

LEGISLATIVE COUNCIL

Wednesday, 25th September, 1991

The Chairman of Committees took the chair as Deputy-President at 2.30 p.m.

The Deputy-President offered the Prayers.

INDEPENDENT COMMISSION AGAINST CORRUPTION

Report

The Deputy-President, in accordance with section 78(1) of the Independent Commission Against Corruption Act 1988, tabled the annual report of the Independent Commission Against Corruption for the year ended 30th June, 1991.

Ordered to be printed.

JOINT ESTIMATES COMMITTEES

Motion by the Hon. E. P. Pickering agreed to:

That:

(1) Upon the receipt of a Message from the Legislative Assembly, the House shall appoint five Estimates Committees to be known as:

1. Human Services Estimates Committee
2. Natural Resources and Environment Estimates Committee
3. Economic Planning, Development and Infrastructure Estimates Committee
4. Law and Justice Estimates Committee
5. Machinery of Government Estimates Committee,

for the purpose of examining and reporting upon proposed expenditures from the Consolidated Fund for each organisational unit for each Minister listed in the tabled Estimates, and the corresponding clauses and schedules of the Appropriation Bill. Such proposed expenditure shall stand referred to the appropriate Committee.

(2) The resolution shall set out, in respect of each committee:

- (a) the names of the Members to be appointed, of whom two shall be Government Members, two shall be Opposition Members and one shall be a non-Government Member nominated by the Leader of the Government;
- (b) the name of the Member to be Chairman;

- (c) the organisational units, and the corresponding clauses and schedules of the Appropriation Bill to be considered;
- (d) the maximum period of time allocated for consideration of each Estimate; and
- (e) the days, hours and place during which they shall meet.

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(3) The Committees shall have power to send for and examine persons, papers, records and things and to report from time to time.

(4) The quorum of an Estimates Committee shall be eight Members provided that the Committees meet as Joint Committees at all times.

(5) The Chairman of an Estimates Committee shall exercise a deliberative vote, and, in the event of an equality of votes, a casting vote.

(6) A Chairman may from time to time appoint another Member to act as Deputy Chairman and the Member so appointed shall act as Chairman when the Chairman is not present at a meeting of the Committee.

In the event of absence of both the Chairman and the Deputy Chairman, a Member of the Committee shall be elected by the Members present to act as Chairman for that meeting.

(7) The proceedings of the Committees shall be open to the public unless otherwise ordered by the Committees.

(8) In an Estimates Committee:

- (a) the responsible Minister shall be present at all times;
- (b) the Chairman shall call over each program area of each organisational unit for each Minister and declare the proposed expenditure open for examination;
- (c) the question shall be proposed for each organisational unit "That the Vote be recommended"; and
- (d) the proceedings of a Committee shall be recorded by the Clerk to the Committee, and such records shall constitute the minutes of the Committee, and shall be signed by the Clerk and the Chairman. The proceedings shall be tape recorded.

(9) Advisers who are present at an Estimates Committee to assist Ministers and the Presiding Officers (in the case of the Estimates of The Legislature) may not directly answer questions or otherwise address a Committee except with the approval and in the presence of a Minister or the Presiding Officers as the case may be.

(10) The proceedings of a Committee shall be regarded as proceedings of the Parliament.

(11) The Report of each Estimates Committee shall state whether the votes of each organisational unit in the Estimates and the corresponding clauses and schedules in the Appropriation Bill are recommended or otherwise.

The failure of an Estimates Committee to report on any part of the votes shall be deemed to be a report recommending the proposed expenditure.

(12) Upon conclusion of its deliberations and after the question on the second reading of the Appropriation Bill has been agreed to, a Member deputed by the Chairman of each Estimates Committee, shall present the Committee's Report to the President in the House.

The Reports shall be set down for consideration in Committee of the Whole House on the Appropriation Bill.

Consideration of a Report in the Committee of the Whole House shall be deemed to be consideration of those clauses and schedules of the Appropriation Bill referred to that Estimates Committee.

(13) A message informing the Legislative Assembly of the terms of the resolutions and the members to participate on each Committee shall be transmitted to the Legislative Assembly.

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Procedure in Committee of the Whole House

(14) In a Committee of the Whole House:

- (a) the Chairman shall put the Question in respect of each Committee Report, "That the Report of the (name of the Committee) be adopted"; and
- (b) those clauses and schedules of the Appropriation Bill not referred to an Estimates Committee shall be considered as one Question, "That the remaining clauses and schedules of the Bill be agreed to".

(15) At the conclusion of proceedings in Committee of the Whole, the Chairman shall report to the President that the Committee has or has not adopted the Reports from the Estimates Committees.

Message forwarded to the Legislative Assembly advising it of the resolution.

COMMITTEE ON THE INDEPENDENT COMMISSION AGAINST CORRUPTION

The Hon. E. P. PICKERING (Minister for Police and Emergency Services and Vice-President of the Executive Council) [2.40]: I move:

(1) That this House agrees to the resolution contained in the Legislative Assembly's Message of 19 September 1991 that in view of the comments on the Independent Commission Against Corruption made by the Hon. Member for Londonderry in the Legislative Assembly on 12 September, 1991, the Parliamentary Joint Committee on the Independent Commission Against Corruption inquire into and report to both Houses upon:

1. The procedures and structures for the management and control of Independent Commission Against Corruption investigations and operational activities;
2. The relationship between the Independent Commission Against Corruption and other agencies involved in investigating or prosecuting corruption;
3. The Witness Protection facilities available to those assisting the Independent Commission Against Corruption with its investigations.

(2) In carrying out the Inquiry the Committee shall have regard to any matters that may prejudice pending criminal proceedings as confidential matters which, accordingly, should be dealt with in private.

(3) In conducting the Inquiry the Committee shall have due regard to the terms of S. 64(2) of the Independent Commission Against Corruption Act 1988.

The motion is self-evident and I do not believe it requires extensive debate.

Motion agreed to.

Message forwarded to the Legislative Assembly advising it of the resolution.

STANDING COMMITTEE ON STATE DEVELOPMENT

The Hon. E. P. PICKERING (Minister for Police and Emergency Services and Vice-President of the Executive Council) [2.42]: I move:

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(1) That the Standing Committee on State Development inquire into and report upon the application of the present formula for the calculation of payroll tax concessions for country industries.

(2) That the Committee report by 31 December 1991.

This motion is self-explanatory and it would be inappropriate to debate it extensively.

The Hon. B. H. VAUGHAN (Deputy Leader of the Opposition) [2.43]: I endorse the comments of the Leader of the House. This is an important and urgent reference. The sooner it is considered by the committee the better.

The Hon. R. S. L. JONES [2.43]: It is interesting that this matter should come before the House now, after we fought so valiantly to try to save country industries from losing their payroll tax rebate. This Government, of course, found a backdoor method of reducing that rebate from \$25 million a year to \$5 million a year. Apparently the upsurge of community activity in Taree, where people lost their jobs en masse, has made Mr Greiner realise that there is value in providing payroll tax rebates to country industries after all. He probably regrets the decision to cut out those rebates by a backdoor method. I shall be interested in finding out the impact of payroll tax rebates for country industries. I have spoken to many managers of country businesses and I am sure the elimination of the rebate has had a major impact. I hope that if the committee determines that the loss of rebate has had a significant impact, the rebate will be reintroduced, as these industries so richly deserve. It is difficult to conduct an industry in rural New South Wales, particularly in today's climate and particularly with the lengthy lines of communication to the cities. I hope the committee will come to a swift decision on this matter

and recommend that the rebates be introduced at the previous level and not at the present level.

The Hon. VIRGINIA CHADWICK (Minister for School Education and Youth Affairs) [2.45]: I too look forward with some enthusiasm to the committee's report. However, I should like to correct the honourable member's observations. As he would be well aware - or perhaps he has forgotten - in 1989 the Government established the regional business development scheme, known as the RED scheme. Though he is entitled to be concerned about the level of support and assistance for new and developing industries, particularly in rural areas, it would be at least fair and well advised of him to acknowledge that in the 1990-91 Budget \$9.2 million of new subsidies was provided, including \$3.4 million to come from the existing country industries payroll tax rebate scheme. Those funds were not allocated to prop up and provide a windfall to large and established companies in rural New South Wales. The whole idea of the rebate scheme and the support scheme is to create new job opportunities and develop new industries in rural areas. The honourable member should be well aware of that. I merely correct him on that matter.

The Hon. Dr B. P. V. PEZZUTTI [2.47]: The reference is quite specific. It goes to the very heart of the application of the formula. The standing committee has considerable interest in rural employment and country enterprise establishments. The committee will probably use the reference to inquire further than this matter only, and to report on the application of the formula, I hope by 31st December. If the
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parliamentary sittings are busy, the committee may well seek leave of the House to extend that date.

Motion agreed to.

Message forwarded to the Legislative Assembly advising it of the resolution.

COUNTRY INDUSTRY PAYROLL TAX

The Hon. B. H. VAUGHAN (Deputy Leader of the Opposition) [2.48]: In view of the resolution of the House relating to the Standing Committee on State Development, under Standing Order 60 I seek the leave of the House to withdraw General Business Order of the Day No. 1 relating to rural and regional industries payroll tax concessions standing in my name on the business paper for today.

Leave granted.

The Hon. B. H. VAUGHAN: Nothing that the Minister for School Education and Youth Affairs can say and has said will defend the elimination of the payroll tax rebate.

TOTALIZATOR (AMENDMENT) BILL

Second Reading

The Hon. R. J. WEBSTER (Minister for Planning and Minister for Energy) [2.50]: I move:

That this bill be now read a second time.

I seek the leave of the House to incorporate my second reading speech in *Hansard*.

Leave granted.

The purpose of this bill is to update the provisions of the Totalizator Act 1916 so as to bring the Act into line with current day practices.

Totalisator betting in its present form commenced in New South Wales in 1916 with the enactment of the Totalizator Act. The impact this decision would eventually have on the State's racing industry could not have been envisaged, with totalisator betting continuing to grow to the stage where it has become the major revenue source for the industry.

As honourable members would be well aware, significant revenue is also derived for the State from commissions deducted from totalisators, thereby enabling additional funding to be made available in areas such as health, education, housing and law enforcement.

In the last financial year, revenue of some \$299 million accrued to the State from the \$3.7 billion invested with on-course and off-course totalisators.

In recognising the importance of totalisator betting to the viability of the racing industry and the economy, the Government considers it essential that the legislation meets the needs of both the industry and investors.

The Totalizator Act currently provides for the establishment and operation of totalisators on racecourses in New South Wales.

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In addition, it prescribes the rates of commission deductible from the various forms of totalisator betting and allows for the making of rules and regulations which govern the use of totalisators.

So as to ensure that the provisions of the legislation accurately reflect the manner in which totalisators are operated, the Government established a working party comprising representatives of the major racing clubs, the various totalisator companies, the TAB and the Department of Sport, Recreation and Racing to undertake a complete review of the Act in consultation with other interested parties in the racing industry. The recommendations of the working party are reflected in the bill now under review.

The bill will amend the formula for the disbursement of commissions in respect of totalisator investments made at metropolitan galloping racecourses on race meetings conducted elsewhere in New South Wales.

Many race clubs in country areas have adopted a form of betting commonly known as "intercity betting" or "cross betting" which enables the country clubs to conduct totalisator betting on events held by other racing clubs with such bets being transmitted for inclusion in the totalisator being conducted by the host club.

This form of betting has proven to be most successful in enabling smaller clubs to provide improved totalisator facilities and in allowing patrons on country racecourses to bet into the larger metropolitan pools.

However, cross betting from metropolitan racecourses to country racecourses has not been as prevalent because of the commission rates payable to the Crown from totalisator investments made in the metropolitan area.

These rates provide no incentive for the country clubs to allow cross betting into their pools.

Measures have been taken in the bill to vary the commission rates so as to make it viable for the metropolitan clubs to offer cross betting to their patrons without jeopardising the viability of country race clubs.

The bill will also give long overdue recognition to the role of independent totalisator companies in the running of totalisators.

As the Act stands, it only provides for the operation of totalisators by racing clubs. In reality however, the majority of totalisators are operated on behalf of the clubs by private totalisator companies.

These companies have played an important role in the development of totalisator betting over the years, not only in this State but throughout Australia and in many other countries. They have been at the forefront in technology development and have enhanced the reputation of the State's racing industry in many parts of the world. It is only fitting that the legislation recognises the role of these companies. At the same time, this amendment will give added protection to the significant public investment on totalisators.

Also included in the bill is a proposal to include a new offence and appropriate penalties within the Act for persons making an investment after a race with the knowledge that the race has been run.

It should be stressed that comprehensive controls have been implemented to guard against totalisator betting continuing after the start of the race and these controls have in the main proved most successful.

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However, some instances have occurred where persons have been able to place bets after the running of an event. This has usually arisen in respect of away meetings, where broadcasts to the racecourse have been interrupted and has, in the majority of cases, involved persons placing bets after a race without knowledge of the result.

In such cases, the persons involved have gained no unfair advantage and there was obviously no intent to commit fraud.

Unfortunately, on at least one occasion unscrupulous persons have taken advantage of the situation and obtained a substantial gain by placing investments with knowledge of the result of the race.

Prosecution action ensued and although the court was of the view that the evidence was sufficient to sustain that the persons involved had knowledge of the result of the race prior to placing their investments, it ruled that there was no offence disclosed by the evidence.

As honourable members would agree, this is clearly an unacceptable situation and the bill before the House will close this apparent "loophole" in the law.

A further amendment contained in the bill will increase from 16 years to 18 years the age under which a person may not be detained as a result of a failure to pay a penalty for under-aged betting.

This amendment is in line with the Government's policy of not detaining juveniles for fine default.

The bill also includes a number of other amendments which will repeal certain sections of the Act that have become redundant with the passing of time and with the introduction of new technology.

Finally, amendments of a minor or consequential nature will be made to other sections of the Act.

I commend the bill.

The Hon. B. H. VAUGHAN (Deputy Leader of the Opposition) [2.52]: The Opposition supports the Totalizator (Amendment) Bill. The proposed amendments will update the provisions of the Totalizator Act 1916 so that the Act will accurately reflect the current situation in respect of totalisator operations. During 1989 the then Minister, the Hon. R. B. Rowland Smith, a punter's friend and a punter himself, approved of the establishment of a working party comprising representatives from the Department of Sport, Recreation and Racing, the Totalisator Agency Board of New South Wales, the major totalisator companies and the Australian Jockey Club/Sydney Turf Club Computer Centre, to undertake a complete review of the Totalizator Act in order that the Act would be amended to take into account current practices and technology. In establishing the working party the Hon. R. B. Rowland Smith was mindful that although the Totalizator Act had been subject to many amendments over the years it had not been changed in substance since its enactment in 1916, despite the rapid advances in computer technology over the past 15 to 20 years. The establishment of that working party was a credit to the Minister at the time. The proposed amendments to the Act reflect the recommendations made by that working party. They obviously have the absolute approval of the Hon. R. B. Rowland Smith.

The proposals were to recognise the role of independent totalisator operating contractors in the conduct of totalisator betting; to change the formula for the disbursement of totalisator commissions in relations to totalisator investments made at metropolitan galloping courses or on race meetings conducted on other race courses in

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New South Wales; to include a new offence and appropriate penalties within the Act for persons making investments on a totalisator after the running of the race and with knowledge of the result of that race; to increase from 16 to 18 years the age under which a person may not be detained as a result of a failure to pay a penalty for under-age betting; to repeal a number of sections of the Act which have become redundant with the passing of time and the introduction of the new technology, to which I referred earlier; and to make certain consequential amendments to sections 2, 3, 8, 8A, 11, 16, 17, 18 and 19 which will provide for a clear definition of a totalisator and will make changes of an administrative or mechanical nature that do not affect the intent of the legislation. It seems to me that small clubs in particular will benefit from this very good piece of legislation.

The Hon. R. B. ROWLAND SMITH [2.56]: I thank the Deputy Leader of the Opposition for his kind remarks. It is not often I get accolades from the other side of the House. I do want to make one thing clear. The Hon. Barrie Unsworth once described me as a "big gambler". Let me put the record straight; I am a small investor. The proposed amendments seek to update the provisions of the Totalizator Act 1916 so that the Act will accurately reflect the current situation in respect of totalisator operations. Whilst there have been many amendments to the old Act, which was enacted in 1916, there has not been a thorough review of this important piece of legislation. Accordingly, as Minister for Sport, Recreation and Racing, in 1989 I approved the establishment of a working party comprising representatives from the Department of Sport, Recreation and Racing - I pay tribute here to Mr Daryl Lowenthal, who I am pleased to see is advising here this afternoon - the Totalizator Agency Board of New South Wales, the major totalisator companies, and the Australian Jockey Club/Sydney Turf Club Computer Centre, to undertake a complete review of the Totalizator Act in order that that Act could be amended to take into account current practices in technology.

It is important to remember that the total investments on on-course and off-course totalisators during the 1990-91 financial year amounted to \$3.7 billion, with revenue of \$299 million accruing to the State. In view of the importance of totalisator betting to the viability of the racing industry and to the economy of New South Wales, it is essential that the legislation meets the needs of the industry and of investors. The working party made certain recommendations which are reflected in the proposed amendments to the Totalizator Act, and these include the five which the Deputy Leader of the Opposition read out. This legislation gives long overdue recognition to the role of independent totalisator companies in the running of totalisators. The Act, as it presently stands, provides for the operation of totalisators by racing clubs only. In reality, however, the majority of totalisators are operated on behalf of the clubs by private totalisator companies. Those companies include: AWA Universal Totalisators, which unfortunately had a bit of a hiccup at Newcastle during the running of the Newcastle Cup, but I believe these things do happen in the world of computers; Automatic Totalisators and Racecourse Totalizators Pty Limited, which operate Kembla Grange racecourse and numerous provincial and country racecourses - and sitting alongside the Deputy Leader of the Opposition is a big gambler who can be seen at most of the race meetings.

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The Hon. B. H. Vaughan: Alone? Always alone?

The Hon. R. B. ROWLAND SMITH: No. In addition, two other companies, Advance Wagering Systems and P.C. Totalizators, which are based in New South Wales, do not at present have contracts with race clubs in this State. These five companies provide facilities and services for various interstate race clubs and totalizator agency boards. They are major producers of totalisator equipment. These companies have played an important role in the development of totalisator betting over the years, not only in this State but throughout Australia and many other countries. They have been at the forefront of technology development and have enhanced the reputation of the State's racing industry in many parts of the world. It is only fitting that the legislation should recognise the role of these companies. At the same time the proposed amendment will give added protection to the significant public investment on totalisators. I might add here that the legislation really applies to totalisators on-course rather than to the State-run Totalizator Agency Board offices off-course.

As stated in the second reading speech the bill will amend the formula for the disbursement of commissions in respect of totalisator investments made at metropolitan galloping race courses on race-meetings conducted elsewhere in New South Wales. A mechanism currently exists whereby race clubs in country areas may conduct totalisator betting on events held by other racing clubs with such bets being transmitted for inclusion in the totalisator being conducted by the host club. This is known as "intercity betting" or "cross betting". If the Hon. Franca Arena would be quiet for a moment, she would learn just exactly what it is all about. The third matter applies to a new offence for persons making investments after a race with the knowledge that the race has been run. Though controls have been implemented to guard against tote betting continuing after the start of a race, some instances have occurred where people have been able to place bets after the running of an event and have made a killing. Such matters were subsequently taken to court.

The Hon. Franca Arena: This is good going, if you can get it.

The Hon. R. B. ROWLAND SMITH: Let me warn the honourable lady not to go into it because, if she does, she will find out exactly what will happen if they find out about her. The evidence in one case was that the defendant placed a bet on a totalisator at the Hawkesbury racecourse on a race that had taken place in Victoria. The evidence showed that bets were placed some minutes after the race had been completed. Documents produced in court implied that the defendant knew the result of the race at the time he placed his last five bets. As a result he gained the sum of \$58,000 from the totalisator company. In deciding the matter

the magistrate noted there was evidence the bets had been placed after the completion of the event and the evidence showed that the defendant knew the result of the race. However, the magistrate had to conclude that no offence had been committed. Clearly this is an unacceptable situation and the legislation aims to close the loophole.

In addition to enforcing a monetary penalty of \$2,000 the legislation will empower the court to order any person convicted of obtaining moneys in such a way to pay those moneys into the Consolidated Fund. The prosecution action failed as the court was not convinced that an offence had occurred. The fourth matter contained in the bill

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relates to the question of age. The amendment will increase from 16 years to 18 years the age under which a person may not be detained as a result of a failure to pay a penalty for under-age betting. This is in line with the Government's policy of not detaining juveniles for fine default. There are other minor and consequential amendments, but in all this is a good piece of legislation and, I believe, is overdue, but nevertheless the issue has been addressed and I support the bill.

Reverend the Hon. F. J. NILE [3.2]: On behalf of Call to Australia I wish to express concern about the Totalizator (Amendment) Bill, the objects of which are as follows:

- (a) to recognise the use of independent contractors by racing clubs in the conduct of totalisator betting at racecourses operated by those clubs; and
- (b) to change the formula for the disbursement of totalisator commission deducted from investments made under section 3B of that Act (Common-pool totalisator betting) where those investments are made at a metropolitan racecourse and transmitted to a racecourse outside the metropolitan area; and
- (c) to make it an offence for a person to make or attempt to make an investment on a totalisator after the end of a race if the person knows that the race has already finished; and
- (d) to increase from 16 years to 18 years the age under which a person may not be detained as a result of a failure to pay a penalty imposed on the person for under age betting;

The bill provides for minor and consequential amendments also. Our concern relates to what are referred to as independent contractors. I suppose it could be argued that it is a form of privatisation of the betting industry. In the past New South Wales, the gambling State of Australia if not of the South Pacific, has been compared to places such as New York where the mafia run a great deal of illegal gaming activities, such as the numbers game and so on. In New South Wales such activities are run by the Government. Some people thought that at least if the Government ran them, they should be honest and clean because the Government has rules and regulations that control public servants and so on. Now the door is open for private companies to be involved in totalisator betting.

We know that the former Labor Government, when it was considering the establishment of casinos, had problems in trying to find suitable clean companies that had no association with crime. Even reputable companies such as Hookers Harrah, through some of the individuals connected with it, such as Mr. Herscu, were found to be involved with bribery and corruption. This shows how difficult it is to get private companies that can be guaranteed not to be infiltrated by organised crime. During the hearings into the proposed casinos, at which I gave evidence, I noticed representatives of private companies as well as representatives of private companies associated with poker machines, and of private companies that have been linked with criminal activity. This raises the question of how the Government can guarantee over a

period of time that the privatisation would be legitimate and not infiltrated by organised crime. The Hon. R. B. Rowland Smith acknowledged that the amendment to make it an offence for a person to bet on a race after the end of the race has been included because this has been happening.

The Hon. R. B. Rowland Smith: No, on one or two occasions.

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Reverend the Hon. F. J. NILE: Yes, it has been happening and not by a curious person experimenting. I believe that what the authorities detected on that occasion at the Hawkesbury racecourse would have been one of a number of cases. We know that betting and racing have been used to launder money. We know that criminals have made arrangements with bookies to place money on a horse after a race and that this was done as a business transaction, with payments to the bookie so that he would add bets to the betting sheet after the race was run. This was used as a means of laundering money and the police have been active in trying to prevent that practice by conducting forensic tests to establish whether the rule-off line has been rubbed out and moved down the page, so that the name of the person who placed the bet after the race could be added. This work by the police has had a positive effect. The temptation will exist for an individual with enough money to come to an arrangement with a private company to defraud the totalisator system or, worse still, one of the private companies could be associated with corrupt individuals.

