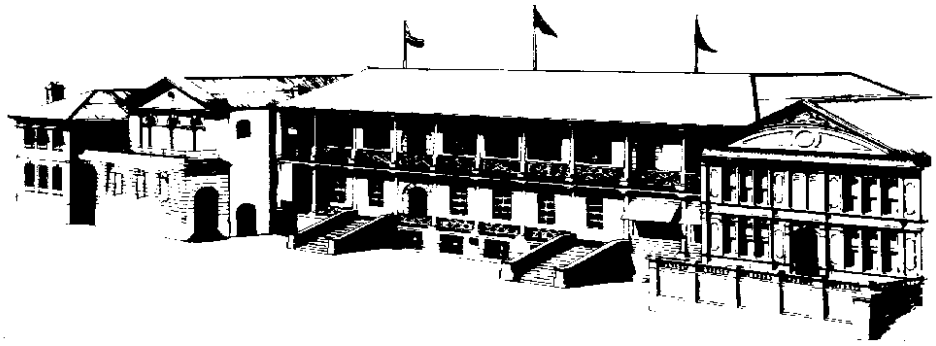
NEW SOUTH WALES



Legislative Council

PARLIAMENTARY DEBATES

(HANSARD)

FIFTY-FIRST PARLIAMENT
THIRD SESSION

OFFICIAL HANSARD

Tuesday, 26 May 1998

AUTHORISED BY
THE PARLIAMENT OF NEW SOUTH WALES

LEGISLATIVE COUNCIL

Tuesday, 26 May 1998

The President (The Hon. Max Frederick Willis) took the chair at 2.30 p.m.

The President offered the Prayers.

UNIVERSAL DECLARATION OF HUMAN RIGHTS FIFTIETH ANNIVERSARY

Motion by the Hon. Janelle Saffin agreed to:

1. That this House notes:

   (a) the celebration this year of the fiftieth anniversary of the Universal Declaration of Human Rights, which codifies the basic human rights to which all the world's people are entitled;

   (b) that Australia played an important role in drafting the declaration, which has been an important legal and political tool in improving international human rights;

   (c) that the continued effectiveness of the declaration relies on public and community support by all people, including members of this House; and

   (d) that many of the rights expressed in the declaration affect the jurisdiction of the Parliament, particularly the rights to education, health, security of person, freedom of thought, conscience and religion, of opinion and expression, freedom from torture and inhuman or degrading treatment, and the right to recognition and equality before the law.

2. That this House therefore expresses its support for the declaration and the continued improvement of human rights in Australia and throughout the world, and urges members to promote the Universal Declaration of Human Rights in dealing with their constituents, the Federal Government and other parliaments throughout the world.

3. That this House therefore supports and recognises the role of Amnesty International in its continuing campaign to increase recognition of, and adherence to, the principles set out in the Universal Declaration of Human Rights.

STANDING COMMITTEE ON STATE DEVELOPMENT

Discussion Paper

The Hon. A. B. Kelly, as Chairman, tabled discussion paper No. 6 entitled "Discussion Paper on the International Competitiveness of Agriculture in New South Wales", dated May 1998.

Ordered to be printed.

NATIONAL SORRY DAY

Suspension of standing orders, by leave, agreed to.

Motion by the Hon. M. R. Egan agreed to:

That this House, on 26 May 1998, designated by the Stolen Generations Committee as National Sorry Day, reaffirms its commitment to Reconciliation.

WORKPLACE VIDEO SURVEILLANCE BILL

Bill introduced and read a first time.

Second Reading

The Hon. J. W. SHAW (Attorney General, Minister for Industrial Relations, and Minister for Fair Trading) [2.44 p.m.]: I move:

That this bill be now read a second time.

I am pleased to introduce the Workplace Video Surveillance Bill. The object of the bill is to regulate the covert video surveillance of employees in the workplace by their employers. This is an industrial issue of great importance. Currently video surveillance in the workplace is unregulated. A number of major industrial disputes have arisen over video surveillance by employers. The fact that the area is presently unregulated has both surprised parties to disputes and contributed to the escalation of the disputes. The Government has developed a balanced system of regulation to address the issue.

The bill is the outcome of extensive consultations between employee and employer organisations. In 1996 I commissioned a working party comprising employer groups, trade union representatives and government departmental officers to inquire into the use of surveillance cameras in the workplace. The working party comprised representatives from the following organisations: the Australian Liquor, Hospitality and Miscellaneous Workers Union, the Labor Council of New South

Wales, the National Union of Workers, the Employers Federation of New South Wales, the Australian Chamber of Manufactures, New South Wales Branch, the Retail Traders Association of New South Wales, the Registered Clubs Association of New South Wales, the Public Employment Office, the Privacy Committee of New South Wales, the Attorney General's Department, and the Department of Industrial Relations. The working party was convened following a series of industrial disputes arising from the covert video surveillance of employees at work. The working party was commissioned to pursue the following terms of reference:

> To advise the Attorney General, and Minister for Industrial Relations on the use of video surveillance in the workplace, with a view to recommending:
>
> (a) the most appropriate legislative means to regulate covert workplace video surveillance; and
>
> (b) to consider and take into account the recommendations of the September 1995 Report of the Privacy Committee of New South Wales, "*Invisible Eyes*".

The working party report was delivered in December 1996 and recommended legislative change to require employers to obtain a court order before secretly filming employees. The court order will require employers to show why the undisclosed surveillance is necessary, and will impose strict limits on the scope of the surveillance. In implementing the recommendations of the working party, the bill strikes a balance between the competing interests of different parties. The privacy of employees is important in the workplace. Workers should be able to undertake their duties with as little interference as possible to their privacy.

The thought of being constantly surveyed or monitored is of great concern to most people. The thought of being secretly surveyed is of even stronger concern. It can unnecessarily introduce distrust and suspicion into the workplace. On the other hand, employers should have the opportunity to investigate serious problems in the workplace. The bill defines what employers may investigate, that is, suspected unlawful activity by employees in the workplace. It is reasonable to provide a mechanism for employers to investigate unlawful activity, however, it should not be at the expense of employees' privacy any more than it needs to be.

I am confident that this bill strikes the appropriate balance. The high degree of consultation that has been undertaken with unions, employers and other interested parties has helped fine tune the balanced package into a workable system of regulation. I turn now to the major provisions of the bill. Part 1 draws a distinction between covert video surveillance and overt video surveillance. The bill regulates only covert surveillance, so it is important to draw a distinction between the two at the outset. The bill creates a presumption that all video surveillance in the workplace is covert—therefore attracting the proposed regulatory safeguards—unless three stipulated conditions are fulfilled.

The stipulated conditions are: first, that employees have been notified in writing of the intended use of surveillance at least 14 days—or, if the employer has obtained the agreement of the employees, a lesser period—before the intended surveillance; second, that cameras used for the video surveillance of any part of the workplace, or camera casings or other equipment that would generally indicate the presence of a camera, are clearly visible in that part of the workplace; and, third, that signs notify people that they may be under video surveillance in the workplace, and these signs are clearly visible at each entrance to that part of the workplace in which surveillance is taking place.

If those three conditions are met, the surveillance by an employer will be overt surveillance and will therefore not be subject to the provisions of the bill. It is felt by the Government that employees will be sufficiently on notice that they are being surveyed if these conditions are met and they will not be under any misapprehension that they are working in privacy. Despite the three conditions set out above, video surveillance is not covert if employees have agreed to the use of video surveillance for a purpose other than surveillance of the activities of employees and the video surveillance is carried out in accordance with that agreement. Agreement is considered to be given to the intended use of video surveillance by the employer if a body representing a substantial number of employees has agreed on their behalf.

As well, any employee engaged less than 14 days before the intended use of video surveillance at the workplace is taken to have agreed to a lesser period of notice if the employee is notified in writing before commencing work. The idea behind this exception is that employers may be conducting surveillance for a reason unrelated to the surveillance of employees and the employees have agreed to this in an industrial instrument, or otherwise, as provided by the bill. For example, I understand that Olympic building sites are being videotaped to record the progress of the site both for the purpose of ensuring timetables are being met and for historical record.

Part 1 also contains the provision which binds the Crown, in right of New South Wales, in its

capacity as an employer. Part 2 sets out two offences relating to covert video surveillance in the workplace. This is the enforcement section of the bill and creates the basis upon which employers can apply to have a covert surveillance authority if they need to carry out surveillance of their work force. It is an offence for an employer to carry out, or cause to be carried out, covert video surveillance of employees in the workplace unless it is solely for the purpose of establishing whether an employee or employees are involved in any unlawful activity and the surveillance is authorised by a covert surveillance authority.

This offence is designed to restrict employers to using video surveillance only for the purpose contemplated by the Act, that is, establishing whether an employee or employees are involved in unlawful activity. Video surveillance by employers of their employees for other purposes is now no longer permitted. However, clause 7(3) makes it clear that it is not an offence for an employer to carry out, or cause to be carried out, covert video surveillance in the workplace solely for the purpose of ensuring the security of the workplace or persons in the workplace.

The PRESIDENT: Order! Members wanting to use mobile phones should do so outside the Chamber. To use them inside the Chamber is disorderly.

The Hon. J. W. SHAW: This provision is designed to make sure that employers who legitimately need to use surveillance to ensure the security of their workplace are not impeded from doing so by this bill. What are contemplated by this provision are security threats to the workplace or the business from outside the business, rather than actions by an employee or employees. Therefore, this provision cannot be used by employers to avoid the main provision of the bill, that is, that employers will need to get a covert surveillance authority if they wish to survey their employees. The bill specifies that any surveillance of an employee or employees undertaken as a result of security surveillance must be extrinsic to the purpose of surveillance. The fact that employers will not be able to use the security exception to survey employees is reinforced by the fact that the bill creates a presumption that any video recording obtained as a consequence of surveillance that is unrelated to the security of that workplace cannot be admitted in evidence in any legal or disciplinary proceeding against an employee.

This presumption will be rebutted only if the desirability of admitting such evidence outweighs the undesirability of admitting such evidence that has been obtained through surveillance unrelated to the security of the workplace. This will be at the discretion of the court. A number of other exemptions from the bill apply. Surveillance by members and officers of law enforcement agencies, surveillance of correctional centres and surveillance pursuant to the Casino Control Act 1992 are not covered by the bill. Further, video surveillance of legal proceedings or proceedings before a law enforcement agency are not regulated by the bill. It is an offence to use the video recording obtained as a consequence of covert video surveillance sanctioned by an authority for an irrelevant purpose. This offence provision goes to the use of videotape, even if the employer correctly obtained a covert surveillance authority pursuant to this bill. An irrelevant purpose is defined as a purpose not directly or indirectly related to:

(a) establishing whether employees are involved in such unlawful activities in the workplace as outlined and conferred by a covert video authority, or

(b) the taking of disciplinary action or legal proceedings against employees as a result of any alleged unlawful activities in the workplace, or

(c) the establishment of security arrangements to overcome the opportunity for unlawful activities identified by the surveillance, or

(d) the taking of any action authorised or required under this bill.

This offence provision is designed to ensure that videotape is not used for frivolous, vexatious, or any other irrelevant purpose, and therefore adds another layer of protection for employees. I emphasise that the offences outlined in the bill are not designed to inhibit or impede the legitimate activities of law enforcement agencies. If evidence is inadvertently collected by a video camera that will help a law enforcement agency in its investigation or prosecution of an offence, that agency will not be inhibited from using the video. Part 3 contains the provisions which allow an employer with reasonable grounds to suspect that employees are involved in unlawful activities—for example, theft or assault—to apply to a magistrate for the issue of a covert video surveillance authority.

This authority permits employers to conduct covert video surveillance, in accordance with a number of conditions. The bill requires that a licensed security operator oversee the conduct of the covert video surveillance authorised by the authority, and there are a number of other conditions set out in the bill, which will be outlined shortly. The authority cannot authorise the monitoring of

employees' work performance or the covert video surveillance of employees in change rooms, toilets, showers or bathing facilities in any circumstances. Any employer who carries out or causes to be carried out any such surveillance will be guilty of an offence under part 2 of the bill. When applying to a magistrate for a covert surveillance authority, an employer, or the employer's representative, must provide the following information:

(1) The grounds the employer or the employer's representative has for suspecting that a particular employee or employees is or are involved in unlawful activity. This is needed to justify that the authority should be issued. The employer must have some evidence to substantiate the suspicions; an authority cannot be used simply as a fishing expedition.

(2) Whether other managerial or investigative procedures have been undertaken to detect the unlawful activity and what has been the outcome of these procedures. This requirement is necessary to determine whether existing means at the workplace are insufficient for the purpose of detecting any unlawful activity.

(3) Who or what will regularly or ordinarily be in view of the cameras.

(4) The dates and times during which the covert video surveillance is proposed to be conducted. This is to control the operation of the authority and ensure that the surveillance is not conducted as an open-ended operation.

(5) In the case of an application made by an employer's representative, verification acceptable to the magistrate of the employer's authority for the person to act as an employer's representative for the purposes of the covert video surveillance operation.

A magistrate may request further information from the employer or his or her representative if the magistrate requires more information on the grounds that the employer is relying upon in the application for an authority. All applications for covert video surveillance authorities will be heard by a magistrate in camera. The test for whether a magistrate should grant an authority is set out in clause 13 of the bill. The magistrate must determine whether there are reasonable grounds to justify issuing a covert surveillance authority in the circumstances. In making such a determination the magistrate will take into account matters such as the strength and seriousness of the employer’s suspicions, what other actions the employer has taken to investigate these suspicions and the invasion of privacy that employees will suffer as a result of the surveillance.

Indeed, clause 14 specifically sets out that the magistrate must not issue a covert video surveillance authority unless the magistrate has had regard to whether covert video surveillance might unduly intrude on the privacy of an employee, employees or any other person. For example, if an employer in a hospital applied for a covert video surveillance authority, the magistrate would take into account the fact that patients' privacy may also be compromised by the surveillance, in addition to the employees. The bill sets a tougher test if an employer wishes to survey a recreation room, meal room or any other area in which employees are not directly engaged in work. In determining whether there are reasonable grounds for the issuing of an authority covering areas where there would be expectations of heightened privacy, a magistrate must:

(a) have regard to the affected employees' heightened expectation of privacy, and

(b) be satisfied that the licensed security operator nominated in the application is both competent and fit to oversee the conduct of the surveillance in such areas, and is capable of adequately accommodating in the conduct of the operation the employees' heightened expectation of privacy.

An authority remains in force for a period of 30 days or such other period as specified in the authority. I alluded earlier to the fact that a covert video surveillance authority will have a number of conditions attached to it. These conditions are set out in clause 17. They include, first, that the nominated licensed security operator, or anyone he or she is supervising, must not give access to any video recordings made as a consequence of the covert video surveillance, except as provided in clause 17(1)(b). Second, the nominated licensed security operator may supply the employer or the employer's representative only with portions of a video recording that are relevant to establishing the involvement of an employee or employees in an unlawful activity in accordance with the authority, or any other unlawful activity in the workplace.

The third condition the bill prescribes is that the licensed security operator specified in the authority must erase or destroy all parts of the video recordings, except those required for evidentiary purposes, within three months of the expiry of the authority. Evidentiary purposes contemplates the fact that employers will use evidence of unlawful activity collected by video surveillance in disciplinary or criminal proceedings against their employees. Fourth, if as a consequence of the covert video surveillance an employer takes or proposes to take any detrimental action against the employees concerned, then the employer, or the employer's representative, must give access to the employee, and his or her lawyers, to the recording within a reasonable period after being so requested. The bill then provides for any such other conditions as prescribed by the regulations or specified in the authority.

A further offence is provided in part 3 of the bill. Clause 18 establishes an offence of contravening any of the conditions set out in a covert video surveillance authority. An offence can

be committed by either the holder of the authority, that is, the employer, or the licensed security operator nominated in the authority. A covert video surveillance authority may be varied or cancelled by a magistrate, and it need not be the same magistrate who issued the authority. An application to cancel or vary the authority may be made by any employee, employer or other person affected by the authority. A magistrate who issues, varies or cancels a covert video surveillance authority is to make a record of all relevant details. The magistrate is to take all reasonable steps to preserve the confidentiality of such records and the privacy of the persons concerned.

The bill specifies that a report outlining the result of the surveillance must be furnished in writing within 30 days to the magistrate who issued the authority, by the employer or the employer's representative to whom the authority was issued. This will allow the courts and the Minister to monitor the use of video surveillance by employers. The bill provides that the Minister must prepare and table in Parliament an annual report in respect of covert video surveillance operations during the year. This report will set out the number of authorities sought and the number of authorities granted. This report will also set out any other matters relating to the use of covert video surveillance the Minister considers appropriate.

The bill provides that the imposition of a function on a magistrate under this Act is not a conferral of jurisdiction on the Local Court. That is, magistrates will hear applications under the bill as persona designata. Part 4 of the bill allows for an appeal against a decision by a magistrate to refuse to issue or to vary or to cancel a surveillance authority to be made by application to a judicial member of the New South Wales Industrial Relations Commission. Again, the judicial member hearing the appeal does so as persona designata. This appeal provision complements the provision in clause 20, which restricts employers from making a further application for an authority if they have been refused, unless the employer provides additional relevant information.

Part 4 also outlines offences by corporations and provides for the liability of directors or those persons concerned with the management of the corporation for offences committed by corporations. This part of the bill also empowers the Governor to make regulations with respect to this bill. In particular, regulations can be made which provide for the use, possession, storage and destruction of any video recording made in the course of covert video surveillance of the activities of an employee. The bill provides for a review of the operation of the Act to be conducted by the Minister five years from the date of assent. In conclusion, the Government considers that this bill provides an appropriate balance between workers' expectations of privacy and the genuine concerns of employers to protect their workplaces from unlawful activity by regulating the use of covert video surveillance in the workplace.

Employers have qualified access to covert video surveillance while being required to justify its use. This requirement for prior judicial approval is consistent with established public policy in analogous areas such as aural surveillance. The use of covert video surveillance in the workplace can be perceived as oppressive and an invasion of privacy. The regulation of covert video surveillance in the workplace under this scheme militates against the improper use of video surveillance such as victimisation of individual employees and the observation of embarrassing personal behaviour unrelated to the primary purpose of the surveillance. This bill represents a compromise position between the major industrial parties in New South Wales and has broad, if qualified, support from members of the working party. The bill represents a model that is workable and acceptable to all those interested in achieving a fair and equitable relationship in the workplace. I commend the bill to the House.

Debate adjourned on motion by the Hon. J. H. Jobling.

DISABILITY DISCRIMINATION LEGISLATION AMENDMENT BILL

In Committee

Schedule 1

The Hon. PATRICIA FORSYTHE [3.04 p.m.], by leave: I move Opposition amendments Nos 1 to 6 in globo:

No. 1 Page 3, schedule 1.1[1], lines 7-9. Omit "a dog that is used as a guide dog or hearing dog by a person with a visual disability or hearing disability". Insert instead "an animal that is used as an assistance animal by a person with a disability".

No. 2 Page 3, schedule 1.1[1], lines 12 and 13. Omit "a guide dog or hearing dog by a person with a visual disability or hearing disability". Insert instead "an assistance animal by a person with a disability".

No. 3 Page 3, schedule 1.1[2], lines 19-22. Omit all words on those lines. Insert instead:

assistance animal means an animal referred to in section 9 of the *Disability Discrimination Act 1992* of the Commonwealth.

No. 4 Page 3, schedule 1.1[3], lines 25-27. Omit "a dog that is used as a guide dog or hearing dog by a person with a visual disability or hearing disability". Insert instead "an animal that is used as an assistance animal by a person with a disability".

No. 5 Page 3, schedule 1.1[3], lines 30-32. Omit "a guide dog or hearing dog by a person with a visual disability or hearing disability". Insert instead "an assistance animal by a person with a disability".

No. 6 Page 4, schedule 1.1[4], lines 6-9. Omit all words on those lines. Insert instead:

assistance animal means an animal referred to in section 9 of the *Disability Discrimination Act 1992* of the Commonwealth.

These amendments seek to overcome a problem contained in the bill that would cause people with physical disabilities—particularly those with spinal cord or brain injuries, people suffering from muscular dystrophy or multiple sclerosis and therefore likely to be in wheelchairs—to inadvertently be discriminated against. As a result of innovations in Australia these people can be assisted in their day-to-day activities by trained dogs. The bill seeks to ensure that people who have guide dogs or dogs that assist them with hearing disabilities are not discriminated against. However, it inadvertently overlooks a third category of dog, which is identified in section 9 of the Commonwealth disability legislation: assistance dogs. The Opposition amendments encompass the various types of dogs—be they guide dogs or assistance dogs—under one general heading.

