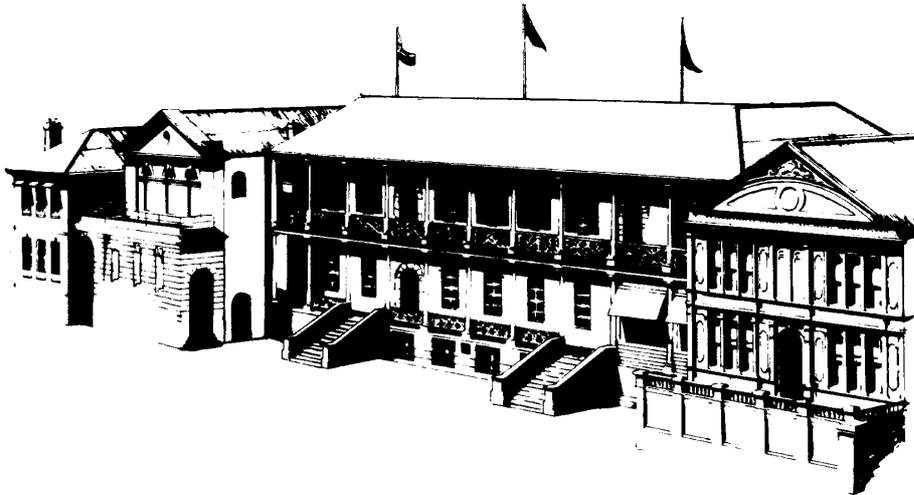




New South Wales



Legislative Council

**PARLIAMENTARY
DEBATES
(HANSARD)**

**FIFTY-SECOND PARLIAMENT
FIRST SESSION**

OFFICIAL HANSARD

THURSDAY 3 DECEMBER 1998

Authorised by the
Parliament of New South Wales

LEGISLATIVE COUNCIL

Thursday, 3 December 1998

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

The President offered the Prayers.

MINISTER FOR POLICE LICENSED PREMISES OWNERSHIP

Suspension of standing and sessional orders agreed to.

Order of Business

The Hon. J. P. HANNAFORD (Leader of the Opposition) [11.02 a.m.]: I move:

That general business notice of motion No. 1, be called on forthwith.

This matter is worthy of consideration by the House as a priority. Over the weekend there was a series of articles in the media about the issues which are the subject of the motion before the House. Honourable members know from research undertaken by the Bureau of Crime Statistics and Research that assaults, and the number of assault incidents associated with licensed premises, have become a major problem.

Clearly, the fact that the Independent Commission Against Corruption has jurisdiction in one area and the Police Integrity Commission has jurisdiction in another area gives rise to a problem. My motion requests the ICAC and the Police Integrity Commission to put together a joint task force to clear the air of what is clearly a cloud hovering over the reputation of the police in Sydney's central business district. That matter should be the subject of debate and appropriate investigation. The House should agree to suspend standing and sessional orders so that that debate can take place and the House can decide whether it supports the need for a joint task force.

Motion agreed to.

Motion

The Hon. J. P. HANNAFORD (Leader of the Opposition) [11.05 a.m.]: I move:

That this House:

- (a) notes with deep concern that Senior Constable Gene Oregan of The Rocks police had his jaw broken when he attempted to remove intoxicated patrons at the Orient Hotel during a drunken brawl on Anzac Day this year;
- (b) notes that Senior Constable Oregan had previously been subpoenaed by the hotel's licensee to give evidence in its defence in May last year against charges laid by police from outside The Rocks local area command, that the licensee had permitted intoxication at the hotel;
- (c) notes that evidence of Senior Constable Oregan, given in circumstances described by the Magistrate as very much out of the ordinary, contributed to the hotel's licensee being acquitted;
- (d) notes that the police did not object to a 24-hour licence for the Orient Hotel in August last year despite it being identified by the Bureau of Crime Statistics as the number one assault hot spot in The Rocks;
- (e) notes that at all material times the Minister for Police was a director, secretary, and major shareholder in Reachbold Pty Ltd, which owns the Orient Hotel's business and licence and has the same address, phone and fax numbers as the hotel;
- (f) notes that the Independent Commission Against Corruption has jurisdiction over the conduct of Ministers and the Police Integrity Commission has jurisdiction over the conduct of police; and
- (g) requests the Independent Commission Against Corruption and the Police Integrity Commission to set up a joint task force to investigate the relationship between the Minister for Police, police, and the Orient Hotel.

The Bureau of Crime Statistics and Research has issued a report entitled "The Impact of Alcohol Sales on Violent Crime, Property Destruction and Public Disorder". The findings in that report are alarming, to say the least. I acknowledge that the Australian Hotels Association has written some strong letters disputing completely the findings in the report. The Bureau of Crime Statistics and Research is a reputable independent organisation and no-one, to this time—

The Hon. J. R. Johnson: Tell us about Phil Arantz.

The Hon. J. P. HANNAFORD: Exactly, and it was his actions that led to the establishment of the Bureau of Crime Statistics and Research. Page 6 of the report states:

This study examines the relationship between three violent types of crime . . . The literature reviewed in the Introduction leads to a number of predictions: (1) that all three violent crime types will be more frequent in areas with higher alcohol sales; (2) that areas with large sales of alcohol through hotels and/or large sales of beer will have higher assault rates; (3) that the incidence of malicious damage will be higher in areas with greater sales of alcohol . . .

The findings of the study are referred to on page 31 of the report as follows:

Two principal findings have emerged from this research. The first is the strong relationship observed between alcohol sales volume and assault, malicious damage to property and offensive behaviour. This research indicates that these offences are more common in postcodes that have higher alcohol sales volume, even when other social and demographic variables are taken into account. The second is the specific role of beer and hotels in assaultive violence and the role of take-away alcohol in malicious damage to property and offensive behaviour. Overall, alcohol is seen to play at least a facilitative and probably a causal role, in a complex interaction of social class, age, sex and drinking context, the outcome of which can often be abuse, damage to property and, ultimately, physical violence.

