I look forward to releasing the new publicly designed CityRail timetables later this month.

STATE OFFICE BLOCK LEASEHOLD SALE

Mr SOURIS: My question without notice is directed to the Minister for Public Works and Services. Did the Minister reject an offer for the State Office Block that was \$20 million higher than the fire sale price of \$69 million he accepted? Was the reason behind this rejection the fact that the higher bidder divested its interests in a tollway company one week before the State by-elections, placing the Government's broken tolls promise back on the political agenda?

Mr Whelan: On a point of order.

Mr SPEAKER: Order! I anticipate the point of order. I ruled on this matter yesterday when I gave the honourable member the opportunity to rephrase his question. I uphold the point of order.

RESIDENTIAL AGRICULTURAL HIGH SCHOOLS

Mr LYNCH: My question without notice is addressed to the Minister for Education and Training. Will the Minister advise on the new funding arrangements for residential agricultural high schools?

Mr AQUILINA: I am delighted to answer this question from the honourable member for Liverpool about the benefit the Government has

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given to the three residential agricultural high schools in the State - a benefit, I might say, which was not a commitment of the Government. The Government has now reached the stage where it is actually providing benefits that it never promised. It is not just a big tick, because the Government is way beyond ticks; it is into providing caring services, particularly in rural New South Wales. There are many country members on the Opposition benches but the only honourable members who care about country areas are the country members on the Government side of the House. I am pleased to rate among those a distinguished graduate of one of the schools I will be referring to, Hurlstone Agricultural High School, which is the alma mater of the Minister for Mineral Resources, and Minister for Fisheries.

Mr Hazzard: Table the country members on your side.

Mr AQUILINA: I would be very glad to table the country members on our side and to include the honourable member for Clarence. Good on you, Harry! From 1 July this year, for the first time in New South Wales, residential agricultural high schools will be allowed to keep the profits from their farms. The Leader of the National Party has a very strange look on his face. The coalition could have delivered this initiative during the seven years it was in government. The agricultural high schools presented petition after petition but the former Government did nothing about it. Previously the funds raised above a minimum target had to be returned to the department, boosting general revenue but not helping the schools in any way. For years the schools complained that they were being treated unfairly but while the National and Liberal parties were in government the unfair funding arrangements did not change. The Opposition when in government would not listen and would not act on the request of the schools.

The change which has now finally occurred gives the schools the potential to generate additional funds to improve their boarding facilities and replace farm equipment. In addition, over the next three years the schools will be given a seeding grant of \$590,000 between them. This will help repair or replace farming equipment and boarding facilities that had been left to run down while the National Party had a say in government. The schools will use the grant to purchase the latest financial management software package. The department will also provide additional financial management and computer training for school staff, as requested. It is strange that the National Party ignored these schools - two of the three are in country areas. All residential agricultural high schools will benefit. The schools are: Farrer Memorial Agricultural High School at Tamworth - and I am sure the honourable member for Tamworth will be pleased; Yanco Agricultural High School at Yanco in the Riverina area - and I am sure I will receive lots of plaudits from the honourable member for Murrumbidgee for this; and Hurlstone Agricultural High School at Glenfield in Sydney's south-west, and I thank the honourable member for Liverpool for asking the question.

The decision to change the funding arrangement was made following a Department of School Education review. The review gave the representatives of the schools a chance to explain their problems and help find a solution. Honourable members should notice the consultative approach of the Government. It is all the time asking for opinions and requesting people to be involved. The representatives told the review that existing funding did not meet their unique needs. They could not

replace ageing farm equipment and machinery essential to keeping their students up to date. In fact, there was no identified funding source for replacement of hostel and farm capital equipment at all. To make the situation even more difficult, the representatives said that the schools could not help themselves because their profits were being taken away. The new arrangements help the department and the schools work together to solve their long-term problems, to increase incentive and to fully cater for the needs of all their students. Now they will keep all the revenue from boarding fees and farm sales.

The schools have fully supported the recommendations in the review. They have also agreed to play their part. The schools will improve farm management and use some of the funds generated to cover farm and boarding expenses. However, the existing level of subsidies will be maintained at the present rate. All education costs will continue to be fully covered by the department. The students and schools will benefit by having increased incentive and being rewarded for their efforts, rather than seeing profits vanish into a central pot. The schools are optimistic about their profitability, and with good cause. In 1993-94 the schools raised an extra \$290,000 between them, on top of the target set by the department. Of course, the former Government took all of that away. Now with extra incentive, only time will tell how well they can perform. Despite years of asking for this opportunity, the schools were ignored by the former Government until only a few months before the 1995 election, when token steps were taken to start looking into the matter. These new funding agreements are further proof that a caring, Carr Labor Government is catering to the needs of country people.

STATE OFFICE BLOCK LEASEHOLD SALE

Mr SOURIS: My question without notice is directed to the Minister for Public Works and Services. Was the reason the Minister rejected an offer for the State Office Block of \$20 million more than the one he actually accepted based on the fact that the losing bidder recently divested its interest in a tollway company, at considerable embarrassment to the Government?

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Mr SCULLY: What a grub, Mr Speaker! What a grub!

Mr Cochran: On a point of order. The language of the Minister is offensive to the honourable member and he should withdraw the remark and apologise.

Mr SPEAKER: Order! I believe the phrase used by the Minister is a bit unbecoming. However, the difficulty the Chair has is that the Minister did not name a member when he uttered that phrase and, therefore, the Chair has difficulty in pursuing the wishes of the member for Monaro.

Mr SCULLY: I am disappointed and appalled.

Mr Photios: What a grub!

Mr SPEAKER: Order! In the light of the comment I made, the member for Ermington will withdraw that remark.

Mr Photios: I withdraw the remark.

Mr SCULLY: The Opposition has the gall to ask this question. As we heard yesterday from the Premier, the coalition Government put the State Office Block up for sale on four different occasions between 1989 and 1995 - four failures. Lend Lease was successful in purchasing the State Office Block for \$69 million, unconditional.

Mr Souris: One of the great success stories in the annals of great risk!

Mr SCULLY: The Deputy Leader of the National Party has asked the question. Does he want an answer or not? Leightons offered an amount of money to the Government which was in excess of the amount offered by Lend Lease. There is nothing amazing about that. As honourable members would be aware, and as the former Minister for Finance would be aware, when government assesses offers put to it in respect of disposal of surplus assets one has to make a calculation of net present value. The amount of net present value calculated for the Leightons offer was \$72 million. So we have an offer of \$72 million which is conditional on finance and is conditional on development approval. The Deputy Leader of the National Party, in his approach to the disposal of surplus assets in this case, would say, "Just take it, it is more than Lend Lease offered," even though it is subject to finance and subject to development approval.

Mr Souris: Your tender process collapsed.

Mr SCULLY: It did not collapse. It is clear from the history of this matter that it was not appropriate, on behalf of the taxpayers of this State, to have a sale that was subject to any conditions. We made the right decision: that this would be an unconditional sale, no risk to the people of this State. For a few extra million dollars -

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

Mr SCULLY: The only people who did the wrong thing by the taxpayers in this State were the lot opposite when they did not accept the offer that was allegedly put to them when they were in government.

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

Mr SCULLY: I take great offence at the suggestion that the tender process was anything other than fair, accountable and open. I want to name the people who were on the tender committee.

Mr SPEAKER: Order! If the honourable member for Gosford attracts the attention of the Chair for disorderly conduct he will leave the Chamber.

Mr SCULLY: The Deputy Leader of the National Party has reflected on the integrity of the people on the tender committee: Mr K. Fennel, probity auditor, of Kevin T. Fennel and Associates, and former Deputy Auditor-General; Mr David Morton, convener, Commercial Business Division, Public Works and Services; Mr Norm Johnston, Client Services Division, Public Works and Services; Mr P. Dempsey, valuer, Director, Valuation Department, Knight Frank Pty Limited; Mr J. Dicer, of the Legal Services Branch, Public Works and Services.

Mr Souris: Who was the Minister?

Mr SPEAKER: Order! I place the Deputy Leader of the National Party on three calls to order.

Mr SCULLY: There was a unanimous recommendation of the independent tender committee.

Dr Refshauge: He should apologise.

Mr SCULLY: He should. I resent his reflection on these good, hardworking public servants. I have to say that the Department of Public Works and Services -

Mr Souris: They worked for the previous Government.

Mr SCULLY: They did work for the previous Government. We value the integrity of the tender

process set up by this Government. I think it disgraces this House that the honourable member would impugn the good name of those people, who operated a tender process that was fair, open and accountable. I say to the honourable member: it is your call; if you think there is anything untoward in this, you report it to the appropriate authorities - and it will get a clean bill of health. But first you have to apologise to the people whom you have impugned.

Questions without notice concluded.

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CONSIDERATION OF URGENT MOTIONS

Mine Safety

Mr MARTIN (Port Stephens - Minister for Mineral Resources, and Minister for Fisheries) [3.26]: I shall give the short and succinct reason that this matter should be dealt with now. I refer to mine safety, one of the great concerns to this State. This serious problem has come to a head and we have to send signals to all those involved in the mining industry - from those in the boardroom to the newest employee, from the union to my department, everyone - to make mining safer. Last Monday week a two-day seminar commenced in Mudgee to discuss mine safety -

Mr Photios: On a point of order. I am reluctant to take a point of order so early, but in the spirit of recent points of order, such as that taken by the honourable member for Londonderry, in respect of these five-minute explanations, it appears clear that the Minister is discussing a conference held two days ago and is detailing the results and determinations -

Mr SPEAKER: Order! What is the point of order?

Mr Photios: The Minister is canvassing and debating the issue. He is not establishing why the matter is urgent.

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

Mr MARTIN: It is urgent that every part of the mining industry addresses the serious problem of mine safety. Recently we had the Endeavour mine explosion, the Chain Valley Bay problem a fortnight ago resulting in two miners having to be flown to Sydney with burns to 40 per cent of their bodies, and last week the south Bulli mine was evacuated because of high levels of gas. At the Elura mine at Cobar two million cubic metres of material collapsed. I am still waiting for a report on that incident. There have been four deaths while I have been Minister for Mineral Resources and in that time -

Mr Hartcher: Which does not say much for your administration.

Mr MARTIN: The honourable member for Gosford interjects. You ought to realise that the incidence of deaths in mines is absolutely appalling.

Mr Photios: On a point of order. It is clear that the Minister is not directing his remarks through the Chair. He should be directed to direct the remarks that he will make in the few minutes remaining to him through the Chair so that we can get on with the business of determining the priority of the matters.

Mr SPEAKER: Order! The honourable member for Ermington knows that it is usual for a member to reply to interjections, and that is what the Minister was doing.

Mr MARTIN: It is inappropriate for any honourable member to interject when I am talking about deaths in mines and make light of that. Serious mining accidents have occurred in the past two weeks.

The lost time frequency index is an index for measuring mine accidents.

Mr Photios: On a point of order. We are about to hear a detailed explanation about an index, which is an issue of substance; it has nothing to do with the establishment of urgency. I ask you to direct the Minister to return to addressing urgency.

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

Mr MARTIN: I want this matter debated to bring to notice that tomorrow's meeting must come to firm decisions about mine safety. I look forward to the Opposition joining me in my efforts to drive mine safety to a higher level. The meeting tomorrow has been convened as a matter of urgency because of the number of recent mine accidents. We must get the message across that problems such as those that occurred at Elura cannot be allowed to continue. We have inadequate systems to protect those who are working underground.

Ms Machin: On a point of order. The Minister may have concluded his remarks, but he was debating the substance of the matter he seeks to have debated, not the urgency of it. I ask that all honourable members putting their cases bear in mind the standing orders.

Mr SPEAKER: Order! The Minister's time for speaking has expired.

Western Sydney Stereotyping

Mr COLLINS (Willoughby - Leader of the Opposition) [3.31]: This matter is urgent because the comments made by the Minister for Police in this House -

Mr E. T. Page: On a point of order. The Leader of the Opposition has so far made only one short statement, but by that statement has indicated that he is out of order. He is talking about a matter that occurred last week. We are talking here about matters of urgency. A matter that occurred last week cannot be the subject of a motion of urgency. Mr Speaker, I ask that you rule this matter out of order because the matter being raised by the Leader of the Opposition is not a matter of urgency; it is a matter of convenience which should have been raised last week.

Mr SPEAKER: Order! Although the point of order may have some substance during debate on a substantive motion, it has no relevance to debate on the issue of priority.

Mr COLLINS: Last night Ashfield Council was so fed up with the local member's attitude and with his lack of interest in his area, and so incensed

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at the derogatory comments made by him about Sydney's west, that it censured the Minister for Police for the comments that he made.

Mr E. T. Page: On a point of order.

Mr COLLINS: Mr Speaker, put him out. He is wasting the time of the House.

Mr E. T. Page: On a point of order. The Leader of the Opposition has made no mention of urgency in his contribution. He is going to the crux of the matter; he is debating the issue. Nothing he has said so far indicates that there is any urgency in this matter. He should be arguing the urgency of the notice. He has not done that; he wants to argue the issue -

[Interruption]

Mr SPEAKER: Order! The Minister is entitled to take a point of order.

Mr E. T. Page: The main point that the Leader of the Opposition has made so far concerns a motion moved last night by Ashfield Council, which has nothing to do with the urgency of the matter before this House. He should debate the reasons for urgency and not the substantive issue.

Mr SPEAKER: I uphold the point of order. I have ruled consistently that the substance of the motion is not to be debated. The purpose of this debate is to establish which notice for urgent consideration should receive priority.

Mr COLLINS: What can be more urgent? The elected representatives of the people of western Sydney - councillors in western Sydney local government areas, including Ashfield - last night expressed their concern, correctly -

Mr Whelan: On a point of order. This matter has been long outstanding. The Opposition has had more than ample opportunity -

Mr SPEAKER: Order! There is no point of order. If the honourable member for Wakehurst continues to behave as he has, he will be removed from the Chamber. He is on three calls to order.

Mr COLLINS: This matter is urgent because Ashfield Council condemned the Minister for Police last night. This is the first opportunity this House has had to raise this matter. Your council condemned you for your lack of -

Mr E. T. Page: On a point of order. There are 177 councils within the State. There is no urgency about an honourable member saying in this House that a council passed a motion last night and therefore it is a matter of urgency for this House.

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

[Time expired.]

Manly District Hospital Services

Dr MACDONALD (Manly) [3.36]: I have a genuine matter of urgency that I would like to draw to the attention of the House for consideration. The matter is one of urgency because of community and health safety issues relating to health services within my electorate. There is an air of uncertainty, despair and morale within my community as a result of actions that have been taken by the Northern Sydney Area Health Service relating to services on the peninsula. The urgency relates to the fact that the Northern Sydney Area Health Service is currently undertaking an asset strategic review, the results of which are about to be provided to the community. It is a matter of urgent consideration because I would like intervention by the Minister for Health. In my urgency motion I am calling upon the Minister to intervene in this matter.

Mr Gibson: On a point of order. Standing orders provide that a member who wishes to move a motion for urgent consideration must establish why his matter should receive priority over other matters notified to the House. The member is not to go to the substance of the matter to be raised. He has to prove to the Chamber that his motion should be heard today and he has to give the reasons for that.

Mr SPEAKER: Order! If the honourable member for Northcott continues to interject, he will leave the Chamber.

Dr Macdonald: I object to being gagged by the member for Londonderry.

Mr SPEAKER: Order! Is the honourable member for Manly speaking to the point of order?

Dr Macdonald: No, Mr Speaker.

Mr SPEAKER: Order! What the honourable member for Londonderry said is perfectly correct. Under the standing orders the member must establish priority and not debate the substantive motion.

Dr MACDONALD: In speaking to the point of urgency on a matter relating to a health issue in my electorate, I find it difficult to compare the extent of urgency of that matter with mine safety and with a matter relating to the honourable member for Ashfield. There are a number of reasons for urgency in this matter. It is urgent because June is the month of the centenary of the foundation of Manly hospital. Morale in the Manly community has dropped to a point where the centenary committee can no longer function. A number of important events to occur in Manly this year are being affected by the air of uncertainty about the asset strategic review, the results of which are about to be produced. The asset strategic plan has signalled the possible loss of acute services in my electorate, including emergency, intensive care, and maternity.

