

## LEGISLATIVE COUNCIL

Wednesday, 13th November, 1991

**The President** took the chair at 2.30 p.m.

**The President** offered the Prayers.

### ASSENT TO BILL

**Royal assent to the following bill reported:**

Industrial Relations Bill

### PETITIONS

#### Cat Desexing

Petition praying that because wildlife is threatened by predatory feral cats, and because unrestricted breeding of cats results in their destruction, starvation, injury and disease, there should be compulsory desexing of all domestic cats other than those with registered breeders, received from the **Hon. R. S. L. Jones**.

#### Abortion

Petition praying that because of recognition of the right to life of the unborn child, the House support the Procurement of Miscarriage Limitation Bill, received from the **Hon. Elaine Nile**.

#### Abortion

Petition praying that because of opposition to the Procurement of Miscarriage Limitation Bill and support for the continued availability of abortion, the House not support any restriction on existing abortion services, received from the **Hon. Ann Symonds**.

## COASTAL PROTECTION (AMENDMENT) BILL (No. 2)

### Second Reading

**Debate resumed from 30th October.**

**The Hon. DELCIA KITE** [2.37]: In July 1989 representatives from Botany, Manly, Randwick, Rockdale, Sutherland, Warringah, Waverley, Woollahra, Mosman, North Sydney and Sydney City councils formed a coalition which was called the Sydney Coastal Council. This action was the result of mounting concerns about the need for more effective strategies and regional approaches to protect the coastal environment. It is significant that these councils combined in expressing their mutual concerns because the coastal protection policies introduced by this Government do not include the coastal regions in the metropolitan areas. This peculiarity in the major legislation does not make

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this Coastal Protection (Amendment) Bill (No. 2) a credible document. The amendments will make no significant difference to the planning, land use and pollution problems which are

critical along the coast of New South Wales. The first amendment proposed by the Government diminishes the area of concern from a coastal region to a coastal zone, a zone which could exclude coastal development, coastal wetlands, some estuaries and fragile waterways and a zone which includes an area of land or water that lies within one kilometre, generally west of the landward boundary of the coastal waters of the State subject to any adjustment made under subsection (3) of section 4 by the Minister.

It is a zone which is restricted to specified land located within one kilometre of those waters declared by the Minister to be part of that zone. The powers vested in the Minister through these amendments will enable him to adjust either side of that western boundary as he considers appropriate to more conveniently define that western boundary. What is the role of the Coastal Council which has been constituted as an advisory body only? There is no argument about expertise of those from environmental groups, government departments, tourism groups and local government. They should certainly be part of a 15-member Coastal Council. But this bill confers significant powers on the Minister, including the power to appoint and to dismiss the council. One of the persons to be appointed by the Minister is a person who, in the Minister's opinion, has expertise in coastal protection. This appointee will become the chairperson of the Coastal Council. We should not be surprised at this undemocratic behaviour. It is consistent with the actions of the Greiner Government in its appointments in other areas of the public service.

It is to be hoped that the expertise of the person the Minister deems to be appropriate to chair the Coastal Council will have the acceptance of local, regional and State environmentally conscious citizens and that the chairperson will not be selected on the basis of a narrow development interest. It is recognised that the Tourism Commission is attracted to coastal development. Between 1976 and 1988 the State Labor Government directed tourist growth to areas already urbanised but at the same time added to the national parks system areas such as Bundjalung National Park. In numerous instances developments were modified or rejected. Soon after the change of government coastal development projects re-emerged and there was no significant addition to the national parks system. Without a comprehensive, co-ordinated State and regional plan for the future of the coast, the Greiner Government's determination to sell-off prime public coastal lands to public developers will override all the positive aspects of this legislation. The bias of the Greiner-Murray Government towards private ownership and the unethical sell off of prime public lands, such as the Blackwattle Bay gift to an Indonesian developer, do not provide the taxpayers of New South Wales with any confidence in the Minister's directive powers.

The Coastal Council, with its limited strength of additional community representatives, will have to oppose the stated policies of the Greiner Government in order to rectify the monumental planning errors which have already taken place on our coast. It is no wonder that the Minister has been told by the developers to exclude the metropolitan area. The Coastal Council may very well have agreed with the conservationists that \$6 million of Sydney Harbour foreshore land and 360 parcels of land between the harbourside homes and the water's edge should not have been approved by the Maritime Services Board for sale to private developers. It is timely for the Coastal Council to carry out investigations, studies, research and inquiries as it considers relevant. It is hoped that those studies already in existence will be taken into account and acted upon, rather than deferring the recommendations of respected environmentalists who have repeatedly warned about the effect of encroachment into the wetlands and about

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problems which will arise from canal developments. The amendments must not be used to further delay action on these matters.

The question must be answered: how will these amendments deal with the urgent need to strike a proper balance between conflicting demands on the use of our coastal zones? The

Standing Committee on State Development understands that in the past the Coastal Council has been asked to focus on short-term to medium-term programs and initiatives that will reap positive results for the planning of the coast. The question is: positive in what sense? In 1989 more than 36 per cent of the State's stock of hotel and motel rooms were in the coastal regions outside Sydney. This figure will be much higher in 1991. More than \$7 billion or 42 per cent of the State's total investment in tourism plant is planned for the coastal regions of New South Wales. The New South Wales coast has been described by the Tourism Commission as the most significant tourism market for the State's number one growth industry. How will the constituent members of the Coastal Council deal with such a pre-empted objective? There is no time for piecemeal planning of the coast of New South Wales. If land is to be acquired for the extension of our coastal national parks, or if we are visionary enough to accept that remedial works must now take place to overcome the damage that has already been done, there must be appropriate land acquisition funding for such activities.

All the studies and research in the world will not be of any value if there are no funding arrangements to meet the recommendations of the Coastal Council. I note that the coastal land acquisition fund included \$3,365,000 expended on acquisitions in 1989-90. It is reported by the Department of Planning that negotiations to acquire coastal lands included in the program are initiated at the request of the owners. Since the coastal lands protection scheme was introduced by the Hon. Jack Ferguson in 1976, \$33.1 million has been spent to acquire lands intended in the original Act to improve public access, scenic protection and public recreation; 70 per cent of the land acquired has been added to national parks, nature reserves and State recreation areas; and 10 per cent of the land acquired is now Crown land. The Department of Planning still holds 2,400 hectares for future allocation. Of this limited area available for allocation only 1,400 hectares has been identified for future acquisition. Will the Minister inform members of this House of his intention for the acquisition of the remaining 1,000 hectares? Will it be to recover the coastal areas of Aboriginal heritage? Will it be for protection of environmentally sensitive wetlands? Will it be for protection of those low lying zones particularly vulnerable to climate changes envisaged in studies of the greenhouse effect? Will the Minister use his powers to adjust the arbitrary boundary of one kilometre to protect these areas?

I am unable to support the bill because there is insufficient detail to convince me that it will not involve a repetition of the secretive committee previously appointed where ministerial appointees could not even reveal to their own local government council the findings of the Coastal Council on matters relevant to local planning issues. I oppose the bill because it still does not bear any significance to the urban coastline in the metropolitan area which requires urgent remedial action or a strategy to protect residents who live in the vicinity of Botany Bay, Port Kembla and Newcastle, where within the arbitrary one kilometre the most hazardous industries continue to pollute the waterways and terrify the residents. The Coastal Council must be given authority to recommend actions to be taken to overcome these coastal obscenities. The Minister should consult the interfaculty coastal resource management committee set up by the technology branch of the University of Sydney to establish the criteria for appointments to the Coastal Council. That committee recognises the need for an understanding of the coastal and

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marine systems and the principles of ecologically sustainable development. It recognises the need for expertise in the biological and geological aspects of environmental protection.

The Coastal Council of New South Wales requires skills in monitoring and sampling procedures. It needs members who understand catchment and land use management and the ability to co-ordinate those factors. The Coastal Council should include people who have a sensitivity to the implications of mining on beaches and off-shore. It needs people who have experience in water quality and researchers from the fisheries. Advisers to the Greiner-Murray

Government on coastal protection must not be afraid to challenge the impact of urban development on coastal environments and must be prepared to demand funding for the rehabilitation of destroyed sites. Above all, the Coastal Council must challenge the economic and legal frameworks of planning and management which do not currently address this important issue.

**The Hon. PATRICIA FORSYTHE [2.50]:** The Government deserves full support and praise for this legislation, which should convince detractors that the Government cares about the coast. The legislation is proof of the Government's commitment to responsible management of the New South Wales coast within the framework of competing needs and demands. Those who attend public meetings up and down the coast realise the extent of that competition, and this legislation reflects a genuine attempt to come to grips with the problems. The bill has two key features: first, to reconstitute the Coastal Council and to redefine its role; and, second, to provide a new definition of "coastal zone". I want particularly to address the role and functions of the Coastal Council. The concept of the council is not new; New South Wales had a Coastal Council from 1979 to 1985. Why did it cease in 1985? Because the Minister for Environment at that time, now the Leader of the Opposition, failed to reappoint it. When one looks at the history of development and conflict along the coast it is interesting to see what the years 1986 and 1987 brought. They were the years when developments along the coast were approved. It is interesting that Labor chose not to reappoint the Coastal Council, the body established to provide a guiding role. In all the rhetoric about the years 1986 to 1991 we have not heard much from members of the Opposition about the abolition of the council; they just forgot to mention it. However, we should look ahead and not concentrate on the past. This bill is about the future.

Proposed new section 9 provides for the composition of the Coastal Council, and there are a number of significant points about the composition. The new council will have numerous representatives of government departments, including the Department of Planning, the Office of Fisheries, the Soil Conservation Service, the Department of Conservation and Land Management, and so on. As one reads through the list of members, the nature of the competing interests becomes obvious. For example, one might compare the demands and interests of tourism as against those of agriculture - two disparate departments that will be considered from a different perspective. The bill will meet genuine concerns; it is not about so-called land developers or people with white shoes. The bill will provide a genuine avenue to meet the competing needs and demands of various groups. Each of the key government departments will have a representative on the council, but the membership extends even further.

It is significant - though the Opposition did not praise the Government for this - that the Government has included within the membership of the council a representative of the Nature Conservation Council, a peak body genuinely concerned about the conservation of the coast. Previously the composition reflected groups interested in development; now it will reflect interest in conservation. All these groups have a genuine

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role in advising the Minister, and all are recognised in this bill. In addition, the membership of the council will include not one, as with the former Coastal Council, but three representatives of local government, drawn from a panel of six members nominated by the Local Government and Shires Association. No longer will local government be able to say that its voice cannot be heard. Since the bill was first introduced and since the coastal committee was formed in 1989, local government has been consulted. No one can say of this bill that there has not been a measure of consultation.

The bill reflects a genuine attempt to come to grips with the problems that have confronted the coast for a long time, that of haphazard and ad hoc decision making. I refer to

the April 1991 report of the House of Representatives Standing Committee on the Environment, Recreation and the Arts, entitled "The Injured Coastline". The report stated:

"The existing coastal management arrangements are inherently fraught with difficulties arising from having a number of agencies working in different areas and for different reasons to solve complex and controversial problems".

Resolving problems is precisely what this council will be about. It will acknowledge that there are different ways of dealing with problems and that people are approaching these problems from different angles. The composition of the council will seek to draw together a group of people with expertise on complex and controversial issues. They will be charged with the responsibility of discussing and meeting the various competing policy interests. It is of the utmost significance that a representative of the Nature Conservation Council will be a member of the council. The Opposition will not be able to say that the Government is not interested in conserving the coast or is not genuinely attempting to address coastal issues for the long term. I was amazed at the comments of the Hon. Delcia Kite about the appointment of the chairperson, who will have expertise in coastal protection. The word "protection" was missing from her speech. The chairperson will have expertise in coastal protection; he or she will not be appointed by the Minister because of his or her development interests on the coast. I note that that qualification is the same as that of the chairperson of the present coastal committee. This bill reflects a positive step by the Government to ensure long-term management and development of the coast. It acknowledges the issue of coastal protection.

Proposed new section 28 provides for the functions of the Coastal Council. It was suggested that the council will be some sort of paper tiger without teeth; that its function will be merely to advise the Minister and that the Minister will not have to take account of that advice. It would not be political reality to believe that the Minister would ignore a council comprising the many representatives set out in proposed section 9, drawn together from State government departments, local government, and the Nature Conservation Council, under the chairmanship of an expert in coastal protection. The principal functions of the council will be to give advice and make reports and recommendations to the Minister on the policies that may or should be implemented by the Government and by public authorities for the purpose of - and these are really the key words in the legislation - protecting, maintaining, enhancing, restoring, conserving and using the coastal zone, and the implementation of those policies. Like it or not, the coastal zone is under pressure. The coastal zone is the area to which people are choosing to move; it is the area of the greatest growth in New South Wales. We must formulate policies that best meet the competing needs and demands: the desire of people to live on the coast, to use the coast as a tourist destination, and to protect the environmental significance of the coast.

I refer to proposed section 28(2)(b) and the other role for the Coastal Council.

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This is to provide advice to the Minister and to provide local councils which have areas wholly or partly in the coastal zone with policy advice, guidance and assistance in their functions concerning the management, planning and use of the zone. A group of people with expertise will provide advice to local government so that 30 separate councils will not be proceeding without advice and without having an equal role in the future development of the coast. This Coastal Council will provide councils with guidelines and give advice to the Minister and the Director of Planning as to the exercise of their planning functions relating to the coastal zone. It has been suggested that being an advisory body it is without teeth. That is impossible when one considers the make-up of the group.

I mentioned earlier the Government's coastal policy which was issued in September 1990. The Coastal Council will be providing advice to the Minister on that policy. In that context it is worth noting a few key points because, if nothing else, it must convince everyone that this Government is genuinely concerned for the future of the coastline. The Government

gave an unequivocal commitment to the protection of environmentally sensitive areas and guaranteed public access to foreshore areas. This legislation is about facilitating a scale of development that is sensitive to environmental and planning constraints, the use of renewable resources, protection of the diversity of ecosystems and control and management of adverse environmental impacts. Those are hardly words from a Government bent on development, as has been suggested. This is a genuine attempt to bring together a group of people in an endeavour to find solutions. Like it or not we cannot pull in the drawbridge, we cannot close off the coast. We must acknowledge that it is the area of greatest growth.

The forming of the council is a genuine attempt to come to grips with some of the issues and competing demands along the coast. In this regard the bill has defined the coastal zone as being one kilometre landward and three kilometres seaward. The Standing Committee on State Development has sought a wider definition but the definition in the bill should not be condemned on that basis. It was arrived at after consultation and was notified by the Government earlier this year when this bill was first introduced. Local government is aware of the definition. It is the zone where the pressures of growth and development are greatest. It is appropriate that in future the definition be looked at having regard to the report of the Standing Committee on State Development but for now this definition should be supported because it has been widely circulated and is well understood in local government.

I conclude by saying that above all else this is a genuine attempt to establish an organisation to work with government, local government and the community. One of the council's functions is to provide a forum of consultation for the community and for the exchange of information. It is hard to believe that the Opposition saw no role for the Coastal Council after 1985. Much of the controversy of the past few years has been because a mechanism was not in place for consultation and exchange of information. This bill is a step towards the coast not being an area of conflict but an area where we can work together for a better future, and the environment is given highest consideration.

**The Hon. R. S. L. JONES** [3.5]: The Standing Committee on State Development has spent two years studying coastal issues. The committee made it clear in its report entitled "Coastal Planning and Management in New South Wales: A Framework for the Future" volume 1, report 4, September 1991, that the current coastal policy and system of planning on the New South Wales coastline are deficient. It is quite apparent that the Government's much vaunted coastal policy is not working. It is also apparent from this coastal policy that a large number of government departments had their say. This policy has been clearly watered down from what may have started out as a good coastal policy. The classic evidence of failure of the current coastal policy is the

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approval by the Minister for Planning - although he did not actually give approval - of the building of the Look At Me Now Headland sewage outfall into the marine reserve. I asked the Minister whether he intended to use his powers under section 101 of the Environmental Planning and Assessment Act and he answered me categorically, no, which surprised me greatly. It is evident from that response that the current coastal policy of the Government allows for contaminated sewage to be discharged into a highly ecologically sensitive area such as this marine reserve.

The failure of the present coastal policy is exemplified also by the former Minister's permission for destruction of magnificent old mangroves supposedly covered by State Environmental Planning Policy 14 at North Creek, Ballina. The Hon. Patricia Forsythe will remember the countless times we spoke to her and she was unable to do anything about the matter. We also wrote and implored her and the Minister to take charge of the situation. The Minister was approached by me and other members and many times by the residents from Crowley village. At that time he said it was not his policy to interfere in planning. I believe that policy has now been changed by the present Minister.

This particular wetlands area is acknowledged by the Department of Planning as a valuable breeding ground. One consent condition for the destruction of the mangroves there was that the work should not commence during the breeding season when endangered species are covered by international agreements. Ballina Shire Council commenced work two months earlier than permitted and breached this condition. I am quite certain no action was taken by the Department of Planning or by the former Minister. They may not have known about the breach. I doubt if any follow-up on the breach has taken place. Another failure of the existing coastal policy is the permission given by the former Minister to destroy State Environmental Planning Policy 14 wetlands and koala habitat at Iron Gates. This is still undergoing review and a court case is pending. Unfortunately if one reads page 46, the coastal policy allows for destruction of coastal wetlands and littoral rainforests by canal estates. Page 46(h) states:

Located to minimise damage to wetlands or littoral rainforests, in accordance with State Environmental Planning Policy No. 14 - Coastal Wetlands, or State Environmental Planning Policy No. 26 - Littoral Rainforests.

Therefore canal estates are still permissible under the current coastal policy. An interesting position will arise shortly which the Minister will have to address. It involves the wetlands south of Port Macquarie where a development is proposed in a sensitive area. That development is opposed by the majority of local residents at Camden Haven. The area is also a koala habitat. The Minister will have to make a determination using his powers under section 101 of the Act.

**The Hon. R. J. Webster:** I will address it with sensitivity, as I did with Bonville.

**The Hon. R. S. L. JONES:** It depends on whether the Minister will allow a canal estate in wetlands and whether he will allow the koala habitat to be destroyed. Most of the residents are very much opposed to the development. The site is also exposed to flooding and would be a most impractical development. I believe the present Minister is far more sensitive in regard to these issues than any previous Minister has been. I hope he will make the right decision, as he is obliged to do under section 101 of the Environmental Planning and Assessment Act. The Coastal Protection (Amendment) Bill  
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redefines coastal zone as follows:

(a) the area within the coastal waters of the State as defined in Part 10 of the Interpretation Act 1987 -

That is three nautical miles from the coast -

- (including any land within those waters); and

(b) the area of land or water that lies within 1 kilometre generally west of the landward boundary of the coastal waters of the State, subject to any adjustment made under subsection (3);

That will lead to a serious problem because the committee determined that definition was inadequate. Over the past year or so it has been shown to be inadequate. From time to time I approached the Minister in regard to different developments, and occasionally he said that this was outside the coastal zone because it was more than one kilometre west. Although this is the first time it has been acknowledged that the coast is a contiguous coastline from the top of the State to the bottom of the State, the one kilometre is not sufficient to include what should be regarded as the coast. The Standing Committee on State Development had countless meetings with residents, developers, conservationists, councillors and various other people. It

had at various times three highly competent chairmen, the Hon. John Hannaford, the Hon. John Jobling and the present chairman, the Hon. Brian Pezzutti. The committee found that what should be defined as the coastline were the catchment areas. Some of the areas extend a fair way west and some, such as Coffs Harbour, are within a short zone. The committee reported that it was necessary to take into account the entire area between the coast, the entire catchment area and the dividing range.

**The Hon. Dr B. P. V. Pezzutti:** Is that part of the Coastal Council's job?

**The Hon. R. S. L. JONES:** To redefine this region?

**The Hon. Dr B. P. V. Pezzutti:** No. Is what you are putting to be part of the Coastal Council's job?

**The Hon. R. S. L. JONES:** But why include the area of one kilometre in the legislation? If that is part of the council's job, it should not be included in the legislation.

**The Hon. Dr B. P. V. Pezzutti:** You can ask the Minister to extend that area.

**The Hon. R. S. L. JONES:** The Minister cannot simply overturn the Act by suddenly deciding it takes into account the entire catchment area of the coast. The bill would have to be amended.

**The Hon. Dr B. P. V. Pezzutti:** Look at paragraphs (b) and (c) of the definition of coastal zone.

**The Hon. R. S. L. JONES:** In that case, why have the specification of one kilometre at all? It makes a nonsense of the bill.

**The Hon. Dr B. P. V. Pezzutti:** It is a good way to start.

**The Hon. R. S. L. JONES:** It is a minimal start. Why have one-kilometre included in the definition? Why not say the coast and then ask the Coastal Council what will or should be regarded as the coastline? It is a nonsense. It is interesting to note that item (4) deals with section 6, administration, and the bill provides as follows:

Omit "Minister for Planning and Environment", insert instead "Minister for Planning."

That is the present reality. There was some division among the members of the Standing Committee on State Development and a dissenting report was issued because the Australian Democrats and the Australian Labor Party believed that planning and environment should be together as they were before this Government came to office. That would make for a very much stronger department. The present Minister for the Environment has not had much of a time in this Government because he has been overruled in Cabinet on many occasions. The Hon. Tim Moore at present is extremely frustrated. If he were the Minister for Planning and Environment, he would be a much stronger Minister and have more say. It grieves me somewhat that the environment has been placed on the backburner by the Government and has received short shrift from some members of Cabinet who are not favourably disposed towards the environment. I acknowledge that some members of Cabinet are strong supporters of the environment also.

**The Hon. Patricia Forsythe:** The whole bill is about the environment.

**The Hon. R. S. L. JONES:** Whose environment, and what environment? What is the environment? According to the bill it is a one-kilometre strip. So far as the committee was concerned, that was not the environment. It should extend right back to the ranges. The Standing Committee on State Development report at page 58 talked about the failures of interdepartmental committees. I shall not bore the House by reading the whole of that page, but shall summarise Painter's remarks:

IDCs operate in the context of a set of rules and constraints which exemplify a number of the characteristics of bureaucratic politics. In general, participants often come to meetings as departmental delegates - defence of what they know is established is their first and foremost concern. They tend to be wary of any new initiatives that appear to threaten their organisation's base and tend to devote much of their energies to stifling potential encroachment on their department's "turf". The outcomes of IDCs dominated by this culture are usually "lowest common denominator" proposals which avoid the tough issues and attempt to conceal differences in case a firm resolution leads to the successful invasion of one's department's territory by another. Often the real losers in this process are those who wanted to do something new.

The report goes on to give an example of how one of these interdepartmental committees failed. I regret to say that the Coastal Council is a very large council consisting of 15 members and will progressively become just another interdepartmental committee. The many interests represented will compete with each other, and unfortunately the strong measures needed to protect the coastline will not be taken because they will be watered down, for example, by the officer from the Public Works Department, or the Minister for Natural Resources, the Department of Mineral Resources or someone else. That is my concern. At page 56 of the report of the Standing Committee reference is made to the establishment of the Coastal Council in 1979 as follows:

. . . one of the tasks of the Council was to compile and maintain a register of coastal studies of significance. The principal purpose of this task was to provide a reference data base located in government for use by those concerned with coastal development. However, the Standing Committee understands that this proposal failed for two reasons. The first reason was that the Coastal Council (which was serviced by the then Department of Environment and Planning) was given inadequate resources for the size of such a task.

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At this time when Australia is experiencing a recession involving severe constraints on expenditure, one must ask whether the council when it comes into being, as it surely will do, will have sufficient resources - in fact, more resources than the previous Coastal Council - or whether it also will fail because of a lack of resources. The report continues:

Secondly, and most importantly with regard to the matter of co-ordination, the Coastal Council was vested with little authority and was perceived by State agencies as being relatively powerless. A number of government agencies basically ignored requests for information from the then Coastal Council. Furthermore, these same government agencies viewed the coastal studies which they had undertaken to be their own departmental property.

Hence the Coastal Council ceased to operate in 1985. This Coastal Council reminds me of a committee on which I served as an observer, called the Kangaroo Management Review Committee, yet another essential interdepartmental committee. It consisted of representatives from various organisations and included one conservationist, as is proposed for the Coastal Council. That conservationist became a lone voice in the wilderness because all of the

members of that committee, with the exception of two people, including the conservationist, rubber-stamped whatever quotas were suggested to them. The quota for next year is about 2 million kangaroos. If the present drought continues over the next three months about half the kangaroo population of the State will be lost. The same thing happened in 1982-83, but the quota did not go down.

**The Hon. D. F. Moppett:** Neither did the number of kangaroos. The honourable member makes doomsday predictions about kangaroo populations.

**The Hon. R. S. L. JONES:** The Hon. D. F. Moppett has no idea. He has not studied the kangaroo population as I have. If he knew his facts, he would know that the kangaroo population dropped by 75 per cent in two years from 1982 to 1984. The New South Wales National Parks and Wildlife Service has figures on that. It does aerial surveys from time to time. I have studied 20 years of results. The population has just built up to the same point as before the 1982-83 drought. There is no doubt that it will crash down again. This interdepartmental committee, which is supposedly designed to monitor the management of kangaroos, in fact only legitimises the commercial kangaroo industry. It gives it the appearance of being balanced though there is no balance whatsoever. I am afraid that the Coastal Council will be the same. Basically it will be dominated by those who do not have a genuine interest in ecologically sustainable development.

The membership of the Coastal Council will be increased by five members. One of these is to be a representative of the Nature Conservation Council. That person will have the interests of the coastline at heart, as will some other members of the Coastal Council. I have no doubt about that. Three members of the Coastal Council are to be members of councils whose local government areas are located wholly or partly within the coastal zone. John Harvey, who I think is still President of the Maclean Shire Council, nominated himself to the Coastal Council. The shire council was not aware of this. I spoke to councillors the other day and they were very surprised to find that he had nominated himself. They asked how John Harvey managed to get on the coastal committee.

**The Hon. R. J. Webster:** That is the committee. We have said that the council has to nominate the person.

**The Hon. R. S. L. JONES:** So it is not a foregone conclusion that Mr John Harvey will be on the Coastal Council?

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**The Hon. R. J. Webster:** No, I will write to the council and ask members to submit a name.

**The Hon. R. S. L. JONES:** I am quite sure that the Maclean Shire Council would not present John Harvey's name. He was famous for the Taj Mahal. The Minister may remember that it was called the Harvey Mahal up there. It was estimated that it would cost taxpayers about three and a half million dollars.

**The Hon. R. J. Webster:** We live in a democracy. Council members may choose him. It is their choice.

**The Hon. R. S. L. JONES:** Democracies can work if people have good will.

**The Hon. R. J. Webster:** Lee Kwan Jones!

**The Hon. R. S. L. JONES:** I think Singapore works rather well. Do you not think so? Anyway, Lee Kwan Yew is no longer in charge. Mr Harvey was one of the proponents of the

new Japanese Micalo Island resorts. I hope that Mr Harvey is not automatically transferred from the coastal committee to the council. The Minister now assures me that that is not likely to happen.

**The Hon. R. J. Webster:** I did not say that. I said that it is up to the council to nominate someone.

**The Hon. R. S. L. JONES:** If there will be three more people on the council, will all the councillors have a chance to nominate or do we choose which councillors nominate a candidate?

**The Hon. Patricia Forsythe:** The Local Government and Shires Association nominates a group of six.

**The Hon. R. S. L. JONES:** So the Local Government and Shires Association nominates six people to be chosen from and then three are chosen. Be wary of Mr Harvey. I understand that Mr Neville Apitz will be a representative on the Coastal Council.

**The Hon. R. J. Webster:** He is in the gallery. The honourable member should address his remarks to him.

**The Hon. R. S. L. JONES:** I wonder why Mr Apitz changed the last paragraph of the submission to the commission of inquiry into Micalo Island. Perhaps he will explain that later on. The change to the submission said that the Micalo Island development was permissible. Mr Apitz did not tell anyone else that he had changed the last paragraph. Mr Apitz went to Macquarie University and has an impeccable background, as we know. He was an extremely good lecturer on planning at Macquarie University. He is now the Resource Assessment Commissioner. He has had a keen interest in developments and has been an enthusiastic proponent of some developments. Some of these developments would not pass the criteria laid down, we would hope, as a result of the proposals of the Standing Committee on State Developments being accepted. I hope that the criteria are strong enough not to allow some of these developments to go ahead. I am not sure whether the Micalo Island proposal would meet

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the criteria. That remains to be seen, I presume.

**The Hon. R. J. Webster:** I have a lot of faith in the commission of inquiry process.

**The Hon. R. S. L. JONES:** Yes, I have a lot of faith in it, but we must make sure that the evidence given is good and genuine. The Minister should consider it carefully and it is to be hoped that he will make his determinations as a result of that. We have to make sure that those who are on the council have a genuine love for our coastline and that they are not just proponents of developments. The Department of Planning has been in favour of some extraordinary developments. It has argued in court in favour of them, as we well know. It seems to me quite extraordinary that some of those developments have been supported. Corlette is one such development which was built on a headland and took over a public beach.

**The Hon. Patricia Forsythe:** It does not matter whether the development is liked or not liked. What matters is only whether the development meets the legal requirements.

**The Hon. R. S. L. JONES:** According to the coastal policy, the Corlette development is acceptable.

**The Hon. Patricia Forsythe:** The courts ruled on that matter.

**The Hon. R. S. L. JONES:** Who from the Department of Planning argued in favour of the development?

**The Hon. Patricia Forsythe:** It did not. It merely gave advice.

**The Hon. R. S. L. JONES:** It gave advice in favour of the proposal.

**The Hon. R. J. Webster:** No, it gave evidence which complied with the legal requirements. It was not in favour; it complied.