One would think that, so far as a clean record is concerned, the security industry would be one of the toughest. However, we have information that criminals have set up security companies, supposedly to keep criminals out of banks and so on where large amounts of cash may be kept. I believe the royal commission into the building industry has received evidence that some security companies employed standover men who were then used in industrial disputes and so on to intimidate and even to physically bash someone. I believe the Government is opening the door and it may live to regret it.

The Hon. R. B. Rowland Smith: It is tightening it.

Reverend the Hon. F. J. NILE: The Government is not tightening it up. It is opening the door to private industry, with the difficulties of ensuring that those independent contractors are above question. Where in the legislation are the requirements to ensure that independent contractors are people of good repute?

The Hon. R. B. Rowland Smith: Is Reverend the Hon. F. J. Nile saying that these people are not of good repute?

Reverend the Hon. F. J. NILE: No, I am asking the honourable member how in the future it can be guaranteed that independent contractors will be of good repute and what the machinery is to ensure that they are. Some people will be rubbing their hands with glee because this legislation has opened the door for them. I have always been concerned with the expansion of gambling in New South Wales and the Government's increasing dependence upon it. I shall speak more about that during the Budget debate. Figures released show that over the past few years, particularly with the Greiner Government, there has been a growing dependence on gambling and betting revenue. The Government has a vested interest in how gambling may be made more efficient, with more people gambling and those activities being taxed to obtain revenue for the Government. No one would question that revenue is needed but I question the Government's dependence upon revenue from gambling and betting. In 1988-89 gambling and betting revenue increased by 13 per cent. In 1989-90 the increase was 8 per cent; in 1990-91 the increase was 11 per cent - and this is during a recession. It is anticipated in the Government's forecast for 1991-92 that the increase will be 5.2 per

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cent. Our values are wrong when gambling increases while other areas of activity decline.

This is emphasised by the proposal for two legal casinos given priority by the Liberal Party-National Party. That is not what the voters or the membership of those parties want. I have received letters from Liberal Party branch secretaries in this State expressing support for my views. The Government is moving in a dangerous area. These changes occur gradually - one bill today, another in two weeks' time and another in a month's time. The pattern is developing where there is a priority in the Government's planning, with legislation favouring the gambling industry. The Government has not offset that with the social costs. This will result in more revenue being needed for the family and community services portfolio. On the one hand the Government is expanding gambling and, on the other hand, is trying to patch up the damage caused by gambling legislation. It is time the Government resolved those opposing situations, enabling it to move closer towards adopting my policies.

The Hon. R. S. L. JONES [3.14]: Proposed new section 7(9) is quite fascinating. It reads:

- (9) Any racing club that has, before the commencement of Schedule 1 (5) to the Totalizator (Amendment) Act 1991, engaged an independent contractor to operate a totalizator on behalf of the club is declared to have and always to have had the power to enter into the engagement and the engagement of the contractor is declared to have been as lawful as it would have been if subsection (2) had been in force when the engagement was entered into.

The Minister in his second reading speech said that the Act, as it presently stands, provides only for the operation of totalisators by racing clubs. In reality, however, the majority of totalisators are operated on behalf of the clubs by private totalisator companies. The question is who are these companies, who owns them and who are behind them? Mr Rixon in another place mentioned the names of five of these. They are AWA Universal Totalisators, Automatic Totalizators and Racecourse Totalisators Pty Limited which operates at Kembla Grange. Two other companies are Advanced Wagering Systems and P. C. Totalizators which are based in New South Wales but do not at present have contracted race clubs in this State. Evidently these five companies are the ones that will be operating. It appears that they will not all remain viable. When competition becomes severe one or more will go to the wall. I should like to know why these companies were able to operate illegally and for how long they were operating illegally? How did it occur without action being taken. I should like more details on that. I should like to congratulate the Minister for increasing from 16 years to 18 years the age under which a person may not be detained as a result of failure to pay a penalty imposed on that person for under-age betting. This was an initiative of the Australian Democrats. I am pleased that the Government is gradually accepting this initiative as government policy. It is not appropriate to hold any person between the age of 16 years and 18 years in an institution because they have failed to pay a fine. Instead, these young persons should carry out community service. I applaud that provision and hope that follows on in other legislation.

The Hon. R. J. WEBSTER (Minister for Planning and Minister for Energy) [3.17], in reply: I thank the Deputy Leader of the Opposition, the Hon. R. B. Rowland
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Smith, Reverend the Hon. F. J. Nile and the Hon. R. S. L. Jones for their contributions to this debate. The Hon. R. B. Rowland Smith served this State with great distinction as the Minister for Racing. He knows more about racing and this general area than any other honourable member in this Parliament. I listened intently to Reverend the Hon. F. J. Nile. I do not wish to turn my reply into a debate about gambling but gambling has perplexed society and government for a long time. To suggest that people will not and should not gamble is almost like suggesting they will not breathe. People have always wanted to gamble. This Government and former governments in New South Wales have regulated the gambling industry better than any other government in the western world. Whatever my personal views of gambling, people want to and will gamble. We live in a democratic society where, generally speaking,

governments try to accommodate the wishes of the majority. Equally, people can choose not to gamble. With the assistance of the Police Service and the judiciary, by taxing and regulating gambling, we have been able to ensure that illegal gambling and gambling of an exploitative nature are kept to a bare minimum.

Whilst I take on board the remarks of Reverend the Hon. F. J. Nile, it is a fact that taxes extracted from the gambling industry benefit the people of New South Wales. A good deal of that revenue is used for the rehabilitation of those who cannot control their gambling. I share the honourable member's concern about that. I felt that I should make those points. I understood what he said and why he said it. Nevertheless, we live in a society in which people have a wide variety of behavioural patterns. Some people like to go to the TAB every day. I am not one of them, but they do exist. The Government has to cope with that, as it does with many other problems. I should like to allay the fears of Reverend the Hon. F. J. Nile about privatisation. Totalisator companies have functioned since the mid 1920s. They have not operated illegally but have been engaged by clubs in the same manner as other contractors, such as caterers, are engaged. The legislation gives legal recognition to their operations and enables the Government to monitor more closely and control those operations for the protection of the public. I reiterate that racing and betting are not being privatised. The operation of totalisators will still come under the control of non proprietary race clubs. The legislation recognises that clubs contract private operators to operate the totalisators on their behalf. The operations will continue to be under the close scrutiny of government inspectors. I hope the points that I have made in reply have clarified the matters that were of concern to the Hon. R. S. L. Jones and Reverend the Hon. F. J. Nile. I commend the bill.

Motion agreed to.

Bill read a second time and passed through remaining stages.

ELECTRICITY AND OTHER LEGISLATION (AMENDMENT) BILL

Bill read a third time.

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TOTALIZATOR (OFF-COURSE BETTING) AMENDMENT BILL

Second Reading

The Hon. R. J. WEBSTER (Minister for Planning and Minister for Energy) [3.26]: I move:

That this bill be now read a second time.

I seek leave of the House to have my second reading speech incorporated in *Hansard*.

Leave granted.

The purpose of the proposal before the House is to amend the Totalizator (Off-Course Betting) Act to extend the powers of the Totalizator Agency Board to enable it to conduct sweepstakes betting.

I might mention that the legal conduct of sweepstakes by other sectors of the community was made possible following amendments to the Lotteries and Art Unions Act during the 1990 budget session.

At that time the Parliament recognised the demand within the community to make lawful the long standing practice of participating in traditional Melbourne Cup sweeps.

Following the enactment of those changes the board conducted a feasibility study into the possibility of the TAB also running a sweep on the Melbourne Cup.

As a result of its study, the board is of the opinion that a Melbourne Cup sweep offering large prizemoney for a small outlay would be attractive to many people including those who may not otherwise have the opportunity of participating in a sweep. In terms of the existing legislation however, the operations of the TAB are restricted to the conduct of off-course totalisator betting on racing events and on other events and contingencies as approved by the Minister. Hence the necessity for the bill before the House.

It is proposed that tickets in the sweep will be sold at a fixed price of \$1.00 each with tickets being on sale at the board's 1252 sales outlets throughout the State commencing two weeks before the Melbourne Cup. The draw will be conducted on the night preceding the cup.

Distribution of prizemoney will be prescribed in rules prepared by the board and approved by the Minister.

The legislation will provide that of the money received from persons who participate in a sweep conducted by the board, 75 per cent will be returned to investors as prizemoney; 15 per cent will be retained by the TAB to meet its expenses and make a small profit and the remainder will be paid into the Sport and Recreation Fund for the further development of sport throughout the State.

It is difficult to estimate the likely sales on a sweep such as that proposed. However the board believes that sales in the order of \$1 million are not out of the question. The realisation of these estimates will therefore result in an additional \$100,000 being paid into the Sport and Recreation Fund annually.

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I might mention for the information of honourable members that since 1983, approximately \$8.5 million has been paid into the Sport and Recreation Fund from investments made with the TAB on events other than racing. The most notable of these is of course the successful FootyTAB which is conducted on the NSW rugby league competition.

This is of course only one of many benefits the community receives as a result of the operations of the TAB. For instance during the last financial year alone, investments with the TAB totalled approximately \$3.2 billion and as a result revenue of \$218.5 million was paid into the Consolidated Fund to make funds available for many important community projects including those in the areas of health, housing and education.

I am pleased to say that the TAB is rapidly gaining a well earned reputation as a world leader in off-course totalisator betting operations as evidenced by its recent engagement by the Hungarian Government to provide an off-course betting system in that country.

It is intended that for the present, the board will only conduct sweeps on the Melbourne Cup. However, in amending the legislation, provision has been made for the board to conduct sweepstakes on other major races such as the Golden Slipper, subject to the Minister's approval and depending upon public demand.

In bringing forward this legislation the opportunity has also been taken to effect a minor amendment in respect of the purposes for which money derived from totalisator betting on events other than racing can be used. In future funds from this source will be directed solely to the Sport and Recreation Fund.

Minor consequential amendments will also be made to the Tourism Commission Act, 1984 to give effect to this change.

I commend the bill.

The Hon. B. H. VAUGHAN (Deputy Leader of the Opposition) [3.27]: The Opposition supports the Totalizator (Off-course Betting) Amendment Bill. It is a pleasure for one coming from an Irish-Australian heritage to assist in the legitimisation of sweepstakes. We were brought up on sweeps. The object of the bill is to amend the Totalizator (Off-course Betting) Act 1964 to allow the Totalizator Agency Board to conduct sweepstakes on the Melbourne Cup and such other events as the Minister authorises, to provide for the making of rules in relation to the conduct of those sweepstakes, and to provide for the deduction of commission from investments on those sweepstakes at the rate of 25 per cent, which is apportioned as set out in the bill. It must be said that the main purpose of the legislation is to allow the TAB to conduct sweepstakes on the Melbourne Cup and other major races, depending on demand. The Hon. R. B. Rowland Smith when Minister for Sport and Racing, and the rest of it, was very strong on that point and often made comments about the need for the legitimisation of the sweepstake. Following amendments last year to the Lotteries and Art Unions Act to allow the conduct of sweepstakes and calcuttas, the Totalizator Agency Board has sought approval to conduct a sweep on the Melbourne Cup. It will not end there. And why should it?

The Totalizator Agency Board claims that such a sweep would be successful because of its appeal to small investors who are familiar with sweeps and who would
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like to participate in a sweep with the opportunity to win a substantial prize. The proposed changes would allow the board to conduct sweeps on other major events - for example, the Newcastle Cup - depending on public demand. The TAB estimates that sales on a Melbourne Cup sweep could reach \$1 million in its first year of operation, with a likely increase in subsequent years as awareness of sweeps increases. I suggest that the sales figure could be much higher than \$1 million. It is proposed that the rate of commission to be deducted from sweepstakes be the same as that applying in respect of investments with the TAB on other sporting events - 25 per cent - and that the TAB retain 15 per cent to meet its operating expenses, with the remaining 10 per cent being used to fund sporting and recreation facilities throughout the State.

A reading of the bill indicates that the proposals are to amend the Totalizator (Off-course Betting) Act to allow the Totalizator Agency Board of New South Wales to conduct sweepstakes on the Melbourne Cup; to permit the deduction of commission, as I have just pointed out; and to provide for the making of rules covering the conduct of sweepstakes by the TAB. The introduction last year of amendments to the Lotteries and Art Unions Act to allow the conduct of sweeps and calcuttas legalised an accepted practice and, at the same time, enabled certain non-profit organisations to utilise sweeps for fund-raising purposes. Similarly, sweeps conducted by the TAB, in addition to providing the opportunity of participating in a sweep with a substantial prize, will generate funds for the improvement of sporting and recreation facilities throughout the State. This will not in any way affect the office sweep with which we are all so familiar. We might even reach a day of enlightenment when two-up is legalised most of the year in the county of Yancowinna, in the city of Broken Hill.

The Hon. R. B. ROWLAND SMITH [3.32]: The proposed amendments to the Totalizator (Off-course Betting) Amendment Bill will allow the Totalizator Agency Board to conduct sweepstakes on the Melbourne Cup and other major races, depending on public

demand. I hark back to what the Deputy Leader of the Opposition said, sotto voce, about the Irish Sweepstakes. I have been following racing ever since I was knee-high to a grasshopper, which is a few years ago. I suppose the Irish Sweepstakes are the most outstanding sweepstakes in the world - one of the most outstanding races that take place in Ireland in the course of a year. Following amendments last year to the Lotteries and Art Unions Act 1901 to allow the conduct of sweeps and calcuttas, the TAB sought approval to conduct a sweep on the Melbourne Cup. I prefer the word "sweepstakes" to the word "sweep", which tends to denote that something is being pushed out the door. The Totalizator Agency Board claims that such a sweep would be successful because of the appeal to small investors who are familiar with sweeps and who would like to participate in a sweep with the opportunity to win a substantial prize for a small investment. Some people have complained that this might have an effect on the traditional office sweep, but I do not believe this to be the case. Many individuals, such as housewives and retired persons, do not have the opportunity of participating in a sweep. For a small sum of money, they would now have an opportunity to be involved in a sweep which could net them a substantial amount of money.

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It is envisaged that tickets in the sweep will be sold at a fixed price of \$1. Further, selling would commence two weeks before the Melbourne Cup. The draw would then be conducted on the night preceding the cup. I am not privy to what will take place, but I understand that two weeks before the actual race tickets will be sold and ticketholders will receive a number. On the eve of the cup there will be a draw. Successful ticketholders will be given a horse. They will automatically receive a dividend, irrespective of the placing of the horse. Five per cent of the pool will be allocated to cover this payout and 70 per cent will be allocated to the first three winners. If the prize money is \$1 million, \$562,500 would be allocated for the first prize; \$112,500 for the second prize; and \$37,500 for the third prize. As I mentioned earlier, \$37,500 will be divided among the drawers of horses. The maximum number of horses for the Melbourne Cup is 24. So that would mean \$1,562 would be the dividend for each of the people who had drawn these horses.

The TAB estimates that sales on the Melbourne Cup sweep could reach \$1 million in its first year of operation, with a likely increase in subsequent years as awareness of the sweep increases. An important aspect of this legislation is that 75 per cent of sale moneys would be returned to investors as prize money; 15 per cent would be retained by the TAB to offset its expenses; and 10 per cent would be paid into the Sport and Recreation Fund for the further development of sport throughout New South Wales. Having been Minister for Sport, Recreation and Racing for three years, I know that there has been a call for money from various sporting bodies. We just have not had the money in the Sport and Recreation Fund. This sweep, small as it may be, will inject important capital into the Sport and Recreation Fund. In the year ended 30th June, 1990, of the \$3 billion sales, 84.23 per cent was returned to investors, amounting to \$2.5 billion; 3.46 per cent was paid to race clubs and the Racecourse Development Fund, amounting to \$104 million; 4.29 per cent was net costs for the TAB of \$129 million; and government revenue from sales, at 8.02 per cent, raised \$241 million. In that instance the Government will not derive anything at all.

It is difficult to estimate likely sales on the sweepstakes. However, it is envisaged that it could be of the order of \$1 million. This would mean that \$100,000 would be paid annually into the Sport and Recreation Fund. As I said, this is important. The Sport and Recreation Fund is not being injected with further money because of the state of the economy. Anything that it can raise in addition to what it is given from the Consolidated Fund is very important. Since 1983, \$8.5 million has been paid into the Sport and Recreation Fund from investments made with the TAB. The most notable of these is the successful FootyTAB which is conducted on the rugby league competition. It will be interesting to see how successful this is for the 1991 Melbourne Cup sweepstakes. In the event that it is successful, the Minister will be empowered to hold sweepstakes on other races, such as the Golden Slipper. Reverend the Hon. F. J. Nile has spoken repeatedly about gambling in this State. The Government is implementing these

programs because of popular demand. This will keep legal gambling above board. Reverend the Hon. F. J. Nile and the Hon. Elaine Nile wish to see a return to the bad
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old days of illegal gambling. Reverend the Hon. F. J. Nile spoke about the mafia. That is exactly where the mafia comes in.

[*Interruption*]

The Hon. R. B. ROWLAND SMITH: No, I was not. Earlier I was talking about Ireland. The mafia rules triumphant where there are illegal operations. This Government is legalising gambling which would otherwise go underground. I support the bill.

Reverend the Hon. F. J. NILE [3.39]: On behalf of the Call to Australia group I oppose the Totalisator (Off-course Betting) Amendment Bill. The Hon. R. B. Rowland Smith said we always oppose gambling bills. That is correct: our policy is to discourage gambling. Though the Leader of the House defended the Government's policy, we say that the Government is not neutral, that it takes an active role in promoting gambling. It is one thing to say that some people have a desire to gamble and you cannot stop that. However, it is a matter of whether the Government should be in the business of encouraging, sponsoring and conducting gambling. We in the Call to Australia group are realists. We know that some people will always want to gamble. However, we say that the Government's policy should be to reduce, not to increase, the level of gambling. I believe that the more revenue that is locked into gambling, the more time public servants must spend in think tanks trying to devise new forms of gambling in order to increase revenue. That is an entirely wrong direction for the Government to travel.

The Hon. R. B. Rowland Smith: Is it wrong to obtain revenue for sport and recreation?

Reverend the Hon. F. J. NILE: No, but more money would be available if funds did not have to be allocated for social services to patch up broken homes, and so on. The objects of this bill are:

- (a) to allow the Totalizator Agency Board to conduct sweepstakes on the Melbourne Cup and such other events as the Minister authorises and to provide for the making of rules in relation to the conduct of those sweepstakes; and
- (b) to provide for the deduction of commission from investments on those sweepstakes at the rate of 25 per cent, comprising:
 - (i) commission at the rate of 15 per cent to be retained by the Board; and
 - (ii) commission at the rate of 10 per cent to be paid to the Sport and Recreation Fund.

This legislation is a good example of the very problem to which I have referred. The Government has a policy of introducing gambling legislation in a creeping fashion, step by step. One might have questioned the Government's intention last year, because the reality is, as the Government acknowledges, that legislation was passed then to legalise sweeps and calcuttas on the Melbourne Cup. That legislation was presented most

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innocently. It was said that office workers and even students like to run sweeps; as that is an innocent activity it should not be illegal. One might have thought that would be the end of the matter; that nothing more would happen. However, that turned out to be only the first step. Following the enactment of the 1990 legislation the Totalizator Agency Board conducted a

feasibility study on how it could exploit that legislation, which, as I say, appeared to represent only a minor step forward.

We have gone from the point of people investing 20c in an office sweep to the discussion of a \$1 million operation. We have gone from an innocent office sweep to a TAB feasibility study, and the next step is for the TAB to draw up a proposal for it to conduct a Melbourne Cup sweep offering large prize money for a small outlay. The sweeps will be available through the TAB's 1,252 outlets, there will be a big sales push throughout the State from Sydney to Broken Hill. The TAB boasts that the sweeps will be readily accessible to any person who wishes to participate. There is no doubt about that; the TAB has outlets in virtually every shopping centre. People in this State may well wish that offices of the Department of Family and Community Services and the Commonwealth Employment Service were as accessible as TAB agencies. The Government has a strange priority, with 1,252 TAB sales outlets throughout the State.

The TAB believes it will sell sweepstakes tickets to the value of \$1 million. That certainly is not out of the question, but even that does not appear to be sufficient. As with much of the Government's legislation, this bill has a rider. The bill will allow the TAB to conduct sweepstakes on the Melbourne Cup. That is the object upon which we are supposed to focus. However, there then follows the rider, "and such other events as the Minister authorises". That will be a blank cheque for the TAB to conduct sweepstakes on all races. The Government acknowledges that could include the Golden Slipper, the Sydney Cup and other events. Again this legislation represents a big step forward, a major change in policy. At stake is the important principle of the TAB conducting sweepstakes on horseraces. The Government might argue that as one million tickets will be sold at \$1 each, a sweepstake will be merely another form of lottery, to be conducted by the TAB. I do not think many people will benefit from prize-money. The Hon. R. B. Rowland Smith said that those who are allotted a horse will receive a dividend and that those who are allotted the first three placegetters will divide up the major portion of the prize-money, which supposedly will be in the vicinity of 75 per cent of the \$1 million.

Whatever way one looks at it, as there are only 24 runners in the Melbourne Cup, only a small number of people will receive a dividend. The TAB has been very successful in increasing its revenue. During the last financial year, TAB investments totalled not \$3 million, not \$30 million, not \$300 million, but \$3.2 billion. That is the equivalent of the cash flow of, say, BHP or Westpac Bank. This is big business. Admittedly the Government received \$218.5 million for the Consolidated Fund. Unfortunately, that is the temptation. The Government receives that revenue, but at a social cost that has not been calculated. The social cost is difficult to calculate. If it were more obvious, the Government would understand it. If I had the money and the time, I could prove that. That is why I seek in one of my private member's bills to establish a family impact commission. When that bill is passed, as I hope it is, I would

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move that a bill such as this be referred to the commission for a study on the effect of the legislation upon the families of this State. The commission would calculate the short-term and long-term effects of the legislation and whether the financial benefit to the Government would be offset by the social cost. Perhaps not with this legislation, but overall with gambling in this State, I believe that the social cost would be much greater. For those reasons I oppose the bill. Unfortunately the Melbourne Cup is an attractive event.

The Hon. R. B. Rowland Smith: Has the honourable member ever participated in a Melbourne Cup sweep?

Reverend the Hon. F. J. NILE: Previously, before I became a Christian, I did.

The Hon. R. B. Rowland Smith: Being a Christian does not prevent your having a bet.

Reverend the Hon. F. J. NILE: In my conviction I also made a decision about gambling: thou shalt not covet and I should resist the temptation to receive money for which I did not work.

The Hon. B. H. Vaughan: You are a member of Parliament.

Reverend the Hon. F. J. NILE: The money I receive I should derive only from working. I make no apologies for my belief that in carrying out my parliamentary duties I am working. I decided to resist the temptation to obtain money from gambling. On one occasion I went to the Westpac Bank at Gladesville. I should have been a bank robber, because all the staff had their backs to the counter and were watching the Melbourne Cup on television. I had to wait patiently. Apparently the staff thought there would not be a customer throughout Australia who would want to transact bank business at that time. I had to wait until the race had finished before I could do my business. I relate that incident to point up that there is no doubt that the Melbourne Cup attracts a lot of interest. The TAB has numerous staff, including promoters and marketing experts. They will work out how to expand sweepstakes. There will be further advertising on television, radio, billboards and so on. That starts a change in attitude in our State, encouraging people to get rich quick by buying a ticket in a Melbourne Cup sweep. It is not good philosophy for the Government to impart to the people of this State, particularly to our youth, that they should follow the example of some adults in our society, and should get on the bandwagon in the hope of making money from gambling.

