



NEW SOUTH WALES



Legislative Council

**PARLIAMENTARY
DEBATES**

(HANSARD)

**FIFTY-FIRST PARLIAMENT
THIRD SESSION**

OFFICIAL HANSARD

Tuesday, 30 June 1998

LEGISLATIVE COUNCIL

Tuesday, 30 June 1998

The President (The Hon. Virginia Chadwick) took the chair at 11.00 a.m.

The President offered the Prayers.

INDEPENDENT COMMISSION AGAINST CORRUPTION

Report

The President tabled, pursuant to section 78(1) of the Independent Commission Against Corruption Act 1988, the report entitled "A Major Investigation into Corruption in the Former State Rail Authority of New South Wales", dated June 1988, received out of session.

The President announced that pursuant to section 78(3) of the Act she had authorised that the report be made public.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT: DISALLOWANCE OF ENVIRONMENTAL PLANNING AND ASSESSMENT AMENDMENT REGULATION 1998

The PRESIDENT: Pursuant to the sessional orders, the question is, That the motion proceed forthwith.

The House divided.

Ayes, 21

Mrs Arena	Mr Jones
Mr Bull	Mr Kersten
Dr Chesterfield-Evans	Mr Lynn
Mr Cohen	Dr Pezzutti
Mr Corbett	Mr Samios
Mrs Forsythe	Mrs Sham-Ho
Mr Gallacher	Mr Rowland Smith
Miss Gardiner	Mr Tingle
Mr Gay	<i>Tellers,</i>
Dr Goldsmith	Mr Jobling
Mr Hannaford	Mr Moppett

Noes, 17

Dr Burgmann	Rev. Nile
Ms Burnswoods	Mr Obeid
Mr Dyer	Ms Saffin
Mr Egan	Mr Shaw
Mr Johnson	Ms Tebbutt
Mr Kaldis	Mr Vaughan
Mr Kelly	<i>Tellers,</i>
Mr Macdonald	Mrs Isaksen
Mrs Nile	Mr Manson

Pair

Mr Willis	Mr Primrose
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Question so resolved in the affirmative.

Precedence agreed to.

The Hon. I. COHEN [11.18 a.m.]: I move:

That under section 41(1)(b) of the Interpretation Act 1987 this House disallows the Environmental Planning and Assessment Amendment Regulation 1998, published in *Government Gazette No. 85*, dated 25 May 1998, page 3703, tabled in this House on 26 May 1998.

The Greens are opposed to the regulation primarily because there was no regulatory impact statement, or RIS, in relation to it and there was no period of public exhibition of it. The Greens also have concerns regarding the content of the regulation. In the opinion of the Greens, the department is attempting to get away with not carrying out an RIS because of a technicality in the Subordinate Legislation Act 1989. Section 5(1) of the Act states that before a principal statutory rule is made the responsible Minister is required to ensure that, as far as is reasonably practicable, a regulatory impact statement is to be prepared. However, schedule 3 provides that if a regulation is a direct amendment an RIS need not be prepared.

Technically, the regulation is an amendment to the Environmental Planning and Assessment Regulation 1994. However, the regulation is a massive 180 pages long, which is as long as the Environmental Planning and Assessment Act itself.

The 1994 regulation consists of 122 clauses. The amending regulation, among other things, deletes parts 6, 7, 9 and 10 of the 1994 regulation, a total of 53 clauses, and inserts new parts 6, 6A, 7, 7A, 7B, 7C, 7D, 7E, 9 and 10, a total of 175 clauses.

Therefore, the amending regulation is more than three times the size of the clauses it is amending and almost one-third larger than the whole of the 1994 regulation. Even more significantly, the amending regulation does not deal simply with machinery matters. Its subject matter is of considerable significance, dealing with issues such as public participation rights, procedures for exempt, complying, integrated and State significant development, and procedures for accreditation of private certifiers.

The regulation is complex and controversial, especially those parts dealing with integrated development and advertised development. The stated aim of the Department of Urban Affairs and Planning in introducing the integrated development assessment legislation was to streamline the Environmental Planning and Assessment Act. The regulation seriously detracts from that aim. Because of its complexity, it will be extremely difficult for most people to understand its effects and how new part 4 of the Act operates. At the very least an adequate period of consultation and public exhibition should have been provided so that potential users of the regulation had the opportunity to understand its content before it came into force. In its submission to the committee on this issue, the Total Environment Centre stated:

The fact that no RIS or public exhibition was undertaken is all the more unacceptable when it was considered that the Act under which this Regulation was made is the Environmental Planning and Assessment Act 1979, which contains as one of its objectives "to provide increased opportunity for public involvement and participation in environmental planning and assessment".

That objective has been singled out for judicial comment in a number of significant cases. Most recently, the High Court referred to the importance of the objective a number of times in its decision in the case of *Oshlack v Richmond River Council*. It is difficult to understand how the failure to provide a formal public exhibition and comment period is consistent with providing the opportunity for public involvement and participation in environmental planning assessment. It would be farcical if the public involvement provided in the Environmental Planning and Assessment Act did not extend to commenting on the framework for environmental planning and assessment set up by the Act and the

regulation. When the Environmental Planning and Assessment Amendment Bill, commonly known as the integrated development assessment bill, was debated last year the Greens office was inundated by individuals, unions, councils, community groups and legal organisations expressing concern about it. In addition, the Department of Urban Affairs and Planning regulatory review unit received a staggering 560 submissions on the white paper accompanying the bill.

In response to community concerns, in Committee the Greens and the Hon. R. S. L. Jones moved more than 70 amendments to the bill. None of the amendments was accepted by the Government although the Minister, in a document given to my office on 5 November 1997, had promised to move certain amendments to address some of the concerns. However, the Minister reneged on this commitment. The Greens are of the view that the regulation is substantial and complex. The substantial and complex nature of the regulation, coupled with the massive public outcry and concern about the bill when it went through the Parliament, leads to the conclusion that it should be subjected to a regulatory impact statement. The Greens consider that the substance of the regulation creates a number of problems. Legal advice we have received from the Total Environment Centre about the content of the regulation states:

The IDA Act inserts, for the first time, a reference to ESD into the EP and A Act. However, it inserts no current definition of ESD, and makes no attempt to apply ESD principles in a practical way (such as, for example, by requiring councils to take them into account when deciding whether or not to grant development consent under section 79C of the amended Act).

The Regulation should have rectified these matters. It relies on an old definition of ESD not the more recent detailed definition found in local government and pollution laws passed last year (such as, for example, in the *Local Government Amendment (Ecologically Sustainable Development) Act 1997*). This mismatch will cause confusion for local government and the community.

The regulation sets out a rigid time frame for the consideration of integrated development applications. It is unlikely that approval bodies will have adequate time to gather information and consider general terms of approval. In addition, it is clear that little importance is placed on public participation in the integrated development process. For example, if consent or approval bodies wish to request further information within a time frame which stops the clock on the deemed refusal provisions of the Environmental Planning and Assessment Act they will have to do so before the relevant public exhibition period closes. This means that information

about an area which might come from local community members who know the area well will not be able to be fed into an authority's information request.

The short time frames provided for the process make it extremely unlikely that public submissions eventually received by the approval bodies will be able to be properly taken into account before the deemed refusal provisions of the Environmental Planning and Assessment Act take effect. No specific time frames have been set for either the commencement of the public exhibition period or the time in which public submissions must be provided to approval bodies. If consent authorities fail to do either of these things immediately it is likely that public submissions will be provided to approval bodies with little or no time left before the deemed refusal provisions take effect. Longer time frames should have been provided in the legislation.

A further problem with the integrated development provisions is that it is possible for an applicant, with the agreement of the consent authority, to amend a development application at any time before the application is determined. Presumably such an amendment would change the nature of the application significantly, yet the regulation makes no provision for such changes to stop the clock on the deemed refusal time frames so that approval bodies have an adequate period in which to respond to the changes. This is a crucial matter as the general terms provided by the approval body, for example, the Environment Protection Authority, have legal force and bind the future issue of a licence. Under the previous regime the only legally binding approval, save for an approval relating to pollution, was issued after development consent was granted; thus changes to the application should be accommodated.

The regulation contains a number of obvious mistakes, such as misquoted section numbers, which would have been picked up in a public consultation process. One example is the reference to clause 51A in clause 49. This appears to be a mistake and should probably be a reference to clause 51B. Another mistake is in clause 50A which refers to section 79A of the Environmental Planning and Assessment Act. That clause should refer to section 79 of the Act, as clauses 51 and 52A do. Failure to correct these mistakes will mean that only submissions received in response to applications for advertised developments will need to be sent to concurrent authorities; there is no requirement to send to concurrent authorities submissions concerning designated development.

At a meeting on 25 June the Regulation Review Committee examined the issues surrounding the proposed disallowance. The committee heard from representatives of the Department of Urban Affairs and Planning, the Environment Liaison Office, the Nature Conservation Council, the Total Environment Centre, the Housing Industry Association and Warringah Council. Section 9 of the Regulation Review Act 1987 sets out the functions of the Regulation Review Committee, one of which is to consider all regulations while they are subject to disallowance by resolution of either one House or both Houses of Parliament. Section 91(1)(b) sets out the matters for consideration by the committee. Matters of particular relevance are that the regulation trespasses unduly on personal rights and liberties and that it may not have been within the general objects of the legislation under which it was made.

I turn first to the ground that the regulation trespasses unduly on personal rights and liberties. The changes to the Environmental Planning and Assessment Act and accompanying regulation will change completely the development assessment system in New South Wales. In a report to the committee entitled "Report to Demonstrate the Compliance of the Environmental Planning and Assessment Amendment Regulation 1998 with the Guidelines of the Subordinate Legislation Act 1989", the Director-General of the Department of Urban Affairs and Planning, Sue Holliday, pointed out:

The Act substantially reforms the development assessment system in NSW by streamlining the process of development assessment, integrating land use approvals and introducing greater choice and flexibility.

The Act and the regulation introduce totally new concepts into the development assessment system, including accreditation bodies, accredited certifiers, integrated approvals, exempt and complying development and State significant development. Once accredited certifiers have been accredited by accreditation bodies they can issue part 4A certificates for complying development, which will be set out in environmental planning instruments such as local environment plans. The Minister, in the white paper on the changes to the Environmental Planning and Assessment Act, envisages complying development to include single dwellings on single lots, alterations and additions to single dwellings, demolition of structures, limited extension of light industrial warehousing buildings on industrial estates and change of uses in minor subdivisions.

Complying development will be addressed by specific predetermined development standards. Once

a development fits the predetermined development standards a part 4A approval certificate must be given; no discretion is allowed for complying development. Up until now applications for complying development have been considered by local councils, which had discretion to approve or not to approve a development. Also, concerned residents or interested people could make representations to council regarding a development. However, that will no longer be possible in relation to complying development.

That means that the rights and liberties of ordinary residents and the general public will be impinged on by the Act and the regulation. Residents and the public will lose the right to express concern to their local councils about a specific complying development. Owners and residents may be affected by such things as overshadowing and other amenity issues once the proposed development takes place. However, they will be unable to make an objection to the council regarding the development if a private certifier is in the process of approving the complying development.

I turn now to the ground that the regulation may not have been within the general objects of the legislation under which it was made. Section 5 sets out the objects of the Environmental Planning and Assessment Act 1997. One of the objects of the Act is to provide increased opportunity for public involvement and participation in environmental planning and assessment. In my contribution to the second reading debate on the integrated development assessment bill—IDA—I set out how the new regime would impact on the community and the environment.

I do not want to repeat those arguments. However, the Greens are of the opinion that the amending Act and accompanying regulation will significantly reduce the opportunity for public involvement and participation in environmental planning and assessment. The committee, after hearing from interested parties, wrote to the Minister for Urban Affairs and Planning, Craig Knowles. The chairman of the committee stated:

The Regulation Review Committee has resolved to inform you that, after considering the Environmental Planning and Assessment Amendment Regulation 1998 and after taking into account the views of the Hon. I. Cohen MLC, the Department of Urban Affairs and Planning, the Environment Liaison Office, the Nature Conservation Council, the Total Environment Centre, the Housing Industry Association and the Warringah Shire Council, the Committee has formed the view there has been adequate compliance by you and the Department with the provision of the Subordinate Legislation Act, 1989 in the making of this regulation.

The Committee resolved to inform you that, notwithstanding adequate compliance with the Act, it was of the view that because of the significance and magnitude of the regulation, it would have been in the public interest and the spirit of the Subordinate Legislation Act for your administration to have prepared a formal regulatory impact statement (as in the case of a principal statutory rule) setting out the costs and benefits of the regulation so that the public could clearly understand and appraise the whole proposal.

The committee quite clearly stated that while non-preparation of an RIS did not lead to a non-compliance of the Subordinate Legislation Act, it would have been in the public interest for the RIS to have been prepared. The Greens certainly agree, and oppose the regulation. We therefore felt the need to raise the matter as a disallowance in the House.

The Hon. R. S. L. JONES [11.31 a.m.]: I support the motion of the Hon. I. Cohen:

That under section 41(1)(b) of the Interpretation Act 1987, this House disallows the Environmental Planning and Assessment Amendment Regulation 1998, published in *Government Gazette No. 85*, dated 25 May 1998, page 3703, tabled in this House on 26 May 1998.

This set of regulations to enable the environmental planning and assessment amendments passed by this House last year to be put into place should be disallowed because the Act is deeply flawed. At a meeting in the Jubilee Room on 19 November 1997 a number of people spoke passionately about the problems caused by the Act, which will be exacerbated if the regulations remain. For example, John Connor of the Nature Conservation Council said:

It's important to state up front that the environment groups have not been opposed to the main principles that underlie the legislation. In particular the integration of licensing decisions at the development assessment stage, has been something that environment groups and other groups have been pushing for some time.

Environment groups sought to make relatively minor amendments to the proposed legislation. The Minister and his advisers indicated that they would accept amendments, but totally rejected them out of hand. One amendment introduced without any negotiation and not included in any of the white papers or exposure bills provides the opportunity for any Government agency to slip outside the net of part 5 of the Act—that is the umbrella part of the safety net of the planning Act. If a development or activity is not caught by part 4, part 5 requires a significant and substantial assessment of the environmental impact.

Speakers at the meeting also complained about a clause that will enable any government agencies,

by passage of a regulation, to slip outside that net. Many environmental cases have been fought in the past. State Forests, or the old Forestry Commission, would have loved such a regulation to be passed through Cabinet. At the same meeting Jeff Angel of the Total Environment Centre stated:

What the system that is now proposed, the IDA system, is going to do is to increase the number of loopholes that can be exploited by developers and their well paid consultants and completely dismantle the balancing act that has been achieved over many years under the EP&A Act system, and that means of course that ill-equipped, part-time residents and community groups will not be able to fight on every front on every loophole and the Act does an enormous damage to the trust that those people will have in that system.

In relation to the problems with section 90, which have now been removed, he said:

There are two key additional areas to the IDA problem, the first is in relation to Section 90 which may be a long list and Council's may treat as a check list, but I can tell you it certainly helps the community to know what the Council has to look at. Under the new generic type of Section 90 the community will have to invent or have to speculate what the Council is going to be examining and therefore the match between the community's submissions and the considerations of the Council or for that matter of the Minister, is undertaking will be unequal, they will be mismatched, there will be lack of communication, we're creating a barrier to communication between the community and the consent authority.

Kathryn Wells of the Environmental Defenders Office also expressed concerns about the removal of section 90 as it was. She said:

The new Section 90 is too broad; it's unenforceable, and it doesn't provide a useful check list, as the current section does. The new provision should also have ESD considerations built into it.

The Hon. Patricia Forsythe: Are you talking about the Act or the regulation?

The Hon. R. S. L. JONES: I am talking about the Act facilitated by the regulations. Clifford Ireland of the New South Wales Young Lawyers' Environment Committee also attended the meeting and spoke at length about the problems posed for the community, particularly in relation to section 91A. Peter Woods from the Local Government and Shires Associations spoke in his usual way when he said:

I believe that if by political accident, chicanery, duplicity and all those other things that politicians are often well known for, this gets through, rest assured it doesn't stop there. We must ensure that local government and the Environment Movement take it on in the community, Act or no flaming Act, if it is wrong legislation and works against the interests of the citizens of this State, then in we go and united together.

Ian Robertson of the Environmental Health and Building Surveyors' Association also had great sympathy for the position taken by the Green movement. The Greens, building surveyors and the Local Government and Shires Associations oppose the Act and regulations as one. Mark Lennon from the Labor Council of New South Wales also expressed concerns about the Act, as did Sean Docker from the New South Wales Aboriginal Lands Council. One of the leading lawyers in town who has run many cases under the old Act before it was destroyed said:

I love this legislation—it's going to lead to at least a further 20 years of work for me. It's poorly drafted, it doesn't achieve what the Minister sets out to achieve except in one area and that is the de-unionisation of the Local Government sector. One has to be very clear about the government's objectives—the principal objective is to de-unionise the Local Government Sector.

I've had a lot of experience in negotiating with governments over the years on legislation. I remember negotiating with the Greiner government in 1988 on the Essential Services Bill. The Labor Council had more influence in those negotiations when Michael Easson was Secretary of the Labor Council, than the Labor Council's had in this legislation, even though this legislation goes to the heart of one sector of unionisation.

Ian Glendenning of the Australian Institute of Building Surveyors also expressed concern. If the regulation remains the Act will continue to be flawed, and will cause severe problems for the community. I seek leave to table these documents.

Leave granted.

I hope that the House will disallow this regulation today to ensure that this ghastly Act is not facilitated by it.

The Hon. PATRICIA FORSYTHE [11.39 a.m.]: The Opposition does not support the motion of the Hon. I. Cohen for the disallowance of the regulation under the Environmental Planning and Assessment Act which was published in *Government Gazette* No. 85 on 25 May 1998. The Opposition supported the right of the honourable member to move the motion this morning as it is obvious that, because the Act comes into effect tomorrow, it is appropriate that he puts his point of view about the regulation on the record today. The Opposition does not support the motion to disallow the regulation because the comments by the Hon. I. Cohen that regulatory impact statements have not been prepared and there was a lack of adequate consultation do not stack up.

The facts do not bear out the assertions of the Hon. I. Cohen. He said that a regulatory impact statement was not required because of a technicality.

A statement was not required because under the Subordinate Legislation Act the regulation was not new and was seen to be an amendment of an existing regulation. I do not believe that the honourable member put this on the record but I note that the regulation will be subject to review in about 12-months time, in 1999, as part of the subordinate legislation review under the Environmental Planning and Assessment Act. The most critical issue is whether there was adequate consultation. That is a fair basis for the House to consider regulations and their disallowance. It is my contention, however, that the facts do not bear out what the Hon. I. Cohen said. The draft regulation was tabled in the House in November 1997; subsequently some amendments were made and the regulation was given public exposure from that point.

The 1998 regulation includes the following parts which were in the draft: part 6, procedures relating to development applications; part 6A, procedures relating to complying development; part 7, conditions of development consent; part 7A, certification of development, and that is a most important section of the regulation because without certification the whole legislation could not continue, and that was subject to consultation; part 7B, building code of Australia concerning principally fire safety matters; and part 7C, accreditation bodies and accredited certifiers. In respect of part 7D dealing with insurance, the draft contained general points which were extended and the part is now subject to a much broader provision within the regulation. Most of part 7E of the regulation, which contains provisions related to accreditation of components, processes and design, came from the Local Government Act and the regulation.

If I might take the House back even further, the legislation was subject to significant public consultation. In 1996 two green papers were issued, followed by a white paper, an exposure draft bill, community consultation, debate in this House at which time the Opposition supported the Government and then the introduction of the draft regulation. Having those points in mind the House has to consider whether there was adequate public consultation. Since the tabling of the draft regulation, workshops with local councils have been conducted together with training seminars and briefings with councils by the Department of Urban Affairs and Planning of people who may wish to be accredited under the legislation.

The regulation has been the subject of discussion and consultation and it is therefore wrong to suggest otherwise. Further, there has been consultation with the Department of Local

Government and some councils on building matters; insurance companies and the Professional Standards Council on insurance; professional associations, including the Institute of Engineers, builders and architects, on accreditation; and State agencies and councils on integrated development. The Government has fulfilled its obligations with regard to consultation.

The regulation was not put out, as the Hon. I. Cohen seemed to wish, for a period of public consultation before being introduced, but it was in draft form before the final regulation was published in the *Government Gazette*. The honourable member has not satisfied the House that there was inadequate consultation or a failure to provide a regulatory impact statement which would render the regulation void. The Subordinate Legislation Act does not require that a regulatory impact statement be provided. For those reasons the Opposition does not support the motion of the Hon. I. Cohen.

The Hon. M. R. EGAN (Treasurer, Minister for State Development, and Vice-President of the Executive Council) [11.46 a.m.]: The Hon. Patricia Forsythe has put forward such a persuasive case that she has convinced me that the Government should vote against the motion.

The Hon. JANELLE SAFFIN [11.47 a.m.]: The Regulation Review Committee was briefed on the regulation at its meeting on 25 June 1998 by the Department of Urban Affairs and Planning, the Environmental Liaison Office, the Nature Conservation Council, the Total Environment Centre, the Warringah Council and the Housing Industry Association. Some of my comments will be similar to those just made by my colleague the Hon. Patricia Forsythe. Following that meeting the Chairman of the Committee, Mr Doug Shedden, wrote to the Minister for Urban Affairs and Planning to inform him that the committee had formed the view that there had been adequate compliance by the Minister and the department with the Subordinate Legislation Act in the making of the regulation.

I attended the briefing and it was clear that the department had carried out a very extensive program of consultation in regard to the regulation, both through workshops and with relevant interest groups. Many of the provisions of the draft regulation were modified as a result of this consultation. The Minister has supplied in his notes to the committee several examples of this, including changes arising from direct consultation with the green groups, the New South Wales Aboriginal Land Council, the Department of Local Government, the Institution of Engineers and Allied Professions, the insurance

industry and the Australian Bureau of Statistics. Fees have been the subject of a reference to the Independent Pricing and Regulatory Tribunal.

That detailed consultation process has adequately allowed the Minister and his department to sufficiently appreciate the costs and benefits of the proposal, at least so far as its impact on major impact groups is concerned. There is perhaps less evidence of an overall weighing up of the costs and benefits. I acknowledge that during the briefing Mr Jeff Angel, Director of the Total Environment Centre, argued that the schedule 1 assessment was inadequate for several reasons, principally because the department had failed to consult with the broader community. He said that formal public exhibition and advertisement were the only proven ways of reaching the wider audience.

It is important to realise that it is an amending regulation and the main procedures governing it are those in schedule 1 of the Subordinate Regulation Act. The regulation does not legally require a formal regulatory impact statement or the type of wide public exhibition of the regulatory proposal referred to by Mr Angel. There was some disquiet on that aspect during the committee's deliberations because of the significance and magnitude of the regulation. As a consequence the committee advised the Minister that, notwithstanding compliance with the Act, it was of the view that it would have been in the spirit of the Subordinate Legislation Act for his administration to have prepared the formal regulatory impact statement—as in the case of a principal statutory rule—setting out the costs and benefits of the regulation so that the public could clearly understand and appraise the whole proposal.

The committee refrained from recommending that this be done because, under the Subordinate Legislation Act, the regulation is scheduled for review by 1 September 1999. The committee, however, sought confirmation from the Minister of the undertaking given by his officers that this review would proceed in accordance with the timetable of the Subordinate Legislation Act and that it would not be postponed, because under the Subordinate Legislation Act it can be postponed for a period of up to six years. In reply the Minister advised that when the regulation is remade next year those provisions intended for the making of new regulations, including the preparation of an RIS, will be applied. That seems to confirm the committee's request that the undertakings given at the briefing will be upheld. Accordingly, I oppose the motion.

The Hon. Dr A. CHESTERFIELD-EVANS [11.51 a.m.]: I support the disallowance motion

moved by my colleague the Hon. I. Cohen. The Australian Democrats are concerned about both the Subordinate Legislation Act and the regulation. I do not want to go over ground covered by my predecessor the Hon. Elisabeth Kirkby on 5 December 1997 in her speech on the Environmental Planning and Assessment Bill, as it then was, but I draw to the attention of honourable members the speech of the honourable member in *Hansard*. The Hon. Elisabeth Kirkby promised at that time that we would be vigilant in relation to this regulation. We have been vigilant and we are most concerned about its unsatisfactory nature.

This regulation—in effect it is deregulation—will not contribute at all to the visual amenity or quality of life in our State. The Australian Democrats believe that these attempts to cut red tape—which are simply attempts to help developers, the white shoe brigade coming south from Queensland—are the antithesis of what I spoke about in my inaugural speech yesterday, that is, that the public should be consulted as widely and as much as possible as part of our democratic system. I ask members of this Parliament to consider the implications of this regulation and to disallow it.

The Hon. I. COHEN [11.52 a.m.], in reply: I thank those honourable members who contributed to debate on this disallowance motion. This House has canvassed the Subordinate Legislation Act and the accompanying regulations on more occasions than any other issue in the time that I have been a member of Parliament. The Greens, who hold dearly the protection of community rights and transparency, believe that those rights are being overridden in both the Act and the regulation. We have not had adequate time for public consultation on this matter. Workers and staff at various councils throughout the State are extremely concerned about this legislation and the regulation. My colleagues on the crossbenches and I have been able to do little more than fly the flag of concern about matters which have been expressed to us by members of the community.

I ask all honourable members to support this disallowance motion, even though I believe that the major parties do not intend to support it. There is major public concern about the legislation. This series of regulations supports the big end of town and disadvantages those in our community who are significantly affected by them. The Leader of the Opposition in this House, the Hon. John Hannaford, said that the Subordinate Legislation Act and the accompanying regulations are bad legislation and that the Government will have to wear it. As we approach the next election we must ensure that we

have a symbiotic relationship between the Government and the Opposition in relation to this type of legislation.

The Hon. Dr B. P. V. Pezzutti: You are not trying to save the Government?

The Hon. I. COHEN: I am not trying to save the Government. I am putting forward the views of people who are extremely concerned about this legislation. This issue will impact on many people in the community who will be affected by all levels of development in the foreseeable future. I believe that the Greens have canvassed this issue adequately.

Question—That the motion be agreed to—put.

The House divided.

Ayes, 6

Mrs Arena
Mr Corbett
Mr Jones
Mrs Sham-Ho
Tellers,
Dr Chesterfield-Evans
Mr Cohen

Noes, 27

Dr Burgmann	Mr Manson
Ms Burnswoods	Mr Moppett
Mr Dyer	Mrs Nile
Mrs Forsythe	Rev. Nile
Mr Gallacher	Mr Obeid
Miss Gardiner	Dr Pezzutti
Mr Gay	Ms Saffin
Dr Goldsmith	Mr Shaw
Mr Johnson	Ms Tebbutt
Mr Kaldis	Mr Tingle
Mr Kelly	Mr Vaughan
Mr Kersten	<i>Tellers,</i>
Mr Lynn	Mrs Isaksen
Mr Macdonald	Mr Jobling

Question so resolved in the negative.

Motion negatived.

RESERVE FORCES DAY

Matter of Public Interest

Motion by the Hon. Dr B. P. V. Pezzutti agreed to:

That the following important matter of public interest should be discussed forthwith:

The commemoration day for those who served in the Army, Navy and Air Force reserves.

The Hon. Dr B. P. V. PEZZUTTI [12.02 p.m.]: Tomorrow is the fiftieth anniversary of the implementation of legislation to establish the Citizen Military Forces. Present and past part-time members of the Australian Defence Forces, with vehicles and items of equipment, will parade in George Street, Sydney, in celebration of Reserve Forces Day. Participants in the parade will include members of the militia and Citizen Military Forces, national servicemen who served between 1951 and 1959, past and present members of the navy, army, and air force reserves, and cadre staff. A major contingent of the United States of America armed forces will also be participating in Sydney and Brisbane.

The parade in Sydney will be one of many held across the nation, including one in the city of Newcastle, in recognition of the contribution of those who have served. The parades will provide an opportunity to the people of this nation to express their appreciation to participants for their services, to appreciate the professional approach of the current serving units and to acknowledge the lasting effects of past serving members. The parades will act as a vehicle for participants to celebrate their service—an opportunity that has not been available to them in the past—and will raise the profile of the armed forces, particularly the reservists. A number of committees were set up across the nation to plan and co-ordinate the parades.

Since World War II, 1.2 million men and women have served in the reserve forces—more than the number of enlisted personnel during both World Wars I and II. Members of the reserve forces have served in all conflicts since the Second World War, including United Nations deployment. As an indication of the size of the reserve forces, the permanent military forces consist of 57,028 people, the reserves 24,270 and the ready reserves a small force of approximately 2,000. The numbers are divided between the army with 23,957 permanent and 20,929 reserves, the navy with about 17,500 permanent and 1,876 reserves, and the air force with approximately 15,400 permanent and 1,465 reserves.

The Australian Defence Force now includes both regular members and reservists. The parade will give reservists an opportunity to achieve recognition in the public eye which has been lacking in the past. Some members of this House currently serve or have served in the reserves. Members who may not be able to participate in the march tomorrow will have the opportunity to speak to this motion today and record their congratulations and

reminiscences. My leader in the other House, the Hon. Peter Collins, QC, MP, is a serving Commander in the naval reserves. He served with considerable distinction in the reserve Commandos as a young Lieutenant and recently had the privilege of being made Honorary Colonel of that unit. Our previous President, the Hon. M. F. Willis, RFD, ED, LL.B, is a retired reserve Brigadier. Whilst a member of this House he served with distinction in the reserves for many years.

I will briefly refer to my personal experiences. I joined the Army Reserve during my second year of studying medicine. Living at a university college, I thought my circle of friends was narrow and that medicine was becoming my encompassing interest. I decided to reach out and do something different by joining the Sydney University Regiment. Since then I have made life-long friendships with many people from a wide range of backgrounds and different walks of life. During my service I have learned about logistics, leadership, team work, professionalism and reliability. The lessons I have learned from serving in the reserves have become ingrained in my personality, and I am deeply appreciative of that.

I joined the Sydney University Regiment in March 1965, a long time ago. I continued to serve and was commissioned in 1968. After a period of time I transferred out of the infantry—I was eventually told that since I was a doctor it was time I did some doctoring for the army because the army was short of doctors. So I went to the University of New South Wales Regiment and served as its regimental medical officer. During that time the Hon. M. F. Willis, then a Lieutenant-Colonel, was my commanding officer, and a very fine commanding officer. I served in various postings: in the Field Hospital, in the Field Ambulance, and for a time I taught the science or art of logistics to Majors, Lieutenant-Colonels and higher ranks in all services. Most recently I have been appointed Director of Health Services, New South Wales. I must say that this new task I have taken on is a most rewarding and exciting one.

I was called upon to fight in the Gulf and was given leave by this House to fight. Fortunately for me, with five days to go before my embarkation, the war was over, so I did not have to go. However, I did get the opportunity to serve in Rwanda, an unforgettable experience about which I have already spoken in this House. It was an opportunity to contribute for this country and I appreciated it. Soon I will be seeking leave from the House to serve for a period with the peace monitoring group in Bougainville.

I wish to speak about service in the Royal Australian Army Medical Corps reserve. There is very little need to have a surgeon and an anaesthetist in the permanent peacetime army but there is an enormous need for the reserve to be able to draw on civilian medical specialists. My task is to recruit, retain and train specialists as a core group of people ready to serve as their predecessors did in Vietnam and elsewhere. All who have served in those roles were members of the reserve. Every senior doctor, every specialist doctor, and those who served in our hospitals—surgeons, physicians, or anaesthetists—were all members of the reserve.

Why do they do it? Generally speaking, we are able to entice specialist surgeons because they want to do something different. They want to give something back to the community and they want to use their skills in a new way. I have found that those three reasons are commonly expressed by those wishing to join the reserve. They are committed to maintaining Australia the way it is and they want to grow professionally. I will give the House an example of the sort of young person who is now joining the Army Reserve. One of the last two recruits I was able to take to the Direct Entry of Officers Board meeting was a Dr Huang. His parents are both Thai. They graduated from the University of Sydney. They are doctors and work in Brisbane.

This recruit, a pure blood Thai and an Australian citizen, graduated from Sydney university with both a Master of Medicine and a PhD. Currently he is working in the emergency department of Dubbo hospital. He will be my regimental medical officer, on appointment to the Bush Rifles, 119 Royal New South Wales Regiment. He is an extraordinary young man with a real commitment to putting something back into Australia. He is a real Aussie and he will make an enormous contribution. Noel, another young man, has recently been before the DEO board. He has impeccable professional qualifications but the most remarkable is that he speaks five languages. He speaks Lebanese, Turkish, French, English, and I have forgotten the last one. He is a remarkable, intelligent young man who is prepared to give his time and his service to the nation.

Other honourable members will speak on the commitment made by those in the reserve. Of course, it is not always clear sailing. Currently the reserve is larger than one-third of Australia's Permanent Military Force, or half of our Army. The resources are not adequately split between the permanent forces and the reserve. If the reserve is to do its work, it must be given the resources to do the

job. I am sure the new Defence Forces Commander and the new Commander Army will take those concerns on board. Both commanders have a clear understanding of the nature of the reserve. The Government has made it clear with its allocation of responsibilities that the reserve is of great importance to this country. I look forward to the march tomorrow and I look forward to the contributions of other members.

The Hon. D. F. MOPPETT [12.15 p.m.]: I was born in May 1940. My family's home was at Watsons Bay. From there we observed the busy activities of the naval operations at HMAS Watson and on the three temporary wharves that were built to accommodate the ships. I have only a vague recollection of it but my family can well remember ships limping back from the great battles of the Pacific war. I have just vestigial memories of the night a submarine breached the boom across Sydney Harbour and caused great consternation and loss of life. With that background, and like many people of my generation, I grew up with the fervent hope that I would be able to serve my country in the way the men I met had given of themselves at that time of great crisis. In our parish church of St Peter's at Watsons Bay the ladies of the district manned a Church of England national emergency fund canteen.