**The Hon. R. S. L. JONES:** It certainly was in favour.

**The DEPUTY-PRESIDENT (The Hon. D. J. Gay):** Order! The Hon. R. S. L. Jones is entitled to be heard in silence. Members who wish to participate in the debate should seek the call later.

**The Hon. R. S. L. JONES:** I accept that the Minister for Planning and Minister for Energy has a genuine concern for the environment. I welcome that. I have noted that over the last two or three years. He is also a highly intelligent man and perhaps would be Leader of the National Party if he were in the lower House. He did not quite make it. Unfortunately, members of the National Party in this House do not have a vote in the deliberations on who will be the leader. I think that is a mistake. I hope that it is rectified in the not too distant future. We all well know that this Minister is one of three members to use recycled paper. I think he used it before anyone else did. He was the second member to use recycled paper for his press releases. He did this not just for show, but because he believed in protecting the environment. I think I am correct in that assumption. I am glad that this Minister holds the planning portfolio and not one or two other honourable members. The Minister must be very careful that he does not have the wool pulled over his eyes. I understand that he has used powers under section 101 on

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more than one occasion.

**The Hon. R. J. Webster:** I have used them once or twice - not often.

**The Hon. R. S. L. JONES:** The former Minister used those powers only twice in three and a half years. I asked the Minister a question in the House about the Sahben development. He was not aware whether he had used his powers under section 101 on that occasion. The Minister has to be extremely careful not to allow pages to be pushed under his nose and then sign them without being aware of what he is doing. A snow job is very easy. I have read the current *Government Gazette* to see how many times the Minister has signed documents under the Heritage Act and so on. Documents on a couple of properties under the Heritage Act would have been signed using powers under section 130.

**The Hon. Patricia Forsythe:** Fundamental planning principles still apply under section 101.

**The Hon. R.S.L. JONES:** Yes, but the Minister must be very careful about the advice he gets from his department. He might be the finest Minister in the land, but if he gets advice from people who are not necessarily totally in favour of environmental considerations he might approve a development in good faith. I note that in the latest *Government Gazette* he says that as a result of advice received from the Department of Planning he will remove the slab cottage in Maitland from the cover of the Heritage Act.

**The Hon. R. J. Webster:** It burnt down and I removed it its Heritage Act cover.

**The Hon. R. S. L. JONES:** All I am saying is that the Minister covered himself by saying that he made his decision under advice from the Department of Planning.

**The Hon. R. J. Webster:** And the Heritage Council. The building had been burnt down. I looked at it the other day with an honourable member.

**The Hon. R. S. L. JONES:** I am not criticising the Minister. All I am saying is that he should be extremely careful when making such decisions. Did part of the hospital in Newcastle burn down?

**The Hon. R. J. Webster:** I seem to recall there was an earthquake there.

**The Hon. R. S. L. JONES:** The Minister signed a document in relation to Newcastle Hospital a few days ago.

**The DEPUTY-PRESIDENT:** Order! I ask honourable members to address the bill which deals with coastal development.

**The Hon. R. S. L. JONES:** Newcastle is on the coast. I will certainly seek to address the bill. I believe the Minister to be a man of good will and a genuine environmentalist. On the advice of the Hon. R. T. M. Bull, the Minister took steps to ensure that a development at Back Lake did not go ahead. I understand the development application had expired.

**The Hon. R. J. Webster:** They wanted me to renew it, and I would not.

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**The Hon. R. S. L. JONES:** That shows that the Minister is interested in the environment. Back Lake is a beautiful area on the coastline. I thought the community had lost that area but, thank goodness, the development application had expired and the Minister for Planning was willing to intervene. I should like to remind the House of the goals set out in the coastal development report. These goals were presented to communities up and down the coast in the last few days and were received with enthusiasm. There were minor alterations that are inconsequential, apart from the separation of the departments of planning and environment. Other than that, the report is essentially the same report as would have been issued by the two previous chairmen of the committee. I believe the report lays down excellent foundations for pro-active planning on our coastline. The goals of the coastal development report are:

- (a) to increase certainty, reduce conflict and better manage residual conflict in the coastal development process
- (b) to move to a more proactive system which provides more adequate guidance for the utilisation and maintenance of resources (allocative efficiency), and improves administrative efficiency
- (c) to establish a system which ensures that economic development in the coastal zone is ecologically sustainable.

A summary of the main points is as follows:

- \* Attainment of the goals will require changes to the present system.
- \* The committee recommends the establishment of a State Coordination Agency (to be vested in the Premier) to give effect to key aspects of the framework;
  - creation of a comprehensive "Vision" for the Coast
  - classification of coastal resources and natural assets according to conservation value
  - more effective coordination between government agencies
  - expansion of public participation
  - greater use of alternative dispute resolution processes
- \* River catchments are recommended as the basis for regional strategic planning and management.
- \* The Committee recommends that the State Government lobby for the introduction of a cooperative National Coastal Zone Management Program similar to that operating in the USA.
- \* Discussions should also be initiated with the Commonwealth Government with regard to options for establishing an entrepreneurial orientated coastal research and development facility.

The report is available to members who have not had the opportunity to read it. It is an excellent report and I hope that the Hon. Dr B. P. V. Pezzutti will confirm that during his contribution to the debate. I hope sincerely that this Government, which I understand is examining this issue through the Minister for State Development and Minister for Tourism, will introduce the recommendations contained in the report. That would replace existing Government policy and to a certain extent would make the Coastal Council somewhat redundant as it would have only a relatively minor advisory role. Members of the committee exhausted themselves over the past three years studying coastal issues. We are at one in the view that the coast is a priceless asset for the people of New South Wales and for future generations. The American Indians say that one should make decisions which take into account seven generations. We should bear in mind that the

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decisions we make now will affect seven generations, or about 150 years ahead. We should look at the coastline and ask ourselves what we want to see for our coast in 150 years' time.

What is our responsibility to future generations, not just of humans but also of the various species that live along the coastline, and the various ecosystems which are still intact? We believe that this Government took prompt action to provide an initial coastal policy; it was a start. One kilometre is the beginning. We hope there will be a great leap forward from the sea to the mountains to take into account what should be the entire coastal zone and that within four years the recommendations of the report will be implemented. In that case we would have performed our responsibilities as members of this House and members of the committee. We will have shown to the people of New South Wales that, whether we are members of the National Party, the Australian Democrats, the Australian Labor Party or the Liberal Party, we are at one in our desire to maintain the integrity of the coastline.

**The Hon. J. H. Jobling:** The joint committee consisted of members of all parties and it worked very well.

**The Hon. R. S. L. JONES:** The committee has worked extremely well over the past three years under different chairmen and with different members. We hope the deliberations of the committee have not been wasted and that the recommendations of the report will be accepted so that the coastline will remain possibly the most beautiful coastline in the world.

**The Hon. Dr B. P. V. PEZZUTTI [3.36]:** I wholeheartedly support this legislation. The Coastal Council was initially introduced in 1979 by the previous Government. Someone in that Government must have thought there was a need for the type of Coastal Council which was introduced at that time. The task of the council was to compile and maintain a register of coastal studies of significance. The principal task was to provide a reference database located in government for use by those concerned in coastal development. That is very sensible indeed. However, that council failed. As with so many of the bright ideas of the Wran years, it was not adequately resourced, nor did it have the power or the authority to require answers or to require other government agencies to take notice of it. Therefore, it was powerless. In 1985 Mr Carr simply decided to get rid of the council. He did not need its advice. He was not interested in co-ordinated or long-term planning, or the maintenance of a database. He was into piecemeal planning, just like his mates before him. I am sure that honourable members will know that on the North Coast there are two or three good Bedford blunders - the big high-rises that sit on the coast. They look ugly, they are ugly, and were an attempt to imitate what was happening across the border on the Gold Coast.

**The Hon. D. F. Moppett:** Wait until you see Carr's catastrophes.

**The Hon. Dr B. P. V. PEZZUTTI:** We call them Carr's castles. Some would be catastrophic, imaginary buildings. Then there was Cleary's catalogue. The genesis of Cleary's catalogue began the process of the inquiry which resulted in the tabling of the report "Coastal Planning and Management in New South Wales: A Framework for the Future". Since that time we have seen no Hay howlers, no Webster whoppers - nothing like it. This Government decided to move instantly to protect the coast by issuing a series of guidelines for councils. These guidelines frightened the councils away from doing anything spectacular until the Government had, for the first time, a good, solid  
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look at coastal planning as a complex issue. It took time. This is not something that happens overnight; it takes time.

In November last year the Government introduced a piece of legislation which was accepted not only in the report of the Standing Committee on State Development but also in the report of the House of Representatives Standing Committee on Environment, Recreation and the Arts, which was tabled in the Federal Parliament in April 1991. Mind you, I believe that committee took most of the substance from our report. Even so, it recognised that this was the first attempt by this Government at co-ordinated planning. In December 1990 the then Minister for Local Government and Minister for Planning recognised that this was the way to go and he instantly resolved to introduce legislation to rejuvenate the Coastal Council and make it more direct, more adequate and more effective.

That legislation lay on the table for consideration. Unfortunately, because of the impending election, it was never debated in this House. However, the Minister has now introduced subtly changed legislation, though it has the same thrust. This Government is not just rushing off with a bit of ad hockery; it is actually going to the trouble of developing its plan of action to resolve some of the problems. It is consulting with experts, it is drawing together people with power and authority to get the job done, and it is resourcing them appropriately.

The coastal policy, of which we are very proud, was the beginning of that process. But something like the Coastal Council was required to advise the Minister for Planning and Minister for Energy. In September 1990 the Department of Planning issued a circular to all local government councils. That circular stated that the department would appoint a body to perform certain tasks. That body's terms of reference are clearly enumerated in the report of the Standing Committee on State Development. They are:

- (a) to act as a co-ordinating forum by enabling consultation and information exchange between local government and state government departments on coastal planning issues
- (b) to ensure an effective and efficient level of co-ordination of the policies and activities of the government and public authorities on coastal land resources, including their orderly use and development
- (c) to provide advice, guidance and assistance to local government in the administration of its coastal planning and management responsibilities
- (d) to provide advice to the Minister for Local Government and Minister for Planning in the administration of their planning responsibilities in coastal areas, including advice on environmental protection and major development proposals.

How forward looking can we be? In going through this process of consultation the Minister's thought processes have been overcome by a much more ambitious task for the Coastal Council which is detailed in this legislation. I turn now to address the legislation in more detail. The coastal zone has had to be altered. As we go down the track we can see the Government's foresight in defining the coastal zone in a different way. This legislation goes even further than the coastal policy issued by the Government. The coastal zone does not exclude Sydney, Newcastle, and Wollongong. The coastal zone is defined as the entire State coastline, which is a slight advance on our coastal policy of November last year. Schedule 1(c) to the bill states:

The Minister for Planning may, by order published in the Gazette, adjust the western boundary of the area referred to in paragraph (b) of the definition of "coastal zone" in subsection (1). The adjusted boundary is to follow the line of such road, railway, watercourse, watershed or

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other topographical feature, or property boundary, on either side of the western boundary as the Minister considers appropriate to more conveniently define that western boundary.

As we get more and more knowledge it will be possible for the Minister to determine where he wants planning activities to begin and end. Specifically, this legislation will allow the Minister to determine those things that will have an impact on coastal planning. This is a step forward from the original proposal. In addressing this issue the Hon. R. S. L. Jones referred to a disagreement amongst members of the committee about whether we should have a Minister for Planning or a Minister for environment and planning. I simply have to put the facts on the record. The Environmental Planning and Assessment Act is the responsibility of the Minister for Planning, whose designation used to be Minister for Environment and Planning. The Director of the Department of Planning, Ms Kibble, is the same person who was responsible for the Environmental Planning and Assessment Act under the Minister for Environment and Planning. She has precisely the same staff and precisely the same responsibilities. This Government has recognised the need for a Minister for environmental protection to supervise and police the standards which will be set. The Minister for environmental protection will set the standards and police them and the Minister for Planning will get on with the business of doing it. There will be no internal conflict between the Minister for Planning and the Minister for environmental protection.

This clever Government is determined to look after the environment. It is determined to make the best possible plans and ensure that those plans do not exceed certain standards. I believe the Opposition and the Democrats fail to understand this issue. I put it clearly on the record that this is vitally important. I turn now to address the membership of the Coastal Council. I am as suspicious of interdepartmental committees as the Hon. R. S. L. Jones. However, I was astonished, surprised and delighted that the people who will be on the Coastal Council are, amongst others, the Director of Planning or an officer of the Department of Planning, the Director of the National Parks and Wildlife Service or an officer of the National Parks and Wildlife Service, an officer from the Office of Fisheries, the Commissioner of the Soil Conservation Service from the Department of Conservation and Land Management and an officer from the Department of Conservation and Land Management to be nominated by the Minister. Another member of the Coastal Council is to be the General Manager of the Tourism Commission. So we are going for the high-flying, powerful -

**The Hon. J. H. Jobling:** Top of the tree.

**The Hon. Dr B. P. V. PEZZUTTI:** - top of the tree people; not agents or individual officers but top of the tree people. Other members of the Coastal Council are to be an officer from the Public Works Department, an officer from the Department of Local Government and Co-operatives, an officer from the Department of Mineral Resources, the Director of the State Pollution Control Commission and a person to be nominated by the Nature Conservation Council.

**The Hon. R. S. L. Jones:** It is a director or an officer.

**The Hon. Dr B. P. V. PEZZUTTI:** The legislation states that these members should be directors or officers of departments. The Minister is seeking top advice from people who can get the information for him in a timely fashion. Other members of the Coastal Council will be people with expertise in coastal management. If these people are not nominated early the Minister can appoint the people he wants. The level of  
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importance that the Minister places upon the composition of the Coastal Council is reflected in the legislation. The Minister believes this should be a powerful, highly regarded committee to advise and guide him on the process of coastal planning. That process can be expanded as we become more knowledgeable about it. I am delighted that the legislation provides for coastal research. Proposed new sections 38 and 39 reflect the importance that the Government places on its role in the coastal planning process. That importance is totally supported by the report of the Standing Committee on State Development, which I tabled in the Parliament six weeks ago. The reconstitution of the Coastal Council is important, and obviously the Government believes that coastal planning is important. The Government intends to undertake that planning in a steady, controlled, sensitive and sensible way, with the assistance of the community. I totally support the legislation.

**Reverend the Hon. F. J. NILE [3.51]:** I place on record the support of the Call to Australia group for the Coastal Protection (Amendment) Bill (No. 2). The object of the bill is to amend the Coastal Protection Act 1979 with regard to replacing the definitions of "coastal region" and "coastal zone" with a new definition of "coastal zone", to reconstitute the Coastal Council of New South Wales, to consolidate and revise the functions of the Minister for Public Works, and to make other minor changes. We support the strengthening of the coastal region legislation. I ask the Minister whether, in the one kilometre zone, there will be a blanket limit on the height of buildings to be erected, say to one or two storeys. We support proposed section 9, which provides for the membership of the Coastal Council. Ten of the members are to be persons who are either the heads or officers of the Department of Planning, Office of Fisheries, the Soil Conservation Service, the Department of Conservation and Land Management, the Public Works Department, the Department of Mineral Resources, the Department of Local

Government and Co-operatives, the National Parks and Wildlife Service, the Tourist Commission and the State Pollution Control Commission. Of the remaining members, three are to be members of local authorities within the coastal zone, one is to be a person nominated by the Nature Conservation Council of New South Wales, and the other is to be a person having expertise in coastal protection. That membership will constitute an expert committee to monitor coastal development. The Hon. R. S. L. Jones was suspicious of the Coastal Council and whether it would achieve its purposes. Listening to him I was reminded of recent developments within the Australian Democrats which show that all light and wisdom does not vest within that organisation.

**The Hon. R. S. L. Jones:** On a point of order. Reverend the Hon. F. J. Nile's comments about the Australian Democrats are absolutely irrelevant to the bill.

**Reverend the Hon. F. J. Nile:** On the point of order. The Hon. R. S. L. Jones questioned whether the council could perform its duties and whether it could be trusted. My point was that the members of the council may well be more trustworthy than members of his organisation.

**The PRESIDENT:** Order! No point of order is involved.

**Reverend the Hon. F. J. NILE:** The legislation provides for a balanced and fair composition of the Coastal Council. The Parliament will have the opportunity to monitor the activities of the council. There is no doubt, given the public's heightened concern for the environment, that there is much public interest in coastal development within this State. I am certain that the council will be responsive to that concern.

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**The Hon. R. J. WEBSTER** (Minister for Planning and Minister for Energy) [3.54], in reply: I thank the Hon. Delcia Kite, the Hon. Patricia Forsythe, the Hon. R. S. L. Jones, the Hon. Dr B. P. V. Pezzutti and Reverend the Hon. F. J. Nile for their contributions to this debate. Before I quickly summarise my reply I shall refer to various points raised by honourable members. The Hon. Delcia Kite said that the metropolitan councils in Newcastle, Sydney and Wollongong will not be subject to this legislation. Clearly she and the person who wrote her speech should know that Sydney councils already are implementing most of the measures relating to coastal protection. For Botany Bay and other areas special planning measures that are in place go well beyond the role of a coastal council in the protection of the coastline. There is nothing to stop any council in the Newcastle, Sydney and Wollongong areas adopting these coastal policy principles. Sutherland council has already done that. This legislation is about establishing the Coastal Council as a coastal advisory body to the Minister. That was the only point of any consequence raised by the Hon. Delcia Kite.

The Hon. R. S. L. Jones spoke of the one-kilometre zone. The area to one kilometre west of the coast is considered to be the most significant section of the coast, as it is subject to the greatest development pressures and interfaces with the marine coastal processes. Obviously we need to concentrate the Coastal Council's role and responsibility to better utilise its resources rather than broaden its role and diminish its effectiveness. As I said to the Hon. R. S. L. Jones, I will see how the legislation works and whether the one-kilometre zone should be extended. Clearly these amendments will improve the present legislation. For the benefit of the Hon. R. S. L. Jones, local government membership on the council will be by the nomination to the Minister of six council officers elected by the Local Government and Shires Association from whom I shall select three. To correct the Hon. R. S. L. Jones' comments about the commission of inquiry into the Look At Me Now Headland, I am pleased to inform him that that inquiry was commissioned by the former Minister for Planning and Environment, the Hon. Bob

Carr, prior to the 1988 election. The recommendations of the inquiry were submitted to the Coffs Harbour City Council and that council has now implemented those recommendations.

Obviously the bill is substantially the same as that introduced prior to the May election. In 1988 the Government decided to re-establish the Coastal Council of New South Wales. The council had operated until 1985, when Bob Carr, now the Leader of the Opposition, failed to reappoint it. In March 1989 this Government established the coastal committee as an interim measure. This legislation will increase the membership of the Coastal Council from 10 to 16 to allow wider representation. In Committee I shall move an amendment to ensure that the representation is even further balanced, by the inclusion of an additional ministerial nominee. Once the Coastal Council is reconstituted it will be responsible directly for the implementation and monitoring of the Government's coastal policy. I remind the House that we are the only government in Australia to have a coastal policy. The coastal zone will be one kilometre wide, but obviously it will be subject to continuing review. I commend the bill.

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

**The House divided.**

**Ayes, 20**

Mr Bull  
Mrs Chadwick  
Mr Coleman  
Miss Gardiner  
Mr Gay

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Dr Goldsmith  
Mr Hannaford

Mr Jobling  
Mr Moppett  
Mr Mutch  
Mrs Nile  
Revd F. J. Nile  
Dr Pezzutti  
Mr Pickering

Mr Samios  
Mrs Sham-Ho  
Mr Rowland Smith  
Mr Webster  
*Tellers,*  
Mrs Forsythe  
Mr Ryan

**Noes, 19**

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

Mr Johnson

Mr Jones  
Mr Kaldis  
Miss Kirkby  
Mrs Kite  
Mr Manson  
Mr Obeid  
Mr Shaw

Mrs Symonds  
Mr Vaughan  
Mrs Walker

*Tellers,*  
Ms Burnswoods  
Mr O'Grady

**Pair**

Mrs Evans

Mr Macdonald

**Question so resolved in the affirmative.**

**Motion agreed to.**

**Bill read a second time.**

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

#### **QUESTIONS WITHOUT NOTICE**

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#### **TOBACCO-RELATED ILLNESSES**

**The Hon. M. R. EGAN:** My question without notice is directed to the Minister for Health and Community Services, in his own capacity and as Minister representing the Minister for Health Services Management. I ask the Minister what the impact of tobacco-related illnesses is on the cost of running the New South Wales health repositories?

**The Hon. J. P. HANNAFORD:** As I indicated in answer to a question yesterday the impact on health of drugs, alcohol and tobacco together is several billion dollars nationwide. I do not have the figure for the breakdown of tobacco alone because there are many related illnesses. I am pleased the honourable member has an interest in this subject as he is a smoker, a victim of the drug and is greatly concerned. This question is relevant and members would doubtless like to know the answer. I sought to give the House a global figure yesterday. The impact on health is quite significant. As the honourable member would be aware the Government is addressing a number of issues. Only this week I launched a nurse education program. This is because many people are

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being admitted to hospital with a number of different drug-related illnesses and nurses are at the frontline of the delivery of services. One of the problems is that the nurses want support to

encourage people to address the use and abuse of drugs. A number of hospitals and other health areas now have programs that give nurses training and support in this regard. However, throughout the health system no training or support program has been in place. That was something the nurses wanted. We have put together a group of people who have developed training strategies which will be further developed by each of the health and hospital areas. The nurses will benefit from that. The problems in which the honourable member is interested are being addressed by the Government. I shall try to get the specific figures and make them available tomorrow.

### **INDONESIAN FIRE MANAGEMENT ADVISORY GROUP**

**The Hon. Dr B. P. V. PEZZUTTI:** I ask the Minister for Police and Emergency Services and Vice-President of the Executive Council whether the Federal Government recently asked the Department of Bush Fire Services to send a team of experts to Indonesia to advise the Indonesian Government on fire management. What is the outcome of that visit?

**The Hon. E. P. PICKERING:** The Hon. Dr B. P. V. Pezzutti, like every member of this House, is proud of the work done in New South Wales by the volunteer bushfire brigade movement. I can confirm for him that such a request was made and that last month a team visited Indonesia to advise the Indonesian Government on some fire management problems being experienced over there. Among those problems were significant levels of smoke pollution and greatly reduced visibility caused by large fires burning out of control in Indonesia. The team from Australia visited Indonesia between 18th and 25th October. During that time visits were made to various parts of the country, including a major forest plantation. The team also had discussions with government personnel, representatives of the armed forces, local forestry workers and firefighters. The team presented a series of conclusions and options for improved management of fires and smoke reduction. These should prove of great value to the Government and citizens of our nearest geographical neighbour.

For the information of the Parliament and the public it is appropriate to name each member of the eight-man team. These people are experts in their field and at the instigation of our national Government have performed a very important service for the Indonesians. The members of the team were as follows: Mr Tony Gates from the New South Wales Department of Bush Fire Services; Mr Bill Jackson from the Forestry Commission; Mr Murray Bird from the New South Wales Mines Rescue Service; Mr Keith Simpson from the Warringah Shire Council; Mr Michael Watts from the New South Wales Department of Bush Fire Services; Mr John Travers, also of the New South Wales Department of Bush Fire Services; Mr Bob Schofield of the Hornsby Shire Council; and Mr Keith McKellar of the Blue Mountains City Council. The Director-General of the New South Wales Department of Bush Fire Services, Mr Koperberg, advises me that as a result of the efforts of this team the reputation of New South Wales has been greatly enhanced as a State willing and able to assist its neighbours by sharing its expertise in bushfire services.

### **PRISONER RAYMOND JOHN DENNING**

**The Hon. B. H. VAUGHAN:** I ask my question without notice of the Minister for Police and Emergency Services and Vice-President of the Executive Council, representing the Attorney General. Will the Minister ascertain who arranged for the

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early listing of the application for parole by Raymond John Denning before Mr Justice Wood in April 1991 when it was known that the evidence he gave in Mr Tim Anderson's case at first instance was to be considered by the Court of Criminal Appeal in the following June, that is, June of this year?

**The Hon. E. P. PICKERING:** I shall certainly pass that question on to my learned colleague the Attorney General. This matter is exciting public interest. I have noted comments

in the newspapers and am aware of the question asked yesterday by the Deputy Leader of the Opposition which has gone to the Attorney General. I have also asked my department to look into aspects of this matter. In the very near future I hope to burden the House with some answers in that regard. In order to assist, it is my understanding that Mr Denning will be going into a witness protection program when he leaves the Department of Corrective Services. Under the circumstances I should have thought that as a condition of his release he should go into the care of such a service which will guarantee his availability for any other legal proceedings that might be pursued in the future. I do not profess at this moment to be thoroughly briefed on the matter. I intend to be and will probably direct some comments to honourable members in the Chamber tomorrow from the point of view of my own jurisdiction, and hope to have the answers from the Attorney General in the near future.

#### **STANDING COMMITTEE ON SOCIAL ISSUES REPORT "DRUG ABUSE AMONG YOUTH"**

**The Hon. ELAINE NILE:** My question without notice is addressed to the Minister for Health and Community Services. Is it a fact that the excellent 1990 report of the Legislative Council Standing Committee on Social Issues entitled "Drug Abuse Among Youth", concerning the horrific, harmful effects of tobacco and alcohol is at present in limbo because of the May 1991 State election? Will the Minister issue an urgent reference to the committee so that this invaluable and comprehensive report can be resubmitted to the House for debate and implementation of its excellent recommendations?

**The Hon. J. P. HANNAFORD:** The report to which the honourable member referred is being considered by my department with a view to advising me on the implementation of the recommendations. In regard to the other issue raised by the honourable member, if the committee wishes to continue with the inquiry, it has many issues remaining on its agenda. However, if the committee is able to continue considering this issue I shall consider the reference. The important question is the implementation of the recommendations made by the committee. I assure the honourable member that those recommendations are being examined.

#### **CONFIDENTIAL ELECTORAL INFORMATION**

**The Hon. ELISABETH KIRKBY:** My question without notice is addressed to the Leader of the Government in this House, the Minister for Police and Emergency Services and Vice-President of the Executive Council. Is he aware that the Federal Minister for Administrative Services, Senator Nick Bolkus, today stated in answer to Democrat Senator Karin Sowada that the State Electoral Office of New South Wales had illegally provided tapes containing confidential information about all voters to the Liberal Party and Labor Party immediately prior to the May election? Did the two parties use this information, including age - sex and postal address - to target voters during the campaign? Does each Liberal Party member of the Legislative Assembly now have a computer database containing this illegally obtained information on the voters in his or

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her electorate? What action will the Government take to prevent the Liberal Party and Labor Party from violating the privacy of the people of New South Wales for their own political ends?

**The Hon. E. P. PICKERING:** It will come as no surprise to the honourable member that I am unaware of any statement Senator Bolkus might have made to the Senate today.

**The Hon. Ann Symonds:** You were not interested in the redistribution?

**The Hon. E. P. PICKERING:** When I say I am unaware of anything that the Senator might have said today, that is a statement of fact. Therefore I cannot comment on the statement. However, assuming that the honourable member has quoted the Senator correctly, I shall have the matter drawn to the attention of the relevant Minister and provide an answer either today or tomorrow.

## SCHOOL EARLY LEAVERS PROGRAM

**The Hon. HELEN SHAM-HO:** I address my question to the Minister for School Education and Youth Affairs. The Minister has stated previously that the Government's helping early leavers program is assisting young people who left school early to enter training and find jobs. Will the Minister give the House a specific example of how a particular project has met the needs of disadvantaged young people in its local community?

**The Hon. VIRGINIA CHADWICK:** I thank the Hon. Helen Sham-Ho for her question and for her continued interest not only in the education of our young people but particularly in the education of young people who are disadvantaged and are likely to leave school early and not go on to further training or employment. The helping early leavers program, or HELP, has been of great benefit in addressing the needs of this group of young people. It is a basic literacy, numeracy and self-esteem program for educationally disadvantaged young people who have either left school early or who have been identified as being at risk of leaving school early. The program is an initiative of this Government and, since its inception in March 1989, some \$5.7 million has been allocated to about 151 community-based projects throughout New South Wales. More than 7,000 young people have participated in a HELP program, with 64 per cent of those who left school early having gone on to further education training or employment. Some may ask whether a 64 per cent success rate is such a remarkable achievement. As the very target group that has been identified are those young people who have fallen through the holes in the safety net or who have been identified as being at grave risk of falling through the holes in that educational and training safety net, we realise that to have achieved overall a 64 per cent success rate is an absolutely remarkable and commendable achievement.

I give one example of the success of the project. The HELP project conducted by the Hornsby Shire Council is, in my view, an absolutely outstanding example of successfully reaching an extremely difficult target group and providing it with some of the skills, direction and self-confidence that will be required to improve options in life. Some 100 disadvantaged young people aged 19 years or less have enrolled in the Hornsby HELP courses since they commenced. The success which has been achieved with these participants is remarkable when one considers their background. In the last 12 months half of all participants were young offenders. Almost a third were either homeless or living in refuge accommodation. The great majority were from single parent families.

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In terms of the highest level of schooling, two-thirds had not completed year 10, with more than half of them having left before the completion of year 9. Over the last year, three-quarters of these young people have completed the Hornsby HELP program and two-thirds of them have either gone back to school or onto other forms of training. Many of these people are undertaking technical and further education courses.