Very few people benefit from gambling. Many become addicted to gambling or simply go broke. I was told in Perth that only two pawnshops were operating there before the opening of the casino; now there are 30. This shows how that development affects society. I have been trying to work out the real difference in the gambling

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policies of the Liberal Party-National Party Government and the Labor Party. I venture to say I can see none. I know there is an argument in that the Government wants two casinos and the Labor Party wants only one. But their policies are the same. That should concern the people of New South Wales. It is difficult for the people to express through voting whether they support an expansion of gambling or not when both sides of the House seem to have given in to the gambling industry. That is to be regretted.

The Hon. R. S. L. JONES [3.53]: Having been born in Epsom, Surrey, and lived half a mile from the Derby racecourse, I thought I knew all about racing - until I came to Australia. To my amazement I discovered that the whole country closed down for one day a year. That was absolutely staggering. In fact, I do more work on Melbourne Cup day and I can get around town more easily because there are very few cars on the road. This is not a really big change. People will pay only one dollar each for a ticket, even though there could be \$1 million in the total pool. Whether a million people buy one ticket each or 100,000 people buy 10 tickets each, this will not be a gigantic leap forward in the realms of gambling. It will provide \$250,000 - \$150,000 to the Board and \$100,000 to the sport and recreation fund, which I hope will help our Olympic team in Barcelona. I do not think one could get too steamed up over this legislation. It is a minor change in the scheme of things. I have given up betting on the Melbourne Cup after one or two tries - and picking the wrong horse - although I have got a tip this year which I shall give members privately if they come to me. I do not want to lose my money; I would rather spend it on food.

The Hon. R. J. WEBSTER (Minister for Planning and Minister for Energy) [3.54], in reply: I thank honourable members who participated in this debate. It was obviously interesting to hear the contribution of the Hon. R. S. L. Jones about his background in England - a native of Epsom.

The Hon. E. P. Pickering: He is built like a jockey.

The Hon. R. J. WEBSTER: That is right. I think the bill is quite simple. It will legalise a practice that has been in existence for a long time and will give many people who would not otherwise have the opportunity to place a small investment on a sweepstake the opportunity to do so. Though I understand the concerns of Reverend the Hon. F. J. Nile, the Government does have an obligation to provide services for all of the people of this State. This will permit a very sensible expansion of the services that are already available for those people who wish to avail themselves of them. As the Hon. R. B. Rowland Smith said, it will provide additional funds for sport and recreation. I commend the bill.

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

The House divided.

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Ayes, 35

Mrs Arena
Mr Bull
Dr Burgmann
Ms Burnswoods
Mrs Chadwick
Mr Coleman
Mr Egan
Mr Enderbury
Mrs Evans
Mrs Forsythe
Miss Gardiner
Dr Goldsmith

Mr Hannaford
Mrs Isaksen
Mr Jobling
Mr Johnson
Mr Jones
Mr Kaldis
Miss Kirkby
Mrs Kite
Mr Manson
Mr Moppett
Mr Mutch
Mr Obeid

Mr O'Grady
Mr Pickering
Mr Ryan
Mr Samios
Mrs Sham-Ho
Mr Rowland Smith
Mr Vaughan
Mrs Walker
Mr Webster
Tellers,
Mr Macdonald
Dr Pezzutti

Noes, 2

Tellers,
Mrs Nile
Revd F. J. Nile

Question so resolved in the affirmative.

Motion agreed to.

Bill read a second time.

The DEPUTY-PRESIDENT: Order! Pursuant to sessional orders, business is interrupted for the taking of questions.

QUESTIONS WITHOUT NOTICE

ASSET SALES

The Hon. M. R. EGAN: My question is directed to the Minister for Planning and Minister for Energy. Is the Minister aware that because the Government has raided \$872 million from Sydney Electricity in the past two years it has now been forced to put 25 of its properties up for sale? As the Government has now removed many of its own properties from the market because of the depressed state of the market, what will the Minister do to prevent the fire sale of these 25 properties?

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The Hon. R. J. WEBSTER: One of the unfortunate consequences of the Leader of the Opposition making his speech on the Budget immediately after my friend and colleague the Leader of the House is that he did not wait to see what his own leader had to say in the other place. Another problem is that the Opposition does not co-ordinate things properly between this House and the other place. The fact that the Leader of the Opposition made a long and turgid speech and regurgitated much of what he has said before, and got not one line printed in the media, is an indication of how out of touch he is. Had he watched the "7.30 Report" last night he would have seen his leader in a fair bit of trouble. His leader completely repudiated Labor Party policy on which he had gone to the last State election. The Hon. R. J. Carr said last night that he is in favour of privatisation, after telling everyone that the Labor Party in New South Wales is not in favour of privatisation. It is all right to privatise in Victoria or in the Commonwealth sphere, but not the State Bank of New South Wales. He had a conversion last night.

Another thing Mr Carr said was that he is in favour of asset sales. He chastised the Government on the one hand for supposedly having a fire sale of assets and then chastised it for not reaching its asset sales target. Those two criticisms are totally inconsistent with each other. On the one hand he has said he is in favour of asset sales and on the other hand he criticised the Government for having a fire sale of assets. In fact, the Government did not have a fire sale of assets and therefore did not reach the asset sales target. The Government could have sold the State Office Block but did not do so because it was not offered enough money for it. I will not tell the Leader of the Opposition what the media representatives on the sixth floor say about him, but they think that his leader in the other place is an economic idiot. Of course he is because he goes off half-cocked, he goes for the cheap shot and now he is complaining

about what he is reported to have said. This morning he gave a couple of the senior journalists a serve because they did not write nice things about him in the press this morning.

The truth is that for the first time in New South Wales history we have a government that is honest about its finances. But the Leader of the Opposition in this place and the leader in the other place are dishonest about finances - or about the little they know about the subject. The truth is that Sydney Electricity was the greatest hollow log that existed in the State of New South Wales. My predecessor the Hon. Neil Pickard, who is now doing a wonderful job as Agent-General in London representing the people of this State very well, set about reforming Sydney Electricity. As a result of that reform a substantial dividend was returned to the taxpayers of this State. That money has been wisely used in the portfolios of my colleagues the Minister for School Education and Youth Affairs, the Minister for Health and Community Services, who has built hospitals with it, and the Minister for Police and Emergency Services, who has built police stations with it. That is what good management is all about. I understand that the Hon. M. R. Egan does not know about that sort of thing, but that is what the dividends of Sydney Electricity were used for. Of course it is in the business of selling assets. Everyone is selling assets. The Federal Government is selling assets. It sold Customs House at Circular Quay just recently, but I did not hear the Hon. M. R. Egan braying about that. Customs House is a heritage building but we did not hear him talking about that when his mates in Canberra sold it. Sydney

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Electricity will not have a fire sale of anything but it will ensure that it divests itself of non-essential assets, and I have no problem with that.

GARBAGE COLLECTION CHARGES

The Hon. ELISABETH KIRKBY: I ask the Minister for Planning and Minister for Energy, representing the Minister for Local Government and Minister for Cooperatives, a question without notice. Will the Minister inform the House whether it is possible for local councils to impose a charge for garbage collection on land where there is no residence and, therefore, no domestic garbage to be collected? Under what section of the Local Government Act is this charge levied? Does the Government believe that such a charge is warranted?

The Hon. R. J. WEBSTER: I thank the honourable lady for the question and I shall seek the information and provide an answer to her in due course.

BROKEN HILL JUVENILE OFFENDER DETENTION

The Hon. B. H. VAUGHAN: My question is directed to the Minister for Police and Emergency Services and Vice-President of the Executive Council in his own capacity, and as Minister representing the Minister for Justice. Is the Minister aware of a complaint made this week by magistrate Sue Schreiner when police advised her during a hearing at Broken Hill that there are no facilities in Broken Hill to hold juveniles on charges? Will the Minister inform the House what happened to an agreement of the former Minister for Family and Community Services last year that juveniles will be held in Broken Hill on a needs basis?

The Hon. E. P. PICKERING: I refer the Deputy Leader of the Opposition to a question asked in identical terms yesterday and fully answered by me.

The Hon. B. H. Vaughan: Here?

The Hon. E. P. PICKERING: Here.

CHELMSFORD PRIVATE HOSPITAL PATIENT COMPENSATION

Reverend the Hon. F. J. NILE: I ask a question without notice of the Minister for Police and Emergency Services and Vice-President of the Executive Council, representing the Premier, Treasurer and Minister for Ethnic Affairs, the Attorney General, Minister for Consumer Affairs and Minister for Arts and the Minister for Health Services Management. Did the Victims Compensation Tribunal grant compensation to a victim from Chelmsford Hospital for criminal assault? Does the Victims Compensation Tribunal give compensation to victims of medical malpractice or

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negligence? From evidence found in the royal commission, will the Government give an ex gratia payment to the victims of medical malpractice or negligence from Chelmsford Hospital? If so, when?

The Hon. E. P. PICKERING: The honourable member would appreciate that the matters raised in his question are complex. I will forward the question to the relevant Ministers and seek their replies.

BUILDING INDUSTRY ROYAL COMMISSION

The Hon. J. W. SHAW: I ask the Minister for Police and Emergency Services and Vice-President of the Executive Council, representing the Minister for Industrial Relations and Minister for Further Education, Training and Employment a question without notice. Is it a fact that the Royal Commission into Productivity in the Building Industry in New South Wales has received an affidavit alleging improprieties involving the Housing Industry Authority and, in particular, alleging the receipt of commissions from an insurance company for arranging insurance for HIA members, and that such commission has not been disclosed by the HIA to its members? Is it a fact that the royal commission does not propose to investigate these allegations? Will the Government urge the royal commission, in the interests of objectivity and thoroughness, to investigate these matters?

The Hon. E. P. PICKERING: Obviously I am not able to confirm whether or not an affidavit has been placed before the royal commissioner in the terms foreshadowed by the honourable member. I would certainly not be able to advise him whether the Government has power to direct a royal commissioner in pursuit of his commission. I would have thought that would have been an almost improper situation. However, I really do not know. The royal commissioner has his terms of reference and has a perfect right to conduct his commission within the lines of those terms of reference. As I am not aware of the matter or able to provide legal advice whether we can take such action, I will ask the relevant Minister for his advice on the matters raised.

DEEP SLEEP THERAPY ROYAL COMMISSION

The Hon. ELAINE NILE: I ask the Minister for Police and Emergency Services and Vice-President of the Executive Council, representing the Attorney General, Minister for Consumer Affairs and Minister for Arts a question without notice. Did the royal commission into Chelmsford Hospital show evidence of criminal behaviour by a number of doctors and staff of the hospital, namely Dr Gill, Dr Gardiner, Dr Herron, and Molly Samson? Why did the Director of Public Prosecutions make decisions that no criminal charges would be proffered against any person in respect of this matter? Will the Government order a review of all the decisions of the DPP,

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especially with regard to the death of Peter Clarke and the unlawful removal of unsigned consent forms?

The Hon. E. P. PICKERING: Again that question falls within the category of the previous question. It is for the Director of Public Prosecutions to establish at law, as an independent entity, to avoid the suggestion of political interference in important questions,

whether individual citizens should be charged with particular offences. Every honourable member would agree that the development of the concept of the DPP has advanced the efficaciousness of the criminal justice system in this State to a considerable degree, especially as I believe there is a broadly held view within the community that not only is the DPP entirely independent of the Executive Government but acts in an impartial and proper way. I cannot recall anyone suggesting that the DPP is not acting in a proper manner. At times the decisions taken by the DPP, with full knowledge of all the facts presented to that department, can sometimes produce results which are strange to members of the general community who are ill informed about the facts. On occasion I have felt that a particular matter might have proceeded when it has been the recommendation of the DPP not to proceed. On many occasions that has occurred with my own administration. Obviously I must rest upon the decision of the DPP. I am not sure whether at law the Attorney General has the power to order a review. As an engineer, I do not know. I shall confer with the Attorney General and see whether some relief is available to the honourable member.

POLICE AIR WING

The Hon. K. J. ENDERBURY: I direct my question without notice to the Minister for Police and Emergency Services and Vice-President of the Executive Council. Is it a fact that the police air wing, now located at Bankstown, is not allowed to undertake any task or patrolling unless specifically requested to do so? Who is responsible for this direction to the air wing? Will the Minister ensure that the air wing is able to undertake its previous role as an airborne patrolling resource, supporting other operational units?

The Hon. E. P. PICKERING: Some time ago a review was conducted into the role of the Polair organisation to determine what functions it should properly perform. I am not in a position to regurgitate that review in detail. That review found that using Polair in circumstances similar to a general duty police patrol car keeping an eye on the community is an unacceptable use of that resource. The vast majority accepted that the work of Polair would be associated with surveillance operations, using the aircraft as surveillance platforms. Most of its work is to support drug enforcement agencies or other agencies, using it for a specific duty. In that regard it has been extraordinarily successful. Over the past couple of years the quantity of marijuana crops destroyed as a result of the work of Polair, in conjunction with the drug enforcement agencies, is nothing less than mindboggling. This has caused the price of marijuana on the streets

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of New South Wales to rise beyond the price of gold. It is true in principle that the department takes the view that it is a totally inappropriate use of an expensive resource for a helicopter to be waiting in the air for an emergency to occur. One can relate to that decision, given the cost of flying and maintenance of helicopters. Polair plays other roles, including in rescue operations. A careful review by a departmental committee specifically rejected the concept of general duty air patrol, and that was a sensible decision.

TAFE VOCATIONAL COURSES

The Hon. ELISABETH KIRKBY: I ask the Minister for Police and Emergency Services and Vice-President of the Executive Council, representing the Minister for Industrial Relations and Minister for Further Education, Training and Employment a question without notice. Is the Minister aware of statements by the general manager of the Newcastle network of TAFE colleges that non-vocational courses would be cut as a cost-cutting exercise? Will the Minister explain why quotas are being imposed on certain vocational courses, such as training for riggers? Why are the unemployed being barred from these courses? How does the Minister believe that these people will ever be able to gain employment if training in such skills is denied to them? What action will the Minister take to end these discriminatory practices?

The Hon. E. P. PICKERING: I am not in a position to respond to the details of the honourable member's question. It would be self-evident to any fair-minded person, however, that the Government has generously supported the education of those who have been adversely affected in the employment market. Only yesterday in the Budget many millions of dollars were earmarked for that specific purpose. I suspect that it is self-evident also that an unlimited amount of money is not available to provide to the community for any aspect of government. There would not be a Minister of the Crown who could not happily spend almost twice the amount of his budget allocation. It is easy to spend money, but not so easy to raise it. In those circumstances every government, Minister and department must set priorities. The technical and further education system is no different in that regard. A casual observation of yesterday's Budget Papers will reveal that the Government has been more than generous, and, I should add, more than responsible, in regard to secondary education for people who face difficult employment prospects. I refer the honourable member to those Budget Papers to check that fact. I shall refer her specific question about Newcastle Technical and Further Education College to the Minister in the other place.

MEDICAL PRACTITIONERS PECUNIARY INTEREST DECLARATION

The Hon. FRANCA ARENA: I ask the Minister for Health and Community Services a question without notice. Is he aware that estate agents who sell property in which they have a personal interest are obliged by law to declare such interest to their clients? Is he aware further that doctors who refer patients to their own private hospitals

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have no obligation to disclose such pecuniary interest to their patients? Will the Minister consider legislation to make it compulsory for doctors to disclose to their patients their interests in private hospitals?

The Hon. J. P. HANNAFORD: The honourable member's question is not on a matter that has been drawn to my attention previously, but I shall take it on board.

Later,

The Hon. J. P. HANNAFORD: Earlier today the Hon. Franca Arena asked a question about doctors who refer patients to their own private hospitals having an obligation to disclose such a pecuniary interest to patients. I am advised that there is no obligation under the Private Hospitals Act for such a declaration of interest to be made. However, the Act contains provision for a regulation to be made that requires doctors to declare their interests in private hospitals and my department is giving consideration to the drafting of a regulation to implement such a proposal. The honourable member can be assured that appropriate consultation will be carried out with the Private Hospitals Association and with the Australian Medical Association and other interested parties in the development of such a regulation, if it is to proceed.

POLICE MAGNUM TASK FORCE

The Hon. P. F. O'GRADY: I ask the Minister for Police and Emergency Services and Vice-President of the Executive Council whether it is correct that the Magnum task force is to be disbanded? If so, why is that to be done, having regard to the recent spate of armed robberies?

The Hon. E. P. PICKERING: This morning I read in the *Sydney Morning Herald*, as did the Hon. P. F. O'Grady, that the Magnum task force apparently is to be disbanded. As of this morning my knowledge of that matter extended to that reading of the newspaper report. The honourable member will appreciate that as the Minister for Police I do not become involved in that type of operational decision-making. However, having requested information from my department I have been advised in the following terms, which I am sure honourable members will find of interest. For the information of honourable members generally I advise that the

Magnum task force, as was mentioned in the newspaper article, commenced operations in January of this year under the New South Wales Police Service's major investigations plan. By definition a major investigation is any investigation relating to a crime or incident which is of such a nature as to cause particular concern to the Government or the public and, in the opinion of the State commander, the investigation of such a crime or incident is beyond the resources of a region or it is, in the interests of police effectiveness or the administration of justice, necessary and or desirable to declare a major investigation.

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Crimes or incidents that may be defined as major investigations include such matters as murder, extortion, serious fires and explosions, and abductions. The principal effects of declaring a crime or incident a major investigation are that access is granted to necessary resources, including human resources, to form task forces and similar operational groups; relief is granted to regional investigations in suitable cases; responsibility and accountability are clearly defined; a definite line of command is established; and separate budgetary arrangements are implemented to each particular operation. Among other things it is the responsibility of the State commander in a major investigation to see that appropriate terms of reference and a target date are set for each particular inquiry and then to ensure that the target date is met unless extended for good and valid reason. Other officers in the line of command have a similar responsibility to ensure that the terms of reference are adhered to and that the task force is not maintained longer than is necessary. It was in that environment that task force Magnum was formed, with the terms of reference being the investigation of several armed robberies in a country centre and elsewhere that netted substantial amounts and were suspected to involve certain known persons; a number of armed robberies particularly of security vehicles that netted well in excess of \$1 million and again were suspected to involve certain known persons; and a number of thefts from various warehouses throughout the State believed to have been committed by an organised group and involving proceeds in excess of \$2 million.

As I have said, the task force came together earlier this year and operating under the major investigations plan has achieved resounding success. In all 24 persons have been arrested, including some very well known and hardened criminals. To date a total of 73 charges have been preferred which in addition to armed robbery and theft include murder, attempted murder, possession of firearms, possession and supply of prohibited drugs and receiving. However, I am advised by the Commissioner of Police Mr Lauer that task force Magnum has run its course, as it were, and justification no longer exists for its continuation, at least in its present form. Admittedly, it would seem that the recent armed robbery at the Penrith Leagues Club was carried out by a well organised group of offenders. However, that is still not considered to fall within the specific terms of reference of task force Magnum. Of course that is not to say that the Penrith robbery is not regarded as a serious matter or is not being afforded appropriate police attention. I assure honourable members that most certainly is not the case and that appropriate resources have been allocated to the investigation by the region commissioner, north west, Assistant Commissioner McLachlan. More importantly, the option remains open to the assistant commissioner to have the State commander declare the inquiry a major investigation in its own right. In that regard, as region commander and under the present major investigations plan Assistant Commissioner McLachlan is required to carefully consider all the known circumstances surrounding the incident. I trust that my advice clarifies the position for all honourable members and that they accept that the winding down of task force Magnum is not the untimely action suggested in the newspaper report.

[Interruption]

The DEPUTY-PRESIDENT: Order! The general level of background noise in the Chamber is unacceptable. If honourable members wish to conduct conversations, they should leave the Chamber.

FIREFIGHTER NORMAN WALSH

The Hon. A. B. MANSON: My question without notice is addressed to the Minister for Police and Emergency Services and Vice-President of the Executive Council. Did firefighter Norman Walsh, a married man with six children, die of a heart attack in April 1989 while fighting a fire? Did the New South Wales Fire Brigades last month refuse to meet the funeral expenses? Will the Minister immediately direct the payment of those funeral expenses? If not, why not?

The Hon. E. P. PICKERING: I regret to inform the honourable member that though the matter he has raised comes under my administration, I am not able to provide him with the detail he seeks. I am genuinely concerned that I cannot do so and shall certainly have the matter investigated with urgency and respond to the House tomorrow.

PARKES DISTRICT HOSPITALS NURSING STAFF

The Hon. DOROTHY ISAKSEN: I direct my question without notice to the Minister for Health and Community Services, representing the Minister for Health Services Management. Why is the Government seeking a reduction of 20 per cent in the nursing staff at Parkes District Hospitals when that town is about to experience a boom? Is it not shortsighted to lose such a large proportion of the experienced nursing staff when the North Parkes gold and copper mine is expected to commence operations in the near future and will employ approximately 300 people?

The Hon. J. P. HANNAFORD: I cannot give the honourable member a specific answer about the Parkes District Hospitals. I shall find out what is happening there. The honourable member will know that under the structure of health there are area health boards and regional health boards. The administration of health, in particular country hospitals, is the responsibility of the individual hospitals, their management and boards. Those boards do an outstanding job in New South Wales by providing excellent health services for members of the community. That comment applies particularly to health boards in country regions. When any country hospital board makes a decision about the management of its hospital -

The Hon. Dorothy Isaksen: The Minister made the decision, the board did not.

The Hon. J. P. HANNAFORD: The hospital boards make decisions about the management of their hospitals. They do so having regard to the best interests of health in their areas. I have every confidence in the operations of those boards.

PARKES DISTRICT HOSPITALS NURSING STAFF

The Hon. DOROTHY ISAKSEN: I ask the Minister for Health and Community Services a supplementary question. Is it not a fact that the Department of Health directed the board to reduce the nursing staff by 20 per cent and that it was not the board's decision?

The Hon. J. P. HANNAFORD: As I said, I have no knowledge of the specific decisions made by that hospital. I shall find out about the matter and inform the honourable member.

CHAE LUNDI STATE FOREST FAUNA

The Hon. R. S. L. JONES: I ask the Minister for Planning and Minister for Energy, representing the Minister for Conservation and Land Management, whether he will accept the result of the Chaelundi decision which was delivered today by Mr Justice Stein of the Land and Environment Court in which he found:

Imminent breaches of section 99 and section 98 of the National Parks and Wildlife Act, have been proven in relation to a large range of endangered and protected species of fauna.

The DEPUTY-PRESIDENT: Order! I draw to the attention of the honourable member that questions must comply with standing orders. Questions must not be statements of fact.

The Hon. R. S. L. JONES: Does the Minister realise that this is the most valuable wildlife habitat so far discovered on the east coast of Australia? No doubt he will be made aware of that when he gets a summary of the judgment. Will the Minister negotiate with the Minister for the Environment to add compartments 180, 198 and 200 of the Chaelundi State Forest to the Guy Fawkes National Park? If not, why not?

The Hon. R. J. WEBSTER: I thank the Hon. R. S. L. Jones for his speech. I do not intend to make a long speech other than to say that the Chaelundi judgment, which was handed down at 9.30 this morning, was a 50-page judgment. As I speak, officers of the Forestry Commission, the National Parks and Wildlife Service and Cabinet Office are studying that judgment. I am quite sure that Cabinet and the Government will consider all the options available, as the possible implications are wider than just forestry.

AREA ASSISTANCE SCHEME

The Hon. P. F. O'GRADY: My question without notice is directed to the Minister for Planning and Minister for Energy. Why are area assistance scheme priority ranking committees being advised that they should recommend only those projects that require no pick-up funding? Is it because Treasury has advised pick-up agencies that funding will not be allocated for future projects initially funded under the area assistance scheme?

The Hon. R. J. WEBSTER: I am disappointed that the Hon. P. F. O'Grady, of all people, is part of the misinformation campaign presently being waged. Honourable members would be well aware that we are in a recession that we had to have - the one Paul Keating said we needed as part of his banana republic strategy for Australia. We now have the recession.