I was often there and met with the sailors who had time off. We billeted a number of them in our home and some of them remained great friends of mine for many years. They were mainly naval personnel. As I remember, all of them were from the ranks but they inspired me with not only a sense of dedication to the service of the country but also a love of the navy. It was for that reason that subsequently, after electing to serve in the naval cadet corps at my school, I chose to serve in the Naval Reserve for the remainder of the time I lived in Sydney. Unfortunately, it was impractical to continue in that service after I made that momentous decision to move to the Quambone area, because it was certainly a long way to go to drill musters. That was a matter of great regret to me, because my sense of service was a strong one.

Since I became a member of this place there have been many memorable occasions when the House has addressed the service rendered by Australian citizens in active theatres of war. I have always felt that my place, despite my sense of obligation and loyalty, is to step back and simply be one of the people who offer tribute and admiration to those called to active service. Looking back on the horror of war that we have come to reappraise more honestly, I suppose I was fortunate I was

never called to active service, though I would like to think I was ready, willing and able had the call come at any appropriate period in my life. My role is to applaud those who did serve. On both sides of my family a number of individuals have offered their service and, like many families, we suffered our losses—the loss of my uncle in World War I, and the great depletion of the health of a number of my older cousins who volunteered for service in the Second World War.

I owe them all a duty to take part in Anzac Day services and, when appropriate, to speak on occasions in this House about Anzac Day commemorations. In the past I have not had an opportunity to speak, so I am pleased to speak about my service in the Navy Reserve and about the service of thousands of other Australians who enlisted for the same reasons that motivated the Hon. R. B. Rowland Smith to join the navy during time of war. That sense of duty and those aspirations propelled so many to choose to serve our country in one or other of the great armed services, at home or overseas. Whichever form of duty one performed for one's country, all service was equal, although I know that old navy men regarded the senior service as the only service.

However, Australians are now more mature and recognise the wonderful service of the non-military civilian services, and tomorrow that service will be acknowledged and honoured. I look forward to joining in the rally and march and will do so with a clear conscience and with pride. I do not wish to ingratiate myself with the wonderful people who served in active service but I do want to join with those marching through the streets of Sydney to celebrate our patriotism, and the fulfilment of our duty.

The Hon. C. J. S. LYNN [12.22 p.m.]: It is a great honour to pay tribute to our Australian reserve forces on the eve of the fiftieth anniversary tomorrow of the formation of the Citizen Military Forces and commencement of part-time defence service. More than one million Australians have served as reserves during the 50 years since the CMF was formed, and part-time service personnel amount to more than the total number of Australians who enlisted for World War I and World War II. Until recently these reserve forces, invariably known as the CMF or militia, were separate from the Australian Defence Force. Over the years this separation was the cause of much good-natured banter between members of the regular and reserve forces. I served in the reserve forces for 21 years, initially for two years as a national serviceman and then as a regular soldier.

In the early years of their formation the reserve forces were referred to rather derisively as chocos. This was a nickname for a soldier who would not fight and comes from a character in George Bernard Shaw's 1898 play *Arms and the Man* who carried chocolates in his pack instead of ammunition. In the Australian context it was originally applied during the First World War to soldiers of the 8th Infantry Brigade of the Australian Imperial Forces, who arrived in Egypt after the end of the Gallipoli campaign in December 1915. In the Second World War chocos were militia men or conscripts, who before 1943 could not serve outside Australia. Such men were also known as koalas because under Australian law it was forbidden to shoot at these animals or to export them.

But with our Australian Imperial Forces largely committed to the European theatre of war when Japan launched its bitter attack in December 1941, the only forces available to protect Australia from invasion were the chocos or koalas—members of our reserve forces. Two militia brigades were stationed in Papua New Guinea under Major General Morriss. The 30th Brigade had a battalion that I should like to single out because it represents the militia's spirit of service and commitment. At that time Papua New Guinea was an Australian mandated territory, and the 39th Battalion, a militia battalion, was sent over the rugged Owen Stanley Ranges to take position at the village of Kokoda. The initial commander of the 39th Battalion, Colonel Owen, was killed during the first battle of Kokoda on 27 July 1942, and the members of the battalion were forced back up through the rubber plantations and jungle to the small village of Deniki. They made a stand further back in a village called Isurava.

At Isurava the late Colonel Ralph Honner was sent forward to consolidate the 39th Battalion militia reservists. At Isurava Colonel Honner drew his line in the mud, as did General Travis in the sand at the Alamo in another country, in another war, in another century. Colonel Honner had been told that the young militiamen of the 39th Battalion were to hold Isurava at all costs. There was to be no withdrawal from Isurava, because the men of the AIF were being brought back desperately from Europe and the Middle East, to be rushed over the Owen Stanley Ranges to hold Kokoda, to consolidate and then commence the counteroffensive against the Japanese.

The Japanese launched their attack on Isurava on 26 August 1942 as part of a two-pronged assault on Port Moresby, the other attack being against Milne Bay. During those couple of days and nights those young men were all that stood between the Japanese army and their families here in Australia.

Their average age was 18½ and they were outnumbered six to one, but they knew they were all that stood against the Japanese achieving their objective of taking Australia. They fought and became known as the bravest of the brave or, as the title of Peter Brune's book calls them, *Those Ragged Bloody Heroes*.

Two days into the battle these fighters had not been resupplied with water or food and were down to the last of their ammunition, when all of a sudden out of the jungle appeared the men of the second 14th Battalion from the 21st AIF Brigade. Today men from the second 14th Battalion say that when they saw the young chocos lying there they looked like living skeletons who were on their last reserves. In turn, today the men of the 39th Battalion say that when the men of the second 14th Battalion came out of the jungle—tanned, lean, tough old men aged 22 and 23 who had fought with great distinction for two years in the Middle East—the militia men thought they were Australian gods who had come to save them. When in position the new commander said to Colonel Honner that he could withdraw his young militia men, but Colonel Honner replied, "No, you are going to need all the help you can get in this battle."

They fought together at Isurava and that became the first time in Australian history that the Australian Imperial Forces and our militiamen fought side by side on Australian territory in defence of Australia. It is a great shame that Australians know more about the battle of Alamo than about the great battle of Isurava. I hope that in due course the study of this phase of our history will be incorporated into the education system. Those men served with great honour. The battle at Isurava was described by Dr David Horner, the military historian of the Australian National University, as the battle that saved Australia. It is high time that Australians learned more about that struggle.

Tomorrow's parade is a means of creating an awareness of the great achievements of the militia, the Citizen Military Forces, and the reserve forces since their formation 50 years ago. I am pursuing my proposal that the Olympic torch be carried along the Kokoda Track on its way to the Sydney Olympics in the year 2000 as a tribute to those young men who gave their lives in defence of our country. Of the 100 days that the torch will be carried, 99 days should be for celebration of the Olympics and for entering into the new millennium but one day should be set aside for commemoration. I will continue to pursue that proposal despite the Sydney Organising Committee for the Olympic Games not agreeing with me. SOCOG's refusal

indicates to me that it does not understand, or respect, our history.

The Hon. D. J. Gay is a former member of the reserve forces, having served with 12 Coy Royal Australian Army Service Corps, a fine corps, and with the bush rifles at the 19 Royal New South Wales Regiment. The Leader of the Opposition in the other place is a commander in the Navy Reserve and is an honorary colonel of 1 Commando Regiment. The Hon. D. F. Moppett has served and the Hon. R. B. Rowland Smith served during World War II. The Hon. Dr B. P. V. Pezzutti, who represents what the modern reserve is all about, is a reservist and is currently serving as the Director of Health Services in New South Wales.

The Hon. Dr B. P. V. Pezzutti is the first member of this House to serve on active duty since World War II. He was assigned to the peacekeeping force in Rwanda. Shortly, he will embark on another tour of active duty with the peacekeeping force in Bougainville. Members of this House should be proud that a member of the calibre of the Hon. Dr B. P. V. Pezzutti will represent us on this important peacekeeping mission to Bougainville. I am proud to be able to pay tribute to our reserve forces for the fine job they have done over the past 50 years and for the fine job I am sure they will do, as a combined force, for the next 50 years.

Reverend the Hon. F. J. NILE [12.32 p.m.]: I am pleased to support the commemoration day for those who served with the reserve navy, army and air force which will take place tomorrow. The original reserve force, which existed prior to World War II, was called the militia and its name was later changed to the Citizen Military Forces. Tomorrow is the fiftieth anniversary of the establishment of the Citizen Military Forces. On Saturday, 20 June, I was privileged to share in a special commemoration dinner with the New South Wales Regiment in the presence of the Governor. It was a pleasure to be one of its former officers who shared in that dinner.

On Sunday, 21 June a special church parade was held at the Garrison Church, Millers Point. That historic Anglican Church was used for church parades by the early forces from the United Kingdom which were garrisoned in Sydney. The church was used by the New South Wales Regiment, which had a colourful history through its association with the Rum Rebellion, to which the Governor made humorous reference. The Governor said that he hoped that he was safe in the presence of all the officers of the Royal New South Wales Regiment in view of what had happened to one of his predecessors.

During the church parade I had the privilege of leading the prayers as a former officer of the Royal New South Wales Regiment. In conversation afterwards I made a little joke that I have three hats to wear: my army officer hat, my member of Parliament hat and my minister hat. I wear all three hats following parades when I say the prayers. I have done that at a number of annual church parades. I can think of many famous citizen soldiers, such as General Monash in World War I, who performed brilliantly in various campaigns. My insignificant service in the CMF started in 1948 when I was only 14 years of age. I guess I was influenced by my father, who often talked about his experiences in World War I as a soldier in the British Gloucestershire Regiment. My father served in France, was wounded in the trenches, and was returned to England to recover.

I joined the CMF through the 45th Infantry Battalion Regimental Cadets, a machine-gun battalion. I remember as a young teenager being behind a massive machine-gun, which all cadets and the main battalion had to be trained to fire. That was quite an experience. I enlisted at the CMF Army Drill Hall at Dora Street, Hurstville, and became a corporal.

In the early 1950s national service was introduced and I was worried that I might miss out on the ballot, which was a drawing of one's birth date. I thought if my birth date was not pulled out I would not be called up, so before my seventeenth birthday I went to the army recruiting office and asked to join up for national service. They thought that that was a bit strange, because people do not volunteer for national service. I said I was worried that I might not be called up, and would like to volunteer. After some discussion they said, as the army always does, "We will take you," and I was sent off to do national service with the 13th National Service Battalion at Ingleburn.

Following national service I was required to spend five years part-time with the CMF. I continued to enjoy being with other men and the healthy aspects of outdoor activities. I believed it was necessary that everyone should contribute to the defence of Australia and play whatever role they could, even if it was a small role like mine. In the national service battalion I was selected to join the company honour drill guard to share in guard competitions. I was pleased when our guard won the battalion competition and went on to win the huge brigade competition at Holsworthy. It was very unusual for one guard squad to go through and win each competition. I was transferred back to the 45th Infantry Battalion, St George Regiment, Arncliffe,

where I became a corporal, then a sergeant and finally a lieutenant platoon commander in 1955.

I remember with pride carrying the battalion colours as we marched through the streets of Arncliffe and Rockdale, mainly at the annual church parades of the battalion. I remember with pleasure the friendships that I developed in those days and which continue to today. Some of the officers with whom I served became generals, et cetera, and I meet them at various functions. We talk about our experiences at annual camps, manoeuvres, exercises and being in camps at Singleton and other places.

In 1956, as honourable members know, I trained for the ministry in the full-time Christian service and commenced a two-year training course in the Melbourne theological college. I decided against leaving the CMF and transferred to the Melbourne University Regiment. I was one of the few theological students who served in that regiment for two years. I became officer in charge of the officer training platoon. In 1958 I commenced theological studies in Sydney, so I transferred to the Sydney University Regiment and became officer in charge of the officer training platoon at that place. In due course I was promoted to captain and became second in charge of the company. At that time I met the Hon. M. F. Willis, who was Company Commander Major Willis. I was his second in charge and we developed our friendship in those early days.

Some students at the theological college considered it offensive that fellow students served in the CMF; they thought ministers should be pacifists and could not understand why I continued at the Sydney University Regiment. Another student, David Gill, who became a senior church leader and secretary of the National Council of Churches, was the pipe major in the Sydney University Regiment. On Tuesday nights we would put on our uniforms and head off to the regiment for training. Other students would gather and call us "bloody murderers" and many other things. They were not joking; they thought it was offensive for a theologian to put on a military uniform and head off from college to undergo training. I saw nothing wrong with that.

I shall not develop one of my sermons on this matter, but many people who met Jesus are mentioned favourably in the *Bible*. Cornelius was a Roman centurion, which is equivalent to a sergeant-major. Centurions were tough soldiers. Jesus said to Cornelius, "I have never met such faith in all of Israel", but he was not critical of the role Cornelius performed in the Roman army. Therefore, my belief

was that theologically a Christian could serve in the military forces, as could a minister, either as chaplain or any other rank of soldier or officer. My days at the Sydney University Regiment were enjoyable.

I transferred to the 3 Royal New South Wales Regiment and became an adjutant and later company commander at headquarters. I moved then to the 4 Royal New South Wales Regiment and became company commander at Merrylands in charge of D Company. That unit won many awards and I won the commanding officer's cup for best officer in the battalion. I felt I had enjoyed a satisfactory career in what was the Citizen Military Forces. The regular army is needed, but it should be a highly trained citizens army. I prefer the name Citizen Military Forces. Long may it continue. [*Time expired.*]

The Hon. A. G. CORBETT [12.42 p.m.]: In the early 1970s I joined the Citizen Military Forces through the Sydney University Regiment as Macquarie University, where I was studying, did not have a CMF unit. I do not know if that is still the case. I joined because at that stage in my life I was full of adventure. I was one of those who wanted to try something different, as was the Hon. Dr B. P. V. Pezzutti. When I joined the regiment I underwent a training course, as everyone did, and on completion I was referred to as a "grunt". For those who do not know the meaning of "grunt", it was a lowly private who, when given an order to do something, grunted acquiescence and did not question any authority or order.

Finally I entered the transport platoon after having completed a transport course. This gave me a considerable amount of self-respect and responsibility. One advantage of being in the transport platoon was that during exercises I no longer had to dig a hole in which to sleep at night. I was able to arrange cushions in the back of a truck and sleep there, whatever the weather. I remember many things with fondness and nostalgia, but my three or four years in the CMF certainly left me with the firm conviction of the futility and horror of war and what it does to people and their families. On one training exercise we were instructed by someone who had fought in Vietnam. I remember asking him what war was like. He said something like, "You get used to it."

He gave an illustration of how he was engaged in conflict with some Vietcong soldiers. His unit had killed a number of VCs and the bodies were lying around. The bodies were searched, which was normal practice, and then he and his fellow soldiers sat down and had lunch with dead bodies around

them. That description had a profound impact on me of how war can harden people. I do not doubt that war needs hard and insensitive people. Let us pray and hope that Australia never goes to war again; if it should happen, let us pray that it will be for genuine self-defence and only after all peaceful means have been exhausted. I wish the members who will participate in tomorrow's parade the best and trust they will have a fulfilling time. We should work hard in every aspect of our lives to make sure that war never comes to anyone in any country.

The Hon. R. B. ROWLAND SMITH [12.46 p.m.]: I support the commemoration day but I should like to correct the wording of the initiating motion. The Hon. Dr B. P. V. Pezzutti was a member of the army, but there was no need for his motion to place the army before the navy! After all, the navy is still the senior service. I congratulate the Hon. Dr B. P. V. Pezzutti on moving this matter of public importance. I congratulate also those men and women who served in the armed services as reserve members. Unfortunately, I will not be participating in tomorrow's march as I must depart for overseas, but I am sure it will be a great occasion.

The Hon. Dr B. P. V. Pezzutti has told me that Sir Laurence Street will lead the march. In 1943 Sir Laurence Street and I joined the navy at the same time, each of us aged 17. Sir Laurence went on to greater heights when he left the service than I have ever been able to achieve. As a 17-year-old it was absolutely exciting to get into this man's war. It was exciting for me until I joined my first ship in Hobart and we sailed to Sydney to join another flotilla. I had never been so sick in all my life! The sailor's cure for seasickness is to drink two big glasses of salt water. Of course you bring it up, but eventually it stays down! That was when I felt rather miserable.

I overcame the seasickness and proceeded north to base in the Admiralty Islands. At that time I was a fully-fledged sailor. I felt as though I had been in the service for a long time and could withstand the rigours of bad seas. I recall that when we were escorting three ammunition ships around the Caroline Islands we ran into a hurricane. We were hove to for three days. The ship was perilously moving from port to starboard. I thought, "This is it. This is where I will end up." But I prayed and prayed, and finally we got out of it all. I went on to serve in the reserve for about 10 years after I came out of the navy. In fact, the navy was so short of commissioned officers in 1945 that I was offered a permanent commission with an upgrading of rank. I decided that I wanted out, but they kept me there until January 1947. In any event, that is all history. I congratulate the Hon. Dr B. P. V. Pezzutti and other

members who have spoken and know what it is like to serve in the reserve forces. I wish them well in their march tomorrow.

The Hon. A. B. KELLY [12.51 p.m.]: On behalf of the Government I support the reserve forces and congratulate them on their fifty-year celebration tomorrow. In deference to the Hon. R. B. Rowland Smith, I nominate the reserve forces in the order of the navy, the army and the air force. The Hon. Dr B. P. V. Pezzutti pointed out that 1.2 million people have served in all reserve forces, and at present there are about 20,000 in the army and about 4,000 in the other services. Earlier in the year I congratulated the Hon. Dr B. P. V. Pezzutti on his elevation in the Army Reserve, I think, just after Christmas. I do so again today.

Support for the reserve forces was considerably enhanced in the days when Kim Beazley, the Federal Leader of the Opposition, was the defence Minister. As can be seen from a scan of the former members list, a number of members and former members of this House and the other House have served in the armed forces and the reserves, including a Victoria Cross winner. Those people included Michael Bruxner; Ewan Robson; Bill Sheahan, father of Terry; Noel Park; Edward Larkin, the Labor member for Willoughby who was killed in the Dardanelles; and the Hon. Barney French, who is well known to most members of this House and who served in the merchant navy. Barney's daughter is now a resident of Wellington and a very good friend of my wife, and we see Barney fairly regularly. I think he recently turned 75. Barney has not changed; he is still as he was when he left this place. I never served in the reserve forces or in the army—

The Hon. M. R. Egan: You were too old.

The Hon. A. B. KELLY: No, I was not too old. I, like some other members of this House, went in a ballot for national service, and I was fortunate to have missed out by one day. The Hon. A. G. Corbett mentioned in his contribution that he was told that members of the armed services got used to it. I did not see that of my friends who went away to serve in Vietnam; they were not the same people when they came back. I think it left a life-long mark on their constitution, and one can still see the impact that that has had on them. I do not think people can go through those sorts of actions without some permanent mark being made on their character.

Other honourable members have said how good the reserve forces are. There is a good opportunity still today for young people to get out

and be involved in the reserve forces. It gives them an opportunity to get training. The Hon. Dr B. P. V. Pezzutti said that being in the reserve forces taught him loyalty and gave him a number of other attributes. It also gives a person discipline, moulds him into a strong and dedicated person, and gives him a form of team spirit. A lot of young people today can earn an income—and are able to do so tax free, I might add—after 45 days training and then some supplementary training. A country the size of Australia needs to have a strong reserve force. I congratulate all those who have served in the forces and members of this House who are still actively involved in the services. On behalf of the Government, I congratulate everyone who will march tomorrow.

The PRESIDENT [12.56 p.m.]: I wish to be associated with this motion—not because I was in any way involved with the Citizen Military Forces but because I was part of a family very much committed to the CMF. My father, having returned from World War II, maintained strong links with the armed forces. He became involved with the CMF through what was then called the Field Ambulance in Newcastle. Subsequent to that he joined and became the officer in charge of D Company of the University of New South Wales Regiment.

As a very young person—and in those days not truly understanding the role of the CMF—it seemed to me that what it meant was that my father was never home on a Friday night and that his annual leave was always the annual camp. So I guess, from that perspective, I could speak of the sacrifices that a family makes. However, as I became older I realised the deep sense of commitment to community that was involved in the work of my father. I owe a lot to my father for what he taught me in relation to putting things back into the community.

Some very strange and longstanding relationships have evolved from that. My father always used to refer to his young officers as "my boys". Given my sex, I think I could be forgiven for saying that I always thought it was because he had a heartening for sons rather than for daughters—I suspect that may well be true. Two of my father's "boys" were Paul McLean—who subsequently went on to become very much involved in the Australian Democrats and achieved great respect and high office in that organisation—and the Hon. Ted Pickering. My first meeting with Ted Pickering, which he did not recall when I became an adult, occurred when the "boys" used to come round and my father used to say, "Blondie, the boys are here—go and get us a beer."

I again crossed paths with the Hon. Ted Pickering when we were members of the Liberal Party. He was telling the Hon. Max Willis of the great effect David Walls of Newcastle had had on him. I said, "I know, I am his daughter", and he said, "My God, you're Blondie." I am not quite sure what he made of all of that. It gives me enormous pleasure to support and speak to this motion. I know the dedication and commitment of those who have served and who continue to serve in the Army Reserve. I, like others, still refer to it as the CMF because the notion of community service, rather than a love of war, is really what it is all about.

The Hon. Dr B. P. V. PEZZUTTI [12.59 p.m.], in reply: I thank honourable members who have contributed to this debate. I am aware that the following members of Parliament have served in the reserves: the Hon. A. B. Manson; Peter Blackmore, Peter Cochran and Ian McManus in the other place, the Hon. M. F. Willis, whom I mentioned; the Hon. D. F. Moppett; John Aquilina in the other place; the Hon. A. G. Corbett; the Leader of the Opposition; Reverend the Hon. F. J. Nile and the Hon. R. B. Rowland Smith. Many members of this House served, and continue to serve, in the reserves. I was impressed that honourable members spoke about mateship and friendship, as they have been a hallmark of the Australian Army since its beginning. I agree with the comments of the President about the Citizen Military Forces.

Recently at a high-level briefing General Sanderson reminded us that when the reserves are integrated with the army, the navy and the air force we must remember one thing and one thing only: the integrated forces must reflect the community, be part of the community and ensure that they never lose contact with the community, because they represent the community of Australia. An article I read recently talked about the influence of the Australian reserves in facilitating social change within the Australian Defence Force. The article is worth reading because it goes to the heart of the issue about which the President spoke. The Hon. D. F. Moppett spoke strongly about the sense of service that exists in the reserves. Certainly, all the men and women of all ages and backgrounds with whom I have served experienced a sense of service.

The Hon. C. J. S. Lynn spoke about not only his service in the reserves but, more importantly, the historic New Guinea campaign, in which the reserves and permanent armed forces fought together on Australian soil to defend this country. I hope that is the last time the reserves and permanent forces will ever fight on Australian soil. Reverend the Hon.

F. J. Nile said that his lengthy commitment to the forces did not impact on his obligations as a clergyman or on his family responsibilities. During his period of service he was committed not simply to his flock but to the broad community and his professional career—and that has been my experience of other clergy in the reserves. The Hon. A. G. Corbett's contribution was noteworthy because he shares the horror of war with the many people who have served in the forces. He said that the reality of defence of the realm is important.

The Hon. R. B. Rowland Smith reminded me of a story I told during a debate about implants. His remembrance of his time in the reserves was most welcome. Madam President, I thank you for your contribution and your wise words. The Hon. A. B. Kelly spoke about the commitment of the reserves and their expansion under the ministership of the Federal Leader of the Opposition, Mr Beazley. Senator Robert Ray was highly committed to the reserves during a time of great change. When I was called up to serve in the reserves during the Gulf War there was a great kerfuffle in the medical corps about whether I could go because I was a Liberal politician. When Senator Ray was asked whether I could join the medical corps he simply asked whether I could do the job. He said that if I could do the job I should go; he did not care which party I belonged to.

The Hon. M. R. Egan: What was the answer to the question?

The Hon. Dr B. P. V. PEZZUTTI: The answer was that I could go.

The Hon. M. R. Egan: I mean the question of whether you could do the job.

The Hon. Dr B. P. V. PEZZUTTI: The answer was: definitely. I had the pleasure of meeting Senator Ray when he welcomed home the final group of reserves from Rwanda. We were in Rwanda to provide health services to the United Nations peacekeeping team; contrary to the norm, the army reserve was there to support the hospital. Most of the nurses, doctors and specialists were reservists serving in the army for three months, six months and so on. Senator Ray recognised the contribution of the army, navy and air force reserves. Without them we could not have mounted the United Nations peacekeeping operation in Rwanda. People from 68 different units across Australia made an enormous contribution to the success of the hospital in Rwanda.

In the future the reserves will be more widely used to expand Australia's input in peacekeeping operations. It is important to note that for the first time, without being under the auspices of an ally or the United Nations, Australia is leading a peace monitoring operation in Bougainville. Currently that commitment is for three years. We hope that the operation, which has so far been successful in the disarmament process and in getting the people of Bougainville to talk, will not last that long. Let us hope that our near neighbours take the opportunity to reach a peaceful settlement; but in the meantime a large number of reservists will continue to serve in that operation.

The patron chief of the reserves is His Excellency the Governor-General, the Hon. Sir William Deane; the national chairman is Sir Raymond Cutler, VC, AK, KCMG, KCVO, CBE; the New South Wales patron is His Excellency the Governor, the Hon. Gordon Samuels, AC; the New South Wales chairman and leader of the parade is the Hon. Sir Laurence Street, AC, KCMG, QC, whom I note was an ordinary seaman at the beginning of his military career; and the deputy chairman is Major General Ray Sharp, AO, RFD, ED, retired. Sir Laurence Street will lead the parade and the Governor of New South Wales will receive the salute. Tomorrow's parade will be a great celebration and I thank the House for granting me leave to lead the medical corps in the march, which I shall do with pride.

Discussion concluded.

ASSENT TO BILLS

Assent to the following bills reported:

Administrative Decisions Tribunal Legislation Amendment Bill
 Courts Legislation Amendment Bill
 Legal Profession Amendment (Solicitors' Mortgage Practices) Bill
 Young Offenders Amendment Bill
 Workplace Video Surveillance Bill
 Crimes Legislation Amendment Bill

[The President left the chair at 1.07 p.m. The House resumed at 2.30 p.m.]

DISTINGUISHED VISITORS

The PRESIDENT: Order! I draw the attention of members to the presence in my gallery of the Hon. Doug Parkinson, the Hon. Geoff Squibb and the Hon. Don Wing, members of the Legislative Council of Tasmania.

LOCAL GOVERNMENT LEGISLATION AMENDMENT (ELECTIONS) BILL

Second Reading

The Hon. J. W. SHAW (Attorney General, Minister for Industrial Relations, and Minister for Fair Trading) [2.33 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.

In introducing the Local Government Legislation Amendment (Elections) Bill, I should explain to the House that it is in two parts. Schedule 1 contains amendments to the election provisions of the Local Government Act 1993, and schedule 2 contains amendments to the election provisions of the City of Sydney Act 1988. I will deal first with the Local Government Act amendments. Honourable members will be aware that the first general elections of councils under the new Local Government Act were successfully conducted by the State Electoral Commissioner in September 1995. Following the elections, many valuable comments and suggestions were received from councils, local government groups, candidates and electors.

Broadly-based suggestions were incorporated in a local government elections discussion paper, and copies were sent to councils and other interested parties with an invitation to comment. In response, 82 submissions were received from the Electoral Commissioner, the Ombudsman, key local government bodies, the Property Council of Australia, 67 councils and 10 ratepayer associations and individuals. Strong support was shown for a majority of the discussion paper suggestions. Many councils also submitted further suggestions to assist the electoral procedure. The best suggestions are incorporated in this bill. I now turn to the details of the Local Government Act amendments. Councils are able to alter ward boundaries after consulting the State Electoral Commissioner and the Australian Statistician. Details of proposed ward alterations must be submitted for their consideration before the end of the third year of a council's term of office.

A misconception has arisen that the Electoral Commissioner has an approval role in ward alterations. To dispel this misconception, the bill will clarify that a council submits details of proposed ward changes for the commissioner's information. The Electoral Commissioner conducts all council elections. Dates of by-elections to fill casual vacancies in civic office are notionally fixed by the returning officer with the approval of the commissioner. In practice, the date is fixed by the commissioner in consultation with the council's general manager. Following representations from the commissioner, it is proposed to recognise current practice so that by-election dates will be fixed by the commissioner.

Council employees are disqualified from standing for civic office. At the 1995 council elections some confusion arose as to whether council employees and other disqualified persons could nominate as candidates for election. The Electoral Commissioner suggested that the situation be clarified. This will be achieved by making it clear that a candidate must be qualified to hold civic office in order to be nominated. This is

in addition to the current requirement that the candidate must be enrolled. An interesting change relates to candidate résumés. As the title suggests, candidate résumés give details of the qualifications and experience of candidates for civic office. A résumé is completed by each candidate as part of the nomination procedure. Copies of résumés are displayed at polling places so that voters can find out more about their candidates.

At the 1995 council elections some candidates included policy and other statements in their résumés. There was some doubt as to whether this was allowed and the Crown Solicitor was asked for advice. In response, the Crown Solicitor advised that candidate résumés at council elections could contain past and current factual information about qualifications, experience, ability, aptitude and fitness for election to office but could not contain future political intentions, policies or statements of beliefs. The bill proposes to remove the restrictions on the types of matters which may be shown in résumés. This will be done by broadening the nature of candidate résumés to make them candidate information sheets.

In addition, the regulations will be able to prescribe that policy and other statements may be included in candidate information sheets. Candidates will be able to include such statements without breaching election procedures and possibly enabling an election outcome to be overturned. Honourable members would be aware that this Government reintroduced the grouping of candidates in time for the 1995 council elections. At the same time group voting tickets were introduced but only for councils with areas undivided into wards. The 1995 council elections showed that this form of above-the-line voting resulted in fewer informal votes. Where group voting tickets were used, informal voting averaged 6.5 per cent and where they were not used informal voting averaged 10.7 per cent. This shows that the Government's 1995 reform was a success. Therefore, the bill proposes that the use of group voting tickets be allowed in all council elections.

I now turn to the question of non-voters at council elections. It is compulsory for residents to vote at an election of their council. The Local Government Act currently requires the returning officer to mark non-voter names on a copy of the roll. However, in practice, marks are placed beside the names of voters but not beside the names of non-voters. This enables the rolls to be computer scanned and processed electronically with the non-voter names being printed out. As this procedure does not accord with the legislation, the Crown Solicitor advised that follow-up of non-voters at the 1995 council elections should not be undertaken.

To overcome any similar future difficulties, the bill proposes to adopt the Crown Solicitor's suggestion that the Act allow the use of computer-scanned rolls. This will be done by using a procedure similar to that referred to in the Commonwealth Electoral Act. The Electoral Commissioner will prepare a list of non-voting residents after each election. The commissioner will decide how the list is prepared. A penalty notice will be issued to each apparent non-voter, as is done now. Electors will continue to have the choice of stating that they did vote, that they had a valid reason for not voting or that they did not have a valid reason. Persons without a valid reason can pay the penalty in the penalty notice or choose to test the alleged breach by taking the matter to court.

As part of this procedure a penalty reminder notice will be served on those persons not responding to the penalty notice within the required time. In addition, the bill proposes to clarify that a copy or extract from the list of non-voters is prima facie evidence in non-voter prosecutions. This is in line

with a suggestion from the Crown Solicitor. Candidates and parties at local government elections are currently obliged to disclose their electoral contributions and expenditure. Declarations must be lodged with the Election Funding Authority within three months of an election. The bill proposes to require groups also to make declarations of electoral contributions and expenditure. This will be consequential to the introduction of grouping at council elections in 1995.

All declarations, whether from individual candidates, parties or groups, will be able to be lodged up to four months after an election. The wider coverage and longer period will reflect the disclosure procedure applying to candidates for election to this House and the Legislative Council. I turn now to the proposed amendments to the City of Sydney Act outlined in schedule 2 to the bill. Non-residents who are owners, occupiers or rate-paying lessees of land in the city of Sydney can be electors of the city. Occupiers in the city must be residents of New South Wales. In order to introduce consistency it is proposed to require rate-paying lessees in the city to also be residents of New South Wales. Sydney City Council recently pointed out some uncertainty as to what minimum voting age applies to city council elections. An eminent barrister has given an opinion that the voting age of 18 years does not apply to non-residents of the city.

In view of the uncertainty resulting from the opinion of an eminent barrister, the bill clarifies that the basic enrolment entitlements, including voting age, which apply to all other local government areas apply to the city of Sydney as well. These enrolments are expressed as a person being entitled to vote at a State or Commonwealth election. In addition, the specific enrolment entitlements of non-resident electors of the city will be retained in the legislation. This clarification will remove the voting age uncertainty. Currently numerous partners in a firm are able to vote at Sydney City Council elections while a corporation, large or small, has only one vote. The Government considers that this is unfair. Why should a corporation such as BHP, which owns many properties in the city and perhaps pays many millions of dollars in rates, be entitled to nominate only one person to vote while other firms that happen to be partnerships receive multiple votes—perhaps one vote for each partner?

The bill proposes to overcome this inequitable situation by treating partnerships in the same way as corporations with respect to qualification for enrolment as non-residential electors, namely, to require them to nominate a single elector instead of each partner being qualified to vote. This will not affect the entitlements of business voters except those who are partners in a firm. Shopkeepers and other owners or lessees of businesses would be largely unaffected. The provision will have no effect on the voting rights of barristers, who will continue to be eligible to enrol in accordance with provisions elsewhere in the bill. Partners in a firm would disclose their partnership in their enrolment claim forms and would nominate one partner to vote for the partnership. This should result in more equitable voting entitlements in the city of Sydney.

Sydney City Council has pointed out some practical difficulties in assuring the accuracy of the non-residential list and roll. The general manager is required to keep a list of persons who are entitled to be enrolled as non-resident electors of the city. Unlike the situation in other council areas, non-residents have been able to be added to the electoral list without having to claim enrolment. The general manager has obtained information about non-residents from surveys of shop and office occupancies. However, there is no guarantee that

the information is accurate and that the persons are entitled to be enrolled. In cases where a company has not nominated a person as an elector, the secretary has been automatically nominated, possibly against the company's wishes.