During the second reading debate Reverend the Hon. F. J. Nile referred to the term "assistance dogs" rather than the commonly used term "guide dogs". Guide dogs provide support to people with sight or hearing disabilities. However, the term "assistance dog" refers to dogs that have been trained to assist people with a physical disability and those confined to a wheelchair. Assistance dogs assist people in their day-to-day activities: everything from opening doors, pressing doorbells, picking up telephones, picking up property off the ground and shopping. The Opposition has sought a general term that applies to any dog trained to assist a person with a disability and that does not discriminate against one form of disability over another. I commend the amendments.

The Hon. J. W. SHAW (Attorney General, Minister for Industrial Relations, and Minister for Fair Trading) [3.07 p.m.]: I am pleased that the bill has received general support. It is a positive measure. The Opposition has moved a series of amendments to include a range of disabled-assisting animals. The bill as drafted includes dogs trained to assist people with visual or hearing impairments. The Opposition's amendments extend protection to people who are accompanied by trained animals that assist them with other disabilities. The Government accepts the amendments. Limited formal and accredited training has been established for certain disabled-assisting dogs. Hence, not every animal that assists a person with a disability can be said to be trained and therefore covered by the amendments. The training and accreditation of such animals is a live issue. It is currently being considered by my colleague the Minister for Local Government in relation to companion animals. I have no difficulty with the amendments and I gladly accept them.

The Hon. R. S. L. JONES [3.08 p.m.]: I support the amendments moved by the Opposition. I congratulate the Opposition spokesperson for community services on her excellent idea. Some years ago I had a request from Marianne Grinter, a Democrat member who had traction dogs. She asked me to try to amend the legislation to allow traction dogs to be allowed on buses and so on. For the first time these amendments will allow traction dogs to be included and not be discriminated against.

The Hon. J. P. Hannaford: What is a traction dog?

The Hon. R. S. L. JONES: A traction dog—in Marianne's case two dogs—helps a person to walk. She was not able to walk very well because of a disability. They were not guide dogs but traction dogs that pulled her along and helped her to walk. I am pleased to support these amendments.

Amendments agreed to.

Schedule as amended agreed to.

Bill reported from Committee with amendments and report adopted.

TRUSTEE COMPANIES AMENDMENT (RESERVE LIABILITIES) BILL

In Committee

Schedule 1

The Hon. J. P. HANNAFORD (Leader of the Opposition) [3.13 p.m.]: I move Opposition amendment No. 1:

Page 3. Insert after line 9:

[2] Section 36A(4)

Insert after section 36A(3):

(4) The Attorney General, before approving a policy of indemnity insurance or a guarantee

> from a bank, building society or credit union under this section, is to consult the Australian Financial Institutions Commission established by the *Australian Financial Institutions Commission Act 1992* of Queensland as to the appropriate value of the indemnity or guarantee concerned.

As the Attorney General indicated in his second reading speech, there is as a matter of practice consultation with the Australian Financial Institutions Commission—AFIC—before approval is given to any indemnity insurance or guarantee from a bank, building society or credit union. That practice is, however, open to the discretion of the Attorney General of the day. It is not inconceivable that an organisation might at some time seek to ensure that a level of indemnity or guarantee is determined without reference to any outside organisation. This amendment is aimed at making certain that the Attorney General of the day is protected from such undue pressure and that the community has the assurance that an independent organisation is being consulted by the Attorney General in order to ensure a current level of indemnity insurance or guarantee. I therefore commend this amendment to the Committee.

There is an issue that the Government may wish to consider for inclusion by way of an amendment in a miscellaneous provisions bill. I speak of the regularity with which this indemnity or guarantee has to be reviewed. There could be problems if there is not a regular review, particularly in regard to organisations gaining a high level of investment as a result of aggressive marketing activities. We all know of some of the failed organisations which undertook aggressive marketing campaigns and, perhaps as a result of that, subsequently suffered major losses. I commend to the Government the view that it is important to ensure regular consultation with AFIC on the level of indemnities and guarantees.

The Hon. J. W. SHAW (Attorney General, Minister for Industrial Relations, and Minister for Fair Trading) [3.16 p.m.]: The Government accepts this amendment, which requires the Attorney General to consult the Australian Financial Institutions Commission as to the appropriate value of the indemnity or guarantee needed to be obtained by a trustee company before approving a policy of indemnity insurance or guarantee. The second reading speech to the bill envisaged that this would occur as a matter of practice. Nevertheless, I agree with the comments made by the Leader of the Opposition that as a matter of additional precaution it is appropriate to include this requirement in the legislation. In relation to the second issue raised by the Leader of the Opposition concerning reference in section 36B of the Trustee Companies Act to the New South Wales Companies Code, I note that a number of provisions in the Trustee Companies Act include a similar reference to the former co-operative scheme law.

I agree that an opportunity could be taken at a later date to correct those references. In the meantime, however, the provisions of the Corporations (New South Wales) Act will ensure that the references to the former co-operative scheme law are read as references to the corresponding provisions of the national scheme laws, that is, the corporations law. As part of the prudential review of trustee companies, the level of indemnity insurance will be examined by the Australian Financial Institutions Commission—FINCOM. I agree that there may be a need at a later date to legislate for this to occur.

The Hon. R. S. L. JONES [3.17 p.m.]: I support this amendment. FINCOM has advised that maintaining indemnity insurance is an appropriate form of risk control and that it is appropriate that FINCOM be consulted. The reference to Queensland legislation is made, apparently, because Queensland was the first State to establish FINCOM, a joint Commonwealth-State body. I wonder whether this State has yet done that.

The Hon. ELISABETH KIRKBY [3.18 p.m.]: On behalf of the Australian Democrats I too support the amendment. I am delighted that the Government has seen fit to support this amendment. It is very important that there is this control, which may or may not need to be exercised. This amendment will give the control that I believe may be necessary at some future time.

Amendment agreed to.

Schedule as amended agreed to.

Bill reported from Committee with an amendment and report adopted.

CONDUCT OF JUSTICE VINCE BRUCE AND MAGISTRATE IAN LANHAM ROSS McDOUGALL

Reports

The Hon. J. W. SHAW (Attorney General, Minister for Industrial Relations, and Minister for Fair Trading) [3.20 p.m.]: I table the following reports:

Report of the Conduct Division of the Judicial Commission of New South Wales regarding complaints against the Hon. Justice Vince Bruce, dated 15 May 1998

Reasons of the Hon. D. L. Mahoney, AO, QC, regarding the Hon. Justice Bruce, dated 14 May 1998

Response of the Hon. Justice Vince Bruce to the report of the Conduct Division of the Judicial Commission, dated 26 May 1998

Report of the Conduct Division of the Judicial Commission of New South Wales regarding complaints against Magistrate Ian McDougall, dated 11 May 1998

Ordered to be printed.

Ministerial Statement

The Hon. J. W. SHAW (Attorney General, Minister for Industrial Relations, and Minister for Fair Trading) [3.21 p.m.]: It is with considerable regret that I have tabled two separate reports from the Conduct Division of the Judicial Commission of New South Wales relating to complaints against two judicial officers of this State. In the first report, dated 11 May 1998, the Conduct Division reported on a number of complaints concerning the conduct of Magistrate Ian Lanham Ross McDougall. In the second report, dated 15 May 1998, the Conduct Division reported on a number of complaints against Justice Vince Bruce of the Supreme Court of New South Wales. I propose to make some comments on the procedures for investigating complaints against judicial officers so that honourable members will have some background against which to consider the reports that have been tabled today.

The procedure for dealing with complaints against judicial officers of this State is set out in the Judicial Officers Act 1986. Pursuant to section 15 of that Act any person may complain to the Judicial Commission about a matter that concerns or may concern the ability or behaviour of a judicial officer. Section 16 provides that the Attorney General may refer any matter relating to a judicial officer to the commission and that referral shall be treated as a complaint under the Act. Section 13 of the Act provides that there shall be a Conduct Division of the commission and the Act provides for its functions and procedure. The functions of the Conduct Division are, in essence, to examine and deal with complaints referred to it by the commission. A Conduct Division is constituted by three persons appointed by the commission. They must be judicial officers but one may be retired.

Pursuant to section 23 of the Act the Conduct Division must conduct an examination of a complaint referred to it and may hold hearings in connection with the complaint. Pursuant to section 28 of the Act if the Conduct Division decides that a serious complaint is wholly or partly substantiated it may form an opinion that the matter may justify parliamentary consideration of the removal of the judicial officer from office. Section 29 of the Act provides that in relation to a serious complaint the Conduct Division shall present a report to the Governor setting out its conclusions. It must set out its findings of fact and also an opinion as to whether the matter could justify a parliamentary consideration of the removal of the judicial officer from office.

Section 41 of the Judicial Officers Act and section 53 of the Constitution Act 1902 provide that a judicial officer may be removed from office only on the grounds of proven misbehaviour or incapacity. Section 53 of the Constitution Act 1902 sets out the procedure to be followed for the removal of a judicial officer from office. Section 53(2) of the Constitution Act 1902 provides that a holder of a judicial office can be removed from office by the Governor on an address from both Houses of Parliament in the same session seeking removal on the grounds of proven misbehaviour or incapacity. It is against this background of procedure that the two reports by the Conduct Division of the Judicial Commission have been tabled today.

I propose to now provide for the assistance of honourable members the factual context of the Conduct Division's reports, and I shall deal firstly with the report in relation to Magistrate McDougall. By letter dated 24 June 1997 I referred papers relating to the conduct of Magistrate McDougall to the Judicial Commission pursuant to section 16 of the Judicial Officers Act 1986. The Conduct Division established to consider the matters raised by me ultimately had 16 complaints against the magistrate for consideration. Ground 16 of the complaints was to the effect that by reason of mental illness the magistrate is incapable of performing his judicial duties and, while he remains a magistrate, is unlikely to be able to become capable of performing them. The conclusion of the Conduct Division is as follows:

> We therefore decide that the Complaint is substantiated as to ground 16 and that it is unnecessary to finish dealing with the remaining grounds. In our opinion the matter could justify parliamentary consideration of the removal of the judicial officer from office.

Prior to the Conduct Division handing down its report there was an attempt by Magistrate McDougall to retire on medical grounds. By letter dated 15 January 1998 the solicitors for Mr McDougall forwarded to me a letter from Mr

McDougall in which he purported to resign as a magistrate on medical grounds. On 11 February 1998 the Governor, on my advice, did not accept his resignation. Mr McDougall's resignation was not accepted because the Conduct Division of the Judicial Commission was still examining the matters raised by me and by others in relation to his conduct. I did not consider it appropriate that the resignation be accepted at that time. By letter dated 8 April 1998 Magistrate McDougall's solicitors forwarded a further resignation executed by Mr McDougall on 6 April 1998. Mr McDougall's resignation stated, "I hereby again resign as a magistrate on medical grounds." It is relevant to note that in relation to the other 15 complaints the Conduct Division commented as follows:

> The diagnosis of the Magistrate's mental illness raises the distinct possibility that much, possibly all, of the behaviour complained about in paras 1-15 of the complaint would, if proved, be the product of established mental illness.

In view of these comments, even if the Conduct Division investigated and proved the remaining 15 complaints it would quite likely find that the conduct complained of occurred because of mental illness. It is my view that it would be neither appropriate nor necessary in all the circumstances to proceed with action by the Parliament to recommend to the Governor that this magistrate should be removed for incapacity on medical grounds when the same result would be achieved by accepting the magistrate's further resignation. Accordingly, I propose to advise the Governor that in my view the magistrate's further resignation should be accepted. I shall advise the House of the Governor's decision in this matter as soon as it is made.

I now turn to the Conduct Division's report in relation to Justice Bruce. Honourable members will note from the report that on 4 September 1997 a complaint was made against Justice Bruce in relation to his failure to deliver a judgment in a matter that had been heard some six months previously. New complaints were added to this initial complaint so that ultimately the Conduct Division was considering two particular complaints and 27 other matters wherein the delivery of a judgment was considerably delayed. Justice Bruce was appointed to the Supreme Court of New South Wales on 4 July 1994.

The Conduct Division was of the view that the substantiated complaints established that between at least early 1995 and February 1998 there was proven incapacity in Justice Bruce to perform his judicial duties. The period from February 1998 to the present is the period about which there is considerable discussion regarding whether that incapacity continued. The Conduct Division found that the complaints were substantiated and indicated that an incapacity to perform judicial duties had been proved. It was of the opinion that these matters could justify a parliamentary consideration of the removal of Justice Bruce from the office of a judge of the Supreme Court of New South Wales.

The Conduct Division report noted that there was material that suggested Justice Bruce suffered from some form of depression between 1995 and February 1998 and was affected by a deep depression in the months preceding December 1997. It seems to have been accepted that by February 1998 the severe depression was no longer present. The report also discussed a pre-existing character trait of procrastination, which the division considered was relevant to the judge's conduct. The report concluded that since February 1998 the medical condition of Justice Bruce has, with treatment, been brought under control, but could not say that the incapacity to satisfactorily perform his judicial function had been removed.

This view was reached after considering the judge's performance against an agreed schedule of reserved judgments which listed the date the judgment was to be delivered as against the date of actual delivery. In all but one case the judge failed to adhere to the agreed schedule. The report stated that the reasons advanced by the judge for failing to adhere to the agreed time frames in the schedule were not acceptable, and found that incapacity to satisfactorily perform the judicial function remained.

Clause 4 of schedule 3 to the Judicial Officers Act provides that a decision supported by a majority of votes cast at a meeting of the Conduct Division shall be the decision of the division. There is no provision for a majority report. While this report is signed by all members of the Conduct Division, one member was of the opinion that since February 1998 the judge has been able to carry out his judicial duties to an acceptable standard. I have tabled today a document prepared by that member of the Conduct Division, the Hon. D. L. Mahoney, AO, QC.

I have tabled also a document prepared by Justice Bruce at my invitation, that being the judge's response to the Conduct Division's report. Procedural fairness requires that Justice Bruce be given the opportunity to respond to the report, and I intend to facilitate this House's consideration of the Conduct Division's report on Justice Bruce by giving notice of a motion to invite Justice Bruce to appear before the bar of the Legislative Council to show cause why Parliament should not request the Governor to remove him from office. It is also my

intention to ask the House to debate this motion at the earliest opportunity on Wednesday, 27 May.

In Supreme Court proceedings commenced yesterday the judge moved to restrain the presentation of the report of the Conduct Division to the Parliament. I understand the matter was allocated to the Court of Appeal and that a bench of five judges heard argument this morning. I understand further that the bench declined to grant the injunction at the instance of the plaintiff and, hence, at that stage I felt unconstrained about producing the relevant reports to this House. Indeed, the statute enjoins me to present the relevant reports to this House as soon as practicable. I believe I have fulfilled that duty.

The Hon. J. P. HANNAFORD (Leader of the Opposition) [3.33 p.m.]: I shall comment first in relation to the Judicial Commission's report in the matter of Ian Lanham Ross McDougall. The Attorney General proposes to give advice to the Governor that the Governor should accept the resignation of Ian Lanham Ross McDougall as a judicial officer, in the circumstances outlined to the House. I agree that that is the appropriate approach in the matter. I commend the Attorney for the way he has handled this particularly difficult matter. The Attorney referred to a complaint to the Judicial Commission involving the judicial officer, and in January the judicial officer sought to resign his position, which would have had the effect of closing down the inquiry being undertaken by the Judicial Commission. The Attorney recommended to the Governor, and the Governor accepted that recommendation, that the resignation should not be accepted.

During inquiries into matters of this nature it is appropriate that the community be satisfied that a resignation is not pursued to deliberately frustrate an inquiry, particularly when a number of matters before the Judicial Commission could conceivably involve misconduct and possibly allegations of potential corruption whilst in office. Therefore, the Attorney gave the Governor that advice, which was accepted, and the inquiry continued. The Judicial Commission received a large amount of medical advice in this matter. That medical advice, which was accepted without question by the Judicial Commission, makes clear that Mr McDougall suffers from a mental illness, namely, manic depression, and that it is a condition from which he is unlikely to recover.

The advice from the Judicial Commission made it clear that at the time of the occurrence of the incidents the subject of the other complaints—from which it might be suggested that an allegation of misconduct could be founded—the Judicial Commission formed the view that the judicial officer was suffering from that mental illness and that his behaviour patterns at that time were affected by that mental illness. In the circumstances, the Judicial Commission recommended that there be a report to the Parliament as to the officer's continuing incapacity. In cases of clear incapacity, it is not inappropriate that the Attorney and the Governor accept the member's resignation; and removal should not be the subject of a resolution of the House.

The report comments on the entitlement of the judicial officer to receive payment of superannuation. I shall speak to that matter because there may be some public comment about it. Judicial officers make payments to secure an entitlement to superannuation. Legislation recognises that if members become ill they are entitled, irrespective of whether that illness results from a mental incapacity, to make an application for payment of superannuation. I suggest that it is not unreasonable in these circumstances that if a member is allowed to retire he should be entitled to apply for superannuation. The member gained a statutory entitlement by being a judicial officer and he should be entitled to receive it.

The matter concerning Justice Bruce may have to be considered further by the House. If Justice Bruce wants the Parliament to make a determination on his matter, he is entitled to submit to the House the decision he believes should be made, and the House will make a deliberative decision on it. I therefore refrain from making any comments on this matter until everyone has had time to read all the reports and has had the opportunity to hear what Justice Bruce has to say. These are difficult issues and are not without pain to anybody who knows Justice Bruce. I emphasise to the House and to the community that no allegation has been made that Justice Bruce has been involved in misconduct of any nature; there is no suggestion whatsoever of misconduct on his part. The question is whether this House should agree with the Attorney's recommendation that the judge be removed from office.

Because of the unusual nature of this matter the Attorney sought Justice Bruce's approval to give me a copy of the Conduct Division's decision before the matter comes before the House. I thank the Attorney for that courtesy. Serious matters should be dealt with in that way so that the shadow attorney general is aware of them. That is the appropriate way to deal with difficult decisions.

I ask members of the House to consider these reports in detail. I ask the community not to jump to conclusions about them until everyone has had the opportunity to consider them. The matters raised in the reports are serious. Those who know Justice Bruce—I think most members are familiar with him—are aware that he is a person of very high reputation. He was chairman of the rugby league judiciary committee and chairman of the Law Foundation. Recently he was appointed by the International Olympic Committee as a judicial officer for the Olympics. His legal ability has never been in question and anyone who reads these reports will be surprised and disturbed by them.

The approach taken by the Attorney is appropriate. I believe that the matter will be debated on Wednesday and that the House will make a decision. I draw to the attention of honourable members an issue I have gleaned from the papers: that one member of the Judicial Commission, Justice Mahoney, believes that the incapacity has now abated. The Judicial Commission is of the view that the incapacity has not abated and that the judge suffers an incapacity. The Act under which judicial officers of the Supreme Court are appointed provides that a judicial officer may retire at any time and that such retirement does not require the approval of the Governor or of the Attorney General.

A judicial officer confronted with findings such as those in these reports could decide to retire. In an environment in which two senior and experienced judges have said that on the medical evidence there is a continuing incapacity, Justice Bruce may accept the view of his peers and decide to retire. If that happens, the community will surely not criticise him for that. Some in the community might say that the judge should then be able to apply for a pension or partial pension. I do not fully understand that aspect of the matter, and I have not had time to consider it.

If a judicial officer retires because of mental or medical incapacity the Parliament has provided a mechanism for financial assistance in the form of a pension to be given on the basis of that incapacity. That is no different to the position of public servants or any other persons in the community who have contributed to a superannuation scheme. Therefore, it would be highly inappropriate to criticise a judge for retiring in such circumstances and then applying for a pension, because the Parliament has provided checks and balances on the arrangements to cover this situation. The Parliament may have to consider the difficult matter of the removal of a judge, something it has not faced previously. The decision to remove a judge will not be taken lightly and should not be the subject of frivolity. The nature of the matter must be weighed in the light of the relevant mechanisms the Parliament has put in place.

TRAFFIC AMENDMENT (PAY PARKING SCHEMES) BILL

Second Reading

The Hon. M. R. EGAN (Treasurer, Minister for State Development, and Vice-President of the Executive Council) [3.45 p.m.]: I move:

That this bill be now read a second time.

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

Leave granted.

This legislation before the House will amend the Traffic Act 1909 to place public authorities on a similar footing with local councils by allowing such authorities the right to establish and operate pay parking schemes such as meter, ticket and coupon parking. These parking schemes will operate within the public authority's area of operations, that is, on a public street within the land controlled or owned by the public authorities. To be eligible to establish such a scheme a public authority will need to be prescribed in regulations under this Act. Candidates for the scheme would include authorities constituted by or under an Act of Parliament, a statutory body representing the Crown or a government department.