**The Hon. Ann Symonds:** How many got a job?

**The Hon. VIRGINIA CHADWICK:** A further 15 per cent progressed to employment, to answer the question of the Hon. Ann Symonds. No doubt, if we were not in the middle of the recession that colleagues of the honourable member insisted we had to have, we may have increased that percentage. Eighty percent of Hornsby participants have achieved positive outcomes that would not have been possible without that program. I give an individual example of this success, that is, of a young woman whom I will not personally identify as she was a young offender. I will call her by an initial, namely, "S". She was 17 years old when she started the HELP course. She left school when she was in year 7 and had severe emotional problems. In spite of having had little schooling she has a natural aptitude for mathematics. The project applied on her behalf for entry to study computer technology at TAFE, which is a two-year full-time course. Since beginning that course, the young woman in question has constantly topped

her course in every assignment and in fact has topped her year. It is a very successful program indeed.

## **FIREARMS LEGISLATION**

**The Hon. R. D. DYER:** I direct a question without notice to the Minister for Police and Emergency Services and Vice-President of the Executive Council. Having regard to the unfortunate abandonment of the proposed Special Premiers Conference in Perth, will the Minister advise the House of what progress he believes it is now possible to make regarding uniform gun law reforms at the alternative conference the State Premiers are now to have in Adelaide?

**The Hon. E. P. PICKERING:** The Hon. R. D. Dyer would be aware that a short while ago police Ministers throughout the nation met and were in great unanimity as to a proposal for uniform gun laws throughout the country. At the moment a subcommittee of the Police Ministers Conference is working on some of the detail, particularly with regard to the more precise definition of terms such as "good reason" for the ownership of firearms. It was proposed at the Special Premiers Conference that this matter be finalised as an agenda item. I am advised by the Premier that at the conference which will now occur in Adelaide, involving the Premiers minus the Commonwealth, gun laws will remain on the agenda. It seems to me that, with one possible exception, the Premiers will be able either to accept the recommendations of the collective police Ministers or to modify them. The only exception would be laws applicable to the Commonwealth. From memory, only two areas are of concern. One is to do with importation laws. I have absolutely no doubt that the Commonwealth will proceed in the direction agreed to at the conference.

The other is the more vexed question of the funding of any compensation scheme that might arise in the States as a result of the implementation of the new laws. I am pleased to say that there has been agreement between Ministers, including Commonwealth Ministers, in the last few days for the funding of compensation to be a joint responsibility of the Commonwealth and State governments. This approach recognizes that there should be compensation for any weapon that is made illegal under the proposed new laws, that

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was purchased legally and in good faith and was imported at that time under the Federal Government legislation. Under those circumstances, the Federal Ministers - namely, Senator Tate and the Attorney-General - have quite sensibly seen that the Federal Government has a moral as well a legal responsibility. That will need to be ratified by the Commonwealth and I imagine that that matter will be outstanding following the Adelaide conference.

One of my real concerns is that, as honourable members know, I have suspended the issuing of licences in New South Wales until 1st January. At the time that I brought in that suspension, I had imagined that I would have had in place all the changes necessary by that date. It is now clear that, given the time frame over which these results have been achieved, it is highly unlikely, if not impossible, for me to legislate on these matters before the new year. I now have to come to grips with what I will do. The suspension of the issuing of shooters' licences will probably extend well into the new year. I am thinking about that at the moment and will make some announcements in the near future.

## **FEDERAL INDUSTRIAL RELATIONS REFORMS**

**Reverend the Hon. F. J. NILE:** I direct a question without notice to 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. Is it a fact that the Federal Australian Labor Party Government has suddenly dropped its comprehensive industrial relations reforms after 18 months of detailed preparation by Senator

Cook because of a vote of opposition by the Australian Council of Trade Unions? What effect will this backdown by the Federal Government have on industrial relations in New South Wales in regard to employees under Federal awards, who will not have the benefits of and opportunities arising from the new New South Wales Industrial Relations Act?

**The Hon. E. P. PICKERING:** Reverend the Hon. F. J. Nile raises an important concern. It is clear that after three years of great difficulty in the Parliament of New South Wales we have been able to pass legislation, notice of which was given only today as having been proclaimed.

**The Hon. Judith Walker:** Because you got rid of Marie Bignold; that is how you did it.

**The Hon. E. P. PICKERING:** Is the honourable member complaining? The legislation allows this State to enter a new era in the world of industrial relations. There is no doubt in my mind that we will see progressively in New South Wales - and it will not occur overnight - a whole new atmosphere. Instead of a them and us atmosphere at the coalface, we will have a spirit of co-operation. A co-operative team spirit will develop, to the financial well-being of the people of New South Wales. The end result will be a very much larger cake for distribution to all. Those on the extreme left of the Labor Party who sit on the backbench and scream that this means more for the rich and less for the poor fail to recognise that when the team pulls together there is a better result for everyone. Unfortunately in Canberra the Government of the day is still under the control of the trade union puppets and still dances to the tune of the trade union movement. It is a pity because the Federal industrial relations legislation is not confined to the Australian Capital Territory or to the Northern Territory.

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[*Interruption*]

**The PRESIDENT:** Order! I am having difficulty hearing the Minister unless he shouts, and that is not a pleasant prospect.

**The Hon. E. P. PICKERING:** It is tragic that many workers in New South Wales are employed under Federal awards. In fact the coalmining industry operates under a Federal award. The enlightenment produced from the legislation passed by this Parliament will not flow through literally to the coalface of New South Wales. There we will still have the oppressive Federal laws, dictated by the puppets of the ACTU to their Canberra cohorts in the Federal Parliament who will continue to legislate in a way that brings about a disaster in this country. We have a depression - not a recession - which Mr Keating told us we had to have, and members opposite hold themselves out as the wise gurus who got it right. They could not have got it more wrong.

**The Hon. Dr Meredith Burgmann:** New Zealand has got it down to 17 per cent.

**The Hon. E. P. PICKERING:** We are talking about Australia and it is well and truly in trouble. If the honourable member is oblivious to that fact, she is oblivious to the fact that hundreds of thousands of young men and women do not have a job because of the economic conditions that the Federal Government imposed on this country. Much of that was brought about by the archaic mismanagement of the industrial relations system of this country because the Labor Party does not know how to dance to any tune other than the tune of the Australian Council of Trade Unions, which is about 50 years out of date. In New South Wales at long last we will have a difference in the near future, and we will be able to compare the New South Wales situation with the Federal awards to see who got it right.

## ELECTRICITY COMMISSION CONTRACTS

**The Hon. JENNIFER GARDINER:** My question without notice is addressed to the Minister for Planning and Minister for Energy. Is the Minister aware of reports that the State Electricity Commission of Victoria is hopeful of winning a major design and consultancy project for a power station in southwest China? How does this compare with the work being done by the Electricity Commission of New South Wales?

*[Interruption]*

**The PRESIDENT:** Order! I cannot make myself heard when giving the Minister the call. The Minister for Planning and Minister for Energy has the call.

**The Hon. R. J. WEBSTER:** I thank the Hon. Jennifer Gardiner for her first question in this House. I am sure it will not be her last. There is no doubt that economic growth in Asia has set off an unprecedented boom in demand for energy throughout the region. I am aware of one estimate by a World Bank expert that put the current demand for investment in energy resources in the region of more than \$30 billion a year. I am happy to report that the Electricity Commission of New South Wales is working in Asia to market its skills and expertise and to win major new contracts for the State. We are the largest producers of electricity from black coal in the South Pacific and we have a great deal to offer the world in the design, construction and operation of major power stations. Our power stations rank as among the most efficient in the world. The Electricity Commission, through its consultancy arm, Elcom Services, has won a number of contracts in the Asian market. Earlier this year the commission provided

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technical support to an Australian joint venture which has been seeking a contract to build a coal-fired power station in China's Guangdong Province. Also in China, Elcom Services has won contracts to train the power station operators from Beilungang power station and to conduct an institutional strengthening program for the Hua Neng Power Generation Corporation. In July a technical interchange agreement was signed with the Shandong Electric Power Bureau which plans to build a 2 x 600mW coal-fired power station with help from the World Bank. The first meeting as a result of this agreement has just been held and the Shandong Electric Power Bureau is now expressing interest in our help in training its staff in the running of this power station.

*[Interruption]*

**The Hon. R. J. WEBSTER:** Mr President, it is unfortunate that honourable members opposite continue to attempt to trivialise the achievements of New South Wales companies, particularly an organisation as vital to our economy as the Electricity Commission. I hope honourable members are listening intently to my answer because it is vital to the continued progress of New South Wales and to this State's continued pre-eminence as the number one State in Australia - the State with the best government, the best management and the best economic performance. It ill behoves honourable members opposite to continue to try to denigrate New South Wales, as they do through press releases and through comments in this House. They try to talk down New South Wales - to knock, knock, knock. Most members opposite would be unable to read economic indicators, but those of them who can should know that every economic indicator shows that New South Wales is performing better than any other State in this recession that the Hon. Ann Symonds' friend, Paul Keating, said we had to have.

**The Hon. Ann Symonds:** Take that back.

**The Hon. R. J. WEBSTER:** I will withdraw. I know the honourable member found that offensive. In Thailand, Elcom Services has been assisting the Electricity Generating Authority of Thailand with engineering advice in the design and construction of a black coal-fired power station to be built at Ao Phai near Bangkok. Elcom Services has also carried out environmental studies in Thailand sponsored by the World Bank and has entered a joint bid for transmission line work. In Malaysia, Elcom Services has won work including a plant audit of the first coal-

fired unit at the Port Klang power station, a review of power station training needs, as well as environmental assessments. Earlier this year the company tendered for engineering consultancy services for the construction of 2 x 500mW coal-oil-gas fired units for the third phase of the Port Klang power station. Winning this project will represent an important step for Elcom Services to consolidate its position in the area as an international power engineering consultant. Elcom Services is also pursuing consultancy work in the Philippines, Indonesia and Singapore and is looking to widen its marketing to other countries, including Korea and Taiwan, as opportunities arise. Elcom Services has also been involved with consortia seeking to build, own and operate privately financed power stations in the region. Success in these ventures will have important spin-offs for our State economy, raising the prospect of manufacturing contracts and coal sales. I hope every member in this House endorses those initiatives.

### **PITTWATER SHIRE COUNCIL ELECTION POLL**

**The Hon. J. W. SHAW:** My question without notice is directed to the Minister for Planning and Minister for Energy, representing the Minister for Local Government and Minister for Cooperatives. I refer to the Minister's observation in question time

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yesterday that the simple referendum question concerning the creation of a new Pittwater council was democratic. Was the poll conducted restricted to the A riding, being only 29 per cent of Warringah shire electors? Is it a fact that the target result for the poll set by the New South Wales Local Government Boundaries Commission - a majority of enrolled electors in the A riding - before a favourable recommendation would be made to the Minister, was not met?

**The Hon. R. J. WEBSTER:** I will seek an answer to that question from my colleague the Minister for Local Government and Minister for Cooperatives.

### **HAWKESBURY-NEPEAN RIVER SYSTEM TASK FORCE**

**The Hon. J. KALDIS:** I direct my question without notice to the Minister for Planning and Minister for Energy, representing the Minister for Conservation and Land Management. Has the Government's Hawkesbury-Nepean river system task force prepared a list of recommendations of future management options for this twin river system? What are these recommendations? Has the Government decided to adopt all the recommendations of the task force?

**The Hon. R. J. WEBSTER:** I will refer that question to my colleague in another place and get an answer as quickly as possible.

### **MARRICKVILLE YOUTH REFUGE**

**The Hon. Dr MARLENE GOLDSMITH:** Will the Minister for Health and Community Services advise the House of the funding levels for the young people's refuge at Marrickville? Will he address concerns about the future operation of that refuge?

**The Hon. J. P. HANNAFORD:** I know that interest has been expressed by honourable members in this matter, in particular, by the Hon. R. D. Dyer yesterday. The young people's refuge is the only youth service in the State which has received funding for six full-time staff. Its total allocation is \$241,834, including \$16,900 for rent. Only one service, that is, the Liverpool youth refuge, receives more funding - a total of \$320,189, which includes \$7,124 for rent. That service receives funding for 8.5 full-time staff. Other refuges provide similar services. Minto youth refuge receives funding for 5.5 full-time positions and it receives a total grant of \$235,557. Other services are funded. All other refuges, apart from three at Sutherland, Mount Druitt and Doonside, receive funding for fewer than five full-time staff. As I have indicated, the centre at Marrickville receives \$241,834.

**The Hon. Ann Symonds:** Have you seen what those women do?

**The Hon. J. P. HANNAFORD:** I am aware of the work that they are doing. The honourable member should just listen to my answer. It is interesting that this centre receives funding for six full-time staff.

**The Hon. Ann Symonds:** Have you been there?

**The Hon. J. P. HANNAFORD:** No, I have not been there yet. The youth refuge at Marrickville, which is the second highest funded facility in the State, is now asking for an additional \$90,000. That would mean that it would receive \$331,934 - a 37 per cent increase in funding.

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**The Hon. Ann Symonds:** What are you going to do about the award?

**The Hon. J. P. HANNAFORD:** I will come to the award in a moment. This refuge, which has six full-time staff, provides for six clients. It costs that refuge \$6,381 to operate at full capacity each week, but I am told that it is rare for it to operate at full capacity. So that costs more than \$150 per client per night. The Hon. Ann Symonds asked what this Government is going to do about the award. The award rate for all but one staff member at this centre is \$24,700. But if that centre was to appoint a co-ordinator and apply the award as it is intended people would be paid \$19,900. At present they are all being paid \$27,100, which is above the award. I indicated to the House yesterday that these people are not eligible to be paid at that award rate. But this refuge has chosen to allocate those funds and to pay staff members above the award rate. I indicated quite clearly yesterday that the refuge will not be closing. The facilities that are there will be maintained, even though I understand there are no children at the refuge at present and there have not been for some days.

*[Interruption]*

**The Hon. J. P. HANNAFORD:** I will address that issue. Yesterday I indicated to the honourable member that the network that operates determines the facilities to be provided. The refuge announced peremptorily that it was going to close on Monday. Obviously that has gone through the network and that decision is now being acted upon. I am concerned - I said yesterday that I was concerned - about the need for such a service. I intend to make certain that such a service is available.

**The Hon. Ann Symonds:** Under whose auspice will it be?

**The Hon. J. P. HANNAFORD:** The Sydney City Mission has indicated that it is prepared to accept it under its auspice. The honourable member would be aware that yesterday I indicated that I wanted this service to continue because I believe it is necessary. I have said to people at the refuge that if they are prepared to sit down, look at the management of that organisation and ensure that it is appropriately managed, this Government will look at providing additional funding, if it is needed. These problems must not be foisted on to those in need. I have sought approval from my ministerial colleague in Canberra, the Hon. Peter Staples, to transfer this service. I have little doubt that the majority of Opposition members will adopt this approach. It is necessary to keep this service operating. This service cannot be run in the way this organisation wishes to run it. Honourable members will appreciate that, when this sort of money is involved, my approach is appropriate in respect of all these organisations. The interests of the children are paramount.

**PRISONER TRUTH IN SENTENCING LEGISLATION**

**The Hon. R. S. L. JONES:** Is the Minister for Police and Emergency Services and Vice-President of the Executive Council, representing the Premier, Treasurer and Minister for Ethnic Affairs, aware that errors in sentencing as a result of new truth in sentencing laws have meant that many hundreds of prisoners have been given sentences which are one-third longer than that which was intended under the legislation? Is the Minister also aware that the prison population has ballooned as we predicted and that taxpayers are now paying tens of millions of dollars extra as a result of mistakes in convicted persons inadvertently being given longer than intended sentences? Will the Treasurer attempt to quantify the extra cost to taxpayers of the sentencing mistakes and ask the Minister for Justice to undertake a review of those prisoners sentenced since the

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truth in sentencing laws came into force with a view to reducing those sentences and thus saving a vast amount of taxpayers' money?

**The Hon. E. P. PICKERING:** One would be tempted to suggest to the honourable member that that sort of question should be placed on the notice paper. I shall refer the allegations to the relevant Minister. I sound a note of caution: we have become very much accustomed to the honourable member making allegations in this House which eventually in the cold light of day are found to be not correct. I remember being told recently that police officers were at Coffs Harbour - to quote the honourable member as best I can - illegally supporting a developer who was proceeding with a development that was the subject of a court injunction. I was somewhat taken aback by that bold assertion in this House. Obviously I would have been unhappy if my police were doing something of that nature. However, in the cold light of day I discovered that all that had happened was that an application had been made to the court, and the court was yet to decide upon it. That particular allegation proved to have no substance, as I suspect will the allegations made just now in this question. However, once again we will check them out.

#### **TAFE COMMUNITY LANGUAGE COURSES**

**The Hon. FRANCA ARENA:** I ask a question without notice of 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. Is it a fact that owing to the financial problems experienced by TAFE colleges, many of them are considering discontinuing the teaching of community languages, such as Italian, Greek, Mandarin and so on? In particular, is it a fact that Petersham TAFE, which has a proud history of language teaching, is in such financial constraints that it will discontinue all language teaching next year? Does the Minister consider this to be satisfactory? If not, what will the Minister do to remedy this unacceptable situation?

**The Hon. E. P. PICKERING:** I shall refer the question to the Minister for Further Education, Training and Employment. Today during question time in the other place I heard the Minister remark on the need for TAFE to direct its activities to particularly assisting young people to obtain employment. I am sure that all members would agree that there is such a need. From my experience I know how valuable TAFE courses are, particularly, say, the pre-apprenticeship courses, which are of enormous value.

**The Hon. Franca Arena:** Language courses also are of enormous value.

**The Hon. E. P. PICKERING:** I am not saying they are not. I am saying only that today I heard the Minister speak about the need to refocus TAFE courses to ensure that, given the devastating effects of the depression we had to have, people receive the maximum benefit to

assist them to return to the workplace. The Minister was questioning - no more than merely questioning - the effectiveness of a particular program. He asked members of the other place to take the time to visit their local TAFE colleges and make their own assessments. He drew attention to a course to teach people how to buy Christmas presents, and to a course on wine appreciation. No doubt they are nice activities. However, if I had to choose between providing a pre-apprenticeship course to a young person to enable him to become, say, a fitter and turner, or to teach wine appreciation, I know where I would spend the money; and I am sure other members would make the same decision. I have no knowledge of the detail of the question and I shall refer it to the Minister.

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## ENVIRONMENTAL PLANNING REVIEW

**The Hon. R. T. M. BULL:** My question is directed to the Minister for Planning and Minister for Energy. Has the Minister announced a review of the present environmental planning system in New South Wales? If so, why, and will there be widespread consultation before any changes are introduced?

**The Hon. R. J. WEBSTER:** I thank the honourable member for his question and for his continuing leadership as the chairman of my ministerial advisory committee on planning and energy. At the outset I would like to point out that the present environmental planning system, which was introduced in 1979, is widely acknowledged as being fundamentally sound. However, we need to be sure that the planning system will meet the needs of the 1990s. Last night at the presentation of awards for excellence by the Royal Australian Planning Institute I launched a discussion paper outlining possible reforms to the State's planning system. Entitled "Modernising the New South Wales Planning System for the 1990s", the paper was produced jointly by the Department of Planning and a technical advisory committee chaired by Professor John Toon of Sydney University's Department of Urban and Regional Planning. The key purpose of the paper is to stimulate discussion throughout the community. Wholesale changes to the environment planning process are not envisaged; rather, the paper is designed to act as a basis for fine-tuning. The importance of good environmental standards is of great concern to this Government and any changes to the system must recognise this. Looking at present and future trends, the paper says:

There are now more demands than ever before on the environmental planning system. Shortages of resources, especially in the physical environment are faced. More must be done with less.

The paper formally recognises the public's right to be consulted in the planning process, the determination of development and specialised environmental impact assessment. Put simply, the paper will seek to encourage the establishment of a wider variety of consultation mechanisms, which I am sure will be welcomed by the community. It also emphasises the need to increase flexibility, reduce complexity and boost the efficient operation of the system. I point out that it is only a discussion paper. The review canvasses ideas for reform, rather than putting forward definitive solutions. The paper has been preceded by a series of workshops with stakeholders, held in August. In addition, a number of written submissions were received. Now there is an opportunity for all interested parties to read and comment upon the paper during the next three months. Additionally, a toll-free number has been established for taped messages. The challenge is for all parties to contribute to achieving a planning system best suited to the 1990s. I have written to all members of both Houses enclosing a copy of the discussion paper and I would be most grateful for their submissions.

## ALTERNATE CARE PROGRAM FUNDING

**The Hon. ANN SYMONDS:** My question without notice is directed to the Minister for Health and Community Services. What is the membership and purpose of the ministerial committee of review which appears to be having an impact upon the functions of the Alternate Care Committee? Is it a fact that the Alternate Care Committee introduced three-year funding for agencies and that these agencies will be due for re-funding in October 1992? If the review recommends a change in the funding formula, when will the new formula be introduced? Is it the intention of the review that the non-government sector should assume a greater role in the care of State wards? Why

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have the findings of the review been pre-empted by private property and management consultants visiting departmental facilities and making recommendations on closures and sell-offs?

**The Hon. J. P. HANNAFORD:** The honourable member may have mixed up two committees.

**The Hon. Ann Symonds:** I may have. That is why I am asking the question.

**The Hon. J. P. HANNAFORD:** The honourable member should approach the parliamentary liaison officer in my office. I am aware that the honourable member has a real interest in this matter and my office staff are available to provide her with information on it.

**The Hon. Ann Symonds:** The Minister has said that previously, but I have never received information.

**The Hon. J. P. HANNAFORD:** The invitation has been extended; it is a matter of the honourable member accepting it. I assure her that my staff are available to talk to her about any matters of concern to her. I think that the honourable member is referring to a committee that I announced under the chairmanship of Father John Usher, who is also the chairman of the Alternate Care Committee. Father John Usher is undertaking a review of foster placements and the role and suitability of residential facilities under my administration.

**The Hon. Ann Symonds:** Departmental or non-government, or both?

**The Hon. J. P. HANNAFORD:** Departmental. They will be observing how non-government facilities compare and advising me on whether some issues need to be examined. After visiting a number of these centres I informed the House that I was concerned about the approach being taken to the placement of some of our wards. I directed my department to make foster placement a priority rather than the placement of children into these facilities. I announced that a committee would be established to review these placements and to determine whether we are providing adequate support for foster families, children in care and State wards. That committee was chaired by Father Usher and comprised Morri Young, Michael Chilcott, a representative from the department Mr Robertson, and a woman psychologist who is experienced in learning disabilities and difficult-to-manage children. An independent person was also on that committee to provide tempering of views and an independent input.

This committee will look at issues that have been drawn to my attention, in particular whether or not a number of these difficult-to-manage children in placement fall within a trend which it has been suggested to me may exist. Many of these children have significant remedial educational problems and many of their difficult-to-manage traits are related to their education. If those children enter our care we may use that opportunity better by providing them with some remediation to help them into other lifestyles. Father Usher's committee has been asked to

report to me by Christmas. Last Friday when I spoke to him he told me he hopes to be able to meet that timetable. The committee has visited a large number of institutions, including private institutions.

**The Hon. Ann Symonds:** Are the terms of reference of that committee available?

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**The Hon. J. P. HANNAFORD:** Yes, I shall ensure the honourable member receives a copy. I have circulated those to all organisations, put them on the record of the House and advertised them. The terms of reference are quite broad so as to ensure that we redress the level and nature of care and the support given to foster carers. One problem is that, on a number of occasions, children returning to institutions have been in foster care and those foster care relationships have broken down. We must ascertain whether that arose from our failure to properly select, or our failure to support or encourage them in understanding their roles.

**The Hon. Ann Symonds:** Are property consultants separate from that exercise?

**The Hon. J. P. HANNAFORD:** I have no knowledge of property consultants coming on to any of these properties.

**The Hon. Ann Symonds:** It could be another government agency that is assessing them?

**The Hon. J. P. HANNAFORD:** I ask the honourable member to inform me of that and I shall investigate the matter.

#### **CHILD PROTECTION ASSESSMENT AND INVESTIGATIVE FUNCTIONS**

**The Hon. DOROTHY ISAKSEN:** I ask the Minister for Health and Community Services a question without notice. Will the Minister give the House an assurance that the child protection functions of the Department of Community Services will remain an integral part of that department's operations; that the child protection assessment and investigative functions of that department will not be devolved to any other department; and that the number of field staff currently involved in child protection assessment and investigation functions will not be reduced?

**The Hon. J. P. HANNAFORD:** In answer to the first question about child protection functions being maintained as an integral part of the department, I give the honourable member that categorical assurance. A new division has been established. Jan Shire, who is known to those who have an interest in this area, has been appointed to head that division. I give an assurance also that the investigation and other related activities will not be devolved. I cannot say categorically that field staff will not be reduced. I also give the honourable member a categorical assurance that the services being provided and the level of service will not be reduced. The department has been completely reorganised and the role of field staff is being recategorised within the department.

Recently I looked at this issue and was satisfied by the department that the level of service being provided would not be reduced. I have a recollection that the level of staff in some areas has been altered and in other areas has increased. When field staff were originally established several years ago the issue was the level of education and training. Many were employed who did not have training. However, now the levels of training have been significantly increased. From recollection the majority, if not almost all, of these field staff now have academic qualifications and broad skills. The department formed the view in doing its assessment of levels of staff against required needs that, because field staff have additional

training, the level of support previously available may not be needed. However, some areas may need more support. If the honourable member wishes to be informed of the number of staff in each area working

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under the district officers, that information is available. A publication has been circulated on that matter and I am happy to make the information available to her, if it assists.

**The Hon. E. P. PICKERING:** If honourable members have further questions, I suggest they put them on notice.

### **TAFE VOCATIONAL COURSES**

**The Hon. E. P. PICKERING:** On 25th September the Hon. Elisabeth Kirkby asked me a question concerning technical and further education courses. The answer to the honourable member's question is as follows:

The Network Manager, Newcastle Urban College Network has publicly expressed the need for TAFE to focus on the provision of vocational rather than hobby or non-vocational programs. This is consistent with a key recommendation of the Finn Review (Pg 129) that stream 1000 courses be rationalised so that purely recreational courses are delivered by agencies other than TAFE. Courses which lead to viable and on-going employment and which result in the economic development of the city and its people must have a higher priority than non-vocational programs. This is particularly true in centres such as Newcastle where a viable and active range of other providers for non-vocational courses exist. Even in the areas of vocational programs such as the rigging course, prioritisation of resources must occur. The demand for such programs is extensive and Colleges are limited by the available qualified teaching staff. The unemployed have not been denied skills training, discriminated against or "barred" from vocational courses. Again, resources are limited and their allocation must be prioritised. In a centre such as Newcastle, there is only limited placement of students from such courses in viable employment. In these circumstances, College officers have tried to ensure that first priority for limited places is given to those who are already employed in the industry and who need such training to maintain their employment. A special training program targeted at the unemployed has been run at Newcastle which has provided not only rigging qualifications but the support required by the young unemployed to re-enter the employment markets.

### **LANE COVE RIVER FERRY SERVICES**

**The Hon. E. P. PICKERING:** On 23rd October the Hon. Elisabeth Kirkby asked a question concerning Lane Cove River ferry services. My colleague the Minister for Transport has provided me with the following answer:

This private sector-operated service was withdrawn because it was not viable. Passenger levels had declined and the operator was suffering a substantial loss on the service. The morning service referred to by the honourable member has significantly higher patronage than that experienced by the former 5.30 p.m. service. Contrary to the assertion by the honourable member fares are not determined by the Roads and Traffic Authority. They are determined by the Department of Transport.

### **SYDNEY HELIPORT**

**The Hon. E. P. PICKERING:** On 26th September Reverend the Hon. F. J. Nile asked me a question concerning the Sydney Heliport. My colleague the Minister for Transport has provided me with the following answer:

Tenders for the development and operation of a heliport at Pyrmont Wharf 8 were advertised on Monday 30 September, 1991. Tenders closed on Monday, 28 October, 1991. It is estimated that the tendering process, selection of operator, and the preparation and assessment of the environmental impact statement will be completed around April, 1992. The cost of operating the facility will be the responsibility of the successful tenderer.

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It has been estimated that there would be an initial demand in the order of 15 to 18 helicopter flights per day.

There is a special helicopter corridor down the harbour which provides flight paths over water. As such, landings and take offs will be essentially over water and away from high rise buildings. Helicopters will only be allowed to use the facility during daylight hours, except in emergencies and all helicopters will have to meet the current Australian standard (AS 2363-1990) for noise. In addition, no joy flights will be allowed.

Any environmental impacts will be addressed during the environmental assessment process.

The successful tenderer will be responsible for all improvements, services or modifications to the site which may be necessary to enable operation of the heliport. This shall include installation of any additional fencing to ensure security of the site and the removal of any unnecessary fencing, light poles, or the like.

#### **CHELMSFORD PRIVATE HOSPITAL PATIENT COMPENSATION**

**The Hon. E. P. PICKERING:** On 25th September Reverend the Hon. F. J. Nile asked me a question concerning Chelmsford hospital victims compensation. The Attorney General has informed me as follows:

In response to the first question, the Victims Compensation Tribunal did grant compensation to a victim from Chelmsford Hospital for criminal assault in that on 5 July 1991, a former patient was awarded the maximum amounts of \$40,000 for pain and suffering and \$10,000 for loss of income; in response to the second question, the Victims Compensation Tribunal does not grant compensation to victims of medical malpractice or negligence; and in response to the third question, the issue of ex-gratia payment is a matter for the Premier.

#### **EASTERN CREEK RACEWAY GRANDSTAND**

**The Hon. E. P. PICKERING:** On 24th September the Hon. A. B. Manson asked me a question concerning stands at the Eastern Creek Raceway and a private employment agent's licence. The Minister for Industrial Relations and Minister for Further Education, Training and Employment has advised me as follows:

The WorkCover Authority is not aware that the type of temporary public stands erected at Eastern Creek Raceway had a history of being unsafe.