Because the list becomes the non-residential roll for an election, it is important that it be accurate. This was achieved for the 1995 council election by the general manager of Sydney City Council, four weeks before the roll closing date, sending a claim form to all non-residents already included on the list. Only those persons returning claim forms by the closing date had their names retained in the non-residential list of electors. The bill proposes to adopt the successful 1995 procedure for all future Sydney City Council elections. The proposed procedure will have the added flexibility of claim forms being mailed out earlier than four weeks before the roll closing dates.

This will enable the non-residential list and roll to be as accurate as possible. Accuracy of the non-residential list and roll will be further enhanced by allowing non-residents to be enrolled only after they lodge claims declaring their enrolment entitlement. This principle is followed for enrolment in all council areas. Moving on to more minor matters, the bill proposes consequential amendments to certify the non-residential list as the roll and voting where the secretary of a corporation is enrolled. In addition, clarifications will be made to the provisions on compulsory voting, polls and constitutional referendums. These clarifications involve no policy or substantive changes. I commend the bill to the House.

The Hon. D. J. GAY [2.34 p.m.]: I acknowledge in the gallery our learned colleagues from Tasmania, as well as a group of younger citizens of this State. Once again, it is a huge disappointment to see the Attorney General acting for that bloke downstairs and tabling his speech. The Government has had this legislation for three months, and given the belting around the ears the Government has received over it I would have thought that the Minister would at least have rewritten his speech. When the Attorney General tables a speech in this House it is an indication that it is the same speech that was delivered in the lower House. If it is not the same speech I would not have expected the Attorney General to table it.

The Opposition opposes the bill, and specifically schedule 2, which applies to the City of Sydney Act. Some people—because of the close relationship between the Minister, the Hon. Ernie Page, and the Lord Mayor of Sydney, the Hon. Frank Sartor—have been unkind enough to call this the Frank and Ernest bill, but I would not be so inclined.

The Hon. E. M. Obeid: And you've got the Kathryn amendments.

The Hon. D. J. GAY: It is funny that the honourable member should mention that, because other people have said that this legislation is really a

Frankiemander. I would not try to introduce in this House a Katiemander in the same way the Government has tried to do that. The Opposition will put before the House a sensible, open and fair alternative, and I am sure the Hon. E. M. Obeid would agree with that description of it if he deigned to look up from the book he is reading. Yes, he certainly accepts that what the Opposition is doing in this House today is eminently fair. The first part of the bill is reasonably innocuous and, for the greater part, is supported by the Opposition. But we have problems with schedule 2, so we will oppose the bill as it stands and move an amendment to schedule 2. Once we have had the amendment accepted, with the help of some of our Independent friends, we will support the bill.

The city of Sydney area is unique. It contains a smattering of residents, following the removal of part of the residential area to South Sydney City Council. Predominantly it comprises business interests, to the extent that it could be the only one of its kind in the world. The State Government has decided to give the business sector a slap in the face by introducing an amendment that decreases voting rights in local government elections for the city of Sydney. Figures from the Chamber of Commerce reveal that the business voting pool in the central business district of Sydney will be sliced by 40 per cent by this legislation.

Figures indicate that about 8,000 non-residential ratepayers who now vote will have that right removed. It is classic Labor Party policy: remove the right of the people to vote. None does it better than the current Premier and the Lord Mayor of Sydney. They sneak around at night doing dirty deals, not allowing people access to bills, and then they introduce the legislation quickly without consultation. Today the Opposition will attempt to provide for an element of consultation.

I know the Government will fight us down to the wire because the last thing the Minister and the Government want is consultation. What the Government seeks to do is particularly outrageous when one considers that the city of Sydney local government area has 5,300 commercial property owners, some 4,730 business tenants and a work force approaching 200,000. The business community contributes about 96 per cent of the rates of the Sydney CBD. It is patently obvious that the amendment is about the Australian Labor Party providing a secure position for the current Lord Mayor, who seems to be a great mate of the ALP. There is no other reason for the amendment.

The amendments to the City of Sydney Act do not reflect the intention of the original legislation,

which noted that the proprietary interest in the city should be reflected among those who have the right to vote. Recent media reports suggest that the amendment will affect only large corporations such as accounting or legal firms, but that is not the case. The amendment will reduce the capacity of many partnerships to exercise their right to vote. The amendment will also affect cafes held jointly by husbands and wives, as well as medical clinics, doctor and dental facilities, architectural practices and engineering firms. In fact, it is estimated that 34.6 per cent of retailers currently operate in a partnership.

The disappointing second reading speech of the Minister for Local Government, tabled by the Attorney General today, said that the amendments should result in more equitable voting entitlements in the city of Sydney. The Opposition fails to see how this bill can achieve that. At a time in the history of the city of Sydney when more people would like a say in its administration it is far preferable to find an alternative solution to encourage, rather than to discourage, the enfranchisement of city property owners. However, there is a restrictive practice argument that a corporation should be entitled to only one vote. But true accountability to the citizens of Sydney would suggest finding a mechanism to increase a corporation's capacity to vote rather than disenfranchising existing voters.

The Government should hang its head in shame for trying to push this mateship bill through the Parliament. It is disgusting that the Government should consider it more important to retain the position of mayor of Sydney for a mate than to promote democracy in one of the most important and valuable cities of Australia. I am sure many other people will find the Labor Party's attitude of putting mateship ahead of the people of this city disgusting. The Opposition will not perpetuate the sham of the Government or impose its own gerrymander. The Opposition opposes the bill but will offer a solution.

The Hon. B. H. Vaughan: You have done it before, though—

The Hon. D. J. GAY: The solution offered by the Opposition is not the same as the Government's gerrymander. I will move an amendment to refer the voting process in the city of Sydney to a special commission to be established under the Special Commissions of Inquiry Act 1983. The commission will be conducted by a retired judge of the Supreme Court, who will consult with the Independent Pricing and Regulatory Tribunal, which recently handed down a report on benchmarking in the local

government sector. My colleague the Hon. Patricia Forsythe will talk about the history of the City of Sydney Act, and particularly the Goran report, on which the current Act is based.

How fitting that once again following a judicial inquiry the judiciary should be asked to do another inquiry. It is also fitting that IPART will be involved because its recent report on benchmarking in local government certainly extended beyond the usual parameters. I am sure that anyone who read the report was most impressed. The commission and IPART will assess the voting process in the city of Sydney and make recommendations as to the best and fairest system of voting. The commission of inquiry could also allow the stakeholders the opportunity to present submissions. That is vital because in drafting the bill the Government has disregarded the stakeholders.

I suggest that the Government has procrastinated on the legislation long enough and that the report should be handed down quickly, possibly by 1 November 1998, in order that the legislation may be put to Parliament as soon as possible. That is vital because there needs to be time for the administrative structure to implement the legislation before the local government election in September 1999. The Opposition indicates to the Parliament that it is serious about the changes and wants them put in place and working so the elections can proceed fairly and properly in September 1999.

With regard to the Government's lack of consultation, recently the Minister said on radio that he would not consult with groups to be affected by the proposed legislation, such as the Property Council of Australia and the State Chamber of Commerce, until the bill went before Parliament. That incredible statement immediately aroused suspicions everywhere about what the Government had to hide. It is no surprise that the Government tried to hide what it planned for the businesses of the central business district. There has been absolutely no consultation about this legislation with the city's stakeholders.

The stealth and secrecy of the legislation is completely at odds with a Cabinet document dated March 1998 entitled "Participation and the NSW Policy Process", which states that the Department of Local Government was bound to consult when making changes to legislation. Recently, when speaking on the same Sydney radio station, the Minister said he had received no official approach from the city council about the proposed changes. Both the Opposition and the radio announcer sighted

documents from the general manager of the council to the director of the Department of Local Government, dated 21 January 1997 and 18 December 1997 on that very issue. It is no wonder so many people are becoming completely exasperated with the Government, and particularly with the Minister. I was bemused in the local government estimates committee when the chairman, the Hon. R. S. L. Jones, asked the Minister for Local Government this question:

If legislation does pass in an amended form in the next couple of days will you give a commitment to re-visit that legislation in 12 months to make sure there are no bugs in it?

In the Minister's usual erudite form, he replied:

Yes, since I have been the Minister I have had legislation before every session of the Parliament to up-date the Local Government Act, matters which have arisen through the industry which require changing, so I am absolutely open to change legislation to reflect what is happening out there in the real world.

The crunch in the answer is:

So, if I am the Minister in four months time I certainly will ensure that any aberration . . .

It is hardly a confident answer to say "if I am the Minister in four months time". I do not know what the Minister was indicating, but he was not under any great pressure. The Hon. R. S. L. Jones was bowling up Dorothy Dixers, which the Minister loves. Given that comment, the Opposition wonders whether he will be the Minister in four months time. The Opposition has no obvious problems at this stage with schedule 1, which it will support, but it is opposed to the bill because of schedule 2. The Opposition will move an amendment along the lines I indicated.

The Hon. PATRICIA FORSYTHE [2.50 p.m.]: I join with my colleague the Hon. D. J. Gay in addressing remarks to schedule 2 to the bill, which deals with the City of Sydney Act. The Opposition does not oppose schedule 1, as many of the proposals are logical and are part of the ongoing reform of local government. The Government has no sense of history or background. It pays no regard to the City of Sydney Act 1998 and it has no regard for lessons that were learned in the 1980s. It is as though all that occurred in the past counts for nothing. Election after election, the Labor Government has tried to fix the problems, to get this legislation right for its mates. This is not the first time that we have debated aspects of this legislation. Ironically, I began my speech to the Local Government Legislation Amendment Bill in June 1995 by acknowledging the first speeches of two

new members. I take this opportunity to acknowledge the first speeches of the Hon. Carmel Tebbutt and the Hon. Dr A. Chesterfield-Evans.

Today is what I would refer to as ground hog day. We have done this all before. The issues are the same. Nothing has changed, except that the Government wants to fix it so that the city of Sydney does not have real democracy. I too shall refer to the history of the matter, as my colleague the Hon. D. J. Gay did. In particular I draw attention to the Goran report of 1987-88. Honourable members will recall that a previous Labor government dismissed the council of the city of Sydney—that unworkable council that, at that time, comprised 27 councillors.

The Labor Government at the time fiddled with the boundaries of the city of Sydney and amalgamated that council with South Sydney City Council in an attempt to fix the problems, to make it right for its mates. It failed demonstrably, to the point where it had to admit its failure. The Premier at the time, Barrie Unsworth, sent that now famous "Dear Doug" letter to the then Lord Mayor, Doug Sutherland, to inform him that he and his council had been sacked.

The result of that action was a commission of inquiry headed by a retired judge, Judge Goran. Volume 1 of Judge Goran's report was presented to the Unsworth Government in November 1987 and volume 2 of his report was presented to the Greiner Government in May 1988. It was the responsibility of the former coalition Government to introduce legislation to implement the recommendations of the Goran report. It was not possible for the coalition to go all the way and implement all the recommendations of the Goran report. Honourable members will recall that Judge Goran believed it was not appropriate to have an elected city council. His proposal was for a board of seven commissioners, to equate with the number of councillors elected at the time.

What Judge Goran said in 1987-88 about the nature and importance of the governance of the city of Sydney has the same ring of truth about it in 1998. I shall remind honourable members of those words because the role and the importance of the city of Sydney have been strengthened by the Olympics in the year 2000. It is peculiar that the Government wishes to restrict democracy in this city rather than enhance it at a time when the worth and importance of the city are growing. Judge Goran aptly described in his report that worth and importance. He referred first to the importance of recognising that the central city was there for more than just residents. He said:

If, therefore, there is to be any participation by members of the community in the government of the central City this participation should not be limited to people living within the wards of the former City, or the residents who remain in the central City, but it must be open to the people of New South Wales in general and in particular the users of the city.

Judge Goran went much further than the former Government ever did. He tried to find a mechanism so that users of the city—not just those who owned property and residents of the city, but people who worked in the city each day—could participate. That would have been an extraordinarily difficult thing to do. Among the principles upon which he based his report was the principle that the city of Sydney exists for more than its residents. That is a good guide, but the Government is turning its back to it. In talking about the functions of the city, Judge Goran said:

What sort of government does the city need?

In view of the type of function that one expects from the City namely, to be the seat of government, the centre of commercial and financial activity, the great tourist centre which the City is destined to become, the home of culture and art and the site of cultural institutions, the answer is that the State Government ought to run its own City.

He went on to say:

However, no government would wish to burden itself, in addition to its already recognised tasks.

He recommended the appointment of a board of commissioners, and said:

The Commissioners should be selected on the basis that they can, in general terms, represent the interests which I have been discussing in this report.

The theme picked up in 1988 by the former Government involved representing the interests of the community—a philosophy this legislation is trying to overturn. The sentiments expressed in the following paragraph, which appeared at page 59, are germane to the whole report:

However, it is necessary that there be special knowledge of the interest of commerce and property ownership in the City. Unless this interest is strongly represented on the Board, a major part of the present function of the City will depend upon the overview of persons who may have inadequate commercial knowledge—

I ask honourable members to keep that in mind should they consider winding back the franchise of people with that commercial knowledge—

to deal with the problems which arise from this section of the City community. Again, there must be available the best and most up-to-date planning and architectural skills.

Judge Goran summed it all up by talking about commercial interests. The Government has forgotten its own lessons of history. The Goran report is as important today as it was then. The themes embodied in that report are themes that are as relevant to the city of Sydney in 1998 as they were in 1988. The Government is wrong with this legislation; it is ignoring the very people who have an interest in the city of Sydney. Judge Goran referred in volume 1 of his report, which was presented to the Unsworth Government, to the complex nature of the city and said that we needed people with an understanding of the needs of the city. Volume 2 of his report was presented shortly after the Greiner Government was elected 1988. I sum up his report in his first recommendation. He recommended that:

The Government endorse the following principles as fundamental to any management of Sydney:

- (a) that the central, mainly non-residential area of Sydney is dissimilar to the remainder of Sydney;

The Minister should not try to compare the franchise in Sydney with the franchise in any other part of New South Wales. Judge Goran recognised that it was dissimilar to the remainder of Sydney and to the rest of the State. He said:

- (b) that the City is a major developing centre of banking, exchange and commerce in Australia;

In the last decade we have seen a shift in banking and finance business from Melbourne to Sydney. Judge Goran recognised that trend and sought to act on it in his guidance to the Government. He said:

- (c) that it is necessary to develop and maintain Sydney as the City to attract local and offshore capital for investment in New South Wales enterprises;

Time and again during question time the Treasurer has boasted about the establishment by corporations of their Asia Pacific regional centres in Sydney.

The Hon. D. J. Gay: Despite the Treasurer.

The Hon. PATRICIA FORSYTHE: Despite the Labor Government. Those regional centres are being established in recognition of the importance of the city of Sydney. Judge Goran's recommended principles included:

- (d) that Sydney, as the gateway to Australia and in its own right, is the major centre for tourism in Australia;

Of the tourists who come to Australia 65 per cent visit Sydney. Judge Goran further recommended:

- (e) that Central Sydney needs specialist planning and development;

As members would know, endorsement of that principle led to the development of the Central Sydney Planning Committee to undertake planning in a way distinct from planning undertaken elsewhere in the State. Judge Goran's recommended principles included:

- (f) that Sydney is a developing centre for culture and the arts;
- (g) that the importance of Sydney in these fields must be recognised internationally;
- (h) that the City must be managed by a skilful, professional and stable government.

Judge Goran referred to a stable government, yet the Carr Government seeks to destabilise. It has not learned any lessons from the 1980s. The city of Sydney needs a strong council to take it to the Olympics and into the next century. I urge honourable members to consider the implementation of Judge Goran's recommendations rather than this proposal to underpin the city of Sydney.

The bill seeks to disenfranchise 40 per cent of current eligible voters. That the city collects almost 97 per cent of its rates from the business sector cannot be ignored. It is far too important a factor to dismiss, as this bill seeks to do. It will wind back the clock on partnerships. Although it could not prevent me from speaking in debate on this bill, I put it on the record that my husband, as a partner of a city accounting firm, is among those who will be affected.

The Hon. R. S. L. Jones: You should not vote on it.

The Hon. PATRICIA FORSYTHE: It does not prevent me from voting on the bill. Rather it provides me with clear insight into what effect this proposal will have on the partners of a city firm. Anyone who invests in a city residential unit for rental purposes has the right to vote. The investment of assets in a partnership is as real as an investment in property. All partners in law and accounting firms invest hundreds of thousands of dollars in their businesses. The bill seeks to preclude participation by those who have a legitimate interest in the management of the city of Sydney.

In the second reading speech in the other House the Minister said that comparisons could not be made between partnerships and large firms because a company such as BHP had millions of dollars worth of investments. If the Minister thinks

there is a lack of equity, instead of seeking to restrict those who have a legitimate investment in the city he should broaden the franchise to encompass the directors of large companies. There is nothing equitable about people with an investment of hundreds of thousands of dollars in a partnership being precluded from participating in the franchise. More particularly, precluding that section of the voting community will eliminate 40 per cent of current eligible voters—an enormous restriction at a time when the city of Sydney should expand its franchise.

Nothing in the second reading speech and the various briefing notes provides a logical reason for restricting the franchise. The city of Sydney is on the verge of probably its most important function as host to the next Olympics. It makes no sense that at a time when there should be community involvement in the governance of the city of Sydney the Government seeks to restrict participation. Such a reaction is not based on logic. As the Hon. D. J. Gay said, the basis of the provisions is to give favours to mates. Frankly, that is not good enough.

The Carr Government is selling the city of Sydney short. It is time it understood that the city is important to all of us. A lesson we have learned from the 1980s is that we should encourage, not restrict, participation by people who have a legitimate right to vote. I contend, as did Judge Goran, that people with commercial and business interests in this city, as well as residents, should be eligible to participate. I commend the remainder of the bill and urge all crossbench members to consider the amendments proposed by the Opposition.

The Hon. FRANCA ARENA [3.05 p.m.]: This is very important legislation for the central Sydney area, which is a unique national treasure. The central business district, a major employment centre, provides work for about 200,000 people. As previous speakers have said, Sydney is Australia's tourist hub with approximately 65 per cent of tourists to Australia visiting this city. Sydney is Australia's international business centre. It is a regional and global finance, trade, investment and commercial centre. It is also a major retailing centre, ranking among the great retailing precincts of the world. The livelihood of thousands of Australians directly and indirectly depends on central Sydney remaining an economic powerhouse for years to come. By any economic measure it is a truly unique area. It cannot be treated as merely another local government area with residents seen as the only stakeholders.

Sydney City Council should be made directly accountable to all people who have a genuine financial stake in the city and a real interest in the effective operation of its government. Much has been written about this matter in the *Sydney Morning Herald* and by Piers Akerman in the *Daily Telegraph*, and it has been discussed on the John Laws radio program. I have received a large number of representations on this bill and the Companion Animals Bill, which I understand will be debated in this House tomorrow.

I have received dozens of letters from such bodies as the State Chamber of Commerce, the Property Council of Australia, the Retail Traders Association, Captain Cook Cruises, the Australian Federation of Travel Agents Limited, Henry and McSpedden Chartered Accountants, Magnum Realty Investments Pty Ltd, and the Tourism Council of Australia—which represents Australian Duty Free Operations Association, the Australian Travel Network, Cabcharge Australia Pty Ltd, the Pacific Asia Travel Association, the Sydney Airport Hilton, the Southern Pacific Hotel Corporation and Tourism Asset Holdings Ltd. I have also received letters from individuals such as Michael Slattery, QC, and Andrew Fegent of Andrew Fegent and Company, Solicitors and Attorneys.

As I said, I have received numerous representations on this important bill, and it is no wonder that I have. Sydney is a special place, and what happens to the city is important not only for its residents but also for the business people who work in the city. I have been lobbied extensively on this issue. Frank Sartor, a friend of mine for many years and a fellow Australian-Italian, even spoke Italian for the first time in his life in an attempt to convince me of his argument. Kathryn Greiner, a talented and capable woman whom I respect immensely, made representations to me about the matter.

Crossbench members have a difficult decision to make. I will support the amendment proposed by the Hon. D. J. Gay. If it was good enough to set up a special commission of inquiry about Franca Arena, surely it is good enough to set up a special commission of inquiry about the city of Sydney. And let us not forget that this is not retrospective legislation! The Attorney must have been proud to introduce it. He will not feel proud about having introduced retrospective legislation about me. I ask honourable members to forgive me for taking every opportunity to rub it in; it is difficult for me not to do so. I have suffered too much at the hands of the Attorney General to forgive him too easily. Maybe I

am being too harsh on him; he may not have had anything to do with it. It was probably more because of the little dictator of Macquarie Street than anything proposed by the Attorney General.

I will support the proposed amendment of the Hon. D. J. Gay. The commission of inquiry will examine the issue fairly and squarely. I heard one member—it may have been the Attorney—say that the effect of the amendment will be to put off having to make a decision. The commission of inquiry has to report by 1 November 1998. Almost a complete year will have elapsed before this election takes place, and that will allow adequate time to look at the report and implement recommendations. People will feel more confident that the decision was taken fairly and squarely and not at the whim of the Labor Party or the Liberal Party. I say no more than to advise that I will support the amendment to send this important provision to a commission of inquiry.

The Hon. I. COHEN [3.10 p.m.]: In general terms the Greens support the Local Government Legislation Amendment (Elections) Bill. I refer first to the proposed amendments to the City of Sydney Act. The most contentious proposal is to stop the practice of partners in big city firms, including law and accountancy firms, from each getting a vote, when large corporations are restricted to a single vote. On 16 May David Humphries reported in the *Sydney Morning Herald* in an article entitled "End of Multiple Voting Opposed":

This is about attending to an anomaly where some law firms can get 40 or 50 votes and the AMP, which pays tens of millions of dollars in rates, gets one.

The Hon. D. J. Gay: That is a good reason to have an inquiry.

The Hon. I. COHEN: The honourable member will get his opportunity to speak. The Greens have received a large amount of correspondence about this bill, much of which is a response to a letter sent to all lawyers in Sydney on 20 May by Kathryn Greiner. The first two paragraphs of that letter state:

The State Government has today introduced legislation into State Parliament to amend the City of Sydney Act. These amendments will stop you and your associates from having the right to vote in the City of Sydney Council elections to be held in September 1999.

Presently, if you are a partner in a firm or barrister in chambers or are a business owner in a partnership structure and you occupy premises in the city of Sydney council area, you have a right to vote in the elections for the City of

Sydney Council. If this legislation is passed your firm, business or chambers will have one vote only and individual members will be disenfranchised.

Many barristers and business people have written to me in response to this letter. C. P. Comans, a barrister with chambers in Selbourne Chambers, wrote to me on 28 May in the following terms:

I am a barrister practising at the NSW bar, with chambers in Phillip Street.

C. P. Comans has purchased his chambers. He continued:

I am very concerned that the Government plans to disenfranchise me from my right to vote in elections of the Sydney City Council.

C. P. Comans has been misinformed by Kathryn Greiner. In his second reading speech on 20 May the Minister said:

The provision will have no effect on the voting rights of barristers, who will continue to be eligible to enrol in accordance with provisions elsewhere in the bill.

The Greens are concerned about misinformation sent by Councillor Greiner to constituents in Sydney. The bill will not permit partners in firms to have more than one vote. The Minister for Local Government put it this way:

Currently numerous partners in a firm are able to vote at Sydney City Council elections while a corporation, large or small, has only one vote. The Government considers that this is unfair. Why should a corporation such as BHP, which owns many properties in the city and perhaps pays many millions of dollars in rates, be entitled to nominate only one person to vote while other firms that happen to be partnerships receive multiple votes—perhaps one vote for each partner?

The Greens agree. Among the many representations the Greens have received on this issue is a letter of 27 May from H. Gavin Solomon, of Solomon Garland Partners, which states:

As a partner of this firm, I wish to express to you my strong objection to the current proposed amendments to the City of Sydney Act which will, essentially, remove my individual right to vote in the elections for the City of Sydney Council. I object to being disenfranchised in the manner proposed.

In a letter dated 27 May, Paul Lincoln Smith of Magnum Realty Investments Pty Limited wrote:

I strongly object to the proposed legislation and would mention the following:

- Non residents in Sydney pay 96.4% of the rates for the City of Sydney Council
- The CBD is the principal business centre in Australia. The business community therefore, as the major ratepayer, should have the major voice in the electorate.

I simply say that money should not be the issue when it comes to voting rights. It is extremely important that we maintain enfranchisement for the population. Money earned is not the appropriate criterion for permitting businesses to register more than one vote. Such a proposition does not sit well with the Greens at all. As a Green I do not accept that argument. I pursue the matter no further. According to Kathryn Greiner, there are on the voting roll approximately 4,000 residents and 8,000 non-residents. A document given to me by Frank Sartor points out that the top 10 partnerships in the city pay no rates, have no buildings, but get 709 votes; but the top 10 ratepayers pay \$17 million from 83 buildings and get 10 votes. The document indicates also:

All firms should be treated equally and entitled to a single vote, irrespective of their size or structure. It is undemocratic that specific types of firms—partnerships—are entitled to multiple votes, when all other firms, ratepayers, property owners and residents are entitled to one vote.

AMP for example, pays about \$4.7 million in rates and owns 23 properties yet is only entitled to one vote. By contrast, the 155 partners of Cooper and Lybrand/Price Waterhouse own no buildings, pay no rates and need not be residents in the City of Sydney yet have an entitlement to 155 votes.

It is an interesting exercise to compare the situation in Sydney with that of business centres in other States. For instance, the city of Melbourne has 55 per cent of business voters on its roll, the city of Perth has 49 per cent and Adelaide 41 per cent.

The Hon. D. J. Gay: They are different areas.

The Hon. I. COHEN: The Hon. D. J. Gay will have ample opportunity to contribute to the debate. I am entitled to a point of view, if the honourable member will allow me to put it. The city of Sydney has 58 per cent of business voters on its roll. In Adelaide and Melbourne one partner only in a partnership may vote. Brisbane, Hobart and Darwin do not permit voting by any partners. In Perth all partners of a partnership are permitted to vote. Therefore, in the Coopers and Lybrand/Price Waterhouse partnership all 155 partners would be entitled to vote. The Sartor document reminds us that in 1988 the Greiner coalition Government introduced a gerrymander into the city of Sydney. A table in the document demonstrates that prior to the 1988 Greiner changes residents comprised 73 per cent of the electoral roll. After the changes they accounted for only 24 per cent. The document further states:

The current franchise for the City of Sydney is biased and undemocratic . . . The current franchise has anomalies which discriminate in favour of profession-based organisations over ratepayers, retailers, residents and business . . . The business

vote proportion in the City of Sydney franchise is, and will remain, the highest of any city in Australia.

I have received letters in support of the bill. In one such letter David Patch, barrister of Denman Chambers, states:

Allowing all the partners in large firms of solicitors, or all the barristers in a barristers' chambers, to each have a vote in the City of Sydney elections is patently undemocratic. Why should I and my colleagues, just because the way we organise our business, be entitled to more votes than other people? Each business organisation, be it a corporation, a partnership, or a group of barristers, should only be allowed one vote. I am happy to lose mine, because it would make the result more democratic.

I refer now to the amendments to the Local Government Act. A number of Green councillors have concerns about the amendment proposed in item [9] of schedule 1 to the bill, an amendment to section 308A of the Local Government Act. The amendment will allow above-the-line voting on group tickets for areas that are divided into wards. Previously the Act permitted such voting only in councils that were not divided into wards. The Government's rationale for this amendment is that in State and Federal elections voters have the opportunity of voting above or below the line. A letter to my office from Greens Councillor Murray Matson of Randwick City Council outlined some of the negative effects of this section for minor parties, and stated:

It is being argued that this introduction of group voting tickets into ward based Councils is merely intended to make the Local Government consistent with the "above-the-line-voting" procedures of the State and Federal Parliaments.

I disagree that this is a desirable outcome!

It is pertinent to remember that above-the-line-voting was initially introduced into the parliaments on the justification that it would reduce the level of informal voting.

It is questionable whether this same justification exists for ward systems which are not 100% comparable to the parliamentary upper house systems.

Councillor Matson stated:

. . . it is argued that group voting tickets are useful to voters in the State and Federal upper houses because of the large number of candidates that have to be placed on the ballot paper. But, it is less easy to argue the same for ward based Councils that have many fewer seats and thus fewer candidates.

Councillor Matson makes the point that in ward systems there will already be a very low informal vote. Why then is there such an overwhelming need to be consistent? There is no such need because we are talking about two somewhat different voting forums. It must be recognised that the ward system

at the local government level is at odds with the one electorate principle underlying the State and Federal upper Houses. Individual councils can presently choose to implement either a single electorate voting system or a ward system. Councillor Matson continued:

If Councils wanted above the line voting they could always adopt the one electorate or no ward system which presently allows for group voting tickets. Thus it is arguable that the required consistency is already present at the local government level in the one electorate no-ward-option.

Surely wards are adopted in situations where it is felt that a greater local community focus is required and a simple unambiguous and straightforward voting procedure is desired?

After all, there is one clear and definite drawback to the above-the-line method wherever it is now used.

It cannot be denied that there has been a loss in transparency to the voter as to where parties allocate their preferences after their own group.

The same loss of transparency will occur in ward based Council elections if group voting tickets are permitted. Councillor Matson uses the following example to illustrate the point.

An established party could deliberately run a "dummy" candidate to split a rival party's vote. The "dummy" candidate would stand on an almost identical policy platform to the targeted rival party—but then would lodge a group voting ticket that secretly directed preferences back to the established party in complete contradiction of the dummy party's alleged policies.

It is not enough to arrange for the full preference flow to be displayed within the polling booth. This would become just a piece of written information to be read and absorbed on top of the usual mountain of How-To-Vote cards handed to them as they fight their way into the booths on election day. It would be a further complexity leading to confusion.

In reality most voters would simply tick the box in good faith and never know that they had been deceived into voting for a party whose policies they did not support. This is not transparent democracy.

The fact that it already occurs in non ward Councils is irrelevant. It is irresponsible to argue that bad voting practices should be persisted with and extended on the grounds of consistency.

The Greens thus oppose item 9 because there is no clear advantage to the amendment and that its adoption will compromise transparency in the voting process.

During the course of perusing this bill it has come to the Greens' attention that there is another rort occurring under the Local Government Act. Section 285 of the Act sets out the voting system for the election of councillors as follows:

The voting system in a contested election of a councillor or councillors is to be:

(a) optional preferential, if the number of councillors to be elected is 1 or 2, or

(b) proportional, if the number of councillors to be elected is 3 or more.

The use of optional preferential voting and the connected counting method provided for in the regulations unfairly distort the election results where two councillors are elected per ward. Under this system it is possible to win 100 per cent of the seats in a ward with only 51 per cent of the vote. Compare this with the proportional system whereby it would take more than 67 per cent of the vote to win 100 per cent of the seats. Wollongong City Council provides an excellent example of the unfairness of the system. In ward 3 there were two group tickets and an Independent. The group tickets consisted of an Australian Labor Party ticket and a conservative Independent ticket. Franks and Darling were on the conservative Independent ticket and Samaras and Temple-Heald were on the ALP ticket.

When the primary votes were counted Franks gained 7,024 votes, Darling only 1,371, Samaras 5,881, Temple-Heald 547 and the Independent 652. At the first count Franks was elected. Preferences from Temple-Heald, the Independent and Darling were distributed. However, in the second count Franks was excluded because he had been elected. However, his preferences were distributed. Darling received 6,211 full-value preferences from Franks. Darling was eventually elected, even though on primary votes Darling received only 1,371 of the votes compared with Samaras' 5,881. This unfair system should be changed immediately. It is as serious a rort as the city of Sydney gerrymander. A proportional voting system should be used when there are two councillors per ward.

I have spoken about this with the Minister for Local Government, the Hon. Ernie Page. He has given me a commitment that he will look at the issue in the next session. I ask the Attorney General to place that undertaking on the record. The rort needs to be resolved before the next local government election as it has a significant impact on small parties that may be running candidates. In true democracy we should not entrench the power so unfairly in major parties at local council elections. I look forward to the Minister's comments and hope that the matter will be resolved for entrenched Labor Party and National Party councils throughout the State.

The Hon. D. J. Gay: There are no National Party councils.

The Hon. I. COHEN: I do not have the list with me, but a number of councils throughout the State have firmly entrenched powers.

The Hon. D. J. Gay: The National Party does not interfere with the business of local government. It never has and as far as I am concerned it never will.

The Hon. I. COHEN: Have members of the National Party never stood as candidates in local council elections? In country areas there has been an unwritten rule not to run party members in local government elections. It would be best if everyone was honest and included party identification on the top of the how-to-vote tickets. The Greens support the bill and hope that honourable members will consider further amendments on the local government level to bring greater democracy to local government in New South Wales.

The Hon. Dr A. CHESTERFIELD-EVANS [3.27 p.m.]: The Australian Democrats support schedule 1 to the Local Government Legislation Amendment (Elections) Bill and the timely changes that are contained within that schedule. It is inevitable that party politics should become a training ground in local government for the major parties and I believe that councillors with a political affiliation should declare that affiliation rather than hide behind the "independent" title. Group voting tickets and candidate information sheets are welcome changes and it is to be hoped that the quality of this material will improve significantly as a result. Voters, when provided with enough accurate material, are more than capable of choosing their elected representatives.

The extension of the requirement to extend the period for lodging declarations of electoral contributions and expenditure from three to four months is also to be welcomed. This extension will certainly be welcomed by political parties such as the Australian Democrats which stand many candidates at election time and have few resources. I know it will be welcomed by our party agent. I shall now deal with schedule 2—amendments to the City of Sydney Act 1988. As a Democrat I believe that the franchise for the Sydney City Council needs to be extended rather than reduced. The proposal to tinker with the ability of partnerships to vote is a minor change when greater democratisation is needed.

The central area is the heart of the city and it needs to be humanised. Sydney does not need a major central business district similar to American cities that are concrete jungles and become ghost

towns in the evenings. I do not agree with Opposition members that suggestions in the Goran report about a small CBD are necessary for Sydney to grow as a world city. Brisbane has a large franchise and is growing quite well. The review as to who should be entitled to vote is necessary. A wider geographical base needs to be considered and that broader categories of people should be entitled to vote, although I acknowledge that this requires a change to the Local Government Act which is not included in this bill.