This legislation will also enable effective enforcement by the police or by the employees of the declared public authorities who have received authorisation by the police and appropriate training. At present, only councils have the power under the Traffic Act to authorise and operate pay parking schemes on public streets. This bill will not limit a council's current power to provide for parking schemes on land controlled by that council. A council and a declared public authority may authorise and operate pay parking schemes on public street/s on land not owned by the council or the declared public authority, but only with the approval of the owner of the land.

The bill also requires amendments to the Motor Traffic Regulations 1935. A list of declared public authorities together with their respective areas of operations will be prescribed in the regulations to enable public authorities to authorise and operate pay parking schemes. The current RTA's guidelines on pay parking will be amended to reflect the legislative changes introduced by this bill. Amendments to RTA's guidelines will be undertaken by the RTA in consultation with representatives of the interested public authorities, the Police Service and the Local Government and Shires Association, as well as Sydney City Council and South Sydney City Council.

Any proposal by a declared public authority to implement meter parking schemes on a public street within the declared public authority's area of operations must be in accordance with these guidelines. Any proposal by a declared public authority to implement a pay parking scheme must be in accordance with the RTA's guidelines and subject to the RTA's approval. In the case of a council, the fees for the parking of a vehicle in metered spaces or in a pay parking

> area are to be fixed by resolution of the council, whereas in the case of a declared public authority the fees for the parking of a vehicle in a metered space or in a pay parking space are to be fixed in accordance with the pricing principles set out in the RTA's guidelines.
>
> The RTA's guidelines will place strict control on declared public authorities to ensure that they do not implement these pay parking schemes as a revenue earner without any legitimate traffic/transport or community objective including social and environmental. Further, pay parking schemes must be consistent with the Government's overall transport policy objectives. Under this legislation, the costs of administering a pay parking scheme are to be borne by the council or the declared public authority. One beneficiary of the bill will be the ability of the Olympic Co-Ordination Authority—OCA—to facilitate the control and regulation of parking within the Olympic 2000 complex at Homebush Bay. This bill will put in place an efficient mechanism that will allow public authorities to manage their parking needs without the need to amend legislation. It will also put in place a set of guidelines that will ensure that such schemes do not have an adverse impact upon the local environment.

The Hon. Dr MARLENE GOLDSMITH [3.46 p.m.]: The Traffic Amendment (Pay Parking Schemes) Bill will amend the Traffic Act 1909 to allow declared public authorities to establish and operate pay parking schemes on public streets under their control. Currently, only local councils have the authority to operate such parking schemes. The bill also replaces the expression "pay parking space" with the expression "pay parking area" to more accurately reflect the concept being described. The bill is designed to allow declared public authorities, that is, any person or body declared by the regulations to be a public authority for the purposes of this Act, to operate pay parking schemes such as meter, ticket and coupon parking on a similar footing to local councils.

In particular, the bill has been introduced so that the Olympic Co-Ordination Authority can control and regulate parking within the Olympic 2000 complex at Homebush Bay, including land presently under the auspices of the Bicentennial Park Trust and the State Sports Centre Trust. Given that that is the aim of the bill, the Opposition will not oppose it. However, it is worth while drawing to the attention of the House some of the background to this bill. The *Sydney Morning Herald* reported on 26 March this year that a turf war had broken out between the Commissioner of Police, Mr Ryan, and Sydney councils over the right to issue parking tickets and reap the multimillion dollar revenue. The article stated:

> A Police Service spokesperson confirmed last night that existing contracts with councils would not be renewed, diverting parking infringement fines back to police coffers.
>
> Last year, police wrote 750,000 tickets across NSW worth about $40 million. Councils, which have to negotiate patrol areas with local police commanders, earned an estimated $20 million from tickets issued by their rangers.
>
> Sydney City Council earns more than $2 million a year from parking tickets, while councils such as North Sydney and Pittwater each collect about $1 million a year.

Although the avowed purpose of this bill is not to strip councils of their right to negotiate with the police to win contracts to patrol streets and collect the subsequent revenue, it should be pointed out that the bill will make it easier for a government agency to collect for its own coffers revenue that was once the domain of councils. Whether it be the primary intention, this is a takeover by the Government of council revenue. It could have deleterious effects for the funding of councils, particularly major councils that rely substantially on revenue from parking tickets. Another thing that needs to be said about this encroachment and expansion of Government taxgrabbing is that taxpayers are getting nothing back from all the increased taxes and charges imposed by the Carr Government. This legislation imposes the latest creeping tax increase, the latest tax grab—although from local government rather than from taxpayers. I refer honourable members to the following statement by my colleague in another place the honourable member for Northcott:

> It is a matter of shame to me that in the year in which the State Government doubled the central business district parking levy, which funds the construction of commuter car parks, not one single new car park has been initiated.

That is typical of what has happened under this Government. In many areas free commuter car parks have become crime hot spots, areas of rich pickings for people stealing motor vehicles or stealing from vehicles. In other words, crime in public parking areas, including pay parking areas, has deteriorated under this Government. I would like to see the introduction of pay parking schemes at suburban railway stations if they would generate a greater level of safety for those who park there. However, I am cynical as to whether the Government would do that. Commuters would not mind paying for parking if in return they felt safe when parking their cars and returning to them. Unfortunately, with violence escalating on public transport, particularly in the city, that is unlikely to occur. With those qualifying remarks I reiterate that the Opposition does not intend to oppose the legislation. We have some concerns about its possible by-products but its major intentions, particularly in relation to the Olympic Co-ordination Authority, are quite legitimate.

The Hon. ELISABETH KIRKBY [3.53 p.m.]: On behalf of the Australian Democrats I support the Traffic Amendment (Pay Parking Schemes) Bill. The purpose of the bill is to amend

the Traffic Act 1909 to allow declared public authorities such as the Olympic Co-ordination Authority, the Royal Botanic Gardens and Domain Trust, and the State Rail Authority to establish and operate pay parking schemes on public streets and land under their control. At present only local councils have authority to operate parking meters and other pay parking schemes. However, I am informed that the Government is under pressure from the Olympic Co-ordination Authority because of, in the words of the Minister for Transport, and Minister for Roads, "the urgent need of the Olympic Co-ordination Authority to control and regulate parking within the Olympic 2000 complex at Homebush Bay, including the land presently under the auspices of the Bicentennial Park Trust and the State Sports Centre Trust".

At first glance it seems strange that this bill is urgent, because the Olympics are still more than two years away. I ask the Leader of the Government why, if the main purpose of the bill is to facilitate parking for the Olympics, it does not have a sunset clause. I am informed that the honourable member for Bligh is concerned that the bill takes away the community's control over what can be done at a local level. Local councils comprise elected representatives, and pressure can be brought to bear if unpopular pay parking schemes are introduced; and although local government representatives have to face election every three years it is easy for them to be thrown out of office if they do things that ratepayers do not like. It should be pointed out that the introduction of pay parking schemes is more likely to come under the control of the general manager and financial controller of the local council than the elected representatives. Therefore, control would be retained by council irrespective of changes in councillors following a local government election.

Under this legislation the RTA must approve any parking scheme proposed by a declared public authority. The price of the scheme will also be controlled by RTA guidelines for both local government and declared public authorities. The Minister noted that the RTA will ensure that pay parking schemes will not be used as a revenue earner without any legitimate traffic, transport or community objective, including social and environmental objectives. This problem arose at Homebush earlier this year during the Royal Easter Show. Available parking at Homebush was extremely expensive, and therefore most people travelled to the show by public transport.

If paying for parking will encourage more people to use public transport, it is to be applauded. If the cost of parking is so onerous, a concession scheme could be introduced for pensioners who have a disability that makes it difficult for them to use public transport and necessitates their using a private car. This could be applied in the same way as concessions on local government rates, et cetera, to people who are wholly dependent on an old-age or disability pension. In the main the legislation is good and I support it.

The Hon. I. COHEN [3.58 p.m.]: The New South Wales Greens do not support the legislation in its current form. It does nothing to encourage people to leave their cars at home for the Olympics or any other major events. The scope of the bill is far too broad; though it is aimed at the Olympics, it has no sunset clause and is not restricted to Olympic venues. The bill will apply to any public road where a public authority or council deems it necessary or convenient to set aside a pay parking area. The Greens support the amendment foreshadowed by the honourable member for Bligh and will support an identical amendment if moved in this House, as I understand it may well be.

The bill allows a public authority to collect fees for parking in a pay parking area. What is a pay parking area? What will this mean during the Olympics? Will the Minister for Transport be able to annexe suburban areas around Homebush and transform them into day-time parking areas during the Olympics? What rights will the citizens of Homebush or other Olympic venues have in terms of consultation or opposition to such proposals?

On my reading of this bill it contains no restriction for a short duration to a temporary pay parking area on a public road. Therefore, under this legislation, the Minister for Transport may issue a short-term directive to close down a public road and establish a temporary pay parking area, and, having done that, levy a parking fee for that area. He will not have to approach the local council for permission to do that, and any dispute arising between the council and the authority in this regard will be resolved by consultation with the Minister administering the Act, the Minister for Transport.

This bill has not been drafted with precision. It has been rushed through with all the hyperspeed of Olympic legislation and, no doubt, when problems arise the people of New South Wales will look for answers to how and why it happened. They will realise that the independent members of this House alone attempted to raise and discuss the issues and protect the interests of the people of New South Wales.

Reverend the Hon. F. J. NILE [3.59 p.m.]: The Christian Democratic Party supports the Traffic Amendment (Pay Parking Schemes) Bill, which will allow bodies other than local councils to set up and operate pay parking schemes.

Pursuant to sessional orders business interrupted.

QUESTIONS WITHOUT NOTICE

TOTALIZATOR AGENCY BOARD SHARE ALLOCATION

The Hon. J. P. HANNAFORD: My question without notice is directed to the Treasurer. I refer to the Treasurer's response to the House last week to a question about fraudulent practices to gain additional Totalizator Agency Board share purchases. Is it a fact that some people were detected applying more than 100 times for shares? Given that he has admitted that there are ways of gaining extra shares fraudulently which are difficult to detect, how many of the 1.3 million registrations and subsequent applications have been detected as fraudulent? Given that such fraudulent applications are depriving ordinary Australians of a fair share allocation, what action will be taken by the Government against persons who gain share allocations fraudulently?

The Hon. M. R. EGAN: I am not sure that the word "fraudulent" is an appropriate word. I believe it is simply unfair for people to try to obtain more than one allocation of shares. As I said last week, the Government will do all that it can to ensure that people do not receive more than one allocation of shares.

RABBIT ERADICATION FUNDING

The Hon. R. T. M. BULL: I address my question to the Minister for Public Works and Services, representing the Minister for Agriculture, and Minister for Land and Water Conservation. Is the Minister aware that the Cooma Rural Lands Protection Board has been frustrated over the lack of funding commitment from the Department of Land and Water Conservation to eradicate a serious rabbit infestation which is causing land degradation and environmental damage on the Crown land of Middlingbank peninsula and Lake Eucumbene? Is he aware also that the eradication program is necessary to comply with the Rural Lands Protection Board Act 1989? Will he ensure that funds are provided immediately?

The Hon. R. D. DYER: I will be delighted to obtain a response to the honourable member's question from my colleague the Minister for Agriculture, and Minister for Land and Water Conservation.

KING STREET COURT COMPLEX REFURBISHMENT

The Hon. JANELLE SAFFIN: My question without notice is directed to the Attorney General, and Minister for Industrial Relations. Will the Attorney General inform the House about the recent opening of the refurbished part of the King Street court complex?

The Hon. J. W. SHAW: I adverted to this matter recently in passing; however, I believe it is an historical event about which the House should be more substantively informed. Recently the Government officially opened the refurbished court 5 of the old Supreme Court building. The King Street court complex has had a continuous association with the administration of the law in New South Wales since the first court sittings on the site in 1829 in the Greenway building on the corner of King Street and Elizabeth Street. Courthouses are amongst the earliest of Australia's public buildings.

A former royal commissioner, Commissioner Bigge, ordered the construction of a courthouse on the King Street site even though the St James Church and school buildings next-door were already well advanced in construction. Mr President, you would remember the controversy about the respective architectural and historical merits of St James Church and the old Supreme Court building, and that some in years gone by suggested that the old Supreme Court building should be demolished. It would have been a travesty had that suggestion been given effect to.

The Hon. J. P. Hannaford: It showed the attitude of the State towards the Church even then.

The Hon. J. W. SHAW: The various State governments and institutions rightly thought that both buildings ought to endure and I am glad that that has been the way that things have turned out. The intended grandeur of each separate building was sacrificed to some extent to build the present court complex, but the cohesiveness of the group of buildings and the strong contrast of their common small-town scale to the present city background makes the complex an important contribution to the Sydney townscape. The old registry building was the second major building of the complex to be

constructed, and it is that building's refurbishment and adaptive reuse that has been the subject of the recent refurbishment. Originally built in 1859, it was extended in 1875 and again in 1886. The third and final major building in this old Supreme Court complex is the old Banco Court, built in 1895, and long may it endure. The Banco Court was given some renovation and attention with a view to the conduct of the Milat trial there, presided over by Justice Hunt, and it is still a very viable court for major criminal trials and for other significant cases.

The Hon. J. P. Hannaford: It is most significant because that is where we were admitted.

The Hon. J. W. SHAW: The Leader of the Opposition reminds me that he and I would have been admitted in that court. That is taking us back perhaps further than we should go. Of course, Mr President, you were admitted as a solicitor, proctor and attorney of the Supreme Court of New South Wales in that ancient court. As I understand it the Banco Court means a place where the full court sits. It sits en banc. The full court sits now as the Court of Appeal but in the early years it sat in that building in its capacity as a full court.

I pay tribute to the role of Justice Sheller, a judge of the Court of Appeal, who chaired the building committee that had as its objective the effective utilisation of the King Street complex for the Supreme Court. The ultimate objective is that the refurbished and rejuvenated complex will provide for five secure criminal trial courts with provision for future services to ensure continued use well into the next century. These old courts are secure, they have cell facilities and they will be able to be used for criminal trials, taking the pressure off the Darlinghurst complex and enabling trials to take place in the centre of the legal district. The architects and all those concerned with the refurbishment are to be congratulated. Once again I urge honourable members to walk across the street and have a look at this old court building; it really is quite a fine piece of historic refurbishment.

HOME BUILDING ACT

The Hon. A. B. MANSON: My question is directed to the Minister for Fair Trading. What has been the impact on the home building industry of the ensuing provisions of the Home Building Act? How are builders and contractors kept informed?

The Hon. J. W. SHAW: The honourable member takes a very active interest in the building industry, and has done so for many years. This month is the first anniversary of the Home Building Act, which fulfilled the Government's pre-election promise to reform this vital New South Wales industry. Briefly, the Home Building Act resulted in changes to some major areas of the old Building Services Corporation Act, including the replacement of the government-operated insurance scheme with private insurers, the requirement for insurance for all residential work over $5,000 and the introduction of compulsory home building contracts when the labour content of the job exceeds $200. A year down the track, and allowing for a settling in by all parties, the industry appears comfortable with the changes.

When the Act was introduced the Opposition, perhaps not surprisingly, made some inaccurate claims about it and, in particular, insurance and contracts. I wish to clear up any misconceptions that may still abound concerning the insurance provisions in the Act. Builders and trades people do not have to go from company to company trying to find insurance. The Government has done the spadework for them. Five insurance companies were approved by the Minister for Fair Trading at that time, the Hon. Faye Lo Po'. These companies were FAI, Home Owners Warranty, HIH Casualty and General Insurance, Mercantile Mutual Insurance and Zurich Australian Insurance.

At the time of launching the Act the Carr Government said the legislation contained built-in incentives for good builders because they no longer had to subsidise the bad. Even after a relatively short time this has become evident. The five approved insurers have been able to successfully service the vast New South Wales home-building industry, and there is genuine competition between them to get the contractors' business. All the insurers provide discounted premium levels for good builders who can show good work and financial records. The fact that the Government is no longer the home-building industry's primary insurer does not mean it has abandoned consumers or contractors. On the contrary, I believe there is effective protection.

The Department of Fair Trading liaises closely with insurers to guarantee the interests of consumers and contractors are protected and that there is a sharing of information between the department and the insurers, making it easier to identify unscrupulous or incompetent builders. All insurers provide fair trading, with details of claims received, paid and declined. They also advise my department of the name of any contractor involved in illegal or unsatisfactory conduct. Earlier this year a pool-building company that had generated numerous insurance claims from consumers within a few short months had its insurance cover revoked. In the meantime, the Department of Fair Trading

investigated the company and found that its work was not up to the standard expected in New South Wales. Its licence as a pool builder was revoked. Over the years the home building industry has come in for more than its fair share of criticism. However, the Home Building Act brought about reforms that are an intelligent, balanced response to problems experienced in the past. I believe the Carr Government's legislation now forms the basis for a better, more efficient home building industry in New South Wales.

WATER POLICE FLEET FUNDING

Reverend the Hon. F. J. NILE: I ask the Attorney General, representing the Minister for Police, a question without notice. Is it a fact that at the New South Wales biennial police conference in Wollongong this week the outgoing President of the New South Wales Police Association, Mr Phil Tuncheon, expressed great concern about the condition of the New South Wales water police fleet and general funding cutbacks in the water police division, with no petrol for patrols?

Is it true that water police are using outdated vessels supplied more than eight years ago in their pursuit to maintain law and order on and around one of Australia's most important assets—Sydney Harbour and related waterways—which could put the lives of police officers at risk each time they go to sea? Will the Minister assure the House that with the upcoming Olympics in Sydney and in the interests of police safety the Government will urgently review the condition of water police vessels and make a commitment to replace those vessels that are not seaworthy or capable of performing the necessary duties of the water police?

The Hon. J. W. SHAW: I have read the press reports of what Mr Tuncheon apparently said about water police. I read also the reports about the response by the Minister for Police, Mr Whelan. I will refer the question to the Minister for Police and obtain a response for Reverend the Hon. F. J. Nile.

FURNITURE INDUSTRY TECHNOLOGIES CONFERENCE

The Hon. J. KALDIS: My question is to the Treasurer, and Minister for State Development. What is the New South Wales Government doing to enhance the furniture industry?

The Hon. M. R. EGAN: Two weeks ago I had the pleasure of opening the inaugural International Furniture Industry Technologies Conference at Homebush Bay. It was the first international conference to be held in Australia's newest and largest conference centre. The selection of Sydney to host this important event indicates how highly our local industry is regarded internationally. More than 140 people attended the conference, which was staged, I am pleased to say, with the assistance of the Department of State and Regional Development. Delegates from the United Kingdom, the United States, Japan, Hungary, Poland and New Zealand were involved in seminars on everything from the use of plastics in furniture design to advances in hardwood drying techniques.

By world standards the Australian furniture industry is relatively small. There are 8,000 businesses nationally with a retail turnover of some $8 billion. About one-third of this turnover occurs in Sydney. However, the industry does not have the large manufacturing runs or other economies of scale that many of its international competitors enjoy. However, the Australian industry has viewed these domestic limitations as a challenge rather than a disadvantage. It has been forced to look at different ways of distinguishing its products and, in doing so, has developed a unique Australian feel to its furniture. There was once a time when Australian manufacturers focused almost exclusively on European designs. Today they have taken advantage of the fact that they have access to unique resources like hardwoods. As I mentioned, a recent innovation in drying techniques has now made it practical to use hardwoods, including alpine ash and red river gum, in furniture manufacture.

The uniqueness of our materials has given Australian furniture a competitive edge that has seen exports boom. A recent industry analysis estimates Australian furniture exports will increase by an average 17 per cent each year for the next five years. That is not a bad rate of growth. Interestingly, even in the face of the Asian crisis, the majority of these new exports are still expected to be sold in the East-Asian markets. In total, our exports are soon expected to represent between 6 per cent and 7 per cent of the industry's turnover, doubling Australia's current export market share. Since the Sydney conference, planning has begun for a second conference in Japan or Britain in two years. I congratulate the international furniture industry and the organisers of the conference and wish them all the best for the future.

DEPARTMENT OF COMMUNITY SERVICES CHILD PROTECTION PROCEDURES

The Hon. PATRICIA FORSYTHE: My question without notice is to the Attorney General, representing the Minister for Community Services.