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As I was saying before I was interrupted by the point of order taken by the honourable member for Londonderry, my notice of motion calls for intervention on the part of the Minister for Health to ensure that services are retained. While bed closures occur in the hospital there is only uncertainty and a drop in community morale concerning community health services. The notice of motion is urgent because only last week 16 beds in Manly hospital were closed. It is urgent because we are about to lose a specialised rehabilitation unit, which has been moved to a section which cannot cope because it is not equipped to do so. It will simply be a matter of days or weeks before the rehabilitation unit is closed. The maternity unit at Manly hospital is under a cloud. In correspondence, staff memos and newsletters from the hospital in the past few weeks it has been signalled clearly that it is likely that the maternity unit will be closed and the service amalgamated. My notice is urgent because expecting mothers have already been booked into the maternity unit. It is urgent because the future of the unit is uncertain. It is urgent because the matter needs to be brought before the Parliament this week or next week, before the end of this session, because the assets strategic review is almost complete. [*Time expired.*]

Mr MARTIN (Port Stephens - Minister for Mineral Resources, and Minister for Fisheries) [3.40]: In view of the persuasive argument put forward by the honourable member for Manly, by leave, I withdraw my notice.

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

The House divided.

Ayes, 43

Mr Armstrong	Mr O'Farrell
Mr Beck	Mr D. L. Page
Mr Blackmore	Mr Peacocke
Mr Brogden	Mr Phillips
Mr Chappell	Mr Photios
Mrs Chikarovski	Mr Richardson
Mr Cochran	Mr Rixon
Mr Collins	Mr Rozzoli
Mr Cruickshank	Mr Schipp
Mr Debnam	Mr Schultz
Mr Ellis	Ms Seaton
Ms Ficarra	Mrs Skinner

Mr Fraser	Mr Slack-Smith
Mr Glachan	Mr Small
Mr Hartcher	Mr Smith
Mr Hazzard	Mr Souris
Mr Humpherson	Mr Tink
Mr Kinross	Mr J. H. Turner
Mr MacCarthy	Mr R. W. Turner
Ms Machin	<i>Tellers,</i>
Mr Merton	Mr Jeffery
Mr O'Doherty	Mr Kerr

Noes, 51

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

Pairs

Mr Downy	Ms Allan
Dr Kernohan	Mr Rumble

Question so resolved in the negative.

Mr Hartcher: On a point of order. I draw your attention to the sessional order adopted by the House on 2 June 1995 that provides that:

If the Question is not carried on the first or second motion then the question "That the motion for urgent consideration of the Honourable Member for . . . be proceeded with" is not put on the second or third motion, respectively.

There are not two motions before the House; there are three motions.

Mr Martin: No, I withdrew mine.

Mr Hartcher: The Minister for Mineral Resources had no authority to withdraw the motion he moved, as leave was not sought from the House and leave was not granted by the House. Accordingly, his motion was the property of the House once he moved it, as you well know, and remains before the House. Therefore, under Standing Order 120 and under the sessional order, the House must make a decision in respect of that motion.

Mr Whelan: Further to the point of order. The time for objection has already expired. The House agreed that the Minister could withdraw his motion, by virtue of there being no objection raised.

Mr Hartcher: No.

Mr Whelan: Opposition members did not object, and compounded their error by calling a division.

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Mr SPEAKER: Order! I understand the thrust of the point of order. The Chair is of the opinion that there was consensus when the Minister withdrew his notice. No action was taken by any member to draw the Chair's attention to objection to that course.

Mr Whelan: They called for the division.

Mr SPEAKER: Order! The Minister will remain quiet. I propose to put the question that the notice for urgent consideration of the honourable member for Manly be proceeded with.

Question put.

The House divided.

Ayes, 51

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

Noes, 42

Mr Armstrong	Mr O'Farrell
Mr Beck	Mr D. L. Page
Mr Blackmore	Mr Peacocke
Mr Brogden	Mr Phillips
Mr Chappell	Mr Photios
Mrs Chikarovski	Mr Richardson
Mr Cochran	Mr Rixon
Mr Collins	Mr Rozzoli
Mr Cruickshank	Mr Schipp
Mr Debnam	Mr Schultz
Mr Ellis	Ms Seaton
Ms Ficarra	Mrs Skinner
Mr Fraser	Mr Slack-Smith
Mr Glachan	Mr Small
Mr Hartcher	Mr Smith
Mr Hazzard	Mr Souris
Mr Humpherson	Mr J. H. Turner
Mr Kinross	Mr R. W. Turner
Mr MacCarthy	
Ms Machin	<i>Tellers,</i>
Mr Merton	Mr Jeffery
Mr O'Doherty	Mr Kerr

Pairs

Ms Allan	Mr Downy
Mr Rumble	Dr Kernohan

Question so resolved in the affirmative.

MANLY DISTRICT HOSPITAL SERVICES

Consideration of Urgent Motion

Dr MACDONALD (Manly) [3.58]: I move:

That this House -

- (1.) Expresses its grave concern at the downgrading of Manly District Hospital with the subsequent impact on patient services and staff morale;
- (2.) Calls upon the Minister for Health to intervene in the current asset strategic plan process and guarantee continuation of essential services at Manly District Hospital including accident and emergency, intensive care and maternity; and

- (3.) Notes that this month, June 1996, is the centenary celebration of the hospital and that the current uncertainty is adversely affecting that event and associated fundraising.

I bring this matter to the attention of the House following a long, hard year of uncertainty and doubt. The situation is creating uncertainty within various groups and constituencies in my electorate. For instance, there may be a loss of support from many of the local clubs and organisations. Manly hospital has a tradition of being strongly supported by service organisations. In recent years the Harbord diggers club, one of the largest clubs within the metropolitan area, has generously donated more than a million dollars to Manly hospital for essential equipment. The hospital also has a long history of support from the Manly Rotary club. As part of the celebration of the centenary year of Manly hospital a major fundraising drive is being held for a hydrotherapy pool for the hospital.

The major fundraising drive is affected by a lack of confidence and uncertainty that has resulted from the statements made in documents and memos which have circulated throughout the community within the last six to nine months. An excellent centenary fundraising brochure called "Inside News" has been produced. In recounting the hospital's 100 years of providing care the brochure says that Manly hospital is a prime teaching hospital that provides a broad spread of services, that it has a stature far exceeding its size, but still retains the old-fashioned warmth and friendliness of a small community hospital. Yet set against that brochure is the uncertainty of statements made by the chief executive officer of the Northern Sydney Area Health Service and in other documents to which I will later refer. These documents indicate that the warmth and friendliness of the complete broad-serviced small community hospital could well end. This is having an enormous effect on morale within the hospital, particularly in the maternity unit.

All the documentation I have seen appeared to indicate that the one service that is almost certain to go is the maternity unit. Indeed, the maternity unit

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has consistently given good value for service in terms of deliveries. Manly hospital has an equivalent full-time staff of approximately 29 in the maternity unit and delivers almost 1,000 babies a year. These figures are off the top of my head. By comparison, Hornsby and Ryde hospitals have about 40 equivalent full-time staff. Manly hospital has an efficient maternity unit that continually delivers more babies each year, yet it seems to be the one that is under a cloud. These matters first came to my attention in a newsletter issued by the Chief Executive Officer of Manly hospital, Dr Spring, in November 1995. In a newsletter editorial he stated:

The process of developing an asset strategic plan gives the Area an opportunity to review its assets and the way we deliver health care.

I see that as a euphemism for rationalisation because in the same newsletter Dr Spring admitted:

The outcomes may mean different roles for existing hospitals, but a continuing health presence on each public hospital site is guaranteed.

That was the first signal that things were amiss and that we might see a winding down of services. This discrepancy between the public statements and what the documentation indicates continued. A memo of 28 November 1995 from the Chairman of the Manly Hospital and Community Health Services to all members of the medical staff council indicated that a series of discussions had taken place between the executive directors and the chairmen of both hospitals' medical staff councils and management committees. This was happening without community consultation or involvement; indeed, it was happening in secret. On 27 November 1995 a seven-hour meeting took place with 34 people, including 12 clinicians, and a statement was sent out by the chairman to all medical staff with the warning signal that, inter alia:

Given assumptions that there will be \$5 - \$10 million less money, (on a combined acute service budget

of about \$70 million now) and 50 - 65 less acute beds available to the peninsula in 5 years time. Cutting clinical services will only result in more severe budget cuts because a sort of case-mix funding will be introduced in 1997-98.

The chairman continued:

The working hypothesis is that there will be a single "Northern Beaches Hospital" with differentiation of services between the two hospitals. The sort of cuts we need to make will require that only one site has intensive care, full casualty services, maternity etc.

That is signalling a nominal hospital, called a northern beaches hospital, with two actual hospitals operating in the area but sharing facilities. That memo was leaked to me by a senior staff member at Manly hospital, who stated:

I thought you might be interested in this circular. Geographically one would have to think of Mona Vale as our "acute hospital" with [possibly a reduction to nil] elective minor to moderate surgery remaining for Manly!

The memo of 28 November 1995 added another chapter to the series of events that has brought me today to raise this matter of serious concern. Following that, a massive public meeting was held in January, attended by my fellow members of Parliament from the peninsula. We were able to join with the community in expressing our concerns. The chief executive officer, Dr Spring, was at the meeting, and said that he was prepared to give a written undertaking that acute services would remain at Manly hospital. In fact, in a letter to me of 19 February he said:

I have been able to assure the community that emergency services and intensive therapy services will continue to be provided at Manly and Mona Vale Hospitals.

I breathed a sigh of relief until I turned the page and read:

I trust this addresses the issues you have raised. The community's interest in our Asset Strategic Plan will remain high until the report is circulated for public comment. During the process however, I cannot make any further assurances regarding services which must be examined in the Plan.

So that is where we are! All bets are off. Once the plan is out, all balls are in the air and anything can happen. The reassurances that I, my fellow members of Parliament, the community and the local mayor sought were not forthcoming. This cloud of uncertainty has continued, further fuelled by the new executive director of the hospital, Lesley McAdam, in a memo to staff on 28 May relating to the closure of the rehabilitation unit's 16 beds and transfer to the new main block, medical. A 16-bed unit cannot be transferred from a rehabilitation unit into a main medical ward without displacing some beds. Of course there was the closure of 16 beds. The unit is to be relocated in July and this has been dressed up as an enhancement of services. Yet, as I said, 16 beds will be lost and that effectively will mark the end of the specialised unit. The staff are devastated. [*Time expired.*]

Dr REFSHAUGE (Marrickville - Deputy Premier, Minister for Health, and Minister for Aboriginal Affairs) [4.08]: It is disappointing that such a motion has been moved by the honourable member for Manly, because it basically says that he does not want services to be planned in the northern Sydney area. He expresses grave concern at the downgrading of Manly hospital, but there has been no downgrading of Manly hospital. He calls on me, as the Minister, to intervene in the current asset strategic plan; in other words he says that we should not plan, that the Minister should dictate from on high what should happen. He says, in fact, that the normal process that the former Government initiated, the asset strategic plan, should not proceed and that we should not plan services.

It is disappointing that the honourable member - who on other occasions is prepared to look at

options, to look at where the future should be - now wants to live in the past. He is the person who was instrumental in allowing the Port Macquarie hospital privatisation to go ahead. In other words, he says we should experiment somewhere else but not look after the forward-planning of the northern area. By suggesting that the Government should not plan for the future of the

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northern area, he really shows that he is not prepared to look to the future, but wants to look to the past.

The Northern Sydney Area Health Service is undertaking an asset strategic planning exercise. Asset strategic planning was initiated by the former Government; it is not something that was initiated by this Government. As a result of actions by the former Government, an asset strategic plan was developed in the Hunter area. The honourable member for Manly did not call on the Government to intervene and stop the development of an asset strategic plan in that area, and there was no request that hospitals be not downgraded or changed. The honourable member was quite happy for the former Government to develop an asset strategic plan and I did not criticise it, either, because I thought that planning was a good idea.

Mrs Skinner: You have criticised the plan.

Dr REFSHAUGE: No, I said that the plan that was developed was not appropriate, but I did not say that the planning process should not go ahead. I did not say, "Intervene and stop the planning process", as the honourable member for Manly has called on me to do in this instance. This major planning exercise which commenced in November last year will continue. It is an important project which must be undertaken by every area and it now comes under Treasury guidelines as a prerequisite for the allocation of funding. It was an initiative of the former Government, supported by this Government. The honourable member for Manly, who has prided himself on accountability, following appropriate forms and making sure that the State's coffers are appropriately used, is now saying, "Intervene, stop the planning, undermine Treasury guidelines", but I will not have a bar of it. I will not do it. Within the asset strategic planning process, options for the future role of each of the hospitals need to be developed. I support the process and I cannot understand why the honourable member for Manly does not want options to be developed. Obviously, he is not prepared to look to the future.

Both the Government and the area health service have stated that Manly District Hospital and Mona Vale District Hospital will continue to have a major role to play in the delivery of health services for the area. I met with local members in regard to this issue and I took on board their request for additional community consultation. When the former Government was in office there was no community consultation, absolutely none. After the change of government I was prepared to say, "We are a consultative government. We will listen." I insisted that this Government would do what the former Government did not do, that is, listen to the people. I instructed the area health service to ensure that consultation took place with key stakeholders and that members of Parliament should be involved in that consultation. Consultation is occurring with staff, the area's community consultative committee and other interest groups and -

Mrs Skinner: Patients?

Dr REFSHAUGE: Yes, patients. Newsletters have been issued outlining progress. The Opposition interjects to say that consultation should occur but the former Government did not do that. It refused to do it. This Government is doing it and is prepared to continue with it. At a public meeting held in late February with community members hospital staff, members of Parliament and local government representatives, the area health service agreed to expand the area's existing consultative program, to ensure community access to the consultants and to the area health service during the initial development of the draft plan. Ms Hilary Steel of Calyx Consulting Services was engaged to work with both the asset strategic plan consultants and the area hospitals in convening community focus groups in the major geographic areas. Community consultations took place in April and May to assist the area to formulate its draft asset strategic plan.

In the Manly, Pittwater and Warringah areas, four community consultations took place: with the Manly Hospital Action Committee, in the office of the honourable member for Manly on 19 April 1996; with the Manly Community, at the Harbord diggers club on 3 May; with the Manly community at the Harbord diggers club on 6 May; and with the Mona Vale community at Mona Vale District Hospital on 9 May. That is something that would not and did not happen under the asset strategic plan being developed by the former Government. Ms Steel has prepared a report of community consultations for the Northern Sydney Area Health Service asset strategic plan. The content of the community's discussions and other feedback received will be reflected in the document that I propose to release. I have assured those members who represent the area that I will release the document for public consultation. That may not produce the best answer, but people at least should be able to look at it so that they can consult and decide whether they want this plan to go ahead.

The Government has to make decisions but the decision-making process will be assisted by maximum public consultation. Embracing new technology, new services and new methods of preventing and treating disease means by definition changing the priorities of care. It is expected that the nature of service delivery will be under continual change - and I presume that the honourable member for Manly does not want that to happen. There have already been enhancements to Manly District Hospital: the opening of a new customised building for the 10-bed drug and alcohol phoenix unit, based at Manly hospital. The honourable member for Manly was present when I opened that unit. Does he believe that the morale of the staff is being destroyed because the Government is building it up? No, but the honourable member for Manly wants me to intervene and say that the future should not be looked at.

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The Government has expanded the Manly hospital mental health service by the establishment of a 10-bed aged care mental health facility for completion this year. This is part of the future. Does the honourable member for Manly want me to stop the future? The Government has allocated additional funding to ensure 24-hour cover for the mental health crisis team, in response to community needs, and is commencing planning for the building of a new hydrotherapy pool at Manly hospital. I will be happy to discuss any issue about the future of Manly hospital and to receive input from honourable members, particularly from the honourable member for Manly, about where they think these services should be further developed, what changes should occur and how the people of the northern Sydney area can benefit from any change of configuration or service delivery. It is important for the Government to hear what local members have to say, what the clinicians have to say and what the community has to say.

This House has been asked to express grave concern at the downgrading of Manly hospital. The Government has opened the phoenix unit, is providing 24-hour mental health services and more beds for mental health patients, and is about to build a hydrotherapy unit. That can hardly be described as downgrading Manly hospital. Does the honourable member for Manly want to stop provision of these services? The second aspect of the motion calls for the Minister to intervene in the current asset strategic planning process and stop the planning for the future. The suggestion that the Government should not plan the development and provision of more efficient services is an outrageous, cloud-cuckoo-land idea.

I will not subject the people of northern Sydney to living in the past. I have a greater commitment to them than to say, "What you have now is all you are going to get. There will be no change because the honourable member for Manly has said that he does not want change." I am prepared to think ahead and provide a better future for the people of northern Sydney, and I will not intervene in the current asset strategic planning process. At a time when the centenary celebrations of the hospital are occurring, the idea that planning causes uncertainty and therefore should be stopped is an outrage. Change can be difficult for some people but I am not prepared to allow the people of northern Sydney to have their health services locked into the past; I am prepared to stand up and move towards a better future for all people, whether they live in northern Sydney or any other part of New South Wales.