The Hon. E. P. Pickering: A depression.

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The Hon. R. J. WEBSTER: That is right. The present Treasurer, Mr Kerin, said that we were in a depression, not a recession. So money is short. A couple of months ago, the Premier, in his economic statement, temporarily suspended area assistance schemes. Thanks to the hard work of members of the Liberal Party, the National Party and my own Department of Planning, and because of representations I and others made to the expenditure review committee, the area assistance scheme has been fully restored. It is very disturbing that members such as the Hon. P. F. O'Grady would want to frighten little old ladies by suggesting that the schemes have not been fully restored. Last week I read an article placed in a paper by some left-wing group from the western suburbs. It suggested that the area assistance scheme was not being fully restored and that projects would not be picked up. The area assistance scheme was introduced in western Sydney in 1979 but not all projects have been picked up. In fact, in most areas the pick-up rate is about 25 per cent to 30 per cent. Departments have had to submit their proposals to pick up projects under the area assistance scheme as part of their budgetary negotiations with Treasury. Nothing has changed. There is no indication whatsoever that there will be no pick-ups under the scheme. It is ludicrous for the Hon. P. F. O'Grady to suggest such a thing. The truth is that all projects will be considered on their merits. No project will be excluded from consideration for funding. That has been the case in the past and it will continue to be the case in the future.

The Hon. Virginia Chadwick: There has never been an automatic pick-up.

The Hon. R. J. WEBSTER: The Hon. P. F. O'Grady should do his homework. He does not know what he is talking about. My colleague the Minister for School Education and Youth Affairs, who was the responsible Minister for more than two years, backs me up with her interjection. For people to suggest otherwise is just plain wrong. So the Hon. P. F. O'Grady got it wrong.

WOMEN'S ADVISORY COUNCIL REGISTER

The Hon. I. M. MACDONALD: My question without notice is directed to the Minister for School Education and Youth Affairs, as Minister responsible for women's affairs. Is the Women's Advisory Council charged with the responsibility for developing a register of women from which nominations would be made for board vacancies? Did the Office of Public Management in the Premier's Department take over the implementation of this register? How was the register set up? What percentage of people on the list have been successfully appointed? What are the criteria for including a person on that list?

The Hon. VIRGINIA CHADWICK: I am surprised at the honourable member's emerging interest in matters of importance to women. I hope he maintains his new-man approach. A few years ago the Women's Advisory Council established a register of women who were both interested in and appropriate for consideration for senior positions with advisory bodies, statutory authorities and the like. A register, which is monitored by the Women's Advisory Council, already exists. This is a co-operative venture between the Women's Advisory Council and the Women's Co-

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ordination Unit. Registration is voluntary and covers all areas of professional interest. In a sense, that register, which is widely available, acts as a broad, general directory. The Women's Advisory Council has encouraged government and statutory authorities to consider, more appropriately, the appointment of women to such senior positions.

As I have said, the register was an initiative of the council. I am happy to encourage and support it in this regard. From memory, appropriate people were engaged to approach women and compile the register. Again, from memory, Patricia Rochford and Associates had responsibility for establishing this register. A specialist register was compiled of women who had achieved high levels in a wide variety of fields. Clearly, it is not the function of the Women's Advisory Council to have responsibility for the updating and monitoring of that register. As I recall, negotiations were undertaken by Renata Kaldor, chairperson of the Women's Advisory Council, to determine the appropriate location for that register in the public sector. Clearly, the Premier's Department is responsible for establishing and conducting a number of statutory authorities and for overseeing a number of senior appointments. The Women's Advisory Council considered that the Office of Public Management was a suitable body.

The Women's Advisory Council approached the Office of Public Management about whether it would be willing to accept the responsibility of monitoring the register. After a period of negotiation between the Women's Advisory Council and the Office of Public Management that arrangement was reached. This happened two years ago, and I am relying on my memory. If I am wrong, I shall hastily advise the House further. My understanding also is that a significant number of women on the register have been appointed to a variety of advisory boards and statutory authorities throughout the public sector. I hope that more such women will be appointed. The view of the Women's Advisory Council is certainly that this exercise has been successful. At regular meetings between the council, the Premier and me about the activities of that council the Premier has supported the initiative, even to the extent of writing to all Ministers to remind them of the register and urging them to use it, to ensure that the women on the register are considered for appropriate appointment.

As to the standing that the register has with women throughout the State, I merely observe that in recent applications for various appointments I have noted with interest and pride that women are starting to state in their curriculum vitae that they have been approached and are on this register. Clearly the register is considered to be important and sufficiently prestigious for women, if appropriate, to refer to it in their curriculum vitae. From a number of perspectives the register has served its purpose and will continue to serve its purpose as a fine initiative of the Greiner Government and the Women's Advisory Council.

WOMEN'S ADVISORY COUNCIL REGISTER

The Hon. I. M. MACDONALD: I ask a supplementary question of the Minister for School Education and Youth Affairs. As there was such a register prior to

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1988, will the Minister inform the House how many women have been removed from the register since then?

The Hon. VIRGINIA CHADWICK: If the Hon. I. M. Macdonald is to live up to his embryonic reputation as a new man he would be well advised to listen to answers. In the answer I just gave I said that there are two registers. One is a generalist register that has hundreds of names. It existed, as the member rightly said, prior to 1988. It still exists, and interested women are invited to, and are welcome to, place their names on this generalist register. I referred in my answer to a different register.

CHAE LUNDI STATE FOREST LOGGING

The Hon. R. S. L. JONES: I ask the Minister for Planning and Minister for Energy, representing the Minister for Conservation and Land Management, a question without notice. Does the Minister realise that the decision in the Land and Environment Court in relation to the proposed logging and roading activities in compartments 180, 198 and 200 of Chaelundi State Forest will not bring logging to a halt in the native forests of New South Wales, as has been claimed? Is the Minister aware that statements on pages 13 and 17 of the report make it clear that the definition of "disturb" covers conduct which modifies habitat in a significant fashion, thus placing the species of fauna under threat by adversely affecting essential behavioural patterns relating to feeding, breeding or nesting? Does this therefore mean that normal logging activities in regrowth forest and old growth forest of low habitat and wildlife value will be able to continue with hindrance?

The DEPUTY-PRESIDENT: Order! I direct that that question be placed on the notice paper.

TOURISM COMMISSION TICKETEK GUARANTEE

The Hon. B. H. VAUGHAN: I direct a question without notice to the Minister for School Education and Youth Affairs, representing the Minister for State Development and Minister for Tourism, and ask her to obtain an answer for me. Is the Government guarantee of \$3.1 million by the Tourism Commission to Ticketek still operable? If so, has the guarantee been adjusted in any way?

The Hon. VIRGINIA CHADWICK: As requested I shall refer the question to my colleague.

PUBLIC SECTOR MOTOR VEHICLE ENERGY EFFICIENCY

The Hon. R. S. L. JONES: I ask the Minister for Planning and Minister for Energy a question without notice. Did the excellent report from the Government's Minerals and Energy Committee entitled "Review of Energy Conservation and

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Management Policies and Programs" recommend among many other efficiency improvements that government departments take the lead in vehicle energy efficiency by setting a fleet purchase fuel consumption target for new passenger vehicles which is one litre per 100 kilometres below the national average fuel consumption announced for the previous year, and that this target should apply to each department? What progress, if any, has your Government made in adopting this and other recommendations in the report?

The Hon. R. J. WEBSTER: I am advised that the report did make such recommendations. As with many recommendations, they are under consideration. When the Government decides to accept or implement any or all of the recommendations of that report I shall inform the House.

POLICE ACADEMY EXPULSIONS

The Hon. JUDITH WALKER: I direct a question without notice to the Minister for Police and Emergency Services and Vice-President of the Executive Council. Is it true that police recruits at the Goulburn Police Academy are in fact and at law ministerial appointees? Is it a fact also that the Minister has failed to respond adequately to several approaches by the families of at least two of four police recruits who were either terminated or forced to resign from class 248? In view of the inability of police responsible for the academy to equitably and speedily resolve this dispute, which has continued for more than three months, and in view of the lack of a right of appeal by the recruits, will the Minister urgently resolve this matter? If not, why not?

The Hon. E. P. PICKERING: I shall have to rely on memory to answer this question. I am aware that a number of recruits were expelled - I suppose that is the correct word - from the Goulburn academy following certain activity there. I should add that that is not unusual at such institutions, be they army, navy, air force, police or tertiary institutions where young people live on campus. It is not unknown for things to go wrong and for people to be expelled from such institutes. I am aware that some young persons were expelled from the Goulburn academy and that the families of those young people have made representations to my office about this matter. After reviewing the facts I have taken the strong view that it would be entirely inappropriate for me as Minister to interfere in this process. Clearly the commandant of the academy has the overall responsibility to maintain proper discipline there. It would be most unjust of me to interfere with the grave responsibility that that officer has. If I were to do so, I am sure that the Hon. Judith Walker would be the first member of this House to scream blue murder about political interference in what clearly is not a matter appropriate for ministerial interference. I have taken the trouble to consider the matter. I am satisfied that the commandant has acted properly and I do not intend to interfere in the proper exercise of discipline, which ultimately is the responsibility of the Commissioner of Police. It is as clear as a bell that the discipline of the Police Service is the responsibility of the Commissioner of Police and not the responsibility of the Minister, and that is not a matter I intend to interfere with.

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TAFE CONSULTANTS

The Hon. DOROTHY ISAKSEN: I direct a question without notice to the Minister for School Education and Youth Affairs, representing the Minister for Industrial Relations and Minister for Further Education, Training and Employment. Did TAFE spend more than \$1.9 million during 1990 on consultants? Could 2,500 student places have been made available this year for that amount? How can the Government justify this wasteful expenditure on consultants when TAFE cannot cope with the demand for places?

The Hon. VIRGINIA CHADWICK: The honourable member would, of course, realise I do not have the TAFE budget figures in front of me. I cannot either confirm or deny whether a consultancy figure of \$1.9 million was in fact expended. In the second part of her question the honourable member asked why one would need such expenditure, if indeed such expenditure did occur. The answer is perfectly clear. Having inherited a shambles of what used to be a once fine TAFE system, it has taken a lot of work, using both inside and outside experts, to try to correct the decade of neglect and despair that has riddled the TAFE system.

GUNNEDAH COAL COMPANY ELECTRICITY GENERATION

The Hon. B. H. VAUGHAN: I direct a question without notice to the Minister for Planning and Minister for Energy. Does the Minister recall an announcement by his predecessor, Mr Neil Pickard, in February 1990 of the Government's support for the Gunnedah Coal Company's innovative technology for a private power station utilising coal and water? Is it a fact that no agreement has been entered into between the Gunnedah Coal Company and Elcom, or any other body for that matter, for the supply of power into the State's electricity grid using that technique?

The Hon. R. J. WEBSTER: I do recall that announcement. So many things have occurred under the depression that we had to have, delivered to us by the Mr Paul Keating.

The Hon. P. F. O'Grady: If the Minister is purporting to answer the question, he should have his facts for a change.

The Hon. R. J. WEBSTER: The honourable member ignores that earlier I gave him the facts about the area assistance scheme. He should go back into his box. The Gunnedah power station, following feasibility studies that advised of substantial cost escalations which would render the Gunnedah power station uneconomic, indicated that there appears to be no way it can proceed with power generation. Further submissions have been received concerning possible developments in the Hunter Valley and Wollongong areas. Following discussions with the proponents in Shortland County Council, councils received ministerial consent to purchase the output of Wambo private generation which would be connected to the commission's 132kV system. The Electricity Commission is presently considering its position in relation to the cost of providing standby energy to councils purchasing private generation and the Gunnedah project is effectively on hold.

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TAFE RESTRUCTURING

The Hon. K. J. ENDERBURY: I direct a question without notice to the Minister for School Education and Youth Affairs, representing the Minister for Industrial Relations and Minister for Further Education, Training and Employment. What has been the total cost of the restructuring of TAFE and the returning of it to its original structure? Why did the cost of restructuring blow out by \$31.7 million last financial year?

The Hon. VIRGINIA CHADWICK: While I welcome the interest of the Hon. K. J. Enderbury in matters pertaining to TAFE, I remind him that he is talking about matters which are contained in the Budget that was introduced into this House yesterday afternoon. The honourable member should think about the Budget debate. Though it is your province and not mine, Mr Deputy-Speaker, it seems the question is quite out of order.

NUTRITION EDUCATION

The Hon. R. S. L. JONES: I direct a question to the Minister for School Education and Youth Affairs. In making the decision not to approve the food for health syllabus for

development, is the Minister conscious of the need in our community for improving nutrition education and practice and that the components of nutrition integrated into the mandatory physical development, health and physical education courses are dangerously short of being adequate? Is the Minister aware that specialist teachers of nutrition in New South Wales schools - home science teachers - no longer have access to students to teach this subject, nor do students have access to them or the knowledge they have to offer? Are the Minister and the Government unaware of the ramifications of poor health in the community and the subsequent drain on government resources in terms of sick leave, medical expenses and loss of productivity in the work force?

The Hon. VIRGINIA CHADWICK: Yes, I am aware of the issues to which the Hon. R. S. L. Jones refers. A similar question was asked only a few sitting days ago by the Hon. Elaine Nile. I suggest he read the reply I gave then.

CHAE LUNDI STATE FOREST LOGGING

The Hon. M. R. EGAN: I direct a question to the Minister for Planning and Minister for Energy, representing the Minister for Conservation and Land Management. Given today's ruling in the Land and Environment Court against the Forestry Commission's logging in Chaelundi State Forest, when will the Minister implement Public Accounts Committee recommendations concerning making the Forestry Commission more accountable to the public?

The Hon. R. J. WEBSTER: I do not think the decision in the court today has any bearing on that question but I will obviously take that question on board and deliver an answer to the House in due course.

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PRISONER FAX MESSAGE CHARGES

The Hon. ELISABETH KIRKBY: I direct a question to the Minister for Health and Community Services, representing the Minister for Justice. Will the Minister confirm that the Department of Corrective Services recently instructed superintendents of prisons to charge \$1 per page for fax messages received by prisoners? Is it a fact that if a prisoner does not have sufficient funds to pay for a fax message received, the superintendent will hold the message until the fee is paid? Will the Minister ensure that this fee will not prevent prisoners receiving from their legal advisers fax messages that may be relevant to their appeals or to their defence if they are on remand?

The Hon. J. P. HANNAFORD: As the Hon. Elisabeth Kirkby would know, I would not have the answer to that sort of question. It should appropriately be put on the notice paper.

BOUR NDA STATE RECREATION AREA ADMINISTRATION

The Hon. R. S. L. JONES: I direct a question to the Minister for Police and Emergency Services and Vice-President of the Executive Council, representing the Premier, Treasurer and Minister for Ethnic Affairs. Is the Minister aware of enormous public disquiet over the transfer of the Bournda State Recreation Area from the control of the Minister for the Environment to the Department of Conservation and Land Management? Does the Minister realise that the Bournda State Recreation Area has tremendous natural and cultural significance and that it is not at all appropriate to have the area managed by the Department of Conservation and Land Management, or CALM, which does not have the same conservation ethic as the National Parks and Wildlife Service? Is the Minister not aware that Bournda wetlands provide nesting sites for the endangered little tern and the pied oyster catcher, both of which may be at great risk as a result of the handing over of the area to CALM? Will the Minister ask the Premier to reverse the unpopular decision to remove the control of the Bournda State Recreation Area from the Minister for the Environment?

The Hon. E. P. PICKERING: I suspect the answers to those questions are no, no, no, and probably.

GRAINCORP SALE

The Hon. M. R. EGAN: I direct a question to the Minister for Police and Emergency Services and Vice-President of the Executive Council, representing the Minister for Transport. Given that Graincorp is currently up for sale, what steps is the Government taking to prevent a run-down in the value and profit-making ability of Graincorp, following reported warnings by New South Wales graingrowers that they will boycott the New South Wales system and send their wheat through Queensland? What is the Minister doing to protect taxpayers' and graingrowers' money already invested in Graincorp?

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The Hon. E. P. PICKERING: I will refer the question to the Minister for Transport. I suggest to the honourable member that trying to create panic and using scare tactics does this Parliament and the community it serves absolutely no good. In the unlikely event that he has a word printed in the media as a result of a question such as that, it would disadvantage the community and cause alarm to drought-stricken farmers. Knowing the ability of the Minister for Transport, I am sure that elementary questions, which even the Leader of the Opposition is apparently capable of dreaming up, would be carefully reviewed by the Minister. I am absolutely certain, given the Minister's expertise and the lack of expertise on the part of the Leader of the Opposition, that the Minister does not need that type of guidance.

In view of the hour I suggest that any further questions be placed on notice.

TOTALIZATOR (OFF-COURSE BETTING) AMENDMENT BILL

Bill reported from Committee without amendment and passed through remaining stages.

ALBURY-WODONGA DEVELOPMENT (AMENDMENT) BILL (No. 2)

Second Reading

The Hon. VIRGINIA CHADWICK (Minister for School Education and Youth Affairs) [5.4]: I move:

That this bill be now read a second time.

I seek leave to have the second reading speech incorporated in *Hansard*.

Leave granted.

The Albury-Wodonga growth centre was established in 1974 following agreement between the Prime Minister and the Premiers of New South Wales and Victoria. Planning and development in the area is undertaken by the Albury-Wodonga Development Corporation, established by the Albury-Wodonga Development Act in New South Wales and similar corporations under Acts of both the Commonwealth and Victorian Parliaments. In addition, there are agreements executed between the three governments concerning the administration of the growth centre project. The legal structure consists of three statutory corporations, one each created under the legislation of the Commonwealth and the two States respectively. The three corporations have common membership, with the chairman of one being a deputy

chairman of each of the other two. A ministerial council comprising the three responsible Ministers has oversight of the operation of the corporation.

The growth centre concept of the early 1970s was based on the acquisition of land and to some extent on the compulsory transfer of large numbers of government employees to those areas. Initial projections for the Albury-Wodonga area were that it would grow to about 300,000 persons by the year 2000. Since 1977 there have been a number of reappraisals of the role of the growth centre, the development corporation and of the population projections involved.

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In 1988 the ministerial council established a working party of officials from the three governments to review the role, structure and operations of the development corporation. This review included extensive consultation with the local community, the staff and their associations, local bodies and the local councils. The committee reported in 1989 recommending changes to the role of the development corporation and its structure. A key recommendation was that development based on population targets be abandoned and that development should be based on realistic development of growth. The ministerial council established a planning committee for the region on which the development corporation, the local councils and the respective State planning bodies were represented. It charged the committee with reviewing the urban development strategy of the area, and in 1990 the ministerial council endorsed an expanded urban strategy for the Albury-Wodonga residential area and the return of local planning powers to the elected councils.

The ministerial council also accepted the recommendation that the boards of the corporations should be restructured to provide for seven part-time members with a single full-time chief executive officer. The chairman was to be part-time while the full-time chief executive would not have voting rights. This structure would replace that established in 1974, which provides for three full-time executive officers, being the chairman of each corporation and five part-time representatives. The bill contains a number of provisions to bring about these changes and includes the ratification of a proposed agreement between the three governments.

Clause 1 specifies the short title and clause 2 provides for the commencement of the Act. Clause 3 gives effect to a schedule of amendments. Item (3) of schedule 1 amends a number of definitions to provide for the new part-time members in place of the existing full-time executive positions and defines the chief executive officer as a new position. Item (4) of schedule 1 provides for ratification by the New South Wales Parliament of the most recent agreement between the three governments. Item (7) of schedule 1 replaces section 7 of the principal Act and provides for the reconstitution of membership of the Albury-Wodonga (New South Wales) Corporation. The new corporation will consist of seven part-time members and the chief executive officer and provides for the chief executive officer to be responsible for the management of the affairs of the corporation subject to the conditions of the agreement.

Paragraph (b) of item (14) of schedule 1 amends section 21 of the principal Act and authorises the Albury-Wodonga Development Corporation to carry out investigations and studies; to consult with authorities and bodies; and to advise those authorities and bodies with respect to regional planning issues. This paragraph is intended to define the functions of the corporation with respect to its regional planning role and other consultative processes and replaces its previous planning role specified under section 23 of the principal Act, which is repealed by item (15), of schedule 1. Item (19) of schedule 1 is a machinery provision which will allow the Albury-Wodonga (New South Wales) Corporation to report to Parliament jointly with the other two corporations as a single entity. Item (21) of schedule 1 inserts in the principal Act the

most recent agreement between the governments which contains the administrative provisions for the constitution of the Commonwealth and State corporations. Item (22) replaces the provisions relating to the constitution and procedure of the corporation. Item (23) repeals schedule 4 to the principal Act, which will become redundant with the transfer of planning powers to the local councils. It also contains the savings and transitional provisions relating largely to the transfer of those planning powers to Albury city council and Hume shire council.

I commend the bill.

The Hon. B. H. VAUGHAN (Deputy Leader of the Opposition) [5.4]: The Opposition supports the Albury-Wodonga Development (Amendment) Bill (No. 2). The objects of the bill are to amend the Albury-Wodonga Development Act 1974 to provide for the following purposes:

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To provide for the execution of approval of the Albury-Wodonga Area Development Agreement Amendment Agreement (No. 2); and

To change the composition of the Albury-Wodonga (New South Wales) Corporation; and

To prescribe different functions for the Albury-Wodonga Development Corporation; and

To prescribe fresh constitutional provisions for the Albury-Wodonga Development Corporation; and

To provide for certain planning functions of the Albury-Wodonga Development Corporation to be transferred to the Albury City Council and the Hume Shire Council.

The development of the Albury-Wodonga growth centre is a joint venture by the Australian Government, the New South Wales Government and the Victorian Government and was formalised on 23rd October, 1973, when the then Prime Minister, Mr Whitlam, the Premier of New South Wales, Sir Robert Askin, and the Premier of Victoria, Sir Rupert Hamer, signed the Albury-Wodonga Area Development Agreement. It seems that there is scarcely a government of any persuasion in Australia that does not thoroughly support and even promote the idea of decentralisation. Regrettably decentralisation has not taken too well to Australia.

By the agreement of 1973 three parties were involved, the Commonwealth Minister for Local Government, the New South Wales Minister for Business and Consumer Affairs and the Victorian Minister for Industry and Economic Planning. The principal function of the ministerial council which grew out of the agreement was to supervise generally the development of the growth complex. So it has done up to the present time. The Albury-Wodonga Development Act 1974 was duplicated by our neighbouring State Victoria, when similar corporations were set up under Acts of the Commonwealth Parliament and the Victorian Parliament respectively. The ministerial council, following a review in 1989 of the growth centre project, deemed that the corporation should change direction in line with economic circumstances and realistic growth projections. In the 1989 annual report of the Albury-Wodonga Development Corporation was a summary of a ministerial council decision advocating important changes to the role, structure and objectives of the corporation. The ministerial council decided that sufficient progress had been made towards development of a regional land use plan to initiate legislative amendments to return local planning powers to councils. However, the corporation structure had to be changed in so far as the structure of three full-time chairpersons was to be abolished and

replaced by one part-time chairperson selected by the Commonwealth, together with appointment of a full-time chief executive officer.

The recommendation was that a part-time corporation board be established. This legislation provides that such a board be set up and that it should be comprised as follows: a chief executive officer; a chairperson of the corporation appointed by the New South Wales Minister; a deputy chairperson appointed by the Victorian Minister; a deputy chairperson appointed by the Australian Minister; a person appointed by the New South Wales Minister with the concurrence of the Australian Minister, chosen from a group of persons nominated on a basis to be determined from time to time by the ministerial council. Provision is also made for a person appointed by the New South Wales Minister with the concurrence of the Australian Minister, such person to be

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chosen from the Council of the City of Albury; a person appointed by the New South Wales and Victorian Ministers, with the concurrence of the Australian Minister from a group of persons nominated on a basis to be determined from time to time by the ministerial council; and a person to be appointed by the New South Wales Minister and the Victorian Minister with the concurrence of the Australian Minister, such person to be chosen from the Council of the Rural City of Wodonga.