On 8 April this year I asked a question without notice about why the Manly office of the Department of Community Services had failed to retrieve a nine-year-old boy who had been roaming the streets of Manly over many weeks. The Minister's response, tabled on 19 May, said that the boy had been picked up by the department and that he was in temporary foster care. Given that the boy was on the streets of Manly again on Saturday, was taken into care by the department on Saturday night, but had returned to the streets on Sunday, will the Government now take responsibility for this boy?

The Hon. J. W. SHAW: I will refer the facts of the case as asserted by the honourable member to the Minister for Community Services, who will provide an appropriate response.

ABORIGINAL EMPLOYMENT

The Hon. Dr MEREDITH BURGMANN: I direct my question without notice to the Minister for Public Works and Services on this day of sorrow for the Aboriginal people. I ask the Minister for tangible examples of government-developed policies designed to increase the level of Aboriginal employment through government contracting.

The Hon. R. D. DYER: It is appropriate for the honourable member to ask that question on the first National Sorry Day. On 24 February this year my ministerial colleagues and I apologised publicly to the Aboriginal community during a Cabinet meeting in Griffith. The decision to apologise in a rural setting was most appropriate. The New South Wales Government understands the importance of history and is committed to assisting Aboriginal people retake their place in this State. One tangible way we can do this is by creating employment opportunities. The Department of Public Works and Services is co-ordinating the development of a number of whole-of-government policy initiatives aimed at improving long-term Aboriginal employment and training through government contracting.

In goods and services contracting, on behalf of the State Contracts Control Board the department prepared a draft procurement policy that was released for public comment on 4 March this year. This policy establishes a whole-of-government framework for wider government objectives, such as Aboriginal employment and wellbeing, to be realised along with improving value obtained for capital works projects. The construction policy steering committee is developing similar Aboriginal employment initiatives for government construction contracts.

The committee, chaired by an officer from the Department of Public Works and Services, comprises those agencies that have responsibility for the bulk of the Government's capital investment program: roads, housing, health, education, railways, corrective services, power, water, sewerage and the Olympics. Consultations with key construction industry stakeholders and Aboriginal communities have been undertaken in developing these initiatives. Further consultations will be undertaken as the strategies are refined. I am confident that this consultative process will result in policies that will provide genuine long-term training and employment opportunities for Aboriginal people on Aboriginal projects. I expect the development of these policy initiatives to be completed by early next year.

BYRON SHIRE COUNCIL BY-ELECTION

The Hon. D. J. GAY: I ask a question of the Attorney General, representing the Minister for Local Government. Is the Minister aware that the election of long-time loony activist Fast Buck$ to the Byron Shire Council in last Saturday's Byron shire by-election was a vote of no confidence in the current council and the State Government's inaction over this matter? Given that the residents of Byron shire made their contempt for the State Government and their dissatisfaction with the Byron Shire Council quite clear, with 4,073 electors—nearly 25 per cent—failing to vote, when will the Minister release details of the inquiry he ordered into the financial situation of the Byron Shire Council, and when will the Minister order a full inquiry into the Byron Shire Council? This bloke is worse than Godfrey Bigot.

The Hon. J. W. SHAW: I understand that some honourable members of this House do not regard Mr Fast Buck$ as a loony. I would not want to be taken as acquiescing in that label, which is contained in the question asked by the Hon. D. J. Gay. In my busy life I have not had the opportunity to follow Mr Fast Buck$'s political career carefully, so I am not in a position to give a full response to this question and I shall refer it to the Minister for Local Government.

RAILWAY SERVICES AUTHORITY STAFF QUALIFICATIONS

The Hon. ELISABETH KIRKBY: I direct a question to the Minister representing the Minister for Transport. With regard to the recent tragic train derailment at Robertson, will the Minister inform the House as to the qualifications of the Railway Services Authority middle manager, constructions, directing the track upgrading work site and the Railway Services Authority middle manager,

maintenance, responsible for overall track safety in that area? Do such positions normally require university-level qualifications in civil or structural engineering? Will the Minister confirm that at the time the works were planned and undertaken both the positions had been filled for some time by employees on a temporary or acting basis? Is it a fact that neither employee had any formal qualifications whatsoever? If so, will the Minister inform the House whether the continuing use of unqualified staff is resulting in reduced safety for rail freight train crews on any other part of the New South Wales rail network?

The Hon. M. R. EGAN: I shall refer this question to my colleague the Minister for Transport and obtain a reply.

TRANSWORLD CASH SCHEME

The Hon. J. M. SAMIOS: Is the Attorney General, Minister for Industrial Relations, and Minister for Fair Trading aware of a scam run by an organisation calling itself Transworld, under which recipients receive letters claiming that if they send $34.95 to an address in Canada they will receive a cash grant of £2,000 sterling, 2,000 Swiss francs, $US2,000 or 2,000 Italian lira and participate in the Spanish lottery worth $1.8 billion? The letters are printed in Canada, bulk-mailed in London and sent to Australia, with a return address in Canada. As Minister for Fair Trading, what steps will he take to alert citizens of New South Wales to the scam?

The Hon. J. W. SHAW: I thank the Hon. J. M. Samios for raising publicly an example of a number of overseas scams that have been perpetrated over the years, disguised as lotteries and other get-rich-quick schemes. Strangely enough, many of them seem to be based in Canada, which strikes me as being somewhat incongruous. I am told that Pacific Coast Cash and Gold Coast Cash from Canada, as with other similar schemes, are little more than pyramid selling schemes or multilevel marketing. I am told that the Canadian authorities have warned people worldwide about being drawn into these schemes. The Canadians have also commenced legal proceedings against the promoter.

Consumer protection agencies have a difficulty in preventing overseas scam promotions from reaching Australia through the post or via electronic transmission. There is a difficulty arising from our incapacity to legislate beyond the shores of the State of New South Wales. My understanding is that the Department of Fair Trading has been active in seeking to educate the public about the dangers of these obnoxious operations based overseas. If this question contributes to that educative process, that is all to the good. Frankly, there is only so much we can do by way of legislation to protect people from dangers, risks and scams that emanate from beyond this jurisdiction.

SUPERANNUATION FUND MANAGEMENT

The Hon. B. H. VAUGHAN: I ask the Treasurer whether the trustees for the local government and electricity industry superannuation funds properly discharged their responsibility to invest and manage local government and electricity industry superannuation funds.

The Hon. M. R. EGAN: Honourable members are probably aware that InTech regularly publishes a performance survey of superannuation funds that shows returns net of tax, fees and expenses. The latest survey released by InTech, for the 10 months of the financial year to 30 April 1998, compared the average return for some 37 funds. The average return was a very creditable 8.4 per cent. I am very pleased to report that all three of the New South Wales Government funds, that is, the State Authorities Superannuation Trustee Corporation, the Local Government Superannuation Fund and the Electricity Industry Superannuation Fund, surpassed the average return of the 37 superannuation funds. Indeed, although the average return was 8.4 per cent, the big State Authorities Superannuation Trustee Corporation earned 10.1 per cent. As honourable members will know, there are some 160,000 contributors to that fund, which has about $19 billion under management.

Particularly pleasing were the very impressive results of the two new superannuation schemes that the Parliament established last year and that came into operation on 1 July 1997. The Local Government Superannuation Fund has about 20,000 contributors and about $2 billion under management. That fund in the 10 months to 30 April earned a return of 12 per cent, compared with an average of only 8.4 per cent for the 37 funds included in the InTech survey. Even more impressive was the performance of the electricity industry superannuation scheme, which in the 10 months to 30 April achieved a return of 13.3 per cent. That is some 80 basis points higher than the best performer in the InTech survey. The best performer was Credit Suisse with a return of 12.5 per cent, but the Electricity Industry Superannuation Fund surpassed that almost by a full percentage point. I am sure that on behalf of approximately 200,000 contributors to these three schemes I can congratulate the trustees of the schemes on an impressive earnings record for the year.

BLUE MOUNTAINS TOURISM

The Hon. J. F. RYAN: My question is to the Attorney General, Minister for Industrial Relations, and Minister for Fair Trading, representing the Minister for Tourism. I refer to the comments made by the Federal Labor tourism spokesman, Steve Martin, who said, "Once you've seen the Three Sisters and had afternoon tea at the Hydro Majestic at Medlow Bath there's not a lot else you can do in the Blue Mountains". What action will the Minister take to rectify the damage that his Federal colleague Mr Martin has done to the tourism industry?

[*Interruption*]

Mr PRESIDENT: Order! Members who ask questions should listen to the answers in silence and not engage in overwhelming babble.

The Hon. J. W. SHAW: I declare that in my experience there are many useful and interesting activities for tourists and Australian citizens in the Blue Mountains, which is an aesthetically wonderful part of New South Wales. People ought to be encouraged to visit the area on weekends and to spend recreational time in that great region of the State.

OLYMPIC REGIONAL PRE-GAMES TRAINING

The Hon. A. B. KELLY: My question is to the Treasurer, Minister for State Development, and Vice-President of the Executive Council. What recent success has the Government had in attracting international Olympic teams to regional New South Wales for pre-Games training?

The Hon. M. R. EGAN: As honourable members will be aware, last year the Government established a pre-Games training task force to attract to New South Wales the Olympic teams of nations that will be competing in the 2000 Olympics. The task force was created to ensure that all regions of New South Wales share in the economic, sporting and cultural benefits the Olympics have to offer. Already a number of international teams have confirmed their intention to train in regional New South Wales in the lead-up to the Games.

During the next 2½ years future Olympians in the rowing teams from the United States of America and Switzerland will train on Grafton's Clarence River, while I am told that the Korean and Thai equestrian teams will train in the Hunter. Earlier this month the Ukrainian Olympic team became the most recent international sporting body to commit to regional New South Wales, selecting the Albury sports stadium as its training base in the lead-up to the 2000 Olympics. Prior to this decision, a three-member Ukrainian delegation visited the border town to inspect the region's sporting and accommodation facilities. Needless to say, they were impressed with what they saw.

In fact, the head of the Ukrainian National Olympic Committee, Mr Valeriy Borzov, thought that the standard of facilities in the Albury-Wodonga region was comparable with those at an Olympic Games. During the next two years it is expected that Albury will host some 420 Ukrainian athletes and officials. The team is expected to provide a $4 million boost to the local region, creating new opportunities in hospitality, accommodation, tourism and catering. The Ukrainian team's decision to go to Albury also provides a fantastic opportunity for the people of Albury to strengthen their cultural and business ties with their European visitors.

Australia is now home to 25,000 people with a Ukrainian heritage and it is highly likely that a good proportion of those Ukrainian locals will visit Albury when the team is in camp. The Ukrainian Olympic team's pre-Games training is a fantastic win for Albury. The members of the Albury-Wodonga Olympic Co-ordinating Committee and the New South Wales Government's pre-Games training task force are to be congratulated on their efforts. Albury's success in securing the Ukrainian team has shown other New South Wales regions that it is possible to host international Olympic teams in the lead-up to 2000. I congratulate Albury on taking advantage of the sporting, economic and cultural benefits associated with the Games.

FEEDLOT ANIMAL WELFARE

The Hon. R. S. L. JONES: I ask a question of the Minister for Public Works and Services, representing the Minister for Agriculture, and Minister for Land and Water Conservation. Have requirements for shade and cooling mechanisms now been incorporated into the code of practice for welfare in feedlots? Can the Minister advise how many feedlots in New South Wales still do not have adequate cover for cattle? What is the Minister doing to ensure that shade is provided for these cattle?

The Hon. R. D. DYER: I shall obtain a response from my colleague the Minister for Agriculture, and Minister for Land and Water Conservation.

LOBSTER INDUSTRY

The Hon. D. F. MOPPETT: My question without notice is addressed to the Minister for Public Works and Services, representing the Minister for Mineral Resources, and Minister for Fisheries. Is the Minister aware that the Management Advisory Committee appointed to the rock lobster fisheries recommended, in the interests of accelerating the recovery of stocks in New South Wales, both the minimum and the maximum size of lobsters permitted to be taken and sold? Are the recommendations to be implemented shortly? If not, why not?

The Hon. R. D. DYER: If I stay in this House sufficiently long I am sure that I will learn a lot about the fishing industry. The Hon. D. F. Moppett regularly moves disallowance motions in this House regarding regulations of one sort or another. Sometimes the regulations relate to abalone, sometimes kingfish, and other times lobsters or prawns.

The Hon. M. R. Egan: Sometimes it is baloney.

The Hon. R. D. DYER: The Treasurer suggests sometimes it is just baloney. It is an educational experience to sit here from day to day, week to week and hear what new aspect of the fishing industry the Hon. D. F. Moppett will raise. On this occasion, however, the question relates to rock lobsters, a species with which I am not yet familiar. I will ask my colleague the Minister for Mineral Resources, and Minister for Fisheries to furnish a suitable response to the honourable member's question.

WORLD TRANSPLANT GAMES

The Hon. JAN BURNSWOODS: My question is addressed to the Treasurer, Minister for State Development, and Vice-President of the Executive Council. Will the Minister explain the ongoing benefits for people needing organ transplants that flowed from Sydney hosting the World Transplant Games late last year?

The Hon. M. R. EGAN: Last year, between 29 September and 5 October, the World Transplant Games were held in Sydney, the opening of which I was pleased to attend. The Games attracted more than 2,000 participants, including 1,000 foreign competitors from 51 countries. The President of the World Transplant Games Federation, Dr Maurice Slapak, said the Games in Sydney were easily the most successful, the best organised and the best promoted to date. This month I received a letter from Mr Mark Cocks, the Executive Director of the World Transplant Games.

I do not know what the Hon. M. J. Gallacher is laughing about, because this is an important question. One of the strongest indicators of the success of the Games was a 20 per cent increase in organ donations in the three months after the Games compared with the year before. Mr Cocks said in his letter that the Games can take direct credit for 50 transplants that otherwise would not have been performed. They included 18 kidney transplants, which freed the recipients from dialysis machines and in the process saved the health system approximately $900,000 a year in treatment costs. A further 20 recipients literally had their lives saved through the transplants

The Government has been involved in the development of the Games since 1995, when the Department of Sport and Recreation and the Department of Health provided funding to the Sydney organising committee. I am told that the funding was a crucial factor in the decision by the Australian Transplant Sports Association to hold the Games in Sydney rather than in Brisbane or Adelaide. Sydney was chosen also for its high standard of suitable accommodation and sporting facilities for competitors. Sydney is recognised as one of the most accessible cities in the world for people with disabilities.

The Department of State and Regional Development advises that the World Transplant Games are estimated to have injected approximately $5 million into the Sydney economy. Whilst winning may not be the major consideration for many people competing in these Games—many feel they have already won just by being alive and well enough to compete—it is worth recording that the Australian team finished second to Great Britain. Mr Cocks also says that many donor families attended the Games. These families saw healthy and fit competitors who, but for their gifts, could not have been present. I congratulate all of the 2,000 competitors in the World Transplant Games, their carers, their families and the organising committee on the success of the Games and wish them all the best for the future.

POLICE POWERS

The Hon. C. J. S. LYNN: My question is to the Attorney General, representing the Minister for Police. Is the Minister aware of a scuffle, allegedly involving bouncers and nightclub revellers in Campbelltown, reported in the *Macarthur Advertiser*

on Wednesday, 20 May 1998, which resulted in confusion over the powers and responsibilities of club bouncers and their interaction with revellers? What measures will the Carr Government put in place to ensure that police are able to continue to patrol the area and be equipped with the powers to quell such disturbances without the need for privately employed security staff to participate in such public street scuffles?

The Hon. J. W. SHAW: I am not aware of the specific incident to which the honourable member refers. Of course, for many years private security officers, or bouncers as they are colloquially known, have been stationed outside evening venues in Sydney. There is nothing novel about that and nothing novel about the need to have an appropriate delineation between the role of police and such privately employed people. Nevertheless, I will refer the honourable member's question to the Minister for Police and obtain a response for him.

POLICE POWERS

The Hon. I. COHEN: I ask the Attorney General, and Minister for Industrial Relations, representing the Minister for Police, whether the Minister is aware that on Saturday, 23 May, on the side court of Sydney Town Hall a group of 150 young people staged a protest against increased police powers. Can the Minister inform the House whether it is true that from 5.00 p.m. approximately 30 to 40 police officers, four mounted police, eight police cars, including three paddy wagons, two council law enforcement vehicles and three officers, several plainclothes police and members of the Police Rescue Squad gathered in the same area? While these youngsters continued to play music and skate as they had been doing all afternoon, authorities moved in after dark, pulled people head first off the truck used as a stage and threw people across the ground. Despite pleas to stop and an undertaking by the young people to disband, police continued beating people. Will the Minister investigate these allegations? Under whose instructions did this vicious police assault against young people demonstrating against abuse of police power take place?

The Hon. J. W. SHAW: I am generally aware of the demonstration, or protest, to which the honourable member refers, but I am certainly not aware of the particular facts he asserts. I cannot affirm or deny them. I shall refer his question to the Minister for Police and obtain a response for him.

WYONG SHIRE COUNCIL COALMINING OPERATIONS

The Hon. M. J. GALLACHER: Has the Treasurer received representations from Wyong Shire Council expressing concern over the impact of coalmining operations in the shire? If so, did this correspondence also outline the establishment of a post-mining relief scheme? Will the Treasurer support the establishment of such a scheme, given that mining companies, the State Government and the Federal Government will take all profits from coalmining in Wyong shire? If the Treasurer will not support the relief scheme, how does he propose to compensate the residents of Wyong?

The Hon. M. R. EGAN: I am not aware of any representations from Wyong Shire Council, but that does not mean they have not come across my desk. I should have thought it strange for such representations to be forwarded to me rather than to another more appropriate Minister in the Government. I will check whether I have received any such representations. If so, I will refer them to the appropriate Minister.

CONSTRUCTION INDUSTRY TRAINING STRATEGIES

The Hon. I. M. MACDONALD: My question without notice is directed to the Minister for Public Works and Services. What priority has been given to training and skill development by the New South Wales Government in its strategies for the construction industry, which is an absolutely vital industry in the lead-up to the Olympic Games?

The Hon. R. D. DYER: The code of practice for the construction industry and accompanying implementation guidelines reinforce the priority to be given to workplace reform, training and skill formation by the Government over coming years. It should be explained that training is not being promoted for training's sake. This initiative underscores that training should be a commitment of small and large businesses in the construction industry. Changes to work organisation and technology all have an impact on skills required by the industry's work force. Successful construction organisations must ensure that they have the necessary skills and expertise to deliver high quality client service. This can be achieved only by continually improving the skills and abilities of the work force to secure repeat and long-term business.

The direction for New South Wales, as outlined in the Government's five-point plan announced in April 1996, has always been to increase training of the total construction work force. This increased training will involve workers in the industry receiving optimal training opportunities. Construction contractors on government construction projects will be required to provide detailed training plans as a condition of contract. These training plans are fundamental to the effective use of training in individual enterprises and the industry generally. To

this end, the construction policy steering committee is finalising a training plan guideline that will be available in mid-1998 to help industry stakeholders formulate training plans.

The aim of the guideline is to reflect the needs of industry while also meeting the requirements of the proposed training policy for government projects. The Government has allocated $10 million over two years from the Building and Construction Industry Long Service Payments Corporation to the Department of Education and Training. The Government will use the money to target skill shortages and to encourage training development in the industry. In phase one of these strategies $3 million was targeted in 1997 to provide training for approximately 1,100 people. Actual expenditure was $2.72 million and 2,439 training places were purchased. This exceeded the forecast rate at 221 per cent of the original target.

Emerging skill shortages will continue to be identified for the duration of the two-year strategy and tenders will be advertised on a six-monthly basis. The Department of Education and Training advertised tenders for phase two which closed in mid-October last year. Training is now available for this phase. Finally, the construction policy steering committee developed a training resource directory, which has been acknowledged widely by the industry. The directory lists courses, matched to site functions and trades, training providers and organisations to contact for financial and practical assistance.

For the first time employers have information readily available to assist them to achieve a better enterprise committed to continuous learning. A 1998 edition of the directory is now in production in response to the overwhelming support for this initiative. The Government will continue to support enterprises that are responsive to these initiatives and will institute training programs in their business and on their projects.

CHILDREN'S COMMISSION ESTABLISHMENT

The Hon. FRANCA ARENA: I preface my question to the Treasurer, Minister for State Development, and Vice-President of the Executive Council, representing the Premier, Minister for the Arts, and Minister for Ethnic Affairs, by saying that the Italian lira is a valuable and steady currency and that Councillor Bigot is a valuable member of Manly council. I ask the Minister whether it is nearly 10 months since the Wood royal commission delivered its report to the Premier. Was one of its most important recommendations the establishment of a children's commission? When will the Government establish the children's commission, an initiative which is awaited anxiously not only by members of the community but by community organisations working with children?