Mr HAZZARD (Wakehurst) [4.18]: Members of the coalition who represent northern beaches electorates support the motion of the honourable member for Manly. A motion calling on this House to note the Government's failure to satisfy concerns expressed by residents in the northern beaches area of Sydney regarding the downgrading of health services offered through the Manly hospital, the Mona Vale hospital and community health services has been on the notice paper for some weeks. Minister, I have news for you. Basically, the people of the northern beaches do not want to live in the future you plan for them because it is no future.

Minister, you have let down the people of the northern beaches miserably. You have failed to listen to calls for consultation and have failed to hear the calls to have our health services maintained at a reasonable level. Under the guise of other language, you have indicated that our health services will be destroyed. We know already that the obstetrics unit at Manly District Hospital will disappear. Many thousands of women on the peninsula have given birth to their children at that hospital. The two children of the honourable member for Davidson were born there and the children of the honourable member for Manly were born there.

Many people on the peninsula are watching what the Minister is doing because this is seen as a barometer for the Government's spirit and goodwill. At the moment the barometer is at very stormy levels indeed. Unfortunately, at this stage very little of what the Minister has said has come true. In the initial stages he did not have consultation with any honourable members representing the northern beaches. No discussion was held with the former member for Pittwater, Jim Longley, with the new member for Pittwater, John Brogden, with me as the member for Wakehurst, with the honourable member for Davidson, Andrew Humpherson, with the honourable member for North Shore, Jillian Skinner - the shadow minister - or with the honourable member for Manly. I assure the Minister that a healthy alliance exists at the moment between people on the northern beaches, members of the coalition and the Independent member for Manly to ensure that the Government does not destroy its health services.

The Minister is of the view the community will blink. I promise him that the Opposition will not blink; the Minister and the Government will blink first, because unless they do they will not be the Government for very long. People on the northern beaches are entitled to have good health services. However, those services have already been cut, despite the Minister saying many times that they would not be. He got rid of the executive officer from Manly District Hospital. That was done in the dead of night without any warning or discussion with local members or the community. Suddenly Dr Roger Hooper disappeared and Lesley McAdam became the new director of both Manly and Mona Vale hospitals. She must be in a difficult position trying to keep herself in harmony with the Minister, knowing that he is happy to cut those services to blue blazes when the local community is deserving of much better.

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The bottom line is that the Minister is failing all the people on the peninsula. It was only last week that another memorandum was sent, this time from Lesley McAdam - and these are becoming regulars on the northern beaches - indicating that the rehabilitation unit was going to move to the main medical block. Honourable members opposite laugh because that is what they think of health services in any electorate other than their own. I am not surprised that the Minister laughed, because he has shown no interest whatsoever in medical services for the northern beaches, but I am surprised at another honourable member, whom I shall not name.

The Minister last week visited Manly District Hospital for the centenary celebrations and a few weeks earlier he opened the drug and alcohol unit. However, I remind the Minister that the former coalition Government approved, funded and built that unit, and luckily it was finished before Labor came to office, otherwise the unit would not have been built; and one more unit would have disappeared from Manly District Hospital. Last Friday night a church service was held at St Matthew's Anglican Church on The Corso at Manly, where residents were praying for their hospital because they know that it is in deep

trouble and its services are disappearing.

The Minister should take this matter seriously; he should not laugh. People on the northern beaches are entitled to proper health services. The Government will disappear faster than a bullet train if it does not start listening and giving the people on the peninsula what they need and deserve. The Minister should no longer assert that this was a coalition initiative. It was a bureaucratic initiative killed stone dead by the former coalition Government. However, this Government for its own purposes has been happy to encourage it and to ensure that it continues. [*Time expired.*]

Mr MILLS (Wallsend) [4.23]: I am pleased to support the Minister for Health on this motion for urgent consideration moved by the honourable member for Manly. First, I acknowledge the right of every local member to act like a terrier when it comes to looking after the health services in the local hospital; I have done it, the honourable member for Lake Macquarie has done it, and many other members have done it at one time or another. Honourable members deserve to be heard, as they are being heard today.

I am concerned that this motion has been moved when the downgrading of Manly District Hospital has not happened. The honourable member for Manly stated that clearly and the Minister in reply agreed. Plans are still in the discussion stage, yet this motion has been moved midstream in a planning process. The honourable member for Manly said, "The cloud of uncertainty continues." Any planning process leads to some uncertainty, but that is the reason for it. Problems have to be solved, crises arise that must be dealt with, changing community needs require improved services and governments and local members of Parliament and community interest groups need to respond to those changes. Also, technology needs updating, and that alone drives the need to revisit various improvements and to consider how they can be paid for.

In a large system, planning processes will always take place, as they do in the private sector. It is even more important that those processes occur in the public sector because that is the place of last resort for public patients. This motion relates to something that is still in the middle of a planning process. The former Government kicked one off in the Hunter region, to which the Minister referred, called the acute hospital study. Information was gathered and consultants worked on the study for more than 12 months, with the report being released after the change of government.

Clinicians in the Hunter were, and still are, the people who drive community consultation. I should like to take this opportunity to advise the honourable member for Manly and his parliamentary colleagues on the north shore of how this process is being done in the Hunter under this Government. The report recommended five essential options, four of them involving closure of a hospital. A few years ago Royal Newcastle Hospital was the main teaching hospital before the John Hunter Hospital was established. Unfortunately, the shadow minister is chattering away without listening to what I have to say; while she is talking she cannot be listening. The closure of Royal Newcastle Hospital was recommended in almost all the options. I do not support that, but I have the opportunity to have my say, as do local organisations. The Chamber of Commerce is objecting to the closure but the clinicians and many people in the health service are keen for that to happen because they want a new hospital to be constructed.

Another option is to close the Mater Misericordiae Hospital at Newcastle. These options have been put forward and the community and stakeholders in the health system are in the middle of the consultation process. The Minister gave the example of the Hunter and reassured honourable members that extensive consultation is going on. The honourable member for Manly did not make it clear, nor did the honourable member for Wakehurst in his high-spirited contribution, that consultation was not taking place. Clearly it is and honourable members should not intervene in the planning process of the Minister.

I will inform the House of what happens when the Minister comes in from the top and makes decisions. The Deputy Leader of the Opposition will never be respected in the Hunter region because of his over-the-top decision to close Wallsend

District Hospital without public consultation. In August and September 1991, 5,000, 10,000 and 12,000 people attended public meetings but the former Government did not change its mind. The Minister went over the top and made the decision without consultation. That negated the whole planning process. The Minister made the budgetary decision to close the hospital because the Government needed the money and he picked Wallsend as the hospital. The honourable member for Manly is asking the Minister for Health to do a Ron Phillips, and I certainly hope he does not do that. [*Time expired.*]

Mrs SKINNER (North Shore) [4.28]: It is a great pity that Government members have not read the motion properly. The honourable member for Manly is seeking a guarantee from the Minister that there will be continuation of essential services at Manly District Hospital, including accident and emergency, intensive care and maternity services. If the honourable members opposite who contributed to the debate were knowledgeable enough they would realise that there is great anxiety on the peninsula, and throughout the Northern Sydney Area Health Service generally, about what is proposed for Manly and Mona Vale hospitals. They are concerned about how the hospitals will cope with amalgamation of some of the services. They have good reason to be concerned about this matter because official and unofficial memoranda and letters are being cast around the area suggesting all kinds of things. The honourable member for Manly referred to a memorandum dated 28 November last year written by the chairman of Manly Hospital and Community Health Services in which he stated an opinion about the outcome of health cuts:

The working hypothesis is that there will be a single "Northern Beaches Hospital" with differentiation of services between the two hospitals.

It goes on to say:

The sort of cuts we need to make will require that only one site has intensive care, full casualty services, maternity etc.

If the Deputy Premier and Minister for Health thinks that the people on the northern beaches do not feel cheated about being left out of this so-called consultation process, when they know that that kind of memorandum is floating around in the ether, the Minister misunderstands what community consultation and taking people into his confidence means. Last month I distributed to the media and other members of Parliament a copy of a report that had been given to members of the department of obstetrics and gynaecology at Royal North Shore Hospital. It is a record of a meeting between three doctors from that department, Dr Kelso, Dr Leslie, and Dr Gallery. They wrote a report of a meeting with Dr Stuart Spring, who at the time was chief executive officer of the Northern Sydney Area Health Service. At the meeting Dr Spring outlined a number of strategies. I quote part of the report of that meeting. Speaking about Dr Spring, the report stated:

He stated that Manly Hospital will probably close and Mona Vale Hospital's maternity unit take up some of its case load.

It is interesting that the Minister has not denied that the Manly hospital maternity unit will close. In a newspaper article that appeared next day the Minister gave an assurance that, I think, antenatal and gynaecology services would remain. He made no mention of the delivery of services to patients. The Minister is the best weasel worder I have ever come across; he puts a spin on a story to misrepresent the truth of the matter. I think it is reasonable that the honourable member for Manly seeks a guarantee from the Government on the continuation of essential services at Manly hospital, including accident and emergency services and the maternity unit. Not one honourable member opposite took into account that the honourable member for Manly was seeking a guarantee.

There were some interesting media releases earlier this year in relation to the assets review to which the Minister referred. Again I quote Dr Spring, who said that the possible downgrading of Manly and

Mona Vale hospitals was rejected by the former coalition Government more than two years ago. Dr Spring told the rally that was held in February this year to save Manly hospital that a proposal for the assets strategic plan and removal and shutdown of facilities at Manly Hospital had been considered and rejected by the previous coalition Government in 1993.

Minister, the honourable member for Manly is seeking no more than a guarantee that the medical services so essential to the wellbeing of patients in the Manly area are guaranteed for the future. Not only the people of Manly but the people of Mona Vale, Wakehurst, Dee Why and others all along the northern peninsula and to the west of it, into Willoughby and the north shore, want to know that those services, particularly maternity services, will be maintained. [*Time expired.*]

Dr MACDONALD (Manly) [4.33], in reply: I thank the honourable member for North Shore and the honourable member for Wakehurst for their support of this motion. At the outset of my reply I want to express my confidence in the hospital. I do not want this debate to be interpreted somehow as an attack on Manly hospital itself. I make that clear in case the media pick up and interpret my remarks as something of a loss of confidence in the hospital. Further, this motion is not an attack on the Minister. I do not want the Minister to take it that way. Quite frankly, the Minister may not know a great deal about some of the matters that Opposition members have raised. I have difficulty with the bureaucracy. The senior bureaucrats of the Northern Sydney Area Health Service are doing all

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sorts of things that the Minister might not know about. I raise this matter so that it will come to the attention of not only the House but the Minister.

The Minister attacked my motives in moving this motion, as if I had some difficulty with change. I think we should plan for change. My message to the Minister is that there should be a vision and there should be a bottom line. That is what my motion basically relates to. It seeks a guarantee that accident and emergency, intensive care and maternity services will continue to be offered by Manly Hospital. I am not suggesting we should not plan ahead. The motion merely seeks a bottom line. The Minister mentions downgrading of services. There already has been a downgrading with the loss of beds and so on. But if the services I speak about are not guaranteed, we can say goodbye to Manly hospital as an acute service provider.

Once a hospital loses those three components it is no longer a viable district hospital. That worries me particularly. So can we have a vision from the Minister? I am all for planning. What the strategic plan does, though, is throw all the balls in the air and while they are up there the Minister says, "We should not give guarantees while the balls are up there, but when they come down we will have a look at the matter." I get nervous about that sort of process. I want the Minister to give an undertaking. Clearly, he is not prepared to do that. I am quite happy with change, as I am about some services being contracted out and some being amalgamated, including specialist services. The Minister introduced the Port Macquarie issue. I am content to look at alternative ways of funding the delivery of services. The people of Port Macquarie will get better services than the people of Manly in the sense that they have a complete hospital.

Dr Refshauge: It is costing \$6 million to run the hospital.

Dr MACDONALD: That \$6 million should be set against the budget of the Northern Sydney Area Health Service, which alone has a budget of about \$430 million. The Minister should not introduce red herrings. I know the distinction with Port Macquarie, but at least the people of Port Macquarie have a complete hospital. The Minister spoke about who would be delivering the services. The public sector is in a shambles. Public hospitals are in trouble. I guess that is why many senior bureaucrats are having to search around for funds. I pay tribute to the Minister for intervening immediately he knew that the consultation was not adequate. I worry, though, that the issue may have been predetermined. I am not criticising the Minister on the issue of consultation; I merely ask him to intervene in the matter.

An issue that has not been touched on but may be fundamental to the question that we all wrestle with is the resource allocation formula. I believe it is flawed. I have written to the Minister saying that the formula is flawed in respect of allocations to the Northern Sydney Area Health Service. I think it is based on demographics. I have written to the Minister on that, as well as visitor numbers and tourism in our area. I did not get a reply to that letter, which was sent in February or March. I wrote again, following more meetings of the Manly Hospital action committee, stating that I was not sure that the formula is right on another basis - that private beds are taken into account in the formula. Many private beds in our area should not be taken into account. But that is an argument for another day.

The resource allocation formula is crueiling the Northern Sydney Area Health Service, which in turn is crueiling the peninsula. Manly hospital has got some good things happening. The phoenix unit is a great unit, but it has almost lost rehabilitation service delivery. It has lost the aged care enhancement of \$700,000, which I believe has gone into general revenue. Dee Why mental health services were closed. In a sense, the Minister is defending the indefensible. There is no doubt that services are being cut back. Members of Parliament representing the area are fighting for a guarantee of those services and the intervention of the Minister. Only this week I met with maternity staff to consider ways of saving the maternity unit and obtaining funding from the community to support the unit. So I am prepared to accommodate change. I support planning - *[Time expired.]*

Question - That the motion be agreed to - put.

The House divided.

Ayes, 45

Mr Armstrong	Mr O'Doherty
Mr Beck	Mr O'Farrell
Mr Blackmore	Mr D. L. Page
Mr Brogden	Mr Peacocke
Mr Chappell	Mr Phillips
Mrs Chikarovski	Mr Photios
Mr Cochran	Mr Richardson
Mr Collins	Mr Rixon
Mr Cruickshank	Mr Rozzoli
Mr Debnam	Mr Schipp
Mr Ellis	Mr Schultz
Ms Ficarra	Ms Seaton
Mr Fraser	Mrs Skinner
Mr Glachan	Mr Slack-Smith
Mr Hartcher	Mr Small
Mr Hazzard	Mr Smith
Mr Humpherson	Mr Souris
Mr Kinross	Mr J. H. Turner
Mr MacCarthy	Mr R. W. Turner
Dr Macdonald	Mr Windsor
Ms Machin	<i>Tellers,</i>
Mr Merton	Mr Jeffery
Ms Moore	Mr Kerr

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Noes, 47

Mr Amery	Mr Markham
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Mr Anderson	Mr Martin
Ms Andrews	Ms Meagher
Mr Aquilina	Mr Mills
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 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 Woods
Mrs Lo Po'	Mr Yeadon
Mr Lynch	<i>Tellers,</i>
Mr McBride	Mr Beckroge
Mr McManus	Mr Thompson

Pairs

Mr Downy	Ms Allan
Dr Kernohan	Mr Carr
Mr Tink	Mr Rumble

Question so resolved in the negative.

Motion negatived.

HONOURABLE MEMBER FOR LAKE MACQUARIE

Censure

Mrs SKINNER (North Shore) [4.46]: I move:

That this House censures the member for Lake Macquarie in that he committed a serious breach of faith with 4,000 constituents who signed a petition in support of the building of a polyclinic at Morisset by materially altering the petition in contravention of Standing Order 130(1) and (8).

It gives me no joy to move a censure motion against the honourable member for Lake Macquarie, but I believe that it is essential to do so if I am to honour my obligations to the constituents who have approached me with a great deal of alarm and concern about the misrepresentation of a petition that they signed and asked the honourable member for Lake Macquarie to submit to this House. I do not take this action lightly. I like the honourable member for Lake Macquarie; he was elected to the Fiftieth Parliament, as I was, and he has gone out of his way to make me welcome and to ensure that I was treated well by people in the same corridor. I move the censure motion because I believe that this is a very serious matter. The honourable member has committed a very serious breach of faith with the 4,000 constituents who signed a petition in support of building of a polyclinic at Morisset, by materially

altering the petition in contravention of standing orders 130(1) and 130(8).

The motivation of the honourable member for Lake Macquarie in altering the petition is irrelevant. The only thing that is relevant is that he has changed the petition. Standing Order 130(1) clearly states that a petition must be "legible and contain no alterations". It also states that the petition must "be received only as the petition of the parties signing the same". I now turn to the petition and to what the honourable member for Lake Macquarie has done. The petition was put together by members of the community around Lake Macquarie who lived in and around the town of Morisset in an area that has become known as Southlakes. These people had been working for a long time to promote the building of a polyclinic, which is a community health centre, in Morisset. In August 1995 4,000 people handed a petition to the honourable member for Lake Macquarie, the first part of which stated:

That the Morisset and surrounding area urgently needs a polyclinic. The nearest emergency services currently available are at Wyong and John Hunter hospitals. These are not easily accessible by public transport, which requires a minimum of 4 hour return trip to obtain medical services. On weekends and at night no public transport is available. Wyong Hospital has no Children's Ward and waiting times for casualty services are outrageous . . .