The aim of the bill is to return local planning powers to elected local councils and to facilitate a more efficient development body with a more flexible operating structure. Substantially the purpose of the bill as presented is to promote the operation of the development centre, which is one of the few in Australia which has taken off. I remind honourable members that Albury-Wodonga is one of the largest inland centres in Australia. It is exceeded in size only by Canberra, Toowoomba and Ballarat. It is the eighteenth largest centre in Australia and its population is close to 90,000. This legislation contains an interesting phrase which previously I have never noticed in legislation. That is the reference to the Australian Government and the Australian Minister. From a semantic point of view it shows some progress. The Opposition supports the legislation.

The Hon. Dr B. P. V. PEZZUTTI [5.12]: I support the Government's proposed changes contained in the Albury-Wodonga Development (Amendment) Bill. I remember vividly the attempts by the Whitlam Government to develop a regional government type plan. That Government poured huge amounts of money into a number of selected growth centres which did not achieve the growth anticipated in 1974. The projected growth for the Albury-Wodonga region was 300,000 by the year 2000. This applied also to the Bathurst-Orange corporation. I remember the wonderful plans of the Minister for Urban and Regional Development. That was the brainchild of a particularly odd left-wing Minister who seems to have sunk without a trace. The Hon. Tom Uren was a wonderful Australian but he and his departmental left-wing trendies were misguided. This Government, in co-operation with other governments, has decided to make the development corporation more commercially targeted so it can attract industry using money from proceeds of the sale of property and other commercial undertakings. Those Crown lands and infrastructure developments were major gifts to that community by the Commonwealth, and presumably State governments.

At that time the Commonwealth Government, with Gough Whitlam at the helm, was trying, as did the Victorian Government in the 1980s, to pick winners. To encourage people to decentralise, the Whitlam Government used large amounts of money without doing its homework first. It is worth while Commonwealth and State governments providing incentives for living in the country. That is preferable to what the Deputy Prime Minister, Mr Howe, is trying to achieve with his magical better cities program - a program aimed at making city living more attractive. Thus Mr Howe is encouraging more and more industry development in Sydney which will end up putting more people in the west and southwest of Sydney. The New South Wales Government will have to pick up the tab of about \$80,000 per new homesite sold to service those in the west and southwest of Sydney.

This bill aims to attract more commerce to rural areas. I totally approve of that aim. The experiments carried out by former Federal Minister Uren and Mr Howe will
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artificially create problems. The return of planning powers to local councils is also appropriate. The experiment by the Federal Government to regionalise government throughout Australia has failed miserably. It should recognise that State governments and local governments are appropriate in this country. They have stood the test of time. Recently Mr Hawke stated he wished to reinvent the wheel, change the Constitution and get rid of the States. The test in the next few years will be whether the Commonwealth and federation survive during this serious recession. The Federal Labor Government has led this nation down the garden path. I commend the bill. This is the appropriate direction. Instead of a better cities program Minister Howe in Canberra should implement a better country living program to encourage country and rural industry. Country areas have major unemployment. The better cities program will be a disaster.

The Hon. R. S. L. JONES [5.17]: This bill is the final nail in the coffin of the Whitlam Government's attempt to implement a national strategy for urban and regional development. Sadly, the demise of Tom Uren's Department of Urban and Regional Development marks the end of any serious attempt at a national co-ordination of urban and regional development. The Albury-Wodonga Development Corporation is a hangover from the Whitlam-Uren initiatives and, as a consequence, was due for some serious revision. The bill quite properly returns local planning powers to elected local councils and gives them equal share in key planning and development decisions. The corporation is to concern itself with development and regional issues. This highlights the lack of a coherent strategy for regional and urban development at either State or national levels and continues the ad hoc and unplanned growth of urban and regional centres. Two hundred years of ad hoc development has seen the destruction of much of the natural environment and the creation of urban nightmares.

I note that this legislation gives the Albury-Wodonga Development Corporation the authority to consult with authorities and bodies on any environmental planning matters. Environmental issues have been given low priority in urban development because the corporation only now is being given authority to consult on environmental matters. This legislation should provide that the corporation submit all its planning to environmental considerations. Though the Albury-Wodonga exercise creates a commendable precedent of inter governmental co-operation at a regional level, it is limited in scope. The development of urban and regional centres must take into account national population trends and wider environmental considerations. It is up to State governments to insist that the Federal Government develops a national strategy for urban and regional development, with proper input from State and local governments to provide an orderly framework for the development of appropriate infrastructure, with minimum environmental impact and maximum utilisation of scarce resources. Nevertheless the Albury-Wodonga experiment has been successful. It is a fast-growing area with young people and one of the major growth centres in Australia. I hope that will continue into the next century and that the original dream will come true, so that many employment opportunities will be available for country people and those from the city who might wish to move to country regions.

Reverend the Hon. F. J. NILE [5.20]: I put on record the support of the Call to Australia group for the Albury-Wodonga Development Amendment Bill (No.2). The bill will help to bring back to its rightful place the role of the Albury city council and
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the Hume shire council, for it will provide for certain planning functions of the Albury-Wodonga Development Corporation to be transferred to those councils. The Call to Australia group is consistent in its respect for the decisions of local government. It should be noted that the Australian Democrats often attempt to overrule those decisions and have tried to use this House for that purpose. We believe local government should be respected as the lowest level

of our democratic system - and I do not mean lowest in the sense of importance, but rather that it is the closest level of government to the people. Therefore its decisions should be respected. This bill will assist in achieving that aim. Rightfully a big question mark has hung over some of the grandiose schemes of the Whitlam years. One of those was to attempt to develop regional areas into a mini form of regional government and to get rid of State governments. It is right and proper that the legislation should be passed.

The Hon. VIRGINIA CHADWICK (Minister for School Education and Youth Affairs) [5.22], in reply: I thank honourable members for their contributions to the debate and particularly their support of the amending legislation. I am pleased to note that all members referred to the beginning of the Albury-Wodonga scheme and that there was clear recognition across the Chamber, including by members from the crossbenches, that, though the experiment may have been a brave one, like so many things from the Whitlam era it was a disaster. That disaster will be corrected. I commend the bill.

Motion agreed to.

Bill read a second time and passed through remaining stages.

CONSTITUTION (LEGISLATIVE COUNCIL) FURTHER AMENDMENT BILL (No. 2)

Second Reading

Debate resumed from 21st August.

The Hon. M. R. EGAN (Leader of the Opposition) [5.26]: The bill has a number of purposes, the first being to provide that after each general election there shall be an election for the President of the Legislative Council. That is a break with the tradition whereby the President was elected for the duration of his or her term in the Legislative Council. The Opposition supported that tradition and strenuously opposed the motion moved after the most recent general election to remove our President, the Hon. John Johnson, on the grounds that we believed that the provisions that related to a President's holding office for the duration of his or her term guaranteed that the President would be in a position to act impartially without any concern for currying favour with his or her own members or having to worry about giving rulings that would ensure that after the next general election that person would be successful in regaining the selection of his or her party for the presidency. However, the events that took place after the last general election have made it necessary that this provision, which will enable the election of a President to take place automatically after an election, be enacted. The Opposition supports that provision of the bill.

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The Opposition agrees also that in the case of a tied vote in the election of the President, the election should be determined by lot. The Opposition strenuously opposes two additional provisions of the bill. The first is to reduce the quorum for meetings of the Council from 12 members to eight members. Already there has been a reduction in the quorum for meetings of the House. That reduction was more than proportionate to the reduction in the number of members of the Council. At the last elections a referendum was held. The effect of that referendum was to reduce the number of members of the House by three only, from 45 to 42. Now the Government suggests that the quorum should be reduced by more than that number. In other words the Government is saying that the number of members of the House has been reduced by three, but the quorum should be reduced by four. The Opposition finds that completely unacceptable. One of the virtues of this House is that it has always been the responsibility of the Government to provide a quorum.

The Hon. Dr B. P. V. Pezzutti: So that you get an audience?

The Hon. M. R. EGAN: I know that on many occasions the Hon. Dr B. P. V. Pezzutti sits in this House under protest but he really enjoys listening to members of the Opposition. I think I am the only member who has been a member of both Houses of this Parliament.

The Hon. E. P. Pickering: That is not so. What about my ministerial colleague?

The Hon. M. R. EGAN: I stand corrected. The Minister for Planning and Minister for Energy now joins me; so there are two of us. I assure honourable members that it makes a big difference to stand up in this Chamber, make a speech, and have someone present in the Chamber - whether or not they listen to the speech. Some of my best speeches in the Legislative Assembly were directed only to the Speaker. On one occasion when I was making an erudite speech I looked around and saw that only the Speaker was in the Chamber. Not one member of the Government or the Opposition was in the House and there was no one in the gallery. What an absolute farce! At least in this House the quorum tradition is always kept. As is the case in all Westminster parliaments, it is the responsibility of the Government to provide a quorum at all times. The Government now wants to make it easier for itself.

Honourable members opposite have only been in government for three years. Already they are tired of fulfilling that obligation. I remind honourable members opposite that we were in government for 12 years. There were no protests from members of the Government then about maintaining a quorum. Heaven knows what some Government members do with their time. In any event, I remind honourable members opposite that the burden of maintaining a quorum of 12 will last only a short time because shortly members of the present Opposition will occupy the government benches and members of the Government will occupy the opposition benches. Members of the Australian Labor Party will not try to avoid their responsibilities. We would be happy, as we were for 12 years, to maintain a quorum - the responsibility of any government in the Westminster system.

If this ridiculous provision remains in the bill, debates will be turned into a farce - which they often become in the Legislative Assembly - because when members

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are speaking virtually no one will be in attendance. It is my intention, at the Committee stage, to move an amendment. I concede that, with the reduction in the number of members in the House, fewer members are required to make up a quorum. But I will certainly never concede that a quorum needs to be reduced by more than the reduction in the number of members. The Hon. Dr B. P. V. Pezzutti is quite befuddled by that, so I will repeat it. The number of members has been reduced by only three, but the Government is attempting to reduce a quorum by four.

The Hon. E. P. Pickering: You will regret those words.

The Hon. M. R. EGAN: My explanation is quite straightforward. The Government is attempting to reduce a quorum by four having reduced, by means of a referendum, the number of members by only three. In Committee I will be moving an amendment to change this provision in the bill to provide for a quorum of 10. I believe that is a fair reduction. Any member who has any concern about the stature of this House and the way in which it conducts its business will support my amendment. Another matter that concerns me is the provision to alter the rights of the Presiding Officer to vote in this House. In other words, the provision in the bill will remove the right of the President to have a casting vote and instead give the President a deliberative vote. This will affect the outcome of many matters which come before this House. There are Westminster precedents concerning the way in which a Presiding Officer should vote. If a vote on the question of whether a bill should be read a first or second time is tied, under Westminster precedents there is an obligation for a Presiding Officer - the President - to cast his or her vote with the ayes to allow further discussion. Under this bill, when a vote is tied the question will be negated. So we will achieve a different outcome from that dictated by Westminster precedents.

If a vote on the question of whether the words to be omitted should stand is tied, under present arrangements the Presiding Officer - the President - has an obligation under Westminster precedents to vote with the ayes and to leave the amendment in its initial form. Under the provisions of this bill the question would be negatived. In other words, the words would not stand and the amendment would become a substantive motion. If a vote on the question that a clause stand is tied, under Westminster precedents there is an obligation on the Chairman of Committees to vote with the ayes. Under this bill the question will be negatived. This bill will make significant and dangerous changes which I am sure most Government members have not even begun to consider. I hope that before the Committee stage, when I will be moving an amendment to delete that provision, good sense will prevail and even Government members will support my amendment. It is interesting to observe what happens in other upper Houses in Australia. In the Senate the Presiding Officer has a deliberative but not a casting vote, unlike the Presiding Officer in New South Wales. Of course, that is due to the fact that it is a States' House. I quote from page 444 of Quick and Garran which states:

The object of providing that the President, unlike the Speaker of the House of Representatives, shall be entitled to a vote in all cases, is that the State which he represents may not be deprived of the benefit of the constitutional privilege of equal representation. He is not given a casting vote as well, because that would give his State more than equal representation. Some other provision had, therefore, to be made for the case of an inequality of votes; so the Constitution declares that in that event the question shall be resolved in the

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negative. This is based upon the universally recognized principle that affirmative action, in any legislative body, must be supported by a majority.

That passage makes quite clear why the position pertaining in the Senate differs from that in the New South Wales Parliament: the Senate is a States' House. In the upper Houses of other State Parliaments the practice is exactly the same as it has always been in New South Wales. In the upper House of every State of Australia the Presiding Officer, that is the President, has a casting vote. Yet this bill would take away the casting vote from our Presiding Officer. Similarly with a deliberative vote, except in South Australia, where the position is even more confused, in all States the President does not have a deliberative vote. That is so even in Houses that have an even number of members. For example, the Legislative Council of Western Australia has 34 members. That House has no provision for a deliberative vote for its Presiding Officer; it has provision only for a casting vote. That has been the situation in this House, and it should continue to be so. Though the Tasmanian upper House has an odd number of members, the same position applies there: the President has a casting vote but not a deliberative vote. The same applies in the Victorian upper House, which has an even number of members. There the practice for some time has been that the President has had a casting vote but not a deliberative vote.

Why then should we change the practice in this House? As I have said, that change would make a significant difference to the outcome of matters to be decided in the House when there is a tied vote. The Westminster principles relating to how the President should apply a casting vote would not be applicable. In the three instances to which I referred the outcome would be completely different from that which would pertain under the present practice here. I urge honourable members to think carefully about supporting these drastic and dangerous changes. In Committee I shall move amendments to the provision in the bill that seeks to change the voting rights of the Presiding Officer, and I shall move an amendment that a quorum of this House comprise 10, rather than eight, members.

The Hon. J. M. SAMIOS [5.43]. I support the Constitution (Legislative Council) Further Amendment Bill (No. 2). The objects of the bill are:

- (a) to provide that the President of the Legislative Council is to be elected after each general election; and
- (b) to provide for a determination by lot in the case of a tied vote in an election of President of the Legislative Council; and
- (c) to give the President of the Legislative Council and the Chairman of Committees a deliberative vote (but not a casting vote) on any question before the Council or the Committee of the Whole House; and
- (d) to change the quorum for meetings of the Legislative Council from 12 Members to 8 Members.

The history of the office of President of the Legislative Council of New South Wales, the oldest House of Parliament in Australia, goes back to 1856 - the year of responsible self government and the establishment of a bicameral Parliament in New South Wales. It is a revered position with ancient roots tapping into a constitutional, monarchical system dating back to Edward the Confessor, and its importance is reflected in the State order of precedence, coming tenth after vice-royalty, Ministers and Archbishops. For

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77 years members of the Legislative Council were appointed for life by the Governor and there was no limit on the number of members of the House. However, the Legislative Council had no power over the office of President. During this period the Legislative Council had 10 presidents, who served their stewardship of office with distinction and dignity. Indeed, in this historic Chamber the busts of four of the 10 presidents look down on members as they now discharge their duties. They are the busts of the Hon. Sir Alfred Stephen, the first President of this House, who was elected on 20th May, 1856; the Hon. Sir John Hay, elected on 8th July, 1873; the Hon. Sir John Lackey, elected on 26th January, 1892; and the Hon. Sir Francis Bathurst Suttor, elected on 23rd May, 1903.

In 1934 the office of President was filled by the Governor by power of appointment under the Constitution Act 1855 and under the Constitution Act 1902. The 1932 Act replaced section 21 of the Constitution Act, under which the Governor appointed the President with provision for the Legislative Council to choose one of its members to be President on the vacancy of the office. Provision was made also for the President to resign from the office in writing addressed to the Governor or to be removed from office by a vote of the Council. Between 1934 and 1978 four Presidents were elected by the Council under the new system. On 24th April, 1934, the Legislative Council itself elected as its President Sir John Beverley Peden, by 35 votes to 17 - the election reflecting the consensus majority of the day. In 1946 the Legislative Council elected the Hon. Ernest Henry Farrar, a member of the Liberal Party, who was not opposed by the Labor Opposition, from whose ranks he had originally come.

In 1952, following President Farrar's death, the Legislative Council elected the Labor Party nominee, the Hon. William Edward Dickson, who was not opposed by the coalition either then or when re-elected in 1964. On his death in May 1966 he was succeeded by the Hon. Harry Vincent Budd, a nominee of the coalition Government who had the support of the crossbenchers and who was elected in opposition. President Budd was re-elected in April 1970, again unopposed, and remained in the position until the reconstruction of the Parliament in 1978. He was succeeded by the Hon. John Richard Johnson, who reflected the Labor Party majority in this House and the support of the acquiescent coalition minority. In 1978 a new section 22G of the Constitution Act was passed. It re-enacted the previous provisions of the Constitution Act, and stated more specifically in section 22G(2) the circumstances in which a person ceases to hold the office of President. They are: if he ceases to be a member, if he is removed from office by vote of the Council, or if he resigns his office in writing to the Governor. As that provision is not entrenched, it can be altered by a simple Act of Parliament, and that is the purpose of this bill.

It is fairly clear that since the Legislative Council has been able to elect its President, that is from 1932, Presidents have been elected as the nominee of the dominant party in the House; on some occasions with opposition from the minority parties and on some occasions with the support of the minority parties. Certainly convention does not dictate the permanency of the office of President. The Hon. Max Willis was elected to the position of President as a result of the upper House majority of the coalition supported by the Call to Australia group. Since the 1978 reconstitution of this House was fully implemented, members of this House have been elected by the

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people of New South Wales. Therefore it is only befitting that the procedure for the election of the President in the Legislative Council be now amended to reflect that change by the most democratic method we have of selecting a President for this, the oldest parliamentary Chamber in Australia. In that regard we will be following the procedure adopted in the Senate and in the New South Wales Legislative Assembly. The procedure in the Australian Senate was implemented soon after the Commonwealth Parliament was established in Melbourne in 1901. Members are aware that section 17 of the Federal Constitution provides that:

The Senate shall before proceeding to the despatch of any other business, choose a Senator to be the President of the Senate; and as often as the office of President becomes vacant, the Senate shall again choose a Senator to be the President.

The wording of this section is similar to section 22G(1) of the Constitution Act 1902 as amended which presently provides:

A person shall be chosen to be the President of the Legislative Council -

- (a) Before the Legislative Council proceeds to the despatch of any other business after the first appointed day; and
- (b) Whenever the office of President of the Legislative Council becomes vacant.

As a result of the 1978 amendment section 22G defined more particularly the circumstances under which the office of the President of the Legislative Council became vacant:

A person shall be chosen to be the President of the Legislative Council -

- 1
 - (a) Before the Legislative Council proceeds to the despatch of any other business after the first appointed day; and
 - (b) Whenever the office of President of the Legislative Council becomes vacant.
- 2 The person so chosen shall cease to hold office as President of the Legislative Council -
 - (a) If he ceases to be a member of the Legislative Council;
 - (b) If he is removed from that office by a vote of the Legislative Council; or
 - (c) If he resigns his office by writing under his hand addressed to the Governor.

However, section 22G as it presently stands does not provide for any fixation of the term of office of the President, unlike the Federal position where by Standing Order 5 the Senate has provided for a fixation of the term of office as follows:

- 5 (1) Subject to section 17 of the Constitution, the office of President shall become vacant on the 30th day of June following a periodical election or on the date of a proclamation dissolving the Senate;
- (2) But if the place of the holder of the office has not become vacant on the 30th day of June following the periodical election, that Senator shall continue to hold the office until the day next before the first sitting day of the Senate after that 30th day of June following that periodical election;
- (3) A periodical election means any election for the purpose of filling the places of the Senators of either of the two classes mentioned in section 13 of the Constitution.

The decision to fix the term of office of the President of the Senate was taken after considerable debate in the Senate between 1901 and 1903. Prior to the first meeting of the Senate a code of standing orders was framed for temporary adoption and, after slight amendment, was laid on the table of the Senate on 23rd May, 1901. Subsequently, after Page 1706

further debate and amendments, the draft orders, which followed largely the South Australian orders, were laid on the Senate table. On 10th June, 1903, the Senate met and resolved itself into a Committee for the purpose of considering and debating the Standing Orders Report. The proposed standing order before the Senate then read:

Whenever the office of President becomes vacant a Senator, addressing himself to the Clerk, shall propose to the Senate for their President some Senator then present and move that such Senator do take the chair of this Senate as President. Such motion shall be seconded by some other Senator.

Senator Pearce from Western Australia, on the suggestion of Senator Higgs from Queensland, then proposed that the term of the President's office be fixed. After lengthy debate the proposed standing order was amended to read:

Whenever the office of President becomes vacant, which vacancy shall take place by reason of a periodical or general election of the Senate, a Senator addressing himself to the Clerk, shall propose to the Senate for their President some Senator then present and move that such Senator do take the chair of the Senate as President. Such motion shall be seconded by some other Senator.

There was an interesting debate on that particular proposal but after such debate the amended order was passed by 16 votes to six - a majority of 10 votes. The other objects of the bill are machinery provisions, which again follow procedures in the Senate and the Legislative Assembly; that is, the determination by lot in the case of a tied vote in an election of President of the Legislative Council and the granting of a deliberative vote, but not a casting vote, on any question before the Council or the Committee of the Whole House. Of course, the provision of the Senate is relevant in relation to the latter point. It is interesting to note that originally there was quite some debate on this in the Senate and when the Senate first met on 9th May, 1901, a motion was moved that the election of President be by ballot. An amendment was moved to provide that the election be by open vote in line with the procedure of the House of Commons and that amendment was negatived by 23 votes to 13 to ultimately provide for balloting - balloting is the best way of reflecting the view of the majority. Indeed there was quite some feeling on the matter. Senator Dawson from Queensland said in relation to the amended provision, which was lost:

It is not satisfactory for the simple reason that it still provides for a secret ballot. If there is one thing above another that we have to do in this Chamber it is to let the public outside know exactly on which side and in which direction we cast our votes. I for one am against any attempt at a secret voting in the Senate, and I am, therefore, distinctly against the amended motion. If honourable members who have been honoured by the people of Australia by being selected to represent them in the Senate are ashamed to cast their votes openly let them say so, and let the public know it. I am not.

From the earliest days in the Senate of this nation we have decided not to follow the House of Commons in that regard but to openly vote by balloting in order to show our vote in the most democratic fashion.

[The Deputy-President left the chair at 6.1 p.m. The House resumed 8 p.m.]

The Hon. J. M. SAMIOS: I have referred to the practice in the House of Commons and in the Senate and the contrast in relation to the question of the open ballot. In the 1901 debate in the Senate, Senator Sir Josiah Symon of South Australia had the following to say on this point:

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I should like to ask Senator O'Connor whether it might not be well to adopt the House of Commons' practice after the first ballot has eliminated the third candidate. If in the first instance there be only two candidates, it is proposed that the House of Commons' practice be adopted; and there seems to be no reason why, when we have eliminated the third candidate, the voting on the two who remain should not be open, according to the House of Commons' practice. I would suggest that an august body, such as we hope the Senate will always be, should not shrink from open voting upon the determination of the highest office in the gift of this Chamber.

There was a concerted effort to provide for open voting, as it were, for the election of the President of the Senate originally in 1901. Senator Symon went on to say:

I think that we should be doing honour to ourselves by adopting that course, because I am sure that, whatever our views may be as to the respective candidates, we shall give the most loyal obedience to whoever may be chosen, and aid him in maintaining the dignity and prestige of this Chamber.