The Hon. M. R. EGAN: I will refer the honourable member's question to my colleague the Premier.

STATE INDUSTRIAL RELATIONS RECORD

The Hon. Dr MARLENE GOLDSMITH: My question without notice is addressed to the Attorney General, Minister for Industrial Relations, and Minister for Fair Trading. Is it a fact that there has been a 233 per cent increase in working days lost as a result of industrial action? Of all the States and Territories in Australia, New South Wales has the highest increase in working days lost as a result of industrial action. Will the Minister admit that the Government has failed to control unions?

The Hon. J. W. SHAW: I do not accept the assertions about percentage increases and the like. In fact, New South Wales has a good record in industrial relations. Honourable members must bear in mind that, in the broad, 50 per cent of employees in New South Wales are covered by Federal awards and 50 per cent of employees are covered by State awards. That is a rough statistical break-up but it indicates the mix of jurisdictions that operate in the industrial relations field in New South Wales. The Australian Bureau of Statistics figures published for the month of January 1998—I understand they are the set statistics to which the honourable member refers—show that the number of working days lost in New South Wales is low compared to the number of days lost as a result of disputes for each month in 1997.

In any statistical generalisation one must look at the base from which one is working. I would counsel caution when comparing the number of working days lost on a month-to-month basis. In the previous three months to January 1998 New South Wales recorded less than half the number of working days lost in Victoria. A more interesting comparison can be found between industrial disputes in the States with the two largest labour forces—New South Wales and Victoria—since December 1996, when the Victorian Government ceded its industrial relations system to the Commonwealth. For the 12 months to January 1998 New South Wales had 153,800 working days lost, which compared favourably with Victoria, which had 212,500 working days lost.

Another comparison between States can be identified by comparing working days lost per 1,000 employees over a 12-month period. For the year to January 1998 New South Wales had 64 working days lost per 1,000 employees. Over the same period New South Wales again compared favourably with 118 working days lost per 1,000 employees in Victoria, 70 working days lost per 1,000 employees in Queensland and 66 working days lost per 1,000 employees in Western Australia. To reiterate that in simpler terms, in the calendar year to January 1998 New South Wales had a superior result in terms of working days lost per 1,000 employees when compared with Victoria, Queensland and Western Australia.

The figures are more spectacular when simply compared with those for Victoria, as New South Wales and Victoria are the two State labour markets in Australia that one naturally compares. The ABS figures do not distinguish between disputes regulated by the Federal industrial relations system and the industrial relations system in any given State. That is the proposition with which I started my answer to the honourable member's question. When honourable members consider the level of disputation in Victoria, which has effectively ceded its industrial relations jurisdiction, they can draw their own conclusions. If there were a break-up one would find very impressive results for the New South Wales jurisdiction compared with the Federal jurisdiction in its operation in this State.

The ABS figures provide further support for the collective and co-operative approach adopted by New South Wales to its industrial relations system, as opposed to the more adversarial and confrontationist Federal industrial relations system. In the next nine or 10 months the Liberals in New South Wales must decide whether they will follow their Victorian counterparts and follow the Kennett policy of abandoning the field in industrial relations, that is, conferring all power on the Federal Government, or whether they will maintain an independent New South Wales Industrial Relations Commission. The electorate will want to know which of those alternatives they will adopt. Will the Liberals repudiate the Kennett strategy because they do not believe in a centralised system in which all powers are vested in Canberra, or will they abandon the field, follow Kennett's lead and simply give away the idea of a State industrial jurisdiction?

The shadow minister for industrial relations, Mr Hartcher, has rather tantalisingly and teasingly suggested that he is attracted to the abandon-the-field theory. He wants to create a vacuum of industrial relations policy in New South Wales but he has not quite pinned the matter down. He may be discussing the matter with the shadow cabinet but he has probably run into some flak; perhaps some of his colleagues have a more experienced and practical approach to industrial relations. However, before the election the shadow minister must make that choice. Will the State have an industrial relations policy under a conservative government in New South Wales, whenever the coalition might get back onto the Government benches, or will it give the game away? I look forward to debating this issue with the shadow minister once he has made this agonising choice.

The Hon. Dr MARLENE GOLDSMITH: I ask a supplementary question. In view of the Attorney's answer and his arguments alleging that New South Wales is doing very nicely in terms of industrial relations with unions, is this simply a further example of the Government kowtowing to the unions?

The Hon. J. W. SHAW: It is a further example of rational argument.

INTERNATIONAL SEX TRADE

The Hon. ELAINE NILE: I direct my question without notice to the Attorney General. Is it a fact that the Federal Government will introduce legislation to prohibit the growing international sex slave trade in female prostitutes in Sydney with penalties of up to 20 years in gaol? Is it also a fact that 200 to 300 Thai nationals and other Asian women are working as prostitutes in Sydney brothels, many in sexual servitude through threats, blackmail and coercion? As Sydney is a prime destination for this degrading sex slavery, will the Attorney urgently repeal the Disorderly Houses (Amendment) Act, which has created this massive morally and socially evil trade in legalised brothels?

The Hon. J. W. SHAW: I can answer the honourable member's question in some detail because I have taken an interest in the proposal for laws against so-called sex slavery in brothels throughout Australia. On two occasions Senator Amanda Vanstone has proposed to the Standing Committee of Attorneys General that we should have uniform laws about Asian women who apparently tend to be virtually imprisoned in these institutions. I am sure Senator Vanstone would confirm that I am one of the strongest supporters of the proposal to enact uniform laws. I will not single out other States and Attorneys General, but other conservative governments have been much more sceptical, arguing that the problem is covered by existing law, that it is not a real problem, et cetera.

I support Senator Vanstone on this point, because one could hardly imagine people in a more oppressed state than women, presumably young

women, who are confined to premises under the authoritarian direction of a spivvy entrepreneur. I accept the initial point of the honourable member's question. I am supportive of such laws, and when there is agreement between the jurisdictions I will be happy to take them to Cabinet and advocate their support.

However, I do not accept the linkage the question seeks to make with the disorderly houses legislation that passed through this Parliament a number of years ago. I believe that gross exploitation and slavery are more likely to occur if the industry is driven underground and is made illegal in a blanket fashion. Honourable members took the bipartisan view that we ought not apply blanket criminality to this industry because that would force the activities underground. As a result, such activities would not be nearly as amenable to police or other forms supervision as they are now.

The Hon. M. R. EGAN: If honourable members have further questions I suggest they put them on notice.

Questions without notice concluded.

LIFE SAVER HELICOPTER SERVICE

Personal Explanation

The Hon. R. D. DYER, by leave: On Thursday, 21 May, the Hon. Dr B. P. V. Pezzutti, my esteemed colleague opposite, who is absent from the Chamber, published a media release entitled "Life saver helicopter blueprint described as *Vexatious* by Minister". The honourable member's media release is misleading as it states that I described his question as vexatious. I did nothing of the sort. I said that his question was "vexatiously expressed". At no stage did I say that the member's question was vexatious. *Hansard* states:

> I shall obtain a response to that vexatiously expressed question from my colleague the Minister for Health.

I suggest that in future the honourable member refer to *Hansard* before he prematurely publishes false and misleading media releases.

TRAFFIC AMENDMENT (PAY PARKING SCHEMES) BILL

Second Reading

Debate resumed from an earlier hour.

Reverend the Hon. F. J. NILE [5.03 p.m.]: The bill has some positive values. In spite of what a number of honourable members have said, particularly the honourable member for Bligh, the legislation does not authorise the construction of new parking bays. It allows authorities such as the Royal Botanic Gardens and Domain Trust, the Olympic Co-ordination Authority, the Bicentennial Park Trust and the State Sports Centre Trust to install parking meters in existing parking areas—that is not a massive expansion of car parking places in parks and other recreational areas but a utilisation of existing parking areas.

The installation of parking meters may reduce the number of cars that use public areas and keep cars moving so such areas do not become car parking stations. The Christian Democratic Party supports the bill, which will assist the Olympic Co-ordination Authority to control and regulate parking within the Olympic 2000 complex at Homebush Bay, including the land presently under the auspices of the Bicentennial Park Trust and the State Sports Centre Trust. This legislation is positive and will promote efficiency.

The Hon. R. S. L. JONES [5.04 p.m.]: The bill will allow public bodies, other than local councils, to authorise and operate meter parking and other pay parking schemes on public streets on land owned by them in accordance with the Roads and Traffic Authority guidelines and subject to RTA approval. However, as the Minister stated in his second reading speech on 29 April the bill has been presented at this time "because of the urgent need for the Olympic Co-ordination Authority to control and regulate parking within the Olympic 2000 complex at Homebush Bay, including land presently under the auspices of the Bicentennial Park Trust and the State Sports Centre Trust".

It would appear, therefore, that as the Olympics are not to be held in the next few months there is no need for the changes contained in the bill. As that is the case the honourable member for Bligh, Clover Moore, quite rightly pointed out during her contribution to the second reading debate that the bill should contain time limitations. If the changes proposed in this bill are needed for the Olympics they should be withdrawn once they are over, otherwise the community will be left with unnecessary and inappropriate pay parking schemes into the next century.

I asked the Minister's advisers whether the new parking bays would attract the parking levy—of course, they will not; only off-street parking schemes do. It would be a good idea for the Treasurer to consider including imposing the levy on on-street parking as well as off-street parking as it would raise a substantial amount of revenue. The

bill makes changes not only to Olympic venues at Homebush but also to other venues in New South Wales. The changes will be in place longer than the staging of the Olympic Games.

This, of course, raises several questions, including: will the public authorities have the best interests of the community at heart? Will the pay parking schemes be allowed to degenerate into fundraising ventures? Will each scheme be considered on its merits and be open to scrutiny by the community, local council or Parliament? Those problems were addressed by the honourable member for Bligh. I had intended to move amendments based on those moved by the honourable member for Bligh, but I understand that they will not receive support from the Government or the Opposition. I will not waste the time of the House by moving the amendments, but I seek leave to table them.

Leave granted.

My amendments would have ensured that the urgent need for the Olympic Co-ordination Authority to control and regulate parking for the Olympics would have been met, without having an impact on other areas. In addition, local communities and local councils would have been involved in, rather than excluded from, decisions about pay parking schemes. The community should be involved in decisions that have an impact on local streets. It is a pity the community has been excluded from that process. I had hoped to recommend my amendments to the House but due to a lack of support it is not possible for me to do so.

Motion agreed to.

Bill read a second time and passed through remaining stages.

POLICE INTEGRITY COMMISSION AMENDMENT (RECORDS) BILL

Second Reading

The Hon. M. R. EGAN (Treasurer, Minister for State Development, and Vice-President of the Executive Council), on behalf of the Hon. J. W. Shaw [5.10 p.m.]: I move:

That this bill be now read a second time.

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

Leave granted.

It is the Government's policy that evidence acquired by the police royal commission in the course of its inquiries should be disseminated to law enforcement agencies so that it can be investigated and prosecutions commenced if there is sufficient evidence. The royal commission was not an end in itself. Prosecutions flowing from the evidence it generated continue, as do investigations into matters raised before the commission. The bill is intended to assist this process by transferring the role of assessing and disseminating the royal commission's records to a permanent body, rather than a temporary body, and ensuring that it has the necessary power.

By the time the police royal commission handed down its final report in August 1997 it had collected an enormous amount of material on the subjects of police corruption and paedophilia. The normal course after a royal commission has reported is for its documents to be bundled up and sent to the Archives Authority. In this case it was not appropriate to do so as much of the information received required further assessment and investigation by appropriate law enforcement agencies. Justice Wood took two different approaches in relation to the royal commission's records. The police corruption material was transferred directly to the Police Integrity Commission. With respect to the paedophilia material, however, Justice Wood sought the establishment of a royal commission wind-up team through the Premier's Department and issued a dissemination order under section 30 of the Royal Commission (Police Service) Act which permitted the material to be disseminated to relevant law enforcement agencies so it could be investigated. It was intended that the wind-up team would complete its work by the end of 1997.

It now appears that the job is far greater than originally anticipated. The wind-up team hopes to finish its assessment and dissemination of the material by 30 June 1998, at which time it will be disbanded. However, the increase in investigations into paedophilia by the Child Protection Enforcement Agency and strike force CORI of the New South Wales Police Service, as well as other law enforcement agencies, has meant a continuing demand for information from the royal commission's records, which will involve the further dissemination of material. There are also many subpoenas for documents which need to be dealt with as a matter of urgency. It is not appropriate for this burden to be placed on the Archives Authority. It might also slow down or impede investigations if the material were transferred to the Archives Authority. That is because particular expertise is needed to operate and search the computer record system developed specifically for the royal commission.

Familiarity with the records is also necessary. Without this expertise and familiarity, searches may not be comprehensive and documents may not be produced in a sufficiently timely fashion to meet the requirements of subpoenas and investigations. The Police Integrity Commission already has expertise in operating the royal commission's computer record system, and many of its officers have familiarity with the records as they transferred across from the royal commission. The most practical solution, therefore, is to give the Police Integrity Commission the role of disseminating this information to law enforcement agencies. This is also most appropriate because the Police Integrity Commission will then administer both categories of the police royal commission's documents and will have the power to investigate the material when appropriate or provide the information to other investigatory bodies when it falls within their jurisdiction without any artificial distinctions being made between paedophile material and police corruption material.

I am advised that the Police Integrity Commissioner is prepared to accept this responsibility. It is intended that a small unit will be established within the PIC comprising a lawyer, a research officer and a registry officer to deal with

these records. Computer support will also be provided. It is also intended that work will commence upon transferring the computer records of the royal commission into a form that can eventually be sent to the Archives Authority once the demand for this material has significantly decreased. Section 56 of the Police Integrity Commission Act and section 30 of the Royal Commission (Police Service) Act contain the same rigorous secrecy provisions and the same power to disseminate information to law enforcement agencies when the commissioner certifies that it is in the public interest to do so. When that information is disseminated it can be used for investigatory purposes, but it cannot be divulged to others, except for the purpose of a prosecution or disciplinary proceedings.

Proposed clause 2B(4) of schedule 3 to the Act will ensure that section 56 of the Police Integrity Commission Act applies to the police royal commission paedophile material so that it can be disseminated to law enforcement agencies. Proposed clause 2B(8) ensures that the information disseminated by the Police Integrity Commission can be used not only for prosecutions instigated by a Police Integrity Commission investigation, as is currently provided for in section 56, but also for prosecutions instituted as a result of the police royal commission's inquiry, as is currently the case under section 30 of the Royal Commission (Police Service) Act. The other purpose of the bill is to prevent prosecutions arising from police royal commission evidence from being frustrated by the taking of technical legal points. The royal commission wind-up team has been disseminating documents to law enforcement agencies pursuant to a dissemination order issued by Justice Wood under section 30 of the Royal Commission (Police Service) Act.

It may be argued, however, that the paedophile material was also within the possession of the Police Integrity Commission, because the documents remained physically within the royal commission's former premises when the building was taken over by the Police Integrity Commission. If the Police Integrity Commission is considered to have custody and control of these documents, then arguments arise as to whether they should be dealt with under the Police Integrity Commission Act or the Royal Commission (Police Service) Act. In practice, this is a meaningless argument because the provisions concerning the dissemination of the documents are the same in each Act. However, the Government is concerned that this technical argument may be taken in future cases in an effort to slow down proceedings or have evidence struck out. The Government wishes to remove any possible doubts or uncertainties that could be exploited in legal proceedings to frustrate the prosecution of offenders.

Accordingly, the bill makes it absolutely clear which legislation applies and ensures that the dissemination of royal commission documents is valid regardless of the Act under which the dissemination occurred. Proposed clause 2B(2) of schedule 3 to the Act confirms that any future or past transfer of royal commission records to the Police Integrity Commission is legally valid. Proposed clause 2B(3) confirms that the previous dissemination of documents under the Royal Commission (Police Service) Act is legally valid. Proposed clauses 2B(4) and 2B(5) ensure the validity of the dissemination of documents under section 56 of the Police Integrity Commission Act. Proposed clause 2B(6) is a consequential provision which ensures liability does not flow in relation to any of these Acts. Proposed clause 2B(7) resolves any conflict between the secrecy sections in the Royal Commission (Police Service) Act and the Police Integrity Commission Act.

Proposed clause 2B(9) has been inserted for more abundant caution to confirm that the divulging of information includes the transfer of the whole record. Proposed clause 2B(10) makes it clear that the documents can be transferred in other ways, such as under the Archives Act, and that it is not intended to affect the operation of the Telecommunications (Interception)(New South Wales) Act 1987. The purpose of this bill is to facilitate the investigation and prosecution of paedophilia. I commend the bill to the House. It achieves this aim in two ways: first, by ensuring that there is a permanent well-equipped body that can investigate material on its own behalf or provide law enforcement agencies with information relevant to their investigations in a comprehensive and timely manner; and, second, clarifying the applicable legislation so it is not possible to take technical legal points in prosecutions which may delay or frustrate them. I commend the bill to the House.

The Hon. M. J. GALLACHER [5.10 p.m.]: I lead for the Opposition on the Police Integrity Commission Amendment (Records) Bill. The bill is procedural legislation to ensure a smooth transition of all records accumulated during the time of the Royal Commission into the New South Wales Police Service, and to enable the Police Integrity Commission to deal with the ongoing business of the royal commission. It is critically important that the Opposition supports the Government in respect of this legislation because records retained at the premises of the Police Integrity Commission are yet to come under the control of that commission. I recently attended the premises of the Police Integrity Commission with other members of the Committee on the Office of the Ombudsman and the Police Integrity Commission and we were taken downstairs to the bowels of the building and shown where the records are kept. A roped-off area is provided for the designated staff from the royal commission who are still there in an ongoing capacity, finalising matters from the royal commission.

However, the area that is roped off is not an area to which personnel from the Police Integrity Commission can go to retrieve files to pursue their inquiries to identify corruption within sections of the New South Wales Police Service. It is ludicrous that royal commission personnel have access to information that could well be the key to an ongoing or fresh inquiry being conducted by the Police Integrity Commission. In response to a request from the Police Integrity Commissioner, Judge Urquhart, the Government has introduced this bill. As I mentioned earlier, this procedural bill will bring about a smooth transition of those records obtained by the royal commission and ensure that they are utilised in the way in which the people of New South Wales want them to be utilised, that is, to identify and eliminate areas of corruption within the New South Wales Police Service. The Opposition commends the bill to the House.

Reverend the Hon. F. J. NILE [5.13 p.m.]: The Christian Democratic Party supports the Police Integrity Commission Amendment (Records) Bill. The object of the bill is to amend the Police Integrity Act 1996 to make provision regarding records of the police royal commission that remained undisposed of before the royal commission came to an end. Transfer of the records to the Police Integrity Commission will enable that organisation to continue investigations into matters referred to in those records, or refer such matters to other agencies. Concern has been expressed in this House on previous occasions about what happens when a royal commission, such as that held in this State, that has obtained a great deal of information from witnesses and a great deal of material from investigations conducted by officers seconded to it comes to a conclusion.

Some of those matters were concluded but many remain unfinished, particularly some relating to corruption in the New South Wales Police Service that need to be followed up. Concern was also expressed about records relating to child abuse issues and to activity involving the paedophile network. Such material is invaluable and the records should not be shredded or disposed of. The Christian Democratic Party is pleased that this legislation will provide for the safe keeping of those records. We imagine that records relating to matters that do not directly involve police, such as any paedophile activity, will be passed on to the relevant authorities so that they may continue their investigations and bring to justice those who have been discovered. We are pleased to support the legislation.

Motion agreed to.

Bill read a second time and passed through remaining stages.

FIRE SERVICES JOINT STANDING COMMITTEE BILL

FIRE SERVICES LEGISLATION AMENDMENT BILL

Second Reading

The Hon. M. R. EGAN (Treasurer, Minister for State Development, and Vice-President of the Executive Council), on behalf of the Hon. J. W. Shaw [5.17 p.m.]: I move:

That these bills be now read a second time.

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

Leave granted.

Last year the Minister for Emergency Services introduced a comprehensive package of legislative reforms to ensure the communities of this State received significantly upgraded fire protection in both urban and rural areas. The Rural Fires Act proclaimed last September established the Rural Fire Service and a cohesive and integrated management structure for the delivery of fire services to almost 90 per cent of the State in areas affected by bushfires. Furthermore, amendments to the Fire Brigades Act passed last year will generate significant funding for the construction of new and upgraded fire stations in the western and south-western parts of Sydney, and in other developing areas.