The Australian Democrats were inclined to support the push for a properly resourced joint independent inquiry by both the State Electoral Commission and the Independent Pricing and Regulatory Tribunal. The Democrats suggested that IPART should consider the franchise aspect and that the State Electoral Commission should examine the matter of electoral rolls and boundaries. My predecessor, the Hon. Elisabeth Kirkby, wrote to the Electoral Commissioner in order to establish the capability of that office to conduct an inquiry into the franchise aspect. The Opposition's foreshadowed amendments are a temporary resolution of part of the issue and, therefore, I will support them, but with great reluctance. With current boundaries I am unsure that any formula will be able to achieve what the people of wider Sydney want for the heart of their city.

The Hon. R. S. L. JONES [3.32 p.m.]: I have no vested interest in whether the Liberal Party or the Labor Party is successful in this battle between the giants. It is quite distasteful that this legislation should involve a political battle. Representations have been made to honourable members by Kathryn Greiner, whose support by the Liberal Party is well known, and by Frank Sartor, who supposedly is an independent. I find distasteful this wrangle as to whether the legislation will affect one side of politics or the other. It would be naive to assume that the partnerships which will be removed by this legislation will all vote Liberal or all vote Labor. Probably the pattern of voting will not change and all this lobbying will have no effect on my decision or, hopefully, on the decisions of other members.

Honourable members should decide whether the legislation is appropriate, not whether the Liberals or Frank Sartor will win as a result of it—that would be very wrong! I applaud the National Party for not standing candidates in council elections. That is the right way to go, because councillors should be independent, they should represent local people and local interests and not broad party interests. I do not like the increasing movement of political parties into local government.

Local government councillors should deal with local constituencies only and not be heavied by political parties. No doubt many members of the National Party are councillors but they are not obliged to vote along party lines, and that is healthy.

Whether or not this legislation has merit needs to be carefully considered. I have looked at the various documents, including those from Frank Sartor, and I have spoken to Kathryn Greiner. It is clear to me that there is an anomaly: Sydney is the only city in Australia in which such a gigantic vote is given to partnerships. Perth is the other large city that gives multiple votes to partnerships: they have two votes; other cities have one or none. It is clear that there is an anomaly and perhaps it is appropriate to address that anomaly temporarily by removing that vote. I will move an amendment to allow two votes for partnerships, because quite a lot of partnerships are husband and wife teams. I will propose that Sydney adopts the Perth model in the interim. But we need to look more broadly at who should have the right to vote, and who should be included on the electoral roll in the city of Sydney.

During changes to the City of Sydney Act in 1988 I negotiated with the then Attorney General, the Hon. J. P. Hannaford. I had hoped to maintain city boundaries, including the areas which have now been excluded from the city of Sydney, such as Kings Cross and south Sydney. A well-represented, vibrant, living city needs to have a large cross-section of people. It was wrong to dismember the city and establish a little central business district core. I attempted to negotiate with the present Attorney General to maintain the larger city area with its broader diversity of representation. Unfortunately, the Labor Party at that time refused to agree; it wanted the council area to be smaller so it could be run by an executive government.

Although I support the legislation, I will move one or two amendments. It is important that, before the next election is held, an independent person investigate who should be eligible to vote for the Sydney City Council. The election should not be rorted by one side or the other. I sincerely believe that it is an anomaly that partners have so many votes. A small number of firms, such as Clayton Utz, Coopers and Lybrand, Price Waterhouse, KPMG, and others have an inordinately large number of votes, beyond their representation, while other large companies have very little representation.

It is an anomaly that about 10 large companies have about 709 votes, which is a large proportion of the vote. However, I do not assume that those 709 partnerships are all Liberal voters. I would not be at

all surprised if one-third of them voted independent, one-third voted conservative and one-third voted Labor; who knows! It is wrong to assume that they are all Liberal voters and that this legislation would allow the system to be rorted in favour of Frank Sartor. I expect that this will have no impact. I expected with the electoral redistribution that there would be a reduction of numbers in the lower House. When an attempt was made to set boundaries in favour of the ALP by reducing numbers in the lower House I said that would have no effect, it would end up with either exactly the same result or something which they did not want.

The Hon. D. J. Gay: You voted to support it.

The Hon. R. S. L. JONES: Of course I did, and I would do so again.

The Hon. D. J. Gay: Why?

The Hon. R. S. L. JONES: It did not disadvantage anybody. It was a decision of Government which I supported at the time; there was no problem. It worked out in the coalition's favour. At the time Peter Collins was frothing at the mouth and he said to me at a meeting, "You are advantaging the ALP." I replied, "I'm not. Wait until you come to the result. Wait until the redistribution is done. I'll bet you anything that it will be absolutely fair and then you can come to me with a bunch of flowers and apologise for the things you have said to me."

The Hon. D. J. Gay: You voted against a fairness provision.

The Hon. R. S. L. JONES: That fairness provision has not worked in South Australia, as the Hon. D. J. Gay well knows. It has been an absolute disaster. It is not fairness at all; it completely distorts the whole voting system and the electorates. That is why I did not vote for it, but I will vote for the legislation as it stands now. I do not believe it will advantage one side or the other, whether that be Kathryn Greiner, who is present in the Chamber today, or Frank Sartor. The result will not be skewed one way or the other. But we must once and for all work out exactly who should have a vote for the city of Sydney council and whether the boundaries should be expanded or the franchise should be extended to other people. I would rather have more total voters for the city of Sydney, but not necessarily all from partnerships, law firms or accounting firms. The vote should be expanded, because the more people who vote the better representation will be achieved. The fewer voters, the more problems there will be with possible

distortion. Therefore, I think the inquiry is essential and I hope that the results can be brought down in time to amend the legislation, before the next election if need be.

The Hon. A. G. CORBETT [3.37 p.m.]: One could be forgiven for thinking the Local Government Legislation Amendment (Elections) Bill impacted only on the city of Sydney. The amendments to the Local Government Act contained in schedule 1 will have an impact across the State. Given that other honourable members have thoroughly canvassed the issues associated with schedule 2, I shall concentrate my remarks on schedule 1. That schedule addresses issues which were raised during the conduct of the elections for local councillors in 1995, the first ordinary elections to be conducted under the 1993 Local Government Act. Local government elections are an extensive undertaking. Given the number of councils with wards, 385 separate elections were held across 177 local government areas in 1995.

Standardising the procedure and administration of these elections, which for the first time were conducted by the Electoral Commissioner instead of the council's town clerk or general manager, was a welcome product of the Local Government Act. As changes occasioned by the Act were extensive it was appropriate that the issues arising from these elections be reviewed and that any wrinkles in the system be ironed out. Councils were given an opportunity to respond to a discussion paper released by the Department of Local Government in 1996 and the amendments proposed by this bill presumably result from responses to that paper.

Some difficulties arose in the administration of the 1995 elections. That was inevitable given the shift in responsibility for their administration. While the Electoral Commission was responsible for the overall conduct of the election, the responsibility for the day-to-day management of each council's election fell to the returning officer appointed for that local government area. This required the appointment of 177 returning officers—with varying skills and experience—well in excess of the number required for either Federal or New South Wales State elections.

It is essential that prior to the 1999 election the Electoral Commission ensure that appointed returning officers receive adequate training and briefing on the provisions of the Local Government Act with respect to the conduct of elections. At the last elections such knowledge was not always apparent in some local government areas. General managers are generally keen that, based on cost and

efficiency, responsibility for conducting elections be returned to councils. This procedure would not be desirable, given the apparent conflict of interest, but it is important that the Electoral Office and councils reach mutual agreement on costs associated with running elections. The Electoral Office is in the enviable position of being able to run elections as it sees fit and the council is responsible for picking up the tab.

At the last elections this procedure resulted in some undesirable outcomes. For example, in one local government area on the second counting day, the Sunday after the election, the returning officer forwarded to Sydney a contested bundle of about 50 votes for determination. This necessitated the suspension of the count for several hours. The returning officer required that all staff present for the count remain at the polling station. That resulted in extensive overtime payments for a period during which no counting took place. The overall casual salaries bill for the particular council's election amounted to just under \$190,000, a significant part of which was for the non-count period on the Sunday afternoon.

The same returning officer required that council purchase a fridge for his office at a cost of nearly \$300. I seek the assurance of the Minister that the Electoral Office will be encouraged to reach mutual and satisfactory agreement with councils on those aspects of an election that incur extensive costs for councils. Another aspect of the 1995 election that must be examined is the role of the Australian Electoral Commission in resolving section votes, that is, when a person wanting to cast a vote is not listed on the roll at the polling booth but claims to be enrolled. In such circumstances the person is permitted to cast a vote, but before it is counted the person's eligibility to vote is determined by the relevant electoral commission.

In the 1995 election the AEC had responsibility for determining section votes and was completely overwhelmed by the number of votes forwarded for determination. During the Sunday after the election 177 councils relied on this one office to determine votes, but the AEC had not engaged enough staff to handle the number of disputed votes. These practical problems cannot be addressed by legislation; nevertheless, they must be addressed before the next election to avoid the confusion and unnecessary expenditure that resulted. The majority of respondents to the 1996 discussion paper would have been councils and councillors, therefore it was unlikely that any substantial case could be made to challenge the voting and counting system of the earlier elections.

As councillors elected at the 1995 elections were the beneficiaries of whatever electoral system operated at the time, it was very much a case of winners not only writing history but writing future policy as well. An unfortunate consequence of this mechanism is that councils do not make recommendations that might open up elections because it would change the system that elected them. Another unfortunate trend of this bill is the advantage it extends to major parties in local government elections. The introduction of group tickets and group voting in council areas that are divided into wards sounds the death knell for local government as the one sphere of government in which individual and independent candidates had a real chance of getting noticed and elected.

It will be interesting also to determine the effect the requirement that groups make declarations of electoral contributions and expenditure will have on the decision of groups to contest local government elections. Whilst it is desirable that such groups be accountable for their election funding and expenditure, particularly when many groups consist of representatives of major political parties, it may discourage like-minded individuals from contesting election as a group in order to avoid having to co-ordinate their funding and reporting. In the past groups have been formed on the day nominations closed, when individual candidates met, found themselves in sympathy, and resolved to form a group for the purposes of contesting the election.

It will have to be made clear to such candidates that forming a group moves the responsibility for lodging details about funding and expenditure from the individual candidates to the group. While I will support this amendment, I note that possible consequence. Notwithstanding these shortcomings, the bill has sensible amendments. In particular, I welcome the clarification of what may be contained in candidates' résumés. In the 1995 elections, these résumés were useful for identifying candidates and allowing policy statements to be contained in what are now called candidate information sheets. All candidates are able to provide material in support of their election for voters to read on polling day.

I note that the bill provides for the regulations to detail what may or may not be contained in the candidate information sheet. It is hoped that these regulations are not so complex or onerous as to invalidate what would otherwise be a perfectly acceptable statement of the candidate's background and policies. By and large, the amendments in schedule 1 are sensible and unremarkable and, accordingly, warrant support. However, I

foreshadow that I shall move an amendment to schedule 1 relating to the method of voting used for councils with wards. I shall discuss this further in the Committee stage. The unremarkable nature of schedule 1 stands in stark contrast to the response to schedule 2. One could be forgiven for thinking that there was only one council in this State. If it were not for the efforts of the Hon. D. J. Gay in respect of Byron Shire Council, it seems the only council this House would ever think and talk about would be Sydney City Council.

In recent weeks honourable members had their attention drawn, quite rightly, to the importance of the city of Sydney. However, this importance seems destined to be permanently exceeded by the controversy attached to its structure, coverage and composition. A government, whether the present or a future one, must attempt and achieve the impossible: secure a broadly acceptable and accepted structure for the city of Sydney. It must then entrench that structure so that it cannot be tinkered with time and again in an apparent attempt to assist whoever happens to be in favour with the government of the day. There is a need for a thorough inquiry into the administration of the city of Sydney, but the amendments contained in this schedule can be reasonably considered and adopted prior to any such review of the City of Sydney Act.

The question of partner franchises in Sydney has attracted the most attention and comment. Honourable members would have received representations on this issue from many partners with voting entitlements in the city who seem to share an unusual unanimity of opinion and writing style. I have also received personal representations from the Lord Mayor, Councillor Sartor, and Councillor Greiner. It is most unfortunate that any decision on the issues canvassed by this bill will be seen to have the effect of favouring one side of council over the other. These issues need to be carefully and thoughtfully considered, and their merit needs to be assessed for substance and not anticipated impact. Hence, I am not persuaded that these changes guarantee a particular electoral outcome to any political side—that decision will rest with the voters at the next election.

Given their presence in the city of Sydney, business interests need to be given their proper place in the franchise for the city. I am persuaded that as a result of these amendments business will remain adequately enfranchised, and their interests will be sufficiently represented. It is unfair that a particular business arrangement warrants multiple voting rights when other corporate entities are entitled to one vote only. Partnerships will still be enfranchised under

these arrangements, still able to cast a vote for the future of the city—just not to the extent that was unfairly provided for under previous arrangements. Multiple voting rights for partnerships raise interesting questions. The franchise for corporations and firms rests on a presumption that the vote cast by the business will be cast in the interests of that business.

To justify a firm's existence, presumably any vote cast in the city elections by partners is made in the interests of the firm and not based on the personal beliefs of the individual partners. In that case, it would be reasonable to assume that all votes cast by a partnership will be directed to one particular candidate or group. Under the current system a voting decision by the partnership is multiplied by the number of partners in that firm. No other comparable local government area has a franchise of that nature. Partnerships are unfairly advantaged over other city businesses and corporations.

I accept that there may be a case for reviewing the franchise for the city, but so long as those businesses that are not structured as partnerships are entitled to only one vote, partnerships should be similarly enfranchised. Whatever form the inquiry takes, it should examine the number of votes allocated to business voters. Faced with the choice between equalising the number of votes for corporations and partnerships or retaining the status quo, I shall vote to guarantee an equal franchise for business voters.

Attracting less controversy on this occasion, but following on from the administration of the 1995 elections for the city, it is proposed to require a clean-up of the non-residential roll prior to an election in the city. This is a desirable practice, given the transient nature of non-residential entities in the city. A case may be made for an affirmative re-enrolment process such as that carried out by the Australian Electoral Commission, but in the absence of such a process the procedures outlined in the bill are an acceptable compromise. Given that the general manager maintains the non-residential roll, and will continue to do so in light of the Electoral Commissioner's reluctance to adopt that responsibility, a reasonably practicable method of ensuring the integrity and accuracy of the roll must be determined.

I disagree slightly with the provisions contained in the bill in regard to the time frame for the conduct of the clean-up. I shall propose an amendment to ensure that the notice to electors on the non-residential roll of the city is sent out by the

general manager at least two months prior to any ordinary election for the council. This will enable adequate time for firms to respond to the letter from the general manager, taking into account the various circumstances in which a month may not be adequate to meet the requirements of the bill. I believe that the amendments contained in the bill will bring greater certainty and integrity to the electoral processes of the city of Sydney and, by and large, I shall give them my support.

Reverend the Hon. F. J. NILE [3.50 p.m.]: I support in principle the Local Government Legislation Amendment (Elections) Bill. However, I have some reservations about aspects of the bill and will support a number of the amendments that have been foreshadowed. The bill incorporates amendments to two Acts: the Local Government Act 1993 and the City of Sydney Act 1988. The amendments to the Local Government Act are basically administrative and I believe that, in the main, they will improve the conduct of local government elections. So far as I am aware, the amendments are non-controversial and there has been a great deal of consultation and feedback in regard to them. I do not believe the same can be said about the amendments to the City of Sydney Act 1988.

The amendments to the Local Government Act cover a number of matters, including the requirement that in order to be duly nominated a candidate must be enrolled as an elector for the area, and must be qualified to hold civic office. There has been some debate about whether people who work for the council should be allowed to stand as candidates for election to that council. Some of those matters need to be clearly set out in the legislation. The bill also provides that instead of résumés the profiles of candidates will be expanded to become information sheets capable of including statements of policy and belief. That raises questions about the size of the information sheets, their cost and the number of candidates who might require information to be printed and distributed to ratepayers in a council area. That could become an expensive operation.

There may be a simple way of conveying that information, perhaps by the council gathering the information and printing a large advertisement in the main regional newspaper covering a particular council area. The amendments to the Local Government Act will also require groups to make declarations of electoral contributions and expenditure. I believe that that is a positive step forward, in line with State and Federal Government requirements in regard to such disclosure. It will

reveal whether there has been any conflict of interest, by way of large donations to a particular candidate—elected or not elected. Such disclosure will reveal whether there has been any attempt to influence a candidate by one or more individuals, perhaps even a real estate developer.

The amendments will extend from three to four months the period for lodging declarations of electoral contributions and expenditure. I agree with those amendments. Often considerable paperwork is required, and most organisations involved with local governments do not have offices or full-time staff. Any amendment to allow adequate time to prepare such documents is desirable, particularly when penalties are to be imposed for late returns. The amendments will allow group voting tickets at all council elections, not only in elections in which there are no wards, and will authorise the Electoral Commissioner, instead of the returning officer, to fix by-election dates. They will update the procedure for follow-up of non-voters by allowing for computer-scanned rolls to clarify that an extract prepared from a roll is *prima facie* evidence in non-voter prosecutions.

The amendments will clarify the details of proposed ward boundaries, as submitted to the Electoral Commissioner, to enable the commissioner to provide enrolment data, including the residential electors' names and addresses, and also advise councils whether the proposed ward boundaries will enable the elector variation of 10 per cent to be met. Finally, the other amendment contained in the bill will expand the definition of "election" to provide that mayors may be dismissed from civic office by declaration of the court following an irregularity in an election. Some honourable members have suggested that the House has ignored all the positive aspects of the bill and has concentrated on the amendments to the City of Sydney Act. Obviously, anything that happens to the city of Sydney is of vital importance.

We must always, of course, be concerned about the electoral laws and requirements for all council elections throughout the State, but I believe the city of Sydney is in a special category. With a population of approximately four million, Sydney has almost two-thirds of the population of New South Wales. Because of its size, Sydney—and particularly the city of Sydney—will always be of prime concern to the State Parliament and to any State government, Labor, Liberal or coalition. In principle the Christian Democratic Party believes that by seeking to amend the City of Sydney Act the Minister has opened up the issue of change. I believe he has provided an opportunity for this

House to decide that the legislation should go further and that we should consider the overall conduct of the city of Sydney elections instead of apply mere bandaid solutions.

The Christian Democratic Party also believes that the New South Wales Electoral Commissioner should conduct the election for the city of Sydney because it is such an important election; and that the roll should be maintained and used by the New South Wales Electoral Commissioner in the same way as rolls are used for the State and Federal elections. Our view is that there should be a change in the way that electoral rolls are updated; that persons enrolled should be required to notify any change of address and that, if they have not so notified those changes, it should be assumed that they have complied with the law and are eligible to vote.

It would appear that in the city of Sydney the procedure is reversed and voters have to prove that they are eligible and wish to vote in order to have their names recorded on the roll. Because of the considerable pressure on business firms and individuals who are very active in the life of the city, those requirements could be overlooked and electors could become ineligible to vote on polling day merely because they have not completed the necessary paperwork. Obviously, the controversial aspect of the bill is the amendment to change the definition that relates to the groups of persons who are eligible to vote. The Government claims that the bill will make the situation fairer, that an inequitable situation has existed in the past under which partnerships have had more than one vote, and that the bill will treat partnerships in the same way as corporations are treated.

Corporations have only one vote. With respect to qualification for enrolment as a non-residential elector, partnerships will be required to nominate a single elector instead of each partner being eligible to vote. That must reduce the number of people who vote. The Government argued that it is not fair that one group of people, such as a partnership, should have more than one vote when large corporations such as AMP have only one vote. It is an injustice that large corporations that have invested millions of dollars and are deeply concerned about the development of the city of Sydney have only one vote.

Rather than having a process that treats a partnership as a corporation by restricting it to one vote, we would prefer companies like AMP to be entitled to a certain number of votes based on a formula. I have not worked out a formula, and I am

not suggesting one. It would be possible to work out a formula to make the voting system more equitable; for example, one vote for every \$10 million invested. Large corporations which invest \$50 million could thus be entitled to five votes. For those reasons the Christian Democratic Party will support the amendment to be moved by the Hon. D. J. Gay that a special commission be set up for the purpose of conducting a review.

Pursuant to sessional orders business interrupted.

QUESTIONS WITHOUT NOTICE

SOUTH COAST LABOUR COUNCIL

The Hon. J. P. HANNAFORD: I ask the Treasurer, representing the Premier, a question without notice. Is it a fact that the South Coast Labour Council will not support the Carr Government because it has neglected the people of the Illawarra? Does its disappointment relate to the fact that the Government pulled a stunt by announcing a massive grant to Wollongong Hospital but not revealing that the money would be spent over four years? How does the Treasurer respond to this clear lack of confidence in his Government?

The Hon. M. R. EGAN: I am not aware of the matter to which the Leader of the Opposition refers.

The Hon. J. P. Hannaford: The South Coast Labour Council won't back the Labor Party.

The Hon. M. R. EGAN: That does not surprise me.

The Hon. R. T. M. Bull: Paul Matters—is that him?

The Hon. M. R. EGAN: Precisely. I believe the person to whom the Deputy Leader of the Opposition refers is the same as the Paul Matters who opposed the rebuilding of the Port Kembla copper smelter and who opposes almost any proposal for development and jobs in the Illawarra. For my part, I would never expect to obtain Paul Matters' support for anything, and I would never give him my support for anything.

COMPULSORY THIRD PARTY INSURANCE PREMIUMS

The Hon. B. H. VAUGHAN: I direct my question without notice to the Attorney General. Is

the Attorney aware that the Managing Director of Australian Associated Motor Insurers Ltd—AAMI—has denied making statements attributed to him in today's *Daily Telegraph* to the effect that the cost of green slips could increase by between 8 per cent and 10 per cent?

The Hon. J. W. SHAW: I am aware of the report in today's *Daily Telegraph*, and it needs to be corrected. The Managing Director of AAMI, Mr Keen, has assured the Motor Accidents Authority that he was misquoted in the article and that he did not make the comments that were attributed to him. I am advised that AAMI is currently the cheapest green slip insurer in the Sydney market for its preferred customers and that the cost of its green slips will remain in place until at least 31 December 1998. The Motor Accidents Authority has not received any requests from the company to increase the cost, and the Government is not aware of any intention by the company to do so.

I am told that the Motor Accidents Authority is of the view, and has informed insurers, that the cost of green slips is sufficient to fund their liabilities and that further increases are not warranted at present. The MAA will strenuously review and challenge any request by a green slip insurer to further increase its prices. Vehicle owners should bear in mind that there is now a competitive market for green slip insurance and that prices vary between companies.

It is in everyone's interest to shop around and compare prices. The Government has asked—and the MAA has acceded to its request—that more information be given to consumers about competitive pricing in this market. The MAA makes it easier to find out what is available by providing up-to-date prices on its telephone help line and its web site. I am advised that the MAA has received nothing to suggest an increase in the cost of green slips. The article is a serious misrepresentation of the situation.

TOTALIZATOR AGENCY BOARD CENTRAL MONITORING SYSTEM

The Hon. R. T. M. BULL: I address my question without notice to the Treasurer, Minister for State Development, and Vice-President of the Executive Council. Is the Treasurer aware that the TAB is considering linking only those clubs and hotels that are economically viable? Will the Treasurer clarify the parameters of the central monitoring system and give an assurance that all clubs and hotels in New South Wales will be linked, given that the Independent Pricing and Regulatory Tribunal devised the fee structure on that basis?

The Hon. M. R. EGAN: I would be happy to refer the question to the Minister for Gaming and Racing, my colleague the Hon. Richard Face, and also to the chairman of the now privately owned New South Wales TAB. Having regard to the fact that the TAB was privatised a week ago last Monday, I cannot see how the question has anything to do with me.

CONSTRUCTION INDUSTRY CREDIT SURVEILLANCE

The Hon. A. B. MANSON: My question without notice is directed to the Minister for Public Works and Services. Is the Minister able to provide the House with any further information in response to Opposition claims that the Department of Public Works and Services plans to set up a credit surveillance unit for the construction industry?

The Hon. R. D. DYER: I can indicate to the House unequivocally that the Carr Government will not introduce a credit surveillance unit within the Department of Public Works and Services. I am sure honourable members would agree, however, that it is important that contractors employed by the Government in any capacity are capable of adequately discharging their responsibilities with respect to financial management and the payment of subcontractors. That applies in particular to the construction industry, in which a large amount of work is performed by subcontractors, many of whom are small or family businesses.

By ensuring that contractors attain a certain level of financial assessment and are capable of meeting payments to subcontractors, the Government is once again displaying its commitment to small businesses in this State. The Government has outsourced this financial assessment to a private sector financial assessor. The Department of Public Works and Services is the contracting agency on behalf of other member agencies of the construction policy steering committee.

The Deputy Leader of the Opposition claimed that this process was taking place in secret. That claim is incorrect. It may interest the honourable member to know that approximately 300 contractors were advised of and consulted about the proposal for uniform financial assessment. The Deputy Leader of the Opposition also raised the issue of protection for private and personal information, which is indeed an important matter. The financial assessor will be bound by a confidentiality requirement, and accordingly will not be permitted to release information to other parties without the permission of the contractor concerned.

Confidential information relating to a particular construction contractor will remain the property of that contractor at all times. The financial assessor will not be able to use the information obtained under the proposed contract to produce reports for any party outside the contract without written permission of the contractor. The department also imposes a range of additional requirements and restrictions on the financial assessor, and provides for certain contractors' rights. Amongst other restrictions, the financial assessor must also respond to all queries by contractors, accept orders from and send reports only to authorised agency employees, and provide secure storage for commercially confidential information.

The assessor must have a formal procedure to destroy out-of-date information or return the information to the relevant government construction agency. Monthly management reports are required to be provided to the Department of Public Works and Services as part of the financial assessment contract administration. Data collected under the proposed contract will be kept separate from any other data collected by the financial assessor, and all data related to the proposed contract will be transferred to the relevant Government agency at the end of the contract.

The PRESIDENT: Order! As honourable members would be aware, I have always taken a special interest in the responses of the Minister for Public Works and Services. However, I am having difficulty hearing the Minister's answer and I urge all members to listen to him in silence.

The Hon. R. D. DYER: Madam President, I hope I can say without any disrespect to you that it is less discomforting to me that you are in the chair, rather than immediately opposite me wearing a somewhat quizzical expression, as you used to, with which I sometimes found it difficult to cope. The Leader of the Opposition is worried about nomenclature. Previously I was talking about a financial assessor in the private sector, so we do not have to worry about titles. The Leader of the Opposition should listen to my response so that he can understand the material I am conveying to the House. I trust that the information I have furnished will be of some interest to the Deputy Leader of the Opposition. I hope that I can set his mind at rest so that he does not lie awake at night worrying about this matter.

GOVERNMENT AGENCY LEGAL SERVICES

The Hon. JANELLE SAFFIN: I direct my question without notice to the Attorney General,

Minister for Industrial Relations, and Minister for Fair Trading. Can the Attorney inform the House what the Government is doing to improve the quality of legal services provided to government agencies?

The Hon. J. W. SHAW: In 1995 the legal management service was established with the objective of providing a range of services to improve the quality of legal management in the public sector. The service was established at no additional cost to the Government because its costs were met from the resources of the Attorney General's Department. Honourable members will recall that the review of the government legal services identified the quality of legal management as an area of public sector management that could be substantially improved. The establishment of the legal management service is directed at the consumers of public sector legal services, that is, government agencies. Because of the increasingly regulated and accountable environment in the public sector, and the reforms to government legal services in the Crown Solicitor's Office, the legal management service provides a range of services which assist government agencies to ensure that they get effective value for money.

The Attorney General's Department has a natural role to play in providing leadership to government legal services agencies. The role of the legal management service is primarily focused on assisting government agencies in how to assess and meet their legal service needs. The broad agenda for improving the quality of government legal services includes better alignment of legal services to corporate goals and objectives, obtaining optimum value for money for their legal needs, better meeting legal needs, reducing legal risk and liability, improving the quality of legal management and services, providing legal management education and sharing public sector legal knowledge and resources.

The Government is committed to the principle of ensuring that government agencies have independent and accountable legal advice. In practice this means a number of things, including recognising that decisions on legal services best rest with individual agencies, establishing models of best practice for government legal services, drawing on existing government expertise such as that in the Attorney General's Department and external experts to provide assistance, and enhancing the role of the Attorney General's Department as a leader and service provider in the area of legal services and legal information for government agencies.

Since its establishment the service has initiated a number of significant changes. First, the legal

management service developed a methodology and guidelines for reviewing legal needs and current services and guidelines for the selection, engagement and evaluation of legal service providers; secondly, the service developed and commenced running a comprehensive legal risk management education program; thirdly, several consultancies were provided to public sector agencies in reviewing or competitively selecting legal service providers; fourthly, a service for the distribution of information on trends in legal service relevant to government lawyers and enhanced access to the information resources of the Attorney General's Department was developed; and, finally, a survey of government agencies on the use of legal services was completed, and the results have been published as a report to government agencies.

CRISIS ACCOMMODATION

The Hon. PATRICIA FORSYTHE: My question without notice is directed to the Attorney General, representing the Minister for Community Services. Is it a fact that a draft report to the Department of Community Services shows that an extra \$36 million is needed to meet the demand for crisis accommodation in New South Wales? What is the State Government doing to alleviate this problem? Will the Government publicly release the report? If not, why not?

The Hon. J. W. SHAW: I undertake to refer that question to the relevant Minister and obtain a response.

NORTH COAST HEALTH SERVICES

The Hon. I. COHEN: I ask the Minister for Public Works and Services, representing the Deputy Premier, Minister for Health, and Minister for Aboriginal Affairs, whether the Minister can explain why the Australian Labor Party appears to have forgotten the health needs of the north coast in its current budget, particularly the closure of surgical services at Mullumbimby hospital due to the lack of recurrent funding of \$200,000. Given the acute problems of drug addiction on the north coast, coupled with the scarcity of treatment facilities, will the Minister deliver on the promise to provide a detoxification unit for Lismore?

The Hon. R. D. DYER: First, the Prime Minister is turning his back on his constituency. Federal funding cuts are impacting significantly on health services in rural and remote areas.

[Interruption]

I know that it is discomfoting for the Hon. Dr B. P. V. Pezzutti to hear this, but it is the funding cutbacks of his Federal colleagues that are impacting on the rural and regional communities for which he claims to have some sympathy. On the other hand, the Carr Government is committed to providing the best possible health services to rural communities. Funding for rural areas has been increased by an enormous 21.3 per cent, or \$166 million, since 1995 to a total of \$944.38 million in the current budget. Initiatives under way at the moment include expansion of the multipurpose service program, continuous quality improvement, better practice guidelines for rural hospitals, telemedicine projects and pilot hospital-in-the-home initiatives.

Currently rural capital works totalling more than \$190 million are in planning or being implemented in New South Wales. The Government is concerned about the supply of doctors and the ability of rural health services to provide optimal care to all rural communities. In accordance with Federal Government responsibilities this matter is being raised nationally at the ministerial level. A number of strategies are in place for recruiting and retaining health professionals in rural areas for longer terms.

For example, in July 1997 the Minister for Health announced the allocation of \$2 million for rural work force initiatives for 1997-98 and 1998-99, including a pilot toll-free telephone link to enable general practitioner access to specialist services; 20 scholarships and 50 clinical placement grants for students in eight allied health professions, including physiotherapy, speech pathology, occupational therapy, dietetics, pharmacy, podiatry, social work and psychology; a pilot locum service for specialists in obstetrics and gynaecology; and an implementation monitoring committee, which was established in October last year. Two members of that committee—one from the Shires Association of New South Wales and the other from the New South Wales Farmers Association—are also members of the country summit task force.

Telemedicine provides rural areas with access to specialist consultation for assessment and referral on a range of health issues. Specialties being trialled include psychiatry, pathology, radiology, obstetrics, paediatrics and ophthalmology. Two professorial chairs in rural and remote nursing will be established by the end of 1998 in conjunction with the University of Sydney and Charles Sturt University. The chairs will act as a conduit between health services, health providers and the tertiary sector. This will greatly benefit nurses in the area, further improve—

The Hon. Dr B. P. V. Pezzutti: On a point of order. The question asked by the honourable member was precisely about health funding on the north coast of New South Wales. The Minister in his answer has moved from Canberra to Wagga Wagga, and he has not even come vaguely close to the north coast. I ask you to direct him to answer the question with a bit more precision and relevance.

The PRESIDENT: It is the prerogative of the Minister to answer the question as he sees fit. I am sure that the Minister's remarks so far have merely been by way of introduction. There is no point of order.

The Hon. R. D. DYER: Having made those preliminary comments by way of introduction, I indicate to the House that a committee including staff and community representatives was set up late last year to consider options for the future role of Mullumbimby hospital. It will not be downgraded. It will have a better mix of services designed to suit the community it serves, which will include additional mental health workers, an additional drug and alcohol health worker with a specific focus on adolescent care, additional child and family nursing, expanded speech pathology services and new occupational therapy services. A 24-hour emergency service will be available to the people of Brunswick Valley as well as in-patient services, obstetric services and a procedure room for use by general practitioners and specialists.

These new services will commence on 1 July 1998. These community-based services will replace the existing surgical services provided by the hospital. Instead of 276 operations per year, an additional 1,200 people from the Brunswick Valley will have access to local community services. There will be no withdrawal of funds from health services in the Brunswick Valley. The former coalition Government had a clear agenda to close and wind down small and rural hospitals. The Carr Government has a different agenda: it is rebuilding rural health services badly damaged under the preceding regime. If there is any aspect that has not already been adverted to in that expansive response, I would be very happy to obtain that information from my colleague the Minister for Health.

The Hon. I. COHEN: I ask a supplementary question. The Minister stated that services would not be downgraded. Although he detailed the upgrading of services, he did not mention whether surgical services at the Mullumbimby hospital would close. Correct me if I am wrong, but I did not hear the Minister make any mention of the House's previous promise to open the detoxification unit in Lismore.