Under the Construction Safety Regulation 157 (H) (1), the owner of a temporary public stand or the person in charge of a temporary public stand must obtain the approval of the local council prior to any temporary public stand being erected.

In particular, Regulation 157 (H) (2b) states that, before allowing a temporary public stand to be erected, the council shall satisfy itself by inspection that all members, components, parts, linkages and attachments of the stand have been securely fixed in position and are free from any patent defect which might be a source of danger.

As the stands were temporary and have been dismantled, it is unknown what type of structure will be erected on the site in future.

Under the Construction Safety Regulation 157 (H) (1a) the owner of a temporary public stand or the person in charge of a temporary public stand must obtain a contract of insurance or indemnity to an amount of not less than one million dollars.

In general, the issue of local councils obtaining insurance cannot be answered by WorkCover. WorkCover is not aware that there was a problem with the local council obtaining insurance for the Eastern Creek site.

WorkCover understands that an insurance policy of five million was taken out by the person contracted to erect the public stands at Eastern Creek.

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WorkCover believes that the current legislation governing the safety of temporary public stands is adequate and does not require amendment.

#### **COURT OF APPEAL FILING FEE**

**The Hon. E. P. PICKERING:** On 12th September the Hon. J. W. Shaw asked me a question concerning fees in the Court of Appeal. The Minister for Justice has advised me as follows:

- (1) The Government agrees that the Courts should be accessible to ordinary citizens. The Government has only recently taken positive steps to increase the accessibility of ordinary citizens to the Courts, by introducing the Small Claims Division of the Local Court. The Local Court currently hears the majority of all cases in the civil court system. In the Small Claims Division of this Court, procedures have been streamlined, legal costs have been greatly restricted and the hearing of cases has been expedited. It should be understood that it will be the ordinary citizen who will benefit from these initiatives.
- (2) The Government has set a filing fee of \$1,500 in the Court of Appeal but this has not restricted access to that Court. Fee revenue currently represents a very small proportion of the total cost of running the court system. The Government has in recent years been injecting significantly increased funds into the Court system to improve services to litigants and reduce delays in the face of ever-increasing filings. The courts are consuming a disproportionately larger share of the State budget than has been the case in the past, and consonant with this increase in State funding, it is appropriate that those litigants who can afford to do so be asked to contribute a little more to the cost of settling their private disputes than they have been hitherto.
- (3) The greatest deterrence to the filing of an appeal with merit by person without means, is the prohibitive cost of instructing senior counsel and other legal advisers to pursue such a course of action. In addition, there is a Suitors Fund which reimburses litigants in respect of appeals to the Court of Appeal where that Court overturns a lower court judgment. Both the applicant and respondent can be expected to be reimbursed the cost of a successful appeal.

## LAW REFORM COMMISSION REFERENCES

**The Hon. E. P. PICKERING:** On 22nd August the Hon. J. W. Shaw asked me a question concerning references to the Law Reform Commission. The Attorney General, Minister for Consumer Affairs and Minister for Arts has advised me as follows:

- (1) In 1988 two of four requests for terms of reference were approved. In 1989 no requests were made by the NSW Law Reform Commission for references. In 1990 three requests for terms of reference to the Commission were approved out of a total of five.
- (2) However, during 1988-89 work on ten terms of reference was completed. This followed a suggestion by the former Attorney General that efforts be made to finalise references which had been outstanding for some time. Since June 1989 work on four further terms of reference has been completed.
- (3) Yes, in its 1990 Annual Report.
- (4) I have approved five terms of reference for the Commission: reform of the law relating to the right of adjoining landowners to support from adjacent land; blasphemy; methods of enforcement of pollution legislation; review of conspiracy, complicity, attempt and common law crime; and

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intellectually disabled and the criminal justice system.

## POWERHOUSE MUSEUM ATTENDANCE

**The Hon. E. P. PICKERING:** On 29th October the Hon. Ann Symonds asked me a question concerning the Powerhouse Museum. The Attorney General, Minister for Consumer Affairs and Minister for Arts has advised as follows:

- (1) No. Attendance statistics prior to the introduction of charges were not known with certainty, and were probably unintentionally inflated in an excess of promotional and managerial zeal. The museum's management estimated a fall of up to 60%, but no estimate can be relied upon. The museum has also noted that attendances in the months immediately prior to the introduction of charges had already fallen, and that such trends are not unique to the Powerhouse. Other cultural institutions not charging for entry (such as the Australian Museum) have also experienced falls of comparable dimensions in visitor numbers. (At Taronga Zoo, where charges are roughly double those of the Powerhouse, attendances have increased.)

The director of the Powerhouse believes that charges do not fully explain trends in visitor numbers, and that other influences (such as the current Guggenheim exhibition) have contributed. Generous concessions, such as a free day on the first Saturday of each month, should help sustain visitor numbers in the longer term.

The management and trustees of the Powerhouse will monitor these trends closely. If charges prove to be financially counter-productive, it would not be expected that they would be maintained. Charges are not mandatory, but an option for management at a time of reduced government outlays across all areas of expenditure.

- (2) Yes. By contrast, the previous Government in 1987 has decided to introduce entry charges for all cultural institutions commencing in 1989.
- (3) The marketing, sponsorship, visitor services and public relations roles formerly fulfilled by the communications division will in future be undertaken by either the collections or administration divisions or by the museum's directorate. The restructuring of the museum staff (under which three of a total staff number of 373 positions have been deleted) does not mean that these functions will no longer be carried out, but that they will be undertaken differently and more effectively.
- (4) It is the view of the museum's board of trustees and management, having given this matter deep consideration, that a separate division (planned in a different and relatively luxuriant financial climate), is not the most effective way to communicate the museum's collections. Of all the cultural institutions in New South Wales, only the Powerhouse has had a separate communications division.

The commercial activities of the division will be appropriately absorbed by the museum's administration, which already has responsibility for other commercial functions. With the transfer of community services to the collections division, there should be a greater integration of the interpretation and communication of the museum's collections.

### **POWERHOUSE MUSEUM STAFFING**

**Mr PICKERING:** On 1st November the Hon. Ann Symonds asked me a question concerning the Powerhouse Museum staffing. The Attorney General, Minister for Consumer Affairs and Minister for Arts has advised me as follows:

- (1) The Board of Trustees of the Museum of Applied Arts and Sciences, on the advice of the Director of the museum.
- (2) The trustees of the Powerhouse approved the deletion of three positions from the museum's total staff number of 373 positions, as part of the restructuring.

The Secretary of the Ministry for the Arts' approval was obtained to delete one of the three positions, namely the SES position of Assistant Director, Communications.

- (3) The marketing section has not been disbanded. The position of marketing manager has been deleted, but the section's staff of 11 will continue to fulfil their marketing role as part of the directorate and administration division.

- (4) The Director has advised staff that the museum will need to reduce expenditure and staffing.

The present restructure has been undertaken with a view to improving the museum's marketing, public relations, community services and sponsorship activities and not primarily as a cost-saving measure.

- (5) There has been no "assault on the structure of the Powerhouse museum". The Board of Trustees were concerned that the effectiveness of the museum in the area of marketing and communication was not being maximised, that the communications division was top-heavy and that the management of these functions could be absorbed by the two other Assistant Directors or the Director himself.
- (6) No. The restructuring of the Museum is being dealt with by the Board of Trustees who have acted in the best interests of the Museum.

### **IRON GATES DEVELOPMENT**

**The Hon. R. J. WEBSTER:** On 1st November the Hon. P. F. O'Grady asked me questions concerning the Iron Gates development. The answers to the honourable member's questions are as follows:

- (1) Yes.
- (2) The Environmental Impact Statement for the proposal states "the route to be used will generally follow the existing vehicle tracks (within) the area classified as wetland 146". The necessary "upgrading would take the form of grading, minor filling of hollows and levelling of humps". The EIS assesses the impact of the use and upgrading of the tracks as minor.
- (3) Yes.
- (4) The Department of Planning determined that the proposal did not require consent and concurrence under State Environmental Planning Policy No. 14 - Coastal Wetland. This is because the proposal does not involve the clearing of wetland vegetation, or the filling, draining or leveeing of a wetland.

I understand that an appeal by the Lismore Greens has been lodged in the Land and Environment Court against Richmond River Shire Council's approval of this development application. It is therefore inappropriate for me to discuss the matter further.

### **PUBLIC WORKS DEPARTMENT APPRENTICESHIPS**

**The Hon. R. J. WEBSTER:** On 23rd October the Hon. A. B. Manson asked me a question concerning Public Works department apprenticeships. The Deputy Premier, Minister for Public Works and Minister for Roads has advised me as follows:

The Public Works Department employed three apprentices at Newcastle and two at Lismore in January 1991. In addition the Department is involved in the formation of an apprentice training program for Aborigines at Corindi, north of Coffs Harbour.

Only one apprentice is to be recruited in the North Coast area in 1992.

Historically, PWD has been a large employer and has contributed to training within the Industry. The apprentices trained have included many disabled and aboriginal people. As work has been transferred to the Private Sector the size of the Departmental workloads has decreased and consequently so have apprenticeship numbers.

The Department is concerned about the need for training future tradespeople and consequently has a requirement for all contracts exceeding \$250,000 and involving at least 2000 hours of trade labour (for a single trade) that contractors and sub-contractors must maintain a ratio of at least one registered apprentice to every four tradespeople.

Conscious of the need to maintain a trade facility within the industry and to provide a core of tradespeople from which the Department can draw for its future needs, the Department is developing a proposal that will maintain the existing level of apprentice employment. The proposal sees the Department working with the smaller Private Sector builders and allowing them to draw upon Apprentices within the PWD.

This will not only allow the desired ratio of tradespeople within PWD work force to be exceeded but would also provide additional jobs and opportunities for PWD apprentices to be exposed to the Private Sector.

The additional apprentices would be drawn from either school leavers or apprentices who have lost their position in the downturn within the industry.

In summary, despite the transfer of work to the private sector, the Public Works Department is addressing the need for providing jobs and training future tradespeople in the State of New South Wales.

## LEGISLATIVE COUNCIL RESEARCH OFFICERS

**The PRESIDENT:** Order! On 30th October last I was asked a question by the Hon. J. H. Jobling. The answer to the question is lengthy but I do not propose to seek to have it incorporated in *Hansard* as it raises a number of very important matters and principles which I believe should be carefully noted by this House and the Executive Government. The Hon. J. H. Jobling asked me a question relating to the deployment of research assistants allocated to the Australian Labor Party members of the Legislative Council in the Forty-ninth Parliament and in the Fiftieth Parliament until recent changes in staffing for members occurred. In that question I was also asked to ascertain whether certain answers given by my immediate predecessor to questions addressed to him by the Hon. D. J. Gay reflected the true position of the employment and deployment of these staff at the time the questions were asked.

It is appropriate that I should address this aspect of the Hon. J. H. Jobling's questions first. On 21st February, 1989, the Hon. Duncan Gay asked my predecessor, President Johnson, whether secretary research assistants had been appointed by the Premier's Department and the President to assist members of the Legislative Council. He further inquired of the then President as to whether those staff assigned to Australian  
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Labor Party members of this House had been directed to work for the Leader of the Opposition in the Legislative Assembly. In reply President Johnson answered simply: (1) that the research officers had not been appointed by him; (2) that the research officers had been appointed; and

(3) that they were all located on level 12 and "carry out duties in connection with and for members of the Legislative Council".

In his answer the then President did not directly address that aspect of Mr Gay's question relating to such staff performing work for the Leader of the Opposition in the Legislative Assembly. Nine months later, on 13th November, 1990, the Hon. Duncan Gay addressed a further question to President Johnson. In that question Mr Gay inquired whether Messrs Britton, Gilchrist, and Waterhouse, pictured in the *Bulletin* magazine of that date and captioned "Bob Carr's think tank" were in fact secretary researchers for Australian Labor Party members of the Legislative Council, and if so would the President direct them to resume their duties as such, and further arrange for Mr Carr to make reimbursement for their services. The then President replied that he had not seen the *Bulletin* article. He later added, after he had seen it, that some of the persons in the photograph were researchers attached to the Legislative Council and that the photograph depicted what normally takes place in the co-ordination of question time in both Houses. He did not address directly whether the staff were working for Mr Carr and whether a direction for return to proper duties and salary reimbursements was warranted.

The following day, namely 14th November, 1990, the Hon. Duncan Gay addressed a question to the Leader of the Government, the Hon. Ted Pickering, in which he sought assurances from the Minister that the relevant staff were not being misemployed. The Minister in reply referred to the President's reply of the previous day as "obscurely worded". Nonetheless he took it as the necessary assurance. The Minister further replied that even though he had been approached by members opposite and some intermediaries who complained that these research officers were being "shanghaied to Mr Carr", he had been assured by the Leader of the Opposition, Mr Hallam, that this was not the case. The Minister further stated that he had no reason to disbelieve Mr Hallam, as he had always found him to be an honourable gentleman.

Again on 20th November, 1990, the Hon. Duncan Gay sought advice from the Minister as to whether he had received any assurance from President Johnson on the duties of the research officers attached to Australian Labor Party members of the House. The Minister replied that he had not, but was content to wait some time before raising the matter again. The Minister then addressed matters of nuisance and obscene phone calls to which the Hon. Duncan Gay had been subjected. Finally, on 1st May, 1991, the Hon. Duncan Gay in a question to President Johnson referring to his previous questions sought assurance from the President "about the role of researchers working under your jurisdiction", and further assurance that the officers be returned to their proper employment and reimbursement be sought from Mr Carr for their salaries. The President's reply was to invite the Hon. Duncan Gay to see him in Chambers to talk about the matter.

A study of these questions quite clearly shows that the core allegation of the misemployment of Legislative Council research officers allocated to Australian Labor Party members of the Legislative Council by their being used in or for the office of the Leader of the Opposition in the Legislative Assembly was not supported by any definitive evidence contained in the questions. It is equally clear that none of the answers addressed this core allegation, but merely established: (1) that President Johnson had not appointed the staff; (2) that the staff were all appointed and in place; (3) they were physically as at 21st February, 1989, housed on level 12; (4) that at that date they carried out duties in connection with or for members of the Legislative Council; (5) that "certain

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members of this House" and others described as intermediaries complained to Minister Pickering in terms of the core allegation, which Minister Pickering then had refuted by the Leader of the Opposition, Mr Hallam; and (6) that President Johnson had invited the Hon. Duncan Gay to his Chambers to talk.

I can assure honourable members that the splendid isolation of Presiding Officers does not condemn them to ignorance of the real world, and both before and after my election to office I have been as aware as any other honourable member of this so-called open secret. I am sure my distinguished predecessor is and was similarly aware, if only from the questions addressed by Mr Gay. But even so, this does not establish the allegations as fact. However, Mr Gay's questions, the allegations and the answers do lead to a number of other questions which, in my opinion, should be addressed and answered if speculation on this matter is to be put to rest. These questions in my opinion are as follows:

- (1) Who was the employer of the Legislative Council research officers?
- (2) To whom were they allocated to work and under whose direction were they to work?
- (3) If the "open secret" was true, was it a proper employment of these staff?
- (4) If and when the "open secret" came to the attention of the then President, did he have any duty as President to:
  - (a) ascertain the truth of the matter; and
  - (b) if it was true, was any action properly required on his part?

In addressing these questions, short of calling people to give evidence on oath before me, a luxury which is not at my command, or people volunteering information to me, a luxury which I neither seek nor expect, my only other sources of assistance are the files which I have perused at length. Whilst the files may not definitively answer these questions or the core allegation, I think it proper that I burden the House with what I have found.

Firstly, how did these research assistants come about, and who was their employer? By letter of 8th November, 1988, the then President was advised by the Director-General of the Premier's Department, referring to "an entitlement to research assistance at State expense", which had already been extended to the Call to Australia group and the Australian Democrats, that the Premier had "offered a similar entitlement being extended to the major parties with members in the Legislative Council from 1st January, 1989." By letter to the Hon. Jack Hallam, of 21st November, 1988, President Johnson specified this as "members of your party in the Legislative Council are to have available to them the services of six staff as from 1st January, 1989. Such staff to be employed by the Legislative Council." This clearly answers the question (1) "Who was the employer of the Legislative Council research officers?" The answer: the Legislative Council, the titular and administrative head of which is the President, who approves the appointment and dismissal of all Legislative Council staff, except the Clerks-at-the-Table.

Secondly, for whom did these people work? On 22nd December, 1988, President Johnson approved the appointment of six persons as "research assistants for Labor members of the Legislative Council". The persons so appointed were Messrs Baueris, Griggs, Waterhouse, Britton, Ms Knox and Ms Atkins. These persons were

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nominated for appointment by the President by the Leader of the Opposition in the Legislative Council, the Hon. Jack Hallam. The file then discloses what to me is a rather strange development. On 2nd February, 1989, within a period ranging from days to a month of these people taking up their appointment, Mr Carr wrote to Mr Richard Humphry, the Director-General of the Premier's Department, referring to a verbal agreement "reached between us regarding payment of additional salary to Opposition staff members employed by the Legislative Council". This letter referred to supplementation of the base \$30,000 salaries of Messrs Waterhouse and Griggs by \$1,989 and \$7,989 respectively and Ms Knox and Ms Atkins by \$6,989 each. This

letter was copied to President Johnson under cover of a letter from Mr Humphry of 10th February, 1988, which stated, inter alia:

The Leader of the Opposition (Mr Carr) has presented proposals which involve salary levels higher than those initially approved. The Premier has agreed to the nominated officers being paid the total sums indicated in the correspondence upon the condition that the salary component which exceeds the maximum salary level for electorate secretaries will be funded from the leader's appropriation.

It seems to me to have been an extraordinarily generous gesture on the part of Mr Carr to so supplement the salaries of Australian Labor Party research assistants in the Legislative Council out of his meagre leader's appropriation. President Johnson communicated the correspondence to the Hon J. R. Hallam on 15th February, 1989, only six days before the Hon. Duncan Gay asked his first question. His letter stated, inter alia:

Arrangements will be made by the parliamentary accountant to seek reimbursement of the additional expenses involved from the vote of the Leader of the Opposition, Legislative Assembly.

I can find no similar correspondence dealing with salary supplementation for the research assistants allocated to the coalition parties in the Legislative Council nor those allocated to the Call to Australia group or the Australian Democrats. It is also quite clear from the files that all these research staff, whilst employed by the Legislative Council, were placed under the direction of the respective leaders for allocation by them to service the needs of the members of their parties in the Legislative Council. Therefore, the clear answer to question (2) - for whom were they allocated to work and under whose direction were they to work? - is: (a) Australian Labor Party members of this House and (b) at the direction of the ALP leader in the Legislative Council - then the Hon. J. R. Hallam. That at least is the theory. The reality is thrown into serious doubt by the involvement of Mr Carr, the ALP leader in another place, as disclosed by the file correspondence. This does not mean, however, that these persons were not working under Mr Hallam's direction and control, but what they were doing and for whom I do not know and I cannot answer. But Mr Hallam, according to the files, was involved in their conditions of employment and deployment.

On 24th January, 1989, he wrote to both Presiding Officers seeking 24-hour access and parking for Mr Vic Baueris at Parliament House. On 1st March, 1989, in

response to representations apparently made direct by Mr Hallam to the Director-General of the Premier's Department, President Johnson provided details of the entitlements he had determined for these officers under Mr Hallam's direction. This covered in great detail entitlements relating to meal allowances, payments of taxi fares, travel and accommodation expenses, stationery and printing and sought from Mr Hallam by 9th

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March cost estimates for these research assistants in these areas for the remainder of the financial year and the subsequent one. I can find no similar correspondence to or from other party leaders concerning such entitlements relative to the research assistants allocated to those other parties. Following this, the files disclose a number of cases of approvals for accommodation and travel expenses by the ALP research assistants to attend conferences and meetings with or on behalf of Mr Hallam. All these were in my opinion in accordance with the entitlements sought from and granted by President Johnson. The amounts are not excessive and the proper procedures involved were observed, but these activities confirm Mr Hallam's

intimate involvement in the employment and deployment of these personnel. Examples are as follows.

On 4th May, 1989, Ms Knox's return travel to Canberra cost \$173. This was in response to a request to President Johnson by Mr Hallam of 3rd May, 1989, for Ms Knox to attend briefings by Senator Richardson and Senator Cook before Senator Cook met Minister Causley on 5th May, 1989, so that Ms Knox could relay the Commonwealth position on southeast forests to the Leader of the Opposition and the two shadow ministers. On 5th May, 1989, Mr Robert Griggs was reimbursed for rail travel to Newcastle regarding a project on high-tech industries and regional employment policies at Mr Hallam's request. On 31st May, 1989, Ms Maclean visited Cooma at Mr Hallam's request in relation to national parks and environmental issues. On 16th March, 1989, Mr Vic Baueris went to Melbourne at Mr Hallam's request to "undertake research for members of the Legislative Council" and have "discussions with officers in the Victorian Ministry of Education regarding developments in schools and TAFEs".

In elaboration of my answer to question (2) it is therefore clear from the files that these people were working at Mr Hallam's direction, but it is quite unclear for whom that work was being performed and whether or not they were ALP members of this House - unless, of course, all this work was being done for the edification of Mr Hallam. Thirdly, if these people did work for Mr Carr, as the "open secret" would have it, albeit under Mr Hallam's obvious superintendence, was this a proper employment? This is very difficult to assess. The rigid view obviously would be that it was not proper because these people were clearly employed to assist or work for ALP members of this House. They were also clearly under Mr Hallam's superintendence and disposition and, if he did not deploy them properly for the direct assistance of his members in this House, the abuse was clearly on his part - and condoned on the part of ALP members. The benign view would be that, if ALP members acquiesced in Mr Hallam's employment of the staff in support of the open secret, at best they regarded this as the best support they knew they could get from these people or at worst they had only themselves to blame and could complain to nobody with any real hope of sympathy or help.

In my mind the real deficiency about the staff allocation was that it arose out of a political gesture by the Executive Government without due and proper consultation with those responsible for the staffing and administration of the Legislature. Consequently, the whole exercise was ill-defined - a situation aggravated by people such as Mr Hallam and Mr Carr, working direct to the Executive Government. This may well have reflected the real politic, but such is a recipe for disaster in terms of the proper division of powers and responsibilities between the Legislature and the executive arms of the State. Because of that situation, I hesitate to make judgment from the presidency on this question: if the open secret were true, was it proper? I leave that to the judgment of honourable members, which they will doubtless make from their individual perspectives.

Fourthly, I come to the most difficult of all four questions: if the open secret came to President Johnson's attention, what was his duty in that respect? In other words, should he have ascertained the truth or otherwise of the open secret and what should he

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have done? I do not believe that it serves the House or the Parliament as vital institutions of the State for the administrative actions of its heads from time to time to be questioned, short of corruption or malfeasance - unfortunately, in the affairs of State hindsight is too often claimed as the mandatory standard of wisdom and action ex post facto and I do not propose to go down that path - because none of us is infallible, and the benefit of doubt and natural integrity must always be given and assumed amongst people of good will. It is obvious to all that President Johnson knew of the "core allegation" - Mr Gay's questions dictated that. But, did he know they were true? In line with what I have just said, I can only assume that he inquired of Mr Hallam, as did Mr Pickering, and was assuaged of his concerns, as was Mr Pickering.

If on the contrary he had inquired and found the "core allegation" or "open secret" to be true, then I can only assume that my distinguished predecessor, consistent with his well-known impartiality, accountability and openness to all members, would have acted immediately to clarify with the Executive Government, and all party leaders in the Legislative Council, the correct and proper status of entitlements of all Legislative Council research officers. This he did not do, so I must therefore assume that either he did not make inquiry or, having done so, he was satisfied with the propriety and fairness of what he found. These are the only answers I can give to question (4).

In relation to Mr Jobling's specific question about Legislative Council staff, now allocated, being used in some manner attributed to the Hon. Michael Egan in Matthew Moore's article, all I can say is that I do not know and I have no means of knowing what Mr Egan may have said, but the suggestion is fanciful. The reason is that, as all honourable members are now aware, we all have a one to one dedicated staff situation - previously thought to be not achievable, but in fact now has been achieved. I think it proper to record for the benefit of honourable members and relevant staff the situation which now pertains and which, as Presiding Officer of this House, I will not allow to be varied in any manner which favours any individual member or party above the others. These new staff arrangements are: each member of the Legislative Council, other than myself and Ministers who are otherwise provided for, now has a dedicated one to one secretary research assistant. A copy of the position description was sent to all honourable members under cover of my memorandum 25/91 dated 11th September, 1991. This document clearly states that the officer "refers directly to the member to whom the officer is attached" and gives "support to individual members of the Legislative Council". Their primary role is stated to be to "provide secretarial, research and administrative services to members of the Legislative Council, to assist them in carrying out their role and functions".

The position specifications are broad but are for the purpose of providing services to individual members, not to other persons or organisations. Honourable members will recall that when these officers were employed each honourable member signed, in regard to his or her dedicated staff, a memorandum stating inter alia "I agree that the person will be solely engaged in the performance of duties for me as a member of the Legislative Council". I can assure honourable members that that is how these people will be employed. They will all be treated equally and impartially in all respects by my administration. Similarly, I will countenance no approaches to or intervention by the Executive Government in my administration.

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## COASTAL PROTECTION (AMENDMENT) BILL (No. 2)

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### In Committee

#### Schedule 1

**The Hon. VIRGINIA CHADWICK** (Minister for School Education and Youth Affairs)  
[5.36]: By leave of the Committee I move the following amendments in globo:

Page 4, Schedule 1(6). From proposed section 9(1), omit "15 members", insert instead "16 members".

Page 5, Schedule 1(6). After the end of section 9(2)(m), insert:

; and

- (n) one is to be a person who, in the opinion of the Minister, represents the interests of persons carrying on industries within the coastal zone.

Page 7, Schedule 1(14). From proposed section 20, omit "8", insert instead "9".

These amendments are proposed to allow a representative of industry to be a member of the Coastal Council of New South Wales. This will increase membership of the council from 15 to 16 and, therefore, the quorum for a meeting will be increased from eight to nine members. Following the introduction of the Coastal Protection (Amendment) Bill on Thursday, 30th October, the Minister has received representations from a number of groups representing different sectors of industry, seeking industry representation on the Coastal Council. After considering these representations the Minister and the Government are of the view that the Coastal Council would benefit from a representative of industry being a member. This is consistent with the Government's commitment of having broad representation on the council and that is a primary objective of the bill as introduced.

These current amendments are seen as a further extension of that objective. It appears there is no established peak organisation or umbrella group that comprehensively represents all sections of industry. As such the amendments as proposed refer to a person who, in the opinion of the Minister, represents the interests of industry in the coastal zone. The Minister aims to seek nominations from a number of groups that represent industry and the Minister is conscious of the need to select a member to the council from those nominations who could and would adequately represent the broader interests and concerns of industry in the coastal zone. I commend the amendments.

**The Hon. J. W. SHAW** [5.40]: The Opposition has made clear its disquiet about a number of the substantive provisions of the bill. Indeed, we opposed the second reading of the bill. However, the Legislative Council has seen fit to give this bill a second reading. On the assumption that it is to be carried into law we have to consider whether the amendments moved by the Government are appropriate. In essence, the amendments add one person to the group of persons contemplated by schedule 1 to the bill and they propose that there be an additional member of the Coastal Council to represent industry or persons carrying on industry within the coastal zone. On the assumption that the bill will be carried into law we see no essential problem about the idea of one person representing that interest. Therefore, the Opposition does not propose to oppose the various amendments that the Government has moved but it does not resile from the stance it has taken in relation to the bill as a whole.

**The Hon. R. S. L. JONES** [5.41]: I made clear in my speech in the second  
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reading debate that the Australian Democrats also have reservations about this amending bill and the reconstitution of the Coastal Council. That reconstitution will now take place. I believe it is appropriate to have a person who represents the interests of those carrying on industry within the coastal zone. I hope this will not lead to a situation in which the Coastal Council will be heavily loaded with people who are not adequately concerned about preserving our coastline. I hope that members of the Coastal Council will be aware of the tyranny of small decisions - something we discovered when members of the Standing Committee on State Development travelled up and down the coast for two and half years.

I mentioned earlier that certain people who will be on this council will not believe in the tyranny of small decisions. The coastline is slowly being destroyed by these huge developments which members of the committee were concerned about when they started their inquiry. I explained earlier that the definition of "coastal zone" is defective. The bill will remove the land acquisition fund which was provided to the former Coastal Council. The Australian Democrats believe that the Coastal Council will probably be a toothless council. If the council does have teeth we hope that those teeth will not damage the environment. We support the

amendments moved by the Minister and we hope that the council will be unanimous in its desire to look after our coastline.

**Reverend the Hon. F. J. NILE** [5.42]: Call to Australia supports the amendments moved by the Government.

**The Hon. VIRGINIA CHADWICK** (Minister for School Education and Youth Affairs) [5.43]: For the benefit of the Hon. R. S. L. Jones I reiterate that the Minister has given an assurance that the person who represents industry - I am sure this will apply to all members of the Coastal Council - will look to the broad interests and concerns of industry in the coastal zone. I have no understanding of what is meant by the tyranny of small decisions, but I look forward to finding out.

**The Hon. R. S. L. JONES** [5.44]: I will expand on the expression "the tyranny of small decisions" as the Minister does not know what it means. If little decisions affecting half a hectare or a hectare are added up they can have a devastating impact on our coastline. We would end up with houses all over the place, or ribbon development along the coastline. Little decisions which, in themselves, seem inconsequential, can add up to a great big mess.