And your petitioners therefore humbly pray that your Honourable House will immediately commence building the said polyclinic.

A letter written to the Minister for Health on 13 November 1995 by Karen Palmer, one of the signatories to the petition, stated as follows:

We wish to convey our concern at the manner in which the wording of our polyclinic petition was altered by some person. The petition was presented in three stages on the 10th, 11th and 12th of October 1995 . . . The original wording was:

". . . that your Honourable House will immediately commence building the said polyclinic."
subsequently changed to:

". . . that your Honourable House will immediately commence building a Westlakes polyclinic."

The Action Group believes that the changed wording infers our support for the proposed Toronto polyclinic.

Toronto is 20 kilometres from Morisset and is accessible by road only if one has a car; it is not accessible by public transport. The letter to the Minister continued:

Our feelings regarding the proposed Toronto polyclinic were made clear during a meeting with Jeff Hunter (22/8/95), where we explained that the severe lack of public transport would preclude many residents from accessing the proposed service. At present . . .

The original petition was signed by 4000 people in the Morisset region, with the express purpose of demonstrating support for a polyclinic in this area. As the Morisset area is experiencing rapid population growth, we contend that a polyclinic is an essential community service.

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We strongly express our dismay at the alteration of the original wording, and ask you to advise on the action that we might take.

It is astonishing that the Minister for Health failed to advise the correspondent on action that might be taken about such a serious allegation as the alteration of a petition presented to the House - a petition that was clearly altered, a petition that the honourable member for Lake Macquarie has not denied

altering, a petition that the honourable member for Lake Macquarie initialled as having altered. The Minister for Health has failed to respond appropriately to the correspondent. The Minister has written twice to Karen Palmer, but in neither letter did he give a satisfactory response to the request for advice about what should be done to address the inappropriate behaviour of the honourable member for Lake Macquarie. Not only is the alteration contrary to the standing orders of the Parliament, it is worse in that it is a breach of the trust that the constituents of the honourable member for Lake Macquarie should expect to have in him.

It appears that the honourable member for Lake Macquarie knew that the Government was going to allocate money for a polyclinic in Toronto and that he thought that by changing the petition to include the word "Westlakes" he could somehow gain some glory. I am afraid that such action is typical of the cavalier attitude of the Carr Government towards integrity and straight dealing with the community. In the Chamber at question time it was astonishing to hear none other than the Premier say that he stood behind the honourable member for Lake Macquarie in his actions. The Premier's statement makes it plain that he - no less a person than the Premier - believes it acceptable for a government to tamper with a petition presented to this Chamber. The petition misrepresents the view of signatories.

The petition was materially altered. The correspondent to the Minister for Health to whom I have referred stated plainly that she believes that the views of petitioners have not been represented to the House. Petitioners were not supporting the construction of a polyclinic at Toronto; they were beseeching the House to build a polyclinic 20 kilometres from Toronto, in Morisset. The honourable member for Lake Macquarie took it upon himself, for a reason unknown to the petitioners, to change the petition. The trust that an elected member's constituents must have in their member is one of the most treasured qualities of a member of Parliament. I will never misrepresent my constituents in a petition or in anything I say in this place. I am very sad that it is the honourable member for Lake Macquarie who diminished the reputation of politicians with their constituents. If people believe that we think so little of their views that we can tamper with a petition then that is very sad.

Ms Hall: Morisset is part of Westlakes.

Mrs SKINNER: I am surprised at the honourable member for Swansea. She should listen very carefully before she interjects. I can only assume that her interjection, too, is an endorsement of the actions taken by the honourable member for Lake Macquarie in tampering with a petition. Standing Order 130(1) states clearly that a petition must not be altered, or tampered with. Motivation means nothing. This matter is especially bad in that the petition has been materially altered. The honourable member for Lake Macquarie has tried to explain in his local press that he was attempting to make it clear that the polyclinic was within his electorate. That explanation has been rejected by the petitioners on the basis that Westlakes is on the other side of Lake Macquarie. Westlakes is the area that includes Toronto. Morisset is in an area known by locals as Southlakes. A petitioner told me that yesterday.

Southlakes is on the south bank of Lake Macquarie, as is the town of Morisset. Toronto is on the west bank of Lake Macquarie, which is why the area is known as Westlakes. Nothing could be more clear. The petitioner in correspondence to the Minister for Health makes that point clear. The honourable member for Swansea cannot reject these allegations and assertions by shaking her head, as much as she would like to do so to support her friend. The petitioners have said that Southlakes is where Morisset is located and that Westlakes is where Toronto is located. That is what the people believe, that is what they have said to the local media, that is what they have said in a letter to the Minister and that is why they came to me.

Why did petitioners seek my assistance in this matter? It is because they could not get satisfaction by going to the Minister for Health or by raising the matter with the honourable member for Lake Macquarie. I have received advice on the matter, and I am afraid that no matter how much the honourable member for Lake Macquarie may wish to deny it, this is a clear breach of the standing orders of the Parliament and it is one of the most serious matters that could be brought before the House. I

shall again quote from a letter written by one of the signatories to the petition, because it appears that the honourable member for Swansea does not listen very carefully. I suggest that she listen instead of interjecting. Karen Palmer, one of the signatories to the petition, who is the secretary of the Morisset and District Polyclinic Action Group, wrote the following to the Minister for Health:

The Action Group believes that the changed wording infers our support for the proposed Toronto polyclinic . . .

The original petition was signed by 4000 people in the Morisset region, with the express purpose of demonstrating support for a polyclinic in this area . . .

We strongly express our dismay at the alteration of the original wording . . .

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Nothing could be more plain as to the feelings of petitioners on the alteration of the petition. I turn now to local newspaper coverage of the issue. Earlier today the Minister for Health referred to a quotation from a local newspaper. The Minister was, however, selective in his quotation. He chose to quote from the edition of 9 May, which stated:

Toronto to get \$5 million Polyclinic by July next year . . . Jeff Hunter

That was known, and that is why the honourable member for Lake Macquarie changed the petition to include the word "Westlakes".

Mr DEPUTY-SPEAKER: Order! The honourable member will identify the document to which she refers.

Mrs SKINNER: I refer to the *Southlakes Register*, volume 1 - issue 4, of Thursday, 9 May 1996. The honourable member for Lake Macquarie knew that the polyclinic was to be constructed at Toronto, because that was Labor Party policy. That is why the honourable member for Lake Macquarie wanted to change the petition. I refer to another edition of the same newspaper, the *Southlakes Register*, volume 1 - issue 5, dated Thursday, 23 March 1996. That edition was conveniently overlooked by the Minister for Health earlier today even though it addresses the issue of the tampering with and alteration of the petition. The *Southlakes Register* of 23 March first refers to the suggestions made by the Morisset and District Polyclinic Action Group that the insertion of the word "Westlakes" in the petition changed its intention. The report states:

Mr Hunter in a letter to the Group's Secretary Karen Palmer in admitting his actions said:

"I inserted Westlakes into the last sentence," the letter said.

"This was not done to infer signatories support for the Toronto Polyclinic but rather to clearly indicate the service area for the Morisset Polyclinic.

That has been rejected by the petitioners absolutely. The next part of the report probably gives the motivation of the honourable member, if he needs any. It states:

"I can't see a Polyclinic happening in Morisset for at least 10 years" . . .

That is why he changed the petition, because he wanted to be on the winning side. He wanted to get some glory for himself as supporting a clinic in the area where he knew there would be one. One of the signatories to the petition, a 78-year-old widow, said that "she and her late husband 'busted a gut' getting the signatures and she can't understand why Mr Hunter acted the way he did". I cannot understand it but

what I know is that it is in breach of the standing orders of this House and the House must censure him. There is no alternative.

[Debate interrupted.]

BUSINESS OF THE HOUSE

Order of Business

Motion, by leave, by Mr Whelan agreed to.

That standing orders be suspended to permit:

- (1) the postponement of private members' statements until after conclusion of the censure motion of the member for Lake Macquarie and the conclusion of all remaining stages of the Industrial Relations Bill and cognate bill; and
- (2) the extension of the sitting beyond 7.00 p.m.

HONOURABLE MEMBER FOR LAKE MACQUARIE

Censure

[Debate resumed.]

Mr HUNTER (Lake Macquarie) [5.02]: The Opposition is certainly desperate today. It is desperate, humiliated and shamed, and that is why the motion has been moved. For seven years the coalition was in government but it did not one thing to advance health services on the western side of Lake Macquarie. I am proud to be a member of the Carr Government and I am proud to be the member for Lake Macquarie. I point out to all members on the other side of the Chamber that the Lake Macquarie electorate is the region of west Lake Macquarie, it is the Westlakes. Morisset and Toronto are part of the Westlakes. Perhaps that is a point that the honourable member for North Shore missed.

Dr Refshauge: They are on the North Shore all the time. They have never been there.

Mr HUNTER: That is right. Coalition members live on the North Shore. I do not think they have been to my electorate. Later I will point out a few inconsistencies in a press release the honourable member for North Shore issued today. *[Quorum formed.]*

As I said, the Carr Labor Government is delivering in relation to the health needs of the people of the Westlakes. I am very surprised by the motion. I am amazed that the Opposition has nothing better to do than raise an issue such as this in Parliament. It is an extraordinarily trivial matter, about a word added to a petition. There is nothing misleading or inaccurate about the addition. The word "Westlakes" was added for two straightforward reasons. The main reason was to give more information about the subject, and that is the district that the proposed polyclinic would serve. The other reason is that my electorate covers the district that is known as the Westlakes and adding the word explained to the Parliament and to the Minister who would receive the petition why I was presenting it.

The word was not added in the substantial part of the petition, only in a concluding sentence. Again, I emphasise that it introduces no inaccuracy; it only added information. The Lake Macquarie
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area has always been known to be divided into two areas - Eastlakes and Westlakes. The people of the Westlakes said loudly in the seven years the coalition was in government that they got nothing off that

mob. The Labor Government is finally delivering. It realises that the western side of Lake Macquarie is a growing area and the people deserve government services. The Opposition should be ashamed that it did not deliver the services this Government is delivering to the people of the Westlakes.

I point out also that Lake Macquarie Council is divided into three wards - a north ward, an east ward, and a west ward. About 90 per cent of the west ward is within the Lake Macquarie electorate. I again point out that Morisset is part of the Westlakes. The common term used by people in my electorate is that they belong to the Westlakes. I am proud to say that I grew up in the Westlakes and I am proud to represent the people of the Westlakes in the Parliament, and I hope to continue to do that. I will be pushing for more improvements to health services on the western side of Lake Macquarie. The 4,000 petitioners have my full support. I believe that a facility similar to the one being built at Toronto should be built at Morisset. I have raised that with the health service, the Minister and the area health service chief, and I will continue to do so.

Far from undermining the worthy proposal in the petition, I was seeking to clarify the issues as far as possible. If I have inadvertently committed a breach, it is of the most superficial and technical nature possible. The Opposition should be ashamed that it wastes the Parliament's time on this issue. It should be praising the Government for its action to improve health services in west Lake Macquarie. The Liberal and National parties were in government for seven long years and they refused to build a polyclinic at the Westlakes. In fact, the present Leader of the Opposition, Mr Peter Collins, when he was Minister for Health, replied to a representation made on behalf of the local Labor Party by the former member for Lake Macquarie, my father, Merv Hunter. The letter dated 3 April 1989 states:

I refer to your personal representations on behalf of the Australian Labor Party, Lake Macquarie State Electorate Council, Mr J. Hunter, Hon. Secretary, 18 Glen Avenue, Arcadia Vale . . . which proposed the establishment of a committee to prepare a plan for construction of a Polyclinic in the Westlakes Area.

So back in 1989 when I was not even a member of this Parliament I was lobbying for the construction of a Westlakes polyclinic. The then Minister stated that the announcement to construct a polyclinic had been made by the previous Labor Government prior to the election. He said that the project had not been listed on the forward capital works program and it was his and his government's prerogative to review that decision. His letter stated:

At this stage there is no intention to proceed with the planning and construction of a Polyclinic in the Westlakes Area.

That was the Leader of the Opposition, when he was Minister for Health; he did not want to help the people of Westlakes. But the Labor Party did. In 1988 the Labor Party made a commitment that it would build a polyclinic, and it repeated that commitment in 1991. In 1995 we said it would be built at Toronto and we would expand the proposed community health centre. We are spending an additional \$2.1 million to expand that community health centre into a \$5 million polyclinic. The Labor Party has supported the people in the area; the coalition certainly has not.

Mrs Skinner: On a point of order. I have been listening for some time to the member saying he successfully lobbied to get a polyclinic at Westlakes. That is not disputed; in fact it is the crux of the matter. This motion is about tampering with a petition. He is yet to address that matter and I ask you to direct him to do so.

Mr Mills: On the point of order. That was an outrageous assertion. Clearly it was a lie for the member for North Shore to say that the member for Lake Macquarie had not referred to the polyclinic. I heard three quite extended references to it, including quotations. It is an absurd point of order and I ask you to rule against it.

Mrs Skinner: Further to the point of order -

Mr ACTING-SPEAKER (Mr Clough): Order! I will hear no more on the point of order. The motion before the House is a serious one. The honourable member for Lake Macquarie is answering the statements by the honourable member for North Shore. I propose to allow him to continue.

Mr HUNTER: The honourable member for North Shore mentioned the *Southlakes Register* article of 23 May and tried to imply that the Minister for Health had not quoted from that article today. In fact, he did. That article is two weeks old and it has taken the Opposition a long time to come across it. The quotes given by the honourable member for North Shore were accurate. However, I made one point in that article that she did not mention. Referring to the term "Southlakes", the article stated:

"Firstly, it's only been since the advent of The Southlakes Register that Morisset and surrounds has been clearly identified as the Southlakes or South Lake Macquarie." Mr Hunter said.

"I made that point when I spoke at the launching of the paper almost three months ago.

Quite often after being elected to State Parliament people would get confused about the electorate of Lake Macquarie thinking it took in the whole area -

by that I meant the whole city -

and I had to stress Westlakes to identify my electorate and that's why I inserted the word in the last sentence of the petition."

I do not envisage a polyclinic being built in the Morisset area for ten years. I said that to the organisers of this petition but that did not stop me

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supporting them and lobbying for them. I reiterated that point in other local print media and in the House last week when the honourable member for North Shore was sitting opposite. I think she sat through the vast majority, if not all, of my budget speech, and commented on the Westlakes polyclinic in her reply. If honourable members read *Hansard* of 28 May they will find that, talking about the Morisset area, I said:

The people of that area believe they should have a similar facility to the one being built at Toronto. I have assured those people that I will continue to lobby for a similar facility to be built in that area. I have said publicly that realistically they cannot expect such a facility for at least ten years. As the population grows around the Morisset area, demand for a similar facility will prove to the Government that such a facility must be established there. I encourage all people in the south lakes area to access the facilities and services provided at the polyclinic at Toronto when it is constructed. That will prove to the Hunter Area Health Service that the services should be expanded.

I point out that the Hunter Area Health Service has acknowledged the need for health services in the area. They have listed the construction of a community health centre in Morisset as a forward program work. I have been lobbying the area health service for that community health centre to be expanded into a polyclinic so that it will have after-hours emergency casualty facilities. I ask the honourable member for North Shore, as the shadow minister for health, will she give a commitment to the people of Morisset that she will construct a polyclinic for them?

Mrs Skinner: I will give a commitment never to change a petition.

Mr HUNTER: Will you give a commitment to the people of Westlakes that you will continue the construction program of the polyclinic at Toronto? Or will you follow the path of your discredited Leader of the Opposition?

Mr ACTING-SPEAKER (Mr Clough): Order! The honourable member for Lake Macquarie will direct his remarks through the Chair. The honourable member for North Shore will refrain from interjecting.

Mr HUNTER: Will the Leader of the Opposition indicate to the honourable member for North Shore whether the Opposition will continue with the construction of the polyclinic at Toronto, and whether it will construct a polyclinic at Morisset? The former Government, in its seven years in office from 1988 to 1995, proved that it did not care about the area. It was certainly not prepared to provide facilities. I could detail the facilities to be included in the \$5 million polyclinic; services that have never been provided to the people of Westlakes before. But I will not take up the time of the House; enough has been wasted on this motion. I clearly state that there was nothing misleading or inaccurate about the addition to the petition. This is a trivial matter about a word and I will not take up the valuable time of the House by saying anything more, except that the people of my electorate can judge me by my record of achievement over the past five years. I believe it is a good record. Westlakes is finally being recognised and acknowledged by the State Government. That is certainly something that members opposite did not do when they were in government.