The Hon. R. D. DYER: The Hon. I. Cohen should read today's *Hansard* when it becomes available tomorrow morning, and check the responses I have given. He will then see that I have adverted to matters to which he has referred. Whether it is by way of full satisfaction of the member's inquiry is another matter. However, I have indicated to the House and I indicate to the member individually that if he remains dissatisfied with any aspect of the response I have given, I will be more than happy to obtain further information from my colleague the Minister for Health.

ASIA TRADE RELATIONSHIP

The Hon. A. B. KELLY: My question without notice is to the Treasurer, Minister for State Development, and Vice-President of the Executive Council. What is the New South Wales Government doing to maintain trade relationships with Asia?

The Hon. M. R. EGAN: I am pleased to inform the House that last Friday my Parliamentary Secretary, the honourable member for Port Jackson, Sandra Nori, represented me at the National Trade Ministers Consultation in Darwin, because I was in Parliament. The meeting, involving Commonwealth, State and Territory Ministers, reviewed the major priorities for international trade and investment. One of the significant outcomes of the meeting was agreement of the Ministers and their strong support for continuing to provide culturally diverse and politically stable environments for enhanced trading relationships.

Ms Nori initiated the inclusion of a statement in the joint communiqué that rejected any policies that would jeopardise Australia's trade and investment linkages with Asia and the world. Foreign trade and investment are essential for the continued growth and development of New South Wales and, indeed, Australia. During the past five years the New South Wales Government has secured 50,000 new jobs by actively pursuing foreign investment in this State.

That is 25 per cent of total net employment growth in the same period. We must continue to foster a first-class reputation when it comes to attracting foreign investment. Some 38 per cent of investment in the New South Wales mining industry is overseas investment. In 1997 more than 54,000 overseas students were studying in New South Wales. TAFE New South Wales and government secondary schools received nearly \$15 million in revenue from fee-paying overseas students. We will continue to make them welcome. It means not only

income for New South Wales but also building relationships with the countries of east Asia that provide further benefits for New South Wales in the long run. As I have previously stated, we are having great success in attracting regional headquarters to New South Wales. It is estimated that by 2002 our regional headquarters program will have brought in \$600 million and created more than 4,100 jobs.

The Hon. Dr B. P. V. Pezzutti: Tell us about call centres.

The Hon. M. R. EGAN: No, I will not tell you about call centres. I have told you about call centres before. I will tell you about call centres tomorrow, if you like. Maintaining relationships with Asia is not just important for attracting foreign investment. As a nation, we export more than 60 per cent of our goods and services to Asia. Some 54 per cent of New South Wales agricultural exports go to Asia. New South Wales cotton exports to Asia are worth \$542 million, wool exports \$599 million and beef exports \$318 million. I ask this House to join me and other trade Ministers of this country to ensure that New South Wales does not fall victim to damaging foreign trade and investment policies as outlined by the One Nation Party.

REDBANK POWER STATION

The Hon. J. M. SAMIOS: I ask the Treasurer, in his capacity as shareholding Minister and former Minister for Energy, whether he approved the contract between EnergyAustralia and National Power for the construction of the Redbank power station in the Hunter Valley.

The Hon. M. R. EGAN: Contracts between any of the energy utilities or, for that matter, any other State-owned corporation and any other party are commercial matters for the boards and the management of those organisations. I certainly would not be involved in the approval of any contract of a commercial nature. That is a commercial matter for the boards.

The Hon. J. M. SAMIOS: I ask a supplementary question. What was the Minister's role in negotiations and approval of the contract between National Power and EnergyAustralia?

The Hon. M. R. EGAN: No role. As I mentioned, as the shareholding Minister I appoint the boards of these organisations. I do not undertake the commercial activities of these organisations. I had no role.

HOSPITAL PATIENT DEATHS

The Hon. R. S. L. JONES: I ask the Minister for Public Works and Services, representing the Minister for Health, a question. Does the estimation of 18,000 deaths every year through hospital errors have any validity? If that shocking figure is anywhere near correct does it mean that up to one in seven deaths in Australia occurs as a result of hospital error? Will the Minister conduct an immediate inquiry to determine the level of iatrogenic and other hospital-caused diseases and deaths? What can be done to reduce them?

The Hon. R. D. DYER: I would be absolutely amazed if the statistics cited by the Hon. R. S. L. Jones are anything like the truth.

The Hon. R. S. L. Jones: It was in the media.

The Hon. R. D. DYER: The honourable member said that they appeared in the media. I do not really think that can be necessarily treated as absolutely accurate. However, it may well be that some instances in the media have substance, and to that extent I certainly will refer the question to my colleague, the Minister for Health, and obtain a full and considered response for the Hon. R. S. L. Jones.

SMALL BUSINESS ASSISTANCE

The Hon. E. M. OBEID: My question without notice is to the Attorney General, Minister for Industrial Relations, and Minister for Fair Trading. What action has the Department of Fair Trading taken to assist persons seeking information to start a small business?

The Hon. J. W. SHAW: The Department of Fair Trading not only protects the rights of consumers but also works to inform and educate the business community. To start or expand a business is a complicated exercise. Often the business will require licenses and permits from various Government agencies. Finding out which licenses are required used to be one long paper chase. The Department of Fair Trading has simplified the process through the business licence information service. BLIS is a one-stop shop for information and can fast-track the search for what one needs to know about business licences.

BLIS helps untangle red tape and provides rapid answers to questions such as what licences are needed, how much a licence costs, for how long it is valid, whether a business name should be registered and what are the workers compensation and health regulation requirements? During the past 12 months

BLIS has provided more than 70,000 clients with information concerning licensing requirements for businesses. BLIS covers almost 700 New South Wales and Commonwealth business licences, registrations and permits. The service includes general information about New South Wales local Government planning and development requirements.

BLIS takes an average of three minutes to provide the licensing information required to get a business up and running. Best of all BLIS is a free service, and it is sufficient. Following a licensing inquiry, BLIS can produce all the necessary forms and accompanying guide notes on laser printers for instant, over-the-counter collection or same day postage. An ongoing procedure to check the currency of the information held on the data base with the relevant licensing authorities ensures that information given out is up-to-date and correct. The existing BLIS computer system is currently being upgraded to link the service to the Department of Fair Trading's web site.

Clients will then be able to directly access the information data base virtually 24 hours a day. Information about business licence requirements has never been more easy to obtain, and is about to become even more accessible for the people of New South Wales. The Department of Fair Trading is determined to continue to improve its services to the business community, because it is the Government's belief that businesses that are aware of and carry out their responsibilities ultimately provide better service to their clients.

MINISTER FOR LOCAL GOVERNMENT

The Hon. D. J. GAY: My question is to the Attorney General, Minister for Industrial Relations, and Minister for Fair Trading, representing the Minister for Local Government. Attorney, does the Minister for Local Government recall stating in the local government estimates committee on 19 June 1998:

... if I am the Minister in four months time I certainly will ensure that any aberration which occurs in the legislation, whether it be the Companion Animals, in the Impounding Act or the Local Government Act, I will come to Parliament with an amending bill.

Attorney, does that mean that the Minister has doubts that he will be a Minister of the Crown in four months time? Is the Minister giving the Parliament an early indication of a Cabinet reshuffle? Does it mean that the Premier has finally discovered that the Minister for Local Government has been missing in action for 18 months?

The Hon. J. W. SHAW: I take it that the Hon. D. J. Gay in his question quoted from the record of the evidence given by the Minister for Local Government when he appeared before the estimates committee. The Hon. D. J. Gay quoted an observation by the Minister which was in the subjunctive. Since life is finite and since we are all mortal one cannot absolutely predict what will happen in the future.

MINNAMURRA BENDS BLACK SPOT

The Hon. C. J. S. LYNN: I address my question without notice to the Attorney General, Minister for Industrial Relations, and Minister for Fair Trading. Have residents on the south coast been enduring a road black spot on the Minnamurra bends for more than a decade which the Government has only rated as a medium-term priority? Would the Premier advise residents of the south coast whether the Kiama deputy mayor and Australian Labor Party Federal candidate for Gilmore, Sandra McCarthy, has written to the Premier seeking assistance to upgrade the road? If so, what was the Premier's response?

The Hon. J. W. SHAW: I shall refer the question to my colleague the Minister for Transport, and Minister for Roads.

RELIGIOUS INSTITUTIONS DISCRIMINATION EXEMPTION

Reverend the Hon. F. J. NILE: I ask a question of the Attorney General, Minister for Industrial Relations, and Minister for Fair Trading without notice. Has the Federal human rights commissioner ruled that Catholic schools in New South Wales should be forced to re-employ a schoolteacher who was a well-known lesbian activist and a leader of the homosexual teachers and students association known as GALTAS—Gay and Lesbian Teachers and Students Association Inc.? Will the New South Wales Government intervene to protect the exemption of Catholic schools in New South Wales as well as their right to be exempt from Federal sex discrimination legislation and human rights legislation? Will the Minister reaffirm the State Government's wholehearted support for this important exemption for Catholic and other religious and Christian schools, as well as for Christian churches, Moslem mosques, Buddhist temples, Jewish synagogues and other religious institutions?

The Hon. J. W. SHAW: I have read the press reports of the particular case to which Reverend the Hon. F. J. Nile refers. I must confess I have not read the report of the Human Rights Commission, a

Commonwealth agency, but I will undertake to do so. The case occurred under Federal law. Although I do not know whether there will be an appeal, there are rights of appeal from the Human Rights Commission to the Federal Court of Australia. It does seem likely in such an important case that the matter would go to the Federal Court. The honourable member raised a question about intervention by the State of New South Wales. The State actually only has a right to intervene in constitutional matters pursuant to section 78D of the Judiciary Act and not in ordinary cases that raise constitutional questions. I do not know whether the case raises any constitutional questions but if that occurs I will carefully examine it and consider whether intervention is warranted.

TAXPAYER OBLIGATIONS

The Hon. J. KALDIS: My question is directed to the Treasurer, Minister for State Development, and Vice-President of the Executive Council. What is the Government doing to make it easier for taxpayers to meet their tax obligations?

The Hon. M. R. EGAN: The Office of State Revenue has recently introduced a number of new options designed to offer clients a choice of ways to pay State taxes. The first is through the direct entry electronic payment system that lets clients use the electronic banking system to make payments. I am not sure, Madam President, whether you are very good at electronic banking, if your comments at the recent estimates committees are anything to go by. However, sooner or later you will have to get used to it. People no longer have to leave their office, go to the bank and draw a cheque to get their payment in. With a few key strokes on a computer the payment is automatically transferred from the client's account to the Office of State Revenue.

The Office of State Revenue expects that, within the next two years, up to a third of its payroll tax clients will be using this system. The Government is also working with the ANZ bank, which was recently awarded the New South Wales Government banking contract, to make payments easier. The Office of State Revenue has been negotiating with the ANZ bank to let clients pay certain taxes over the counter. Negotiations are at an early stage but it is hoped to offer this facility to land tax clients from January 1999 and payroll tax clients from July 1999.

The Office of State Revenue is also examining the bank's telephone payment system, BPay. With BPay, clients can make payments electronically using their telephone. This system is relatively new

but it is proving popular for certain types of payments, in particular, payments to utilities. The OSR hopes to be able to offer BPay to clients from January 1999. These new systems of payment will make it easier for taxpayers across the State to meet their tax obligations. It will also reduce the processing and administration costs for the Government and the people of New South Wales.

BROKEN HILL ROADS AND TRAFFIC AUTHORITY WORK FORCE

The Hon. M. R. KERSTEN: I address my question without notice to the Treasurer, Minister for State Development, and Vice-President of the Executive Council, representing the Minister for Transport, and Minister for Roads. Is the Minister aware of the 40 per cent reduction in the work force of the Broken Hill Roads and Traffic Authority, which was announced in the last few days, which will result in the loss of up to 35 jobs in the Broken Hill area alone? Will the Minister explain to this Parliament why the cuts have been made to the work force when it is a stated strategy of the Carr Government that it will create jobs in the Broken Hill electorate?

The Hon. M. R. EGAN: I will refer the honourable member's question to my colleague the Minister for Transport, and Minister for Roads.

ASTHMA TREATMENT EDUCATION

The Hon. R. S. L. JONES: I ask the Minister for Public Works and Services, representing the Minister for Health, whether he is aware of an asthma treatment called the buteyko breathing method. If so, is he also aware that this system has a dramatic effect on relieving the symptoms of asthma? What is the Department of Health doing to inform people with asthma about various treatments other than medication?

The Hon. R. D. DYER: I am not aware of the asthma treatment to which the honourable member referred in his question. However, I will refer that aspect and the other aspects of his question to my colleague the Minister for Health and obtain a suitable response for him.

CONSTRUCTION INDUSTRY SUBCONTRACTOR PAYMENT SECURITY

The Hon. Dr B. P. V. PEZZUTTI: My question without notice is directed to the Minister for Public Works and Services. I listened to the Minister's answer to an earlier question regarding surveillance of companies and their liquidity. What

steps is the Minister taking to ensure that when major projects are let under the supervision of his portfolio, subcontractors will be paid out when the main contractor goes broke, so that small contractors in country areas, in particular, will not miss out on being paid for their services, which is what often happens?

The Hon. R. D. DYER: The Government is concerned about the whole security of payment of subcontractors issue. The Joint Standing Committee upon Small Business, which is chaired by the Hon. E. M. Obeid, currently has a reference on the security of payment issue. Senior officers of my department have actively co-operated with that committee in its deliberations. I and officers of my department have made ourselves available to talk to the chairman and other members of the committee. I am confident that, in due course, when the committee is ready, it will make useful recommendations regarding the security of payment issue. Earlier in question time I answered a question concerning the assessment of the financial viability of large contractors. Clearly, that is a matter of relevance to subcontractors dealing with large contractors.

Unfortunately, from time to time large contractors run into financial difficulties and, to use the vernacular, subcontractors are left holding the baby—they remain unpaid when a liquidation occurs. That is a serious matter which impacts to an undue extent upon small contractors who have less financial backup to cope with the financial difficulties of the main contractor. The Government released a green paper on security of payment in October 1996. The Government's final response was integrated into the white paper "Construct New South Wales" which is currently being finalised. The Government requires contractors on government jobs to reflect the payment provisions and conditions made available to them down the contract chain in accordance with the government code of practice and to submit—

The Hon. Dr B. P. V. Pezzutti: When is that coming out?

The Hon. R. D. DYER: I am now referring to current practice. Contractors have to submit statutory declarations that payments have been made to subcontractors before being paid by the government agency. Before the government agency pays the head contractor declarations are required to be made that appropriate payments have been made to the subcontractors. Contractors are also required to place into trust accounts any cash security or retention money they hold on behalf of subcontractors. The

Government has also amended the Oaths Act to increase the penalties for giving false statutory declarations about payments made to subcontractors and it has also amended the Contractors Debts Act 1898 to update and strengthen the provisions of that statute. I note that that amending legislation was proclaimed to commence on 4 May this year.

That legislation, which applies to both government and private sector projects, is designed to give subcontractors better access through local courts to resolve payment disputes. The Act allows either direct payment of subcontractors by principals or the withholding of disputed funds from contractors by principals following court orders. In addition, the Government has issued, through its construction agencies, an information guide to subcontractors which describes in plain English the rights and responsibilities of subcontractors regarding security of payment on government projects. The Government is continually monitoring the security of payment issue to ensure that the measures that are in place are effective. I am not yet satisfied that the regime that exists in a legal sense regarding subcontractors is in a state of perfection.

For that reason I indicated earlier in this response that I, the Government and my department are actively co-operating with the parliamentary committee chaired by the Hon. E. M. Obeid. It has been holding discussion sessions with industry representatives on security of payment. A number of interests have to be taken into account. The big end of town, so to speak, has a particular perspective on this matter; the subcontractors have a rather different approach. Both have their rights but I would like to think that, apart from the protective measures that have already been put in place by the Government in the interests of subcontractors, we can go a substantial distance further down the track towards protecting subcontractors. This is a serious issue which the Government is determined to address to get a satisfactory response that will improve the rights of subcontractors.

WOMEN IN CONSTRUCTION INDUSTRY

The Hon. Dr MEREDITH BURGMANN: My question without notice is directed to the Minister for Public Works and Services. What action is the Government taking to promote women within the construction industry? Will the Minister point to any examples of independent recognition of the Government's record in supporting women who work in this field?

The Hon. R. D. DYER: I thank the Hon. Dr Meredith Burgmann for her genuine and sustained

interest in this important matter. I acknowledge her long-standing commitment to the promotion of equal employment opportunities for women in the workplace. Understandably, the construction industry has been viewed as a male-dominated field. That view persists even today in university training, where civil engineering remains a mostly male field of study. As a major player in the construction industry the Department of Public Works and Services has worked hard to assist in addressing this gender imbalance and has recognised the efforts of women in construction and design. The department has included a regular intake of females into its graduate program, and it has promoted access to education and training and career advancement.

The graduate program and all other major government development initiatives follows the Office of Director of Equal Opportunity in Public Employment guidelines. Recently the department's efforts in the promotion of women were recognised by the National Association of Women in Construction, an Australiawide network that encourages women within the construction industry and those wishing to pursue careers in that field.

Each year the association presents its annual awards and I am pleased to say that the department has fared exceptionally well in recent times. The awards recognise excellence by women working in all areas of the industry, and last year the department won three of the six major awards. They were for project management of the Bathurst sewerage augmentation scheme; for innovation in developing heritage guidelines as part of the Government's total asset management strategy; and for the architectural design of a public school at Auburn.

At the 1998 award ceremony, held earlier this year at the Museum of Contemporary Art, the department again performed well, with staff winning two of the major awards. One was the prestigious vision award, which was won by Margaret Petrykowski for her urban design work on the \$60 million George Street and Railway Square upgrade project, which, as the House would be well aware from answers I have given in recent weeks, is currently in progress.

Ms Petrykowski was acknowledged as a role model for other women coming through the ranks of the department. Through her mentoring and encouragement of colleagues she has helped others to realise their potential in construction areas. The Department of Public Works and Services is leading by example in this field. Its record and successes set a high standard for other organisations, both public and private, to strive to emulate in the future.

WESTMEAD PUBLIC SCHOOL ACCOMMODATION

The Hon. J. F. RYAN: My question is directed to the Minister for Public Works and Services, representing the Minister Assisting the Premier on Western Sydney. Is it a fact that the new Office of Western Sydney will be located at the Westmead campus of the University of Western Sydney? If there is room to accommodate that office, why did the State Government's 1998-99 Budget fail to provide for additional classrooms at the Westmead site for use by the nearby and greatly overcrowded Westmead Public School?

The Hon. R. D. DYER: I shall be delighted to obtain a response to that question from my colleague the Hon. Kim Yeadon, Minister Assisting the Premier on Western Sydney.

COMPULSIVE GAMBLING CREDIT PROVISION

Reverend the Hon. F. J. NILE: I ask the Attorney General a question without notice. Is it a fact that a compulsive gambler, Simon Famularo, is suing American Express and a Sydney hotel for \$750,000 for allowing him to charge more than \$300,000 on his American Express card to gamble on poker machines and the TAB? Is it a fact that American Express and the hotel claim that they cannot be held responsible because they did not know that he would use the funds for gambling? Will the Government review the law concerning the granting of credit for gambling by compulsive gamblers so that credit suppliers will share some responsibility on the same basis that hotels may be responsible for selling alcoholic drinks to an intoxicated driver who has an accident?

The Hon. J. W. SHAW: Whether the plaintiff has an action against American Express and the hotel is a matter for the courts. The fact that the action might strike some members as novel does not preclude the plaintiff's rights to take it to the courts. The more substantive part of the question is whether there ought to be a revision of the provision of credit to gamblers. That is a constructive suggestion and I undertake to consider it and report back to the honourable member.

BUSINESS REGIONAL HEADQUARTERS ESTABLISHMENT

The Hon. CARMEL TEBBUTT: My question without notice is directed to the Treasurer, and Minister for State Development. Will the Treasurer advise the House of Sydney's importance as an international financial centre?

The Hon. M. R. EGAN: As most honourable members would know, Sydney is already firmly entrenched as Australia's financial capital, having 60 per cent of Australia's largest corporations and 75 per cent of Australia's banking headquarters. Sydney is home also to the head offices of the Reserve Bank, the Australian Stock Exchange and Australia's only futures market, the Sydney Futures Exchange, which is a fascinating place. Sydney is also playing an increasingly important role in the Asia Pacific region.

International corporations are making the commitment to establish their Asia Pacific regional headquarters in our State. We are now on target to overtake Singapore as a preferred location for Asia Pacific regional headquarters by 2005. In the global equities market Sydney is rapidly cementing its place as a leading player in the Asia Pacific. A recent report published by US Technimetrics on global equity management centres found that last year institutional equity assets in Sydney totalled \$US80 billion, almost 3½ times the total held in Melbourne.

With regard to United States of America equities, Sydney's holdings rose from \$US5.6 billion in 1996 to \$US6.8 billion last year, while Melbourne's holdings fell from \$US3 billion to \$US1 billion. These figures confirm that Sydney not only has outstripped its domestic competitors but also has become the second biggest equity market in the Asia Pacific behind Tokyo. It is anticipated that the turbulence in the Asian financial markets will provide further scope to increase volumes and create sustainable growth in Sydney's equity market trading. There is no doubt that Sydney will continue to flourish as Australia's financial capital.

REDBANK POWER STATION

The Hon. Dr MARLENE GOLDSMITH: My question without notice is addressed to the Treasurer, Minister for State Development, and Vice-President of the Executive Council. Has the Minister or any member of his staff ever requested information from EnergyAustralia executives about possible grounds for withdrawal from the Redbank project contract with National Power Australia?

The Hon. M. R. EGAN: As I have said to the House previously, I have been briefed on the matter by EnergyAustralia managing director Mr Paul Broad and chairman Mr John Conde. I am not sure that the Hon. Dr Marlene Goldsmith couched her question accurately when she referred to withdrawal from the contract. My understanding of the commercial litigation is that EnergyAustralia has claimed that National Power Australia has not met

its obligations under the contract. So, I am not sure that the question accurately states the true position.

The Hon. J. H. Jobling: You are being very selective.

The Hon. M. R. EGAN: No, I am simply saying I have had a briefing with Mr Broad and Mr Conde about the commercial dispute and that it is not a commercial dispute, as I understand it, that arises from EnergyAustralia withdrawing from the contract. EnergyAustralia is asserting that National Power has not met its side of the contract.

The Hon. Dr MARLENE GOLDSMITH: I ask a supplementary question. Has the Minister been briefed by Treasury as to whether the economics of the contracted arrangements between EnergyAustralia and National Power still remain attractive?

The Hon. M. R. EGAN: Whether it is an attractive commercial deal is a matter of some subjectivity that will depend on the price of electricity during the term of the contract, which is an extended period. I would think there would be varying views about whether it was an attractive deal for EnergyAustralia or for National Power, because the price of energy, the price of electricity, over the next 20, 50 or 100 years cannot be ascertained with any certainty.

If members have further questions, I suggest they place them on notice.

Questions without notice concluded.

PRESIDENT OF THE LEGISLATIVE COUNCIL

Presentation

The House proceeded at 5.00 p.m. to Government House, there to present the President to His Excellency the Governor.

The House returned at 7.30 p.m.

The PRESIDENT: I have to report that the Legislative Council has been to Government House, where I informed the Governor that, following a vacancy in the office of President of the Legislative Council, members of the Legislative Council, in the exercise of their lawful right, had proceeded to the election of their President and that the choice had fallen upon me as your independent and impartial representative. I presented myself to His Excellency, as your President whereupon His Excellency was pleased to offer me his congratulations.

QUESTIONS WITHOUT NOTICE

Deferred Answers

RABBIT ERADICATION FUNDING

The Hon. R. D. DYER: On 26 May the Hon. R. T. M. Bull asked me a question about rabbit eradication funding. The Minister for Agriculture, and Minister for Land and Water Conservation has supplied the following answer:

The land at Middlingbank peninsula was part of the land acquisitions and exchanges associated with establishment of the Snowy Mountains scheme in the 1950s. The majority is Crown land held under licence for the purpose of grazing.

The peninsula has had serious infestations of rabbits over a long period of time. Control of pest animals to the standards required by the Cooma Rural Lands Protection Board is the responsibility of the licensees.

The Department of Land and Water Conservation is well aware of the problem of rabbits on the Middlingbank peninsula, and is working co-operatively with the Cooma Rural Lands Protection Board, the licensees and neighbouring land-holders to put control strategies in place. These initiatives include support for a current 1080 baiting program and the preparation of a management plan for the affected Crown lands.

DEPARTMENT OF COMMUNITY SERVICES CHILD PROTECTION PROCEDURES

The Hon. J. W. SHAW: On 26 and 27 May and 16 June the Hon. Patricia Forsythe asked a number of questions without notice about child protection procedures in the Department of Community Services. The Minister has provided the following answer:

I can assure the honourable member that I share her concern for this young child, who has recently turned 10 years of age. The Department of Community Services has implemented a number of strategies in an attempt to address the child's at risk behaviour, and a care application is currently before the Children's Court. The department will continue in its efforts to assist the young child and to work out a satisfactory care program for him.

POLICE POWERS

The Hon. J. W. SHAW: On 26 May the Hon. C. J. S. Lynn asked a question about police powers. The Minister for Police has supplied the following answer:

The honourable member will be pleased to know that this Government has recently taken steps that allow police to proactively intervene in street situations before any offence is committed. The Government's Crime Legislation Amendment (Police and Public Safety) Act 1998 amends the Summary Offences Act 1988 to give police the power to give directions to troublemakers in public places, including directions to move

on. A person who refuses to comply with such a direction is guilty of an offence. The Carr Government has ensured that police not only have the power to respond to crime but have the power to prevent crime by intervening in matters before they come to a head.

After years of neglect by the former coalition Government, the Carr Government has also recently overhauled the legislation governing the security industry. The legislation covers, to use the honourable member's term, "bouncers". The new Security Industry Act, which comes into effect on 1 July 1998 will: provide a safer working environment for all those employed in the industry; provide for more stringent licensing criteria to be met; mean greater accountability by employers in terms of financial standing and employment practices; ensure better training based on core competencies; implement a self-regulated disciplinary system; and will be administered by a new security industry unit in the Police Service which will control licensing and enforcement.

POLICE POWERS

The Hon. J. W. SHAW: On 26 May the Hon. I. Cohen asked a question about police powers. The Minister for Police has supplied the following answer:

I am advised by the Assistant Deputy Commissioner that the honourable member's question has been registered as a complaint and is being investigated by the Police Service's internal affairs office. I would invite the honourable member to assist this investigation by providing the Police Service with any evidence that supports the allegations he has made. Members will appreciate that it would be completely inappropriate for me to make any further comments on this matter at this stage, as those comments may be seen to prejudice or pre-empt the internal affairs investigation and any subsequent investigation that may be necessary.

WATER POLICE FLEET FUNDING

The Hon. J. W. SHAW: On 26 May Reverend the Hon. F. J. Nile asked a question without notice about funding for the water police fleet. The Minister for Police has provided the following answer:

This Government is committed to a safe and effective Water Police Service that meets the demands of the people of New South Wales in the lead up to the Sydney 2000 Olympics and beyond. This House will be aware that I advised the biennial police conference that upgrading the water police fleet is my next target. The Government has recently provided funding to replace the engines in two of the fleet's seagoing vessels. The Police Service also has a bid for the replacement of the water police fleet currently before the budget committee for consideration. I can also advise that the Government has provided \$580,000 for new boats in the 1998-99 Olympic security budget. These include diving support boats; two 6.5 metre twin vessels; one 9.8 metre twin vessel; and six mono vessels.

ASSENT TO BILL

Assent to the following bill reported:

Statute Law (Miscellaneous Provisions) Bill

LOCAL GOVERNMENT LEGISLATION AMENDMENT (ELECTIONS) BILL

Second Reading

Debate resumed from an earlier hour.

Reverend the Hon. F. J. NILE [7.35 p.m.]: I said earlier that a number of these amendments to the Local Government Act 1993 are quite reasonable and I see no major problems with them. My main problem relates to amendments to the City of Sydney Act 1988. It would have been far better to introduce those amendments in separate legislation. Honourable members know that reference to the Sydney City Council elections and rolls is like waving a red rag to a bull. I do not suggest that the Government included those amendments in this bill in the hope that they would pass un-noticed, but they are controversial. Since I have been a member of this House, Labor and conservative governments have always introduced bills to amend voting for the Sydney City Council.

The effect of all the bills has been basically to alter the voting pattern and, in that way, to affect the outcome of elections. Some would argue that these amendments do not make dramatic changes to the City of Sydney Act, but they are a continuation of that process. Some harsh words have been said, and the Hon. D. J. Gay made some criticisms when questioning whether this was an attempted gerrymander. The impact of these changes will be greater than it appears on the surface. Changes to this and that have been made over the years, and it is time to hold a special inquiry into the Sydney City Council election process as proposed by the amendment that the Opposition has foreshadowed, which the Christian Democratic Party will support.

The amendment proposes that a special commission should review the voting system, and specifically as it relates to the qualification of electors. That is an important matter. It may be possible, in a genuine spirit of co-operation, to expand the franchise to representatives of corporations and similar property owners, rather than give them only one vote. That issue needs to be looked at carefully. The present method whereby the manager of the town hall, formerly the Town Clerk, conducts elections appears to be inefficient. The election should be conducted by the Electoral Commissioner. Almost all elections in this State—everything from trade union elections to State and Federal government elections—are controlled by the Electoral Commissioner, so why should the Sydney City Council elections be an exception?

The bill provides also for the procedure to determine the result of elections of the Sydney City Council and for the office of Lord Mayor, which has always been a prized position and will be even more so in the lead-up to the 2000 Olympic Games. There has not been sufficient consultation about this latest measure, which the Government is attempting to slip through by including it in this legislation. We have received considerable correspondence from industry groups in this city. Katie Lahey, Chief Executive of the State Chamber of Commerce, stated:

There has been zero consultation on this Bill despite the enormous impact which it will have on the business community. The worst affected will be the organisations which are partnerships.

Despite repeated official requests, the Minister has refused to make available a copy of the Bill for public comment or consultation. Business has been given the run around again by Ernie Page, the Minister for Local Government.

This is a repeat of the electoral activities of the 1995 Sydney City Council elections and the business community has begun to feel that these latest amendments mean they are going to lose out again.

This latest exercise is seen as an attempt, with the aid of the New South Wales Government, to deny the business community thousands of votes—

to be precise 8,000—

The City of Sydney is the economic and cultural centre of New South Wales, and Australia's premier city. With over 4700 businesses and a workforce of over 200,000, there can be no question that the stakeholder base extends well beyond the residential population alone.

The business community of Sydney provides the overwhelming bulk of the revenue collected through rates. Despite this, they are allowed precious little say in decisions which affect our city.

Just because stakeholders don't sleep in the city doesn't mean the depth of their interest and investment in the city should be seen as less than that of residents.

We concur with that expression of concern. We have been flooded with similar letters from barristers and others engaged in partnerships who will be directly affected by the legislation. Barrister John Graves wrote:

... Government proposes to introduce legislation into the State Parliament to amend the City of Sydney Act to disenfranchise me and other barristers who practise from Chambers in the city, from voting in the election of a Council for my city.

As a person who contributes much to the vitality of the place which, in effect, because of the hours I work is my "second home", I view your Government's proposed legislation—

being critical of the Premier and the Minister—

with disdain and ask the Government to reconsider its position.

We have received letters from all over Sydney about this serious matter. The Minister for Local Government wrote to seek our support and to ask us to not support the Opposition amendments. In a letter dated 1 June the Minister set out the timetable for the city of Sydney elections. The elections will not be held until September 1999, so nothing in the timetable would preclude an inquiry being held. The Minister set out the timetable as follows:

If the Bill is passed, the timetable for the preparation of the Sydney non-residential roll would be as follows:

1999

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| 4 June to
3 August | The General Manager of Sydney advertises at least twice in local newspapers for persons to claim enrolment. |
| 3 July | Last day for the General Manager of Sydney to send an enrolment claim form to each person whose name is on the non-residential list. This is for the purpose of updating the list. The General Manager can send claim forms earlier than this date. |
| 3 August | Last day for enrolment claim forms to be returned to the General Manager. Non-residents will have at least one month . . . to complete the forms. The actual period will depend on when the General Manager sends the forms to non-residents. |
| | If a person does not return the claim form by this date (3 August), the person's name is removed from the non-residential list. |
| | This date is also the last date for non-residents not already on the list, to apply to be added to the non-residential list for voting in the 1999 election. |
| 4 August | The General Manager, after dealing with enrolment claims received by 3 August and removing the names of persons not returning claim forms by that date, certifies the non-residential list as the non-residential roll. |
| 13 August | Nomination day. |
| 11 Sept. | Election day. |

The first relevant date for the elections is 4 June 1999, so the timetable certainly would not be affected if an inquiry were held this year. The report would be tabled this year, and changes could be legislated by the end of this year, if not early next year—well before next June. I also received a letter from the Electoral Commissioner about his involvement in the Sydney City Council elections. Obviously pressure has been brought to bear on him and other bodies, and he is walking a thin line

because he cannot become involved in political or controversial issues. When asked if he could conduct the election he took a neutral position so as not to embarrass the Government. In a letter dated 11 June the commissioner said:

The question as to whether responsibility for maintenance of the lists presently kept by the General Manager should be transferred to the Electoral Commissioner, is, of course, a decision for the Parliament. I would point out though, that my office does not have the necessary resources that would be required to properly maintain the owners, ratepaying lessees and occupiers lists and this issue would obviously need to be considered. I understand that the City of Sydney maintains an elections unit, whose sole purpose is to maintain those lists of electors.