**Amendments agreed to.**

**Schedule as amended agreed to.**

**Bill reported from Committee with amendments and report adopted.**

## **BUDGET ESTIMATES AND RELATED PAPERS**

**Financial Year 1991-92**

**Debate resumed from 12th November.**

**The Hon. L. D. W. COLEMAN** [5.48]: I approach the table of this House for the first time with trepidation and some misgivings. I know this should not be the case as all members of this House have shown the new boy of the National Party great kindness and consideration - none more so than you, Mr President. I sincerely thank all  
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honourable members for their warm welcome. It is much appreciated and has set a standard which I will attempt to uphold throughout my term in this distinguished House. It would be remiss of me not to pay tribute to the great man whom I have replaced, the Hon. Sir Adrian Solomons. I note that he is still referred to affectionately as the father of the House. There could be no greater tribute than this. I wish, as I know all honourable members do, the Hon. Sir Adrian Solomons many years of happiness in his retirement. I look forward to seeing him whenever he comes to this House. There are many people - far too many to mention individually - whom I should and would like to thank, such as my six party leaders in this House. They are: the Hon. Robert Webster, leader; the Hon. Richard Bull, Whip; the Hon. Robert Rowland Smith, past leader and a friend of my late father-in-law - their friendship goes back to wartime; the Hon. Douglas Moppett and the Hon. Jenny Gardiner, my past leaders as chairman and general secretary of the National Party; and the Hon. Duncan Gay, chairman of a great political party, the National Party.

I congratulate the Hon. D. J. Gay also upon his appointment as Chairman of Committees. In his maiden speech the Hon. D. J. Gay said, "It is the person that makes the position and not the position that makes the person." I know that it is the Hon. Duncan Gay and the Hon. Robert Webster who are the "persons". I am very honoured to be part of their team. I express my thanks and appreciation to the Hon. Ted Pickering, as I do to the

distinguished Ministers the Hon. Virginia Chadwick and the Hon. John Hannaford. I thank also the Government Whip, the Hon. John Jobling, whose friendship I already value.

All through my life I have had a good relationship with the Labor Party, and I have had the highest respect for the genuine Labor person. My attitude has not changed since entering this House. In 1984 I received from the Molong branch of the Labor Party a letter of appreciation for my efforts in helping to save the Molong Hospital from a slightly misguided Labor Government. I offer my congratulations to the Hon. Michael Egan, the Hon. Bryan Vaughan and the Hon. Keith Enderbury upon their election as Opposition Leader, Deputy Leader and Whip. Their cheerful disposition and kind words have not gone unnoticed and have been most welcome. I thank them.

It would be remiss of me not to mention the previous President - I find the word past inappropriate for this gentleman - the Hon. John Johnson. I appreciate his help and advice to me as a new member of this House. Though his welcome to cockies' corner is very sincere, I must say that by the way he sits up and calls out from his perch at the far end of the backbench, perhaps secretly he is just a little envious of us cockies. Although I have been a member of this House for only a short time, I have already learned a number of valuable lessons from the Niles and the Australian Democrats. The great courage and conviction of the Niles have provided a lesson to us all. Those qualities were instilled into me by Sir William Slim. The attitude of the Australian Democrats to the Joint Select Committee Upon Gun Law Reform in seeking to formulate a workable consensus was most admirable.

I thank also the Clerk of the Parliaments, John Evans, the Deputy Clerk Lyn Lovelock, the two Clerk-Assistants, the Usher of the Black Rod, and the attendants of this House who all combine to form a team. Their welcome and help have not gone unnoticed. The other part of the team of this House includes Sheila Fairhurst, Julie Walker, Susan Joiner, Joanna Daly, Louise Evans and Juliana Stackpool. To them I say thank you and I look forward to a long and happy association with you. I have worked productively and enjoyably with every National Party member in the other House, and I value their friendship. However, I must single out the Hon. Garry West for special

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mention. To him and his wife Libby and the staff of his two offices I say thank you, for without your help I would not be here today.

I must remind myself and honourable members that I shall never forget where I came from, and the people whom I directly represent and who will quite rightly decide my political future. These people collectively are known as the National Party Central Council. They are very fine men and women who come from all round New South Wales and who give a considerable amount of time and effort to allow our democratic system to work. My support from this Council does not come from the heavies, but from the grassroots and engine room of the Council - the workers. To those people I say thank you. I make no apology for being a bushman. It is the life I know best and love. I represent the National Party not because I consider it to be the perfect party but because it represents most closely the ideals that I aim to achieve, the Christian family, justice and reward for effort, especially for those who live outside the metropolitan area.

As a country we have learned little from history. I note that 29 years ago, when the Hon. Tim Bruxner made his maiden speech in the other House, he said, referring to the Country Party, "We claim, and I claim, that this is still a primary producing State and nation, that while secondary industry is desirable, the nation can achieve only if its economy is based on a prosperous primary industry". Twenty-nine years ago was the very same time that I went from being paid the princely sum of \$18 a week plus keep, to being self-employed. I remember well the stern warning from my old bank manager who said that now that I was not receiving a regular weekly wage I must be very careful, that working for oneself has many drawbacks. Little did I know then just how right he was.

Looking back on those 30 years I see many lessons. The greatest and the saddest is that the majority of my generation of keen, hardworking young men who chose rural activities have achieved little; and a lot have lost all, or certainly are facing that prospect. Some of the most progressive and successful are in great trouble or have already had to leave the industry. We must heed the Hon. Tim Bruxner's words of warning. It is my generation who have seen the virtual end of the small man's development of the bush. Let me explain a little more. In 1967, with \$5,000 in the bank and an income from the production of 600 acres I was able to borrow money and buy 1,100 acres of run-down country in a valley east of Mudgee. For \$14,000 I bought a new wheat farming plant from Massey Ferguson. Imagine doing that today! In those days diesel fuel cost less than 25c a gallon, wages were \$1 an hour, prime lambs sold for \$10 a head and wheat returned \$45 a tonne on farms. Today the average size ride-on lawnmower costs far more than I paid for a 78 horsepower tractor - the average size farming tractor of 30 years ago. Last year many wheat farmers received very little more per tonne than I did in 1967. At that time I paid 7 per cent interest; last year some farmers were paying three times that figure. I could go on.

No, life was not easy for me either, because I ran into wheat quotas, depressed wheat prices, the low lamb and wool prices of the late 1960s and early 1970s, to be followed by the 1972 drought. I succeeded - just - because in those days you could. Certainly I lived in a caravan and spent nothing on myself. I sold my sailing boat and worked like a dog to keep improving my property, only to hear Gough Whitlam say in 1974, "You have never had it so good". Obviously he had no idea of the real rural Australia, let alone what we had just been through. It is a fact that since 1973 we Australians have been taking more out of the country through wages, borrowings and so on than we have made. The result to the country is the same as the farmer or small business person who pays himself too high a wage, spends more than his business makes,

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and borrows to make up the difference: you go broke, or at least you have a day of reckoning. We as a State and country have reached that day of reckoning. It is no good looking back and blaming Whitlam, Fraser, Askin or Renshaw. We have to learn from history and not repeat past mistakes.

Honourable members, we are all in this together, and that is why I think the Premier has put a budget before this Parliament that is very sensible and responsible. I do not like running a deficit budget but the alternative of a balanced budget in these tough times would be too great a burden on the poor and cause greater unemployment. Having the present State deficit is no different from my making the decision to borrow during the drought of 1982-83 so as to keep the members of my team together, but on the other hand not buying new equipment or doing unessential development. The State's selling off of unneeded assets in tough times is no different from my selling my sailing boat in the rural recession of the early 1970s. I did not create the recession, just as the present Government did not create the State debt or the present economic climate in which we must trade.

Throughout my term in this House I will use simple analogies, as I have tonight, to explain my reasons and thinking. They will all be based on experience. As a friend of mine once said, "There is no difference between men and boys, only the size of their toys". I should like to take the opportunity to give some personal background information prior to my being elected to Parliament. I am a life-long resident of the Central West of New South Wales, where I ran extensive farming and business interests after being educated at Molong, Toowoomba Prep and the Kings School at Parramatta, at which stage I was called home due to family illness. I am a third generation State politician. My great, great grandfather, Dr Nelson, was a member of the first Queensland Parliament. My great grandfather, Sir Hugh Nelson, guided Queensland through the great recession of the 1890s as Treasurer, going on to become Premier and then President of the Legislative Council.

The Coleman family were pioneers and leaders for the Hawks Bay District of New Zealand. I am very honoured and humbled to be a member of the Fiftieth New South Wales Parliament. Over the past 10 years I have held many senior positions with the National Party, including being a member of the Central Council and Central Executive. My most active work has been over the last three years helping local members and the National Party at all levels. Over the last 10 years I have held the positions of Chairman of the Orange Electoral Council and Chairman of their transport committee. The latter position has given me contacts throughout New South Wales at all levels of business and community life.

I have also been a leader in party promotions, the most notable being buying and organising a six-wheel drive bush fire tanker unit which now carries the National Party colours and was officially launched by the Deputy Premier, Wal Murray. For practical experience I spent two years jackerooing at Haddon Rig in the Warren district in the early 1960s, and to gain experience in farming practices I have attended courses, conferences and study tours as far afield as Western Australia, New Zealand and the United States of America. At Molong I helped pioneer what is now called conservation farming, which included stubble retention, direct drilling, degradable chemical weed control and later deep ripping. I was also a leader in the introduction of bulk seed and fertiliser handling equipment while helping to pioneer the district's sunflower and canola industry. My properties were always available to both the Department of Agriculture and private enterprise for trial and development work.

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As a member of the community I have always tried to take a leadership role. At Molong there are many projects that are evidence of my commitment. These include the establishment of the Molong pre-school, the Molong Central School Foundation and the Molong Rodeo and Horse Grounds. I have also contributed to the development of the Molong Showground and Museum, of which I am a trustee. While being a leader with bush fire brigades, I also helped to pioneer the introduction of radio within the local brigades and larger tanker units at local level, while being a leader in the use of aircraft to fight fire control.

My success as a landscape gardener has grown from a hobby. My wife Jenny and I own and run Clover Hill Landscapes, a landscape consulting and construction firm which handles design and construction of high quality work. One of our present major projects is to design and build a biblical section of the Orange Botanic Gardens. There are only seven countries in the world that have something similar. In the sporting field my most notable achievements have been in the horse racing field, having much fun and a little success, especially with picnic races. As a rifle shooter, in 1959 I won the ANA medal for the highest aggregate in the New South Wales cadets. I now get great pleasure out of coaching rifle and gun shooting.

I am particularly lucky in having the full support of my family as without it I would not have succeeded. I am very proud of my wife, Jenny, and my children. While they have caused a few grey hairs, I get tremendous pleasure from them. Jenny and I have two children, David and Anna. David at present is a student at the Kings School, with interests in motocross bike racing, football, rowing and shooting, being the GPS king of the range and under 21 New South Wales rifle champion at the age of 16. David will be representing New South Wales in New Zealand at Wellington International Centenary Shoot next January. Anna, who next year will be a student of Kinross, Orange, also follows in my footsteps with her love for horses and is a regular competitor in show and sporting events. Her other interests include netball, music and playing the saxophone. Our family interests include cattle, sheep, wheat, cotton summer crops and grapes.

I consider myself to be very much a quiet achiever who likes to get in and find out what is really happening and how it works before anybody realises I am there. I am no orator, but I certainly am a communicator. I am a grass roots and hands on person who does not mind getting mud on his boots. As to Molong - and no, I promise the Minister for School Education and Youth Affairs that I will not mention a new school for that great town - I would like to take a little time to pay tribute to those who have helped mould my life, my values and work ethics; the likes of the Lee, Kershaw, Maison and Reid families, the late Gordon Caldwell, John and Robyn Hutchison, the Keith Brownes, the Essos, Ray Myers, the late Bob MacMahon and his son John, and John's wife Claire.

My introduction to work and the ethnic world was through the Greek families, synonymous with a bygone era, the cafe, such as the Parthenon in Molong where nothing was a problem or too much trouble. No nine to five for them; they worked long and hard when there was a demand and were rewarded. They invested wisely and reaped the benefits. One of the things I miss most since leaving "Booney" is having a quiet ale or two after work with my friend, neighbour and community leader, Peter Reid. The subjects would range far and wide, but apart from his valued friendship it was his advice that kept my feet on the ground and he introduced me to what was really happening in that part of the world. These little interludes would end abruptly with the two-way radio with myself replying to Peter's wife, "No Wendy, Peter is not here, but I saw him going

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past the front gate a few moments ago". I know the Minister for School Education and Youth Affairs will be interested to know that Peter is very active with the Molong Central School.

I have been lucky in life. It has been mixed, very interesting and varied; some good and some bad. I have been very poor and relatively rich. Now it is time for me to use this experience to give to the community in a different form and that I intend to do through my children and through politics. While I would have liked to have talked more about my views, my aims, my aspirations on transport, western lands - and especially their huge woody weed problem - the coastal regions, education, health, the fishing industry and many other subjects that are vital to New South Wales, I will leave them for other days.

With all my work on transport it would be remiss of me not to mention the State Rail Authority and my great interest in rail in particular. My great-grandfather, as a Minister of Railways, was a builder of the rail system in Queensland in the 1880s. His descendants had a major input into New South Wales railways and the electrification of the Blue Mountains in particular, while with the phasing out of the red rattlers goes some of my family history. As to Mascot, this procrastination with the development of a third runway is typical of why Australia is in a mess. We are stopping fully utilising a billion dollar industry, stopping decentralisation, killing tourism in the bush, while increasing costs for those rural people who have to use the airport. Peak period charging has led to an unfair and unjust burden on intrastate users, while it is a huge cost to the efficiency of the State. The result will be an extension of peak period landing fees into the shoulder periods, which will then become peak periods. If the Federal Government had been competent managers they would have introduced air traffic flow management.

It worries me that we as a Parliament will be sitting while our schoolchildren are breaking up and having speech days; while many people and organisations are getting together to celebrate the festive season. It is a good time for all politicians to communicate, to unite their families and be part of the community instead of being cooped up in this House. Is it any wonder that people, especially those in the city, say they never see politicians, what do they do? - to quote a question last week on a very well-known Sydney radio talkback session.

My speech would not be complete without reference to the firearms issue. I am indebted to the Hon. Jennifer Gardiner and her reference to Atticus Finch in her excellent and

memorable maiden speech yesterday. Like Atticus Finch, my children do not know that my nickname as a jackeroo was "Hipshot". Shooting very accurately from the hip was a feat I perfected as a young boy. While in the swamps of the Macquarie this ability saved my friends from very serious injury due to a charging wild pig - hence the nickname. Again, like Atticus, I no longer shoot feral animals in the field, but occasionally I shoot the odd stump to keep my eye in. What is very worrying to me is that possibly neither Atticus nor I would qualify for a high powered shooting licence under the proposed gun laws. I trust that all legislators note this very relevant point, or do I again have to take up shooting animals so that I may retain what to me is a natural part of my life?

I also trust that the House notes with disgust the misuse of the statistics by a well-known Sunday newspaper which last week as part of an ongoing campaign used examples to make a point on gun laws. Sixteen out of 18 examples are, and have been, for many years illegal in New South Wales. I was equally horrified that a well-known radio commentator also used the same figures to make a similar point. Most listeners

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would have had no way of knowing of the misuse of these facts. We must encourage an extended training program for our new and young shooters, while we must be aware that we are losing rifle ranges in this State, especially Malabar, and therefore we must be prepared to open new ones in suitable areas. I have no time for obstructors or obstructions but only for those people who are genuine, no matter how big or small, rich or poor, no matter what creed or political persuasion - and with these people I look forward to going, working and achieving. I should like to quote from the Hon. Sir Adrian Solomons' maiden speech:

The traditions of Parliament, although sometimes not valued to their full degree, are some of the most precious things within the fabric of our civilisation. Democracy is a catch-cry used in many circumstances and for many purposes, yet I am inclined to say that in this State and in the Commonwealth of Australia, though our democracy may not be perfect we have one of the most democratic systems to be found on the face of the earth. If one is to find a democratic system, one finds close in its train a system of the proper parliamentary procedures which apparently are the only true safeguard of democracy.

Members of this most distinguished House, I look forward to lively and constructive debate, while at the same time achieving, remembering that I greatly value tradition and learn from history. I end this speech with two quotes from C.A. Bearnise's book entitled *Queensland Politics During 60 Years, 1859-1919*. The politician he refers to is my great grandfather, Sir Hugh Nelson. The first quote is:

God only knows what would have happened to Queensland if this shrewd, far sighted, kindly, imperturbable Scotsman had not been at the head of affairs in 1893.

The second quote is:

No one ever accused him of being an orator, but on the other hand no one had ever heard him talk anything but the soundest commonsense.

[*The President left the chair at 6.12 p.m. The House resumed at 8.15 p.m.*]

**The Hon. E. M. OBEID** [8.15]: Allow me in my opening remarks to state that I am glad to be representing the Australian Labor Party in this historic Chamber, the mother of all Australian Parliaments, to serve the people of New South Wales. I am also deeply conscious of the traditions of this House of review and look forward to participating in its affairs. Madam Deputy-President, I would like to thank you personally, the President and all honourable members present for the warm welcome extended to me. I also express my appreciation to the Clerk of the Parliaments, Mr Evans, and all of the parliamentary staff members with whom I

have come in contact, for the courtesy, co-operation and assistance that has been extended to me since my entry to the Parliament in September.

I also take this opportunity to congratulate those fellow members on both sides of the Chamber who have made their maiden speeches during this historic sitting of the Fiftieth Parliament. And I wish to acknowledge those people who have encouraged, guided and supported me privately and publicly. I especially want to acknowledge the role of my wife, Judy, and our nine children. Without them and their love, support and encouragement I would never have achieved what I have to date in my life. To my family, particularly my sister and brother-in-law, May and Vince Schibaia, my father-in-law and mother-in-law, Joseph and Martha Abood, and to friends, many of whom are sharing this moment with me from the public gallery, I thank them for their unwavering support.

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Australia is a nation of migrants who created a unique settlement over more than 200 years. We are one of the most tolerant of nations. We are one of the most compassionate. We are one of the most sharing of all nations to our people. I am a very, very proud Australian and have retained my cultural links with my motherland - Lebanon - and my Lebanese ancestry. My pride comes from being given the opportunity as a migrant to grow up understanding service to the community. For that I want to pay homage to my country of Australia, and for the fair-mindedness of the Australian people who value and treasure those virtues of community service, the strength of the family unit, and who pride themselves on the expression of the individuality of our people. I seek leave to express a phrase in my native language of Arabic, and the English translation, which best illustrates that the strength of a nation is its people. I accept that because of technical restraints the Arabic text may not appear in Hansard. Madam Deputy-President, in English the sentence reads:

Are you a politician asking what your country can do for you or a zealous one asking what you can do for your country?

Those are the words of Khalil Gibran, Lebanon's most famous poet, written some 70 years ago in his work *The New Horizon*. They were immortalised much later by the late President John F. Kennedy, and it is commonplace to see a wall plaque in many American homes which reads:

Ask not what your country can do for you, but ask what you can do for your country.

I am the son of Lebanese immigrants. I was born in Lebanon in the northern village of Matrite and after a small boat crossing from Lebanon to Alexandria in Egypt I migrated to Australia when I was six years old. I grew up in the working-class suburb of Redfern, in the postwar period when Australia was bringing in boatloads of new Australians to build up our manufacturing industries. Allow me to pay tribute at this stage to my late father and mother, Moses and Zmorad Obeid, for at this very moment they would be full of pride to know that one of their sons has achieved the ultimate position to be of service to his country. And I will always recall my father's words to me, that to be a good Lebanese you must first learn to be a good Australian.

I am a typical migrant. I grew up in a terrace home in Redfern, meeting my childhood friends on street corners, following the fortunes of South Sydney rugby league team. I recall selling newspapers on street corners, taking my turn as a Catholic altar boy, collecting the deposits on soft drink bottles, and knowing early in life the value of a job. My memories are of living in a neighbourhood where children did courtesy chores for the old folk in the street, and the old folk knew all of us by our first names and were not frightened by our presence. There was a sense of belonging to a community, a sense of mutual self-support and helping each

other out. We had respect for law and order: the man in blue was a friend who only gave us a clip behind the ear or a roasting when we deserved it, and we did not fear him.

How different it is today where our schoolteachers are shocked and dismayed by appalling cases of violence, neglect and abuse; where magistrates comment on the severe lack of parenting skills in the community; where there are children who have never been stimulated, talked to, listened to or loved properly. I despair at the increasing trend in this country where our parents, when old and feeble, are too often taken off to the clinical wards of private nursing homes, rather than be cared for and cherished for their wisdom by their own children. During my adolescence I grew up in the kind of society where I did not have a chip on my shoulder, even if I was called names because I had

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black hair and brown eyes. The family unit was of absolute importance, that sense of belonging, the sense of knowing you would always be accepted, regardless of your failings or mistakes. That is the strength behind an individual. The individual overall makes up the quality of our nation.

My background has instilled in me a commitment to fight always for social justice and fair play, to fight against discrimination and inequality, wherever it may manifest itself. That same background, which I am proud to say is Lebanese-Australian, impels me to draw the attention of this House to the tragic betrayal of Lebanon by the West and to pray that we Australians never know the sense of abandonment and despair that overwhelmed the only country in the Middle East that attempted to adopt a neutral stance in the bloody conflicts that have torn that area for decades.

On and off since Lebanon gained independence in 1943, and especially since 1975, the noble little country, whose story and culture go back to the earliest days of recorded history, has been fought over and pillaged. Its citizens have been murdered and its institutions and resources have been manipulated and exploited by hostile neighbours. Its efforts at putting down democratic roots were impeded at every turn by self-interested groups both within and outside the country. If it had been oil rich, it might well have won the sympathy and military support of the Western power brokers. Lebanon's defenders could not resist indefinitely. Unaided and not having the superior weaponry of its enemies, its true riches are historical and cultural and are not listed on the world's foreign exchanges. They lie impregnable and unviolated within the hearts and minds of its people. I put on record my admiration of and esteem for the people of Australia, who have offered refugees from this terrible and unnecessary war a home and the opportunity of a fresh start in life. As a son of Lebanon and Australia, I express my deeply felt hope, which I am sure is cherished by all honourable members of this House, that before long Lebanon will once again enjoy real freedom in taking its rightful and independent place among the nations of this world, and may be given a chance to develop the democratic traditions that have made Australia such a haven of peace and tolerance.

As a parliamentarian, my struggle and purpose will always be to help create an economic climate where the private business sector can best be assisted and encouraged to offer every Australian a job, to give all Australians a means of securing a future and to allow them to live to a standard that will preserve their dignity and make them feel proud to be Australian. The Australian Labor Party has always been a party from the people and for the people, a party committed to those ideals of social justice and equality of which I speak. It is the party which will care for the heart of our nation, the main resource of our nation - that is, the ordinary working people of our nation; the people who work in our factories and on our land; the people who have mortgages; and the people who are paying rent. These are the people who will cling to the country. They are the people who have to be looked after, unlike the affluent, whose money can make them feel at home anywhere else in the world. Any politician or government, whether State or Federal, that does not give priority to its working men and women and look after the young, the aged, and the handicapped - the people who cannot look

after themselves - does not deserve support. For these reasons, I embrace the Australian Labor Party.

I pay tribute in particular to the achievements of the Whitlam Government, which cared about uplifting the individual in our society. In particular I acknowledge the sense of belonging that Gough Whitlam gave all Australians and his great care for the educational needs of our children. Back in the 1960s when I wanted to go to university, the fees were £800 per annum. That was equivalent to one and a half years of an average worker's income. It was prohibitive. The Whitlam Government introduced free

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tertiary study, among many other permanent reforms, to our society. I want to acknowledge the work in this State of the Wran Labor Government, which rebuilt the basic infrastructures of our schools, our health delivery system and our public transport. In particular Neville Wran should be marked in history as the political leader in Australia who truly delivered multiculturalism and who understood the need for interpreters, community language in our schools and recognition of our cultural heritage, which we brought as a gift to be transplanted in our new homeland of Australia.

I believe the Hawke Labor Government has surpassed the great deeds of the Chifley, Curtin and McKell Labor Governments of Australia. This national Government has given us universal health insurance, tripled the provision of child-care places and created in excess of 1.5 million new jobs since 1983. The calibre of the Hawke Cabinet Ministers has never been equalled in this country and the landmark decisions advanced in the areas of Aboriginal land rights, protection of the national estate and achievement of revolutionary reform in our economic system will be permanent hallmarks in Australia's political history. I am a strong believer in the trade union movement, which protects the weak and fights for the rights of our working people. The Labor movement and the Australian Labor Party created the great reconstruction schemes of the post-depression and post-war periods by consciously making the provision of employment their leading priority. Labor Governments introduced every social benefit enjoyed by all Australians today.

I willingly pay tribute to my colleagues in the Australian Labor Party for their unwavering support, including Senator Graham Richardson, John Johnson, Bob Carr, Neville Wran, John Della Bosca, Michael Easson, Deirdre Grusovin, Terry Sheahan, Stephen Loosley and the Speaker of the House of Representatives, Leo McLeay. I put on record my special thanks to John Jobling, the Government Whip, Keith Enderbury, Mike Egan, Jim Kaldis, Brian Vaughan and all members on both sides who have made me feel welcome in this House. I also pay tribute to my predecessor, the Hon. J. R. Hallam, who retired this year after a distinguished career of 18 years service in the Parliament. He is acknowledged to be one of the most competent Ministers for Agriculture who ever served the State of New South Wales. I thank all of them for the friendship, support and guidance that they have extended to me over many years of my involvement in the Labor movement.

Before I address my remarks to the Budget, allow me to say that any government which in harsh economic times does not incorporate two critical components in its front line agenda will be doomed to political oblivion and shall be guilty of committing a breach of trust of the Australian people. Those two components are jobs, jobs and more jobs, and exports, exports and more exports. In my view the State Government of New South Wales has been guilty of a lack of care and understanding and has displayed economic incompetence in these two important areas.

This Government was first elected in 1988 on a platform promising better economic management, better services and reduced State taxes and charges. Let us therefore look at its economic performance. In March 1988 a budget surplus of around \$300 million was left in place by the Unsworth Labor Government. In last year's Budget the Premier promised a surplus of \$34 million, and the eventual outcome was a deficit of \$1 billion. In the current

estimates for the fiscal year 1991-92 the projected budget deficit is \$1.13 billion. This is a government that likes to compare its management with the running of a business enterprise. The Premier himself said before his election in 1988 that he would treat the art of politics like running a large business, and he chose the role of being managing director of New South Wales Incorporated. In 1988 the Curran

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report indicated that the gross State debt was \$24.7 billion. By June 1991 it had increased to \$27.6 billion, and by June 1992 it will rise to \$29 billion. In respect of State liabilities the Curran report found that in 1988 they were around \$46 billion. The Budget Papers indicate that this figure will reach approximately \$55 billion by June 1992. I want to remind the House that only four weeks before the last State election the Premier predicted a balanced budget this financial year. He promised in last year's Budget a surplus of \$34 million. The outcome was a \$1 billion deficit. How assured can we be, therefore, that the projected deficit in this current Budget will not exceed \$1.1 billion?

On 24th September the Premier strongly asserted that his Budget represented the only viable economic strategy for the most difficult times this State has faced since 1931. But what did his Government have to offer for the ordinary man and woman of this State? In a total Budget of \$18 billion revenue, Mr Greiner offered a mere \$10 million as a recession support package, and even though more than 60 per cent of the State is gripped by drought, only an extra \$10 million in additional funds is provided for drought relief. The Premier has even included an additional revenue earner within his Budget projections, allowing for inflation of 4.5 per cent during 1991-92, when inflation for the year is anticipated to peak at around 3 per cent. In other words, bogus inflation adjustments will increase revenue but that revenue will not be applied to recession relief measures. Mr Greiner clearly indicated on 24th September that the integrity of his Government was critical to the future of business and consumer confidence. In the light of Moody's recently announced review of the State's triple-A financial rating, it is interesting to analyse the Premier's discussion on the triple-A rating in his Budget Speech. He predicted that any downgrading of this State's credit rating would produce a deterioration in confidence and would lead to a dramatic increase in unemployment. But that is what is happening now under the economic policies of this Government, even with the triple-A rating. Between June and October this year unemployment in New South Wales increased from 8.2 per cent to 9.7 per cent - an overall increase of 20 per cent. New South Wales is now experiencing unemployment growth of twice the national average. In fact, in recent months New South Wales has been responsible for nearly all the fall in national employment.

Let me express this in another way. New South Wales has accounted for 18,000 of the 19,000 jobs lost in Australia during October, and for the past six months this State shed 56,700 jobs while the rest of Australia has gained 28,100 jobs. The reason that New South Wales has resisted the national recession longer than the other States has absolutely nothing to do with the Greiner Government's mythical superior economic management skills. It has everything to do with the fact that, unlike other States, the Greiner Government inherited a stable financial structure which enjoyed the confidence of consumers, investors, and the market-place. The Labor administrations of Neville Wran and Barrie Unsworth protected the State's triple-A rating for 12 years. The Greiner coalition Government has taken less than four years to place it under threat. Our rates of taxes and service charges are higher than in all other Australian States and have increased in direct contrast to the assurances of this Government prior to taking office.

For those who believe that the projected \$1.1 billion deficit is the full measure of this Government's financial incompetence, I am afraid to say that by grossly mismanaging the industrial arbitration system in this State the Greiner Government is faced with the danger of unchecked wages growth and industrial disputation in the strong sectors of the New South Wales economy, while workers in the weaker or less organised sectors of the economy are

facing the prospect of having their wages and working conditions decimated. It is easy to see why the business community in this State has little  
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confidence in the coalition Government. Garry Brack from the New South Wales Employers Federation recently highlighted the lack of initiative in the Budget for business. There is no relief from payroll tax. There is no relief from land tax charges. The Budget offered no hope of relief.