The Fire Services Joint Standing Committee Bill and the cognate Fire Services Legislation Amendment Bill build on and strengthen the improved fire protection arrangements for communities and the environments they inhabit. In rejecting former Coroner Hiatt's recommendation for the amalgamation of the New South Wales Fire Brigades and the then Bush Fire Service, the Government chose to maintain separate fire services and focus on improving their co-operation arrangements. To that end the Minister established a task force which identified opportunities for enhanced co-operation between the fire services across a range of areas, including joint operational response, strategic planning, training, community education and research and development.

Arising out of the task force, a Joint Fire Services Standing Committee comprising the respective fire service commissioners, senior officers of each service and representatives of the Rural Fire Service Association and the Fire Brigades Employees Union was established in August 1996 to oversee the development of co-operative firefighting arrangements. Since its establishment this Committee has completed some important and significant work, for example, a memorandum of understanding between the New South Wales Fire Brigades and the Rural Fire Service, which, among other things, encourages the establishment of local mutual aid agreements at the interface of fire district and rural fire district boundaries.

Mutual aid agreements already exist at Campbelltown, Bathurst and Shellharbour and work is well advanced toward formally establishing such agreements in other areas. The committee has also been responsible for the fire services jointly contracting for a range of firefighting equipment such as hose couplings, protective clothing and breathing apparatus; researching and developing appropriate protective clothing for firefighters; and conducting joint training exercises for firefighters of both services, which now occur on a regular basis. An essential area of activity for the committee is the preparation of joint strategic plans for fire service boundaries. Changing patterns of land use and increasing urban, industrial and commercial development warrant a joint and strategic approach to fire service delivery planning.

The Government expects the joint strategic planning process for the efficient delivery of fire services throughout the State to be ongoing and subject to regular review by the committee. At the present time the important work of the joint committee is subject to a degree of informality and depends to a significant degree on the direction provided by the Minister of the day. It is for this reason that the Government has decided to formalise the joint committee and give it statutory responsibilities for its continuing work. As a result of this legislation it will be clear that it is directly accountable to the Minister for Emergency Services.

The name of the committee has been changed to the Fire Services Joint Standing Committee for administrative convenience. It will comprise the respective commissioners, a senior officer of each fire service and representatives from the Rural Fire Service Association and the Fire Brigades Employees Union. The committee's most important functions as stated in the bill are to develop strategic plans for the delivery of a comprehensive, balanced and co-ordinated delivery of urban and rural fire services at the interface of fire district and rural fire district boundaries; to review periodically the boundaries of fire districts and rural fire districts and, if appropriate, to make recommendations concerning those boundaries; and to develop strategies to minimise duplication and maximise compatibility between the fire services with particular reference to infrastructure planning, training activities and community education program.

In addition, the responsible Minister may refer any matter to the committee for its consideration and advice. Work to prepare joint strategic plans for the efficient and effective delivery of firefighting, especially in areas where the two services need to work together, closely because of the interface of urban and bush areas, must be ongoing. As population concentrations alter and major infrastructure develops in areas which previously were largely rural, sensible decisions will need to be made abut boundaries between the two services, and the appropriate level of resources required for adequate and comprehensive protection. As a result of the bills before the Parliament tonight, these matters will be subject to regular review by the joint committee. Decisions, however, will be subject to appropriate on-the-ground consultation with local communities and local government.

The role of these local processes was raised during consultations with the New South Wales Farmers Association. On behalf of the Government, the Minister has given an unequivocal guarantee that nothing will change in relation to the emphasis placed on local consultation about these matters. The committee normally meets ever quarter and the practice to rotate the chairperson between the commissioners every meeting is reflected in the legislation. Schedule 1 to the bill contains standard provisions relating to the members and procedures of the committee. It is important for this House to know that this proposal has the support of the fire services commissioners, the Fire Brigade Employees' Union and the Rural Fire Service Association, the peak industry bodies representing both salaried and volunteer firefighters.

In addition, both the Local Government and Shires Associations and the New South Wales Farmers Association have been consulted and have indicated they have no objection to the proposal. During consultations with the New South Wales Farmers Association undertakings were given that the work of the joint committee will not replace or interfere with the work of other bodies which have important functions in bushfire management, and in particular the Bush Fire Co-ordinating Committee which is charged with developing policies for a co-ordinated response to significant bushfires, and for bushfire risk management planning; or the Rural Fire Service Advisory Council which advises the Minister and the Commissioner of the Rural Fire Service on matters concerning the management and administration of the service.

Of course, decisions made by these communities will have some relevance for the continuing work of the joint committee, which will co-ordinate its work through the common memberships of all three bodies. As mentioned earlier, I am also introducing the Fire Services Legislation Amendment Bill. The provisions of this bill, among other things, fulfil an undertaking given by the Minister to the Nature Conservation Council that the Government would extend the bushfire management planning regime to areas of urban bushland. Section 50 of the Rural Fires Act requires the Bush Fire Co-ordinating Committee to establish bushfire management committees for council areas that contain a rural fire district. Those committees are required to prepare bushfire management plans which comprise operational plans for dealing with bushfires and risk management plans for the reduction of bushfire hazards.

However, there are areas of natural bushland solely within fire districts that are currently not subject to a consistent and integrated bushfire risk management planning framework. Examples of such areas include bushland adjacent to Lane Cove River National Park, bushland at north head and the Georges River State Reserve. The bill amends section 50 to require a bushfire management committee to be established for a council area that falls within a fire district if there is a reasonable risk of bushfires in that area. The Bush Fire Co-ordinating Committee which comprises senior representatives of the firefighting agencies, land management agencies, the Nature Conservation Council, the Local Government and Shires Associations, the New South Wales Farmers Association and other agencies will determine what constitutes a reasonable risk of bushfire using historical records and other data available to the committee.

As the New South Wales Fire Brigades is the agency responsible for fire suppression within fire districts, its officers will provide executive support to the new bushfire management committees where established, and co-ordinate the committees' activities, in particular the preparation of bushfire management plans. The bill also amends section 52 of the Rural Fires Act to extend the period in which draft bushfire management plans must be submitted by a bushfire management committee from three to 12 months after the committee has been constituted. The Government has been advised by the Rural Fire Service and bushfire management committees that the three-month time frame for the preparation and submission of draft plans, particularly bushfire risk management plans, has proved to be insufficient.

While operational plans to combat bushfires are largely in place across the State, the requirements for bushfire risk management plans introduced last September involve more than just plans for fuel hazard reduction. These plans should also refer to such things as local community education programs, smoke management and protection for threatened species. In recognition of the more sophisticated planning requirements the Government proposes to increase to 12 months the time frame for the preparation and submission of plans from bushfire management committees. The bill contains minor consequential amendments to sections 67 and 68 of the Rural Fires Act which impose certain functions on fire control officers in connection with bushfire hazard reduction work.

Not all local councils appoint fire control officers so the bill amends sections 67 and 68 to confer on local councils the functions presently imposed on fire control officers, and permits local councils to delegate those functions to a fire control officer or a member of the New South Wales Fire Brigades as appropriate. The bill contains saving and transitional provisions as appropriate, and other minor housekeeping amendments. A range of organisations including both fire services, the Nature Conservation Council, the Local Government and Shires Associations, the National Parks and Wildlife Service and State Forests have been consulted on these amendments and have expressed no objections.

The other significant feature of the Fire Services Legislation Amendment Bill is that it amends the Fire Brigades Act to

require the Commissioner of the New South Wales Fire Brigades to have regard to the principles of ecologically sustainable development—ESD—as described in the Protection of the Environment Administration Act 1991 in carrying out any function that effects the environment. The amendment simply brings the New South Wales Fire Brigades into line with the Rural Fire Service, which is also required to have regard to the principles of ESD. The New South Wales Fire Brigades has been aware of its environmental responsibilities and the implications of its activities for the environment for some time. It has already introduced a number of practical measures to minimise the impact of its activities on the environment, such as using clean burning fuels at its hot-fire training sites and the technique of small burns for areas of bushfire hazard reduction to reduce smoke pollution.

The New South Wales Fire Brigades is also completing a comprehensive environmental audit to identify the impact of its activities on the environment. It therefore fully supports the proposed amendment. The introduction of these two bills continues to demonstrate the ongoing commitment by the Carr Government to the protection and safety of communities across New South Wales, and the environmental safeguards that will preserve our natural bushlands and habitats. I commend the bills to the House.

The Hon. C. J. S. LYNN [5.17 p.m.]: The Opposition does not oppose the bills but it has some concerns about the Fire Services Joint Standing Committee Bill. One object of the Fire Services Legislation Amendment Bill is to amend the Fire Brigades Act 1989 to require the Commissioner of New South Wales Fire Brigades to have regard to the principles of ecologically sustainable development in carrying out any function that affects the environment. The Opposition supports that object. Although the New South Wales Fire Brigades has had regard to those principles in past years, this bill merely places in legislative form authority for the New South Wales Fire Brigades to do so and brings it into line with the Rural Fire Service.

A further object of the bill is to amend the Rural Fires Act 1997 to require a bushfire management committee to be established for the area of a local authority that is constituted as a fire district under that Act if there is a reasonable risk of bushfires in that area, to extend the period within which a bushfire management committee is required to prepare and submit draft bushfire management plans to the Bushfire Co-ordinating Committee, and to effect statute law revision. Providing New South Wales Fire Brigades with the authority to constitute fire districts under the Act where there is a reasonable risk of bushfire in a fire district is a step in the right direction. Obviously, it is necessary for the New South Wales Fire Brigades to prepare a bushfire management plan for some areas in Sydney and the urban fringe, and these provisions are a reasonable way to do so.

The Opposition has some concerns about the Fire Services Joint Standing Committee Bill. The shadow minister in another place spoke about the need to promote co-operation between the New South Wales Fire Brigades and the Rural Fire Service. However, he referred to a recent Fire Brigade Employees Union instruction which did little credit to the union. Rather than bring about co-operation between the union and the Rural Fire Service, it contributed to the conflict between them. The instruction was issued by the State Secretary of the New South Wales Fire Brigade Employees Union, Chris Read, under the heading "FBEU Policy re RFS/NSWFB Joint Training". It stated:

Members would be aware of the Minister's previous direction that "the two services should complement each other, not compete". However, many RFS Brigades continue to operate CABA, urban pumping appliances and other structural offensive firefighting equipment either within or very close to NSW FB Fire Districts.

All members are hereby reminded to observe the following Union instruction, which remains standing Union policy set by the rank and file membership at General Meetings:

- No member is to participate in any joint training or drill involving structural firefighting or urban operations with any RFS member inside a NSWFB Fire District.

- No member is to participate in any joint training involving structural firefighting or urban operations with any RFS member within 10 kilometres of a NSWFB Fire District.

- No member is to submit to any training delivered by RFS members, and no member is to deliver training to any member of the RFS.

This instruction is reproduced for the information of all members, and remains in place by way of policy until rescinded or amended, as the case may be, by a further General Meeting of this Union's membership.

As the shadow minister stated previously, in the light of Chris Read's statement it is clear that the conflict will continue until the union changes its attitude towards co-operation. The instruction issued by the Fire Brigade Employees Union generated a response from the Rural Fire Service Association, because a short time later the president of the association, Mr Keith McKellar, and the secretary, Mr Terry Toll, issued a media release entitled "Fire Brigade Union Puts Public Lives at Risk". The media release stated:

The announcement by the NSW Fire Brigade Employees' Union banning members from conducting joint training exercises with Rural Fire Fighters has been slammed by the Rural Fire Service Association as putting the lives of the public at risk for political gain.

"This is the most extraordinary decision we have ever seen from a union of any ilk. Imagine telling members that they cannot train with other fire fighters purely because they are

volunteers. The only outcome of this is that the standard of training and cooperation between both Service will suffer," says Superintendent Keith Harrap, Vice President of the Representative body of the 70,000 members of the Rural Fire Service.

While the FBEU has given no reason for its astounding edict, it has a long history of actively opposing the modernisation of the Rural Fire Service and the training of its members in their fire-fighting responsibilities other than bushfires.

"Many of our Brigades on the urban fringe conduct regular and harmonious training sessions with the NSW Fire Brigade and it benefits members of both Services. We can share knowledge and experiences and build our ability to fight fires cooperatively. This Union ruling flies in the face of our Co-operative Fire Fighting agreements and is clearly an attempt to reduce the effectiveness of volunteer fire fighters," says Supt. Harrap.

We call on the Commissioner of the NSW Fire Brigade to immediately issue a directive to counter this outlandish move by the FBEU, in the name of public safety. He should go further and actively encourage joint exercises so that we can ensure the very best protection for the community.

According to Supt. Harrap, the NSW Fire Fighters are coming under increasing attack from the FBEU. "Our fire fighters may not be paid, but many spend more hours at their station than paid retained NSW Fire Brigade crews. In many instances they have the same, if not higher standards of training and fire experience as their paid equivalents, yet the Union insists on treating them like second class citizens— simply because they serve the community without seeking financial reward. Our members are proud of their Service. These outrageous attacks must stop now."

The communiques from those two organisations were released just prior to debate on these bills, which encourage them to co-operate more effectively. The Minister was placed in the unenviable position of having to go to both organisations and to the joint standing committee to tell them to resolve the matter before the next fire season. The objective of the Fire Services Joint Standing Committee Bill is to establish a committee which includes the commissioner and a senior officer from each fire service, a representative from the Rural Fire Service and a representative from the Fire Brigade Employees Union. That is no doubt a step in the right direction. However, more people should be involved at the grassroots level.

The community is proud of the spirit of its volunteer bush fire fighters. The community cannot afford to pay them for the training and the work they do. A system must be put in place that allows them the flexibility to conduct training, to ensure they are qualified, to ensure they are able to operate the latest equipment, to ensure they are aware of the latest firefighting procedures, and to ensure they are able to communicate with each other, with other brigades and with other fire services, especially those close to urban areas.

The committee will develop and submit to the Minister strategic plans for the delivery of comprehensive, balanced and co-ordinated urban and rural fire services at the interface of fire district boundaries and rural fire district boundaries. The committee will review periodically the boundaries of fire districts and rural fire districts and, if it is considered appropriate, make recommendations to the Minister concerning those boundaries. The committee will also develop and submit to the Minister implementation strategies to minimise duplication and maximise compatibility between the services of the New South Wales Fire Brigades and the services of the Rural Fire Service. This will be done with particular reference to the infrastructure planning, training activities, community education programs and equipment design.

A recent story on *60 Minutes* showed the horrific burns suffered by some rural firefighters. In the incident the subject of the program one firefighter was killed and a number of others were seriously injured. I was particularly concerned to learn that one firefighter who was wearing the appropriate gear had the plastic on the back of his uniform burnt into his back. The authorities need to review protective clothing and prevent that sort of thing from occurring in the future. I thought it would be pretty basic not to have plastic on a firefighter's uniform.

Reverend the Hon. F. J. Nile: The actual words—the name of the firefighting service—were burnt into his back.

The Hon. C. J. S. LYNN: Yes, because of the plastic on the protective clothing. The authorities must look at protective clothing. The Rural Fire Service suspects that the bill is tending towards the amalgamation of the fire services. The Coroner recently recommended that the services be amalgamated but the Minister in his wisdom did not go along with that recommendation. In my view there is a real need for a professional firefighting service such as the New South Wales Fire Brigades and a large and professional volunteer Rural Fire Service.

The great challenge for the Government is to bring about an environment of trust between the two services so that they do not think of each other as competitors. It is important that there be sincere co-operation between the two services. That could be achieved through not having such a strong hierarchical command system. The higher levels would, of course, devise policy but that policy should be sufficiently flexible that it can be implemented at the local district level. There will

never be one policy that suits the entire State; every local area has different characteristics and different people have different personalities, and those people change over time. The more flexibility there is in legislation such as this, the quicker we can work towards co-operation and the provision of efficient and effective fire services. Having placed its concerns on record, the Opposition notes that the bills are a step in the right direction and it supports them.

The Hon. ELISABETH KIRKBY [5.31 p.m.]: The Australian Democrats support the Fire Services Joint Standing Committee Bill and the Fire Services Legislation Amendment Bill. In particular, I support the extension from three months to 12 months for the preparation of bushfire risk management plans. As has been pointed out by the Nature Conservation Council, bushfire management plans form the backbone for ecological considerations in the Fire Services Legislation Amendment Bill. Bushfire management committees must have sufficient time to prepare bushfire management plans if appropriate ecological information and community comment are to be incorporated. I agree that dedicated volunteers have considerable valuable information, be they volunteer firefighters or volunteer bush regenerators. These people are a vast brains trust of valuable information, and it is desirable that in the preparation of bushfire management plans sufficient time is allowed to properly gather and assess this information.

Of particular importance is the need to establish which species of fauna are present in an area and when they are likely to have young that may be killed by controlled burns. Seed setting of native flora and the role of fire in their regeneration cycles must also be considered. Recent reports of wildlife coming back into the bushland around Hornsby are very encouraging. The wildlife includes echidna, a pair of platypus in a creek quite close to urban development, lyrebirds and many smaller mammals not seen for quite some time. Local residents campaigning to protect urban bushland from Landcom developments have been gathering extraordinary information about local flora and fauna and can provide valuable advice to fire authorities about what should be burned and when. However, gathering input from those and other groups will take much longer than three months and, as I have said, the extension of time for the preparation of bushfire risk management plans is to be welcomed.

Bush around Sydney and throughout New South Wales was constantly burned by Aborigines and by lightning strikes. This kept undergrowth down and made for easier movement and hunting. I do not consider that anybody who has a reasonable grasp of either history or science would suggest that we should not burn any bush at all. What has to be determined is when to burn and how often. Clearly, it will be useful to have the input of groups that know of the existence in remnant patches of rainforest and other north-eastern facing gullies of species that have poor fire resistance. Another matter upon which I wish to comment is that of joint training exercises involving the Fire Brigades Employees Union, which represents the retained firefighters, and members of the Rural Fire Service, who for the most part are either volunteers or part time workers. An instruction issued by the State Secretary of the Fire Brigades Employees Union, Chris Read, is rather astounding. The instruction is headed "FBEU Policy re RFS/NSWFB Joint Training" and states:

> Members would be aware of the Minister's previous direction that "the two services should complement each other, not compete". However, many RFS Brigades continue to operate CABA, urban pumping appliances and other structural offensive firefighting equipment either within or very close to NSWFB Fire Districts.
>
> All members are hereby reminded to observe the following Union instruction, which remains standing Union policy set by the rank and file membership at General Meetings:
>
> - **No member is to participate in any joint training or drill involving structural firefighting or urban operations with any RFS member inside a NSWFB Fire District.**
> - **No member is to participate in any joint training involving structural firefighting or urban operations with any RFS member within 10 kilometres of a NSWFB Fire District.**
> - **No member is to submit to any training delivered by RFS members, and no member is to deliver training to any member of the RFS.**
>
> This instruction is reproduced for the information of all members, and remains in place by way of policy until rescinded or amended, as the case may be, by a further General Meeting of this Union's membership.

I do not know how that amazing instruction can possibly still be in existence. The most serious fires that have occurred recently have not occurred in remote rural areas or in remote parts of national parks; they have occurred in residential areas, often bordering on national parks or urban bushland within 10 kilometres of a New South Wales Fire Brigades fire district, and that is where the greatest danger to life and property occurs. How can any member of the union believe that it is not in the best interests of the people of New South Wales, the members of the Rural Fire Service and themselves that they train together? I live in a small country

town that has a very small fire brigade. From time to time that brigade is called out to assist Rural Fire Service brigades. In many instances if a fire gets out of hand—as happened before Christmas—it is necessary for Rural Fire Service brigades to work together, and tenders may come from surrounding districts to fight it.

Surely it is in the interests of both services that they train together. It has been proved that on occasions members of both organisations are required to fight fires together. It is obvious from the statement by the Fire Brigades Employees Union State Secretary, Chris Read, that the union is concerned that its patch will be taken over by members of the Rural Fire Service. I do not think this fear is valid, and I urge the Minister to work with both services to maximise the expertise of all firefighters. I do not see how that could possibly be achieved without holding joint exercises between the two organisations. After all, there is only so much that a person can learn from books and videos.

I know perfectly well that when the Rural Fire Service has held meetings in my area and asked a member of the New South Wales Fire Brigades to attend and give a lecture, all the volunteers have turned up but the officer from New South Wales Fire Brigades has not. That is totally unfair to the volunteers who give up a great deal of time. In many cases, because the Rural Fire Service is woefully short of equipment, the volunteers have to buy their own protective clothing.