Mr SCHULTZ (Burrinjuck) [5.16]: For the first time in my parliamentary career I will speak to a motion of censure against another member of this House. I do so because I believe in representing my constituency as the constituency wants to be represented. At times constituents present members with petitions or other material that the member may not necessarily agree with. But it is the obligation of members, as the local representatives, to present that material to the Parliament as requested by the constituency. This motion, despite the efforts of the honourable member for Lake Macquarie to cloud the issue, is not about his achievements in building health services. In fact I commend him for what he is doing for his constituency in that regard. The motion is about the contravention of paragraphs (1) and (8) of Standing Order 130, and, which perhaps the shadow minister overlooked, paragraph (3), which says that a petition must contain the petitioners request.

The member for Lake Macquarie conveniently tried to ignore that issue. I repeat: the motion is about the contravention of Standing Order 130. This arrogant disregard for the constituency he supposedly represents is a disgrace. He made the comment that it was a trivial matter, a trivial issue. The member forgets that as a member of Parliament he should try to adhere to honesty and integrity in this House. Whether he likes it or not, he has contravened Standing Order 130. He changed the wording of the petition to include the words "a Westlakes", and he put his signature to that petition. He is either ignorant of the standing order or he is arrogant of the standing order. From what I have heard from him I would say that the latter is the case rather than the former. What the member conveniently does not mention is that in his letter of 28 November 1995 to Miss K. Palmer, of 60 Bungonia Road, Brightwaters, the lady who put the petition together, when explaining about attending a meeting he said:

Later, I also met with the Health Minister Dr Andrew Refshauge and advised him that I had a 4000 signature petition calling for a Morisset Polyclinic to be built. I then presented the petitions to Parliament.

The letter continued:

On the other issue you raised, before presenting the petitions to Parliament I inserted Westlakes into the last sentence.

He has incriminated himself by writing that letter, because he has admitted to precisely what the shadow Minister has accused him of doing. The letter continued:

This was not done to infer the signatories' support for the Toronto Polyclinic but rather to clearly indicate the service area for the Morisset Polyclinic.

In the third last paragraph the letter stated:

I also mentioned at the meeting in my office that to gain maximum impact, I would split the petitions into bundles and present them over a number of days. I did this and they were presented on 10, 11, 12 Oct '95.

I can understand that he did that because he wanted to get maximum impact. There is no problem with that. The letter continued:

They were read out to Parliament as a petition requesting the construction of a polyclinic at Morisset.

What does *Hansard* show? *Hansard* of 11 October 1995 states:

Westlakes Polyclinic

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

He has incriminated himself, because I have an unsigned copy of the petition that contains the exact wording, and it says absolutely nothing about a polyclinic at Westlakes. [*Time expired.*]

Dr REFSHAUGE (Marrickville - Deputy Premier, Minister for Health, and Minister for Aboriginal Affairs) [5.21]: This is the health matter that the Opposition believes is a really burning issue, one that must take precedence over the deliberations of the House. This is what the honourable member for North Shore, the shadow minister for health, believes is a big issue. The big issue in health is that the honourable member for Lake Macquarie clarified a petition so that we would understand what it was about. My goodness! The Opposition calls that a massive fraud - that is what the Opposition stated publicly.

What would the Opposition call the actions of a Minister for Health lying to the Governor; writing to the Governor and lying; lying to five million people? The Opposition says, "That does not matter." I refer to former health Minister Ron Phillips and I have the letter in which he lied to the Governor. The Opposition is prepared to say that someone who tried to clarify a petition must be censured by this House but it is prepared to stand up for a former Minister who lied to the Governor.

Mr Schultz: On a point of order. The censure motion is about the contravention of paragraphs (1) and (8) of Standing Order 130; it is not about a letter written by a former Minister that the Minister for Health is brandishing around the Chamber. I ask you to direct him back to the ambit of the motion.

Mr ACTING-SPEAKER (Mr Clough): Order! I have indicated that this is a serious matter and that the honourable member for Lake Macquarie and his supporters have the right to defend it. No point of order is involved.

Dr REFSHAUGE: I move an amendment to the motion:

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

- (1) Congratulates the member for Lake Macquarie for his unstinting efforts on behalf of his constituents; and
- (2) Refers the matter of presenting petitions to the Standing Orders and Procedure Committee.

This is an unbelievable outrage. All that the Opposition can say is that the standing orders were breached. Presumably that means that the honourable member for North Shore suggests to this House that she will never breach standing orders, including the standing order that provides that interjections are disorderly. The honourable member has said that standing orders were breached but I guarantee that tomorrow she will breach standing orders by interjecting. That is how much she believes in the standing orders.

There has been a lot of discussion about the provisions in the standing orders dealing with petitions, the value of petitions, how they should be presented, and whether they should comply with the very strict criteria about the words to be used, or whether some latitude should be allowed. Most honourable members believe it is important that constituents should be able to present a petition to the House, but the way in which they should be presented has been debated up hill and down dale. Honourable members have regularly discussed their differing views as to how petitions should be presented.

Mrs Skinner: You are a disgrace!

Dr REFSHAUGE: By interjecting, the honourable member is once again breaching standing orders. She has condemned a member of this House for breaching standing orders yet she flagrantly breaches them herself.

Mrs Skinner: How?

Dr REFSHAUGE: By interjecting. The honourable member is the stickler for the standing orders. She said standing orders should not be breached, yet she constantly breaches them by interjecting. The honourable member for Lake Macquarie is well-known for his absolute dedication to his constituents. The two constituents who were concerned about this issue wrote to me, and I replied that I understood their concern about a polyclinic for Morisset and that the honourable member for Lake Macquarie would be discussing the issue with them. They had not lost anything at all.

The Government understands what those constituents were asking for; it is prepared to listen to the people and deliver. The former Government did not deliver during its seven years in office, and it is now trying to find some weaselly way to get some credit out of this matter. The reality is that this is the only health matter that the honourable member for North Shore has asked a question about in this Chamber this year. [*Time expired.*]

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Ms MACHIN (Port Macquarie) [5.26]: Not surprisingly, I oppose the amendment and support the original motion that the member for Lake Macquarie be censured for the action he has taken. The Minister for Health has just said to the 4,000 petitioners, who are clearly upset about this matter, "The Government does not care. So what if your local member changed the material intent of your petition? That does not matter. We are the Government and we will do what we like." Honourable members have seen how the Government treats the standing orders, and the Minister is extending that lack of democracy to 4,000 petitioners in Lake Macquarie. Let me quote from a letter received by one of the signatories to that petition, which shows how the Government feels about it. The Minister suggested that the petitioners had an understanding of this issue. If that is the case, why did Miss Palmer and Ms Allison write:

The Action Group believes that the changed wording infers our support for the proposed Toronto Polyclinic. Our feelings regarding the proposed Toronto Polyclinic were made clear during a meeting with Jeff Hunter, where we explained that the severe lack of public transport would preclude many residents from accessing the proposed service.

The letter concluded:

We strongly express our dismay at the alteration of the original wording, and ask you to advise on the action that we might take.

That letter was sent to the Minister for Health, who has condoned not only a material change to the petition to give an entirely different meaning to it, but the fact that the petition was falsified by a member of this House. This is not the first time this has happened. I have in my office a petition that was materially altered by the Minister for Mineral Resources, and Minister for Fisheries, who wanted to table a petition that was incorrectly worded. He obtained a new cover sheet, had it typed up, had five or six members of his staff sign it, and he then tabled it. If that is not taking liberties under the standing orders, I do not know what is. The better example of integrity with petitions relates to the Port Macquarie Base Hospital some years ago when the project was first announced. The Minister for Health at that time received a large petition and he wrote back to all the petitioners within a few days and, what a surprise! Many people rang my office to say they did not sign that petition and did not know how their names got onto the Labor Party-originated petition, as they supported the hospital because it was needed. I received dozens of those calls and this shows the way the Labor Party and its supporters treat petitions.

This debate shows the contempt with which the Labor Party, the local member and the Minister for Health hold the people of Lake Macquarie. I too, like my Opposition colleagues, take petitions seriously because many people put a lot of time into petitions, getting them drafted and circulated. A petition with 4,000 signatures is a large petition for a single electorate and represents a huge amount of work. The people involved should be commended for their enthusiasm and dedication. Having the meaning of the petition changed is like slapping those people in the face. If it was a minor alteration the Opposition would not have moved this censure motion, but the meaning has been substantially changed.

The petition now refers to an entirely different location for the said polyclinic and that is not what the petitioners were about. Clearly the member for Lake Macquarie is at odds on the location and I do not know the reason for that. In my view, citizens sign petitions because of the prayer and wording on the top and they expect us, as members of Parliament, to deliver it in that way to the Parliament so that it may be put on the parliamentary record. They do not expect it to be altered just to suit the whim of a member of Parliament who might disagree or be embarrassed by it. They expect their precise views to be presented here.

Given the time and effort that goes into drafting petitions, it is a shame that they are abused in this House and are not given more weight. Petitioners would be dismayed to see how their petitions are dealt with in the House. It is pleasing to hear that the Standing Orders and Procedure Committee has considered the presentation of petitions and perhaps it can look at ways of giving more credence and recognition to petitions. On many occasions I have tabled large petitions and if it relates to an important community issue, such as a dangerous pedestrian crossing, I make an effort to try to write back to the thousands of petitioners to tell them not only that their petition has been tabled but that certain action has been taken. That is what was sought by the people of Lake Macquarie in this case. They had a specific purpose in mind and they did not want their local member, for whatever reason, to fiddle with the petition and change the meaning of it. Clearly, by the sentiments expressed in the letter to the Minister for Health they are unhappy. [*Time expired.*]

Mr MILLS (Wallsend) [5.31]: My electorate borders the electorate of Lake Macquarie, so I am the next door neighbour of the honourable member who is the subject of the censure motion. Much of Lake Macquarie city is also in the electorate of Wallsend; we have a long common boundary. I am amazed that what is allegedly such a small offence is the subject of such a heavy hammer, a motion of censure. I would have thought that this matter was egregiously trivial. The honourable member for Lake Macquarie has said that he intended not to mislead but to give extra information. I know - and it is in his letters - that he is lobbying for a health facility at Morisset.

Opposition backbenchers obviously thought this matter was trivial because when questions were

asked by the Leader of the Opposition and the honourable member for North Shore during question
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time today, they were so bored and were chatting so furiously that the Speaker had to call them to order, saying that there was too much audible conversation. That goes to show what the rest of the coalition members thought about the tactics being adopted by their leader and the honourable member for North Shore.

[*Interruption*]

The honourable member for Wagga Wagga is breaching the standing orders by seeking to interject. I reject the censure and wish to look at the outcomes. Fraud was the word used in questions today from the honourable member for North Shore and the Leader of the Opposition. The first definition in the *Macquarie Dictionary* is "deceit". Who was deceived? The Minister for Health was not deceived and the Minister's letter in mid-December referred to the group's proposal for the construction of a Morisset and district polyclinic. The Minister knew what it was about; he had read the petition and referred directly to it.

The honourable member for Lake Macquarie admitted in his letter that he inserted the word "Westlakes". He dobbed himself in to the people, he apologised, and because of that process the people who signed the original petition were clearly not deceived; they knew what had happened. And the House was not deceived. The honourable member for Burrinjuck could not even be bothered to remain in the House after his contribution. I have the *Hansard* galleys of the Legislative Assembly of Tuesday, 10 October 1995. The petitions include "Morisset polyclinic. Petition praying that a polyclinic be constructed at Morisset, received from Mr Hunter". Therefore, the House was not deceived.

The honourable member for Port Macquarie has fouled up again. I know because I live there. She said various things about people in the Morisset area. Part of the problem is that the Leader of the Opposition, the honourable member for North Shore and the honourable member for Burrinjuck do not live within cooeee of the area that I and the honourable member for Lake Macquarie represent. The people of Morisset support the Westlakes polyclinic that was recently announced. I know they do. I know that, and the honourable member for Lake Macquarie knows that and has made representations on their behalf. They want a polyclinic of their own in their part of Lake Macquarie, and that is fine.

I also know that the word "Southlakes", which was relied upon heavily by the honourable member for North Shore in her contribution to this motion, is new. Previously, Westlakes ran the whole of the west side of Lake Macquarie. A few months ago a newspaper called the *Southlakes Register* begun, and that is where that term came from - a long time after 10 October 1995. The honourable member for North Shore had made a fool of herself over the Southlakes proposal. In the Wallsend electorate in the north, Northlakes is starting to be mentioned. That is because Lake Macquarie council is considering a new urban release area that will be called Northlakes. The honourable member for Lake Macquarie deserves support. He has done nothing to deserve censure. [*Time expired.*]

Mr HUNTER (Lake Macquarie) [5.36], in response: As I said earlier, there was nothing misleading or inaccurate about the addition to the petition. I said I believe this to be a desperate act by the Opposition and I still say that. The member who moved the motion issued a press release dated 5 June, and I wish to correct some inaccuracies in it. She said "more than 4,000 of Mr Hunter's constituents petitioned Parliament for a new polyclinic, or small health facility to be built at Morisset". That is wrong. The petition clearly called for a polyclinic, not a small health facility. The mover of the motion issued a press release today that it is inaccurate. She misled the media, and if that release is reported, she will have misled the people of this State. I believe her motion is trivial, so I am picking up on the trivialities of her press release. Her next paragraph says that I altered the thrust of the petition by changing the wording to call for a polyclinic at Westlakes - "20 kilometres away".

Morisset is in the Westlakes. It is not 20 kilometres away. I invite the honourable member for

North Shore to visit Lake Macquarie electorate so that I can show her around. In the press release the honourable member said that the Carr Labor Government announced in the budget it would provide \$5 million "for the construction of a polyclinic at Westlakes (Toronto)." Wrong. It is at Toronto, and Toronto is also part of the Westlakes district of Lake Macquarie. The honourable member also pointed out in the fourth-last paragraph that I had deleted the words "the said" and added the words "a Westlake". She is wrong again. It was "a Westlakes". So she is wrong. In a chronology of events that the honourable member attached was an event of November 28, 1995. In that she said:

Hunter admits in correspondence to the Action Group that he has changed the wording of the petition by inserting "Westlakes" . . .

She got it right that time:

. . . but at the same time claims to have submitted the petition to Parliament calling for the building of a **Morisset Polyclinic**.

As the honourable member for Wallsend has pointed out, and I point out again to the House, the *Hansard* proofs of Tuesday, 10 October, Wednesday, 11 October, and Thursday, 12 October, clearly state:

Morisset Polyclinic

Petition praying that a polyclinic be constructed at Morisset, received from **Mr Hunter**.

That was read from the 10 October *Hansard* proof. I could read the petitions in the proofs for 11 October and 12 October, but they are exactly the same. I heard the petition read by the Clerk of this
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House. I was happy with that. I read the *Hansard* proofs the next morning. I was happy with that. I do not know who changed *Hansard*. Who requested that it be changed? I am saying that the petition was read out in the House as "Morisset polyclinic" and was stated to be "a petition praying for the construction of a polyclinic at Morisset" and that is what I presented to the Parliament. I have said to the people of Morisset, the 4,000 people who signed that petition, and I say to them today: I support you in your endeavours. I will be lobbying the Minister -

Dr Refshauge: Don't I know it!

Mr HUNTER: And he knows it. I expect to see some form of community health centre built in the Morisset district. I will be pushing to have that upgraded to polyclinic status so that it provides for the people of the Southlakes area around Morisset, as it is now referred to, so that it provides a very good after-hours emergency service. So it is certainly not misleading. It was done to clarify. The Opposition is desperate. They did nothing in the seven years that they were in government - nothing for the health services in Lake Macquarie.

Morisset is in the Westlakes area. I pointed out also that I am proud to represent that area in this Parliament. I will leave it to the people of Lake Macquarie to judge whether they believe I have done something wrong or right. The Government is delivering. It is delivering a polyclinic, a courthouse and a Lake Macquarie foreshore park to protect the foreshore areas of the lake. The health Minister has started the lead remediation process in the north Lake Macquarie area, around the Pasminco smelter. Millions of dollars of Government funds are to be spent on that. So, as far as health issues are concerned, the Government is looking after the people of the electorate of Lake Macquarie. I am very proud of it. Members of the Opposition should hang their heads in shame because when they were in government they did nothing for the people of the Lake Macquarie electorate.

Mrs SKINNER (North Shore) [5.45], in reply: I wish to address some of the total inaccuracies introduced into this debate by the Government. First of all, I was astonished that the honourable

member for Lake Macquarie described a change to a petition that is in contravention of standing orders as superficial, technical and trivial. That is not what I believe should be done with a petition that has been presented to a member by constituents in good faith and on the understanding that the member would present it to the House as it was signed by them, without any alteration or change.