This Government's Budget falls into an economic black hole. The Government bemoans the fact that its land tax revenue is down, predicting that receipts between 1990-91 and 1992-93 will fall by 35 per cent, but the simple truth is that in the market-place investors who were hit by large land tax charges in the late 1980s are now being forced to sell their properties to pay this outrageous impost. It will lead to a significant stock shortage in the short to medium term when this Government apparently believes a boom in housing will get this State up and running again. In plain language the Budget does not meet responsible criteria of social justice; nor does it measure up to Mr Greiner's standards of accountability that he promised before he was elected in 1988.

I am disappointed in the manner in which this Government amended the Parliamentary Electorates and Elections Act in November last year - the ticks and crosses fiasco. I can only describe the 1991 election outcome, where 10 per cent or 350,000 of this State's voters were disenfranchised, as an act of bad judgment on the part of the Government. Not only did they perpetrate this new scheme which ignores a voter's clear expression of voting intention on the ballot-paper, but to ensure complete confusion they simultaneously held a referendum which did permit a tick to be used as a voter's valid expression of intention. It was an exercise in denying the people, particularly the illiterate and the migrants of non-English speaking backgrounds, their most basic democratic right. The informal vote in seats such as Londonderry and Bankstown reached 20 per cent and in Fairfield the figure was 17 per cent. This does not measure up to my standards of social justice and equality.

This Government lacks a strategy for the long-term development of the infrastructure of this State in which the market can confidently reach forward and invest in new manufacturing plant aimed at aggressively tackling the export drive so necessary for our advancement. No better is this illustrated than in the field of education. The Labor Party believes a commitment to quality learning institutions from kindergarten through to university, and improvement in the skills of existing members of the work force, are increasingly vital. In fact, the Labor Party believes Australia's capacity to develop as a nation depends upon its ability to provide educational services of outstanding quality. Education is possibly the most important single function provided by government within Australia. It is the basis upon which our cultural heritage is built. It is the foundation upon which the future prosperity of our country is based. The education system as we see it in New South Wales has major weaknesses. It fails to prepare our children for a future world - an increasingly competitively world where the principles of relevance, excellence and equity in education must dominate. It fails to teach respect for our country and our social system. It fails to create an awareness of Australia's position within the Pacific region. And it fails to teach the important and essential business skills required to succeed in the business-based economies of the western world. A high correlation exists between the level of education and economic prosperity throughout the western world. Surely to increase the level of education will also be to increase the level of economic prosperity. As Professor Joan Rutherford said:

The answer to any economic problem is a political question. Well I say the answer to an economic problem is education, which is in itself a political question.

We need to develop a theme within our education system which provides respect for success and builds into our children a sense of desire to succeed. We need to teach people that success is good and discourage resentment of those who have succeeded. We must provide a counterbalance to the tall poppy syndrome. We need to build confidence in our abilities and we need to teach that to be an Australian is something to be proud of. We need to bring into the education system some basic business disciplines, disciplines such as the study of human relation skills, negotiation skills, basic business principles and even a study of why people go bankrupt. Education should be taken to all Australians, regardless of their socioeconomic standing; and no barriers should be tolerated, such as fees or quotas, which preclude access to an education. We need to develop educational ties within Asia and the Middle East; and we therefore need to realise that Australia is a much envied source of education services within the Asia-Pacific region.

In only five years Australia has already developed an export education service where full fee-paying students jumped from 10,000 in 1986-87 to in excess of 60,000 last year. As an export earner, overseas students contributed over \$500 million last year, plus another \$300 million in ancillary goods and services. We have in New South Wales an unrivalled opportunity to create a multimillion dollar industry not only from the provision of education services at home but also from the export of our expertise and personnel. It is about time that our State Government treated education as a business - a business that underlines our cultural and economic future - and not as a bureaucratic nuisance which is the first to suffer the cuts that occur due to shortfalls in government funding. We need to address new subjects within the school systems - subjects such as funds management, superannuation, understanding of the business cycles and cultural backgrounds of our Asian and Middle East existing and potential markets. Even our geography courses need to be refocused so that we learn about Indonesia or Iraq rather than about Europe to the degree that we do.

In terms of adjusting our sights to the commercial viability of graduate students, while building a major new export market, too often we hear that there are not sufficient facilities, or that the issue is sensitive because Australian parents wrongly accept the notion that an overseas student might displace their children from an academic opening. In Asia and the Middle East it is commonplace to run two teaching shifts per day. Given our climatic advantages, that is a logical approach and offers the possibility to expand greatly the number of places open to Australian students. Over the past two years there has been a \$30 million wastage in the Technical and Further Education Commission, brought about by massive structural changes in administration - changes which were largely not required by the colleges or the staffs. This Government has admitted the extent of wastage that occurred. The crisis that developed within the technical and further education colleges will not easily be resolved. The Government must resolve the dilemma within the TAFE administration, which has 53 staff who are members of the senior executive service, compared with only 12 prior to the abandoned reorganisation of its administrative structure. During 1989 and 1990 it is well-documented that there was a reduction on 1988 student numbers of 101,000 places in New South Wales TAFE colleges. This year the Government claims that there are 430,000 student places available but, on its own estimate, this is still at least 44,000 places short of 1988 levels. I point out that the loss of morale has driven more than 1,000 TAFE teachers into resignation over the past two years; and this is the continuing saga facing this Government. It cannot maintain services or plan future strategy when it cannot identify market requirements.

There are many other areas of the Budget that I could touch upon today but time permits only brief discussion of three issues - the lost opportunities to increase radically

the export of health care services and the failure to assist in the rapid expansion of the New South Wales small business and tourism industries. When a Labor government was in power in this State we were moving hospital beds from the inner city to western Sydney. This Government is not moving beds; it is removing them. Our health industry is arguably the best

in the world. Certainly the interpreter services in the hospital system, introduced by the Wran Labor Government, is without peer. And yet, according to a recent Industries Commission study, fewer than 4,800 overseas patients obtained medical services in our hospitals in 1989-90, earning Australia \$31 million annually from the provision of health services to overseas patients and a further \$22 million from their accommodation and associated expenses connected with their visits. It is clear that utilisation of our hospital system in New South Wales - an area of great contention - is not targeted by this Government as an overseas export revenue earner. The bulk of patients are attracted privately.

Our international competitiveness, at an average cost of \$15,000 per patient, is unarguable. The question remains why this Government will not undertake a major marketing drive to attract overseas patients from the more populated countries in Asia and the Middle East, especially in Indonesia. It is a service industry crying out for government intervention to create a booming export market, both for health care in Australia for overseas patients and for the provision of expert teams to help to establish public health networks in countries in Asia, such as Cambodia and Laos. Our problem is that we have a State Government which lacks the drive to undertake a series of bold initiatives to create the strategic planning so essential for development of worthwhile job growth. Small businesses in this country account for 692,700 non-rural trading concerns. They produce some 40 per cent of our national wealth and employ more than 2.5 million people, or nearly 48 per cent of the total work force. For the most part, they are relatively labour intensive and often generate more jobs per unit of invested capital than larger firms. A major difficulty that they face is a lack of easy access to institutional credit and government facilities. I ask: Why are State Premiers not clamouring for a better deal for small businesses throughout Australia?

Deregulation of the Australian banking industry in the 1980s was meant to create outside competition and better opportunities for financing the growth and development of Australian industries. But what happened? Local banks cut their margins in concert with each other to eliminate foreign competition. They now seek to increase their market share to obtain increased profits. The result has been a legacy of adventurous, even cavalier, lending sprees, questionable ethics and a complete disregard for the well-being of the Australian people. The banking system in this country was the tool of the early capitalists who held a monopoly on the means of making money at the expense of consumers and small traders. The Australian banking system has never been the backbone of the Australian economy which, in retrospect, it should have been. Internal politics and the public policies of the banks have affected every individual in this country, from the top of the scale entrepreneurs like Alan Bond and Christopher Skase - and there are very few of them left - right down to the everyday consumer who is paying for the lending mistakes of our banking fraternity. They are paying dearly, with up to 30 per cent charges on their credit cards.

The real burden of current banking policies has fallen on small businesses throughout Australia. No small business anywhere throughout the world can survive on interest rate impositions of 18 per cent to 20 per cent. There is something criminal in the fact that the banks will encourage small businesses to take out a loan on an initial interest charge of 12 per cent or 13 per cent, gear them to the hilt, then raise the interest rate, and finally bring in the receivers to sell the remaining assets for a few cents return

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in the dollar. Where is the desire to build a long-term relationship between lender and borrower? Where is the ethical practice of trying to help their clients in the short term for the mutual long-term benefit of small businesses and the banking industry? After all, if the fundamentals of a business are not present in the first place, why lend it money? We can only conclude that money was lent initially because those fundamentals were in place. I ask the banking industry these questions: Where is the long-term strategy to help Australian businesses develop and prosper? Where is the economic planning, foresight and assistance that the banks ought to provide to their clientele? When a bank considers lending capital to a

new business venture or to an existing business, interest rates are the critical factor. They either make the loan work or they do not.

With all the modern technology and market information available in the financial markets, banks are making excessive profits from interest rates, options, collars and caps, and any number of additional add-on charges. I shall explain collars and caps. A large company such as BHP can negotiate a loan over a period of five years when the interest rate is pegged at 13 per cent average for the period. No small business would be granted that degree of certainty in raising capital from a bank. Why will not the banks adapt that technique or use simple fixed interest swap contracts to lock in interest rates for their small business clientele? Even when borrowers obtain finance at bank bill rates, the rates are manipulated. Why is it that one can seek a bank bill rate from all the major trading banks as a lending indicator rate on the same day and they will all vary? In my view, where banks have erred is that they have lent on businesses which they did not have the expertise or the analytical support staff to understand their own original intentions. They are guilty of not using interest rate management to look after the interests of their clients. The banks have not taken a long-term attitude in respect of their clients' short-term problems, outside of the fundamentals of their banking business. Because they have not understood their own business loans they have over-reacted when problems have occurred with loans.

What should the banks do? They should be made to understand that when they lend money they have an obligation to the lender client and to that business. They have an ethical responsibility to understand the needs of that business and to help it succeed even in difficult times. If and when such difficult times are encountered, in respect to small businesses and Australian industry in general, banks should have the right to convert debt to equity, to help reactivate the business, and they should be actively encouraged to do so. For example, I understand that this was done with the debt structure of ATN Channel 7 in Sydney. In large corporate defaults the banks have suspended interest payments, come down to a lower rate, or taken an equity stake. Therefore, why will they not shoulder some of the burden of questionable lending practices when a small business or farmer is struggling? The banks should be encouraged to lend money to business ventures that create productivity and increase employment for the overall benefit of the Australian economy.

I use small business as an example, and there can be no better example of the face of small business in Australia than our tourist industry. Tourism is Australia's major growth and export industry, accounting for 5.7 per cent of the work force, or 441,000 jobs. Total expenditure derived from tourism in this country is \$23 billion. Australians spend \$17 billion and overseas tourists account for \$6 billion. This industry now produces 10 per cent of Australia's export earnings. Overseas tourist numbers grew by 145 per cent in the decade to 1990, when there were 2.2 million arrivals. The Federal Minister for the Arts, Tourism and Territories, the Hon. David Simmonds, has produced a document entitled "Towards A National Tourism Strategy". He estimates that in the year 2000, overseas visitor arrivals will increase to between 4.8 million and 6.5 million.

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Our international hotel industry has a tremendous opportunity to develop into Australia's largest industry. But because of their past excesses, none of the banks in Australia will lend to them. It is a matter of vital national interest that all our international hotels are being bought by overseas investors, who will reap the profit of our future tourist growth because our bankers refuse to lend to our own people who are keen to invest in this country.

Where is the State Government's strategy to counter the grim fact that all our major tourist accommodation will be wholly owned by overseas speculators? No one can convince me that this practice is in the best interests of Australia. This is where the Premier of our State and the Minister for State Development should be taking a lead on behalf of the people of New South Wales. The tourist industry cannot even obtain assistance from the State Government to ensure that there are adequate roads to the Hunter Valley, to overcome council planning

restrictions, or even to ensure there are adequate bus terminal bays in Sydney to meet the everincreasing demand. If the policy of the national and State Governments is to encourage tourist development, the banks should be directed to hold a percentage of their assets in this industry.

Similarly, if the national and State Governments wish to see new greenfield projects, as Bill Kelty calls them, or major investments that create value-added manufactured exports, or large-scale resource developments which generate long-term increased employment, which in early years appear non-profitable, the banks should be told to take up a holding in these projects for the betterment of the country. We are not talking here of nationalisation or regimentation. The Japanese banking industry does nothing which is not inferred to it as desirable by the Japanese Ministry of Finance; whether that involves the degree of funds it lends at home or abroad, or even the types of enterprises in which it is allowed to invest overseas. In that regard Australian banks could be subsidised by the Federal Government by way of lower tax rates if they place a specified percentage of their assets in job-generating or export-enhancement projects. The banks could be directed to place a certain percentage of their assets in key areas, such as 10 per cent in new business ventures, 10 per cent in the manufacturing sector, and 5 per cent in each of the rural sector, greenfield projects, and tourism. If they refuse such a central policy direction, additional tax levies could be imposed. The banking institutions must be made to realise that they have a duty to become part of a strengthening Australian economy for the betterment of the Australian people. And, as they have forced out foreign competition, they should be brought to heel in the market-place place if necessary by the Federal and State Governments giving instructions to their banking arms - the Commonwealth Bank and the State Bank of New South Wales - to proceed as a market pacesetter in these directions.

Our Premier might say that this is a national responsibility. However, I note that the Labor Premier in Queensland has grasped the nettle. If we are to succeed as a nation we will have to become internationally competitive. Since his first days in office, the Premier of Queensland, the Hon. Wayne Goss, has been ever conscious of the need for a State strategy rather than to await Federal initiatives to get Queensland moving and to boost export earnings. Queensland has reorganised its trade and investment development operations to provide full backing for Queensland exporters. The Queensland Government has opened new offices in Hong Kong and Taiwan, and has strengthened its representation in Korea, Java and Tokyo. Mr Goss is also an advocate of fast-tracking development projects in Australia. Like him, I believe that all governments have a very real responsibility not just to get the planning and assessments right but, in times of double digit unemployment, to get job-creating projects off the ground.

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The lack of support by Australian banks for our own international tourist industry makes one question whether they are best equipped to manage the growth of superannuation investment in this country. The key to our future economic growth will revolve around how best superannuation funds are invested. The control of these funds, the savings of the ordinary men and women in Australia, may be politically sensitive but economically essential. Some 3.7 million Australians are covered in one form or another by 150,000 superannuation schemes. The latest Australian Bureau of Statistics superannuation survey, issued two years ago, found that nearly three million Australians - workers and self-employed persons - were contributing an average \$28 weekly. The current income from superannuation is \$370 million weekly, or \$19 billion annually. By the turn of the century it will have risen to between \$500 billion and \$900 billion annually - the equivalent of three or four times our national debt. As the elected representatives of the people of this country we must not let these funds be vested only in the apparent safe havens of blue chip equity stock, prime office accommodation and government bonds.

Superannuation funds need to be used to develop Australia for the benefit of future generations. They can be utilised to provide an alternative source of both debt and equity to the prevailing banking industry. The national Government and the leaders of the States have a vested interest in ensuring that this is done. We should legislate to ensure that a percentage of the funds is invested in job-creating, viable business ventures and not in entrepreneurial dreams. We need directed investment into proven major greenfield projects which will meet proven domestic and export demand. In Queensland their Premier refers to this great wealth of accumulated assets as patient capital. I am heartened by the views of Mr Ian Salmon, Managing Director of the Australian Mutual Provident Society in an address he gave to the Securities Institute of Australia on 18th October this year. He believes the time is opportune for Australian fund managers to look more closely at their investment policies and practices. He advanced the view that the superannuation funds should aim to invest in Australia unless there was a good reason for doing otherwise. He believes that fund managers have a responsibility to behave as good citizens. Mr Salmon said:

It is not sufficient to concentrate exclusively on maximising returns to clients. We have to go the second mile and do our best to ensure that those clients can continue to inhabit a country that is worth living in. There is little point in being the richest man in the graveyard.

Like Mr Salmon and Mr Goss, I am asking the Premier of our State to heed the broader national interest and ensure that his Government is alert to the dangers created by the shortsighted investment policies of the banks, including our own State Bank. Mr Salmon is opposed to government intervention. Mr Greiner should ensure that the interests of New South Wales superannuation contributors, including this State's public servants, are harnessed to the future growth of our own infrastructure. The Premier might heed Mr Salmon's final words of advice, "Responsibility with research". Time and again in my address I have been concentrating on overall strategies that this Government should focus on to secure the future for our citizens. If there is no competition from new banks, let the superannuation industry compete with them for the provision of patient capital. The Premier and his Government should play an active part and insist that our superannuation funds are reinvested in this country and not in international stock and real estate, which has already begun to occur. It is the last great chance we will have to provide the basis of controlled investment in this country.

The Australian Labor Party believes that at the micro level, the State influence is greater in ensuring that key infrastructure services such as road, rail, ports, electricity and water are available for the future projects which this country must erect if we are to

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survive as a prosperous nation. And the State Government is also crucial in the controls it maintains through the regulation of business and the cost effectiveness of those regulations. A Labor Government in this State will ensure sustained economic development based on private sector investment while at the same time enhancing and improving living standards, and ensuring that the criteria of social justice is met. In conclusion, I hope as elected representatives of the people of New South Wales in this mother of all Australian Parliaments we should never lose sight of the fact that we are here, competing against one another, to advance constructive and progressive ideas and policies for the betterment of all Australians, so that in deed and in fact, we can truly be recognised as the clever country as we enter the twenty-first century.

**The Hon. J. W. SHAW** [9.3]: I congratulate the Hon. E. M. Obeid on his first speech in this Chamber. I express my interest in and admiration for his obvious expertise in business and commerce, and his discussion of those topics within the Laborist tradition. I congratulate also other members of the House who have spoken for the first time in this debate and recently in other debates. Two of my colleagues on the Opposition benches, the Hon. Jan Burnswoods and the Hon. Dr Meredith Burgmann, recently spoke for the first time in the industrial relations debate. In their contributions they showed their obvious competence and commitment in

opposing unsatisfactory provisions to regulate industrial relations in New South Wales. Also, I have either heard or read with great interest contributions by members on the Government side of the House in making their first speeches in this Legislative Council. In particular I congratulate the Hon. Patricia Forsythe for her contribution to the budget debate on 25th September. She appropriately began with a quotation from R. G. Menzies, but despite that reference to conservative philosophy I think she indicated a real interest in social change. This was particularly so when she referred to Aboriginal infant mortality, issues facing women and equality in society.

I have read with interest the speech of the Hon. Jennifer Gardiner, who showed her sense of history but appropriately and interestingly paid tribute to the Hon. Sir Adrian Solomons. In my short time in this Chamber I regarded Sir Adrian as a man of great substance and wisdom. I can understand why a number of members on the Government side, in particular from the National Party, singled out contributions by Sir Adrian in his time as a distinguished member of this Chamber. The Hon. Jennifer Gardiner did not stop at that. She dealt with decentralisation and other general considerations of political theory. I did not see much of the agrarian socialism that we have come to associate with the Country Party and the National Party. I detected more a tenor of the free market in the honourable member's contribution but nevertheless it was a lively and well thought out contribution.

I read also with interest the contribution of the Hon. J. F. Ryan, beginning with a quotation from the Bible and ending with Shakespeare. His was an elegant, thoughtful and well crafted speech - and a speech of substance. I was a little overawed by his introductory comments about youth and age and the fact that the conventional view is that one should not be a member of the Legislative Council until one reached the age of 40 years. I felt a bit conventional as I had attained that age when I was elected to this Chamber. Finally, on the Government side I heard the contribution tonight by the Hon. L. D. W. Coleman. It was interesting to learn of his family background, his rural upbringing and the formation of his ideas and political philosophy. I am sure we all felt the sincerity of the honourable member's formulation of his approach to life and to politics in New South Wales. I convey congratulations to all those honourable members who have recently begun their careers in the Legislative Council.

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I wish to speak about local government and to refer to the budgetary allocation in respect of that important sphere of government activity. Local government is in many ways an anomaly. It is one of three tiers of government in this country and yet is a tier of government which is not recognised in any constitutional sense. It is a great pity that constitutional recognition of local government, which was sponsored with considerable passion and determination by the former Deputy Prime Minister, Mr Lionel Bowen, was not carried. If it had been carried, that referendum would have given local government a secure place in our political structure. The legal position in which local government finds itself is that essentially it is a series of corporations created by the State Parliament and therefore vulnerable to destruction by a decision of State Parliament. We all know of the politically vexed situation where councils can be dismissed or otherwise interfered with by a decision of this Parliament or by a decision of the responsible Minister, despite the local municipality or shire being a democratically elected structure. Local government finds itself in a peculiarly difficult position. All honourable members need to rethink from basic considerations how local government, the tier of government closest to the people and most immediately responsible for community interests, should be regarded.

**The Hon. D. F. Moppett:** Local government would sooner have had some real support in a financial sense than of the opiate of constitutional recognition whilst the Federal Government was ripping out its financial heart by reducing its share of personal income tax. That is absolutely insincere.

**The Hon. J. W. SHAW:** I thought it was the Whitlam Government federally that initiated the idea of Federal contributions and grants to local government.

**The Hon. D. F. Moppett:** The honourable member is wrong.

**The Hon. J. W. SHAW:** It actively promoted the idea that local government played an important part. I think the honourable member will find that Tom Uren, when he was the Minister in the Whitlam Government responsible for local government issues, precipitated a dramatic boost for local government by way of funding.

**The Hon. D. F. Moppett:** Always with a string attached.

**The Hon. J. W. SHAW:** Obviously there are funding issues, but also there are issues of constitutional recognition. The Hon. D. F. Moppett is overlooking the fact that local government as an institution strongly supported the referendum, went out to the people and said that it should be carried. In large part it got lost in a general political move. Over recent months I have been giving active consideration to the role and position of the Department of Local Government. My vision for the department is one of a lean professional monitoring service for local government. In many ways over recent years the professional input from the department has been insufficient. The department has only three legally qualified people. It should concentrate on accounting, auditing and legal skills, rather than administrative matters, and should be a department of modest size that provides a service for local government and does not try to override its democratic functions.

I pay tribute to the senior officers of the Department of Local Government who in my short time of being responsible for this issue on behalf of the Opposition have been absolutely vigilant in their interest in briefing the Opposition, attending caucus committees and contacting me about the details of the administration of the department and policy issues. I doubt whether any other department has been as active, no doubt with the

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approval of the Minister, in its liaison functions with the Opposition. That may have been prompted partly by the fact that the Opposition sees itself as being very close to government. It might also be simply a democratic process that views the non-government side of the Parliament as being entitled to access to expert and detailed information.

The Budget Estimates for local government are contained in Budget Paper No. 3 at page 353. They indicate in part the difficulty for the department in that its size and structure do not seem to have reflected entirely the department's changing role and function. If the 12 ministerial staffers now allocated to the Department of Local Government are excluded - and that is merely a technical change because Mr Peacocke has become the Minister - the total staffing for the department is 153. That should be contrasted with the aggregate staffing for the Department of Local Government in the period 1987 to 1988 under the Labor Government, when the total number of staff in the department was 154. Looking at the raw figures one would say that the staffing has been approximately static. However, it should be noted that in the period between the two figures I have quoted there was a significant loss of function. The department has lost responsibility for animal welfare, which has moved to agriculture, and theatres and public halls, which have devolved largely to local councils. In all of the circumstances it might be legitimately questioned why more basic changes in staffing structure and numbers have not occurred.

Apparently eight officers are engaged at present in a review of the Local Government Act, whereas in the 1987-88 period there were only two such officers, and in the 1988-89 period only five such officers. On the face of things it seems unusual that there should have been an increase in the number of officers involved in that function. The process of reviewing the Local Government Act was initiated by the Labor Government in 1987 and 1988. The

present Government, for all its reformist rhetoric, has been slow in pushing through the process of making local government units more efficient and responsive. We are yet to see any basic legislative change although the Minister says that legislation will be introduced in the new year. It has been a drawn out, and I should have thought unnecessarily protracted, process. One cannot necessarily blame the present Minister, who has been in office for only a short time. But during the first term of the Greiner Government nothing of substance was done to reform local government. There was some superficial rhetoric, examples were floated in the media of local government inadequacy, but the Government has yet to take any serious action to reform this area, even though local government itself has supported many of the suggested reforms and the Labor Party Opposition has offered support for most of the changes suggested by the Government.

**The Hon. D. F. Moppett:** All that Labor tried to do was amalgamate the shires.

**The Hon. J. W. SHAW:** I am concerned to address the present issues in local government. A wholesale program of amalgamation is inappropriate, but at the same time it is unwise to be sponsoring splinter groups in local government, the setting up of tiny municipal units that are not economically viable, such as the Pittwater council on the Manly-Warringah peninsula which the Government has positively promoted. If one asked a whole series of small local communities whether they would like their own council, one would get a positive answer. Whether that would be in the overall economic interests of the State is an entirely different question. In an era of structural change for all levels of Australian government and at a time when budgetary constraints are significant, it is obvious that the winds of change will affect our local government structure just as much as they are affecting State and Federal governments. The catalyst for change is to be found in a potent mix of coinciding factors: a national review of local government labour

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markets; fundamental rewriting of the statutory framework; the structural efficiency modernisation of industrial relations; and the changes in our higher education system.

Any political party or participant in the local government structure taking the stance of a simple defence of the status quo will appear like King Canute commanding the tides to go back. Change must be accepted, and those most concerned and knowledgeable about local government must have a major input into the reform agenda. Labor's approach to local government reform has a number of key themes. First, reform must take place in a co-operative spirit, with constructive consultation between State governments and the participants in the local government process, that is, members of shires and councils, trade unions, employer organisations and the work force. Second, there should be a more efficient, cost-effective delivery of services, in the jargon of the times: microeconomic reform. Third, there must be greater autonomy and accountability for local government units. Local government should be recognised as an important sphere of government in its own right, a key partner with State and Federal governments.

The critical feature in the reform process is that the approach must be co-operative. Labor's reform program is based on consultation and negotiation - not upon the centralised, ideologically driven approach that has characterised much of the Greiner Government's stance on local government over the past few years. A Carr Labor government will be committed to a co-operative, positive relationship with local government - aldermen and councillors who give so much voluntary time to its procedures, its umbrella employer bodies and its trade unions. Confrontation is not the way to constructive change; nor is the denigration of the dedicated personnel involved in local government a productive approach. I did not think it at all appropriate for the Premier to denigrate recently, by way of vulgar abuse, the president of the Local Government Association, Mr Peter Woods as being - I think I quote the Premier correctly - "an arrant ratbag". This sort of schoolboy denigration is not appropriate. It is the very antithesis of the sort of co-operation and consultation that I am suggesting is the way forward. Of course there are imperfections to be found in the existing system, as there are in every

human endeavour, but it ought to be recognised by the State Government that there are thousands of decent Australians making their careers in local government employment as well as hundreds of public spirited citizens willing to face the electoral ordeal and to give their talents to the community for minimal financial reward as aldermen and councillors. Cheap jibes not only are unfair but will prove also to be counter-productive in achieving appropriate changes.

The Opposition has sought to consult with the Local Government Association and the Shires Association. We met with both groups in order to assure them that we want to listen to their points of view. This is more than simply an open door approach. It involves a more structured consultative mechanism which will ensure that the views of local government will be listened to. Of course those views will not always prevail. Obviously, the ultimate decisions about basic statutory changes will lie with State Government, but local government ought to be listened to and not ignored or abused. Local government appreciates that from the Labor Party point of view, a pressing and important focus of such consultation must be the drastic revision of the statutory framework in which local government works. The Local Government Act 1919 is an anachronistic shambles. It consists of an unwieldy complex series of prohibitions and obscure powers. The present Minister for Local Government and Minister for Cooperatives knows perfectly well that he will have in very large part co-operation from the Labor Party in fundamentally revising that statutory framework. That is not to say

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that there are not certain policy differences which may prove to be sticking points, but overwhelmingly the issues will not be contentious and we urge that the revision process take place with all dispatch.

Reappraisal of the local government legislative scheme was commenced by Labor's State Cabinet in January 1988, but it took the former Minister in the Greiner Government, Mr Hay, two years and three months after his appointment to issue the phase 1 amendments dealing with local government functions. On 11th August we saw an indication of the proposals for phase 2. No legislation has been introduced to reflect phase 1 of the review, despite the fact that the then Minister expected that such a bill would be introduced by the end of 1990 and it was considered that the phase 1 bill could proceed before discussions on the phase 2 reforms were completed. We advocate that the new Act should be framed to allow councils flexibility to undertake short-term and long-term planning, to introduce innovative financial controls and to carry out their functions without undue interference from State government. It should be observed that some of the Greiner Government's plans for local government contain a marked contradiction. On the one hand they contemplate greater autonomy and financial flexibility and on the other hand they suggest that councils and shires should be the subject of centrally determined, mandatory and absolute requirements. For example, it was suggested that there should be imposed upon local government units the obligation to put all major projects up to public tender. Such a blanket requirement is hardly consistent with the rhetoric of greater freedom for our local government structures.