It is obvious from what the Hon. C. J. S. Lynn said that terrible damage can be caused by protective clothing made from flammable material, and a further scientific examination must be made of what type of material should be used. The incident to which the Hon. C. J. S. Lynn referred is horrible and should never have occurred. Obviously there is no such thing as a textbook bushfire. By getting together and exchanging stories and experiences, firefighters from the two services will learn from each and public safety will be enhanced.

Many volunteer Rural Fire Service brigades have several hundred years accumulated experience of fighting fires. Similarly, the urban retained firefighters have a vast depth of experience. Firefighters in both services need to know how fires behave or can be expected to behave. That knowledge can only be acquired from one who has an intimate knowledge of the relevant area. In rural New South Wales, knowledge of the terrain, the prevailing winds and the gullies that are likely to be engulfed by flames are the corporate knowledge of the people living in the area.

Firefighting in both urban and non-urban environments should be all about public safety and the protection of life and property. I urge members of both services to stop this turf warfare and learn from each other so that the safety of firefighters and the public is enhanced. Finally, the Australian Democrats take this opportunity to salute firefighters from both the New South Wales Fire Brigades and the Rural Fire Service for the tremendous job they perform and the great danger in which they place themselves to protect public property. In particular, the Australian Democrats salute the volunteers, who freely give up their time and selflessly risk their lives to protect others. I support the bills.

The Hon. I. COHEN [5.43 p.m.]: The Greens support the Fire Services Joint Standing Committee Bill and the Fire Services Legislation Amendment Bill. These bills continue the excellent and much needed reforms of the firefighting services initiated by the previous Minister for Emergency Services, the Hon. Bob Debus. The Greens believe that the two major initiatives introduced by these cognate bills—the Fire Services Joint Standing Committee and the ecologically sustainable development requirement in the Fire Brigades Act 1989—will implement a new era for the New South Wales Fire Brigades and the Rural Fire Service.

The new era will leave behind petty demarcation disputes and power grabs and will reinforce the commitment to protect not only life and property but also the environment. The improvement of communication and co-operation between the Fire Brigades and the Rural Fire Service is strongly supported by the Greens. The formalisation of the Fire Services Joint Standing Committee will allow further progress in co-operative education, tendering for equipment and a joint training exercise for the two services.

The Greens are pleased that the legislation will require the Commissioner of the New South Wales Fire Brigades to have regard to the principles of ecologically sustainable development—ESD. The delivery of the promise the Government made to the conservation movement last year will embed ESD in all the operations and activities of the Fire Brigades which impact upon the environment. Given these two improvements, we hope that the Rural Fire Service and the Fire Brigades will implement ecological training as a priority. It is not sufficient simply for the legislation to say it should happen;

implementation of ESD in both services requires a culture change and effective ecological training to be conducted before the next fire season.

The legislation extends from three months to 12 months the period by which a bushfire management committee must prepare fire management plans. The extension of time is supported by the Greens, who would like to see ecological training by the services prior to the implementation of bushfire management plans. If it is imperative that officers and volunteers who administer fire services in New South Wales receive the technical, safety and health training required for their demanding roles, it should be accepted that ecological training is now a part of the expertise that is required for their services to be effective.

The Greens ask the Minister for Emergency Services what funding will be provided in the upcoming budget for the Fire Brigades and the Rural Fire Service. What proportion of that funding will be allocated to a specific environmental and ecological training program for the joint services? A number of people are concerned about a lack of grassroots representation on the Fire Services Joint Standing Committee. I agree that there is a lack of representation of volunteer bush fire brigades on the committee, and I was heartened by the wholehearted support for grassroots democracy by the honourable member for Burrinjuck.

I request the Minister to ask the joint standing committee to consider expanding its membership to include not only a suitable representative from the volunteer brigades service but also a conservation representative. The volunteer members of the Rural Fire Service are the backbone of that crucial organisation. They have a wealth of experience and training, and would bring a slightly different and valid perspective to the committee. The committee will make decisions about equipment, training, community education and infrastructure planning.

Volunteer members will be fundamentally affected by the decisions of the Fire Services Joint Standing Committee and they should have input into its processes. I am sure that their omission from the committee is purely an oversight, and I trust that the Minister will rectify it immediately. Volunteer brigades work hard to ensure that their communities are protected from fire. They are an essential part of the service. To omit volunteers from the essential planning function is to do them, and their record of voluntary participation, a disservice.

The recent changes to the Rural Fires Act and the ESD requirement of the Fire Services Legislation Amendment Bill also highlights the need to have on the committee a conservationist who is experienced in bushfire management planning. That expert would be most beneficial to the committee and, like the volunteer members, would bring a fresh perspective to many of the committee's functions. The Greens support the bills and look forward to a commitment to ecological training by both services and an expansion in the membership of the Fire Services Joint Standing Committee.

The Greens believe that these bills are timely. We are extremely pleased to see the debate on bushfire management moved into a more balanced arena. It is erroneous that some in the community often condemn the Greens for not supporting bushfire brigades. The captain of the Nimbin Rural Fire Service is a member of the Tuntable Falls alternative community. That indicates a significant participation by Greens and people in the conservation and alternative communities who are extremely concerned to work with other members of the community fighting bushfires in this State.

The new measures will encourage all members of the community to co-operate in fighting bushfires effectively and will bring about a holistic approach. We will then have not only a safer State for its communities but an environmentally sounder State. Bushfire management will be more scientific and balanced, to the benefit of not only the people of this State but of many species, including endangered species, that have suffered greatly from bushfire damage over the years.

The Hon. R. S. L. JONES [5.49 p.m.]: I enthusiastically support the Fire Services Legislation Amendment Bill, which will ensure that New South Wales Fire Brigades has regard to the principles of ecologically sustainable development in carrying out its functions, and applies bushfire management planning requirements. Jacquie Svenson, the Environment Liaison Officer of the Nature Conservation Council of New South Wales, Australian Conservation Foundation, Friends of the Earth, National Parks Association of New South Wales, Total Environment Centre and Greenpeace, said:

> Bush Fire Management Plans form the whole backbone for ecological considerations in the Bill. Bush Fire Management Committees must have sufficient time to prepare bush fire risk management plans if appropriate ecological information and community comment is to be incorporated.

A holistic approach to fighting fires and preparing in advance for fires is absolutely essential. This legislation is probably overdue and it is good that the Minister has introduced it in line with his

promise. I join my colleague the Hon. Elisabeth Kirkby in saluting bush fire fighters who risk their lives fighting fires. As the Hon. I. Cohen pointed out, in spite of media comments from time to time, greenies do risk their lives. Friends of mine who might be termed greenies risk their lives fighting fires in the country alongside other people who would not consider themselves greenies. Any person fighting a fire is a greenie, after all. Anyone who tries to stop a fire can be termed a greenie at least for the duration of the fire. We all work together and hope in future to contain fires as well as loss of human and animal life.

Reverend the Hon. F. J. NILE [5.51 p.m.]: The Christian Democratic Party supports the Fire Services Legislation Amendment Bill and the Fire Services Joint Standing Committee Bill. The Fire Services Legislation Amendment Bill will amend the Fire Brigades Act to require the Commissioner of New South Wales Fire Brigades to have regard to the principles of ecologically sustainable development in carrying out any function that affects the environment, and will amend the Rural Fires Act 1997 to require a bushfire management committee to be established for the area of a local authority that is constituted as a fire district under that Act if there is reasonable risk of bushfires in that areas.

The bill will also extend the period within which a bushfire management committee is required to prepare and submit draft bushfire management plans to the bushfire co-ordinating committee. Though there may be good intentions behind the principles of ecologically sustainable development, they must never be extended to the point at which the lives of members of the Rural Fire Service or the Fire Brigades are put at risk of injury or death. This is particularly important when community members fight fires in metropolitan or country areas that put homes in danger. Life must always be paramount to both branches of the fire services.

The Fire Services Joint Standing Committee Bill will establish a committee having equal representation from the New South Wales Fire Brigades and the Rural Fire Service, to be known as the Fire Services Joint Standing Committee. This body will be involved in developing strategic plans et cetera for presentation to the Minister. The actions of the fire brigades union brought about some tense moments, but we trust that the committee will be able to co-operate through a give and take process with all parties concerned to protect the lives of the people of this State.

New South Wales needs the Fire Brigades to continue the excellent and professional service it has provided over the years. However, support must also be given to the more than 75,000 volunteer firefighters. I am sure all governments realise that volunteers provide the most cost-effective firefighting service. Equipment must be provided, and that is expensive, but wages are a major cost for governments—in firefighting as in education, health, et cetera. Forcing volunteer firefighters to join the union and claim payment for their time would subject the State budget to a heavy cost—one that does not have to be met now. The services of the men and women who work in the Rural Fire Service and risk their lives must never be taken for granted. They give up their time to train and to respond to fires. They put aside their personal activities and employment, whether as a farmer or an employee, to respond to emergency calls to fight bushfires.

It was apt that only last week the *60 Minutes* program showed the severe injuries sustained by volunteer bush fire brigade members. I am sure everyone was moved to see a man who had his fingers burned off and had no idea what had happened to them. One can only imagine the pain and suffering he endured, yet he made no complaint and expressed no regret. I admire his bravery and courage as he recovers from those horrific injuries. It may have been a coincidence that the program appeared just prior to these bills being introduced, but it certainly underlined the importance of fighting bushfires in rural areas. The union issued to its members a fairly provocative statement that encouraged lack of co-operation that no doubt would revive the bitterness that was prevalent in the past between these two important services. I call on the union to promote harmony amongst its members to ensure that the services work together. I am sure the Minister will do all he can to ensure that harmony continues, as will the officers who provide leadership in both firefighting services. The Christian Democratic Party is pleased to support the bills.

The Hon. J. W. SHAW (Attorney General, Minister for Industrial Relations, and Minister for Fair Trading) [5.57 p.m.], in reply: I thank honourable members for their comments and general support for the bills. I remind members that the Joint Fire Services Standing Committee was established in August 1996 following a ministerial task force charged with identifying ways to improve co-operation between New South Wales Fire Brigades and the former Bush Fire Service. Prior to the establishment of the joint committee, no formal arrangement existed for fire services to work together on issues of common concern. These included preparation of strategic plans for fire service boundaries, training, equipment standards,

community education, and research and development.

Mention was made in the debate about widespread opposition to amalgamating the two services, especially among volunteer bush fire fighters. It must be emphasised that the work of this joint committee became essential following this Government's decision to reject the Coroner's recommendation to amalgamate the services. Within hours of the report being made public, the Premier announced a determination to retain two separate and distinct fire services with complementary roles.

Since 1996 the Government has repeated this announcement in numerous forums and it will adhere to that commitment. During the debate on the Rural Fires Bill last year the Government stated that position in the clearest possible terms. To amalgamate the fire services would undermine the very essence of the volunteer bush fire fighting movement and would remove the local administrative and community autonomy that goes hand in hand with the volunteer spirit and culture.

Since the joint standing committee was established in 1996 it has completed some important work, including finalisation of a memorandum of understanding between the fire services for joint operational response to incidents that might require deployment of resources across fire brigades and rural fire service boundaries; jointly contracting for a range of firefighting equipment such as hose couplings, protective clothing and breathing apparatus; researching and developing appropriate protective clothing for firefighters; conducting joint training exercises for firefighters of both services; and preparing joint strategic plans for fire service boundaries, particularly in the greater Sydney area and on the central coast.

Work to prepare joint strategic plans for the efficient and effective delivery of firefighting services, especially in areas where the two services need to work closely together because of the interface of urban and bush areas, must be ongoing. As population concentrations alter and major infrastructure develops in areas which previously were largely rural, sensible decisions will need to be made about boundaries between the two services and the appropriate level of resources required for adequate and comprehensive protection. As a result of this legislation, those matters will be subject to regular review by the joint committee. However, decisions will be subject to appropriate on-the-ground consultation with local communities and local government.

At present the important work of the joint committee is subject to a degree of informality and depends to a significant degree on the direction provided by the Minister of the day. It is for this reason that the Government has decided to formalise the joint committee and give it statutory responsibility for its continuing work. As a result of this amendment it will be clear that the joint committee is directly accountable to the Minister for Emergency Services. It is important for the House to know that this proposal has the support of both the fire service commissioners, as well as the Fire Brigades Employees Union and the Rural Fire Service Association, the peak industry bodies representing both salaried and volunteer firefighters. In addition, both the Local Government and Shires Associations and the New South Wales Farmers Association have been consulted and have indicated that they have no objection to the proposal.

In the debate honourable members referred to claims that the Fire Brigade Employees Union has refused to join co-operative training with bush fire brigades. Residents of rural and regional New South Wales should not be concerned for even one second about the disagreement between the Fire Brigade Employees Union and the Rural Fire Service Association about one joint training exercise, in Hornsby in northern Sydney. The disagreement is a minor hiccup in the ongoing process of co-operation between the New South Wales Fire Brigades and the Rural Fire Service. As is obvious to honourable members who have read these bills, training is one of the many issues that have been considered as a result of the consultative mechanism established by the Government through the joint committee.

The level of co-operation in joint training which occurs without rancour or difficulty throughout the State will not stop because of a minor disagreement between the bodies representing full-time firefighters and volunteers. Joint training is just one of the many important matters that will continue to be dealt with through the joint committee process. I assure the House that the Minister's office has already spoken to members of the Rural Fire Service Association and the Fire Brigade Employees Union. The Minister is confident that they will raise any continuing concerns they may have about this issue, and indeed any other issues, with the joint committee. The process will continue to strengthen co-operation between the two services and deliver more efficient and effective fire protection for the entire community.

Finally, honourable members should note that the amendments contained in the Fire Services

Legislation Amendment Bill are designed to fulfil undertakings given by the Minister to the Nature Conservation Council during debate on the Rural Fires Bill last year. In line with those undertakings, the amendments before the House will ensure consistency between the two fire services in relation to bushfire management planning and will impose the same requirements on fire brigades to take account of ecologically sustainable development principles as are imposed on the Rural Fire Service. I commend the bills to the House.

Motion agreed to.

Bills read a second time and passed through remaining stages.

FINES AMENDMENT BILL

Second Reading

Debate resumed from 20 May.

The Hon. J. P. HANNAFORD (Leader of the Opposition) [6.05 p.m.]: The Opposition does not oppose the Fines Amendment Bill, which is a finetuning of the existing Act to make it more effective. This bill will ensure that the cost of proceedings to recover a fine, including costs associated with witnesses and other legal expenses, will be paid by the offender. That is sound. Currently the legislation and regulation provide for a maximum fee of $50. That amount does not go anywhere towards meeting the cost of a sheriff taking recovery action. Honourable members must understand that recovery action involves a cost to the community when a sheriff is required to execute a warrant to seize property and sell it. The community should not have to meet that additional cost when a defendant is not prepared to pay the legal penalties determined by the courts. Therefore the Opposition supports the amendments in this bill.

When I was Attorney General, and Minister for Justice responsible for corrective services I was concerned about the way people cut out fines in gaol. At present, a person with nine fines of about $700 and one fine of $1,000 can cut out the $1,000 fine at the rate of $110 a day by spending nine days in gaol. That means that the other nine fines, totalling about $8,000, would be cut out by nine days in gaol. The person will not spend one day in gaol for each $110. One would expect a person with about $9,000 worth of fines to spend up to 90 days in gaol to cut out the fines, but that will not happen. As I said, under the present system the person will go to gaol for nine days for the biggest fine of $1,000 and all the other fines are cut out by those nine days in gaol.

I remember when truck drivers travelling through New South Wales had big fines cut out. They would turn themselves in at a country police station, back in the days when people could stay in a country police station, and spend time in gaol on the largest fine, for example, a $1,000 fine, and cut out another 10 or 15 fines at the same time. I take the view that that was an abuse of the system.

I came across an interesting scenario when I visited Grafton gaol one Christmas Day. A number of people had presented themselves at the gaol on Christmas Eve for non-payment of fines. I asked them why they refused to pay their fines and they replied that as they had no commitments over the Christmas period they would go to gaol for five days and thereby cut out their accumulated fines. Therefore, they would be out on the streets after five days with a completely clean slate. Whilst honourable members might find that incredible, to those on the street it is a reality.

People can be charged for other offences whilst in gaol. The system allows a person serving three months to apply to cut out every unpaid fine. If the person's application is successful, his unpaid fines are waived. I recall a prisoner who threatened to sue the department for negligence because on his release it sought to institute execution for recovery of his unpaid fines. The department had not advised him of his outstanding fines, which could have been cut out whilst he was in gaol. The system is being rorted by professional petty criminals. Each year local courts deal with 230,000 criminal matters; 60 per cent of people dealt with receive a sentence of less than one year and a monetary fine is imposed for the majority of offences.

The practice of cutting out fines is still used today. That practice needs to be examined, because the system is brought into disrepute by professional petty criminals. The petty troublemaker who causes problems on the streets knows that fines can be cut out and his record cleaned. The bill improves the Fines Act and makes it more effective. It provides that a periodic detention order imposed on a person who is the subject of a community service order in relation to a fine is, in effect, a sentence. A fine defaulter can make application to cut out his fines whilst serving periodic detention. The Opposition would be happy to support further amendments to tidy up the legislation.

Reverend the Hon. F. J. NILE [6.14 p.m.]: The Christian Democratic Party supports the Fines Amendment Bill. As the Leader of the Opposition said, a lot of people have used various devices to avoid their responsibilities to pay fines that have been properly imposed on them for breaking the law. If people do not pay their fines the law is brought into contempt and ridicule. To assist society in observing laws, law-breakers should pay the penalty. The legislation certainly tightens up existing loopholes, particularly by allowing the sheriff to recoup incidental expenses incurred when executing a property seizure order.

I have been advised by the Government that that would include seizing a car of a person who has been caught speeding, driving under the influence, and so on. An offender who does not pay the fine will lose his car. Hopefully that will bring him to his senses. The bill allows the State Debt Recovery Office to direct the Roads and Traffic Authority to maintain action to suspend or cancel a driver's licence and/or cancel a vehicle registration of a fine defaulter in certain circumstances in which the fine defaulter has a continuing liability to the State Debt Recovery Office. Outstanding fines of hundreds of millions of dollars have accumulated. The bill will help dramatically reduce those outstanding fines. The Christian Democratic Party supports the bill.

The Hon. R. S. L. JONES [6.16 p.m]: I do not agree with the Leader of the Opposition that gaol is a holiday camp; I certainly would not want to spend Christmas in prison. Maybe some people who are in prison for not paying their fines simply cannot pay their fines. Many people who have been fined come from disadvantaged sections of the community. It may well be that the only way they can get rid of the fine hanging over their heads is by spending time in gaol. I would not choose to spend Christmas in gaol under any circumstances.

The Hon. J. W. SHAW (Attorney General, Minister for Industrial Relations, and Minister for Fair Trading) [6.17 p.m.], in reply: I thank honourable members for their support for the bill.

Motion agreed to.

Bill read a second time and passed through remaining stages.

PARTNERSHIP AMENDMENT BILL

Second Reading

Debate resumed from 20 May.

The Hon. J. P. HANNAFORD (Leader of the Opposition) [6.18 p.m.]: The coalition does not oppose the Partnership Amendment Bill. At present partnerships, not only legal and accounting, are covered by the Partnership Act. If one partner, with the agreement of the co-partners, decides to become a director of a corporation and that corporation goes into liquidation or the director becomes liable for the debts of that corporation, the partners who acceded to that arrangement could face liability. At no time was it envisaged by any partner that by acceding to a person taking on a company directorship, that partner may end up facing liability for that person's debts arising out of his involvement in that corporate identity.

This has been further aggravated by the fact that directors, particularly directors of some public companies, are sometimes paid a fee. Under the partnership arrangements those fees may be regarded as part of the income of the partnership and that exacerbates the potential liability of the partnership for the actions of the company director. I do not believe that anyone envisaged this would be the result if people entered into a partnership with another person, but litigation is occurring in this country as a result of exactly that situation. The legislation introduced by the Government is intended to overcome that likelihood and provides that partners will not be held liable in such circumstances.

I have had extensive consultation with a number of interested organisations which have been affected, or potentially could be affected, by the existing law. In their discussions with me they have welcomed the Partnership Amendment Bill. I recall that a number of people approached me about this very issue in the final days of the former Government. I appreciate that it has not been an easy issue to address, but the Government has taken steps to address it with this bill. Of course, the legislation will not apply to firms involved in partnerships outside New South Wales. Complementary legislation will have to be enacted in other States in order to deal with that aspect. The problem is that multijurisdictional partnerships will attract this type of liability.

The Opposition had hoped that a national standard would be adopted to address this issue as part of the professional standards legislation, but that has not yet occurred. I suspect that it will be a very long time before that is achieved and before some other State jurisdictions move in this direction. I commend the Attorney General for introducing the bill, which is a step in the right direction. As the Attorney General indicated, this legislation will have only prospective benefit. Businesses that have been in partnerships to date will be liable for claims made against them for activities that occurred before the passage of this bill.