The people of Lake Macquarie have been duded, not only because the honourable member changed the petition but because the Minister failed to respond when the petitioners, being concerned, wrote to him and sought his advice. They have been duded because today the Deputy Premier defended the honourable member's actions of altering a petition. As I have said before, it is a matter of integrity. Honourable members have an obligation to present petitions that are signed by their constituents no matter what the topic. The suggestion by the honourable member that he made the alteration to the petition because somehow people were confused about names in the electorate carries absolutely no weight at all.

There can be no confusion about the petitioners' intention when they used the word Morisset. What the honourable member did was introduce another term called Westlakes. The honourable member agreed that there is some confusion about where it lies. There is no confusion about where Morisset lies. Morisset is a town in the electorate of Lake Macquarie. That was the only suburb, the only proper name on the petition, and it was changed by the honourable member.

Mr Mills: "Morisset" was not changed.

Mrs SKINNER: Since the honourable member for Wallsend interjects, I should like to refer to page 1578 of *Hansard* of 11 October 1995.

Mr ACTING-SPEAKER (Mr Clough): Order! I call the honourable member for Wallsend to order.

Mrs SKINNER: The record states:

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

I repeat, "at Westlakes", which is not Morisset. Morisset is a town. There can be no confusion about where the town is. The honourable member said that there was confusion about what Westlakes is. I quite like the man. I am sad that I had to move this motion because I thought he was a man of honesty and integrity. I am afraid I am now a little disillusioned following his remarks today. There is nothing more cynical, arrogant and off-putting than seeing the Deputy Premier and Minister for Health sprawled across the table, chewing gum and totally ignoring this debate, treating the 4,000 signatories to the petition with absolute contempt. The Deputy Premier suggests to the House and to the honourable members who will be called upon to vote upon this most serious motion that there is something trivial about changing a petition. I am disgusted that I am sharing this place with a person who believes that altering a petition is not a serious matter.

Mr ACTING-SPEAKER: I call the honourable member for Wallsend to order for the second time.

Mrs SKINNER: I am pleased that Mr Acting-Speaker said that he regards this as a serious matter. It is not a motion that I moved lightly. I urge honourable members to reject the amendment because it is trivial and would reject entirely the concerns of the people of Lake Macquarie who

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wrote letters expressing those concerns and then approached me expressing concerns that they felt they had been misrepresented in this House. I urge honourable members to reject the amendment and support the censure motion.

Question - That the amendment be agreed to - put.

The House divided.

Ayes, 48

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 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 Woods
Mrs Lo Po'	Mr Yeadon
Mr Lynch	
Mr McBride	<i>Tellers,</i>
Mr McManus	Mr Beckroge
Mr Markham	Mr Thompson

Noes, 44

Mr Armstrong	Mr D. L. Page
Mr Beck	Mr Peacocke
Mr Blackmore	Mr Phillips
Mr Brogden	Mr Photios
Mr Chappell	Mr Richardson
Mrs Chikarovski	Mr Rixon
Mr Collins	Mr Rozzoli
Mr Cruickshank	Mr Schipp
Mr Debnam	Mr Schultz
Mr Ellis	Ms Seaton
Ms Ficarra	Mrs Skinner
Mr Fraser	Mr Slack-Smith
Mr Glachan	Mr Small
Mr Hartcher	Mr Smith
Mr Hazzard	Mr Souris
Mr Humpherson	Mr Tink
Mr Kinross	Mr J. H. Turner
Mr MacCarthy	Mr R. W. Turner
Dr Macdonald	Mr Windsor
Ms Machin	
Mr Merton	<i>Tellers,</i>
Mr O'Doherty	Mr Jeffery

Mr O'Farrell

Mr Kerr

Pairs

Ms Allan

Mr Cochran

Mr Carr

Mr Downy

Mr Rumble

Dr Kernohan

Question so resolved in the affirmative.

Amendment agreed to.

Question - That the motion as amended be agreed to - put.

The House divided.

Ayes, 48

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 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 Woods

Mrs Lo Po'

Mr Yeadon

Mr Lynch

Tellers,

Mr McBride

Mr Beckroge

Mr McManus

Mr Thompson

Mr Markham

Noes, 44

Mr Armstrong

Mr D. L. Page

Mr Beck

Mr Peacocke

Mr Blackmore

Mr Phillips

Mr Brogden

Mr Photios

Mr Chappell

Mr Richardson

Mrs Chikarovski

Mr Rixon

Mr Collins

Mr Rozzoli

Mr Cruickshank

Mr Schipp

Mr Debnam	Mr Schultz
Mr Ellis	Ms Seaton
Ms Ficarra	Mrs Skinner
Mr Fraser	Mr Slack-Smith
Mr Glachan	Mr Small
Mr Hartcher	Mr Smith
Mr Hazzard	Mr Souris
Mr Humpherson	Mr Tink
Mr Kinross	Mr J. H. Turner
Mr MacCarthy	Mr R. W. Turner
Dr Macdonald	Mr Windsor
Ms Machin	
Mr Merton	<i>Tellers,</i>
Mr O'Doherty	Mr Jeffery
Mr O'Farrell	Mr Kerr

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Pairs

Ms Allan	Mr Cochran
Mr Carr	Mr Downy
Mr Rumble	Dr Kernohan

Question so resolved in the affirmative.

Motion as amended agreed to.

INDUSTRIAL RELATIONS BILL

EMPLOYMENT AGENTS BILL

Second Reading

Debate resumed from an earlier hour.

Motion by Mr Whelan agreed to:

That the question be now put (S.O. 100).

Mr SPEAKER: Order! The question now is that these bills be now read a second time.

Question put.

The House divided.

Ayes, 48

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 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 Woods
Mrs Lo Po'	Mr Yeadon
Mr Lynch	
Mr McBride	<i>Tellers,</i>
Mr McManus	Mr Beckroge
Mr Markham	Mr Thompson

Noes, 44

Mr Armstrong	Mr D. L. Page
Mr Beck	Mr Peacocke
Mr Blackmore	Mr Phillips
Mr Brogden	Mr Photios
Mr Chappell	Mr Richardson
Mrs Chikarovski	Mr Rixon
Mr Collins	Mr Rozzoli
Mr Cruickshank	Mr Schipp
Mr Debnam	Mr Schultz
Mr Ellis	Ms Seaton
Ms Ficarra	Mrs Skinner
Mr Fraser	Mr Slack-Smith
Mr Glachan	Mr Small
Mr Hartcher	Mr Smith
Mr Hazzard	Mr Souris
Mr Humpherson	Mr Tink
Mr Kinross	Mr J. H. Turner
Mr MacCarthy	Mr R. W. Turner
Dr Macdonald	Mr Windsor
Ms Machin	
Mr Merton	<i>Tellers,</i>
Mr O'Doherty	Mr Jeffery
Mr O'Farrell	Mr Kerr

Pairs

Ms Allan	Mr Cochran
Mr Carr	Mr Downy

Mr Rumble

Dr Kernohan

Question so resolved in the affirmative.

Motion agreed to.

Bills read a second time.

Question - That these bills be now read a third time - put.

The House divided.

Ayes, 48

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 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 Woods
Mrs Lo Po'	Mr Yeadon
Mr Lynch	
Mr McBride	<i>Tellers,</i>
Mr McManus	Mr Beckroge
Mr Markham	Mr Thompson

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Noes, 44

Mr Armstrong	Mr D. L. Page
Mr Beck	Mr Peacocke
Mr Blackmore	Mr Phillips
Mr Brogden	Mr Photios
Mr Chappell	Mr Richardson
Mrs Chikarovski	Mr Rixon
Mr Collins	Mr Rozzoli
Mr Cruickshank	Mr Schipp
Mr Debnam	Mr Schultz
Mr Ellis	Ms Seaton

Ms Ficarra	Mrs Skinner
Mr Fraser	Mr Slack-Smith
Mr Glachan	Mr Small
Mr Hartcher	Mr Smith
Mr Hazzard	Mr Souris
Mr Humpherson	Mr Tink
Mr Kinross	Mr J. H. Turner
Mr MacCarthy	Mr R. W. Turner
Dr Macdonald	Mr Windsor
Ms Machin	
Mr Merton	<i>Tellers,</i>
Mr O'Doherty	Mr Jeffery
Mr O'Farrell	Mr Kerr

Pairs

Ms Allan	Mr Cochran
Mr Carr	Mr Downy
Mr Rumble	Dr Kernohan

Question so resolved in the affirmative.

Bills read a third time.

BILL RETURNED

The following bill was returned from the Legislative Council without amendment:

Transgender (Anti-Discrimination and Other Acts Amendment) Bill

QUESTIONS WITHOUT NOTICE

(Supplementary Answer)

CONDOBOLIN POLICE NUMBERS

Mr WHELAN: The Leader of the National Party alleged in his letter to me that the behaviour of the community of Condobolin had been deteriorating for four or five years.

Mr O'Doherty: On a point of order. Neither members nor Hansard can hear the Minister. I would ask you to ask him to speak -

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

Mr WHELAN: I have to ask the Leader of the National Party why, when he was a Minister of the Crown, on his own admission he did not do something. The Acting Commissioner of Police has advised me that these are the circumstances of the matter raised. In the early hours of 25 May 1996 an off-duty police officer and three others, including the spouse of the officer, were assaulted in Condobolin. The officer was admitted to Orange Base Hospital with serious facial injuries. He is now on long-term sick leave. His spouse suffered a fractured arm. Two members of the public came to the help of the victims of this heinous attack, for which I am sure we are all grateful. At this stage two offenders have been

charged with maliciously inflict grievous bodily harm, assault occasioning actual bodily harm, assault police, assault, and violent disorder. The offenders have been remanded in custody and are due to appear in court again on 1 July.

The Leader of the National Party alleged that the strength of the Condobolin sector had fallen to five officers. He is being dishonest. I am advised that as of 6 June the actual strength of Condobolin patrol will be eight officers. One officer is on leave - an entitlement of every worker in this State. A second has resigned and will be replaced as soon as possible. Officer Swanson is on long-term sick leave. Every effort will be made to assist his recovery and return to work. I am meeting with the acting commissioner this evening - I have been with him since half past five - and I will raise this matter with him again. I draw the attention of the Leader of the National Party to the letter that he sent to me dated 27 May. I thank him for his frankness and honesty. In the fourth paragraph he stated:

Community behaviour in Condobolin has been deteriorating for some four or five years.

Well, why did the Leader of the National Party not do something about it?

PRIVATE MEMBERS' STATEMENTS

MOUNT AUSTIN PUBLIC SCHOOL FACILITIES

Mr SCHIPP (Wagga Wagga) [6.16]: I bring to the notice of the House and particularly to the attention of the Minister for Education and Training - I thank him for his presence in the Chamber tonight - a matter deserving serious consideration: the lack of a school hall and other provisions for shade and shelter at one of Wagga Wagga's larger primary schools, namely, Mount Austin Public School. We all know of the dangers of exposure to the sun and of the public campaigns to get people to cover up and to slip, slop, slap et cetera. We should support such responsible campaigns by providing adequate facilities at our schools.

Mount Austin Public School had high priority for provision of a multipurpose hall for each of the last 10 years but on each occasion missed out. In

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desperation the school community has now embarked on a fundraising campaign to build a sunshade area. The area will be used for a variety of functions, from school assemblies to speech nights. The school is one of the few public schools in the Wagga Wagga district that does not have its own hall-multipurpose centre. At present two adjoining classrooms serve as the largest covered or enclosed area. However, this area can accommodate only a small section of the school.

The school's annual presentation night is held outdoors. A recent presentation night had to be cancelled because of wet weather. Provision of government funds for a multipurpose hall has been lacking so the school has been forced to come up with its own solution. The plan is to build a shelter with a Colorbond roof to cover the whole quadrangle. Cost has been estimated at \$25,000. The school's parents and citizens association has contributed \$2,000 to the cost, while an additional \$1,500 has been raised by the student representative council. A school spokesman, Peter Rogers, said that it was hoped to build the construction in stages, with \$6,000 required for each stage. A year 6 student, Rachel Price, wrote a letter to the *Riverina Leader* newspaper. She stated:

We have very few trees in the playground and as you know Wagga Wagga can get very hot in the middle of summer.

We realise the danger of melanoma and skin cancer and I feel we must do something to help prevent it happening.

My class recently found out that on average three Australians die each day as a result of melanoma cancer, and I am concerned about this.

Rachel said that the covered area would be used for sun protection during the summer, school assemblies on rainy days, social events and special events such as Anzac Day ceremonies. Rachel wrote a poem headed "Melanoma", which reads:

Melanoma is a disease,
Of which we have to be careful.
Some people aren't too worried,
While others are quite fearful.
It starts as a mole or a birthmark,
Or sometimes just sunburnt skin.
Three Australian people die each day,
Some tall, some short, some fat, some thin.
So we need to put up a shelter,
To protect ourselves from the sun,
'Cause we've all found out being sunburnt,
Isn't very much fun.

Mount Austin school opened in 1960. Unlike many newer schools, it still does not have a school hall, as I have pointed out.

Mr Gibson: After seven years when you fellows were in.

Mr SCHIPP: I have been campaigning on this for a long time. The school has 415 students and 15 full classes. I believe this is a just and deserving cause. Another poem, which was written by David Wright, reads:

When I first saw it,
I thought of it only as a lump,
Then yesterday when I saw it,
It really made me jump.
When I was younger,
Say 20 years ago,
I used to laze around,
Caring most about my ego.
I didn't bother with sunscreen,
It wasn't very hip,
But then freckles appeared,
On my nose, cheeks and lip.
The cancer's disgusting surface,
All jagged and rough,
I want it removed,
I have suffered the pain enough.
If only I was smarter,
When out in the sun,
Then this wouldn't have happened,
And this painful process begun.

I am pleased that the Minister is in the Chamber. I ask him to support a commitment towards providing the students of the school with shelter from the sun and to reconsider the priority of a hall. I ask the Minister also to give an undertaking that once the shaded area is built the multipurpose hall does not lose

priority. The school has a just case for receiving assistance. In today's *Daily Telegraph* - [Time expired.]

Mr AQUILINA (Riverstone - Minister for Education and Training, and Minister Assisting the Premier on Youth Affairs) [6.21]: I thank the honourable member for Wagga Wagga for giving me prior notice of his intention to raise this matter. I only wish more of his Opposition colleagues would extend the same courtesy; maybe then they would receive positive responses more quickly to the concerns they raise. Mount Austin Public School is one of many schools that were built in the 1960s without a school hall. Many of those schools are not only in rural areas, but also in western Sydney, including a number in my electorate. Year after year those older schools were overlooked in the allocation of funds for capital works because the funds had to be provided for the construction of new schools that were popping up in new development areas surrounding those older schools and were receiving everything that opened and shut, including new halls, beautiful library facilities, administration blocks and all the rest.

I am sympathetic to the cause of schools like Mount Austin. In this year's capital works allocation I quarantined some \$40 million to allocate money for the construction of multipurpose halls for such schools. I hope to continue that program over the next few years subject to availability of funds. The honourable member for Wagga Wagga said that the shelter area would cost something like \$25,000 to construct. I advise that that project will be sympathetically considered. Unfortunately, this year the funds in the program that would assist that construction have been fully expended. The program will continue from 1 July and runs on a fifty-fifty contribution basis. I undertake to the honourable member for Wagga Wagga that \$12,000 to \$13,000 will be allocated to Mount Austin school

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to at least get the project under way. Of course, the school needs to raise the balance of the funds. However, if something can be worked out in stages to start that process, I will be happy to recommend it.

BULLI ELECTORATE INTERSECTION UPGRADE

Mr McMANUS (Bulli) [6.23]: I raise an issue of pedestrian safety in my electorate. The intersection of Farrell Road and the Princes Highway has been a longstanding problem for the residents of Bulli and surrounding suburbs. In the 1970s numerous serious accidents occurred regularly at that intersection. When I was an alderman of Wollongong City Council I first became involved with this issue particularly because many aged people use the facilities adjacent to the intersection. This intersection provides access to Bulli District Hospital, which is in Hospital Road. Nearby is the newly established ambulance station and the community nursing service at which the elderly patients regularly attend. The pedestrian safety problem came to a head in the last couple of years and the Roads and Traffic Authority moved the original crossing 100 metres south to try to give protection to pedestrians. I appreciate the RTA undertaking that work, but it has not resolved the problem that the elderly and other residents face. The northern distributor has not yet been completed and the volume of traffic through this intersection still presents a pedestrian safety problem. I ask that the Minister for Local Government pass on to the Minister for Roads my concerns and those of my constituents.