He states correctly that it is for the Government to decide whether he should have responsibility for these elections, and he makes the point that without additional resources he could not. The inquiry would consider those factors and, if it recommended that the Electoral Commissioner should conduct the inquiry, it would recommend also that the commissioner have the necessary resources and staff to do so. The council has a unit dedicated solely to preparing for, and conducting, elections, and the funding for that unit could be transferred to the Electoral Commissioner to pay for the additional staff he would require to supervise the council elections. It might be argued that that cannot be done but I regard it as a simple solution. An editorial in the *Sydney Morning Herald* of Thursday, 28 May, headed "City franchise" stated:

The State Government's proposed legislation to change the voting rules for the Sydney City Council continues the dishonourable tradition of NSW politicians rorting the franchise. Under the present rules, partners in a city firm, say one of the big legal firms, can vote in council elections, along with other business people and residents. But large companies, even though they own a number of properties in the CBD, receive only one vote. The proposed legislation restricts partnerships in firms to only one vote.

The editorial is critical of the approach and I also am critical of it. Previous governments redesigned and jockeyed the boundaries of Sydney City Council, moving areas such as Redfern here, and then there, in an endeavour to affect the result. The time has come to finish that. A neutral umpire should investigate the matter and produce a report with recommendations which the Government might adopt. That might put an end to the temptation by governments to try to change voting numbers and who is eligible to vote because it affects the outcome of elections. The Property Council of Australia, the Retail Traders Association and the State Chamber of Commerce forwarded to me a submission dated June 1998 entitled "Getting the System Right". I will not read the whole of that submission, but it contains this strong statement:

The proposed changes in the Bill before Parliament have been produced with no stakeholder consultation whatsoever. Partly because of this, the proposals have become a political football as the major parties accuse each other of political gerrymandering and sleazy back-room deals.

Central Sydney is too important to be treated like this.

I agree with the sentiments expressed in that submission and seek leave to table that document.

Leave granted.

I have received material from Councillor Kathryn Greiner, much of which has been referred to by the Hon. D. J. Gay, so I will not refer to it in detail. I state simply that the organisations referred to in that material agree that this matter should be referred to a special inquiry. The Retail Traders Association of New South Wales, in correspondence dated 26 May, expressed its concerns, which are summarised in its submission. The Tourism Council Australia, New South Wales branch, in a letter dated 2 June, has also expressed its concern.

In addition, a number of legal professions and chartered accountants in Sydney sent me a flood of letters which I will not read onto the record. However, I will identify some of them. I received letters from: Henry McSpedden Services Pty Ltd, dated 11 June 1998; Richard Royle, Barrister at Law, Sir Owen Dixon Chambers, dated 12 June; Andrew Fegent and Company, Solicitors and Attorneys, dated 2 June; Felsers, Chartered Accountants and Business Advisers, dated 3 June; the Australian Federation of Travel Agents Ltd, dated 10 June; Captain Cook Cruises, dated 16 June; and Michael Slattery, QC, dated 3 June.

Letters were received also from Chris Wood, dated 1 June; Michael Lawler, dated 2 June; Anabelle Bennett, dated 29 May; David Patch, Barrister, dated 27 May; Swaab Attorneys, dated 11 June; Peter Comans, dated 28 May; Levi Consulting, Chartered Accountant, dated 28 May; A. I. Tonking, dated 1 June; Nye Perram, dated 13 May; Baker and McKenzie, dated 28 May; Hunt and Hunt, Lawyers, dated 27 May; Magnum Realty Investments Pty Ltd, dated 27 May; Paul Regattieri, dated 28 May; Solomon Garland Partners, dated 27 May; Eakin McCaffery Cox, dated 21 May; and other letters which I will not read onto the record.

The proposed changes have certainly stirred up a large number of partnerships in the city of Sydney that are directly affected by the proposed legislation. If the Government had consulted with all interested stakeholders and the many organisations and

individuals involved it may have avoided the drama and anxiety that is being experienced. Those bodies say that they have been completely ignored and that their democratic rights have been taken away. For that reason the Christian Democratic Party supports the amendments proposed by the Hon. D. J. Gay.

The Hon. HELEN SHAM-HO [7.55 p.m.]: This is my first speech as an Independent member of this House. I welcome a new colleague from the Australian Democrats, the Hon. Dr A. Chesterfield-Evans, and look forward to working with him as a crossbencher. I am pleased to contribute to debate on the Local Government Legislation Amendment (Elections) Bill as Chinatown is situated within the precincts of Sydney City Council. New South Wales has 177 local councils. Sydney City Council is unique as it is the only council which operates under its own Act of Parliament. In 1988, following the Goran report into the structure of the local government area of Sydney, it was determined that the city of Sydney reflects the commerciality of the area. The report noted the growth in the commercial and financial services sectors of the city. Page 15 of the Goran report states:

Any system of government which does not take into account the consequences of movements in the city such as these, cannot effectively govern the city.

Both residents and non-residents must be a part of the franchise of a city that reflects these special characteristics. A report entitled, "1996-97 Floor Space and Employment Survey", which was tabled at a recent planning committee of Sydney City Council, clearly indicates that the commercial usage of floor space within the city has experienced a huge growth in the finance and insurance sector as well as the property and business services sector. Information contained in an article published in the *Sydney Morning Herald* on Tuesday, 16 June, stands in stark contrast to statements made by those who wish to disfranchise those very sectors of that growth. That is exactly what the Government is doing.

It has been said that the amendments to this legislation will affect only 8 per cent of the vote, that is, 800 of the 10,000 voters. At least 5,000 people will lose their right to vote. This information is based on the following figures. Currently there are 2,146 law firms, 976 chartered accountants, and many others partnership structures in the city. I was advised that it is not possible to ascertain the numbers of partners in the following groups: certified practising accountants; doctors, dentists and other medical partnerships; architects; advertising firms; small retail businesses, such as butchers, hairdressers, travel agents and coffee shop

proprietors. In the city there are 5,300 commercial properties with 4,730 tenancy agreements.

Corporations that own property in the city pass on millions of dollars in rates to their tenants. Therefore, it is extremely misleading to suggest inequity between a corporation and tenants in a partnership structure. Other parts of the bill indicate clearly that it is flawed. Amendments to sections 18 and 18A will provide the beggar's muddle: forms will be sent backwards and forwards between the general manager and prospective electors so many times that that alone could dissuade electors from enrolling. Similarly, new subsection (5) of section 14 states:

If the City of Sydney is divided into wards, this Division applies to each ward in the same way as it applies to the area of the City of Sydney.

Commissioner Goran categorically stated that wards were an inappropriate means of division for the city of Sydney. On page 24 of his May 1988 report he said:

There is no question here of division of the area of Sydney Central into wards for the purpose of election. This should be an election at large.

Why, in 1998, is this amendment being proposed for the City of Sydney Act? Does the Government or the Lord Mayor wish to artificially manipulate this system by creating divisions within existing boundaries, thereby moving against the fundamental principles underlying the City of Sydney Act? Of course, the suggestion is that further amendments will be set in train to enlarge the boundaries of Sydney, and this again contravenes the premise underpinning the Goran report and the City of Sydney Act. The city does not support these amendments. On 19 May 1998 Ms Lahey, Chief Executive of the State Chamber of Commerce, stated:

The business community contributes some 96% of the rates in the CBD and under the amendments expected to be introduced to the State Parliament tomorrow eligible voters could be cut by thousands.

The City of Sydney is the economic and cultural centre of New South Wales, and Australia's premier city. With over 4,700 businesses and a workforce of almost 200,000, there can be no question that the stakeholder base extends well beyond the residential population alone.

The business community of Sydney provides the overwhelming bulk of the revenue collected through rates. Despite this, they are allowed precious little say in decisions which affect our city.

Just because stakeholders don't sleep in the city doesn't mean the depth of their interest and investment in the city should be seen as less than that of residents.

I oppose any changes that would disfranchise business voters and set up a gerrymander for particular political interests. The organisations that have called on the Government to allow consultation on the bill are: the Property Council of Australia, State Chamber of Commerce, Retail Traders Association of New South Wales and the Law Society of New South Wales. On 28 May 1998 the *Sydney Morning Herald* supported the views of the State Chamber of Commerce as follows:

Councillor Greiner, however, is more right than Councillor Sartor. The franchise for the Sydney City Council needs to be extended rather than reduced. The proposed legislation is nothing more, therefore, than a SCC-mander which gives residents who contribute a very substantial part of council revenue control of the Council . . . the voting system must reflect the reality that everyone in Sydney has an interest in the CBD.

I have great respect for Councillor Greiner and I believe that she is right. I agree with Ms Lahey that there has been zero consultation on the bill despite the enormous impact it will have on the business community. The worst affected businesses will be partnership organisations. Despite repeated official requests, the Minister has refused to make available a copy of the bill for public comment or consultation. The business community has been given the run-around by the Minister for Local Government. I received a letter from the Minister today and I am afraid that I cannot agree with his proposal. I will support the amendments proposed by the Opposition to dismiss schedule 2 to the Local Government Act in its entirety.

I agree also with Reverend the Hon. F. J. Nile that the legislation should be directed to an independent commission to review submissions from stakeholders. The next city council election is in 14 months time—in September 1999—which provides enough time within which to conduct a review. The process of using the city of Sydney as a political football must stop. Recognition and franchisement must be given to those who pay the bulk of rates, which enable the city of Sydney to provide services to its community. No other resolution can be considered. I will vote against the Government's proposals and support the Opposition's amendments.

The Hon. J. W. SHAW (Attorney General, Minister for Industrial Relations, and Minister for Fair Trading) [8.07 p.m.], in reply: Most of the debate has focused on schedule 2 to the bill, which amends the City of Sydney Act. The amendments have nothing to do with individuals; they ensure that the electoral system is fair and that the electoral roll is as accurate as possible. Sydney City Council is the only council in Australia that allows votes by

each and every partner in a partnership. We believe that is unfair. Melbourne and Adelaide allow one partner to vote; Perth allows two; Brisbane, Hobart and Darwin do not allow any partners to vote. Why should Sydney allow every partner to vote? This bill rectifies that anomaly.

The Opposition expressed concern about the enrolment claim form system. In 1995 the general manager was required to go through a process of ensuring that the non-residential roll was accurate. At that time the roll was a shambles. Indeed, the Crown Solicitor advised to the effect that it was "unsafe to hold an election for the city of Sydney in such a state of uncertainty". The Government's proposal will ensure such uncertainty does not occur again. A rushed and expensive inquiry will achieve nothing. The Government does not support the inquiry notion. The Opposition has suggested that the Independent Pricing and Regulatory Tribunal should be involved, yet Mr Parry, Chairman of IPART, has correctly said that the proposed inquiry is a political and administrative review. He says that he does not want to be a part of it and that he does not have the resources to be involved.

I respond specifically to the contribution of the Hon. A. G. Corbett. The honourable member raised the question of the need to ensure that appropriate and workable administrative arrangements are in place between the Electoral Commissioner and councils concerning the conduct of elections. The Minister for Local Government has given a commitment that he will act on those concerns and, in particular, will do what is practicable to resolve problems prior to the 1999 election. That undertaking should alleviate the concerns of the honourable member. I commend the bill to the House.

Motion agreed to.

Bill read a second time.

In Committee

Schedule 1

The Hon. R. S. L. JONES [8.12 p.m.]: I had some concerns about a particular matter and had intended to move an amendment. Those concerns have now been addressed in consultation with the Government and I will not move the amendment.

The Hon. A. G. CORBETT [8.13 p.m.]: I move A Better Future for our Children amendment No. 1:

No. 1 Page 3, schedule 1. Insert after line 12:

[4] Section 285 Voting system for election of councillors

Omit paragraphs (a) and (b). Insert instead:

- (a) optional preferential, if only 1 councillor is to be elected, or
- (b) proportional, if the number of councillors to be elected is 2 or more.

I anticipated that this revision of local government election provisions might be the last opportunity prior to the election next year to canvass amendments to the method of voting and counting, so I have had prepared an amendment to section 285 of the Act. Section 285, which provides for the voting system for the election of councillors, requires that optional preferential voting be used when the number of councillors to be elected for each ward in the council is one or two, and that proportional voting be used when the number of councillors to be elected per ward is three or more.

For the purposes of this argument I will set aside the case of the wards with one councillor, where the result tends to be the same under any of the available voting and counting systems. The use of optional preferential voting and the associated counting method provided for in the regulations, however, unfairly distorts the election results in a situation where two councillors are elected for each ward. When a direct and tight flow of preferences occurs between candidates and their running mates, it is virtually guaranteed that winning candidates in those circumstances will transfer enough of their preferences to their running mates to guarantee their election as well. This results in the one ticket or group securing both places in a ward.

When a particular party or group dominates a local government area, it is quite possible that that group will obtain every seat on council, as in the case of Botany council which operates under this voting method. A proportional system would be fairer in that a quota to win the election would be set at one-third of the vote, making it more likely that the leading candidates from two different tickets would be elected to the council, providing for broader and more diverse representation within the ward and on the council. In essence, the difference between the two systems is that under the optional preferential system it is possible to win every single place in a ward and on a council with no more than one vote in excess of 50 per cent of the total votes, while it would take more than two-thirds of the vote to obtain a clean sweep under the proportional system.

After distribution of preferences most successful groups usually secure a result somewhere between one-half and two-thirds of the total number of votes. I acknowledge that when the Hon. E. T. Page was in opposition he ensured that councils with wards of three or more councillors operated proportional voting for elections, but he should not have stopped there. Arguing that optional preferential voting for the affected councils retains the status quo does not disguise the fact that it is unfair. Arguing that it retains the status quo does not address the fact that, prior to the 1995 election, some councils used the excuse of having to reconfigure their ward structure to comply with the new Act, to secure the electoral advantage obtained by using the optional preferential system.

On those councils the majority of councillors sought to secure an unfair advantage by changing the ward structure so they could guarantee the continuation of their majority status after the 1995 election and, by and large, they were successful. Arguing that optional preferential voting retains the status quo does not alter the fact that it is an electoral rort, that it has been rorted and that it ought to be corrected at the soonest available opportunity. The voting system I have referred to is not a rarely used one. Using the Local Government Directory and identifying those councils in respect of which the number of councillors divided by the number of wards is equal to two, this system appears to operate in 23 of the 177 local government areas. In order to save the time of the House I shall not read the list of councils, but I seek leave to have the list of affected councils incorporated in *Hansard*.

Leave granted.

NSW Councils with Two Councillors per Ward

Bingara, Botany, Cabonne, Carrathool, Conargo, Copmanhurst, Dumaresq, Guyra, Ku-Ring-Gai, Leeton, Mulwarree, Nundle, Richmond River, Rylstone, Severn Shire, Shellharbour, Tenterfield, Wakool, Walcha, Weddin, Windouran, Wollongong, Yallaroi.

The Hon. A. G. CORBETT: It will become apparent to honourable members who care to look at the list why the previous Government retained the optional preferential voting system. Two of the affected councils are in the Sydney area, being Botany and Ku-ring-gai; two are in the Illawarra, being Wollongong and Shellharbour; and the other 19 are in rural New South Wales. The impact of section 285 on the 1999 State election will be made even worse because this bill will provide for group tickets and group voting in elections for councils

that are divided into wards. This provision will guarantee the tight flow of preferences between members of the group, and will virtually guarantee a clean sweep within a ward where optional preferential voting is used.

I acknowledge that the Opposition will have little incentive to support this amendment, and that the Government is not disposed favourably to it at this time. I ask the Minister to canvass this issue as part of the five-year review of the Local Government Act. If the Minister cares about fairness and integrity of the electoral process, and I know he does, he will give favourable consideration to this amendment as part of that review. The introduction of a proportional system of voting for every council election when there is more than one position to be filled produces a much fairer result and provides for local government representation to more accurately reflect the wishes of the community.

The Hon. J. W. SHAW (Attorney General, Minister for Industrial Relations, and Minister for Fair Trading) [8.18 p.m.]: The Government appreciates and is sympathetic to the intention of the amendment, but is unable to accept it as part of this bill. The effect would be to amend the section so that the voting system in a contested election for two councillors is proportional rather than optional preferential, as is the case now.

Honourable members should be aware that when the Local Government Bill was debated in the Legislative Assembly in 1993, the present Minister for Local Government moved an amendment to ensure that the proportional voting system was used when three or more councillors were to be elected. The then Government attempted to permit councils to introduce the optional preferential voting system, or the equal value system, regardless of the number of councillors to be elected. The Minister is therefore well aware of the arguments concerning the benefits of the proportional voting system.

As I understand it, currently 23 councils, predominantly in rural areas, have wards represented by two councils. That means that the councillors in the other 154 councils across New South Wales are elected by the proportional voting system. The Minister has advised me that he would prefer to consult further with individual councils and the Local Government and Shires Associations concerning this amendment. He will ensure that this issue is considered as part of the overall review of the Local Government Act. This review, and any legislation arising from it, will be completed well before the 1999 local government elections. In short, understanding the motives for the amendment, I

have a certain sympathy with it but suggest that more consultation should take place before the idea is injected into the bill.

The Hon. D. J. GAY [8.20 p.m.]: The Opposition also opposes the amendment. Along with the Attorney General, the Opposition can see some merit in the amendment but is not mightily persuaded by it, given that a large number of rural and regional councils are currently participating in this practice. As I said earlier in answer to the Hon. R. S. L. Jones, the National Party does not stand candidates. I have fought long and hard against the National Party standing candidates, and I will maintain that fight. In some way that advantages other candidates. To that end, I know that the Minister who has carriage of the bill has been influenced by his friends in the Labor Party, and certainly my colleagues in the Liberal Party are keen that the status quo remain. Sadly, I cannot on this occasion support the amendment.

The Hon. R. S. L. JONES [8.21 p.m.]: I strongly support the amendment moved by the Hon. A. G. Corbett, for all the reasons stated by him.

Amendment negatived.

The Hon. I. COHEN [8.21 p.m.]: I move Greens amendment No. 1:

No. 1 Page 3, schedule 1[7], line 25. Insert after "candidate information sheet.":

The regulations may not prohibit the inclusion in a candidate information sheet of matter relating to a candidate's policies.

The Minister stated in his second reading speech that proposed amendments to section 308 allow for candidates to submit candidate information sheets instead of candidate résumés. The proposed amendment to section 308(2) allows the regulations to make provision for the matters that are to be included in, or that may or may not be included in, a candidate information sheet. The Greens amendment ensures that the regulations may not prohibit the inclusion of policies in a candidate information sheet. I commend the amendment to the Committee.

The Hon. J. W. SHAW (Attorney General, Minister for Industrial Relations, and Minister for Fair Trading) [8.23 p.m.]: The Government will not oppose the amendment.

The Hon. D. J. GAY [8.23 p.m.]: Whilst the Opposition has not been convinced of the absolute merit of the amendment, given that the Opposition

does not have the numbers it would not be advisable to oppose it.

The Hon. R. S. L. JONES [8.23 p.m.]: I have been persuaded of the merits of the amendment and I support it.

Amendment agreed to.

The Hon. I. COHEN [8.24 p.m.]: I move Greens amendment:

No. 2 Page 4, schedule 1[9], lines 4-7. Omit all words on those lines.

As outlined in my contribution to the second reading debate, the Greens are of the opinion that item [9] of schedule 1 to the bill will disadvantage minor political parties such as the Greens and will benefit the major political parties. If item [9] is adopted, it might be possible under the regulations to use a group voting ticket to do preference deals, similar to the above-the-line voting for the State upper House elections. Voters might tick the box of a particular party on the ballot paper and have no idea that their preference may be directed by the group voting ticket to a party that they would never dream of voting for.

The Minister's office argues that the regulations provide for this information to be pasted up in the polling booth. However, many voters would not know this or, if they did, would not bother to check where their preferences were going. An established party could deliberately run a dummy candidate to split a rival party's vote. The dummy candidate could stand on an almost identical policy platform to the targeted rival party but then lodge a group voting ticket that secretly directed preferences back to the established party, in complete contradiction of the dummy party's alleged policies.

Reverend the Hon. F. J. Nile: That's what happened at the last election.

The Hon. I. COHEN: It would be exacerbated in a local council election, certainly. Group voting tickets are useful to voters in a non-ward council because of the large number of candidates that have to be placed on the ballot paper. It is less easy to argue the same for a ward system with many fewer candidates shown. Surely the argument for using wards is to oblige greater community accountability of councillors. This amendment could be moving away from that. If councils wanted above-the-line voting, they could always adopt the one electorate or no ward system which presently allows for group voting tickets.

Thus it is arguable that the required consistency is already present at the local government level in the one electorate, no ward option.

The Greens are of the opinion that wards are adopted in situations where it is felt that a greater local community focus is required and a simple, unambiguous and straightforward voting procedure is desired. For those reasons the Greens are opposed to item [9] and commend Greens amendment 2 to the Committee. As wards are such minutiae in the voting system, in the interests of democracy it is important that there is a straightforward voting procedure.

The Hon. J. W. SHAW (Attorney General, Minister for Industrial Relations, and Minister for Fair Trading) [8.26 p.m.]: The Government cannot support the amendment. The Government's proposed amendment to section 308A of the Local Government Act will allow group voting tickets to be used for all council areas, rather than for undivided areas only. This is important for a number of reasons. First, group voting for elections to the Legislative Council and the Australian Senate has been in place for a number of years now. It works effectively and has not disadvantaged smaller parties or Independents at all. Second, group voting was used for council elections for the first time in 1995. However, it was limited to councils with undivided areas, that is, without wards. Once again, group voting for such elections was a success, and there is no evidence that it disadvantaged smaller parties or Independents.

Third, there is an overall attempt to ensure that electoral systems for each sphere of government are similar and, where practicable, identical. This makes the voting system simpler. Finally, and most importantly, the evidence suggests that group voting makes it easier to vote, and that as a result the number of informal votes cast is reduced. For the 1995 council elections, where group voting tickets were used, informal voting averaged 6.5 per cent, and where group voting tickets were not used, informal voting averaged 10.7 per cent. The benefits to the local democratic electoral system are obvious.

The Hon. D. J. GAY [8.27 p.m.]: The Opposition also opposes the amendment, along similar lines to its opposition to the amendment moved by the Hon. A. G. Corbett.

The Hon. R. S. L. Jones: You haven't been convinced?

The Hon. D. J. GAY: I have not been totally convinced on this amendment. However, it was not

the previous amendment that I had not been convinced on. My good friends in the Liberal Party have convinced me that this is an excellent amendment—and I have never been one to upset my good friends in the Liberal Party.

The Hon. J. W. Shaw: They have done you over in the party room on this one.

The Hon. D. J. GAY: No, I have not been done over in the party room on this one. This amendment was left to me, and I discussed it with my Liberal Party colleagues and one of my National Party colleagues, who also believes that the status quo is the better way to go.

Amendment negated.

Schedule as amended agreed to.

Schedule 2

The Hon. D. J. GAY [8.29 p.m.]: I move the revised Opposition amendment:

Pages 7-12, schedule 2, line 4 on page 7 to line 8 on page 12.
Omit all words on those lines. Insert instead:

Part 3 Elections

Insert after division 3 of part 3:

Division 4 Review of voting system

24 Review of voting system

- (1) A Special Commission is to be established under the *Special Commissions of Inquiry Act 1983* for the purpose of conducting a review of the provisions of this Part with respect to:
 - (a) the qualifications of electors, and
 - (b) the procedures for conducting elections, and
 - (c) the procedures for ascertaining the results of elections, both in relation to elections for the City Council and in relation to elections for the office of Lord Mayor of Sydney.
- (2) The commission by which the Special Commission is established is to be issued to a person who is a retired Judge of the Supreme Court.
- (3) In carrying out any inquiry or investigation for the purposes of the review, it is the duty of the Commissioner to consult with the Independent Pricing and Regulatory Tribunal.
- (4) A report on the outcome of the review is to be laid before both Houses of Parliament before 1 October 1998.

- (5) A report may be presented to the Clerks of both Houses of Parliament when Parliament is not sitting, and on presentation is for all purposes taken to have been laid before both Houses of Parliament.

- (6) A report presented to the Clerk of a House of Parliament may be printed by authority of the Clerk, and is for all purposes taken to be a document published by order or under the authority of the House.

For the benefit of honourable members I indicate that the revision of the amendment is in new subsection (4). A report on the outcome of the review is to be laid before both Houses of Parliament before 1 October, not, as the original amendment read, 1 November.

The Opposition could have moved a series of amendments that advantaged or disadvantaged one area. Instead, it has moved an amendment to provide for a review of the voting system by a neutral umpire chosen by the Government. The neutral umpire must be a judicial officer—and that includes a retired Supreme Court judge—and must report by 1 October. Earlier the Hon. Patricia Forsythe said that the city of Sydney was put back in place.

The city of Sydney is unique. It is one of the few cities in the world—I suspect that it is probably the only city in the world—with virtually no residential population. No other city in Australia is like it; all the other cities have a larger residential area and, hence, a larger geographic area. Basically, the city of Sydney is made up of the central business district. It is a multimillion dollar metropolis. It is the de facto capital of Australia. When people think of Australia they think of Sydney, just as people think of New York when they think of the United States of America.

Sydney is a beautiful and unique city that needs a unique election system for the Sydney City Council. That is why an independent person must be appointed to consider all points of view, as well as the concerns expressed by honourable members and, indeed, the Minister. When the Minister said that the AMP, which owns a large amount of property in the city of Sydney, has only one vote, surely he gave us the best reason for having a full review of the council election structure.

In this amendment the Opposition has provided a reporting date of 1 October. That gives the Government two months in which to introduce legislation, unless it has a secret agenda and does not intend that the Parliament should sit in November—and if that is so, the Government should tell honourable members now. The Opposition has done the right thing by providing for an independent

arbitrator. First, the Opposition approached the Electoral Commissioner and the Independent Pricing and Regulatory Tribunal about conducting the review because, as I said earlier, Professor Parry has the ability to look outside the box.

Professor Parry responded in a letter stating that IPART had commenced an inquiry into racing and he did not want primacy in this area. I understand that, and I bear him no ill will, because he does outstanding work in this State. I refer in particular to his recent review of local government. However, Professor Parry suggested that IPART could provide expert assistance if another body, such as the Electoral Commission, conducted the inquiry. When I approached the Electoral Commissioner about conducting such an inquiry he said that he felt he should not have primacy in this area.

When Ian Dixon explained his case I had absolutely no hesitation in agreeing with his summation. He properly said that the expertise the Opposition would expect from the Electoral Commission in compiling the numbers should come from the council. The Opposition then considered that a judicial inquiry should be conducted by a retired Supreme Court judge, as has been done in the past. Reverend the Hon. F. J. Nile put onto the record the Minister's timetable for the city of Sydney elections. That timetable shows that there would be sufficient time for an inquiry and for the Government to put legislation in place before the election in September next year. I would be surprised if honourable members did not support this amendment, which I commend to the Committee.

The Hon. J. W. SHAW (Attorney General, Minister for Industrial Relations, and Minister for Fair Trading) [8.36 p.m.]: The Government does not accept this amendment, which it sees as a device simply to defer the proposal for a significant period. If the amendment is defeated the Government will accept amendments to schedule 2 to be moved, I understand, by the Hon. R. S. L. Jones and the Hon. A. G. Corbett that would improve the bill and be broadly consistent with its philosophy. The Opposition's amendment would delete schedule 2 entirely and require an excessively rushed judicial review of the electoral system for the city of Sydney. It consists of an inappropriate review mechanism inquiring into elector qualifications, and the conduct and results of elections.

This is the Opposition's third attempt at drafting this amendment procedurally. The first attempt would have required the Independent Pricing and Regulatory Tribunal—IPART—to review the electoral system. The chairman of IPART strongly

opposed the idea, and the Hon. D. J. Gay has reasonably and rightly accepted that view. The Opposition next suggested that the Electoral Commissioner and the IPART jointly review the electoral system. The Electoral Commissioner said it was inappropriate for him to conduct such a political inquiry. Now the Committee has before it an amendment which would provide for a judicial inquiry.

I suggest to the Committee that the Special Commissions of Inquiry Act is an entirely inappropriate vehicle for reviewing the matters outlined in the amendment. The powers given to a commissioner, who must be a judge or a legal practitioner of seven years standing, to investigate by holding hearings, requiring witnesses to attend and requiring production of documents is designed for inquiries into serious criminal allegations, including corruption, not inquiries into election policy directions. Most honourable members would accept that I have the greatest respect for judges but, frankly, they have a relatively specialised role in society: determining facts, deciding issues of law and the like.

I do not think it would be appropriate for a judge or a retired judge to deal with these broadly political or policy questions about how the election for the city of Sydney should be conducted. That would be an inappropriate and anomalous task to confer upon a member of the judiciary or, indeed, a retired judge. Special commissions of inquiry held previously include an inquiry into corruption allegations made by Mr Sinclair, an inquiry into corruption allegations made by Mr Bob Bottom, an inquiry into the death of Donald Mackay and an inquiry into the early release of certain prisoners. They are early examples of inquiries under the special commissions of inquiry legislation.

The procedures for conducting elections and ascertaining their results in the city of Sydney are the same as those in other council areas. However, the city election procedure has an extra stage of requiring the Sydney general manager to keep a list of non-resident electors. This is simply an administrative tool to assist the general manager in compiling the roll of a large number of non-resident electors.

Other general managers can also keep similar lists, but they are not required to do so. A special commission of inquiry is hardly needed to investigate such a minor administrative matter. A comprehensive general review of the Local Government Act electoral procedures was conducted over the past few years and resulted in the current

bill. Any review as proposed would have ramifications for the whole local government election procedure. This follows from the city of Sydney procedure being the same as in other council areas. Such a review could create great uncertainty in local government generally as to possible changes to election procedures. In addition, forthcoming by-elections in various council areas could be disrupted. The Opposition's amendment still refers to the commissioner consulting with the Independent Pricing and Regulatory Tribunal.

However, by letter dated 17 June 1998 Professor Parry, chairman of the tribunal, stated that it has no expertise in reviewing election procedure and that its current work pressures would make it impossible to conduct such a review. Professor Parry further stated, correctly in the Government's opinion, that the view envisaged by the Opposition is essentially political and administrative. IPART's enabling Act makes it clear that its functions have nothing to do with elections. IPART is involved in the determination of pricing policies for government monopoly services, such as electricity, passenger transport, Valuer-General services and water supply. It is also involved in investigating and reporting on matters with respect to industry or competition, and public infrastructure access regimes.

It might be noted that the electoral qualifications in the city of Sydney were originally determined by Parliament under the Greiner Government in 1988. Since then three city council elections and two general elections of other councils have all been conducted successfully. There has been no suggestion that the general election procedure, or counting of votes, requires wholesale review. Indeed, the Electoral Commissioner stated in a letter to the Hon. Elisabeth Kirkby that he is unaware of any complaints being made to his office or his returning officer for the Sydney City Council during the election period regarding the quality of the roll of owners, rate-paying lessees or occupiers. The Government does not support the amendment. IPART does not want to be involved. Accordingly, the Committee should reject the amendment.

The Hon. D. J. GAY [8.41 p.m.]: Unfortunately, some of the comments made by the Attorney General were obviously written prior to his hearing what I had to say. However, he graciously accepted that I had addressed those issues. I take exception to the Attorney General, of all people, suggesting that a retired Supreme Court judge would be an inappropriate choice to conduct a review. I remind the Attorney General that Judge Goran, who conducted the last review, was appointed by Neville Wran. The claim was made that this matter has been

rushed. We have had three months and we would have had longer had the Government not procrastinated on the introduction of the bill. The basis of the bill is in the schedule. The Act is in place and the reports have been done. Surely, on such a single issue, three months is sufficient to arrive at a procedure that is open and transparent; that is not unduly rushing things.

Reverend the Hon. F. J. NILE [8.43 p.m.]: I support the amendment. I was troubled by the attitude of the Attorney General concerning the ability of judges in this State to conduct a non-criminal inquiry. He seemed to suggest that judges would not be appropriate for such an inquiry. As soon as he said it, Justice Slattery, the Chairman of the Electoral Commission, came to my mind. One could not conceive of a bigger task to be chaired by a judge than reorganising the electoral boundaries, hearing submissions from all interested parties—Labor Party, National Party, Liberal Party and others—and producing what seems to be a fair solution.

I am not nominating Justice Slattery to undertake the inquiry, but obviously he and others like him, including female judges, would be adequately skilled to conduct such an inquiry. I do not regard that as a limitation. The title of "Justice" implies impartiality, which is what we are talking about: someone who will simply weigh up the evidence and deliver a fair and balanced report.

The Hon. PATRICIA FORSYTHE [8.44 p.m.]: In response to the remarks of the Hon. D. J. Gay, the Attorney General used the words "excessive haste". He said that the Opposition was proposing an inquiry that would be of excessive haste. The choice tonight is whether we pass the legislation, which has not been the subject of public consultation, despite all the words from the Minister for Local Government, or we take it to a public inquiry with a reporting date some time towards the end of the year. The election will be in September next year. Time is on our side. The only people guilty of excessive haste are those in the Carr Government. In their absolute desire to appease the Lord Mayor of Sydney they are tripping over themselves. The Opposition is trying to give the people of Sydney, those who have an interest in this decision, an opportunity to have their voices heard and to test the validity of the Government's proposition.

The Opposition contends that the Government has misread all of Judge Goran's findings and all the views of the people in the city of Sydney who count, that is, the property owners and the residents

of the city of Sydney. I say to all members on the crossbenches: the Opposition amendment will allow an opportunity for public consultation, which is something that has been lacking in legislation under this Government. Far from being guilty of excessive haste, we are the ones proposing an opportunity for public consultation that should have occurred in the first place. We are the ones who acknowledge the work of Judge Goran. We are the ones who recognise that many people have the opportunity to contribute and have a say in the governing of the city of Sydney through their votes.

The Hon. R. S. L. JONES [8.46 p.m.]: The Opposition's amendment guts the legislation. It takes out five pages. It does not allow me to move my excellent amendments, which I thought would have been well received and accepted by both sides of the House. One amendment refers to an inquiry by the Standing Committee on Law and Justice, which I also thought would have been accepted. I cannot understand why the Opposition wants to gut the legislation.

Question—That the amendment be agreed to—put.

The Committee divided.