The debate waxed strong and, as I indicated before, Senator Dawson was not of that persuasion and I have quoted what he said in relation to the matter. Equally Senator Gould from New South Wales expressed a viewpoint that was not supportive of the House of Commons' method. On 9th May, 1901, Senator Gould said:

I am perfectly certain that honourable members do not desire to hide from the public the way in which they record their votes in this election or on any other occasion. I certainly understood when Senator O'Connor tabled his motion originally that it was done really with the object of getting over a difficulty that might arise by means of open voting if there were more than two candidates proposed. Any one who knows how these operate in deliberative assemblies must be aware that where three or more candidates are proposed it frequently happens that the man elected is not really the *bona fide* choice of the majority. If there are three candidates one man's name is put first of all before the House, and the honourable members who are going to support the other two generally vote against him. By that means a man who is only acceptable to the minority, possibly, succeeds. Therefore, I think there is very good reason for supporting Senator O'Connor's proposition. I understand that certain sections of

honourable members have held secret caucuses, and determined whom they shall support. While they come before the public and give a public vote we do not know what their own honest convictions are, because there have been debates and votes behind the back of Parliament. I am very glad to hear, however, that some honourable members feel now that it is desirable the public should know the direction in which their votes are cast. I want the public also to know that they are being cast on the independent judgment of honourable members, and not at the dictation of a majority of any particular section.

Eventually the Senate divided, with 23 in support and 13 against the question, resulting in the solution that exists in the Senate for the election of the President. It is interesting to note how that procedure occurred in the House of Commons where it is customary for the mover and the seconder of the motion to be private members and not Ministers. That is another important point that has evolved. The practice in the House of Commons where only private members move and second these motions has its basis, according to Odgers, in the theory that the choice of the Speaker should be representative, as far as possible, of the choice of the House. That practice in the House of Commons where private members or non-ministerial members move and second the motion for the election of the President is different from the practice in the Senate. Erskine May is very informative on this point. At page 226 of *Parliamentary Practice* footnote 2 states the following with regard to the election of a Speaker by the House of Commons:

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It is customary for the mover and seconder to be private Members. In 1789 Mr Pitt was desirous of proposing Mr Addington himself, but Mr Hatsell, on being consulted, said, "I think that the choice of the Speaker should not be on the motion of the minister. Indeed, an invidious use might be made of it, to represent you as the friend of the minister, rather than the choice of the House".

They were very important words. The footnote continues:

Mr Pitt acknowledged the force of this objection. When a Speaker is re-elected without Opposition, it has been usual for the proposer and seconder to be taken from different sides of the House. In session 1919 two senior Members of the House chosen from the parties constituting the coalition majority acted as proposer and seconder.

The procedure that this bill envisages in relation to the election is a very good one, borrowed, as I said, from the *Australian Senate Practice*. The *Australian Senate Practice* was not decided on arbitrarily. Those who are students of Australian parliamentary history would know that the standing orders for the Senate were debated, discussed and analysed in a series of committee meetings over a period of approximately three years. In essence temporary standing orders then acted as the anchor until the final selection of standing orders was chosen. The standing orders providing that anchor emulated the standing orders in the State of South Australia. The decision relating to the election of the President, taken in 1903 in the Senate, was taken after thorough analysis and good debate by the founding fathers and has stood the test of time. Under that procedure of the Senate where there are two candidates for President, each senator is provided with a ballot-paper on which he writes the name of the candidate for whom he votes. Votes are counted by the Clerks and the candidate who has the greater number of votes is declared by the Clerk to be President. He is then conducted to the chair. It is interesting to note that there have been only two candidates on 14 occasions that the President has been elected to the Senate: March 1904, July 1910, July 1923, August 1932, July 1941, September 1953, August 1956, August 1959, August 1962, August 1965, August 1968, August 1971, July 1974 and February 1976.

The reduction of the quorum for meetings of the Legislative Council from 12 members to eight members has been necessitated largely because of the reduction in the number of members of the House from 45 to 42 and will enable a more efficient working of the House, its standing committees and parliamentary committees. A rationale has been put forward by the Leader of the Opposition in support of the reduction to 10 instead of eight as the quorum. However, it is abundantly clear that as a result of the work of standing committees and other duties of parliamentary members, the figure of 10 proposed by the Leader of the Opposition would not be as viable as the figure proposed in this historic bill. This legislation is enlightening and will provide for a more efficient working of the House. In particular, in relation to the election of the President, it will more readily reflect the democratic nature of the Chamber. I support the bill.

Debate adjourned on motion by the Hon. J. M. Samios.

BUDGET ESTIMATES AND RELATED PAPERS

Financial Year 1991-92

Debate resumed from 24th September.

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The Hon. PATRICIA FORSYTHE [8.15]: "In a vision of the future I see the individual and his encouragement and recognition as the prime motive force for the building of a better world". Those words, spoken by Sir Robert Menzies some years before I was born but still relevant today, were my vision when I joined the Liberal Party as a school student in 1968. I was very proud then to stand up as a member of the Liberal Party; I am very proud to stand here today as one of its representatives, but willing, too, to serve all in New South Wales. As a student and former teacher of history I am conscious that this is the Fiftieth Parliament since the first tentative steps to democracy in New South Wales in 1823. The strength of the democratic process is underlined by the refining and evolving of the Legislative Council within the broader framework of parliamentary democracy in New South Wales since that time. I am proud to be a member of this Chamber, with its long and fine traditions, but I would be doing the citizens of New South Wales a disservice if I were to acquiesce in those traditions without accepting that we must always be receptive to reform - reform such as the referendum that was approved at the recent election for the reduction in the term of members. That reform should do much to raise community understanding of our role and reduce the cynicism that the community regrettably has of parliamentarians, especially those not frequently held to account. I believe, however, that I have joined a strong and dynamic Chamber. I thank all honourable members who have welcomed me and offered me assistance and advice as I have settled into my new role. In particular, I thank and acknowledge the staff of the Council, especially the Clerk, Deputy Clerk and of course Mr President.

As this is the Fiftieth Parliament there will be much temptation to look back - to reflect on past achievements. Yet, those of us elected in May 1991 can but pause momentarily. Our task must be to chart a course that will not only serve this State through the balance of the twentieth century but also will provide a strong foundation for the twenty-first century. In that context I turn first to education, for it is in that area more than any other that the key to the future is held. Governments have a duty to provide a strong system, relevant and accessible to all. I welcome the move back to selective schools within a system that recognises that excellence is about more than just good marks. Like my colleagues the Minister for Police and Emergency Services and the Minister for School Education and Youth Affairs, I am the product of the selective school system that operated so successfully in Newcastle until abolished in the 1970s. Until the abolition of the four selective high schools, Newcastle had one struggling independent school. In 1975 Newcastle Church of England Girls Grammar School had 145 pupils. Today, as Newcastle Grammar School, it has over 600 pupils.

In addition a second independent school has opened in the region at Maitland. Throughout the late 1970s and into the 1980s parents voted with their feet by moving students out of the government system in Newcastle because of a perception that the system did not meet the needs of their children. That more than anything else has convinced me that comprehensive, co-educational, fair average education is not what the community wants or needs. I welcome also the introduction of schools as centres of excellence as a means of introducing further diversity within the system. All pupils deserve the opportunity to develop their self-esteem through achievement. For many pupils that will not be in academic subjects. On the subject of education I want to pay a special tribute to the Minister for School Education and Youth Affairs, the Hon.

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Virginia Chadwick. I have known the Minister for about 20 years. In her maiden speech she paid tribute to the long lost tribe of Liberals in Newcastle. I am proud to have been one of the tribe. The Hon. Virginia Chadwick by her example has done much to assist me. For the Hon. Virginia there are never problems, only solutions, problems to be met and goals to achieve. I am pleased to be serving on her advisory committee and I look forward to many years of working with her.

My family and I took a decision five years ago to move to Sydney, a decision we have not regretted, perhaps because we are fortunate to live in the fine leafy area of the Ku-ring-gai municipality. Ku-ring-gai is far from the cutting edge of development in Sydney; yet throughout Sydney councils must play their part in providing a framework for Sydney for the next century. By 2006 Sydney will have a population that is estimated to grow to 4.5 million, and within that number one-person and two-person households will represent an even greater percentage of the total households than they do today, partly because of the ageing of our population. It will be environmental folly if all areas of Sydney do not grasp the nettle and promote positively medium-density housing development, particularly to ensure that our ageing population will have a true choice of housing within the areas that they have long called their homes, with their friends and their established lifestyles. Prior to my election I had the privilege to serve as executive officer to the then Minister for Local Government and Planning, the Hon. David Hay. In his promotion of medium-density housing he was a visionary and will be accorded an important place in history for the leadership he showed in that regard. He is a fine gentleman and a wonderful person with whom to work. I was saddened that after 32 years in local government his appointment as the Grants Commission chairman attracted criticism. I thank David and Jean for their friendship.

Though I am now a proud resident of Sydney, in this speech I must pay tribute to the city of Newcastle, a city I will be proud to serve. I am especially proud that three members on this side of the House are Novocastrians by birth. I have mentioned the Hon. Virginia Chadwick, but I acknowledge the Leader of the Government in this House, the Hon. Ted Pickering. His father, the late Alf Pickering, and I were office-bearers of the Newcastle branch of the Liberal Party nearly 20 years ago. The Hon. Ted Pickering has been a good friend. He played an important role in my selection as a candidate. I thank him for that. I am pleased to be here today as part of such a strong team under his leadership. Newcastle is part of the richest valley in Australia. It has 8.5 per cent of the State's population. The valley as a whole, though it makes up only 3 per cent of the nation's population, produces 5 per cent of its gross domestic product. Coal, aluminium, steel and electricity are key industries that provide benefit for the whole State, indeed to all Australia. Newcastle has a fine university. I am especially proud of its medical faculty and recall that early in the 1970s I persuaded the Liberal Party in Newcastle to champion the cause for the establishment of that faculty. On that occasion groups from across the city, for example the Chamber of Commerce, took up the cause as well.

That success spurred us on to other endeavours, such as lobbying for a taxation office in Newcastle in the 1980s. When groups in the city come together for common goals the city is a formidable force, the spirit perhaps that has been most evident in the time since the earthquake. Yet, at the same time, it is a city easily divided - there is a

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them and us mentality, perhaps as the result of long periods of industrial unrest. The sixties when I joined the Liberal Party were characterised by unrest, but often the result of internal union disputes. Demarcation issues especially marred the progress of the State Dockyard, the wharves and the steel industry. I was saddened by the knowledge that only this year a demarcation dispute impacted on the work of Forjacs, a firm associated with ship repairs.

In my vision for the future I want to see an outlook not of them and us but a shared outlook, where the enormous economic potential of the Hunter is realised. I welcome the move to enterprise agreements as a means of overcoming the inter-union disputes and reducing management-worker conflict. Earlier this year the Hunter Economic Development Council outlined an economic strategy for the region for the next 20 years. It identified 30 industries with strong private business opportunities. Clearly those opportunities will not be developed without infrastructure upgrading, and for this governments State and Federal over many years will have to be involved. I look forward to being an ambassador for the city. Past government neglect and political complacency must end if the region is not only to achieve its potential but also to ensure a richer New South Wales and Australia. Newcastle has given me much.

To my parents, Jack and Peg Wingrove, my parents-in-law, Colin and Barbara Forsythe, my brother and his family and the Forsythe family, I thank you all for the support and encouragement. The Wingrove and Forsythe families have given much to the city of Newcastle. I am proud to carry on that tradition. To my twin sister, Anne Finlay, I say thank you for the friendship and the friendly competition. Without that sense of rivalry perhaps my ambitions would have been lesser. To all the members of the Liberal Party in the region, but especially Ivor Davies, Val Samuels and Colleen Hodges, I say keep up the good fight; many challenges are still to be met.

In a speech as broad as the one I am able to give today I would like to cover many areas, but time will permit only a passing reference. I am proud to be Liberal because of its strength of belief in the individual: individual enterprise and individual freedom. In that context I am saddened that within our society many individuals do not share the advantages that my children and I enjoy. In this last decade of the twentieth century the problems of Aboriginal infant mortality, Aboriginal life expectancy and Aboriginal health must be addressed. The tyranny of distance is still a real issue to be addressed. Modern communication methods provide links between communities, but without viable industries towns will not survive. The pressure of development along the coast will itself be addressed only if a real choice exists for people as to where they live and where they work. In this Chamber with 15 women members I know that issues facing women will not lack for attention. In that context then I hope we can work together to address in particular issues of violence against women and the recognition of the value of many so-called women's jobs. Equal pay for jobs of equal value must be achieved.

Finally, in this context, the community as a whole must come to grips with the long-term results of high youth unemployment. We cannot see our youth wasted because of the economic decisions of this generation. In this context I welcome the Budget brought down yesterday as a genuine attempt to come to grips with the problems our community faces. I wish to conclude with a few more acknowledgments. I thank all

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members in this Chamber for their welcome and advice. Especially, I thank my Whip, the Hon. J. H. Jobling, and my good friend, the Hon. J. P. Hannaford, both of whom gave me plenty of encouragement in recent years. I thank others in the Liberal Party - Michael Photios, M.P., Marise Payne, Robyn Kerr, Liz Story, Betty Grant and Betty Davy - for the encouragement and support they have given me. Saving the very best for last, I place on the record my thanks to my family - my husband David and my children Kate and Jonathan, without whose total support, encouragement and love I would not be doing this. I look forward to a long and interesting period in this Chamber. I hope to contribute to the vitality of this place - a vitality where the energy is the energy of light, not the energy of heat.

Debate adjourned on motion by the Hon. Delcia Kite.

CONSTITUTION (LEGISLATIVE COUNCIL) FURTHER AMENDMENT BILL (No. 2)

Second Reading

Debate resumed from an earlier hour.

The Hon. ELISABETH KIRKBY [8.32]: The Constitution (Legislative Council) Further Amendment Bill (No. 2) has one principal aim - to politicise the office of the President of the Legislative Council. It also has several subsidiary aims, most of which, in my opinion, are camouflaged. The Australian Democrats support the independence of the Parliament. We believe that the maintenance of a presiding officer who, as far as possible, is politically independent, will contribute to that. A presiding officer secure for the length of his term brings continuity and stability to the position of President and therefore minimises any possible accusations of political bias which have bedevilled Speakers in another place. It is our belief that this bill is unnecessary, in that a procedure is already in place to remove the President. It is obvious that the incumbent may be removed by a vote on the part of the majority of members, or the incumbent may resign. Thus the intention of the bill is clear. It provides a means for the squeamish to avoid having blood on their hands if they want to change the President.

This bill will remove the requirement that the House, if it changes in composition after an election or simply changes its mind, actually votes to remove the President. The office will be declared vacant after each election. In future it will not have to be made vacant. So in a way, after what happened at the May election, I suppose it could be suggested that this is retrospective legislation. It certainly means that the Government is enshrining what it has already done, without the necessity for legislation, by changing the rules in the middle of the game. Previous speakers in this debate have tried - as the Government is trying to do - to justify this bill by referring to the example set by the Federal Senate. It is common knowledge that the Senate elects its President after each election. The rationale for this procedure is that new senators should have the right to decide who should be the President in their Parliament. However, the practice in other States is quite different. The President of the Western Australian upper House continues in office even when the government changes. A

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similar situation pertains in Victoria and Tasmania. As we all know - and I believe Queenslanders note their cost - Queensland has no upper House. It is hypocritical of the Government to suggest that it will follow the practice of the Australian Senate on this occasion.

I do not think honourable members need to be reminded of the number of occasions the Government has strenuously opposed following many other Senate practices. I refer in particular to the Government's refusal, until it was forced by a majority of the House, to request the President to recall the House. It continues to oppose the right of the majority to request the President to recall the House. That is a right of the majority in the Senate and that is a right about which the parliamentary authority, Odgers, spoke with approval. We must also remember that the Legislative Council of this Parliament is the senior House. In the past, the Government has spoken approvingly of Standing Order 2, which states:

In all cases not specifically provided for by these Rules and Orders or other Rules and Orders hereafter adopted resort may be had to the Rules, Forms, and Usages of the Imperial Parliament, as laid down in the latest edition of May's Parliamentary Practice, which shall be followed so far as the same can be applied to the proceedings of this House, and in the Committee of the Whole House, or any other Committee.

Honourable members should note that this standing order was adopted by this Chamber in 1951 - long after the establishment of the Senate. To me it is plain that in New South Wales the Parliament is intent on following the Imperial Parliament. The Senate should be no more than a guide and no more binding than the practice and procedure pertaining in any other State upper House. In addition, the bill will introduce several procedural changes. Principal among these changes is the provision which will allow the President and the Chairman of Committees to cast a deliberative vote. In the event of a tied vote the question will be resolved in the negative. I believe the Government has not fully thought through this matter. In fact, it is creating a situation where the President or the Chairman of Committees could vote against the Government's right to adjourn the House. It is my belief that the Government is creating as many procedural problems as it is seeking to address and possibly solve by introducing this bill. I will instance one procedural problem. If the casting vote is always in the negative, the Government can potentially lose control of the House - something the Government has strenuously been rejecting over a matter of months and something about which members of the Government have continually ranted. Let us assume that the deliberative vote of a coalition President supports the Minister who has moved a motion that the House do now adjourn and the vote is tied. The House could not adjourn as the motion would be lost and debate would continue.

Other problems might arise in Committee. At present a sessional order requires that on the vote on an amendment moved in Committee, the question is, That the amendment be agreed to. If the vote is in the negative, the amendment is defeated and the bill remains as drafted. If this procedure for amendments is accepted, it will have to be reintroduced as a sessional order supported by a majority of members. However, the standing orders provide for a two-question process of inserting amendments. The first question is, That the words proposed to be omitted stand. The second question is, That the words proposed to be inserted be so inserted. For an amendment - whether moved by a member of the Australian Labor Party, the Australian Democrats, the Call

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to Australia group or the Government - to be passed, the mover must first vote no, negative, and then vote yes, affirmative. Adopting that process, the passage of this bill would mean that although an amendment may be defeated, and therefore not inserted in the bill, the bill will be changed. That is, a gap will be left in the bill. Honourable members should take into account that the two-question process simply cannot be abolished. It will be particularly necessary to adopt if two separate amendments affect the same words or clause, which has been the case in many of the bills that the House has debated during the past month.

If honourable members believe that my concerns are merely theoretical, I suggest that they refer to the exercise of the casting vote in Committee by the Hon. Sir Adrian Solomons on 11th May, 1989. On that occasion Sir Adrian voted for the ayes on the question, That the words proposed to be omitted stand. As a further example, on 17th April this year, the Chairman gave a casting vote for the ayes to restore the original wording of the Industrial Arbitration (Unfair Dismissal) Amendment Bill on recommittal. The Government must reconsider these matters, particularly as in Committee we will be discussing schedule 1(3) of the bill, which would alter the voting rights of the President and the Chairman of Committees. At present those officers do not have a deliberative vote. Obviously if the votes are equal they have a casting vote. However, this bill would give them a deliberative vote but not a casting vote on any question before the House or the Committee of the Whole House. That must be considered carefully.

I am aware that the Opposition believes there is no justification for reducing the number of members that comprise a quorum of this House and that in Committee the Opposition intends to move an amendment to increase the quorum number. I believe also that Reverend the Hon. F. J. Nile intends to move an amendment to increase the quorum number even further. This reveals a lack of understanding of both the role and the nature of a quorum. In spite of the apparent belief of the Government Whip, a quorum does not have to be maintained

in the House. A quorum must be present only if a quorum is called. If a quorum is called, the bells are rung and members return to the House to form a quorum. At least that happens if sufficient members return to the House. However, the House does not stop working automatically if only three or four members are present. A quorum is not necessary unless either side of the House decides, for the purpose of gaining a political advantage, to call a quorum. It is totally untoward to call for a quorum for frivolous reasons. In this House there is no time limit on the length of members' speeches. Therefore the length of a member's speech cannot be manipulated by members walking out and then taking up time by calling for a quorum. A quorum does not have the same importance in this House that it has either in another place or, adopting the argument about the Senate, in that place.

Today we moved, and tomorrow we will move further, to establish estimates committees - which I have wanted for a long time. The estimates committees will sit during the next few weeks, during the budget debate and other sittings of the House. In this House there are four Ministers, the Chairman of Committees, the Leader of the Opposition and the Whips. They cannot be present in the House at all times. Nor can Ministers be called upon to assist the Government in forming a quorum. There will be five estimates committees, upon which many members of the House will serve. It simply will not be possible at all times to form a quorum of 14, as required by the

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amendment of Reverend the Hon. F. J. Nile, or a quorum of 10, as in the amendment of the Leader of the Opposition. At some times it will be possible only to maintain a quorum of eight members.

I do not agree with all the measures in this bill, and I certainly do not agree with either the President or the Chairman of Committees having a deliberative vote. That would totally politicise those offices, particularly that of the President. I cannot support the suggestion that the quorum number should be increased. During the past few hours concern has been brought to my attention that members of the public sitting in the gallery may be distressed to see so few members in the Chamber. They seem to believe that if a member is not physically present in the Chamber during all the hours that the House sits, he or she is lazy and is not doing any work. Though that is the perception of the public, it is nonsense. That perception can be removed only by the public being more fully aware of what parliamentary committees are doing and, in particular, what the estimates committees are doing. We will not solve anything by fiddling with the figures. To have an additional two members in the House at any given time would not change the perception of members of the public sitting in the gallery who have no real understanding of the parliamentary process and the standing and sessional orders under which we operate. I am as concerned as any other member that the public should not believe that politicians are lazy. However, this is not the right way to overcome that perception. I offer another solution to the Government, and I am sure that it is not too late for it to be accepted. My suggestion would follow the Senate practice.

It would be possible for those estimates committees to be debating as estimates committees in this Chamber, as happens in the Senate. Thus all members would be involved in the work of one estimate committee dealing with specific areas of the Budget instead of having the right, as they have at the moment, of making a free-ranging speech over all aspects of the Budget and their individual concerns about Government expenditure. I believe that would be a proper way for the estimates committees to work. As far as I know that is not the intention of the Government. The intention of the Government is that some members will be in this Chamber making speeches, projecting their own ideas about the Budget when the actual estimates committees will be meeting in other parts of the building dealing with certain sections of the Budget on a committee basis. It is not necessary to do it like that. As these estimates committees are a new concept for this Chamber perhaps the Government would like to reconsider exactly how they should operate. In conclusion, there is little point in my formally opposing the bill before the House but in principle I do oppose it. I believe it is unnecessary legislation. The Government has had the opportunity to change the President in the way that

was done - by vote of the House earlier in this session. This does not have to be formalised by legislation. I am totally opposed to a deliberative vote for the President and Chairman of Committees.

Reverend the Hon. F. J. NILE [8.52]: On behalf of the Call to Australia group I speak concerning the Constitution (Legislative Council) Further Amendment Bill (No. 2). In principle we agree with the direction of the bill, however, we have reservations as to some aspects it. We agree with the principle, as discussed prior to the

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election, that the President of the Legislative Council be elected after each general election. We feel that is reasonable and fair. The objects of the bill are:

- (a) To provide that the President of the Legislative Council is to be elected after each general election: and
- (b) To provide for a determination by lot in the case of a tied vote in an election of President of the Legislative Council: and
- (c) To give the President of the Legislative Council and the Chairman of Committees a deliberative vote (but not a casting vote) on any question before the Council or the Committee of the whole House: and
- (d) To change the quorum for meetings of the Legislative Council from 12 Members to eight members.