If lives are to be protected, many things must be done to improve this intersection. Pedestrians have been knocked over, children knocked off bicycles and cars have suffered severe damage. The fact is that the northern distributor has not been completed to Bulli Pass yet development has continued in the region. The volume of traffic using the Princes Highway through Woonona into Bulli shopping centre has increased dramatically and, therefore, has increased the dangers for pedestrians. I suggest that the Minister first undertake an in-depth investigation of the use and safety of the crossing. Some weeks ago during inclement weather, and while travelling at the speed limit, my vision of the crossing was impaired because of its location. I almost collided with a young person on the crossing. The Minister should consider the possibility of installing more lighting to provide protection to the residents.

The traffic proceeds along the Princes Highway at a steady pace, so I suggest also that it may be

appropriate to install traffic calming devices in that vicinity to slow down those drivers who, unfortunately, from time to time break the law by speeding. This action places members of the community and other drivers in danger. I trust that consideration will be given to undertaking these investigations. If we are not cognisant of these concerns, further traumas will occur at the intersection. It is only fair that those elderly people whom I represent, who are not as agile as they used to be - and we will all reach that stage at some time - are given adequate protection. I trust the Minister will take this matter into account.

Mr E. T. PAGE (Coogee - Minister for Local Government) [6.27]: The honourable member for Bulli has raised some valid concerns. I shall take the matter up with the responsible Minister.

MARDI GRASS FESTIVAL

Mr RIXON (Lismore) [6.28]: In my electorate is the beautiful village of Nimbin, which has about 500 residents. I bring to the attention of the House some reports I received from people concerned about a festival that took place called the Mardi Grass Festival. The first report stated:

This report is in regard to the Mardi Grass Festival held in Nimbin 1-5th May, 1996. The residents of our Township that shopped in Nimbin for Milk, Papers & Bread saw with their own eyes, the disgraceful and untidy mess our Main st, (that is Cullen st), was in for the 5 days.

It was one of many conditions the Lismore City Council had asked the organisers to take care of. The local Tip was left opened for 5 days. The organisers not having to pay to use. We as Ratepayers can only use the Tip on certain days and have to pay to use. Music and the time it was to finish was another condition by Council. Midnight was the cut off time. Every night it went well after Midnight. Saturday night it went all night till 6.30a.m.

No stalls were allowed to be in Cullen St. The Markets were cancelled on Friday. The organisers should have let stall holders know. Instead, we had the rudeness of Stall Holders setting up on Sunday in front of Businesses in Cullen St. It was just a dreadful weekend for Nimbin. Parking was out of control on Saturday and Sunday. Most streets were reduced to one lane. Buses, cars, food vans parked illegally.

Then we had rain and a Church was opened in questionable circumstances for people to sleep because they couldn't get home. 120 or more persons were in the Church on Saturday night. Some Residents in Nimbin were annoyed and made phone calls to Lismore. Thank goodness the Church was closed on Sunday night. Dogs and Alcohol were also at the Church.

Toilets were also a problem. Not enough for the number of People they were expecting. People were urinating in streets. This week-end is only advertising an illegal and prohibited substance. The people this week-end attracts, abuse Drug and Alcohol.

Thank goodness the floods & rains kept a good number of people away from Nimbin. This Festival appears to be getting out of hand. The Lantern dancing in the street . . . on Friday & Saturday night was obstructing to Vehicle Traffic, bringing the traffic to a standstill at times. Where is the respect for our Township of Nimbin.

Another report has been received which stated:

Our objections to this week end are.

- * loud music all night for 5 nights.
- * people walking streets all night.

- * garbage littered streets. Bins overflowing.
- * people sleeping in doorways of shops every night.

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- * not enough toilets in the township.
- * people setting stalls up in cullen st, knowing the markets had been cancelled on the Friday.
- * camping sites not patrolled and no toilets.
- * dogs galore in our township.
- * raffle sold, prize \$300.00 worth of hemp heads.
- * joint rolling competition in nimbin hall.
- * hemp cookies sold. People were sick after eating same.

Damage & Petty thefts done to buildings in Nimbin were:

- * Over \$1000.00 in stolen goods & damage to Kiosk of Nimbin Soccer Club.
- * Cover off Organ in Pres Church stolen and front door forced open.
- * People were so kindly given blankets to keep warm and same people asking the Laundromat if their blankets could be put in the driers to dry. This was refused because the blankets were wet & dirty.
- * Van tipped over in main st by a group of people. rope off flag pole . . .

That was in the war memorial park. The editor of the *Northern Star* received a number of letters about this. One of the more recent ones stated:

There have been several letters from proponents of Nimbin's Mardi Grass recently claiming what a great event it was, being filled with peace and light and goodwill to all.

There has been a distinct lack of objective observation or criticism from the long-suffering local residents who are constantly confronted by ever-increasing impositions from so-called activists whose only agenda is the selfish promotion of their own personal Nirvana in defiance of reason and public amenity.

The almost deafening silence of the locals is understandable when you have seen how the more radical members of the debate are prepared to target anyone who has the hide to speak out against them for anything from being pilloried in the local media to actual physical violence.

That is why I have not given the names of the people who have protested. The letter continued:

As the organisers originally expected 8000 people to attend over the week of festivities it is somewhat puzzling . . .

Why was action not taken? I will pass on this information to the Minister for Police and the Minister for Local Government indicating that I have received comments from many people. They wished to protest

but did not want their names used for fear of retribution. Their sentiments were always the same. What can be done by police authorities, local government authorities and others to control the festival and ensure civilised behaviour is maintained? While most responsible people would prefer to see the festival not happen at all, they agree that if it has to happen it should be moved out of the Nimbin streets onto private property away from town. I will be bringing this to the attention of the Minister for Local Government in the near future. [*Time expired.*]

Mr E. T. PAGE (Coogee - Minister for Local Government) [6.33]: I will have the matters raised by the honourable member investigated to see if something can be done to overcome the problems.

WESTLAKES POLICE NUMBERS

Mr HUNTER (Lake Macquarie) [6.34]: This evening I raise the issue of Westlakes policing, in particular the police strength of the Toronto patrol, which covers Toronto and Morisset in the Westlakes area. I have raised this issue on numerous occasions and will continue in my efforts to see the authorised police strength at local police stations increased. On 14 September 1994 an article appeared in the *Post* under the heading "Police Beat with Darrell Ford". The article stated:

The apparent lack of police officers in the Hunter, and Westlakes in particular, was the subject of a meeting with the Hunter Labor Parliamentary Members and the area's Police Commander last week.

Jeff Hunter, MLA Lake Macquarie, raised concerns about police staffing levels with the District Commander, Heinz Moeller . . .

He said -

that means me -

those officers were responsible for the Morisset, Wyee and Cooranbong areas when additional assistance was required and when the Morisset station was closed late at night.

"The official line from police at the meeting was that staff levels were adequate in the Westlakes" Mr Hunter said.

I also pointed out that people of Westlakes did not believe staffing numbers were adequate. On 3 May the Morisset branch of the Australian Labor Party sent a letter to me calling for extra general duties police officers to be placed on duty in the local area and calling for the upgrading of Morisset police station to a 24-hour service. On 2 November 1994 an article about a campaign to boost police numbers in the Westlakes region appeared in the *Post*. The article said that the area had been given a boost with the release of a document detailing the current staffing shortages in the area. The Toronto and Morisset Community Consultative Committees put in a submission for additional police. That submission was sent to the former Minister for Police, the Hon. Garry West. I gave a copy to the current Minister for Police, the Hon. Paul Whelan.

That document was very well prepared and I quoted from it in Parliament not long after its release. I said it was an excellent submission and would go a long way to prove the need for extra police in Westlakes. The submission outlined the size of the Toronto patrol area from Teralba in the north to Wyee in the south. It covers all of the Westlakes area and includes approximately 450 square kilometres on the western side of Lake Macquarie. That equates to 70 per cent of the total land area of Lake Macquarie City. Thus the size of the Toronto patrol area is unique in the Hunter region. I have pointed out that the patrol area includes numerous kilometres of freeway, the great northern railway line, railway stations, coalmines, power stations, hospitals, high schools, showgrounds, an airstrip at Cooranbong and forestry areas. I said that the police were certainly being stretched.

The submission also pointed out the need for an upgrade of the Morisset police station. Last year the Government injected \$500,000 from the budget to see that station upgraded. Toronto police station is also in need of an upgrade. I have asked the Minister to detail to the House any headway in that area. The recent Carr budget boosted many projects which are important to me and the residents of Westlakes. One is the long-awaited Toronto courthouse, something that the previous Labor Government, in 1988, committed itself to building, but the coalition Government did not follow through. To begin construction of the courthouse \$706,000 has been allocated; it will be a \$4.3 million project. I ask the Minister to please investigate the feasibility of upgrading the cells at Toronto police station so that police officers do not have to continue to travel to Newcastle for detainees to be held in cells there. Relieving them of that duty, that 1½ hours round trip, will certainly allow extra policing to take place in the Westlakes area. I ask the Minister to respond to those concerns on Westlakes policing.

Mr WHELAN (Ashfield - Minister for Police) [6.38]: I thank the honourable member for Lake Macquarie for raising these important matters tonight. I will address his major issues in turn. In relation to Toronto police station I have great news for this hardworking member. The capital works customer service will mean better facilities for victims of crime and the community using the station. The upgrade at Toronto will mean access ramps for handicapped people, with new public toilets, new foyer, new waiting room and interview rooms with new street signs at a total cost of \$245,000. The 1996-97 Budget allocates \$200,000 towards that.

The Morisset police station project is almost complete and I am sure it will help deliver a better policing service to the Lake Macquarie community. I have asked the Commissioner of Police to report on this matter in relation to the cells at Toronto. I will forward a reply to the honourable member on that issue. In relation to staffing, I assure the honourable member that the Carr Government is committed to putting more police on the streets. For that reason the honourable member might recall that I have already announced a task force with a board comprising members of the Police Board, headed by the former Minister for Police, Peter Anderson - who is also a member of the Police Board - to investigate the number of officers who are still allocated to desk jobs in the Police Service.

The body that will be involved in accessing more police on the streets, putting police back on patrols, the Sub-Committee on Response Policing in Operations - SCORPIO - will obviously bear in mind the comments made by the honourable member. He can be assured that I am conscious of the need to ensure the safety of the people of his electorate. Lastly, I congratulate the honourable member for Lake Macquarie on his hard work. He received great news from the Minister for Health on the health budget and the House took the extraordinary step of congratulating him on his hard work in achieving so much funding for his electorate. Tonight I am pleased that I have been able to announce the good news about the Toronto and Morisset police stations.

WESTMEAD HOSPITAL HYGIENE

Mr O'FARRELL (Northcott) [6.40]: On 21 April a constituent, Mrs Peta Hall of Pennant Hills, attended the Westmead emergency department with a member of her family who required medical attention. What Mrs Hall witnessed during her time at the hospital worried her to such an extent that she wrote to the hospital's chief executive officer in the following terms:

While waiting in Emergency on the evening of April 21st I became aware that bed sheets are clean for one patient, then turned for the next. I was told that this was a cost cutting measure as it costs seventy cents to clean each sheet.

Whilst on the one hand I applaud cost control, this particular measure seems to run contrary to good practice in an environment where hygiene is vital.

She went on to say:

With this in mind I enclose a cheque for fifty dollars to start the ball rolling.

Mrs Hall was advised about the 70¢ a sheet cost by a hospital employee who was present at the hospital on 21 April. Her donation represents the equivalent of having 71 sheets cleaned. Her actions are not those of a vexatious person; they are demonstrably the concerns of a person disturbed by what she saw on that day. On 10 May Mr Mills, the hospital's acting chief executive officer, wrote to Mrs Hall and said, in part:

I can understand your concerns about the need for a clean and hygienic approach to the care of people in our Emergency Department. The practice of double use for sheets, however, is not an unsafe practice and there is no risk of infection or any cross-contamination between patients. I have asked our infection control staff to review the practice and they have confirmed that it is quite appropriate.

Of course, if sheets are marked or dirtied, they are not re-used under any circumstances for a second patient. This important aspect has been re-emphasised with our staff in the Emergency Department.

That letter clearly confirms what Mrs Hall saw on 21 April. Mr Mills' letter detailing such practices understandably causes community concern. No-one I have spoken to thinks it is acceptable for an emergency department to turn sheets instead of washing them. I brought this matter to the attention of the Minister for Health through written representations and to the shadow minister. The shadow minister, the honourable member for North Shore, shares the concern that Mrs Hall and I have about this matter. She sought information from an infectious disease specialist, who confirmed the lack of wisdom of the sheet-turning practice. The shadow minister went public on the issue, with Mrs Hall's consent. The response of the Minister's

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office and that of Westmead Hospital was at worst outrageous and deceptive and at best misleading. An article in the *Sunday Telegraph* of 2 June stated:

A spokeswoman for Westmead Hospital said there had been some confusion over the letter. She said no patients were placed directly on sheets. Paper oversheets were placed on all bedding, were changed after every patient and were never re-used. If there was any soiling, the bedding, as well as the paper overlay was changed.

The two basic issues here are the inference that my constituent got it wrong and the community's expectations about safety and hygiene practices in the emergency department at Westmead Hospital. Mrs Hall did not get it wrong; she did not misrepresent what she saw and what she was told. Her actions in raising the matter privately with the hospital and her donation to the hospital put her intentions in the matter beyond doubt. They were the concerns of a fair-minded person disturbed by what she saw on 21 April. The community does not accept this practice, disposable top sheet or not, and it must end. I know enough about disease to know that carriers can be microscopic and invisible to the eye. A top sheet will not protect in the presence of disease a bottom sheet that is to be turned over and not changed. That practice concerned Mrs Hall, horrified me and disturbed an infectious disease specialist. This week Mrs Hall wrote to me again stating:

It seems that the hospital has decided to use disposable paper cover sheets. Whilst I have no way of knowing if this practice started after my letter was received, or because of the media coverage over the past few days, my objective has been achieved and safer procedures have been introduced.

I feel however, that I must assure you that on the night of the 21st of April there were no disposable paper cover sheets being utilised in the emergency area of Westmead Hospital despite the assurances of the unnamed hospital spokesperson.

The defence to the hospital's sheet-turning practice by the Minister's office and Westmead, anonymously as Mrs Hall notes, casts a cloud over the services offered by its emergency department. Until the practice of using disposable top sheets ends, people will have concerns about the practices of Westmead Hospital.

Mr E. T. PAGE (Coogee - Minister for Local Government) [6.45]: I will refer the matter to the Minister for Health, although it appears that the department has taken it up. I would be interested to know whether the practice of using disposable sheets originated during the time of the previous Government. It probably did. I would not be crass enough to suggest that I am an expert on health matters so I will not comment on the issue other than to say that I will refer the matter to the responsible Minister.

RETREAD TYRES

Mr SULLIVAN (Wollongong) [6.46]: I raise a matter that was discussed at a Port Kembla pollution meeting held in March. The meetings are held on the first Saturday of each month at St Patrick's hall and give residents of Port Kembla, Warrawong and Berkeley an opportunity to raise matters of concern. The suburbs adjoin the major industrial area of the Illawarra, which is located between Port Kembla and Wollongong. An issue of concern to the meeting was the way in which retread tyres on heavy vehicles can be thrown while in motion and the potential hazards they can cause. I received a copy of a letter from Ron Hales, of the health and building division of Wollongong City Council, addressed to Mr B. Borland, Roads and Traffic Authority at Goulburn, the major central office for the Illawarra, which reads:

Use of Retread Tyres on Large Tanker Vehicles.

At the Port Kembla pollution meeting held on 2 March 1996 it was resolved that "the transport authority be urged to ban the use of retreads on large tanker vehicles, particularly those transporting hazardous materials".

This resolution arose from an incident when a community representative alleged that he was travelling alongside a tanker which was carrying hazardous materials on the F6 near the Emerson Road exit at Dapto when the tanker threw a retread. This incident, it was claimed, nearly caused an accident. Comment was also made at the meeting that stripped sections of retreaded tyres on major roads suggests this may be a problem with all heavily laden vehicles, however, the immediate concern is over the potential for tragic circumstances where hazardous materials are being transported.

The matter is referred to you to take up in the appropriate forum to enable consideration to be given to the resolution of the meeting.

The letter summarises the concerns of the meeting, that is, the use of retread tyres on heavy vehicles, particularly tanker vehicles transporting hazardous materials, basically petroleum products and chemicals. The issue has gained greater urgency with the change in the past decade in the mode of transporting petroleum in particular and also hazardous materials. The method of transporting petroleum to Port Kembla by sea, unloading it into storage depots of various oil companies and distributing it locally by road has been phased out. Now petroleum is brought down daily from refineries in Sydney to the Illawarra and south coast areas. The current method of transporting hazardous material is becoming a significant safety issue.