The Labor Party is vitally concerned with the erosion of efficiency in the local government workplace. In a consensual but positive manner, those actively concerned with local government will need to work hard to eliminate inefficiencies, rigidities, or artificial lines of demarcation from the local government work force. Nationally, local government constitutes a significant slice of the economy, employing 2.2 per cent of the work force; employing 8.6 per cent of public sector employment; and spending \$7 billion per annum. It cannot be insulated from changes in private sector management approaches. Unless the public sector can deliver services efficiently, the threat of privatisation or contracting out will loom large. A viable alternative to the imposition by State government of compulsory contracting out lies in an active process of structural efficiency and award modernisation, which is in fact under way in New South Wales. We need to grasp the opportunity to thoroughly revise awards, drastically reduce the number of classifications and eliminate artificial barriers to progression between different positions in local government employment. It is not enough for the industry award to be

revised. Change must actually occur at the workplace. The Shires Association has argued the following:

Changes in award provisions will not in themselves produce productivity and efficiency gains and improve career opportunities for workers. It is how the changes are implemented in the context of a properly restructured council workplace that will provide benefits, including a more adaptable, flexible and responsive organisation.

A Labor government would be a participant in a very critical revision of local government's productivity, efficiency and service levels. This would involve more than the reform of work practices and staffing levels. Management culture would also need to undergo a qualitative shift. Leaders of the administration of councils and shires will need to implement performance planning and control techniques, to monitor the cost and improve outputs and to change the orientation from process to results, that is, away from paperwork and towards emphasising a rigorous, objective assessment of the services provided. Only by such managerial radicalism, maintaining public sector ownership but

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adopting commercial costing and administrative methods, can local government escape the perception of being overstaffed and comfortable.

A practical example of such a model is Manly Council, where an estimated \$2 million budget deficit for 1991 has been turned around to an estimated \$300,000 surplus. The changes were substantial and have received widespread recognition. The Manly changes were three-pronged: first, organisational change to put in place established business objectives; second, communication with every staff member and an extensive training program; and, third, a review of work performance and redesign of jobs based on worker's knowledge and input. If a sophisticated workplace change model is adopted by local government, microeconomic reform can be achieved and can present a positive way forward. Staff reductions can be dealt with by a gradual process of natural attrition as distinct from compulsory redundancies or the slashing of jobs by contracting out. For such a process there needs to be consultation with all relevant unions, personal liaison with each member of staff and guaranteed employment for all permanent employees in exchange for flexibility and reviewed work practices. Our current industrial relations system facilitates changes such as these by making wage increases contingent upon the achievement of greater efficiency. However, there is a risk that changes may be only cosmetic and not result in actual savings to the ratepayers.

The aim should be to lower rates and provide better services with less resources, using increases in labour productivity and proper management techniques. In the vexed field of competitive tendering for local government, the Greiner Government has indicated its proposal to make councils tender in the private sector for all major functions. Labor supports appropriate guidelines to require local government to adopt fiscally and socially responsible practices in this area provided, first, that councils are not compelled to contract out their services. Such compulsion fundamentally derogates from the electoral responsibility that members of councils and shires have. The New Zealand model, for instance, forces councils to accept private sector tenders, no matter what advantages may be gained by using day labour.

The second proviso is that the private sector is a competitive market for the service being tendered. In some country areas a private company may have a monopoly on certain works and where that situation exists it may be inappropriate to compel councils to tender out. The third proviso is that strict performance measures, specifications and contractual arrangements are entered into; and, finally, only services where fair tendering is possible should be considered, that is, there should be some basis upon which the performance of day and contract labour can be compared. This means that human services such as libraries, child care centres and Meals on Wheels are not suitable for private contractors. State governments should co-operate positively with shires and councils to achieve a revitalised sphere of community government.

I would now like to address the problem, the dilemma, that State governments face in dealing with criticisms of local government and in dealing with suggestions that a particular council or shire has abused its power and has acted incorrectly in respect of a particular matter. Obviously this is a dilemma because we take the view that local government is autonomous and the power and right of State governments to intervene on a day-to-day basis ought to be very limited. Nevertheless there is a role, largely by way of guidelines and policy formation, for the State Government to minimise improper behaviour in local government. In saying this I should emphasise that local government overwhelmingly acts properly and in accordance with the interests of ratepayers of a particular municipality or shire. Though many local government authorities are making progress in relation to management reform, it remains essential to have in place the

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framework and structures that will encourage relevant accountable management practices and more vigorous change. The challenge is to establish the right balance between central authority, local autonomy and incentives for improvement. Labor is committed to meeting this challenge, not by confrontation but through encouraging effective self-regulation of councils' activities. Labor will immediately, upon return to government, enter into consultation with local government to ensure its management reform package is successfully introduced. Under Labor, local government would implement the following reforms.

**The Hon. Patricia Forsythe:** Would implement or be invited to implement?

**The Hon. J. W. SHAW:** We would encourage, with a view to achieving some reforms. That encouragement can be achieved by leadership and by guidelines rather than by prescription. Each council would be encouraged by specific detailed guidelines, after appropriate consultation and after a consensual approach is reached between the State Government and local government, to establish a corporate plan committee as a standing committee of council. This committee would be responsible for clearly and concisely setting out council's corporate planning mechanisms, aims and objectives, performance indicators, program staff reviews, and the establishment of regular management reviews. The role of these corporate plan committees will be to establish explicit, clear objectives which councils should achieve taking in any changes in the financial or political environment which may emerge in the 1990s and beyond. Policy and program initiatives for councils may be identified from a range of sources, including statutory requirements, existing program commitments of councils, the objectives of the community, the objectives of aldermen, that is, their political programs, and the identification of the needs of a community. Under a Labor administration councils will aim to provide a more efficient and effective service to residents and their corporate plan will discipline and guide councils in future decisions and policies.

In other words, I am suggesting there will be a positive expectation on the part of the State Government that there will be the corporate planning committee that I have mentioned and that there will be a regular corporate plan which will enable greater discipline and greater structure in the achievement of objectives at the local government level. Councils' commitment to extensive community consultation will ensure that the community's views are obtained and considered. It is intended that the corporate plan will be reviewed regularly to ensure optimal performance is achieved in meeting council objectives. The corporate plan and associated management reviews will have to be publicly advertised, that is, made available for scrutiny and debate by the electors. The Department of Local Government would closely and regularly monitor this progress towards a new, more efficient and open culture. I believe in this way there can be significant reform in the local government sphere.

**The Hon. Patricia Forsythe:** In addition to the significant reforms going on?

**The Hon. J. W. SHAW:** Well, it would serve as part and parcel of the total reform process. I want to say something about some changes I believe are needed in certain legal

matters concerning local government and what I believe to be the quite unfortunate examples of criminal proceedings which have arisen often from disputes within various councils and shires. I know that the Government has referred the question of conflicts of interest in local government to the Independent Commission Against Corruption and I know that the Independent Commission Against Corruption is actively investigating this matter, and that is an appropriate course. I have some confidence that from the ICAC process will emerge a reasonable and balanced approach to these

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problems. What is particularly troublesome is publicised examples of criminal prosecutions which often go for weeks, often result in an indecisive conclusion, are very costly to the council which initiates the prosecution, and are often and perhaps invariably costly to the defendant who has to pay his or her own legal costs. My impression is that a number of these squabbles which have found their way into the criminal courts have originated from relatively trivial incidents and disagreements. I think it is timely to reconsider this whole process.

Labor in government would simplify and clarify legislation concerning conflicts of interest and corrupt conduct in local government so as to avoid lengthy and costly litigation and so prevent factional differences within councils from promoting unproductive criminal prosecutions. For all but the most serious breaches of the law, questions of conflict of interest should be removed from the criminal courts and put within the responsibility of a special tribunal presided over by a judge with power to declare the existence of a conflict and to order that a councillor not participate in the determination of a particular matter or to order the disqualification of a councillor from the council or the shire for some specified period or for the residue of his or her term of office. This important and, we would hope, expeditious process would not involve the establishment of a new and expensive tribunal.

Use would be made of the existing District Court judges and the officers and public servants associated with the District Court Registry, and that tribunal presided over by a District Court judge would determine quickly whether conflicts exist. The District Court judge could sit with assessors from local government and the tribunal could operate in a way which is analogous to the Medical Disciplinary Tribunal and the disciplinary tribunals which operate in other professions, such as the veterinary profession and the pharmaceutical profession and so on. By that means we could have an administrative law procedure whereby, basically on the basis of documentation, whether or not a conflict of interest existed could be determined quickly, perhaps prior to relevant votes being taken but, if the vote has been taken, disqualification could be determined by the tribunal not in the environment of a criminal trial but in the environment of a much less formal administrative law or disciplinary approach.

We would see a process such as that as avoiding costly court cases being imposed upon councils and ratepayers. If that model is adopted there still remains the dilemma of the serious case of conflict of interest, which involves breach of the law, or the serious case of corruption. I think it would be generally agreed that there has to be a residual criminal process to deal with such fundamental or serious issues. The view I express on behalf of the Labor Opposition is that in that hopefully small number of cases where criminal prosecutions were justified they should not be initiated by the council or shire; they should not be initiated by some majority vote, perhaps arising out of factional differences on the local government body; they should be initiated only by the Director of Public Prosecutions in the way that ordinary criminal prosecutions are. So if we have that screening mechanism of the Director of Public Prosecutions, the independent statutory officer having to authorise and initiate criminal prosecutions, I think we will screen out of the process the trivial, the vexatious or the otherwise unwarranted criminal process. We should be able to ensure that, only in those cases where the public interest really requires a criminal prosecution, is such a case initiated in the criminal jurisdiction of our courts.

I have presented some ideas for the reform of local government which are favoured by the Labor Opposition which I think represent a creative, active program of change for that sphere of government. As I have emphasised on a number of occasions,  
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they would be implemented in a spirit of co-operation and good will with our local government bodies, with employer bodies and with trade unions concerned with local government. As I have already indicated, I would offer our co-operation to the present Government in its reform program except on a number of issues which we say are ideological additions to the generally accepted reform program. There will be differences with the present Government in relation to electoral methods. There are potential differences in relation to suggestions about citizen-initiated referenda and there are also strong differences which are likely in relation to changes in the rating process. But, subject to those three or four issues which I have singled out, I think there will be a large measure of common ground between the Government and the Opposition as to the need for change in local government.

**The Hon. ANN SYMONDS** [9.43]: I take this opportunity to welcome new members to the House. Since the last election, because of changes in personnel and because of retirements, nine new members have joined the Chamber. I am pleased to record that four of those nine members are women. I welcome them most heartily to the Chamber. I look forward to the day when 50 per cent of members in this Chamber are women. We can then dispense with the gender debate and get down to basic politics. Until that time we will continue to have an emphasis on gender issues. I congratulate in particular honourable members who have made their maiden speeches. I noted the variety, the intensity of opinion and the idealism in all those speeches. That augers well for a continuing high standard of debate in this Chamber - a Chamber which has the highest standard of debate in the Commonwealth.

In addressing the current Budget it is useful to mention that it has to be seen in the context of the mini-budget which the Greiner Government announced shortly after its shaky re-election on 25th May. It really set the scene for the way in which it intended to continue its demolition process. We were advised in that mini-budget that there was to be a further loss of 12,500 positions in the public sector. This is a bitter blow to the operation of all sorts of departments and, in particular, to the community services area. To examine this Budget usefully we have to view it in its political context, or at least in the context of the philosophy on which it is based. After all, this is the first Budget of a new regime - a shaky regime as I have said - and the way in which it organises the delivery of government is fundamentally different from the ways of previous regimes. I refer to the division of departmental operations into policy and management. The handing over of the process to managers and the distancing from ministerial responsibility is all part of a reworking of a system of administration by this new Government. A blatant and shocking example of that at the beginning of this new administration was the announcement on how juvenile justice was to be managed. We still cannot work out just what that division is all about. For a time it seemed that the Attorney General's Department, the Department of Corrective Services, the Department of Community Services and the Department of Justice were all to play some role in co-ordinating the delivery of juvenile justice. This system of seeming chaos and division arises from this new model of administration which has now been instituted.

It is essential to look at this element of the structure to understand how this administration is using the money. We must look at the dominance of the Greiner Government by that ideologue Sturgess. It is useful to examine the Sturgess plan for this Greiner administration. He revealed it at the beginning of the new administration when he spoke to the Australian Institute of Public Administration. The paper that he delivered at that time - I am sure all honourable members are familiar with it - was entitled "Good Fences Make Good Neighbours". He was so proud of his thoughts on these issues of public administration that he widely circulated the document. The interesting thing,  
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though, is that it is totally derivative; it comes right out of a Thatcher-inspired document entitled "The Next Steps" - a document that resulted from a review of the first 10 years of the Thatcher administration; from 1979 to 1989. The recommendations from that review embody the new style of government administration that Thatcher wanted to introduce. She failed to implement all the recommendations of that report because by then the unpopularity of her Government was so obvious to her colleagues that she was almost summarily dismissed and the resounding public rejection of her radical policy and style, evidenced in several by-elections, meant that her colleagues also realised that they had to reverse their policy directions.

The unpopularity of the way in which separation of policy and management affected the delivery of housing is a prime example of the failure of the Thatcher model, which Sturgess has now forced on to the Greiner administration. That has not deterred Sturgess. In fact, it seems that Greiner does not seem to be able to manage Sturgess or to contain his virulent ideological behaviour in any way. Neither do any of the Ministers seem able to contain him, though I am sure that some of the traditional Liberals and even some of the conservative group are no doubt disquieted by what is happening. Radical conservative is the only term one could use to describe Sturgess and his approach, though the words radical and conservative do not sit together too well. We are not accustomed to using them in that way. We need only consider traditional conservative politicians, like Harold Macmillan, who knew and accepted their role in caring for the whole of society and involved themselves in public housing and sound education policies. The Sturgess style, that is the Thatcher style of radical conservatism, is to overturn the traditional conservative approach. The radical Sturgess plan is evident in this Budget, in which Thatcher's "The Next Steps" proposals are reproduced. "The Next Steps" easily identifies the Sturgess approach. For example, the document states:

The identification of agencies and providing the necessary framework within which they can be managed effectively are essential tasks for departments, but cultural changes implicit in these simple ideas will only take place if a strong lead is given from the centre. Moreover the centre has to have confidence in the new pattern before it can responsibly start relinquishing some of the present constraints on departments. We are convinced that our recommendations can be implemented successfully only if the centre takes a leading role in managing change.

I am sure that we all recognise from that theme the curse that we now have of control by central agencies, which is blighting the operation of government. The document states further:

Our recommendations on changes in the way departments operate are fundamental and radical. They will only be introduced successfully if there is an extremely senior official who has unequivocal personal responsibility for achieving change; but with his other responsibilities he cannot be expected to devote the time and energy to managing the change that the task demands. We recommend that a full Permanent Secretary should be designated as Project Manager as soon as possible to ensure that the change takes place. He will need to work with the authority of the Prime Minister and the Head of the Civil Service, to whom he should report.

I imagine that it would be obvious to all that Sturgess has allocated to himself the role of project manager. Indeed, in television footage we see him shadowing the Premier wherever he goes. His power and influence are obvious. He does not call himself the project manager but it appears to me that he has assumed that central role. The document states also:

The two measures which have been most effective in altering the climate and the way the Civil Service works are manpower cuts and budgeting.

Clearly that is the course of action this Government has been pursuing. It has been  
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determined to eliminate positions from the public service. Thousands of jobs have now disappeared and we believe that thousands more will go. In order to achieve a fundamental change in the cultural climate of our State and society, the two-pronged attack of manpower cuts and budgeting cuts has been put in place. The most serious imitation of the Thatcher model is evident when one reads that it is about making people in charge of operational policy areas into managers. The Thatcher document speaks of "leaving the managers free to manage". The Government seems to have refined that, as we hear regularly the phrase "let the managers manage". The failure of management as a goal in itself is, of course, easy to prove.

The statistical evidence from the United Kingdom is that Thatcher's management brought that country to its knees. Actually, it did not bring all of Britain to its knees; some people there became very wealthy under the Thatcher regime. More people live in poverty in Britain than in any other European country. The number of households living in poverty rose by 35 per cent under Mrs Thatcher's leadership. In 10 years of Thatcherism that was an undeniable fact. Thatcher's duplication of Reagan's policies provides two examples of what their view of management, their allocation of funds and their notion of the role of government produced for the citizens of their respective countries. The United States of America has the highest level of child poverty in the developed world. That is a direct result of the Reagan administration. Reagan, who spoke about deficits, created a monstrous reordering of American society and was responsible for eight years of neglect. He was responsible for what has been described as the decade of greed, the 1980s.

Not only has management as a goal in itself failed, in New South Wales management itself seems to be failing. At a meeting of an Estimates Committee a fortnight ago the Minister for Health and Community Services repeatedly said that money had not been spent because the proper administrative procedures had not been completed in time. What is the point of having SES officers on enormous salaries who cannot deliver the greatly cut services of this State in an approved framework? The estimates committee was a farce. The Minister for Health and Community Services allowed 45 minutes for examination of the Community Services budget. The first three questions by Government members allowed the Minister to speak for 15 minutes. Even those answers revealed the Minister's failure to administer the portfolio properly. The Hon. Elaine Nile asked what I thought to be a meaningful question about deleting the word "family" from the portfolio of Family and Community Services. The Minister replied in part that no new stationery had been ordered; he merely directed that a line be drawn through that word on the department's letterhead. It is rather symbolic that the word family would be physically deleted from every piece of paper emanating from the department.

**Reverend the Hon. F. J. Nile:** Shame, shame.

**The Hon. ANN SYMONDS:** Absolutely, Mr Nile. I wholeheartedly agree with you. The Hon. R. D. Dyer and the honourable member for Riverstone in another place asked questions, and then three more questions were asked by members of the Government. The dismantling of the Department of Community Services is my greatest concern. I just do not think that sufficient attention is being paid to the level of destruction occurring within that department. The department formerly provided extensive services of a complex and vital nature. It is now going rapidly out of existence. I should like to reassert my belief that since Federation political parties have had an almost consensual agreement that the role of government is to intervene in the best interests of citizens. However, as can be seen from the dismantling of this department, the Government is actually withdrawing from that function. The Government has

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asserted the supremacy of free market forces in determining the nature of our society.

In fact, recently Michael Pusey's research has shown us the effect of putting policy in the hands of accountants. The abysmal impact of economic rationalism in Canberra and its

effects on the Federal Government is evident in his piece of well received research entitled, "Economic Rationalisation in Canberra", subtitled "A Nation-Building State Changes its Mind". That is what is happening here with the change in culture of our society being accelerated by the Sturgess plan. The people who predominate the scene - from Curran on we have seen this - are the accountants. These people are schooled in the Milton Friedman Chicago School of Economics. They believe that every human relationship has a price on it and every societal function has a price. Accountants have changed the language to talk in terms of commodities, in technical terms and machinery terms because they wish to distance themselves from the reality of their policies which affect human beings. They do not like using words which recognise human experience, words such as pain, misery, suffering. They use measurements and words such as inputs, outputs and downsizing. Human beings then become just another element in a resource package.

During the early 1980s one judge of the United States Supreme Court, a man called Posner, actually said that everything had a price and the market should determine its value. One of his examples involved the fundamental human relationship - that of a child and its parents. He said that the market should apply to all transactions. He used an example of how you get the highest price for a commodity, even in a particular human relationship. For example, a white couple should be free to sell their blonde white baby to the highest bidder because there was a premium price for white babies. Obviously the child was a highly desirable commodity and could command a high price. Posner said the State should not intervene to say that those people who produced the child did not have a right to sell it. He created quite a stir for a while because people reacted with shock to his value statements. He was so shocking when he said these things that people were aghast and reacted with disbelief. In fact what we are seeing now - and the Sturgess-Greiner regime is part of it - is an approach that is broadly accepted arising, I believe, directly from the momentum produced by Posner and his ilk. User pays applies to every aspect of our lives and the State is withdrawing from its responsibilities to guarantee a dignified quality of existence for all its citizens.

**The Hon. Dr Marlene Goldsmith:** I really do not follow the honourable member.

**The Hon. ANN SYMONDS:** The honourable member does not understand user pays?

**The Hon. Dr Marlene Goldsmith:** Is the Hon. Ann Symonds suggesting we encourage people to sell babies?

**The Hon. ANN SYMONDS:** No, obviously the honourable member was not listening. I did say that one example of a man who had propounded this theory of commodities and a monetary value attaching to every human relationship was an American judge called Posner who gave this example I referred to. I was not suggesting that the honourable member was going to sell babies or that Mr Greiner proposed to sell babies. He may get round to it eventually. The whole user-pays approach to every aspect of our lives is in place and the State is withdrawing from its responsibilities to guarantee a dignified quality of existence for all its citizens. These days everyone is very concerned about values. They talk about the loss of value in our society and a return to

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traditional values but no one actually talks about what those values are. If we could begin again to talk about the sort of social justice that we need to have operational in our society, we would be advancing the best interests of those people whom we were elected to serve. People do not understand the principle of social justice and the operational meaning of it. It does not mean that everyone is treated the same. In fact to grant some people equality they must be treated differently. For example, we have to make different arrangements for the disabled, for children, for women, for blacks and for the poor.

I should like to refer to a few specific areas of the Budget and compare some figures of this Budget with the last Labor Budget in 1987-88. For example, in the arts portfolio, in 1987-

88 Labor allocated \$140.2 million. This year Greiner allocates \$135.5 million. These figures show a lack of commitment to the arts. When one observes what is happening to arts institutions it is scandalous that last year's arts budget was underspent by \$1.3 million. The Australian Museum, after having free admission since its inception more than 100 years ago, has been reduced to charging admission fees. I have referred to the recent changes in the administration and the application of entrance fees to the Powerhouse Museum. This has had the effect of reducing the attendance at that museum by 60 per cent. This market force policy towards museums indicates a denial of the health of the cultural environment which belongs to every citizen and is particularly important to children. Savage blows to culture will just lead to chaos. The Attorney General, Minister for Consumer Affairs and Minister for Arts deserves to be labelled as a vandal for the havoc he is wreaking on those public institutions.

**The Hon. Patricia Forsythe:** The honourable member does not really believe that.

**The Hon. ANN SYMONDS:** I would not have said it if I did not believe it. Anyone who wilfully takes the axe, as he has, to the operations and free access to those cultural experiences from citizens who have already paid for them through their taxes and so on, can only be labelled a vandal, or perhaps the honourable member prefers to call him a Visigoth.

**The Hon. Patricia Forsythe:** Did the Hon. Ann Symonds attend the opening of the new museum?

**The Hon. ANN SYMONDS:** Yes, I paid to go to the opening of the new museum. We all paid to go. We will pay for everything. This is the point I am making. In education another example of this destruction of our heritage is the video library which for decades was run by the education department and has now been demolished. In relation to the disbandment of the education department's film and video library, the head English teacher at Cranbrook said:

This is an act of barbarism.

Perhaps he thinks Collins is a Visigoth as well. He continued:

Apart from genocide, the next worst action that any civilised community can commit is the intentional destruction of its information resources.

I have expressed concerns about the disappearance of the Department of Family and Community Services. I refer now to the child sexual assault program. In the last year of the Unsworth Labor Government, in 1987-88, \$2.92 million was allocated to child sexual assault services. In 1990-91 this Government allocated \$0.8 million. It speaks

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for itself. The Budget Papers show an increase of 11 per cent for child protection in 1991-92. If this budget allocation for 1991-92 is compared with the budget allocation for 1990-91 the increase is only 3 per cent, that is, less than the consumer price index which is 3.5 per cent. Comparing incremental changes to unspent dollars of the previous year is misleading. It is quite a good tactic but it is misleading.

Financial assistance for families experiencing stress-related abuse was underspent by 46 per cent in 1990-91. Supported accommodation was \$3.9 million underspent; in housing \$34.7 million was allocated in 1990-91 and \$11.9 million of that was unspent. This has happened at a time when a study in the women's refuge area revealed that only 7 per cent of women leaving refuges were able to obtain places in public housing. The Government is not intervening in the way it used to so as to provide quality education and on an equitable basis. We are returning to the management of education at the local area. If the local area is made up of articulate, middle-class people, the level of services to children in schools in that area will be better than the level of services to children in a deprived area where the advocacy and financial

contribution of the community may be less. This is not participation; this is management - bean counting - chaos. Professional men and women in teaching are in despair.

This Budget has introduced massive changes in government services. There has been almost total destruction of the Department of Community Services, the withdrawal of all those workers - 1,000 positions gone, 77 child sexual assault workers gone, special institutions such as Montrose have gone, as has Brougham - all of this stuff under the guise of efficiency. In an earlier phase of this development at least we talked about efficiency and effectiveness. Effectiveness seems to have been lost as an equal goal. Cost recovery, market forces and all of that accounting process have overtaken service delivery and understanding particular human conditions. The successive Sturgess budgets have the pattern of allocating money, underspending it and then in the next year using the net expenditure as the bottom line from which to begin. You may be fooling yourselves, but the community knows you are deliberately de-constructing programs that are urgently needed. The slavish imitation of the Thatcher model is also evident in the recent successful passing of the Industrial Relations Bill, with Fred Nile's support. The Industrial Relations Act brought a day of great sorrow for members on this side of the House. I saw the glee of the Government at the passing of that bill which was constructed with the intent of returning New South Wales people to the conditions of Victorian England. I do not believe that weakening union structures will have the consequences this Government has projected.

Honourable members should look at the combination of the loss of rights in society through the passing of the Industrial Relations Bill and the downgrading of Government sponsored responses to the need of the community, and then look at New Zealand which has a combination of all those things. That is what John Hewson says we have to look forward to. In my recent visit to New Zealand I believe I saw one possible version of Australia's future. I hope we can turn aside from that direction before we wreak the chaos and violence on society that is now evident in New Zealand. A society that is emerging the way this one is will face violence, because people's dignity will be threatened to such an extent that they will feel so alienated from the dominant culture in which they live they will turn against that dominant culture. To find an example of this one need only consider the riots in England. Young people had been unemployed for a long time and the Government was saying to them that they had no role, and were without value; that is wreaking havoc. We must start talking again about the notion of a just society.

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I beg the Government to reject the Sturgess plan. Separating policy from management is a failure from a management perspective and is a disaster for the community. This idea of government as a business must go. The concept of justice, the good of the community, and the extension of care to those who suffer are the values governments should pursue. The sphere of the State is not the sphere of the economy. Government action has the capacity to pursue human values beyond sound administration and profit-making. Until recently such value pursuit was the very point of good government. Of course the economy has to be managed, and from a just perspective. But the economy is not reality. Beyond participation in the economic sphere people live the rest of their lives where human capacities for love and creative freedom can be allowed to develop, and where conversely the greatest suffering can occur, especially in families with children. This reality should be elevated above economics in terms of judging the good effect of government action. The point should be for government to preserve these spheres from the intrusions of the economic, that is, to soften and lessen the effect of unemployment, to try to avoid the abyss of poverty, to maintain adequate public transport, to stop bad health becoming economically ruinous.

In short, the welfare measures of government are to be valued to alleviate the reality of suffering and enhance the reality of love and freedom. This anti-government as management movement is growing because such a style offends so many of our fundamental traditions and

beliefs. It is against the Christian tradition, especially the Catholic tradition in which brotherly love and compassion for the poor are fundamental. I should remind honourable members of two quotations. The first is from Saint Augustine who, as members well know, lived in the fifth century. He said:

There are two loves. The first is holy, the second foul; the first is social, the second selfish; the first consults the common welfare for the sake of a celestial society, the second grasps at a selfish control of social affairs for the sake of arrogant domination . . . The first desires for its neighbour what it wishes for itself, the second tries to subjugate its neighbour . . .

These two loves produce . . . a distinction and also separate the two cities . . . the first city is that of the just, the second is that of the wicked.

I quote also from Saint Thomas Aquinas in the thirteenth century. He said:

And so, according to right reason and the instinct of nature, each person orders himself toward God, as a part is ordered to the good of the whole. This is brought to perfection through charity, whereby man loves himself for the sake of God. So, when a person also loves his neighbour for the sake of God, he loves his neighbour as he does himself. In this way, love becomes holy.

I believe that love, justice, community and charity come from a deep appreciation of the reality of the human condition. I am afraid that this Thatcher inspired Greiner Government Budget shows no concern for or appreciation of the human condition. Those values which are encapsulated so perfectly and succinctly in the quotations from Saint Thomas Aquinas and Saint Augustine are not reflected in the thinking of those who devised this Budget. If members were to reflect for a moment on why it is that they sought to participate in society, why it is that they sought to be involved in government administration, surely they would have to admit to themselves and to one another that the instinct was, in an idealistic way, to serve the good of their fellow citizens, to act as strong advocates for those who are vulnerable in a society that is subject to some disorder and has an obvious need for intervention to protect the rights of all of its citizens. The debate at the moment is not new, although it is highlighted because of the clear directions and choices that we have. We are still at a stage where we can reverse the  
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direction in which current budgets and administrations are going. There is no point in us, for example, simply seeking to contain open violence and allow what we see as individual freedom to flourish. The flourishing of individual freedom does not in all instances meet the needs of a civilised society. I think it is appropriate to refer to a quotation from Ruskin. Some time in the 1830s when this debate was prominent, he said:

In a community regulated only by the laws of demand and supply -

These have been the subject of my contribution. He continues:

- but protected from open violence, the persons who become rich are, generally speaking, industrious, resolute, proud, covetous, prompt, methodical, sensible, unimaginative, insensitive and ignorant.

**The Hon. R. B. Rowland Smith:** That is a load of nonsense.

**The Hon. ANN SYMONDS:** I can think of several examples of such people, some not having many of those qualities but possessing only one such quality, say, being insensitive or ignorant. He continues:

The persons who remain poor are the entirely foolish, the entirely wise, the idle, the reckless, the humble, the thoughtful, the dull, the imaginative, the sensitive, the well

informed, the improvident, the irregularly and impulsively wicked, the clumsy knave, the open thief and the entirely merciful, just and godly person.