Ayes, 21

Mrs Arena	Rev. Nile
Mr Bull	Dr Pezzutti
Dr Chesterfield-Evans	Mr Ryan
Mrs Forsythe	Mr Samios
Mr Gallacher	Mrs Sham-Ho
Mr Gay	Mr Rowland Smith
Dr Goldsmith	Mr Tingle
Mr Hannaford	Mr Willis
Mr Kersten	<i>Tellers,</i>
Mr Lynn	Mr Jobling
Mrs Nile	Mr Moppett

Noes, 19

Dr Burgmann	Mr Macdonald
Ms Burnswoods	Mr Obeid
Mr Cohen	Mr Primrose
Mr Corbett	Ms Saffin
Mr Dyer	Mr Shaw
Mr Egan	Ms Tebbutt
Mr Johnson	Mr Vaughan
Mr Jones	<i>Tellers,</i>
Mr Kaldis	Mrs Isaksen
Mr Kelly	Mr Manson

Question so resolved in the affirmative.

Amendment agreed to.

The TEMPORARY CHAIRMAN (The Hon. Jennifer Gardiner): As that amendment was carried, the remaining circulated amendments are superseded.

Schedule as amended agreed to.

Bill reported from Committee with amendments and passed through remaining stages.

**DRUG MISUSE AND TRAFFICKING
AMENDMENT (ONGOING DEALING) BILL**

In Committee

Schedule 1

Reverend the Hon. F. J. NILE [9.00 p.m.]: I move Christian Democratic Party amendment No. 1:

- No. 1 Page 3, schedule 1, proposed section 25A(1), lines 9 and 10. Omit "during any period of 30 consecutive days".

I have already spoken in detail about the period of 30 consecutive days referred to in this section. I believe it would be an injustice if police were restricted to the artificial limit of 30 days. They should have the flexibility to implement the legislation should a person be observed supplying a prohibited drug during a period of, say, 40 days.

The Hon. J. W. SHAW (Attorney General, Minister for Industrial Relations, and Minister for Fair Trading) [9.01 p.m.]: The Government does not accept the amendment. The bill creates a new offence which, in effect, deems a person to be dealing in trafficable quantities of a drug, when that person would not otherwise be found guilty of that offence. It is reasonable for a time limitation to apply. The new provision refers to those whom a court would find to be commercial dealers and would sentence to a maximum term of imprisonment of 20 years. It does not refer to transient dealers in drugs, who are subject to other substantive penalties. As honourable members have been informed, the Minister for Police has written to me about the effect of this amendment. In his letter the Minister quoted Acting Superintendent Megan Hungerford, Chief of Staff to the Commander of Crime Agencies, as follows:

* The proposed legislation was developed in consultation with members of the Police Service and is considered operationally appropriate in its present form.

* Any increase in the number of times the drug must be supplied would not be supported. Three offences is considered sufficient evidence of a continuing pattern of

drug supply. Allowing more than three offences to occur is unnecessary and constitutes an increased risk to the community.

Importantly, in regard to this amendment, Acting Superintendent Hungerford said:

- * The abolition of the 30 day time limit may undermine the intent of the legislation. If no time limit applies there is a potential for a low level supplier to accumulate offences and ultimately be prosecuted as a commercial trafficker. It would appear that this is not the intent of the legislation. The application of a time limit is therefore supported.
- * While it might be possible for a particular offender to "lay low" following their second arrest within the 30 day time frame, the legislation is more likely to be used during covert operations where all three offences occur during a short period of time and arrest is not effected until after that evidence has been collected. The time limit will not limit police operations and may serve to ensure that operations are brought to a speedy conclusion.

Commissioner Ryan has endorsed these comments.

This legislation was formulated in close collaboration with operational police. It is pretentious of this House to second-guess operational police, who have given us the benefit of their technical expertise in this field. I reject the suggestion that the bill allows a loophole to be manipulated by criminals. Nothing could be further from the truth.

As the Government has repeatedly said, the bill contains the provision relating to the 30-day limit for two reasons. Firstly, it seeks to give effect to recommendations of the Wood royal commission. The proposed amendment does not relate to the commission's recommendation. Secondly, it seeks to place a time limit on the gathering of information on drug dealing. As the offence will be based on surveillance, dealers will not be arrested until police consider that they have gathered enough evidence. In introducing this law the Government is giving police an important new weapon to fight drug dealers. At the same time it is saying that if evidence of an offence of ongoing drug dealing is not available within that time frame the community should wait no longer for action. Rather, police should use the existing provisions under the Drug Misuse and Trafficking Act 1985 to get the dealers off the street and into court where they belong. The Government opposes the amendment.

The Hon. M. J. GALLACHER [9.05 p.m.]: The bill relates to commercial dealers who are habitually involved in criminal offences. We are not talking about people who commit one or two criminal offences of commercial dealing, but three offences of commercial dealing. This Government is

prepared to say in this Chamber that it is giving police an important weapon to fight crime. But the Government is also tacitly saying that it is prepared to give commercial drug dealers who have been arrested on three occasions an opportunity to escape going to gaol.

The provision for a 30-day time limit in this legislation is an absolute disgrace. To assist the crossbenchers who are seriously considering their position, I will provide them with one simple scenario. The Attorney General referred to operational police. I will not comment on the advice from Acting Superintendent Hungerford, whom I know, but I will speak from the perspective of operational police. A heroin dealer who is caught twice for selling a commercial quantity of heroin realises that if he is caught during the 30-day embargo he will have a problem. So in that period of 30 consecutive days the dealer moves from selling heroin to selling cannabis, which is not dealt with under this legislation.

The Government has not thought it through, and in this regard the legislation is exceedingly flawed. This amendment was moved by the Opposition in the lower House. Prior to debate on this bill Reverend the Hon. F. J. Nile offered assistance to the Opposition to ensure that the community is informed of the exact intent of the bill. The Opposition is very clear. We want the limit of 30 consecutive days removed from the bill. It is nothing more than an opportunity for commercial drug dealers to escape imprisonment. The Opposition is committed to the amendment.

The Attorney General knows that what I am saying is true. I have no doubt that my statements will be misrepresented during this debate. The effect of the provision will be that police will have 30 consecutive days in which to arrest dealers on three separate occasions. The Opposition is of the view that such a provision should not be included in the bill. If drug dealers are caught for commercial dealing they should not be allowed to continue to deal during the 30 days. If they deal in drugs three times they should go to gaol.

The Hon. I. COHEN [9.09 p.m.]: I listened with interest to the Hon. M. J. Gallacher. If the honourable member did his homework he would know that the bill does not refer to a commercial quantity of drugs. We are talking about three dealings in the period of 30 days specifically to address a situation that was raised in the report of the Wood royal commission. The honourable member has it completely wrong. The Wood royal commission was referring to small-time, frequent dealers on the street.

The Greens strongly oppose this amendment and have grave concerns about the legislation. The honourable member operates like an old guard policeman who ignores the detail of the legislation. He talks a load of rubbish about commercial quantities. We are talking about one gram of heroin, about two joints of marijuana. The legislation says commercial quantities can be dealt with under the existing law. The honourable member is perverting the course of the debate.

The Hon. R. S. L. JONES [9.10 p.m.]: I wish the Hon. M. J. Gallacher would read the legislation instead of spouting nonsense in this House. Obviously the honourable member has not read the legislation at all. The bill does not deal with commercial amounts at all; it refers to one-tenth of a gram—a tiny amount passed from one friend to another. Ecstasy is very popular these days; it is widely used by young people because it is a very safe drug.

The Hon. M. R. Kersten: It is not safe.

The Hon. R. S. L. JONES: Will you please shut up?

The Hon. M. R. Kersten: No, you shut up. You are talking rubbish.

The TEMPORARY CHAIRMAN (The Hon. Jennifer Gardiner): Order! The Hon. M. R. Kersten will remain silent.

The Hon. R. S. L. JONES: The honourable member has obviously had a very good dinner and is now incoherent.

The Hon. M. R. Kersten: On a point of order. The honourable member has accused me of being under the influence. I strongly object to his offensive remark and I sincerely hope he will withdraw it.

The TEMPORARY CHAIRMAN: Order! No point of order is involved. The Hon. R. S. L. Jones did not say what the Hon. M. R. Kersten alleged.

The Hon. R. S. L. JONES: The coalition has no idea about young people. The coalition is polling only about 12 per cent of the young vote—similar to Pauline Hanson. The coalition has totally alienated young people in this State. The Opposition does not know how young people operate. If it introduces draconian legislation it will be isolated from the conservative vote. Its supporters are now 60 years of age or older—and most of them are turning to One Nation anyway. The Opposition will not get the young people's vote.

Two young people held a press conference at Parliament House today. One high-profile young woman said, "If this legislation goes through, everybody I know will be gaoled." She said that 50 per cent of young people aged 25 or under use recreational drugs, including Ecstasy and cannabis—as the Hon. M. J. Gallacher used alcohol when he was a teenager. Or was he so pure that he did not use alcohol? He shrugs his shoulders. Of course he did. Apart from Reverend the Hon. F. J. Nile, everyone in this Chamber has used alcohol at one time or another.

Members of the coalition will learn to their cost that they are completely out of touch with young people. The more they push this line the more they will lose the young people's vote. They are followed very closely by the Australian Labor Party, which has ignored the recommendations of the Wood royal commission. The Government has pushed only the most draconian aspects. Basically, the royal commission targeted the repeat heroin dealers in Cabramatta who may have had drugs stashed somewhere, and the idea was to take them off the streets.

The report of the royal commission was not aimed at first-time offenders who sell three tablets of Ecstasy to three friends and are gaoled for 20 years; it was aimed at the regular heroin dealers in Cabramatta. I believe the Attorney General is trying to implement one of the findings of the Wood royal commission and the coalition is trying to run a law and order auction, supported by Reverend the Hon. F. J. Nile, to make it tougher. This tough attitude has failed miserably. I downloaded a document from the Internet entitled "3D World", which states:

Senior German police bosses—

not like this former policeman here—

have publicly admitted that the so called war on drugs has been lost and have called for major changes to existing drug laws. 12 police chiefs—

not only constables on the beat—

The Hon. J. H. Jobling: On a point of order. The Committee is dealing with a specific amendment. What did or did not appear on the Internet is irrelevant. The Committee is dealing with proposed section 25A, which is a specific provision. I ask that you bring the member back to the amendment. He should deal exclusively with that provision and not wander off on other matters.

The Hon. R. S. L. JONES: On the point of order. I can understand the Hon. J. H. Jobling's

embarrassment in having to support this amendment. However, what the Committee is talking about is the law and order auction, and that is the wrong direction to take. The 30-day provision which the Opposition has attempted to remove is part and parcel of the law and order auction leading up to the next election. The article also stated that "German police bosses have"—

The Hon. J. H. Jobling: The honourable member is deviating from the point of order.

The Hon. R. S. L. JONES: I am still on the point of order, if you don't mind.

The Hon. J. H. Jobling: I do mind. You are not speaking to the point of order.

The Hon. R. S. L. JONES: I am. That is for the Chair to decide.

The TEMPORARY CHAIRMAN: Order! The Hon. R. S. L. Jones will address the Chair on the point of order.

The Hon. R. S. L. JONES: The honourable member should allow the Chair to listen to my explanation and not interrupt. It is relevant to put on the record that the Opposition, by supporting this amendment, is going down the wrong road—the road to oblivion. Let me put on the record why it is going down the wrong road, or members opposite will not know why they are wrong in supporting the amendment of Reverend the Hon. F. J. Nile.

The TEMPORARY CHAIRMAN: Order! No point of order is involved. The Hon. R. S. L. Jones will continue to address the amendment.

The Hon. R. S. L. JONES: Thank you, Madam Chair. I knew you would understand the argument.

Reverend the Hon. F. J. NILE: Very patronising, very patronising.

The Hon. R. S. L. JONES: I happen to have great respect for the Hon. Jennifer Gardiner—

The TEMPORARY CHAIRMAN: Order! The Hon. R. S. L. Jones should restrict himself to speaking to the amendment.

The Hon. R. S. L. JONES: —both as Temporary Chairman and as a member of this Chamber.

The Hon. M. R. Egan: Stop praising the Chair. Just get on with it.

The Hon. R. S. L. JONES: I will not praise the Chair too much and I will not bore the Committee, because I want this debate finalised. Some members of the Opposition are bored; they use drugs other than those that the Committee is talking about tonight. The 12 police chiefs referred to in this document issued a statement this week suggesting that adopting ultra-liberal Swiss-style laws could dramatically reduce crime and remove many other associated drug problems. Dierk Schnitzler, Bonn's police commissioner, said:

Even if we had four times as many police officers we could not solve the problem. We would only push the prices up and the dealers will make even bigger profits. Humanity dictates that we should help addicts, who are sick people.

Of course all honourable members know about George Soros, the billionaire, who has echoed the views of the police chiefs, and Kofi Annan, who also agrees.

The Hon. J. H. Jobling: On a point of order. With respect, the names George Soros and Kofi Annan do not appear in the bill. I appreciate the honourable member's point of view but I ask you to bring him back to the specific provision under consideration.

The Hon. R. S. L. JONES: On the point of order. I am drawing all these threads together so that when I have finished, members opposite will have a vague understanding of the issue. I will draw all the threads together so that even the Hon. J. H. Jobling will be able to understand it.

The TEMPORARY CHAIRMAN (The Hon. Jennifer Gardiner): Order! The Hon. R. S. L. Jones will draw the threads of his argument together now.

The Hon. R. S. L. JONES: I shall draw the threads together quickly. I wish to speak about zero tolerance policing, which in the United States of America neither solves crimes nor delivers justice and would be disastrous in Australia. Old-fashioned law and order, along with traditional overpolicing among poor and migrant social groups, does not work. Operation Puccini in Cabramatta has not worked. There have been hundreds of arrests in three months to combat the drug problem and police readily admit that as soon as they arrest one drug dealer another takes his or her place on the street. The National Drug Prevention Fund Secretariat in referring to the problem made this preliminary conclusion:

Specifically, the data presented suggest that heroin users in Cabramatta appear to be younger, less educated, more likely to be female and less likely to be Anglo-Australian. They also appear to be more likely to have initiated heroin use by smoking rather than parenteral use, to be involved in crime . . . street-based injecting and collective injecting episodes, and to have little or no experience of treatment, than those reported on previously.

If the 30-day provision is removed, more young people such as 14-year-olds to 15-year-olds will enter the trade—and I am sure the Opposition would not want that. It is taking the wrong approach to the heroin problem, an approach that has not worked anywhere in the world. Although the Opposition does not acknowledge that contention, I have abundant material to support it. The National Party seeks to gaol people for a minimum of one year for having one joint. I am sure the Hon. Jennifer Gardiner does not support such a policy, despite the views of the Leader of the National Party. I do not know whether such a policy will be implemented should the coalition win the next election, but I can assure it that it will not win it any new voters. We are going down the wrong path. I condemn Reverend the Hon. F. J. Nile for having no compassion for young people, and the coalition for supporting this amendment.

Reverend the Hon. F. J. NILE [9.22 p.m.]: The reason for the amendment and for our support for the bill is that we care about young people and want to get them off drugs. The amendment is motivated by compassion not stupidity.

The Hon. J. S. TINGLE [9.22 p.m.]: I seek some clarification from the Attorney General. I hate drug abuse and those who promote drugs and get rich selling drugs. However, I am at odds with the amendment moved by Reverend the Hon. F. J. Nile because it weakens the provision. I stand to be corrected but the bill as it stands states:

A person who, on 3 or more separate occasions during any period of 30 consecutive days, supplies a prohibited drug (other than cannabis) for financial or material reward is guilty of an offence.

If the amendment is agreed to and the period of 30 consecutive days is removed, a person is then allowed to commit three offences over his or her whole lifetime. I do not think I am confused. The legislation is being loosened not tightened. I like the bill because it is tight.

Reverend the Hon. F. J. Nile: The amendment will make it stronger.

The Hon. J. S. TINGLE: By way of interjection Reverend the Hon. F. J. Nile suggests that the amendment makes the provision stronger. I

do not think I have misread it. I think the amendment weakens the provision. I ask the Attorney General about something that is central to the provision and will determine the success of the amendment. In his second reading speech the Minister for Police said that police would gain information on the first and second occasions of supply by covert means or by surveillance. Is there also a requirement that when a person is arrested on the third occasion and appears in court, those first and second occasions are taken into consideration and are equally proved? Will they all be dealt with together or will only the third occasion be dealt with? That is central to the whole provision.

The Hon. J. W. SHAW (Attorney General, Minister for Industrial Relations, and Minister for Fair Trading) [9.24 p.m.]: The clear answer is yes. The three offences, which have not been prosecuted but which the police have detected, would be dealt with collectively as three offences within the time frame that would support the tough charge of commercial dealing leading to maximum imprisonment of 20 years if the charge is proved and the person is convicted. Police would have the option, if they do not find three offences within the time frame, to choose in their discretion to prosecute for dealing in drugs for non-commercial quantities. The offence of commercial dealing in this bill would occur irrespective of the quantity of drugs that are being traded, so that if three occasions are detected by police within the period, even minor amounts of drugs traded for reward would give rise cumulatively to the offence of commercial dealing.

The Hon. M. J. Gallacher has criticised this measure as soft, but it is cumulative. It is a superstructure for any laws that the coalition ever enacted about drug dealing. It is an addition. It does not detract in any way, shape or form from existing offences for dealing in drugs, in either commercial or non-commercial quantities. Therefore, on any view this is a strengthening of the law. The answer is a little convoluted but I hope that I have adequately addressed the question asked by the Hon. J. S. Tingle. All three offences would be considered. The police would take these offences under surveillance and would not prosecute until they have evidence deeming somebody to be a commercial trafficker in drugs.

Reverend the Hon. F. J. NILE [9.26 p.m.]: If an individual supplies drugs twice in 30 days, the 30-day limit is reached. If he sells a third time on the fortieth day, under this legislation he cannot be charged. He can be charged with supplying drugs once.

[*Interruption*]

The Hon. I. M. Macdonald is acting as a mentor on this bill but he is wrong, as is the Hon. J. S. Tingle for following his advice. It is for the judge to decide whether to impose a term of 20 years, which is the maximum, or six months. This is a Labor Party bill but the crossbenchers are speaking as if it were a coalition bill.

The Hon. Dr A. CHESTERFIELD-EVANS [9.27 p.m.]: The argument relating to the 30 days makes me very sad. This is in effect an auction to decide who can be hardest against drugs in a punitive sense. We should be asking how we are going to solve the drug problem. Will putting everyone in gaol for 20 years after 30 days, 10 days or 40 days for three cookies or five grams of heroin solve the problem? Do people come out of gaol refreshed and keen to live a clean life or do they come out mentally and perhaps physically damaged? These people may use drugs for recreational purposes or may be addicted because they feel they have no choice. Certainly it is well documented that addiction through peer pressure begins with the use of less dangerous drugs but then stronger drugs are used. However, the bottom line is that people need help. This is a medical problem, and turning young people into criminals unnecessarily, except by defining the law as such, will not solve the problem.

Reverend the Hon. F. J. Nile: These are dealers.

The Hon. Dr A. CHESTERFIELD-EVANS: Most people who deal in small quantities do so to enable them to sell a little and use the rest to supply their own habit. These are not masterminds of criminality. Those who understand drugs regard such people as human beings. Years ago the Government tried to bring in prohibition but many people drank alcohol. Despite the nobility of the experiment and the emotion of the rhetoric, the economic imperative meant that people continued to use alcohol against the law. Eventually corruption was so bad—

Reverend the Hon. F. J. Nile: Alcohol usage dropped dramatically during prohibition.

The Hon. Dr A. CHESTERFIELD-EVANS: Yes, alcohol usage dropped during prohibition but at a social cost that people were not willing to pay. The amount of harm caused by drugs of varying varieties with the increase in pharmacology—

The TEMPORARY CHAIRMAN (The Hon. Jennifer Gardiner): Order! The member should restrict his comments to the amendment and not engage in a general discussion about drug dealing.

The Hon. Dr A. CHESTERFIELD-EVANS: Escalating the period or not, depending on whether one believes the 30 days to be an escalation or a non-escalation, is fundamentally acting in a wrong framework. I ask that the framework be changed. It is my intention to vote against the amendment, but the larger issue needs to be considered. Certainly that is the opinion of Alex Wodak, from the Alcohol and Drug Service at St Vincent's Hospital, who said:

First, illicit drugs have to be regarded primarily as a health rather than a law enforcement problem.

Second, the oxygen of profits has to be taken out of the illicit drug industry.

Third, evidence has to be preferred to rhetoric.

The Hon. J. W. SHAW (Attorney General, Minister for Industrial Relations, and Minister for Fair Trading) [9.31 p.m.]: I add, by way of clarification, that the substratum of laws about dealing in hard drugs in non-commercial quantities is utterly unaffected by this bill. This is an add-on, so if one is dealing in non-commercial quantities of hard drugs, to use the colloquial and non-scientific term, the penalty is a maximum 15 years imprisonment. To portray this measure as soft is utterly absurd.

The police support a finite period, because they intend to undertake surveillance of people who trade in non-commercial quantities of drugs, to use the technical term. The police will need to decide whether to prosecute a person for trafficking in a non-commercial quantity, thus leading to substantial periods of imprisonment if the person is convicted, or whether they should wait, stay their hand until there is cumulative evidence of three incidents. It would be unsatisfactory, unsafe and wrong for the police to be required to indefinitely wait, to stay their hand, to wait for months or years while people are out on the streets undertaking these activities.

Reverend the Hon. F. J. Nile: Two months or six weeks.

The Hon. J. W. SHAW: The Government is saying 30 days. That is the period we have negotiated with operational police officers who know what they are talking about. Within that time period it is thought that issues could come to a head and police could make a decision to either charge a person as a commercial dealer under this new legislation, which is an add-on to the existing law, or use the pre-existing laws and charge people for trafficking in non-commercial quantities of drugs. In

any event traffickers have available to them very significant periods of imprisonment.

The Hon. M. J. GALLACHER [9.33 p.m.]: It is important to remember that under the current legislation commercial dealers caught dealing in small amounts are dealt with in isolation. I commend the Government for going part of the way that the Opposition and the community want it to go, but unfortunately it has gone only 75 per cent of the way. The idea of the 30 consecutive days might look good from the representations that have been received but in reality drug dealers, unfortunately, on their second offence will simply sit out the remaining period of the 30 days before they commence to deal again. It is the Opposition's view that if a person is charged with dealing in a small amount of drugs a third time, he or she must be able to convince the judge that he or she should not go to gaol as a commercial dealer.

The 30-day period set down in the legislation unfortunately ignores the amendment, and quite simply it will give dealers an opportunity to skip out of drug dealing for the remainder of the 30 consecutive days. I reject the suggestion that we hear again and again that the Government and the Opposition are entering into a bidding war. This is nothing to do with bidding; this is to do with values and what the Opposition believes must be done to give effect to this legislation. The Opposition does not believe that there should be a 30-day consecutive period; the Government does. The exercise is not about penalties and making the law tougher; it is about preventing drug dealers from manipulating the system and thereby taking advantage of any opportunity to avoid imprisonment.

Question—That the amendment be agreed to—put.

The Committee divided.

Ayes, 18

Mrs Arena	Rev. Nile
Mr Bull	Dr Pezzutti
Mrs Forsythe	Mr Ryan
Mr Gallacher	Mr Samios
Mr Gay	Mr Rowland Smith
Dr Goldsmith	Mr Willis
Mr Hannaford	
Mr Kersten	<i>Tellers,</i>
Mr Lynn	Mr Jobling
Mrs Nile	Mr Mopett

Noes, 22

Dr Burgmann	Mr Obeid
Ms Burnswoods	Mr Primrose
Dr Chesterfield-Evans	Ms Saffin
Mr Cohen	Mrs Sham-Ho
Mr Corbett	Mr Shaw
Mr Dyer	Ms Tebbutt
Mr Egan	Mr Tingle
Mr Johnson	Mr Vaughan
Mr Jones	
Mr Kaldis	<i>Tellers,</i>
Mr Kelly	Mrs Isaksen
Mr Macdonald	Mr Manson

Question so resolved in the negative.

Amendment negatived.

The Hon. I. COHEN [9.42 p.m.]: I move Greens amendment No. 1:

No. 1 Page 3, schedule 1, proposed section 25A, line 10.
After "supplies", insert "a trafficable quantity of".

The Greens are concerned that the clause as currently drafted will end up targeting small-time drug dealers, recreational users and drug addicts. This amendment inserts into the new offence provision, which is proposed section 25A(1), a requirement that the person must have supplied a trafficable quantity of a prohibited drug on each of three occasions during the 30-day period. The Drug Misuse and Trafficking Act 1985 has attached to it a table outlining penalties and references to quantities of drugs. For the purposes of this legislation a trafficable quantity of heroin is three grams, and a person caught supplying one gram of heroin is considered to have supplied a small quantity.

The Act provides that offences involving these amounts of heroin can be tried summarily or on indictment. If an offence for supplying a small quantity of heroin is tried summarily, the maximum penalty is \$5,500 or two years imprisonment, or both. An offence of supplying a trafficable quantity of heroin tried summarily carries a maximum penalty of \$11,000 or two years imprisonment, or both. If the offences are tried on indictment, the maximum penalty is \$220,000 or 15 years imprisonment. The Attorney General's Department advises that most offences for supplying small quantities of heroin are tried summarily and carry a maximum penalty of two years gaol.

The bill allows for a penalty regime of 3,500 penalty units or imprisonment for 20 years, or both.

The Act currently provides for a penalty regime of 3,500 penalty units or imprisonment for 20 years, or both, for commercial quantities of drugs, except for offences involving cannabis. In the table to the Act a commercial quantity of heroin is defined as 250 grams or more. The bill allows for a maximum penalty to be imposed for any quantity of prohibited drug other than cannabis if it is supplied on three or more separate occasions for financial or material reward during any period of 30 consecutive days. As currently drafted the bill provides that persons in the following circumstances may be prosecuted and subjected to a maximum penalty of 20 years imprisonment.

A drug user buys two \$50 heroin deals for himself and his partner, which is enough for one fix each. He then sells one \$50 deal to his partner. He does this three times in a 30-day period and becomes liable under this provision, as technically he has supplied a prohibited drug for financial or material reward. However, though the amount he then sells three times in less than 30 days could total less than one gram, the outrageous effect of the bill is that he could be liable for a maximum penalty of 20 years. Another example is a drug addict buying a couple of grams of heroin and then on selling \$50 deals at a profit to support his or her drug habit. If this person sold \$50 deals three times in a 30-day period, he or she would come within this provision. In a letter dated 13 May the Law Society stated:

The legislation will target dealers who sell little and often . . . While the effect of this legislation will be to push "unsightly" transactions off the streets, it will not do anything to attack drug abuse in our society nor reduce the quantity of drugs available. Quantity is immaterial under this proposed legislation. The total quantity supplied does not have to be a "trafficable quantity", which is the trigger for prosecution under existing legislation. Therefore, the provisions will catch small dealers who have a sudden burst of activity and will catch people who obtain and on-sell recreational drugs to friends. There is no requirement for a person to be charged after each act of supply. The legislation creates an enormous potential for police harassment and discriminatory action. Individuals will be targeted and they will be liable to a punishment far greater than society would want.

The Greens consider that at the very least the amount supplied on each occasion should be a trafficable amount. This would mean that the total amount sold three times over a 30-day period would be a minimum of nine grams. I commend Greens amendment No. 1 to the Committee.

The Hon. J. W. SHAW (Attorney General, Minister for Industrial Relations, and Minister for Fair Trading) [9.47 p.m.]: The Hon. I. Cohen has moved that the proposed new offence of ongoing drug dealing be amended to apply only to a trafficable quantity of prohibited drugs other than

cannabis. The Government opposes this amendment. Put simply, the amendment does not address the logic of the recommendation of the Wood royal commission upon which the proposed commercial dealing offence is based. The Wood royal commission drew attention to the practice of dealers minimising their criminality by holding and dealing in quantities less than the indictable or commercial quantity.

If this amendment were to become part of the law, dealers could simply deal three times in quantities less than the trafficable quantity within 30 days. This amendment does not obviate the problem identified by the Wood royal commission. The amendment is quantity based and open to circumvention if dealers organise their practices in a certain fashion. Hence, the Government opposes the amendment.

The Hon. M. J. GALLACHER [9.48 p.m.]: The coalition opposes the amendment moved by the Hon. I. Cohen. The beauty of these debates is that they provide honourable members with an opportunity to express their views. Whenever I put forward my views, I receive a fair degree of ridicule from the Hon. I. Cohen. It is quite clear to the Opposition that this amendment is nothing more than an opportunity to weaken the legislation to look after his druggie mates.

The Hon. Dr A. CHESTERFIELD-EVANS [9.50 p.m.]: The Australian Democrats support this legislation as at least an attempt to put some humanity into what are extremely draconian measures. I would like to respond to the Attorney General's comments. Justice James Wood, who headed the Royal Commission into the New South Wales Police Service, stated:

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

He also stated:

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

One of Justice Wood's recommendations was that New South Wales should support the proposed Australian Capital Territory heroin trial. However, the decision of the Commonwealth Ministerial Drug Council last July was overturned by the Federal Cabinet, and the Prime Minister publicly opposed that course. Justice Wood basically wanted a different approach to drugs, but his recommendations have not been implemented. I wanted to place that on the record.

The Hon. I. Cohen: On a point of order. The Hon. M. J. Gallacher accused me of seeking to protect my druggie mates. I take great offence at such a superficial and reactive statement and I ask him to withdraw it. I am acting in the interests of the freedom and rights of people in the community.

The Hon. M. J. Gallacher: On the point of order. I am quite happy to withdraw the comment. I said it not to offend the honourable member but merely to test his sensitivity, following comments he has made about my experience in the Police Service. I wanted to see if he was prepared to accept it. I will know in future not to upset the poor precious member.

The Hon. R. S. L. JONES [9.51 p.m.]: I support the Greens amendment. The Greens are clearly in touch with young people and understand the problem. The Greens are also in touch with the Law Society, which understands the problem, as do many other people in society—unlike some of the more extremist members of our society who are going in precisely the wrong direction.

Amendment negated.

Reverend the Hon. F. J. NILE [9.52 p.m.], by leave: I move my amendments 2 and 3 in globo:

No. 2 Page 3, schedule 1, proposed section 25A(1), line 11. Omit "(other than cannabis)".

No. 3 Page 5, schedule 1, proposed section 25A(10), lines 14 and 15. Omit all words on those lines.

These amendments will test all members who have views on marijuana or cannabis and believe it is a great recreational drug and should be freely available for young people. The amendments seek to delete the words "other than cannabis" so that the bill will apply to cannabis; as drafted, the bill will apply to all drugs except cannabis. I support the Opposition and I give credit to the Hon. M. J. Gallacher, who led for the Opposition in the debate. This is not, as some members have alleged, simply an attempt to see who can obtain the heaviest penalties and the longest gaol sentences.

I am not interested in that process. I want good legislation and I believe this bill will send the wrong message to young people by suggesting that cannabis or marijuana is in a special category and is not a very harmful drug. I know that is not the Government's intention, but that is the message that will go out to young people. That is why the Christian Democratic Party seeks to include cannabis as a prohibited drug. Contrary to what the Hon. R. S. L. Jones said about some police officers in

Germany, I believe we should follow the Swedish model. Sweden has introduced a zero tolerance drug program, especially in regard to cannabis, and the success of that campaign has been proved.

In Sweden 20 to 25 per cent of teenagers were using marijuana but that incidence has decreased to between 3 and 5 per cent. On the other hand, New South Wales is sending out confused messages about marijuana to our young people. Rock bands and radio station Triple J have promoted the drug—as have some of the parties represented in this House, who have soft policies on marijuana and would like to see it decriminalised or even legalised. Those messages are working in this State; they have been a great success and the incidence of marijuana use has increased from 20 per cent to 25 per cent. If the minor political parties continue with their campaign, that figure will continue to increase. We are going in absolutely the wrong direction.

The other factor that has not been taken into account is the high levels of Delta-9-tetrahydrocannabinol, THC, in marijuana. I understand that perhaps 20 years ago that level would have been 1 per cent in marijuana grown in, say, the Riverina area. But as a result of modern methods of growing marijuana and artificial means of treating, lighting and fertilising, in some crops of marijuana that ingredient has increased to 30 per cent, which will have a very harmful effect on the user. The Christian Democratic Party promotes zero tolerance in New South Wales drug programs, modelled on the successful Swedish campaign.

The Hon. J. W. SHAW (Attorney General, Minister for Industrial Relations, and Minister for Fair Trading) [9.56 p.m.]: Reverend the Hon. F. J. Nile has sought to include cannabis within the ambit of the bill. Something has been made of the absence in the Wood royal commission of any explicit recommendation to exclude cannabis. The Government says that that is a disingenuous argument, which, frankly, the honourable member did not prove. It is true that the royal commission did not literally and explicitly refer to cannabis, but the Government would say that any sensible reading of the discussion accompanying the recommendation indicates that cannabis is not identified as the problem with which the royal commissioner was concerned. Justice Wood referred to the practices of street dealers in Kings Cross and Cabramatta, well-renowned centres for the heroin trade. The honourable member for Cabramatta said in the Legislative Assembly:

The streets of Cabramatta and south-west Sydney are not in the grip of a cannabis crisis. Cannabis is not the drug which fuels the Kings Cross sex industry; nor is it the drug about

which my constituents express concern. The major issue involves amphetamines, cocaine and heroin.

Obviously the Wood royal commission knew that, the Government knows it, and the police and the community also know it. The honourable member referred to the deleterious effects of cannabis use and abuse. That may be accepted for the purposes of the debate, but the question is whether cannabis ought to be included in these quite significant new offences, which are essentially targeted at hard drug dealing. I suggest to the Committee that the inclusion of cannabis would put the bill out of step with community expectations and risk undermining respect for the law. These are quite drastic provisions. I would not use the word "draconian" but they are quite substantial additions to the criminal law relating to drug dealing, and community expectations are currently enshrined in the Drug Misuse and Trafficking Act 1985, with the prohibited drug cannabis leaf consistently being dealt with under a different penalty regime than other prohibited drugs. For those reasons the Government opposes the amendments.

The Hon. R. S. L. JONES [9.58 p.m.]: These are the most absurd amendments that have been moved in this House in a very long time. Reverend the Hon. F. J. Nile has an agenda, which I respect. He is consistent in this House. He wants to prohibit alcohol, tobacco and marijuana, and one can understand that he is consistent in all of this. That is fair enough; he has never made a secret of his wishes. He also wants to ban alcohol advertising. One must respect his views but one does not necessarily have to support them.