I believe that if the Government had moved to close off those liabilities where no claims had yet been made, the Opposition would have supported that proposition. It would have enhanced certainty, particularly in respect of the issue of insurance liability. It would have been of overall benefit if a reasonable period of time, say six months, had been allowed between the passage of the bill and the time at which it came into effect. That would have ensured that those people who wanted to make claims could do so, but at least it cut off all previous liabilities. That is a matter that the Government might wish to take up and deal with at a subsequent time by way of miscellaneous legislation. The Opposition supports the bill.

The Hon. R. S. L. JONES [6.24 p.m.]: I also congratulate the Attorney on introducing this legislation, which will protect partners of a firm from liability when one of their number, acting as a director of a corporation, commits a wrongful act as a director. At the moment the Partnership Act provides that firms are liable for wrongful acts of a partner committed in the ordinary course of business of the firm or with the authority of the partner's co-partners. The legislation will provide that the liability is not imposed merely because the partner's co-partners agreed to his directorship, that directors' fees formed part of the firm's income or that any co-partner is also a director of the corporation. Despite this legislation, a court can undertake a factual examination of the relationship between the partner and the corporation. If it determines that the director, in his capacity as a partner, has been acting in the ordinary course of business of the firm, that will displace the presumption against liability on the grounds set out in this bill. I would like to also thank my adviser, Barry Davies, for his efforts in respect of this legislation.

Reverend the Hon. F. J. NILE [6.25 p.m.]: The Partnership Amendment Bill is a simple bill that will amend the Partnership Act 1892 to protect a firm from liability for a partner's wrongful act or omission when the partner is acting as a director of a body corporate in certain circumstances. The bill has been necessary because a number of claims have been brought recently where it has been argued that section 10 of the Act exposes co-partners to liability for acts of a partner, even though those acts are committed by the partner in his or her capacity as a director of a corporation and not in his or her capacity as a legal adviser.

This legislation will make it quite clear that section 10 does not impose liability in relation to acts of a partner when acting in his or her capacity as a director of a corporation merely because of the existence of one or more of the following matters: the partner obtained the agreement or authority of co-partners to be appointed as a director; directors' fees formed part of the firm's income; or any co-partner is also a director of that or any other body corporate. The legislation, which is similar to legislation introduced in Victoria, will help to clarify the interpretation of the law. It is also intended that the legislation will not operate retrospectively. The Christian Democratic Party supports the bill.

The Hon. J. W. SHAW (Attorney General, Minister for Industrial Relations, and Minister for Fair Trading) [6.26 p.m.], in reply: I thank honourable members for their support for the bill. In monitoring the way in which this legislation operates the Government will take into account all of the observations made by honourable members. It may be that at some future stage the legislation will need to be revisited, but it is pleasing to see consensual support for a measure which I believe is balanced and reasonable.

Motion agreed to.

Bill read a second time and passed through remaining stages.

SPECIAL ADJOURNMENT

Motion by the Hon. J. W. Shaw agreed to:

That this House at its rising today do adjourn until Wednesday, 27 May 1998, at 2.30 p.m.

ADJOURNMENT

The Hon. J. W. SHAW (Attorney General, Minister for Industrial Relations, and Minister for Fair Trading) [6.29 p.m.]: I move:

That this House do now adjourn.

DRUG REFORM

The Hon. B. H. VAUGHAN [6.29 p.m.]: This evening I direct the attention of the House and of the community to the scholarly article on page 17 of the *Sydney Morning Herald* of 15 May, entitled "Timid politicians need some needle", by the director of the alcohol and drugs service of St Vincent's Hospital and learned author on the subject of drug reform, Dr Alex Wodak. Dr Wodak hypothetically asks: How many inquiries must be conducted before our community is persuaded that we have chosen the wrong tactics in the battle against drugs?

I believe that legislators are unaware of the view of average citizens in relation to drug reform. I have noted the constant editorial refrains about the community's attitude on this subject, but polls

always contain a loaded question, always of a negative nature, rather than an open-ended question which enables a serious person to give a considered answer. In his article Dr Wodak quoted the following statement of Mr Justice Wood, which was extracted from the Wood Royal Commission into the New South Wales Police Service:

> It is fanciful to think that drug addicts can be prevented from obtaining and using prohibited drugs . . .

The article stated that the commissioner also noted:

> . . . most of the corruption identified in this inquiry [is] connected to drug law enforcement.

Therefore, people have recognised drug law enforcement as a weapon that may be used arbitrarily for the personal and financial gain of a police officer. The discretion of an officer in these matters is more powerful than it is in other criminal matters because it involves the addictions—mental and physical—of the user, which heightens the power imbalance between user and officer. This was not the intention of the Parliament when it passed the Drug Misuse and Trafficking Act 1985. Dr Wodak noted in his article that "illicit drugs have to be regarded primarily as a health rather than a law enforcement problem". The doctor emphasised the report of the Australian Bureau of Criminal Intelligence for the year 1996-97 wherein it was found that "it is obvious that current policies are not working" and that "Law enforcement efforts are having only a limited effect on the amount of heroin offered at street level".

The Wood royal commission recommended that New South Wales support the heroin trial that was conducted in the Australian Capital Territory. The trial was originally supported by a six-to-three majority of police and health Ministers around the country but their decision was overturned by Federal Cabinet in July 1997. Dr Wodak was quite dismayed and pointed out in his article that instead of a trial the Federal Government offered a tough-on-drugs package that focused on reducing the supply of drugs and did not contemplate rehabilitation or treatment of pre-existing drug addicts.

This decision illustrates how close the Government came to recognising that it had taken the wrong approach to illicit drug use but further illustrates how swiftly it was disregarded without, it would seem, even a vote. The Standing Committee on Social Issues investigated the viability of establishing and maintaining legally sanctioned safe injecting rooms. Unfortunately, the six-to-four majority opinion of the committee favoured the status quo. The then chairman of the committee, the Hon. Ann Symonds, stated in the foreword to that report:

> My personal belief is that there would be value in a trial to test the real benefits and costs to both injecting drug users and the community. Support for a trial in New South Wales came from public health officials, the New South Wales Law Society, the New South Wales Bar Association, and parents who have suffered the death of a child, but there is understandable apprehension in some sections of the community.

All Australian police Ministers believe that the police should get back to the basics and fight crime. Their public emphasis on law enforcement rather than prevention has disappointed many people. One of those disappointed people had a letter published in the *Sydney Morning Herald*, which stated:

> Do politicians not realise that by ignoring people such as Dr Alex Wodak and silencing Commissioner Peter Ryan they are sending us down the pits without a caged canary?

Unfortunately, I do not have time to quote the commissioner.

NATIONAL RECONCILIATION WEEK

The Hon. HELEN SHAM-HO [6.33 p.m.]: I remind honourable members that it is National Reconciliation Week from 27 May to 3 June. The Council for Aboriginal Reconciliation launched this initiative two years ago and it was supported by the Prime Minister. National Reconciliation Week is framed by two significant dates in Australia's history which symbolise the hopes and aims for reconciliation. First, 27 May marks the anniversary of the 1967 referendum in which more than 90 per cent of Australians supported the removal of clauses from the Constitution that discriminated against Aboriginal people. The referendum also gave the Commonwealth Government the power to make laws for indigenous people. No other change to the Constitution has had such widespread support. Many people consider the 1967 referendum to be a turning point in the relationship between the white Australian community and the indigenous Australian community. Second, 3 June marks the anniversary of the judgment by the High Court of Australia in the Mabo case. The decision overturned the myth of the terra nullius—that the continent was empty, unowned land before 1788—and recognised the native title rights of Australia's indigenous people.

The theme for National Reconciliation Week 1998 is communities working together. National Reconciliation Week is a time for people to come together to explore and acknowledge shared experiences in their communities, to discover a

shared heritage, to culturally enrich their community, and to understand and respect local indigenous people's culture. I am privileged and proud to be a member of the Council for Aboriginal Reconciliation. I am pleased that this reconciliation process has now become a people's movement. I appreciate, as does the council, the President and the Speaker allowing the staging of a Chinese art exhibition in the Parliament House forecourt for National Reconciliation Week. Reconciliation is about improving people's understanding and relationships; it is about sharing and uniting together in cultural diversity; it is about respecting people's differences so everyone has a fair go.

I thank the artist Victor Bobroff for sharing with us his magnificent 333-metre-long painting about the history and life of the Aborigines. The whole of the painting is not displayed in the forecourt because it is too long. The display was opened by the Presiding Officers, the Consul General of the People's Republic of China, and the Aboriginal leader Dr Charles Perkins. Victor Bobroff is a Chinese artist whose Chinese name is Wen Quan. He was born in China in 1957. He migrated to Australia in 1982, which opened up a new world in his artistic future and provided him with an opportunity to scale new heights in art. Australian Aborigines, whose images were rarely painted, have become an endless source of his creative work. He feels it is his historical mission as an artist to bring to the world a genuine depiction of the history and life of the Australian Aborigines.

In the 15 years since he came to Australia he has travelled the Northern Territory twice, lived with Aboriginal tribes and made 5,000 sketches. Within 3½ years, from 1990 to 1993, he completed the 333-metre-long Chinese painting named "Australian Aborigines". The painting is 70 centimetres wide, and depicts 3,000 figures and more than 400 animals. This Chinese painting has blended Aboriginal custom and habits, Aboriginal art, their fantasy, their tragic life, as well as their modern life.

The artist, with his profound Chinese painting skills combined with his western oil-painting skills, has created the bold and unconstrained images of the black people to present a contribution of the Australian-Chinese to multiculturalism in Australia. I presume that many members of this House attended the opening of the display and have seen the magnificent painting. I hope that National Reconciliation Week will be shared by all people. I acknowledge that my colleagues the Hon. I. Cohen and Reverend the Hon. F. J. Nile have put on record their support for National Reconciliation Week. I acknowledge also that today is National Sorry Day, and I feel sorry— [*Time expired*.]

NATIONAL CHILD SEX OFFENDER REGISTER

The Hon. FRANCA ARENA [6.38 p.m.]: On 7 April I asked a question on notice of the Minister for Police in relation to the establishment of a New South Wales paedophiles register and a national register. This is a most important issue if we are to tackle paedophilia. I bring to the attention of honourable members the inadequate reply I received from the Minister for Police. First, the Minister did not address the New South Wales paedophiles register. He replied that I should address my question to the Premier. I refer the Minister to a press release of the Premier, Bob Carr, dated 26 August 1997 in which he supported in principle the recommendation of the Wood royal commission to establish a register of sex offenders.

The press release states that the Premier established a team to implement the report. Members of the team include Dr Refshauge, Mr Whelan, the Attorney General and others. As Mr Whelan is a member of the team, I believe it was quite appropriate for me to put my question on notice to Mr Whelan. However, if he feels that I should address it to the Premier, I am quite happy to do so. So far as a national register is concerned, Mr Whelan replied that the Australasian Police Ministers' Council met in Adelaide on 6 November 1997 and that:

> . . . all jurisdictions supported the need for a feasibility study concerning the establishment of a national child sex offender database. I am advised by the Police Service that the Australian Bureau of Criminal Intelligence is currently conducting the feasibility study, the target completion date of which is 30 September 1998.

Once more I express my disappointment at the reply from the Minister for Police. The fact that all the police Ministers meeting in Adelaide set the date of 30 September 1998 demonstrates that they do not recognise any urgency in the need to set up the national register. I state unequivocally that for the remainder of my term in the Parliament I will continuously question what is being done in this important area. On 25 February this year I wrote to Prime Minister Howard regarding the issue of paedophilia in general. The Parliamentary Secretary to the Prime Minister, Chris Miles, MHR, replied to me in the following terms on 27 March 1998:

> I can assure you that the Prime Minister abhors paedophilia and that the Commonwealth government will assist State and territory governments in actions they take to combat it. The

> Commonwealth government will continue to pursue vigorously its responsibility to seek the extradition of alleged paedophiles from overseas to go to trial in State jurisdictions.

I am sure that the Prime Minister will give his full support to the setting up of a national register. We are talking about the safety of our children, and time is of the essence in that important matter. By the day paedophiles are getting more brazen in their offences, especially through the Internet, yet we are dillydallying and wasting time regarding the setting up of registers, both State and national. In so many areas New South Wales has been proud to take the lead for the rest of Australia. New South Wales set up the first Anti-Discrimination Board, the first Women's Advisory Council and the first Ethnic Affairs Commission. We have so many firsts in this State, but when it comes to a State register for paedophiles we wait for the Federal Government. New South Wales should give a good example and start with the State register, then we can proceed with the national register.

Similar registers have been set up in other countries and have been successful in monitoring the travels of paedophiles who offend in one State or country and when things become too hot move quickly to another place. Sometimes people welcome them to their community, without having any idea of the kind of individuals they are. I am advocating a register different from the controversial American Megan's law, which requires neighbourhoods to be notified when convicted sex offenders move into their area. Our register should be available only to police and people working in organisations dealing with children. A register would at least alert police and educational and welfare authorities to the possible dangers of having a paedophile in their area. I urge the Minister for Police, Mr Whelan, the State Attorney General and the Premier to give speedy attention to this important problem.

NATIONAL SORRY DAY

Reverend the Hon. F. J. NILE [6.43 p.m.]: This afternoon the House unanimously passed the following motion:

> That this House, on 26 May 1998, designated by the Stolen Generations Committee as National Sorry Day, reaffirms its commitment to Reconciliation.

Honourable members would realise that this is also the beginning of National Reconciliation Week. It is important that reconciliation be central to debates and the conduct of business in this House. I am pleased that the Government moved the motion that was passed unanimously earlier today. Reconciliation is an urgent priority in our nation. This week and the coming week, with the Queensland State election, will see an increasing tension in our nation. The One Nation Party will be facing its first electoral test in Queensland. A number of sincere people have said that they support that party because of its emphasis on supporting the Australian flag and patriotism. As with other organisations such as the League of Rights, more obvious aspects of our society are used to attract people who often do not fully understand the philosophy or policies of the party.

I am particularly angry with the One Nation Party because our party adopted the slogan "One nation under God" as its official slogan in 1988 and used that slogan at the time of Australia's bicentennial. Our purpose in adopting that slogan was to emphasise unity, co-operation and reconciliation. We emphasised that Australia is one nation under God; not a divided nation of various ethnic groups fighting each other or white fighting black. We are all Australians, we are all one nation and we are all made of one blood, as is taught in the *Bible*. The clever use of "One Nation" by that political party is a misrepresentation of that term when many of the party's policies are divisive and have caused great concern to Aboriginal people and people of other racial groups with whom we have had a great deal of contact.

There is no doubt that some of the policies of the One Nation Party have changed the climate in certain offices and locations. People from ethnic backgrounds have sensed a change in attitude on the part of people with whom they work. Perhaps that cannot all be blamed on the One Nation Party, but that party is a factor. We have to hope and pray that the Queensland State election does not descend into a debate that promotes racism in our nation. I know that the major parties in Queensland, the Labor Party, the Liberal Party and the National Party, are concerned about the way in which they relate to the Pauline Hanson party—which is perhaps a better name than the One Nation Party.

Mr John Bradford, the Federal parliamentary leader of the Christian Democratic Party, called on the Federal Parliament to take a more positive attitude to the National Sorry Day. Mr Bradford was able to do that as he is no longer a member of the Liberal Party. He challenged the Prime Minister to take a more positive attitude to the National Sorry Day in the Federal Parliament. I gather that has not occurred. Mr Howard's excuse is that he is concerned that if he changed his personal "I'm sorry" statement to a government statement, that could lead to many compensation claims against the Federal Government. He gave that explanation on

the grounds of legal advice, which may or may not be correct. It is hard sometimes for white, or European, people to say "sorry", as a matter of pride, but I believe that in this case "sorry" is certainly justified and necessary in the eyes of the Aboriginal people. [*Time expired*.]

JABILUKA PROTEST SITE RAID

The Hon. I. COHEN [6.48 p.m.]: This evening I bring to the attention of the House that on this National Sorry Day—which I as a Green support very strongly—the Northern Territory Government sent police on a pre-dawn raid on the protest site at Jabiluka to clear protesters from the road. It is clear that the Mirarr Aboriginal people of the Northern Territory, who are responsible for the area around Jabiluka and Kakadu, are vehemently opposed to the uranium mine going ahead, yet in that area there is a situation that makes a mockery of National Sorry Day. The Northern Territory Government is thumbing its nose at the injunction granted by the Federal Court in the Northern Territory and has gone ahead with moves to rout the blockade. The injunction prevented the issuance of a construction licence. Before dawn the day before hearings were due in a Northern Territory court on the legality of construction at Jabiluka, the Territory response group arrived to arrest protesters stopping the construction of a new uranium mine in the World Heritage Kakadu National Park.

Police have arrested protesters who tried to protect the blockade, but organisers have vowed to continue the protest. Police arrived before protesters had a chance to chain themselves to the blockade and nine people were arrested by 7.15 a.m. Protesters were obstructed from preventing the destruction of the blockade by six police cars, which blocked the road between Magela Creek and Jabiluka. The police declared that anyone who stopped was under suspicion of committing an offence. Protesters were harassed by the police and their vehicles were checked for defects. The road was cleared by 8.15 a.m. and the police began digging out the blockade with shovels in preparation for the arrival of heavy equipment to destroy the blockade, which consisted of several cars concreted to the road. The protesters are doing a fantastic job; they are heroes. They are not criminals; they are defending the rights of the Mirarr people and the ideals embodied in National Sorry Day. They are on the front-line to protect a World Heritage area, one of the natural wonders of the modern world.

The protesters are gentle people who have put their bodies on the line—at considerable risk and inconvenience—to reflect the strong community feeling about the further mining of the Kakadu area, the destruction of the wetlands and Australia's further involvement in the nuclear industry. The protesters deserve the support of all Australians. It is a pity that the protesters were stopped just before a court decision and on National Sorry Day. It shows contempt for the opinion of many Australians, who believe that mining should not take place in World Heritage national parks. A proper environmental assessment should be conducted.

I refer to people at the other end of the nuclear cycle, people who are constituents of the New South Wales Parliament. The nuclear reactor at Lucas Heights is extremely dangerous, has a significant amount of high-level waste and needs to be closed down. A Senate inquiry did not look into the waste stored on the site. The Australian Atomic Energy Commission—ANSTO—staff will not meet with the public to discuss the issues. It appears that the Federal Government will build a second nuclear reactor at Lucas Heights, something about which the public has not been properly informed.

Many people live around the reactor, which is a high-level bushfire area on the edge of a suburban environment. Plutonian, which has a half-life of something like 240,000 years, is on-site. This is another aspect of Australia's role in the nuclear chain which must be questioned if all people in Australia—and the world, for that matter—are to have a safe future. The nuclear industry is potentially highly destructive at the mining end and at the processing end. People power will be needed, because the Government has been slow to act, to turn the uranium mine and the nuclear reactor issues around. I am confident that we will have long-term success and that the will of the people will prevail.

TRANSPORT CONCESSIONS

The Hon. D. F. MOPPETT [6.53 p.m.]: I draw to the attention of honourable members a gross inequity that applies to people who live in country areas of New South Wales who seek to avail themselves of the concessions and benefits that are available to the people of New South Wales generally. On Saturday I was approached by representatives of the Combined Pensioners' and Superannuants Association of Nyngan who, for many years, have tried to get justice in their quest for transport concessions. The transport concession is one of the most valued concessions of people with a senior's card. Many honourable members know that the transport concession enables people, who have contributed to the community and the nation in their lifetime, to travel on an unlimited number of journeys on a particular day and over a large distance.

However, when the 159-kilometre limit is applied to the residents of Nyngan they cannot get a concession to travel to Dubbo, a centre that is essential for the maintenance of their health and welfare. I am surprised that the pensioners of Warren—an adjacent town—are able to travel to Dubbo for $2. However, those who travel from Nyngan—a few extra kilometres—must pay the full fare. Such a situation was not intended when the concessions were made available. The senior citizens of Nyngan who travel to Dubbo are not on a jaunt; it is essential travel for them. The Government should urgently review the bureaucratic 159-kilometre limit. It should provide for pensioners in country areas who have to travel more than 159 kilometres for essential services, such as medical services, or to conduct business. Pensioners should be able to afford to make those journeys and should not find themselves isolated by the tyranny of distance or a lack of means.

Motion agreed to.

House adjourned at 6.55 p.m. until Wednesday, 27 May 1998, at 2.30 p.m.