We disagree with the last object of the bill. In principle we agree with the election of the President, as that is based on the function of the Senate. I note that other speakers have indicated the Senate was formed after the formation of this Legislative Council. I suppose one could argue whether the Senate should follow the Legislative Council and not the other way round. It seems to be working efficiently in the Senate. I understand that the President is elected in the Senate by secret ballot. The Government might indicate whether it plans a secret ballot for the office of the President of the Legislative Council, a type of free vote or conscience vote, rather than have members bound by their parties.

We are concerned also by the proposal in the fourth objective of the bill to reduce the quorum from 12 to eight members. If that proposal is implemented, we will be going in the opposite direction to other States with upper Houses. We will be dropping to just over one fifth of the members of the House for a quorum, whereas in Western Australia it is one third, that is, 12 members out of 34; in Tasmania it is just below half, with nine out of 19; in Victoria it is one third, with 15 out of 24; and in South Australia it is almost half at 10 out of 22. We will certainly be way out of line if, with 42 members, the quorum is eight. There is no comparison between that number and those numbers in the other upper Houses.

This important issue raises the question of the whole purpose of the upper House. The question of estimates committees meeting while the upper House is sitting is also important. What is the role of the upper House? When I was first elected in 1981 I examined this issue. As a new member with no experience of the major parties and how they functioned, I came to the conclusion that the position I held in the upper House on behalf of the people of the State was so important that I should be in the House whenever possible. Only urgent matters which could not be postponed would distract me from being in the House. I concluded that I would participate fully in the debates in this Chamber, not only by speaking but, perhaps more importantly, by listening to the views from the different sides of the House and trying to follow their reasoning, philosophy or ideology; on occasion to compliment honourable members on matters where I agreed and to strongly state my views when I disagreed. If members regard the upper House as similar to a bus stop, or as a place where members make speeches and then leave the Chamber, how can a meeting of minds take place? What is the purpose of the

upper House in reviewing legislation? Members would not have the benefit of hearing other people's points of view. Under this proposed amendment we

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will see less of the meeting of the minds and we will have fewer people in the upper House. If the figure for a quorum is eight, I venture to suggest we will have less than eight in the upper House. It is virtually an agreement that the numbers have been reduced and attendances will drop even lower than they have in the past. I know we have had to have the quorum bells rung on occasions. They have not always been rung when a quorum was not present. The House can function with fewer members than necessary to constitute a quorum though I do not agree with that.

On 12th September we saw the disgraceful action of 13 members of this House boycotting the proceedings and leaving while a member was speaking. I note from letters to the newspapers that the public strongly resented that action and were critical of it. It is strange that many people assume that the members walked out when I was speaking, that it was a female act of rebellion against a male speaker. However, the fact is that the members walked out while another woman was speaking; they boycotted one of their own kind. That is a tragic and sad development. For those reasons I will move an amendment that 14 members constitute a quorum. I know the Opposition will move an amendment that the number be 10. Quite obviously Call to Australia would rather 10 than eight, but would prefer 14 to 10 or 12. In fact I would like all members to be in the House at all times when the House is sitting. The House sits for an average of only 50 days a year. I have tried to arrange my program of meetings, appointments and interviews at mealtimes or on a Monday or a Friday so that I can set aside the sitting hours of this House for the business of the House. I know other members have pressures on them and have appointments and meetings while the House sits. I know they are busy; I am not suggesting they are not working, but I believe they should be in the House when it sits.

What is the role of the upper House? If it is a House of review seriously reviewing legislation, that should take place with all members of the House present. The majority should be present, not just during question time. They should be present to hear arguments and to debate and review legislation. On many occasions in this House a member has made a speech and left the Chamber at the conclusion of that speech. In some cases the member has been critical of other members of this House, but if the member does not stay to hear further debate he or she will be uninformed of any response to his or her speech. I believe it makes a mockery of this House for a member to be speaking in a vacuum even though other members may be listening in their offices. I am aware that many visitors come to watch the proceedings in the upper House and in the other place. One of the most embarrassing questions that I am asked is "where are the members of Parliament?" I know the question will be asked and now I get in first. The public, rather naively, expect to see 42 members of Parliament sitting here conducting business. It is even worse in the other place where often the numbers are as low as six or nine out of 99. The public find it difficult to understand where the members are, expecting them to be present in the Chamber.

The same argument cannot be levelled at local government. The mayor starts the meeting and the aldermen do not go to their rooms and merely reappear for supper. They stay while business is being debated and considered. I do not know when it occurred that members considered it necessary to be in the House only during question time or during a division. I know we have a higher percentage attendance in this House

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than they have in the other place and, though it is commendable, it could be better. I have explained to Call to Australia supporters and candidates that if they are elected to this House or to the other place they should make a commitment to attend Parliament, that is, the Chamber, at all times. We make that commitment in Call to Australia because we believe the position of a member of Parliament is important and vital and nothing less than that should be the level of

commitment. We expect that commitment in other professions, whether the medical profession, the legal profession, a farmer, and so on.

As to the voting by the President or the Chairman of Committees, I would prefer that we maintain the current system where the President or the Chairman of Committees vote only with a casting vote when the numbers are tied. As I have said before in other debates about the role of the President, I believe the President should be removed as far as possible from the controversy, from the political debates that occur in this House. Those debates are part of the business of the House and there is nothing wrong with that, and strong views are expressed from both sides of the Chamber. However, I believe that the President should adopt a neutral position and serve only as President of this House. I note that the Speaker in the other place has raised this issue and has based this on the British pattern where the Speaker does not represent a particular seat but becomes basically a full-time Speaker and is no longer under any compulsion to obey the party or submit to party pressure but can exercise a more genuine role as Speaker. If other places are discussing that as a proposition, we should not go in the other direction in this place. We should reinforce that principle of the President being above party politics and exercising a vote when it is a tied vote, and ideally not voting in the House and not taking part in the debating procedures at all. That comment would apply also to the Chairman of Committees. Call to Australia would not support object (c) of the bill and would prefer to maintain the quorum of 12. As I have said I will move an amendment to increase the quorum to 14. However, I support the main thrust of the legislation that the President of the Legislative Council be elected after each general election.

The Hon. Dr B. P. V. PEZZUTTI [9.8]: I speak in support of this legislation. I am concerned that honourable members acknowledge that members of this House are here for deliberative reasons, to use their wisdom, experience and knowledge in considering matters of public interest before this House. Members of this House are not monks but have a constituent or consultative role in terms of ascertaining the thinking of the community about a certain matter. In terms of the consultative processes, one needs to go to the community to obtain views on matters before the House so that one can -

Reverend the Hon. F. J. Nile: There are another 306 days of the year for that.

The Hon. Dr B. P. V. PEZZUTTI: Unfortunately the House sits vastly more than that, as the honourable member well knows. Members have a representative role; after all, we are voted in as members of this House by community groups who believe we represent their views. When we cast our vote, we do so according to our own consciences. Over time, the Legislative Council has changed its role in many ways. In 1988 it changed with the introduction of the committee process; now, it is changing with joint committees and estimates committees. This further workload will benefit the

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people of New South Wales. This increase in legislative workload results from the controversial nature of bills and the fact that neither the Government nor the Opposition has had control of the numbers of the House. Because the Leader of the Opposition felt I might have been a little muddled, I shall take him through a few numbers.

When the House had 60 members the quorum was 15. When the number of members was reduced to 45, the quorum was reduced effectively to 12. In the days when the Leader of the Opposition was on the Government benches, he had the benefit of 24 members. Omitting the President, and later two Ministers, 21 backbenchers were available to form a quorum of 12 members. For a quorum to be called by members of the opposite side, one needed at least one member from that side. I remember one night we were low on our numbers and the President saw that two members were present. He nodded to one and they both went out. No one called a quorum and only seven or eight honourable members were sitting on this side. There must be one opposite and at least 10 on this side, a Minister at the table and the President.

In the old days 10 of the 21 members could be sitting on the Government side when the Leader of the Opposition was sitting on the Government benches; that was less than half of the Government members. Those times will never come again. This enabled honourable members to attend to other functions. This was advantageous when people made long and tedious speeches. I remember the Hon. Mick Ibbett made a contribution which lasted three and a half hours, although little of moment was said. Ten members of the Government had to remain in the Chamber while for much of that speech neither the Democrats nor the Opposition were present. I give Reverend the Hon. F. J. Nile his due, because in the past three and a half years he and his wife have sat here and listened to 90 per cent of the debate in this House. He would remember most of the vignettes of the House, though he has been discreet. Now four of the 42 members of this House are Ministers of the Crown. This House has achieved great eminence and has attracted people of great quality. More than half the budget is controlled by Ministers in this Chamber, a remarkable feat which recognises the qualities of the ladies and gentlemen in this Chamber.

The Hon. J. R. Johnson: It shows how incompetent honourable members are in the other House.

The Hon. Dr B. P. V. Pezzutti: On a point of order. The Hon. J. R. Johnson is reflecting on members of the other Chamber and he should retract that comment.

The DEPUTY-PRESIDENT (The Hon. D. J. Gay): Order! No point of order is involved.

The Hon. Dr B. P. V. PEZZUTTI: Without the President and the four Ministers only 15 members remain to make up a quorum. Instead of half the number of members being present, two-thirds will need to be present. The Opposition is not in the lowest point of its ebb. Four years ago the Opposition comprised 24 members whereas now it has 19. The Government's numbers have increased from 17 to 20. The Opposition's numbers will not return to 24 and neither will the Government's. Members on the Government side occupy certain positions of responsibility, involving consultative processes, including, Chairman of Committees and members of important committees. Therefore, the need to remain in the Chamber through every debate, which may be of

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little interest, is more of a burden. It tries my patience enormously, particularly when some honourable members speak arrant nonsense. It would be preferable to have seven as a quorum, although I am more than happy to support eight.

The Hon. J. R. Johnson: The honourable member should stop at home and we will send him his pay.

The Hon. Dr B. P. V. PEZZUTTI: This is a serious matter and though I believe the Hon. J. R. Johnson's marvellous tirades are dripping with sincerity, honesty and the facts of life, the realities of practice in this Parliament have not changed over time. In fact the quality of the debate and the importance of this House have improved. The number of people sitting on the Government benches is of little relevance in terms of a quorum. When the Leader of the Opposition was speaking for a short time no honourable member sat behind him. The Hon. Franca Arena was having a discussion with Reverend the Hon. F. J. Nile. We had to maintain a quorum to listen to his drivel. That is offensive. This matter will arise in Committee and I shall make a further contribution at that stage. I ask honourable members to search their consciences, as Reverend the Hon. F. J. Nile has done.

The Hon. J. R. JOHNSON [9.18]: I do not wish to take up much time of the House but this bill was due to be passed before the last election. The Minister for Police and Emergency Services realised he did not have the numbers and so withdrew it. Though I support what the Opposition has determined to do, I do not like some aspects of the bill. The President of the

Legislative Council and the Chairman of Committees are to have a deliberative vote but not a casting vote. I say to the Minister now and to all honourable members opposite, that they will rue the day. I will not have them pick my brains as to why they will rue the day but they will be back here trying to amend this legislation, if it passes.

Honourable members have heard members from the Government side of the House speak about the great attributes of the Senate system. I take it that from now on Odgers will be the document that will be well worn in this Parliament, rather than our standing orders. When I occupied the position of President of the Legislative Council I got into more trouble with my compatriots than with members opposite because of my rulings. That occurred particularly in regard to one matter on which I did not have to rule, because the Hon. Marie Bignold had not withdrawn as directed when a motion of censure was moved against a Minister. My conscience was clear as to what I intended to do. My compatriots were not particularly pleased with the attitude I was taking. If I had followed what they wanted me to do, that Minister would have been the first Minister in this House to have been censured. That was not the course I intended to take. The office of President will be politicised if the position must come up for election after every general election. I do not like the proposal. I will vote as my party intends to vote on this matter. However, it is interesting to examine what happens in the other States; forget about the Senate, which is the youngest of the Parliaments of this nation. The Presidents of the Legislative Councils in Tasmania, Victoria, Western Australia and South Australia are elected to that office for the terms for which they are elected to Parliament. There has never been a Labor Party President of the Western Australia Legislative Council, though Labor has held office as the Government of that State on numerous occasions.

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In South Australia through most of the Walsh, Dunstan, Corcoran and Bannon years there was never a Labor Party President of the Legislative Council, until recently when the Hon. Anne Levy was elected to that office. I believe that the office of President should be left alone. Nevertheless, I shall vote as my party has determined. In regard to the casting vote of the President or Chairman of Committees, that will be required frequently. The holders of those offices will be called upon to vote not as independent Presiding Officers but as politicised ones to whom the tellers will turn to ask how the office-bearer casts his vote. The day a Presiding Officer votes against his party I shall stand in my place and cheer. The intention of the bill is that the procedures of the Senate should be adopted. The procedures of the Senate are conducted by secret ballot. Does the Minister give the House an assurance that that is what he will be proposing to the Standing Orders Committee?

The Hon. E. P. Pickering: I know that is included in the legislation, and I shall explain that in my reply.

The Hon. J. R. JOHNSON: The Minister does not understand. The position of a Presiding Officer of this Parliament or any other Parliament is one of high esteem and eminence. I indicate that though I shall go along with the decision of my party, I do not believe the office should be politicised.

The Hon. R. S. L. JONES [9.26]: I shall deal first with the provision regarding quorums. I take the point raised by Reverend the Hon. F. J. Nile about the perception of members of the public who say that members are not present in the Parliament, though these members may very well be in their rooms. That is a problem that members will have to deal with. The fact is that members will be doing a lot more work during sitting times as a result of the establishment of the estimates committees. I am unable to be present in this Chamber as much as I would like to be. I do most of my work in my room, as does my colleague. I cannot work while I am sitting in this Chamber. It is difficult to concentrate, dictate letters or make telephone calls in this Chamber. Therefore most of my work is done outside the Chamber. I regard the sittings of the House as allowing me to have valuable working time. While I am working in my room I listen to the debate on the intercom. That enables members to do two jobs at once: they can

listen to debate - though they cannot interject - and thereby take part in it and do other work at the same time. When members hear their names mentioned in the Chamber they can rush down and respond. I do not believe that members should be compelled to be in the Chamber merely for public show. It is more appropriate that they work hard to earn the taxpayers' dollars, not just be seen in the Chamber. They should be in their rooms or in the committee rooms working hard. Having thought about this matter carefully I agreed at first with Reverend the Hon. F. J. Nile that it would be better for members to be visible in the Chamber; but then I considered that practically it would be better from the point of view of the taxpayer if provision were made for a reduced quorum so that members could work outside the Chamber.

Reverend the Hon. F. J. Nile: If the honourable member asked the taxpayers, they would tell him what they want.

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The Hon. R. S. L. JONES: I take the point made by the honourable member, but if taxpayers ask me why I was not present in the House I explain to them that I was working in my room, as do most members, but also listening to the debate. In that way I do twice as much work because I am able to listen to the debate and dictate correspondence, read correspondence and read bills. I find that I am much more effective if I am able to work in my room at times instead of being in the Chamber all of the time. One must make a choice as to whether one wants to be in the Chamber, in one's room or elsewhere. It is entirely a matter for the individual member. In order to be entitled to his salary a member is required to be in the Chamber on only one day a year. I am sure honourable members will be here every sitting day, though they may not be present in the Chamber. I pass to deal with the proposal to give the President a deliberative vote. On this matter I agree with Reverend the Hon. F. J. Nile. With the assistance of the Parliamentary Library I have carried out some research on what happens in other Parliaments. The practice differs somewhat. In the upper Houses in Victoria, Tasmania, and Western Australia the Presiding Officers do not have a deliberative vote. The Speaker in the House of Commons has a casting vote if voting in divisions is equal. In the interests of impartiality the Speaker votes in such a manner so as not to make the decision of the House final. This principle was laid down by Mr Speaker Addington in 1796. The Chairman also has a casting vote and he can use it in the same way as the Speaker. No doubt, honourable members would be aware that, in the House of Lords -

The Hon. Franca Arena: Do not go through it again.

The Hon. R. S. L. JONES: To satisfy the Hon. Franca Arena I will not go through it again. I just say that I have material which I would be happy to make available to all honourable members. Suffice it to say, the Lord Chamberlain in the House of Lords can vote, but he does not have a casting vote. In the Canadian House of Commons the Speaker votes only if the result of a division is equal. As Reverend the Hon. F. J. Nile said, if we allowed the President to have a deliberate vote it would politicise his position. That is a most dangerous situation. The Hon. M. F. Willis strikes me as being a traditional, independent and good President. I am sure he would prefer to remain independent. I believe, as does the previous President, the Hon. J. R. Johnson, that the Hon. M. F. Willis should remain independent and should not have to vote along party lines every time a vote is taken. Essentially, that is why I will be supporting the Opposition's amendment to keep the President independent. Even though it may be appropriate for him to have a deliberate vote - and this may happen in the Senate - I do not think it is appropriate for a Chamber which has been in existence much longer than any other Chamber in Australia. We should retain the traditions of this House, keep the President independent and not let him become embroiled in party politics.

The Hon. E. P. PICKERING (Minister for Police and Emergency Services and Vice-President of the Executive Council) [9.33], in reply: I thank honourable members for their contributions. The measure before the House has generated more debate than I anticipated and I believe it deserves some response.

The Hon. J. R. Johnson: Fools rush in.

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The Hon. E. P. PICKERING: I will not be accused by anyone in this House of rushing in. The Hon. J. R. Johnson accurately pointed out in his contribution that this measure has been before the House for a long time. This bill was before the House prior to the last election. The Hon. J. R. Johnson has misunderstood my reasons for not withdrawing it. I shall correct that misunderstanding in a moment.

The Hon. J. R. Johnson: You will not go to heaven when you die if you continue to tell lies.

The Hon. E. P. PICKERING: You should be careful, Johnno. It is most unkind of you, but I will allow it to slip over my left shoulder. The bill has three important elements. Putting aside the contribution of the Hon. J. R. Johnson, the first element appears to be relatively non-controversial - that is, the concept of the President being elected after each general election. In today's modern society it is a little anachronistic to believe that a person should hold that high office in a parliamentary chamber in defiance of the numbers. The Hon. J. R. Johnson accurately portrayed the positions of a number of upper Houses in this country, but the facts are that the presidency should remain with the numbers. The minute the numbers change, so does the presidency.

The Hon. J. R. Johnson: That is rubbish!

The Hon. E. P. PICKERING: The Hon. J. R. Johnson has been around the traps long enough to know that that is not rubbish.

The Hon. J. R. Johnson: You know it is rubbish.

The Hon. E. P. PICKERING: It is not rubbish. That is a matter of agreement between all parties in the Chamber, with the possible exception of the Hon. Elisabeth Kirkby who believes that we do not have to legislate to do this anyway. She is perfectly correct. We did that without legislation just recently. I turn now to the question of the quorum. I have been in this Chamber long enough to know that this question of the quorum creates a considerable amount of sincere debate among all honourable members in all party rooms. I freely admit that there are strongly held views by many members with regard to this question of quorums. The views ranged from those expressed a moment ago by Reverend the Hon. F. J. Nile, who said that all members should be in the Chamber virtually the whole time, to those expressed by people with a more pragmatic view about attendance in the Chamber. As the Hon. R. S. L. Jones pointed out, there are many aspects to a parliamentarian's career other than attending in the Chamber. It is fair to suggest - at least in regard to members of the major parties - that no member ever seeks to understand every piece of legislation that comes before the House. Indeed, Ministers who administer this place do not attempt to do that; nor could they, quite frankly. As a result, members who have special areas of interest make their contributions when legislation covering those interests passes through the House. On other occasions members of Parliament would be doing the 101 other things that people in a modern, complex society do. I have been in this Parliament for a relatively lengthy period. When I first joined this House there were 60 members who were not elected by the people. I do not know whether the Hon. Dorothy Isaksen was there at that time.

The Hon. Dorothy Isaksen: No, I am democratically elected.

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The Hon. E. P. PICKERING: Originally, I was appointed to a House of 60 members. I can recall being told by my party that I was not a politician. I certainly was not a member of the

New South Wales Parliamentary Liberal Party. I was not allowed into the party room and I did not associate with members in another place in any circumstances because this House was very much a non-political House of review. When I made my maiden speech and referred to deficiencies in workers' compensation in this State, the political nature of that speech almost brought the House down. Times have changed dramatically. Some people in this Chamber - Government and Opposition members and members of the crossbenches - would argue that in those days the House was far better than it is today. I do not intend to get into a debate about whether or not it is better, but I intend to state that it is enormously different. Those honourable members who were with me at the time would recall that several honourable members spent an awful lot of time at the billiard table at the end of the corridor, not far from this Chamber. Today I do not see that happening. Today I do not see any honourable member spending time at the billiard table because basically members are so busy.

Reverend the Hon. F. J. Nile: Where is it?

The Hon. E. P. PICKERING: There is a big billiard table in this place but members of this House do not play at that table. Today members are committed to serving on standing committees and various other estimates committees that have been established by this Parliament. There is no doubt that honourable members have a more vigorous involvement in the parliamentary process and in the passing of legislation. In other words, today members are much busier. That is not unreasonable. I came to this House as a part-time member. I went to work in a coalmine during the day and came to this place for a few hours each evening. I was paid a pittance. Everyone saw me very much as a part-time member of Parliament. Today this House is made up of full-time, fully-paid professional politicians who work more than 40 hours each week. This is an entirely different proposition. It is not unreasonable, under those circumstances, for a more pragmatic view to be taken on the question of quorums.

When I was elected to this House it had 60 members and 15 members constituted a quorum. Earlier today the Leader of the Opposition was upset when he said that we had reduced by three the number of members of this House, and that we want to reduce the quorum by four members. When the membership of this House was reduced from 60 members to 45, the quorum was changed from 15 members to 12 members. Clearly the strain on a House of 60 members with a quorum of 15 members was considerably less than it is today with a House of 42 members and a quorum of 12 members. I accept that there are genuine views across the Chamber. However I am inclined to the view that, given the added workload and responsibility of members in this Chamber today, we can maintain the real dignity of this House with a quorum of eight members. I suggest that there would be very few occasions on which there would be present in the House less than a quorum of eight. This House never runs below its quorum. However, on many occasions when legislation is debated, the average number of members present would be well in excess of the quorum.

The Hon. Dr B. P. V. Pezzutti: As it is now.

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The Hon. E. P. PICKERING: As it is now, indeed. That is because of the genuine interest that members have in the legislation that this House debates. The Opposition knows as well as I that in a few weeks when this House debates the Industrial Relations Bill most members will be present always. That is because of the vital importance of that legislation to both sides of this House. The Government believes it to be important, innovative legislation to change the whole nature of the employer-employee relationship; and those opposite will seek to defeat every clause of it. No doubt divisions will be called continually day after day, as they have been in another place today. I take the view that the quorum proposed in the bill is not unreasonable.

I turn to the matter of a casting or deliberative vote. I make clear that the Government certainly is not acting in any Machiavellian way. I make perfectly clear that we adopted this

procedure after consultation with the crossbench. It is my clear recollection, and that of my colleague the Hon. J. F. Ryan, who at the time was a member of my staff, that in our negotiations with the crossbench we were asked to adopt the Senate practices relating to the election of the President and to the voting rights of the Presiding Officers. The Leader of the Australian Democrats shakes her head; apparently it is not her clear understanding. I do not suggest that our memories are failing collectively. I do say that on numerous occasions in this Chamber the Australian Democrats have insisted on the adoption of Senate practices on a whole range of matters. This was just another example of that. I am relatively relaxed about this matter. As an engineer I have the facility to count numbers and I suspect that the Government will not be successful with this measure. I am not overly concerned about that. I understand that the Senate adopted the voting practice proposed in this bill for one simple reason, which I shall read from my briefing notes. The number of members in the Legislative Council is now 42, an even number. If the President continues to have only a casting vote, as the Opposition and the crossbench propose, there is a possibility that a motion will be passed by a vote of 21 to 20. That is obvious to us all. If the President had a deliberative vote he might vote against such a motion, making the vote 21 to 21. Then the motion would be carried without majority support.