It is a fact of life that literally two million people, by different estimates, have used marijuana and that many still use marijuana regularly in New South Wales. The situation is that almost every person who uses the substance could also be deemed to be a supplier or seller. This is particularly the case so far as young people are concerned, because they buy a bag of marijuana and sell it to one or two friends. An ordinary 19-year-old or 20-year-old totally innocent university student, who likes to use marijuana, and may do so for only two or three years, could be caught by this amendment if it is agreed to, and gaoled for 20 years.

David Heilpern recently released a book that showed that one in four 18-year-olds in gaol are raped. If Reverend the Hon. F. J. Nile's amendment is successful it will result in the rape of young people in gaol. Marijuana is now ubiquitous in our society. It is grown hydroponically in about every fifth house in Sydney, and there are hydroponic

shops all around town. In fact, dealers cannot even sell marijuana and have gone out of business because it is so readily available. They are getting legal jobs. Some growers are also going out of business because marijuana is ubiquitous. There are absolutely no means of stopping the supply of marijuana, because it can be—indeed it is—grown everywhere in Sydney, and the price has now fallen so low that it has become much cheaper in Australia than ever before.

We will not stop the supply or use of marijuana until we explain to people, through an education program, the problems associated with it. Marijuana is now one of the top three drugs used in society—the other two are tobacco and alcohol. Marijuana just happens to be the drug of choice of many people. Why should they be discriminated against by fanatics and extremists who do not use any drugs? It is abominable that the Opposition has signalled its intention to support the amendment. That will send a terrible message to the public, particularly coalition voters, and the coalition will lose even more votes. Reverend the Hon. F. J. Nile will not gain any more votes than he already has. But if his amendment is successful it will ensure that the coalition will not win government in nine months. Perhaps that is what the coalition wants; perhaps it wants to give Pauline Hanson a go.

Clearly, there is a false distinction between marijuana and other drugs that are still legal. If Reverend the Hon. F. J. Nile were consistent he would move legislation to make alcohol and tobacco illegal, because they cause many more deaths than other drugs. I have never seen reference in literature to deaths caused by marijuana use. There is evidence of some 19,000 to 20,000 deaths from tobacco and 3,500 deaths from alcohol, but there is no evidence of any deaths from marijuana use. The "National Drug Strategic Framework 1998-2002" noted:

Smoking of tobacco is a major cause of premature and preventable death and disease in Australia. It is estimated that the economic costs of tobacco use to Australia in 1992 totalled \$12.7 billion which was 67.3 per cent of all costs associated with drug misuse.

Alcohol is second only to tobacco as a preventable cause of death and hospitalisation for Australians and represents the most serious threat of any drug problems to public safety—

not marijuana, but alcohol—

The estimated cost to Australia of alcohol misuse in 1992 was \$4.49 billion, and it has been estimated that 3,642 Australians died . . .

The framework also referred to the inappropriate use of pharmaceuticals and their potential harm. We all

know about that. A Standing Committee on Social Issues report said that marijuana was not a gateway drug. The committee stated:

While it is true that the vast majority of heroin users in New South Wales have tried and/or use marijuana, it is important to note that over 4 million Australians have tried cannabis and the overwhelming majority have not gone on to use other substances. As noted in "Drug Use Amongst Youth" the evidence is that tobacco smoking is in fact the first and clearest example of a "gateway" to illicit substance use.

So if we are concerned about gateway drugs we should look at tobacco and perhaps ban it. We must be consistent. Perhaps we should make tobacco illegal. The policy position released by the Australian Professional Society on Alcohol and Drugs agreed. The society stated:

While there is a common belief that cannabis is a "gateway" to other illicit drugs, the evidence does not uphold this myth. 97% of those who try cannabis do not move on to other illicit drug use.

Marijuana is a common social drug used weekly by perhaps half a million people in New South Wales. If this amendment is passed it will alienate at least half a million people in New South Wales. Those people will be extremely upset not only with Reverend the Hon. F. J. Nile but also with the coalition if it supports the amendment. The amendment certainly will not gain the coalition any votes from young people. It is no wonder that the number of young people who vote for the coalition is so low, and it will remain that way if the coalition supports this absurd amendment. It is a cruel, bad amendment that sends the wrong message to our young people.

The Hon. I. COHEN [10.05 p.m.]: The Greens do not support the amendment. Tobacco is the drug that causes the highest number of avoidable deaths. The Greens do not support the advertising of tobacco. Likewise, we do not support the advertising of alcohol. We do not want to encourage the use of those drugs, but we do not support the banning and criminalisation of drugs, because it simply does not work. We acknowledge that those drugs are used in society and we accept their decriminalisation. As the Hon. R. S. L. Jones said, there is a high level of marijuana use in our society, but the Greens do not support the advertising of marijuana.

Much has been said in this House about the success of the Swedish model. With my experience overseas with the inquiry into safe injecting rooms I came to realise that a great number of young people were leaving Sweden because of its policies, and that the success rate in that country had been artificially inflated. Like many country towns in

Australia, there is a drain of people away to the more entertaining cities. Rather, I was impressed with the success of programs in the Netherlands and other countries where the governments had a sympathetic attitude to drug policies. Certainly they severely penalised the dealers of hard drugs, but at the same time they acknowledged that marijuana was a soft drug. One of the advantages of that program is that the youth see the relevance of the way that the authorities deal with the drug issue. So, when they are told that marijuana is a soft drug, they can relate to that; and subsequently when they are told that heroin, cocaine, amphetamines and other drugs are extremely dangerous, they can acknowledge, understand and accept that also.

I do not wish to defend marijuana as such. I defend people's rights to partake of it because, as other members have said, it is widely used throughout society. Marijuana will now be added to this draconian legislation. I use "draconian" advisedly, although the Attorney General said it is not an appropriate term. If cannabis or marijuana are added to this legislation by way of the amendment of Reverend the Hon. F. J. Nile that will make a mockery of this Parliament, legal institutions, a huge number of people in our society, the concept of law and order, and relevant policing.

I have spoken to a significant number of police at all levels of the force, from police on the beat to officers at the highest level. They are heartily sick of wasting police resources and time on pursuing offences involving tiny quantities of marijuana and having to prosecute young people who would otherwise be fine, upstanding young people with a good future ahead of them. Police are sick of pursuing minor offenders when they should be attacking the big heroin and cocaine drug dealers.

The amendment thoroughly misses the point. In this day and age it is inappropriate to make it a crime to smoke tobacco or a joint of marijuana, or to drink alcohol. It is inappropriate to place marijuana on the schedule alongside harder drugs. Despite the rhetoric I hear about marijuana being great, the fact is that many millions of people, particularly the young, smoke some marijuana and do not move on to harder drugs. I do not support the amendment.

The Hon. M. J. GALLACHER [10.09 p.m.]: I listened intently to debate on this legislation. I do not wish to labour the Opposition's views about cannabis. I congratulate Reverend the Hon. F. J. Nile on moving these amendments, which were moved by the Opposition in the lower House, and I commend him for his commitment to young people.

The Opposition is of the view that excluding cannabis from the schedule to the bill will result in an inequitable system in the drug misuse and trafficking legislation as it currently stands. Earlier I alluded to the fact that it would not be difficult for offenders who have been arrested a second time for possessing a small quantity of heroin to deal in cannabis until the 30-day period has expired and then to revert to dealing in heroin and other hard powder-type drugs.

The Opposition is of the view that commercial dealers in hard drugs will regard this as an opportunity simply to maintain their habitual criminal activity as drug dealers and avoid the possibility of being dealt with by the courts after having been arrested for drug dealing on three or more separate occasions within a period of 30 consecutive days. The inclusion of cannabis in the schedule would make the legislation equitable. If cannabis was included the Government would have to address certain procedures in the legislation as it currently stands, but the Opposition is of the view that that could be done before the bill is read a third time. In supporting this amendment the Opposition is simply continuing to support the fine work of the royal commission. It is committed to dealing with drug dealers, having them brought before the courts and sent to gaol. It is committed to ensuring that no easy options are available for drug dealers who continue their criminal activities. The omission of cannabis from the schedule provides an easy option; drug dealers will simply cease dealing in hard drugs and sell cannabis for the remainder of the period of 30 consecutive days.

The Hon. R. S. L. JONES [10.12 p.m.]: I simply point out that Young Liberals support the liberalisation of drug laws, especially the marijuana laws. If these amendments are accepted by the Committee the coalition will lose an awful lot of young Liberals.

Question—That the amendments be agreed to—put.

The Committee divided.

Ayes, 17

Mr Bull	Rev. Nile
Mrs Forsythe	Dr Pezzutti
Mr Gallacher	Mr Ryan
Mr Gay	Mr Samios
Dr Goldsmith	Mr Rowland Smith
Mr Hannaford	Mr Willis
Mr Kersten	<i>Tellers,</i>
Mr Lynn	Mr Jobling
Mrs Nile	Mr Moppett

Noes, 22

Dr Burgmann	Mr Obeid
Ms Burnswoods	Mr Primrose
Dr Chesterfield-Evans	Ms Saffin
Mr Cohen	Mrs Sham-Ho
Mr Corbett	Mr Shaw
Mr Dyer	Ms Tebbutt
Mr Egan	Mr Tingle
Mr Johnson	Mr Vaughan
Mr Jones	
Mr Kaldis	<i>Tellers,</i>
Mr Kelly	Mrs Isaksen
Mr Macdonald	Mr Manson

Question so resolved in the negative.

Amendments negatived.

The Hon. R. S. L. JONES [10.21 p.m.]: I move the following amendment circulated in my name:

Page 3, schedule 1, proposed section 25A. Insert after line 14:

(2) Previous conviction required

A person is liable to be convicted of an offence under this section only if the person has previously been convicted of a relevant supply offence in respect of an occasion that is not one of those referred to in subsection (1).

This amendment will ensure that first offenders are not caught as a result of this legislation. It is not the intention of the Attorney General, the Minister for Police or any other member of the Government to catch first offenders. Because of the impending election the Government will not accept my amendment. It has to appear to be as tough on crime as the Opposition. The recommendations of the Wood royal commission, which were designed to arrest and put out of business, or drive off the streets, repeat offenders, targeted those the police knew had been dealing in drugs month after month and year after year, but they were not able to be put out of business because they were being punished for dealing only in small amounts of drugs.

If the Government had some intestinal fortitude it would do the right thing and accept the amendment. Because the Government is engaged in a bidding war with the Opposition it may decide not to accept the amendment, even though it knows it should. This provision should have been included in the legislation. Only a small proportion of first offenders reoffend. First offenders who sell three Ecstasy tablets to three different people or three undercover police officers could be gaoled for three, five or 10 years under the draconian provisions of

this legislation. They might be gaoled for selling ecstasy—a relatively harmless drug—but they will come out of gaol confirmed heroin addicts, and become a problem to society. After all, heroin, which is available in every gaol in New South Wales, cannot be kept out of the community or the gaols.

The Attorney General is fully aware that this legislation is not designed to hook first offenders. First offenders should receive only a caution. My amendment provides that offenders must have a prior conviction before they can be caught by these draconian provisions. If offenders have been convicted previously for supplying drugs, they should have received a warning or a caution and got off under section 556A. But if they are convicted they become known suppliers. If offenders are caught supplying drugs on three occasions within a period of 30 consecutive days, they have no excuses.

There has to be a distinction between penalties for the sale of minor and commercial quantities of drugs and the drugs being sold or bought by big dealers and personal users. Big dealers do not sell on the streets; they use young runners who may be first offenders, many of whom will get caught. Big-time dealers rotate their sellers and those young people who are caught will have to serve time for a first offence or for a group of three offences. If this legislation is effective our gaols will be filled with young first offenders, maybe one in four of whom will be raped and who, as a result, will turn into hardened criminals. I hope the Government has seen the light and it does what it should have done in the first place—ensure that these draconian provisions are not applied to first offenders.

The Hon. J. W. SHAW (Attorney General, Minister for Industrial Relations, and Minister for Fair Trading) [10.26 p.m.]: The Hon. R. S. L. Jones proposed that a condition precedent for the operation of the ongoing, drug dealing laws should be that a person has a previous conviction for a relevant supply offence. The Government does not accept this amendment for three reasons. First, it puts drug dealers on notice. Second, it muddies the distinction between gratuitous and commercial suppliers. A key element of the new offence is that the supply of prohibited drugs be for financial or material reward. In this way repeated dealers of prohibited drugs are the legitimate targets of the proposed new laws.

However, if the amendment were to be accepted the trigger for the operation of the provision could be a previous gratuitous supply offence unrelated to commercial dealing. Third, although the amendment is well-intentioned, the

Government is opposed to a law that would create an offence based on a person's past status as a dealer. Once an offender has been punished before the law he or she should generally not be punished again. Equally, those who have not previously committed such clear crimes should not be especially advantaged relative to a previous offender. A person's criminality or lack thereof—a person's prior convictions—is always relevant to sentence and penalty. But it would be a novel departure to suggest, as this amendment does, that a person's prior conviction should be relevant to the charge or decisive of the charge preferred against a person.

The Hon. M. J. GALLACHER [10.28 p.m.]: The Opposition cannot support this amendment. An offender would have to be arrested four times, instead of three times for offences committed in a 30-day consecutive period. The Attorney General graciously acknowledged the intention of the amendment moved by the Hon. R. S. L. Jones. How could such an amendment assist the main thrust of the Opposition's support for the legislation?

Amendment negated.

The Hon. I. COHEN [10.30 p.m.]: I move Greens amendment 2:

No. 2 Page 5, schedule 1. Insert after line 18:

[2] **Section 30 Indictable offences - summary disposal of unless prosecution elects otherwise**

Insert after section 30(1)(c):

(c1) an offence under section 25A.

[3] **Section 31 Indictable offences - summary disposal of unless prosecution or accused elects otherwise**

Insert after section 31(1)(c):

(c1) an offence under section 25A

The bill as currently drafted specifies that if an offence is committed under section 25A it must be tried on indictment because the offence is to be inserted into division 2 of the Act, which deals with indictable offences. The Greens consider there should be discretion to try offences summarily, particularly in light of the fact that individuals may be prosecuted under section 25A for supplying very small quantities of prohibited drug in total, except cannabis, three times in a 30-day period. If the offence were able to be tried summarily it would give the prosecution—in appropriate circumstances such as the drug user and recreational user situations

mentioned earlier in discussing the last amendment—the power to try the offence summarily. I commend Greens amendment 2 to the Committee.

The Hon. J. W. SHAW (Attorney General, Minister for Industrial Relations, and Minister for Fair Trading) [10.31 p.m.]: The Hon. I. Cohen has moved that the proposed new offence of ongoing drug dealing be amended so as to be able to be dealt with summarily unless the prosecution or, alternatively, the accused elects otherwise. The manner of disposal is to depend upon the quantities of prohibited drugs involved. The Government opposes the amendment. Once again the amendment does not really address the logic of the recommendation of the Wood royal commission upon which the proposed offence is based.

The proposed ongoing drug dealing law targets commercial dealers who minimise their criminality by selling quantities of prohibited drugs which fall below the thresholds prescribed under the legislation. If dealers organise themselves in that way the quantity of drugs seized on a particular occasion is thus more of a function of the mode of operation than of criminality. The amendment, however, arguably equates the quantity of prohibited drugs seized with criminality. The Government does not accept that logic.

Rather, the Government has deliberately equated the criminality of the new offence of ongoing drug dealing with the pre-existing offence of supply of commercial quantities of prohibited drugs. Both actions are undertaken for commercial considerations and both foster the trade in prohibited drugs. In short, both actions are equally criminal. The penalties for both types of offences should reflect that symmetry and both offences should be wholly indictable. For those reasons the Government opposes the amendment.

The Hon. M. J. GALLACHER [10.32 p.m.]: The Opposition also opposes Greens amendment 2. The amendment would cause difficulty with regard to the maximum penalty. I may be wrong but I am of the view that magistrates cannot impose a penalty of up to 20 years imprisonment for an offence that is dealt with summarily. That is in excess of the level of penalty they can deal with summarily. The amendment would fly in the face of parts of legislation already enacted. Procedurally the offence would have to be dealt with on indictment, that is, before a District Court judge. Judges are the only judicial officers who can deal with such heavy penalties. Procedurally the amendment is out of order. A person who has committed criminal

offences serious enough to warrant the application of the legislation should go before the District Court for sentence.

Amendment negated.

Schedule agreed to.

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

PARLIAMENTARY REMUNERATION AMENDMENT BILL

In Committee

Schedule 1

The Hon. J. P. HANNAFORD (Leader of the Opposition) [10.37 p.m.]: I move Opposition amendment No. 1:

No. 1 Page 7, schedule 1. Insert after line 3:

[12] Section 12(3)

Omit the subsection. Insert instead:

- (3) A special determination is to be made by such time as the Minister directs and is to take effect from such time as the Tribunal specifies in the determination.

The direction the Government is taking with the bill is to indicate that the Parliamentary Remuneration Tribunal should be able to make determinations in relation to entitlements and allowances without political interference. Section 12 relates to the making of special determinations. The existing section 12(3) provides in effect that a special determination is to be made within such time as the Minister directs and that the determination shall take effect from such time as the Minister directs.

In the past special determinations have been brought down by the tribunal and, if the Minister responsible for the legislation, the Premier, did not like the determinations political pressure could be brought to bear and the determinations were not proceeded with. The Government clearly intends that the bill should remove that political interference and that the tribunal should be able to make appropriate determinations and have complete control in respect of them.

As I understand it, when the bill was drafted the impact of that provision was overlooked. For that reason I have moved the amendment to make it clear that the Minister has the responsibility to ask the tribunal to make a determination within a

particular time. If the tribunal decides to determine the date from which that determination shall take effect, that will complete the circle and ensure that there is no political interference in the activities of the tribunal.

The Hon. R. S. L. JONES [10.39 p.m.]: I am most concerned that at 10.40 p.m. we are deliberating on legislation concerning parliamentary remuneration without having had an opportunity to consider the amendment. This happened once before and we made a terrible mistake. I do not want to be party to the same mistake. I move:

That you do now leave the chair, report progress and seek leave to sit again on the next sitting day.

Motion agreed to.

Progress reported from Committee and leave granted to sit again.

QUESTIONS WITHOUT NOTICE

Deferred Answers

RAILWAY SERVICES AUTHORITY STAFF QUALIFICATIONS

The Hon. M. R. EGAN: On 26 May the Hon. Elisabeth Kirkby asked me a question without notice relating to railway employees qualifications. The Minister for Transport has provided the following response:

The Robertson derailment is being investigated by a special inquiry, which will report to the Coroner. Therefore, it is inappropriate to comment on the matter.

OLYMPIC GAMES HOMELESS ACCOMMODATION

The Hon. M. R. EGAN: On 27 May the Hon. I. Cohen asked me a question without notice relating to emergency housing. The Premier has provided the following response:

The Government is working across a number of portfolio areas to ensure a co-ordinated approach to the provision of services to homeless people, including the period before and after the Olympic Games. The Minister for the Olympics, through the Olympic Coordination Authority, is responsible for managing the Government's activities to address the social impacts of the Games. In 1996 the Olympic Coordination Authority established a Social Impacts Advisory Committee to advise and make recommendations on appropriate strategies to assess and manage the social impacts of the Games.

The Social Impacts Advisory Committee meets on a bimonthly basis and is chaired by Rev. Harry Herbert. It includes members from the community welfare sector, the Sydney

Organising Committee for the Olympic Games and key government agencies. The committee has formed a subcommittee to consider possible impacts of the Games on housing and accommodation. The Hon Faye Lo Po', Minister for Community Services, has responsibility for supported accommodation for people who are homeless and in crisis under the Supported Accommodation Assistance Program.

The Supported Accommodation Assistance Program—SAAP—is cost-shared with the Commonwealth and a total of \$86 million will be provided under the program in 1998-99 for New South Wales. The program provides supported accommodation and co-ordinates access to other services to assist people who are homeless and in crisis to achieve the maximum possible level of independence and self-reliance. SAAP is a major program which provides emergency accommodation for those in need and will continue to do so before, during and after the Olympic Games.

Under the Commonwealth-State Housing Agreement—CSHA—the Government continues to maintain an extensive range of short-, medium- and long-term housing assistance options. This includes cash assistance, which is targeted to those in priority need of housing assistance. That clearly includes homeless people or those at risk of homelessness. Other specific housing initiatives targeted to homeless people are under way, such as funding of \$320,000 for a homelessness initiative project which is piloting a brokerage accommodation and support service for homeless people and extends the hours of the Homeless Persons Information Service to weekends and after business hours.

The Government is also currently reviewing options for protecting the bottom end of the private rental market where accommodation is most exposed to redevelopment pressure. This is particularly relevant for boarding houses and low-cost hotels that are currently providing low-cost, long-term accommodation to permanent residents. The Government has already implemented measures to provide financial and regulatory assistance for boarding houses through land tax exemptions, financial assistance for fire safety upgrading, and regulations to ensure residential rates apply to boarding houses.

BYRON SHIRE COUNCIL INQUIRY

The Hon. M. R. EGAN: On 28 May the Hon. D. J. Gay asked me a question without notice relating to Byron Shire Council. The Minister for Urban Affairs and Planning and the Minister for Local Government have provided the following response:

No.

RAILWAY TRACK MAINTENANCE

The Hon. M. R. EGAN: On 28 May the Hon. J. F. Ryan asked me a question without notice relating to railway track maintenance. The Minister for Transport has provided the following response:

The Railway Services Authority—RSA—is currently restructuring its work force to account for adjustments made in the scope of work available to it. Changes in scope from year to year are common in railway infrastructure maintenance in

other industries and affect the RSA and similar asset maintenance and construction companies. All contracting businesses, such as the RSA, face the issue of down time for their staff. This is managed in a range of ways, including leave, additional work and skills development. Private sector construction companies usually put staff off in these circumstances. However, the RSA has always taken steps to find additional work as a matter of priority.

In the case of staff employed at the Clyde Depot, the RSA is taking steps to ensure that staff not currently taking annual leave are being usefully employed and assist with an infrastructure stocktake or the Government's graffiti clean-up initiative. Track possessions are required for the operation of the RSA's larger and more expensive track machines. These possessions usually take place on the weekend or out of peak hours to reduce inconvenience to commuters. Therefore, maintenance of these machines occurs during weekends.

ADJOURNMENT

The Hon. M. R. EGAN (Treasurer, Minister for State Development, and Vice-President of the Executive Council) [10.41 p.m.]: I move:

That this House do now adjourn.

ASSASSINATION OF Mr DONALD MACKAY

The Hon. ELAINE NILE [10.41 p.m.]: In remembrance of the twenty-first anniversary of the assassination of Don Mackay in Griffith on 15 July 1977, I will read a poem written by his wife, Barbara. As the House has been debating the drugs ongoing dealing bill it is timely that we remember Don tonight. The poem is:

I wonder what it feels like when you kiss and go to bed,
How often you remember that some teenager is dead.
Another life is over, and some more potential lost,
Just one of the many hundreds, have you stopped to count the cost?
When you gather with your family, and revel in your wealth,
You may think you have succeeded, but you robbed our town by stealth.
You have kept your Code of Silence, you have always found your bail,
You have paid for top-class lawyers, who have kept you out of jail.
As the years have brought prosperity the drugs have kept on flowing,
But our problems are enormous, and the price we pay is growing.
When you kneel beside your children and you tuck them in with hugs,
I wonder do you tell them that your riches came from drugs?
Does your Code of Silence stop you from telling them the truth,
Or will they grow up just like you and suppress ideals of youth?
I wonder where your conscience is and if you have regrets
Or are you now quite hardened as your heart of concrete sets?
The crops have been successful and the millions made invested
The profits now are washed and clean, and no one has protested.

Though all your crimes are obvious, the Truth is hidden still,
Some say it never will come out, but I believe it will.
One day those kids who died on drugs will maybe ask you why,
You'll have to face them all one day, each one you caused to die.
I wonder if you ever think—of the millions you have made
And the lives destroyed along the way—before your memories fade?

That poem will form the basis of a book Barbara Mackay has written called *Before I Forget*. It is timely to remember Don Mackay because I believe, considering what happened in the debate tonight, that this House has forgotten about his death. Donald Mackay's death warrant was signed soon after police diaries were admitted as evidence in a 1977 drug trial. The diaries named Mackay as the source of information that led to police executing what was then the biggest drug bust in Australian history at Coleambally, near Griffith. Police raided another property at Euston, 300 kilometres west of Griffith, the day before the Coleambally trial started and discovered another huge marijuana crop.

Both crops belonged to Griffith organised crime bosses. The raids cost them \$42 million in lost sales and many thousands of dollars in legal fees to defend those charged. The police diaries, obtained by the defence, prompted them to blame Mackay, wrongly, in relation to the Euston bust as he was not the informer on that one. Don Mackay, as president of the local branch of the Liberal Party and a Liberal Party State and Federal candidate on three occasions, had campaigned strongly against organised crime and drug growing in Griffith.

So, our sincere sympathy goes out to Barbara tonight as she approaches 15 July, the twenty-first anniversary of the assassination of her husband. The bill that was passed this evening will cause her much heartache when she sees how lightly it treated marijuana, mainly because the Government and the crossbenchers voted for it.

WAR WIDOWS GUILD OF AUSTRALIA

The Hon. Dr MARLENE GOLDSMITH [10.45 p.m.]: I draw to the attention of honourable members the exhibition that is currently on display in the fountain court of Parliament. It is by the New South Wales branch of the War Widows Guild of Australia. It is an exhibition of the guild's activities, advocacy and memorabilia from 1946 to 1998. It will be open until 2 July, so it has only two more days to run. The exhibition is staffed by war widows from 10.00 a.m. to 4.00 p.m. each day. The exhibition celebrates the history of the guild, which is most interesting indeed; it is something that everyone should be aware of. It reminds us how far

we have come as a society in taking care of those who have earned assistance, particularly the widows of those who sacrificed their lives to protect Australia and enable it to keep its freedom.

In 1946 the war widow's pension was nowhere near enough for a mother and children to live on. So began the war widows craft shop in Rowe Street Sydney, where the widows were able to sell their crafts. In other words, they had to supplement their pensions by selling handcrafts in that stall to get enough to live on. Under the expert guidance of Una Boyce as secretary from 1961 until 1989, and Margaret Feeney for the past nine years, the guild has gained great respect in the community. It has grown to more than 15,000 members. Advocacy has always been a priority in its commitment to protect the interests of war widows. Advice and counselling is available to all war widows, and a friendship room at head office is staffed by members.

At a special meeting in May the guild changed from an incorporated association to a company limited by guarantee. Six war widows were elected to the board and three external directors were appointed. Housing has been built in Sydney suburbs and on the central coast. There are 206 one-bedroom units. The staff includes a welfare and aged-care worker and housing and information workers. The guild works in members' interests and has had a close liaison with the Department of Veterans Affairs.

Long gone are the days when a widow lost her pension for having a man stay overnight. Pensions were quickly restored by the government of the day following personal representation by Jessie Vasey to the Prime Minister's office. A politician claimed that war widows were flappers who married boys going to war, as they knew they would be killed and the widows would have pensions for life. That is absolutely extraordinary. Many other such stories form part of the exhibition. The guild's motto is:

We all belong to each other,
We all need each other.
It is in serving each other and in
sacrificing for our common good
that we are finding our true life.

This is a most comprehensive exhibition. Anyone who is interested in the history of Australia and the period since the Second World War would benefit enormously by looking at it. It is a good reminder of how poorly war widows were originally treated. That is something we must never forget. Those who gave their lives in World War II made the ultimate sacrifice. The sacrifice by those who lost the men they loved and who in many cases remained

widowed and bereaved for life must not be underestimated either. The destruction caused by war can be truly terrible. We must never forget that it is through those sacrifices that Australia has been able to maintain its freedom. I commend the War Widows Guild for its important work in this State and I congratulate it on the splendid exhibition.

HOMOEOPATHY

The Hon. A. G. CORBETT [10.50 p.m.]: Yesterday I was speaking about the difference between homoeopathic medicines and orthodox drugs and herbs, and used as an example the treatment of headaches. The drug or herb temporarily suppresses the symptoms by working against the body's own efforts, whereas the homoeopathic medicine changes the out-of-balance state of the body so that not only is the headache cured rather than suppressed but if the right medicine and potency are chosen, susceptibility to chronic headache is removed, and the sufferer will not get another headache. That demonstrates how homoeopathic medicines work curatively rather than suppressively.

Homoeopathy uses as medicines diluted substances that are manufactured by a precise process of successive dilution and concussion. Because homoeopathy works by triggering or nudging the body's own powerful healing mechanisms, instead of working against them, only very small doses of the medicinal substance are needed to produce dramatic results. In this respect it differs markedly from other systems of medicine, which employ moderate to large doses of herbs or drugs and operate by acting directly on the body's physiology, for example, anti-depressants and paracetamol, or the organisms that are associated with or produce disease, for example, antibiotics. This approach basically amounts to a herb or drug temporarily taking over and doing the body's job, which is often unnecessary or counterproductive.

Homoeopathy is a scientific system of medicine. Its central principle—like can be cured by like—was discovered when its founder, Samuel Hahnemann, a brilliant physician, chemist and multilingual translator of medical texts, was experimenting with a pharmaceutical preparation—cinchona or Peruvian bark, which had anti-malarial properties—on himself. He found that it produced symptoms very similar to some forms of malaria. Inspired by his discovery, he went on to investigate more pharmaceutical preparations and herbs, and discovered a number of them which again operated on the principle of like cures like. In the past 200 years he and his followers have tested

many medicines on healthy people to determine their mode of action and sphere of influence. These tests are called provings, from the German "prufung", which means test or trial.

Both the principle of like cures like and the concept of very small doses of medicine are recognised and utilised in orthodox medicine, but their potential remains largely untapped. Some examples in orthodox medicine of like being used to treat like, albeit clumsily and accidentally, are the use of amphetamines or caffeine for treating hyperactivity in children, radiation therapy for cancer and tumours, and allergen desensitisation techniques and digitalis for heart conditions. The action and efficacy of very small doses of medicine have had a chequered career in pharmacological history. They were described in one of the first laws of pharmacology, the Arndt-Schulz law, and have recently come to light again in the field of toxicology, where they are known as Hormesis—the study of the stimulating effect of small amounts of toxic substances on organisms.

A number of studies have been undertaken into the efficacy of homoeopathic treatment over the years, which have served mainly to highlight the difficulties of researching an unconventional therapy by conventional methods. One of the problems that has been highlighted is that homoeopathic treatment cannot be standardised. The strongly individualised nature of effective homoeopathic treatment precludes the accurate assessment of the effectiveness of any one homoeopathic medicine for any one ailment. For example, there is no one homoeopathic medicine for headache or flu. Double blind studies are unsuited to the evaluation of homoeopathy, as they cannot accommodate the conditions necessary for effective homoeopathic treatment.

There is a conflict between the requirement for double blind conditions and the necessity for ongoing evaluation of patient response to the medicine as a guide to choice of medicine and potency. Sample sizes have been far too small for accurate evaluation of results. The average homoeopathic trial is performed on 10 to 30 subjects, whereas sample sizes in the thousands are the norm in pharmaceutical research. Despite the observations and experience of countless practitioners and satisfied patients over the past 200 years, homoeopathy has been passed over for research funding which, if provided, would answer the very criticism levelled at it: that there is no conclusive evidence of its efficacy, and its mechanism of action is implausible.

The Hon. Dr B. P. V. Pezzutti: It is true, there is no evidence.

The Hon. A. G. CORBETT: Yes, it is true because there is not enough research. Also, homoeopathic medicines are extremely cheap to produce, and do not represent an attractive research investment for pharmaceutical companies. Once again I have run out of time; but on the next occasion I might complete my speech.

WAGGA WAGGA WOMEN'S ELECTORAL LOBBY

The Hon. JENNIFER GARDINER [10.55 p.m.]: Tonight I pay tribute to the Wagga Wagga Women's Electoral Lobby which last weekend conducted a full day's program of workshops for local women interested in participating in political affairs at the local, State and national level. The Wagga Wagga Women's Electoral Lobby is an important local organisation which lobbies governments on behalf of Riverina women on issues of interest to them. Recently the lobby assisted the Parliament by making a submission to the General Purpose Standing Committee No. 2 inquiry into rural and regional health. A representative of that organisation, Jan Roberts, travelled to its public hearing held at Parliament House to give evidence on a range of health issues relevant to the Greater Murray Area Health Service and the administration of health services by the Carr Government.

Saturday's workshop in Wagga Wagga was addressed by the former leader of the Australian Democrats, the Hon. Elisabeth Kirkby; the National Party's endorsed candidate for the Riverina and the Acting Mayor of Wagga Wagga City Council, Kay Hull; Mary Kidson of the Wagga Wagga City Council and me on behalf of the National Party. I enjoyed the interaction between the speakers and the audience on a range of issues and perceptions pertaining to the reality of life in the Legislature from a woman's perspective. Participants of all ages came from a variety of backgrounds and declared and undeclared political affiliations or leanings.

Earlier in the day, on an ABC radio program, I had welcomed a recent increase in interest among rural and regional women in being selected as candidates for various political parties in the current round of preselections for State and Federal elections. The ABC asked me what Pauline Hanson's One Nation Party had to do with this. I replied "Nothing." It is useful for community-based organisations in regional New South Wales to give practical and emotional support to women across the political spectrum who are thinking about entering the political fray. This is important in rural areas, which are still inhabited by people who believe in the theory that women will not vote for women.

It is important that women who are thinking about contesting preselection and entering election campaigns know what they are up against. I am happy to say that such theories were debunked years ago in the National Party, but there are still remnants of that type of thinking in some parts of New South Wales which should be exposed at every opportunity. I thank the members of the Wagga

Wagga Women's Electoral Lobby who organised last weekend's forum for a useful and enjoyable function. I wish the organisation well with its advocacy on behalf of Wagga Wagga and Riverina women in the future.

Motion agreed to.

The House adjourned at 10.58 p.m.