That was Ruskin's contribution to the debate during his time. Mr President, I urge you and your colleagues in the Liberal Party to take away the function of the project manager, Sturgess, and re-form your own Budget in the interests of a civilised society.

**Debate adjourned on motion by the Hon. Elisabeth Kirkby.**

## **JOINT SELECT COMMITTEE ON FIXED TERM PARLIAMENTS BILLS**

**Consideration of Legislative Assembly's message of 31st October.**

**The Hon. E. P. PICKERING** (Minister for Police and Emergency Services and Vice-President of the Executive Council) [10.24]: I move:

That:

- (1) this House agrees to the Resolution in the Legislative Assembly's Message of 31 October 1991, relating to the appointment of a Joint Select Committee to consider and report upon the Constitution (Fixed Term Parliaments) Special Provisions Bill and the Constitution (Fixed Term Parliaments) Amendment Bill introduced in the Legislative Assembly.
- (2) of the five Legislative Council Members:
  - (a) the two Government Members shall be nominated by the Leader of the Government;
  - (b) the two Opposition Members shall be nominated by the Leader of the Opposition; and
  - (c) one shall be a non-Government Member nominated by the Leader of the Government.
- (3) the time and place for the first meeting of the Committee be fixed by the Clerk of the Legislative Assembly.

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There is no need at this hour to explain the purpose of this historic move, a move which is a first for any elected government in this country if not in the western world. I am sure that all honourable members of the House will roundly support the endeavour.

**Reverend the Hon. F. J. NILE** [10.26]: We were pleased to see this message come from the other place and to see that it has arisen out of the discussions in the other place between the Government and the crossbench, or the Independents in that House, and that the development of a joint select committee to report on the Constitution (Fixed Term Parliaments) Special Provisions Bill and the Constitution (Fixed Term Parliaments) Amendment Bill has come out of the historic agreement between the Government and the Independents in the other place, particularly in regard to fixed terms of Parliament being four years. I am sure that all honourable members of the House would rather have fixed parliamentary terms. Then everyone would know when elections are coming up rather than being caught out or ambushed by whoever was in government at that time. This is a very historic moment. It is very important that this joint select committee is dealing with the Constitution and, as far as I am aware, will

involve referendums and so on. As this is such an important constitutional matter, the membership of the joint select committee needs to be very carefully considered.

Therefore, I am moving an amendment that emphasises the principle that any joint select committee should have equal numbers between the other place and this House of Parliament. The amendment I am moving, if accepted, would mean that there would be nine members from the Legislative Assembly and nine members from the Legislative Council. It is very important that this amendment be carried as it deals with the whole question of elections and parliaments and it affects this place as much as the other place. Having a greater number of members from the other place rather than from this House raises a question of status and appears to undermine the historic importance of this House as the first sovereign House of Parliament. I do not believe that we should support any measure that in any way, either directly or indirectly, intentionally or unintentionally, undermines the importance of this sovereign House of Parliament. I have much pleasure in moving an amendment. I move:

That the question be amended by the omission of paragraphs (1) and (2), with a view to inserting instead:

- (1) this House agrees to paragraphs 1, and 3 to 7 of the Resolution in the Legislative Assembly's Message of 31 October 1991, relating to the appointment of a Joint Select Committee to consider and report upon the Constitution (Fixed Term Parliaments) Special Provisions Bill and the Constitution (Fixed Term Parliaments) Amendment Bill introduced in the Legislative Assembly;
- (2) this House insists that the Committee be composed of an equal number of Members of each House, especially as this matter concerns the constitution, functions, powers and privileges of the Legislative Council; and
- (3) paragraph 2 of the Resolution in the Legislative Assembly's Message of 31 October 1991, be substituted as follows:

2. That the Committee consist of eighteen members.

(1) Nine shall be Members of the Legislative Assembly, of whom:

- (a) five shall be Government Members, nominated by the Leader of the Government;
- (b) three shall be Opposition Members nominated by the Leader of the Opposition; and

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- (c) one shall be an Independent Member nominated by the Leader of the Government.

(2) Nine shall be Members of the Legislative Council, of whom:

- (a) five shall be Government Members, nominated by the Leader of the Government;
- (b) three shall be Opposition Members nominated by the Leader of the Opposition; and

(c) one shall be a non-Government Member nominated by the Leader of the Government.

**The Hon. M. R. EGAN** (Leader of the Opposition) [10.29]: The Opposition supports the establishment of a joint select committee on the parliamentary fixed term bills. The bills are part of the agreement which the Independents in the other place have arrived at with the Government. As part of their charter of reform they have insisted that the Government guarantee that there will be legislation to guarantee a fixed four-year term of Parliament which will take away from the government of the day the right to call an early election and which will also ensure that should the numbers in the lower House change so that the current Opposition has more seats than the coalition Government, there would be an orderly hand-over of government. Of course, the two bills we have seen are deficient in two respects. First, they contain no provision to enable an orderly hand-over of government in the event of the Opposition obtaining more seats than the Government.

**The Hon. E. P. Pickering:** That is not the intention.

**The Hon. M. R. EGAN:** No, but it is the subject-matter for deliberation of the committee and it is important that we understand what we are doing and why we are doing it. The bills that the Government has tabled also, it would appear, do not take away the present right of the Government to advise the Governor to call an early election. I would not want to put myself up as an expert in constitutional law but many lawyers who have had some opportunity to look at these draft bills would agree with the point of view that I have put. The agreement which the Independents have with the Government is dependent upon there being effective legislation to ensure a fixed four-year term and to make the other changes which I have mentioned. That will give this joint select committee a very important task. I suggest that even if the joint select committee does not recommend legislation which is envisaged under the spirit of the agreement which the Independents have made with the Government, then the Legislative Assembly certainly would insist, when the bill went through the House, that the amendments were made to the draft legislation.

Reverend the Hon. F. J. Nile has moved an amendment which will ensure that both Houses will be equally represented on the joint select committee. As a matter of principle that is a concept which the Opposition would support. However, the Opposition had some concerns that to support that amendment in this case, and for that amendment to be successful, may have resulted in the Legislative Assembly refusing to agree to the amendment of the Legislative Council and, therefore, the establishment of the joint select committee not taking place before the lower House rose at the end of this week for a two-week adjournment. That would have meant that there would have been no joint select committee which could have reported in time for the legislation to be passed before the Christmas recess and that would have meant, therefore, that in the event of the Court of Disputed Returns upsetting the result in The Entrance and Maitland, there would have

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been no legislation to prevent the Government from calling an early election. We have been assured that the Government in the other place will accept the amendments that have been moved in this House and therefore we anticipate that tomorrow the Legislative Assembly will agree to the amendments which it appears this House is to make to the motion.

**The Hon. ELISABETH KIRKBY** [10.34]: In principle, of course, the Australian Democrats support the establishment of a fixed-term Parliament of four years. In fact that has been part of the policy of the Australian Democrats since their inception in 1977. Therefore, in

order to get proper legislation in place to facilitate that in New South Wales, obviously we believe that it is proper that a joint select committee be set up to consider, as in the message, the Constitution (Fixed Term Parliaments) Special Provisions Bill and the Constitution (Fixed Term Parliaments) Amendment Bill. I am also happy to discover that for the first time this joint select committee will have equal representation of numbers both from this Chamber and from the other place. That is valuable. However, I am concerned - and I wish to place my concerns on the record - that the nine members of the Legislative Council shall be five Government members nominated by the Leader of the Government, three Opposition members nominated by the Leader of the Opposition, and one non-government member nominated by the Leader of the Government. I believe it must be placed on the record very clearly that there are two parties represented on the crossbenches in this Chamber. In fact the party I represent, the Australian Democrats, gained a significantly higher vote than the party represented by the mover of the amendment to the motion, that is, Reverend the Hon. F. J. Nile and Call to Australia.

**The Hon. E. P. Pickering:** That does not mean anything.

**The Hon. ELISABETH KIRKBY:** By sotto voce interjection the Leader of the Government stated that that does not mean anything. I think it means something quite significant. It means that the Australian Democrats got twice the number of votes in this State that Call to Australia received. Therefore, I believe it would be proper that there be two non-government members represented on the joint select committee. I have had only a few brief moments to discuss this matter because I saw the amendment of Reverend the Hon. F. J. Nile less than five minutes ago. I was not aware that the honourable member was to move this amendment tonight. I was aware that there was to be a move to have equal representation and I had believed that if there was to be an amendment it would have been moved by the Leader of the Opposition. It is quite obvious why Reverend the Hon. F. J. Nile has moved the amendment. It is because of his very close collaboration with the Government on all pieces of legislation. However, I believe that it is not proper that there should be only one non-government member on the committee.

In my conversation with the Leader of the Government, brief as it has been, he pointed out to me that if the number of Government members is cut to four and the number of Opposition members remains the same to allow for two non-government members, the Government would not have control of the numbers from the Legislative Council. I realise this paramount need for the Government always to have control of all committees. However, this is not a committee that has been set up to investigate or report on a piece of Government legislation which is part of its electoral platform. This joint select committee has been given the specific task of finding out how the State can constitutionally move to having a fixed-term Parliament. Therefore, surely all parties should be represented on that committee, because to move to a fixed term Parliament will

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affect all parties equally. This is the flaw in the amendment. At this time of night, with so little time to prepare for any further amendments or any detailed debate on the subject, there is no point in labouring my concerns on the matter. But I believe it is proper to place those concerns on the record. To have only one non-government member on this committee is an injustice to the strength of the crossbenches in this Chamber. I will not oppose the amendment but I believe that, on this occasion, there could have been more equal representation. If the Government had been outnumbered, committee representation would have been more democratic.

**The Hon. E. P. PICKERING** (Minister for Police and Emergency Services and Vice-President of the Executive Council) [10.41], in reply: I thank all honourable members for their

general support of the spirit of the motion before the House. I recognise the import of the amendment proposed by Reverend the Hon. F. J. Nile. The Government will not oppose that amendment. I had discussions with the Leader of the Government in another place, who has graciously accepted the suggestion of a nine-nine compromise, which puts both Houses on an equal footing. I am sure all honourable members appreciate the graciousness of the Leader of the Government in another place.

**The Hon. J. R. Johnson:** Will he do it each time in the future?

**The Hon. E. P. PICKERING:** I would certainly be in favour of that notion.

**The Hon. M. R. Egan:** But you are not, are you?

**The Hon. E. P. PICKERING:** I will be trying. I am conscious of the comments made by the Hon. Elisabeth Kirkby. There is some validity to her argument as there are two recognisable parties on the crossbenches. However, my facility with numbers would indicate that in a committee of nine -

**The Hon. Elisabeth Kirkby:** A committee of 18.

**The Hon. E. P. PICKERING:** Nine as far as this House is concerned. In a committee of nine it is clear that governments of all political persuasions would like to maintain a modicum of control. It is also fair to say that the representation of the crossbenches on the committee is roughly in line with their representation in the House. In itself that is not inappropriate. I put on the record that in my onerous role of deciding who will represent the crossbenches in these matters - the leaders of both parties will be able to advise the House and all their members - I tend to draw names from a hat. I always allow the successful leader to choose which member of a team will be fielding for that team. I assure all honourable members that, when names are drawn from the hat, there are not four names in the hat which are the same.

**The Hon. J. R. Johnson:** Who are the scrutineers?

**The Hon. E. P. PICKERING:** To settle down the Hon. J. R. Johnson, we do have scrutineers. The draw is always conducted in a spirit of gentlemanliness and it is always above board. I am sure both leaders will testify to that fact. The Government does not intend to oppose the amendment. We graciously accept and compliment Reverend the Hon. F. J. Nile on his wisdom and foresight. I commend the amended motion to the House.

**Amendment agreed to.**

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**Motion as amended agreed to.**

### **Message**

**Message forwarded to the Legislative Assembly advising it of the resolution and requesting its concurrence in the proposed amendment.**

### **ADJOURNMENT**

**The Hon. E. P. PICKERING** (Minister for Police and Emergency Services and Vice-President of the Executive Council) [10.46] I move:

That this House do now adjourn.

### **LOOK AT ME NOW HEADLAND OCEAN OUTFALL**

**The Hon. JAN BURNSWOODS** [10.46]: Once again I wish to speak about the situation at the Look At Me Now Headland at Coffs Harbour. I raise this issue again because I believe it is a microcosm of so much that is wrong with the Greiner-Murray Government in New South Wales. In the first place the issue at stake - the construction of a sewerage ocean outfall - reveals the lack of concern of the Greiner Government, and especially its National Party rump, for the environment. How much longer will it be before the Government and the community face the fact that we cannot go on using the ocean as a sewer? How much longer will it be before the Greiner-Murray Government admits that, on all grounds - environmental, health, tourism and aesthetics - populated areas up and down the coast of New South Wales have to replace the unhealthy, unsightly environmentally damaging use of the ocean as a sewer with a re-use policy which will conserve resources in the long run or even in the short run to save money?

During the short break last week I took the opportunity to visit Coffs Harbour and examine the situation firsthand. I walked over Look At Me Now Headland and nearby areas and saw the beaches, the Solitary Islands and the fishing areas which are at risk from the outfall. I went around the Woolgoolga treatment works and had a look at Willis Creek which proponents of the outfall see fit to describe as an open sewer. It is anything but. I also saw the areas of land owned by Walldale Pty Limited - whose directors include such well-known National Party luminaries as Matt Singleton and Leon Punch - and by the Coffs Harbour Development Corporation, with its links with Japanese organised crime. I was in Coffs Harbour at the time of a pro-outfall public meeting, although a carefully selected, invitation only, public meeting was held. It is interesting to note that the key speakers addressing this meeting included the President of the local Real Estate Institute, the President of the local National Party branch, wearing his hat as Director of the Chamber of Commerce, and one of the directors of the landowner Walldale Pty Limited.

This meeting organised by the pro-development lobby at Coffs Harbour carried resolutions supporting the speedy construction of the ocean outfall because these people hope to make fast bucks out of it. To them it is a simple issue; they can subdivide their land and sell their blocks at a huge profit if sewerage is available. A huge profit is all that they care about. The development lobby in and around Coffs Harbour consists of the National Party establishment and its mates. They are the same people who inflicted the blight of badly planned coastal development at centres up and down the coast of New South Wales. They have been investigated by the Independent Commission Against Corruption and exposed in countless media stories over the past three years. As I said

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earlier, the central issue at Coffs Harbour today is a microcosm of the disgraceful performance of the Greiner-Murray Government in all areas where the short-term gains of the Government and its mates outweigh the general good of the State and its people.

The actions of the police at Coffs Harbour over the past four weeks are cause for the gravest fear. I have previously spoken about my concerns in this respect. It is no exaggeration to say that the arrest of well over 100 people, the use of the Crimes Act and the pattern of intimidation by the police constitute a grave threat to civil liberties in this State. I make it clear that I am not engaging in police bashing - a convenient term which the Minister for Police and Emergency Services uses to dismiss any criticism of the actions of the police. I understand that the local police have been placed in an invidious position. They have been forced to use their power against people amongst whom they live and work and whose views they often share. I sympathise with Inspector Mortenson, with whom I had a long discussion when I was in Coffs Harbour last week. He continually reiterated that he had made relevant decisions

about police action. But I know that the police at Coffs Harbour have been carrying out the orders of the Minister on behalf of the Greiner Government, despite wearisome denials that we in this House have had to listen to that the Minister for Police would never interfere in "operational matters".

As a new member of this Parliament it seems strange to me that a Minister can apparently take such pride in a fundamental denial of a basic premise of the Westminster system - that of ministerial responsibility. The Minister for Police, the Hon Ted Pickering, is not a member of the National Party, but his attitude would do Joh Bjelke-Petersen proud. I view with contempt his attempt to avoid responsibility for the actions of the police force. Anyone who wonders whether the police at Coffs Harbour have made all the decisions of the past four weeks on their own need only look at the facts. I have spoken before about their decisions to arrest people on the first day; their later use of the Crimes Act; their decisions about bail; and their claims that these decisions were made on advice from the legal branch in Sydney. I do not think anyone would believe that district police would take such unprecedented action without direction or take such action just on advice from Sydney. I do not think anyone believes that district police would take such unprecedented action simply on advice from Sydney, without direction. The saga of police intimidation has continued. Yesterday afternoon police began to telephone or visit the 60-odd people who were arrested and charged with breaching the peace two weeks ago and were due to appear in court next Monday. The police told these people that if they do not appear in court, the charges will be dropped. The clear implication spelt out in no uncertain terms to some of those people was that if they appear and defend themselves the charges will be proceeded with.

**The PRESIDENT:** Order! The honourable member's time for speaking has expired.

#### **NON-GOVERNMENT WELFARE ORGANISATION FUNDING**

**The Hon. R. D. DYER** [10.51]: I refer to the matter of funding for non-government welfare organisations. On 21st August I asked the Minister for Health and Community Services a question without notice about the impact of funding for such organisations as a result of the Industrial Commission of New South Wales, on 15th May this year, making the Social and Community Services Employees (State) Award. The Minister replied that on no occasion has the Government provided 100 per cent assistance to organisations, and that there will be no automatic increase in funding to community organisations following the making of the award. I make clear that I certainly do not

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advocate either 100 per cent funding assistance or automatic funding increases. The Minister said in his answer that the Government will review applications for funding lodged by organisations but that neither the State Government nor the Federal Government can be expected automatically to pick up any increased costs flowing from the award. I am becoming increasingly concerned that a significant number of organisations funded under the supported accommodation assistance program are experiencing financial difficulty, largely as a result of their legal obligation to make award payments in accordance with the award.

I asked the Minister about this matter a fortnight ago when he appeared before the human resources estimates committee. On that occasion the Minister said that the Government estimates that the award has had no effect on 98 per cent of the organisations, as in some organisations staff are not covered by the award, or because the organisation already pays above award rates. However, following the many approaches I have received during the past week it seems to me that a significant number of services either are facing early closure or are being obliged to limit the hours during which they function. This week has witnessed a change in the administration of a young people's refuge at Marrickville, due at least partly to financial difficulties as a result of the impact of the award. Other youth refuges that have come to my attention as being in financial difficulty and facing early closure for the same reason include Peshurst Street Community Youth Home, Chatswood, Wyong Youth Accommodation,

Woy Woy Youth Cottage, Yeena's Central Coast Young Women's Accommodation Services and Taldumande Youth Refuge, Neutral Bay.

To remedy the situation the Minister said in the House on Tuesday, 12th November, that refuges should "try to work meaningfully within the budget or restructure their operations". If restructuring of operations means closing refuges for a number of hours each day, as has been suggested by departmental staff to some refuges, the result will be further hardship for young people who are in need of a safe place where they can experience a sense of belonging and worthwhileness. In short, refuges will become nothing more than doss houses, leaving young people with the impression that we just cannot help them any more. This would certainly be a very serious situation for the Government when it is remembered that the Burdekin report of inquiry into homeless children estimated that at any one time 25 per cent of young people in refuges are State wards. During the past week I was approached by Father Peter Dileo of the Antiochian Orthodox Church at Mount Pritchard, which provides a support service to families in that area and is partly funded by the Department of Community Services. Father Dileo advised me that his welfare worker, Mr Carlos Bellow, has been forced to work only four days a week, having regard to funding constraints caused by the need to pay award wages. I suggest very strongly to the House and to the Minister that this is an escalating problem which will not disappear of its own accord. The Minister and his Federal counterpart must address themselves to this funding problem so that many valuable accommodation and other social welfare services do not go out of existence or operate only on a part-time basis, with resultant hardship to the community and the people they serve.

#### **POTTSVILLE WETLAND**

**The Hon. R. S. L. JONES** [10.55]: Recently I referred the Minister for Planning and Minister for Energy to the problem of draining wetland 54 at Pottsville in the Tweed shire. I should like now to provide honourable members with more information on the problems besetting wetland 54, which is under a good deal of strain as a result of severe drainage during the past few years. Since early 1990 the water table

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in the north of wetland 54 has been seriously depressed by a combination of non-compliance with a condition of development approval for the Pottsville Waters canal estate subdivision. This condition set the level of floodways which control the escape of groundwater into the canals and Mooball Creek from the adjacent wetland to the west, and unauthorised extensive drainage works undertaken in May on the adjacent property which connect to the Pottsville Waters canals via the floodways. The net effect has been to drain a major part of the wetland to Mooball Creek via a short, relatively steep route which did not formerly exist. Recently the Minister for Planning and Minister for Energy varied the condition governing the level of the floodways to set them at a considerably lower level to promote the drainage of the wetland.

I shall now give a brief history of the troubles with which this wetland has been beset. Peter Krekelberg, who is developing the Pottsville Waters canal estate, bought his land approximately 11 years ago, including lot 4 and lot 5 in deposited plan 263153. Neil Tagget bought his land approximately six years ago. About 10 years ago construction of the canal estate commenced on the Krekelberg property without the correct zoning in place and without development approval of any sort. In May 1982 Councillor Krekelberg received approval for stage one of the subdivision, including stormwater drains, but not for major canal development. In October 1982 the council first recorded unauthorised major canal construction which extended well into part of what was later to become wetland 54. In July 1989, more than seven years after their construction, the canals were given development approval by David Hay. Approval included conditions to protect the wetlands against further degradation, including bunds and the level of floodways around bunds. In March 1990 the council was made aware of major clearing and draining in the adjacent wetland owned by Mr Tagget to the west of Pottsville Waters. An extensive drainage system on Tagget's land at that stage connected to

Pottsville canal. The council attempted to negotiate with the owners on the rehabilitation of the area.

Later in 1990 further clearing on Mr Tagget's land was reported to council and council applied to the court for an injunction restraining him from further unauthorised work. In February 1991 the Tweed Valley Conservation Trust wrote to David Hay and the council pointing out that the level of floodways around canal bunds on Pottsville Waters had been lowered to 1.5 metres below the level specified in the consent, and demanded action. Even during dry periods water poured out of the wetland by way of the 1990 unauthorised drains on Mr Tagget's land and over the unauthorised lowered floodways on the Pottsville Waters. In March 1991, at the direction of council, Mr Krekelberg restored the level of the floodways. As the water backed up and the wetland surface to the west rose, Mr Tagget threatened to seek an injunction against council. Council applied to Mr Hay for a temporary, that is six months, section 102 variation of the level of the floodways pending a Land and Environment Court decision on the unauthorised drainage work by Mr Tagget.

In July 1991 council received a notice of decision by the new Minister for Planning, Mr Webster, on section 102 variation to the floodway lowering. No mention was made that the notice was to be in force for only six months, pending review. The floodways were then lowered. Early in August the Tweed Valley Conservation Trust telephoned the Department of Planning in Grafton asking why the Minister's notice did not specify that the variation was to be for six months only, as requested by the applicants, the council. On 15th August council received a letter from the Department of Planning informing it that, after all, the variation did apply for six months pending a review by the department. On 20th August the Tweed Valley Conservation Trust alerted council to further clearing, draining and filling on Mr Tagget's land, which was in breach

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of a court order restraining him.

On 6th September council wrote to the Department of Planning asking it to confirm that the possible temporary nature of the variation was an official part of the Minister's approval. On 12th September the Tweed Valley Conservation Trust made an application under the Freedom of Information Act to the Department of Planning seeking to discover what advice the department gave to the director and the Minister. On 1st October the Department of Planning forwarded council an additional page to add to the ministerial consent, confirming the possible temporary nature of the variation. On 8th October the Land and Environment Court commenced to consider Mr Tagget's clearing and draining. On 10th October a subpoena from Michael Mobbs, a solicitor for Mr Tagget, was issued seeking the Department of Planning file on Pottsville Waters floodway levels registered by the Land and Environment Court. Unfortunately this request was blocked because the file had been subpoenaed by the Land and Environment Court.

The Minister for Planning must answer a number of questions. Is he aware that the Department of Planning consistently refuses requests from councils for legal and other support in the expensive business of taking the more intransigent cases of unauthorised destruction in State coastal wetlands to the Land and Environment Court? Does the Minister not think that councils need more State Government support in administering a policy that covers land of statewide environmental significance? Is the Minister aware that his department has added sheets to the original copy of the approval that he signed, which had the effect of making the variation temporary? Did the department do this with the Minister's permission? Will the Minister tell the House why this might have been done?

**The PRESIDENT:** Order! The honourable member's time for speaking has expired.

**LOOK AT ME NOW HEADLAND OCEAN OUTFALL**

**The Hon. E. P. PICKERING** (Minister for Police and Emergency Services and Vice-President of the Executive Council) [11.0]: I do not normally respond of an evening to adjournment debates but on this occasion, in view of the statements made this evening by the Hon. Jan Burnswoods, I feel obliged to do so. First, I would draw to her attention that she is a new member of this House and I take that into consideration in my constrained response. I point out to the Hon. Jan Burnswoods that Ministers of police have a very unusual position with regard to their responsibilities and the law. It is true that a strict interpretation of the Act would indicate that a police Minister can in fact issue any legal instruction to the Police Department and the department would be obliged to carry out that instruction. However, it is very unusual for police Ministers to venture into the world of issuing instructions with regard to operational police matters. I would suggest to the honourable member that for a police Minister to do so on a fairly regular basis would amount to what honourable members and I would refer to as a police State. Therefore, any suggestion this evening that I have personally, as a Minister of the Crown, issued instructions with regard to the Coffs Harbour matter I categorically and utterly reject. I draw to the honourable member's attention that she has asserted in this House this evening that I have. I listened to the words of the honourable member very carefully.

**The Hon. M. R. Egan:** The Minister is politically responsible.

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**The Hon. E. P. PICKERING:** Certainly I am politically responsible for the actions of my department. I am more than happy to wear the responsibility for the actions of my department. That is not the issue. The issue placed before the House this evening by the honourable member is her assertion along these lines. She asserted to the House that at Coffs Harbour she had had discussions with the local police commander, a Mr Mortenson. She indicated to the House that the local commander went out of his way - I think they were her exact words - to assure the honourable member that the actions of police at Coffs Harbour were as a direct result of his command taken at that level, backed up by legal advice provided to the patrol commander by the police legal department. That would be a perfectly normal situation and the description she gives to the House would be the way in which, generally speaking, police operations in this State are conducted.

**The Hon. Jan Burnswoods:** And he had a brainwave to use the Crimes Act.

**The Hon. E. P. PICKERING:** Whenever police at a patrol level are confronted with an unusual situation, the first thing they do is ring a department at police headquarters that is very extensively stocked with legal documents and legal people and ask the department for legal advice as to what action they should or should not take. Given the complexity of the criminal code of this land, that is not unreasonable. On legal advice provided by the department directly to the patrol commander, the patrol commander takes action. Having been given that advice face-to-face by the patrol commander, the Hon. Jan Burnswoods then comes into this House and virtually asserts that the patrol commander is a liar because, in her view, the Police Minister must have issued a direction in this matter.

Let me say to the honourable member quite categorically that at no stage have I issued any operational instructions to the New South Wales Police Department or any officer in that department in regard to operations at Coffs Harbour. I will state that for the record. Further, for the record, if the honourable member can prove that statement wrong, I will resign my commission in this House. I promise that. The second thing I should like to say to the honourable member, so that the record can be further expanded, is that in this House a number of allegations have been made, mainly by the Hon. R. S. L. Jones, that the police have been

acting in a high-handed and overofficial manner at Coffs Harbour. As Minister this is the sort of complaint I receive whenever police are confronted with this difficult and onerous task of separating the greenies from those who wish to construct buildings, cut logs or whatever. Generally speaking I receive complaints from both sides and under those circumstances I am pretty confident the police have got it right.

**The Hon. R. S. L. Jones:** They have not this time.

**The Hon. E. P. PICKERING:** Let me assure the Hon. R. S. L. Jones that when serious allegations were made in this House - and they were serious allegations such as police officers in balaclavas, police officers not wearing their badges, police officers using police dogs improperly, police officers wielding machetes - as a responsible Minister I took the care to ring the then acting commissioner, Assistant Commissioner Lance Stirton. I asked him to take appropriate measures to make absolutely certain that the officers at Coffs Harbour were acting impeccably and impartially in the difficult circumstances.

**The Hon. R. S. L. Jones:** Without their numbers, is that impeccable?

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**The Hon. E. P. PICKERING:** I have yet to have that allegation proved.

**The Hon. R. S. L. Jones:** The Minister confirmed that the other day.

**The Hon. E. P. PICKERING:** I have not confirmed that at all. I talked at great length to Assistant Commissioner Stirton, explaining that I understood the difficult circumstances that local police were acting under. In particular, in those circumstances police officers will be dealing with people on both sides who could be well known to them. I asked him to be absolutely certain that he personally spoke to the local police commander to make sure that no one went overboard in either direction and that the police acted scrupulously in upholding the peace. I received an assurance from the assistant commissioner that that would be done. That is the only role I have played in that matter. That could hardly be seen as an operational role. That was no more than reminding the assistant commissioner that this was a delicate situation and I wanted him to be personally confident that police were acting properly and beyond reproach. I had an assurance from him that he would so do. To suggest in this House that in some political way I issued directions to police to, as it were, go after the greenies at Coffs Harbour by using excessive police powers and excessive use of the law is a disgraceful suggestion for the honourable member to make in this House, particularly in view of her short time in this House. I ask in future that, if she is going to attack the reputation of honourable members of this House on either side, she be a little more careful with the facts, because there is no way in the world that the Hon. Jan Burnswoods could back up her assertion here tonight that I had acted improperly as the Minister and misused my powers - no way.

**Motion agreed to.**

**House adjourned at 11.8 p.m.**

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