The Hon. Elisabeth Kirkby: That is not correct.

The Hon. E. P. PICKERING: Obviously it is. If 21 members vote in favour and 20 members vote against, and the Presiding Officer has only a casting vote, the motion would be carried by 21 votes to 20. If the Presiding Officer has a deliberative vote and the vote is 21 to 21, tied on the deliberative vote of the Presiding Officer, under the rules of the Senate the motion is lost. Under our present procedure a motion can be carried by a minority of members of the House. That is why the Senate has adopted the practice it has. If the House has no objection to the scenario I put, I am relatively relaxed about it. Unfortunately the Hon. Elisabeth Kirkby does not think through the logic of her argument. She argued that if the Presiding Officer voted deliberately, the vote could be 21 to 21, and the motion lost. She said that would be terrible, because if he did not have a deliberative vote the motion would not be lost. I am afraid that she has not learned to count.

The Hon. Elisabeth Kirkby: That is not correct.

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The Hon. E. P. PICKERING: That is the point that the Hon. Elisabeth Kirkby made. She said that if the deliberative vote of the President was not exercised in her example, the motion would be lost by 21 votes to 20. She talks through her hat when she raises objections. For the record I repeat that the Government is relaxed about this measure. We introduced it to satisfy the Australian Democrats. If they do not want it, we are more than happy to maintain the present practice. We would not have introduced it in the first place if the Australian Democrats had not asked for it. The Hon. J. R. Johnson suggested that the Government is seeking to politicise the office of the Presiding Officers. I assure him that that is not the intention of the Government. Reference has been made to the practice of election by secret ballot. Again the Hon. J. R. Johnson demonstrated a lack of understanding of this bill. The bill clearly provides that from now the President of this House will be elected after each general election according to the present practice in the Senate, that is, by secret ballot. If the legislation is passed, the President will be elected by secret ballot. The Hon. J. R. Johnson should understand that. However, obviously this House has the right to change its standing orders to provide for a different method of election of the President.

The Hon. J. R. Johnson: Will the Minister propose a change?

The Hon. E. P. PICKERING: I do not propose to do anything. The measure before the House would adopt the Senate practice, of conducting a secret ballot. I can honestly say to the House that I have not given this matter any thought. My inclination would be to adopt the

secret ballot as that seems an eminently sensible system. However, the matter is in the hands of the House. If the House chooses to change the system, it can do so on the motion of any honourable member to change the standing orders. In this matter the House is neither in the hands of the Opposition nor the Government. Again I am relaxed about what the House might do. I draw to the attention of the Hon. J. R. Johnson two misconceptions in his speech. He said that prior to the May election the Government withdrew this legislation because it did not have the numbers. That is not true. As he well knows, immediately prior to that election I was informed that one of my esteemed colleagues, the Minister for Health and Community Services, the Hon. J. P. Hannaford, had decided to pursue a seat in another place. I imagined he may have achieved that aim - that certainly was what I anticipated happening. I understood then, under the rules of this House, had he won preselection I would have been one member short in this House and the first thing to be done before any other business would have been to elect the President. I would have been one member down for two days under the current rules of replacement. For that reason I withdrew the bill. I was not going to throw away the presidency because one of my esteemed colleagues was about to go to the lower House.

The Hon. M. R. Egan: But the Government would have been one vote down anyway -

The Hon. J. R. Johnson: Members are sworn first.

The Hon. E. P. PICKERING: I advise the Hon. J. R. Johnson that a member cannot be sworn in to fill a casual vacancy in this Chamber until he has been nominated and waited for two days. The honourable member knows that and if he does not, he should. The two days' wait, as he well knows, was introduced by the Hon. Neville
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Wran to prevent someone who was not a member of the Labor Party getting it. For that reason, the first thing you do under this bill is elect the new President.

The Hon. J. R. Johnson: Like you did with the Murphy vacancy and Joh did in Queensland.

The Hon. E. P. PICKERING: I did not do any of those things. I am telling the honourable member what the facts are in New South Wales and he knows I am right. That was my reason for acting as I did, and I am sure the honourable member will agree with me that it was with some common sense. As it turned out the preselection did not go the way I imagined - which proves I have little or no influence over these things - the Hon. J. P. Hannaford remains here and the question did not arise. I hope that clarifies the matter for the Hon. J. R. Johnson. I commend the bill to the House.

Motion agreed to.

Bill read a second time.

In Committee

Schedule 1

The Hon. M. R. EGAN (Leader of the Opposition) [9.53]: I move:

Page 3, schedule 1(2) from proposed section 22H omit 8 and insert 10.

I gave my reasons for proposing this amendment during the second reading speech.

Reverend the Hon. F. J. NILE [9.53]: I move:

That the amendment be amended by the omission of 10 and the insertion of 14 instead.

I outlined my reasons for the amendment during the debate. Reference has been made to estimates committees and other committees meeting. I strongly object to parliamentary standing committees or estimates committees meeting at the same time as this House is sitting. Obviously that will cause a tremendous amount of stress and pressure and it should therefore be avoided. I expressed my opinion on the proposal during the discussion at the Standing Orders Committee. I moved a motion that it not be done. My motion was defeated on that occasion. I have been consistent in my decision. I do not believe that either the standing committees or estimates committees should sit whilst the House is sitting. Apparently that happens in the Senate in Canberra. I believe that is a very bad example that we should not follow.

The Hon. R. S. L. JONES [9.55]: I would like to express my opposition to the amendment proposed by Reverend the Hon. F. J. Nile. What he has attempted to do is force members to be present in this House when they may have other work to do. The Government will not accept it, but it could actually disadvantage Government supporters far more than it disadvantages the Opposition and those on the crossbenches. I do not think it is correct that Reverend the Hon. F. J. Nile should try to force people to sit in this House when they have other work to do. When these committees, which have been formed, start doing work the committee members will have a lot of work to do outside the Chamber. It is singularly inappropriate to force 14 members of this Chamber to sit here day in and day out, sometimes listening to very boring speeches.

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Reverend the Hon. F. J. NILE [9.57]: The Hon. R. S. L. Jones has said a number of times that the members have a great deal of work to do - no one is questioning that. I make it very plain that in the eyes of the electorate, the voters of this State, we have been elected to this Chamber as members of Parliament. If we follow the honourable member's principle, we will somehow run things by remote control or allow the Executive Government to run the State from the Premier's office. If members participated on the basis that I am proposing, we would not have long-winded speeches and the House would change into a genuine debating chamber. The quality of legislation would improve. When members are elected, they are not elected to work in an office. I have been informed at meeting after meeting that members are elected to be in the Chamber participating in the debates, answering arguments and so on. Another argument was raised earlier that all the members of the Government do not understand all the legislation.

The Hon. Dr B. P. V. Pezzutti: No one said that actually.

Reverend the Hon. F. J. NILE: That is a paraphrase of what was said. It was said that some members specialise in certain bills and others specialise in other bills. That is precisely my concern. I have noticed over the years in talking to members of Parliament that sometimes, because of the specialised nature of the job, they have a complete absence of knowledge about a bill that the Government is introducing. I do not agree with that. I believe all members should have a working idea of all legislation, though they may not be experts in the subject. It changes the nature of this place as a House of review if members know nothing about some bills. Sometimes when I have noticed something and drawn it to the attention of the House Government members have said that they were not aware that it was in the bill. If members leave the House to work in offices - I am not questioning the value of the work they do there - they cannot be here participating in the debate. Even interjections, without being objectionable, can be positive and produce greater accuracy. By the time a member who has been misrepresented arrives, the member addressing the House may have moved to another part of the speech. Members who rush to the Chamber on such occasions would be travelling up and down in the lifts constantly. There is not a shadow of doubt that the understanding of the

voting population of this State is that the first and foremost obligation of members is to be present in the Chamber.

The Hon. R. S. L. JONES [9.59]: Reverend the Hon. F. J. Nile does not seem to understand that by the Committee agreeing to his amendment, he will be imposing his will on this Chamber and will force the government of the day to have approximately half its members sitting in this House at any one time. It is difficult to do meaningful work in this Chamber, other than to sit and listen to other people speaking. One can just as easily do that in one's own room and that is why the intercom is connected. It is not necessary to have a physical presence within this Chamber when a member can pay the same degree of attention to speeches in his or her own room. I believe the amendment is inappropriate and, if agreed to, would cost the taxpayers extra money because the work will not be performed. The taxpayers would not get value for money were the amendment to be passed.

Amendment of amendment negatived.

Question - That the amendment be agreed to - put.

The Committee divided.

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Ayes, 19

Mrs Arena
Dr Burgmann
Ms Burnswoods
Mr Dyer
Mr Egan
Mr Enderbury
Mrs Isaksen

Mr Johnson
Mr Kaldis
Mrs Kite
Mr Manson
Mrs Nile
Revd F. J. Nile
Mr Obeid

Mr O'Grady
Mr Vaughan
Mrs Walker

Tellers,
Mr Macdonald
Mr Shaw

Noes, 19

Mr Bull
Mrs Chadwick
Mr Coleman
Mrs Forsythe
Miss Gardiner
Dr Goldsmith
Mr Hannaford

Mr Jobling
Mr Jones
Mr Moppett
Mr Mutch
Dr Pezzutti
Mr Pickering
Mr Ryan

Mrs Sham-Ho
Mr Rowland Smith
Mr Webster

Tellers,
Miss Kirkby
Mr Samios

Pair

Mr Willis

Mrs Symonds

The TEMPORARY CHAIRMAN (The Hon. Beryl Evans): Order! The numbers being equal, I give my casting vote with the noes, so that the bill remains in its existing form, and declare the question to have passed in the negative.

Amendment negatived.

The Hon. M. R. EGAN (Leader of the Opposition) [10.8]: I move:

Schedule 1, page 3, omit schedule 1(3).

Question - That the amendment be agreed to - put.

The Committee divided.

Ayes, 21

Dr Burgmann
Ms Burnswoods
Mr Dyer
Mr Egan
Mr Enderbury
Mr Johnson
Mr Jones
Mr Kaldis

Miss Kirkby
Mrs Kite
Mr Macdonald
Mr Manson
Mrs Nile
Revd F. J. Nile

Mr Obeid
Mr O'Grady

Mr Shaw
Mr Vaughan
Mrs Walker

Tellers,
Mrs Arena
Mrs Isaksen

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Noes, 17

Mr Bull
Mrs Chadwick
Mr Coleman
Mrs Forsythe
Miss Gardiner
Dr Goldsmith

Mr Hannaford
Mr Jobling
Mr Moppett
Dr Pezzutti
Mr Pickering
Mr Ryan

Mr Samios
Mr Rowland Smith
Mr Webster
Tellers,
Mr Mutch
Mrs Sham-Ho

Pair

Mr Willis
Mrs Symonds

Question so resolved in the affirmative.

Amendment agreed to.

Schedule as amended agreed to.

Bill reported from Committee with an amendment and report adopted.

ADJOURNMENT

The Hon. E. P. PICKERING (Minister for Police and Emergency Services and Vice-President of the Executive Council) [10.15]: I move:

That this House do now adjourn.

GLENBROOK LANDCOM DEVELOPMENT

The Hon. ELISABETH KIRKBY [10.15]: I bring to the attention of the House the opposition of citizens of Glenbrook to a Landcom development regarding the proposed zoning of land in Glenbrook adjacent to the national park. The residents are extremely concerned about the following points:

The undue haste and the manner in which the Blue Mountains City Council have arrived at their decision. It should be noted that the Blue Mountains City Council is currently under investigation by ICAC.

At a recent Council meeting (2/7/91) at which the Glenbrook site was discussed, Mayor Ralph Williams declared a pecuniary interest and took no part in this meeting.

Upon leaving the Chambers Mayor Williams said words to the effect, "You know how I feel about the issue and how I would vote".

It should be noted that Mayor Williams owns an almost identical parcel of land close to the Glenbrook site. This land is incorporated into the EMP and proposed to be rezoned for housing.

The Council's recommendation for a housing development is totally contrary to the recommendations of the following organisations and groups: Water Board, State Pollution Control Commission, Glenbrook/Lapstone Volunteer Bush Fire Brigade, National Parks and Wildlife Service, Nature Conservation Council, National Parks Association, Lower Blue Mountains Conservation Society, Total Environment Centre, Coalition of Residents for the Environment, CHANGE, GOLD - Glenbrook's Opposition to Landcom Development, Wilderness Society, Darug Link and the St Andrew's Aboriginal Group.

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At least 90% of residents canvassed over a six day period were opposed to the rezoning. The overwhelming majority expressed a desire to have the land incorporated into the National Park.

The most serious concern is that this development does not conform to the recommendations of the Blue Mountains city council's own draft local environment plan. The citizens of Glenbrook believe that this rezoning should not be allowed to go ahead. They also believe it is not proper for the council to act against its own plan. The environmental plan has been drawn up for the benefit of orderly development of the area, and that is what the elected councils should be adhering to. I ask the Government and, in particular, the Minister for Housing if he would examine this matter and make sure that the proposed development does not go ahead.

CHAE LUNDI STATE FOREST LOGGING

The Hon. R. S. L. JONES [10.20]: Today the conservation movement of New South Wales had a resounding victory in the Land and Environment Court. Mr Justice Stein found that the Forestry Commission was about to break the law by attempting to allow logging and roading activities in compartments 180, 198 and 200 of Chaelundi State Forest in northern New South Wales. The judgment is a damning indictment of the cavalier attitude of the Forestry Commission towards wildlife, and particularly endangered wildlife. For many years the Forestry Commission has been allowed to wantonly destroy habitat after habitat of endangered and threatened species. The commission has received vast subsidies from taxpayers to continue with its destructive work. The commission virtually has given away most of the old growth forests under its care. It has allowed the overcutting of our forests to the extent that

conservationists and the commission are fighting over the last few thousand hectares of untouched forests. Mr Justice Stein found that many endangered species would be seriously affected by the logging of the three compartments. Those species include the powerful owl, masked owl, sooty owl, spotted-tailed quoll, feathertail glider, eastern pygmy possum, long-nosed potoroo, parma wallaby, brush-tailed phascogale, dome-headed bat and large-footed Myotis, koala and the highly endangered Hastings River mouse, which is in imminent danger of extinction. In the conclusions to his findings, Mr Justice Stein said:

Imminent breaches of s.99, and also of s.98 of the NPWA, have been proven in relation to a large range of endangered and protected species of fauna. This is not surprising given the extraordinary wildlife values of the compartments. The high species diversity of arboreal marsupials and the presence of numerous significant species listed in Schedule 12 of the NPWA makes it a veritable forest dependent zoo, probably unparalleled in south-eastern Australia. Every species of forest dependent marsupial is present. It contains prime or critical habitat for numerous species of endangered fauna or "faunal hot spots". Special pleading for individual areas as exhibiting particular value relating to flora or fauna is not uncommon. However, the evidence before me is overwhelming that this portion of forest is significantly unique in Australia for its natural wildlife values.

Disturbance and injury to many individual animals and their species by the forestry prescriptions (given the best will in the world by the Forestry Commission officers) is in some cases highly likely if not inevitable. The faunal or wildlife corridors provided in the harvesting plans are at best a temporary refuge for fauna able to escape the forestry activities. They are long and narrow, some dead-end and they provide at best only remnant habitats incapable of supporting large populations. While containing some hardwood they are predominantly rainforest. This affects their habitat suitability for some animals.

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The additional prescriptions - including 50 per cent canopy retention, tree marking and fauna observation - can do no more than mitigate the disturbance to the endangered and protected fauna. Reduced populations of endangered species - some classified as Vulnerable and Rare, some Threatened and one in Imminent Danger of Extinction - are highly likely to occur. Predators will inevitably increase and the prime habitat for many species will be lost.

The unique wildlife values of the area will be destroyed as larger populations become fragmented into small comparatively isolated groups. The present abundance and diversity of unique and endangered wildlife will likely be severely eroded. Disturbance of fauna in the indirect sense as opposed to direct injury, interference or death, is just as dangerous to the future of the species. In so far as it has an impact which destroys habitat the forestry operations will likely disturb essential aspects of continuity of a species - especially breeding, feeding, nesting and social interaction. The proposed forestry prescriptions, even assuming a great deal of skill and care by the Commission officers and the loggers, will spell the death knell of the "truly exceptional" wildlife values of these compartments of the Chaelundi State Forest.

Though the judgment is a damning indictment and His Honour finds that the Forestry Commission was about to break the law, if one reads pages 13 and 17 of the judgment, one finds that it will not bring an end to the logging of all native forests in New South Wales. It will allow continued foresting in regrowth forests and unlogged forests of low value as habitat for endangered and threatened species. The effect of the judgment will be to put in doubt the logging of 10 per cent of the remaining 300,000 hectares of unlogged virgin forest on the North Coast. Only 30,000 hectares will fall into the category that will be protected by the judgment.

The PRESIDENT: Order! The honourable member has exhausted his time for speaking.

**FORGED MEDIA RELEASE - THE HONOURABLE MEMBER FOR
SMITHFIELD**

Reverend the Hon. F. J. NILE [10.25]: I wish to bring to the attention of the House a very serious matter. I wish also to register my strong objection to a forged media release. The media release, which was printed on my letterhead, was sent last night to the media. Those who received it - I am aware of this because they contacted me - are: Australian Associated Press, 2UE, 2GB, the *Daily Telegraph Mirror* and other newspapers. The bogus media release, which is entitled "Indecent topless photographs in Parliament House foyer", has nothing to indicate that it is a forgery. In other words, it purports to be a genuine document. For that reason it is easy for members of the media to believe it is genuine. The document purports to convey my objection to the excellent cancer display in the foyer of Parliament House. I asked members of AAP to send me by fax the document they had received. The people who prepared this document were clever enough to remove the registration number which is automatically placed on documents transmitted by facsimile machines.

I have made inquiries but I have not been able to establish who issued this media release. I know it is difficult to establish the origin of such a document but I request you, Mr Deputy-President, to take on board my request. This is an attempt to ridicule and intimidate a member of this House. One needs to ask: who drafted the forged media release? Who sent it out? Which fax machine was used? Was it a fax machine in
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Parliament House, in the press gallery or in an abortion clinic. I do not know. As I have said, it is difficult to determine because the usual fax numbers have been cleverly removed. If this behaviour were repeated, it could affect other members of this House. As all honourable members know, it is a common occurrence for media releases to be sent via facsimile machines. People who receive such media releases usually assume that they are official and genuine. Members of the media to whom I have spoken today said that they do not have any way of detecting whether a media release is false or forged. They have never had to check whether media releases from Government members or Opposition members are genuine.

Mr Deputy-President, I ask you to request the withdrawal of an extremely offensive remark made in the other place by the honourable member for Smithfield on 24th September. At page 101 of *Hansard* he described me as "the Antichrist in the upper House". As a Christian I find that extremely offensive. A Christian could not have a more insulting phrase addressed to him. The honourable member for Smithfield also said that I had "held prayer meetings with the Hon. John Fahey to support his legislation". He was referring to the Industrial Relations Bill. I have never attended any prayer meetings with the Hon. John Fahey, so that is another slur against my name. The honourable member for Smithfield has implied that hidden or secret meetings are being conducted under the guise of prayer. It is unfortunate that I have had to bring these two matters to the attention of the House. Mr Deputy-President, I request you to see what action can be taken to rectify these matters.

Motion agreed to.

House adjourned at 10.30 p.m.

QUESTIONS UPON NOTICE

The following questions upon notice and answers were circulated in *Questions and Answers*:

SHELLEY BEACH ROAD PROPOSAL

Mr Jones asked the Minister for Police and Emergency Services and Vice-President of the Executive Council representing the Premier, Treasurer and Minister for Ethnic Affairs -

(1) Has the Member for Clarence, Mr Ian Causley, lobbied for the provision for a four wheel drive access road to Shelley Headland in Yuraygir National Park?

(2) Has Mr Causley claimed that construction of this four wheel drive access road will go ahead despite any State Government freeze on finances?

(3) Will funding be made available for this road despite any Government freeze in finances?

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(4) Did Mr Causley state on 17 June 1991 that "I have the Premier's signature on a piece of paper and I am not going to let up on this one"?

(5) Is the Premier aware of the "piece of paper" to which Mr Causley refers?

(6) If so, what are the contents of this "piece of paper"?

(7) Will the Premier be taking any action on this matter?

Answer -

(1-7) After substantial local opposition to the Labor Government's decision to close the access road to Shelley Head, the Coalition made a pre-election commitment to re-open the road.

\$120,000 has been provided to this year's National Parks and Wildlife Service budget to enable the Service to proceed with the construction of a gravel road from Wolleweyah to Shelley Beach.

As Honourable Members would be aware, the matter is the subject of legal proceedings in the Land and Environment Court.

PUBLIC SECTOR SENIOR EXECUTIVE SERVICE

Mr Egan asked the Minister for Health and Community Services -

With respect to each organisation within your portfolio:

(a) How many Senior Executive Service positions are there?

(b) What is the designation of each?

(c) What is the current remuneration package applying to each?

Answer -

(a) There are twenty two (22) Senior Executive Service positions within the Department of Community Services and the Home Care Service of New South Wales.

(b-c) The designation of, and current remuneration package applying to, each position follows:

(i) Director-General, Department of Community Services

Level 7

(ii) Deputy Director-General, Department of Community Services	Level 6
(iii) Director, Strategic Welfare Policy	Level 3
(iv) Director, Management Services	Level 3
(v) Director, Care & Protection	Level 4
(vi) Director, Finance & Property	Level 2
(vii) Director, Aged and Disability	Level 4
(viii) Director, Office of the Ageing	Level 1
(ix) General Manager, Metropolitan North Division	Level 4
(x) Assistant General Manager, Metropolitan North Division	Level 2
(xi) General Manager, Northern Division	Level 3

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(xii) Assistant General Manager, Northern Division	Level 2
(xiii) General Manager, Southern Division	Level 3
(xiv) Assistant General Manager, Southern Division	Level 2
(xv) General Manager, Western Division	Level 3
(xvi) Assistant General Manager, Western Division	Level 1
(xvii) Chief Executive Officer, Hunter Developmental Disability Services	Level 1
(xviii) Chief Executive Officer, South Metropolitan Developmental Disability Services	Level 1
(xix) Chief Executive Officer, Western Sydney Developmental Disability Services	Level 1
(xx) General Manager, Home Care Service	Level 4
(xxi) Deputy General Manager, Home Care Service	Level 1
(xxii) Director, Project for Hostel and Care Program, Home Care Service	Level 1

KEMBLAWARRA CHILD AND FAMILY CENTRE

Miss Kirkby asked the Minister for Health and Community Services -

(1) Is it a fact that the Minister's predecessor denied 100% state funding to Kemplawarra Child and Family Centre in Wollongong?

(2) Was the Centre originally assured that they would receive 100% funding?

(3) Has the Minister been informed of the amount of funding required?

(4) Will the Minister act urgently to restore the funding to Kemblawarra Child and Family Centre and thus assure people in the area that instant emergency care 24 hours a day will continue to be available to them?

Answer -

(1) No. The Kemblawarra Child and Family Centre, along with similar organisations, has not received 100% funding since December 1988.

(2) Until December 1988 the Centre was funded 100% through the Community Welfare Fund. After that date, all substitute care services were transferred to single source funding through the Alternate Care Committee.

(3) Yes.

(4) The Centre is aware that, along with similar organisations, it will be funded at 65% funding through Alternate Care funding. Restoration of 100% funding is not likely. In line with Government policy the Centre will have to meet 35% of its operating costs. It should be noted that, in December 1990, the previous Minister for Family and Community Services made a one-off grant of \$14,000 to the Kemblawarra Child and Family Centre.