Some of the major tankers used in road transport carry much greater quantities of fuel than they did in years gone by. I am aware of rail lines in country areas that are mothballed and the cessation of mixed goods trains that in the past delivered fuel to country areas. The line at Coonabarabran has been closed or mothballed and Dunedoo has not had a tanker train for many years. This puts pressure back

on to the roads. Heavy vehicles fitted with retread tyres create a major danger for other road users. Large tankers should operate under strict safety requirements. To this end, if there is no restriction on the use of retread tyres of any class or quality, I call upon the Government to ensure that a restriction is introduced as a matter of urgency as a safety measure for the general public.

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Mr E. T. PAGE (Coogee - Minister for Local Government) [6.50]: It is good to hear a concerned local member who can properly articulate a problem to the House and I compliment the honourable member for Wollongong for his ability to make a reasonable request about how the matter should be handled. It is a pity that some honourable members opposite could not do an equally good job. If they did, no doubt they would be able to obtain services that they could not obtain during the previous Government's seven years in office. I will refer the matter to the appropriate Minister, who no doubt will do something about the matter when he hears of the analysis made by the honourable member for Wollongong.

TENTERFIELD SHIRE COUNCIL ASSET TRANSFER

Mr CHAPPELL (Northern Tablelands) [6.51]: The matter that I wish to bring to the attention of the House came to light following the change of government last year. I have raised the matter with the Minister for Energy, and his Assistant Minister in this House is aware that I am raising it this afternoon. I refer to Tenterfield Shire Council's request to the Minister for Energy for sympathetic consideration of its case following the recent change in structure of the electricity distribution industry. Tenterfield Shire Council was the only general purpose council in New South Wales with an electricity function. Therefore, it has suffered in a way that is unique among the other county councils or, as they have become known, regional electricity authorities. It is appropriate that the Energy Authority should compensate Tenterfield Shire Council for aspects of the financial burden that the council has suffered as a result of the restructuring of the energy industry. The council's electricity function has been handed over to NorthPower and the council has been left with problems that place an unfair burden on the ratepayers - for example, decisions on the management of surplus staff that were jointly employed and the assets that have been stranded by the decision to disaggregate the operations of the council and electricity distribution.

The problem is unique to Tenterfield and needs special and separate consideration from other matters relating to recent electricity reform. The Minister is aware of the problem, and the council is waiting for an answer. Tenterfield Shire Council wrote to me on 4 January, pointing out its difficulties. I forwarded the letter to the Minister immediately with an accompanying letter of support for the council's proposition. The council wrote to me again on 15 April, and I forwarded that letter to the Minister within a day or two, seeking his earnest and urgent consideration. However, I have not received an answer.

I believe it is appropriate to call upon the Minister to resolve this matter in the interests of Tenterfield Shire Council. The council, on behalf of the ratepayers, should be validly able to claim for assets compulsorily transferred to NorthPower, assets that had been built up by the residents and therefore the energy consumers of the region since 1917. In addition, the council should be able to recoup the costs remaining after a major sector of the organisation has been taken over by another authority. Unlike all other electricity distributors, which were effectively abolished, Tenterfield Shire Council will continue as an entity. Consequently, the council is confronted by a financial burden and for that reason has sought an adjustment. Functions have been resourced to meet the needs of the total organisation, which was the amalgamated council and electricity authority. In a small council there is a large degree of integration of staff, resources, plant and equipment and over the years up until last year the electricity function has made a substantial contribution to the funding of the council's overheads. In 1994-95 the contribution was assessed at \$134,800.

To highlight just some of the council's problems, the plant repair workshop was built and resourced by the council to cope with the needs of the total organisation, including electricity distribution. That will no longer be the case. The council's small office staff have carried out administrative functions for the electricity department, including the administrative work of the council proper. The electricity fund contributed to the cost of office heating, cooling, lighting and cleaning on a shared funding basis. That is no longer the case. Radio and telephone systems are shared with the Electricity Fund meeting a proportion of the operating costs. That no longer applies. The council's computer was purchased with the electricity function as a principal operation. I call on the Minister to make the necessary adjustment. *[Time expired.]*

Mr E. T. PAGE (Coogee - Minister for Local Government) [6.57]: As the honourable member indicated, this is a unique situation and it has required in-depth consideration. No doubt that is why it has taken some time for the Minister for Energy to arrive at a final solution. I will take the matter up with him and endeavour to get a favourable resolution of the matter.

SANDGATE CEMETERY RESTORATION

Mr PRICE (Waratah) [6.57]: I congratulate the Government and the Minister for Transport on the support that the State Rail Authority is giving to the Sandgate Cemetery Trust restoration program. The cemetery has undertaken a project that is known locally as the Sandgate cemetery redevelopment project, which has attracted a \$3.1 million grant from the Department of Employment, Education and Training. The grant will enable the trust to employ 180 people over an 18-month period in six-month envelopes. The employment will not be permanent, but it will offer training opportunities, provide employees with a curriculum

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vitae and enable them to make their way in the community. It is a genuine effort by the former Federal Government, supported by the New South Wales Government, to ensure that job opportunities will be made available as a result of the program.

Honourable members may wonder why such extensive restoration would be required, but the cemetery has significant heritage value to the Newcastle and lower Hunter region. It is one of the historical landmarks in the area. Over the years the cemetery has deteriorated, as many such establishments do, and there is the added problem of subsidence resulting from the 1989 earthquake. A lot of the damage was not made good, and the condition in which the graves were left has caused distress to a number of ethnic groups within the community that place burial fairly highly on their list of social obligations. The trust's meagre resources meant that it was unable to undertake the significant restoration and drainage work that was required. That work can now proceed and the project will involve a number of exciting aspects. One can get excited about cemeteries, principally because they are historical sites. Sandgate cemetery is part of the history of Newcastle and dates from 1881. Most of the long-term families in the area would be represented in some way on the tablets within that cemetery. In cultural, historical and heritage terms Sandgate cemetery is extremely important. I am pleased to advise the House that the State Government is contributing to its restoration. I quote from a letter that I have received from the trust, which states:

One of the most historically significant sites at the Cemetery, is the existing railway line which was used for transportation for burials. It was last used as recently as 1987. One of the features of the scope of works is to reinstate the railway line for practical use. Already trainees have completed initial work on the line, exposing sleepers and minor repairs.

Eventually the work on the railway will include replacing some sleepers, ballast and dog spikes and restoring and refurbishing the original mortuary station. Ultimately, two carriages will be used as a museum highlighting the history of the site.

The State Government, at the request of the trust, has agreed to provide through the State Rail Authority - and this project has the Minister's blessing - 3,000 second sleepers and 12,000 dog spikes to enable the continuation of the refurbishment. The trust is seriously considering requesting 2,300 tonnes of ballast. This significant refurbishment will bring back into service a 150-metre long railway line that has two junctions and twin lines. Anyone who has seen the restoration of the mortuary station near central station would appreciate the craftsmanship that went into the building of those stations. I am sure that the restoration work that has been carried out at the Sandgate cemetery has added to the heritage value of buildings in the Hunter area.

I understand that a tremendous amount of landscaping will be undertaken by EJE Landscape Architects, who are committed to reinstating the important heritage value of the cemetery. The work will not be coordinated by the trust, although that is the principal body to which the grant was made; the Wallsend Training and Development Centre will undertake on-the-ground supervision. As I said earlier, it is hoped that work on this site will be completed by July 1997. I have no doubt that, once it is completed, there will be a striking improvement in the area. I accept that these days burials, to a great degree, are of secondary importance to cremations. *[Time expired.]*

Mr E. T. PAGE (Coogee - Minister for Local Government) [7.02]: I commend the honourable member for Waratah for raising this matter. He said that Sandgate cemetery has great historic value in the Newcastle area. I empathise with that because most of my forebears, including my mother and father, are buried in that cemetery. The honourable member for Waratah said that the former Federal Labor Government and this State Government have done something to maintain this great heritage site. I am pleased that this heritage site in Newcastle will be maintained. The historic Waverley cemetery is in my electorate. Waverley Council, the local trustee, does a great job maintaining the cemetery as a significant heritage site and Waverley library, which takes a great interest in the site, conducts public tours through the cemetery. Every year I attend a seminar conducted by the American Legion - the equivalent of our Returned Services League - which celebrates a memorial service. Recently it found that nine American Civil War veterans were buried in Waverley cemetery. I am well aware of the heritage significance of cemeteries and I commend the honourable member for Waratah for raising this matter in the House.

BUNDEENA-MAIANBAR SEWERAGE SCHEME

Mr KERR (Cronulla) [7.04]: I bring to the attention of honourable members the need for a sewerage system in the Bundeena-Maianbar area. One of the residents in the area has written to the Minister for Urban Affairs and Planning in the following terms:

We have lived at the above address for over twenty years and in that time have seen the Bundeena-Maianbar area grow from a collection of mainly weekenders to a more permanent population of young families with larger houses and the appliances that we all take for granted. Gone are the days of the night cart and a septic system that can no longer cope. We are 40 minutes from the CBD and still have to endure a septic system that twenty years ago was probably barely adequate but now can no longer cope.

The Minister for Local Government, who is in the Chamber, might recall 1976. He would be well aware that during the years of the Liberal Party-National Party Government in New South Wales determined efforts were made to install a sewerage scheme in the Bundeena-Maianbar area. Environmental impact statements were carried out and public meetings were held, in contrast to the long, dark years under Labor from 1976 to 1988

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when nothing was done. Those who lived in Bundeena in that period would be aware that money that was allocated for the Waterfall bridge - a matter about which the Minister would know - was diverted to Darling Harbour. However, the bridge was built by the previous coalition Government. No doubt those

seven years of the Liberal Party-National Party Government were years of achievement and promise for the people of Bundeena and Maianbar.

Mr E. T. Page: All promises and not one toilet!

Mr KERR: The promises were met with performance. The resident who wrote to the Minister for Urban Affairs and Planning, and Minister for Housing asks, quite rightly:

What is happening to proposed sewer scheme for Bundeena/Maianbar? . . . We have the situation now that residents who cannot comply with Sutherland Councils policy on effluent leakage are being fined and ordered to install expensive pumpout systems. This could cost up to \$5000.00.

Residents have been fined \$300 because they have not installed septic systems. As I mentioned earlier, the capital cost of a pump-out system is approximately \$5,000, plus ongoing council waste removal charges of approximately \$150 a month. A letter from another resident stated:

There is a mixture of pumpout and septic/soakage in Bundeena. Pumpout being required by the council if the land was unsuitable for soakage when the land was originally developed or a new residence built. It appears to be some what misplaced enthusiasm toward improving the standards when sewerage installation is pending rendering onsite waste management systems unnecessary.

I do not need to spell out to the Minister the health dangers involved. A sewerage system is of great concern to the residents of Bundeena and Maianbar and it is essential to bring the area into the twentieth century. As I said, much was done by the former coalition Government. This Labor Government has been in office for some time now and residents are entitled to an explanation. They are suffering in the health and economic sense and they are entitled to a better future.

Mr E. T. PAGE (Coogee - Minister for Local Government) [7.08]: I have visited on many occasions Maianbar and Bundeena - two picturesque areas and great places for anyone to visit. I admire the gall of the honourable member for Cronulla in whose electorate these areas are located. Now that the Labor Party is in government the honourable member complains that a sewerage system is needed. However, in the seven years that the former Government was in office the honourable member never mentioned that Bundeena and Maianbar needed a sewerage system. Tonight he talked about environmental impact statements and about public meetings, but in the seven-year period to which I have referred not one toilet was installed.

The honourable member for Cronulla now has the gall to ask why the incoming Labor Government has not done something about this problem. As I said, I admire the man's gall. I will certainly refer the matter to the responsible Minister to determine the current situation. Obviously, I am not aware of what has happened since this Government has been in office. However, I suggest to the honourable member for Cronulla that this Government has done nothing less and probably a great deal more than the previous Government did in its seven years in office. I assure the people who have written to the honourable member that they have more chance of having a sewerage system installed now that the matter has been brought to my attention than they had when the former Government was in office.

LABOR COUNCIL ONE HUNDRED AND TWENTY-FIFTH ANNIVERSARY

Ms ANDREWS (Peats) [7.10]: Last week I informed the House that the Labor Council of New South Wales was this year celebrating its 125th anniversary. A number of relevant issues were not mentioned and for posterity's sake I would like to have them recorded in *Hansard*. I have already said that there have been 28 secretaries of the Labor Council, including the incumbent, Peter Sams. To date there have been 78 presidents, including the incumbent, John Whelan. One of the Labor Council's early founders was Francis Burdot Dixon, after whom Sydney's famous Dixon Street was named. He was

secretary from 1873 to 1874, and again in 1883. It was Dixon who called for the formation of a trades council at a general short-hour league meeting. He was a very dedicated unionist, who also did much to promote the representation of industrial labour in Parliament. He served as Secretary of the Operative Stonemasons Society in 1866 and 1867. He unsuccessfully ran for a seat in Parliament in the electorate of East Sydney. When he died of lung disease in 1884 his family was so destitute that the then Trades and Labour Council had to raise the money to pay for his funeral.

Two other early unionists stood out at that time. One was Peter Joseph Brennan, who founded the Stewards and Cooks Union with the help of the Trades and Labour Council. He was also very influential in establishing the Australian Labor Party. The other was John Christian Watson, who was prominent in finalising the link between the Trades and Labour Council and the Labor Party. In 1894 he became a member of the New South Wales Parliament. In 1901 he entered Federal Parliament and in 1904 he became Australia's first Labor Prime Minister. Interestingly, the Labor Council's first female delegate was Creo Stanley, who represented the Female Employees Union. In those days, of course, there would have been very few women in the paid work force.

The Labor Council of New South Wales has led the trade union movement in Australia in gaining improved working conditions and wages for all workers, whether they be professional, blue-collar or white-collar workers. It has an unparalleled record of settling industrial disputes

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with employers and resolving demarcation disputes between affiliated unions. Today the Labor Council offers affiliates a variety of other services. Officers specialise in the training of union representatives on occupational health and safety workplace committees, education and training of aspiring unionists, and training and employment of Aborigines. A well-furnished library is available for access by affiliates and provides material for students studying industrial relations or requiring information on the role which unions play in a democratic society.

The Labor Council has wide acceptance. It plays an integral role in society and is represented on numerous government, semi-government and commercial boards operating throughout New South Wales. It is interesting to note that the Labor Council has assisted a number of charitable organisations over the years, particularly those running programs for troubled youth, such as the Insearch organisation. In more recent years, the Labor Council has adopted the children's hospital as the main benefactor of its fund-raising activities and has successfully raised thousands of dollars for this worthy cause.

Not so well known is the fact that the historic Trades Hall is the home for a large number of trade union banners, many of them dating back to the last century. These are protected and zealously cared for by the long-serving and dedicated Secretary of the Trades Hall Association, Mrs Lorna Morrison, who receives the full support of all members of the association in the preservation of those banners. The banners, particularly those dating back to the 1900s and the turn of the century when the word "Federation" was on everybody's lips, are in themselves a work of art. They were the banners displayed in numerous eight-hour day marches which took place on the streets of Sydney on an annual basis for many years. They were also readily displayed at public rallies and at public gatherings on Sunday afternoons in Sydney's Domain.

These banners are a striking reminder of the trade union movement's proud and certainly colourful history in the development of the State of New South Wales. Many of the unions which commissioned the banners in the first place have long ago amalgamated with other unions, while some have more recently become partners in the megaunions that are now very much part of the Australian scene. To commemorate the 125th anniversary a tape-recording has been made of the history of the Labor Council. Finally, I take this opportunity to congratulate the Labor Council of New South Wales on its 125th anniversary. I wish the Labor Council and its affiliates well for continued growth and success in the future.

Mr E. T. PAGE (Coogee - Minister for Local Government) [7.14]: As I said when the honourable

member spoke about this matter previously, I am pleased that she has referred to it. I attended the recent dinner. I have been a trade union member for more than 40 years, so I certainly empathise with the sentiments she has expressed. My people came from Newcastle and my maternal grandfather was very active in the Newcastle Trades Hall. In fact, he was the secretary of the eight-hour day committee. Unfortunately, my grandfather was killed in a building accident in 1913 and, as with the family of Francis Dixon, no workers compensation was available for my grandfather's family. My mother's family was poverty-stricken because the breadwinner was killed in an industrial accident and no compensation was available.

Because of the action of the trade union movement measures such as workers compensation became accepted in a civilised society and people in similar situations today do not find themselves in the situation of Dixon's family or, indeed, my mother's family. It is worthwhile noting that although the Labor Council of New South Wales recently celebrated its 125th anniversary, the Howard Government will be seeking to turn back the clock on industrial relations to impede the access of injured workers to compensation. A battle similar to that which occurred 90 years ago will have to be fought again. There is no doubt that the courage and determination of the working class of New South Wales and the other States of Australia will ensure that the benefits are reinstituted if they are taken away by the Howard Government.

Private members' statements noted.

House adjourned at 7.16 p.m.