In relation to assault the report also states:

The observation that beer alone, hotels alone, and beer sold in hotels have a relationship to assault, rather than being separate and unrelated findings can be linked together using evidence from other research.

At page 27 the report states:

. . . this research has identified strong and significant relationships between alcohol sales volume and crime, even when controlling for socio-economic and demographic variables. Total alcohol sales volume was significantly related to the rates of three crime types in NSW, malicious damage, assault and offensive behaviour. The strong positive correlations between alcohol types . . . broadly resulted in any alcohol type being an equally good predictor of crime rates. One exception was the relationship between beer sales volume and assault. This relationship was unique to beer . . . The most notable was evidence of a relationship between hotel beer sales volume and assault.

The Bureau of Crime Statistics and Research undertook a further study of assault and robbery hot spots in the city. Referring to a section of The Rocks and Wynyard area, the bureau stated:

. . . a disproportionate number of assaults emanated from a few licensed premises. In fact, 23.3 per cent of all assaults in the area occurred inside or outside three well-known licensed venues.

Those licensed premises were the Orient Hotel, where there were 24 assaults; the Paragon Hotel, 15 assaults; and Jackson's on George Hotel, 14 assaults. A clear body of research has identified a high incidence of assault associated with licensed premises. Other reports have identified a correlation

between policing, assaults and licensed premises. A high incidence of assault has been recorded in the area in which the Orient, Paragon and Jackson's on George hotels are situated. There is potential for conflicting problems because of the fact that the Police Service, as a paramilitary service, has a high regard for the hierarchy of authority and power. Under the current law in New South Wales the police commissioner may not have an interest in a liquor licence but the Minister for Police may.

A high incidence of assaults has been reported at the Orient Hotel, yet there is inadequate policing of that environment. I clearly state that I am not alleging improper policing interference by the Minister for the Police. I do not suggest that whatsoever, and would repudiate such a suggestion. However, the fact that the Minister for Police has an interest in the Orient Hotel licence gives rise to a potential for indirect influence to be exerted on the way in which policing duties are undertaken. That potential arises merely because of the paramilitary nature of the Police Service and the respect for senior authority.

There is a continuing high incidence of assaults, malicious damage and other crime within The Rocks and Wynyard area. Because the police Minister has an interest in the Orient Hotel licence, concerns have been raised about whether policing duties are being undertaken as diligently as they should. Police Senior Constable Gene Oregan was assaulted when he attempted to break up a brawl outside the Orient Hotel. If a brawl had occurred at a hotel in which the Minister did not have an interest, police would be on the scene like the proverbial ton of bricks. However, there is a clear inference of partiality by police in relation to the Orient Hotel, in which the police Minister has an interest, because of their consciousness, overt or covert, of the relationship of authority.

A major internal affairs inquiry has begun into the failure of police to give evidence at a formal court hearing to grant a 24-hour licence to the Orient Hotel. A separate probe has examined the fact that officers from The Rocks provided evidence on behalf of the licensee of the Orient hotel against charges that he had served intoxicated patrons. An officer from Kings Cross police is now the subject of an internal affairs probe in relation to charges that he originally laid. Three police internal affairs investigations are being conducted about incidents involving the Orient Hotel.

I am also aware of other internal affairs probes in relation to the Mercantile Hotel. Honourable members will recall the recent bashing of an Irish

tourist at the Mercantile Hotel by off-duty police officers, which resulted in charges being laid against the tourist, although they were not proceeded with. An internal affairs inquiry is now being undertaken in relation to that matter. I re-emphasise that I am not alleging that the police Minister has overtly or covertly sought to influence the police through his position as Minister. However, because the police Minister has an interest in the Mercantile Hotel there is inappropriate policing in that environment. As this addresses the question of relationship, the Police Integrity Commission has the authority to investigate issues of police corruption as they are defined within the relevant Act.

However, the commission cannot address the issue of relationship with the Minister because that falls outside the ambit of the Act. The Independent Commission Against Corruption is able to address issues that relate to the Minister and the Police Service, but it has no jurisdiction to act on internal activities of the Police Service. The only way to properly investigate this issue of inappropriate policing behaviour in this environment is for the two agencies to form a joint task force. In that way the matters highlighted in the two reports of the Bureau of Crime Statistics and Research can be addressed. Those matters are intoxication, the incidence of assault, inappropriate policing behaviour and the inappropriate enforcement of the laws in relation to these premises. That is the only way this issue can be cleared up appropriately.

It is for that reason that I ask the House to support the motion calling upon those agencies to establish an independent task force to investigate these serious allegations. Similar allegations have also been raised by others, but the Opposition has been concerned about this issue for some years. An unacceptable stage has been reached, with the Police Service conducting a series of internal investigations. Serious allegations of this nature should not be left to internal investigations. The air must be cleared and that can be done by this House calling for the establishment of a task force to investigate the matters.

The Hon. J. W. SHAW (Attorney General, Minister for Industrial Relations, and Minister for Fair Trading) [11.20 a.m.]: The Minister for Police, the Hon. Paul Whelan, has advised me that in his view the decision to support or oppose the motion is one for members of this House. He has stated consistently that he has no involvement in the day-to-day running of any hotel. He is bound by the ministerial code of conduct and has advised me that he abides by that code. Members of Parliament have an obligation to report breaches of any law to the relevant authorities.

I understand the Leader of the Opposition has previously advised this Chamber that he referred certain allegations to the Independent Commission Against Corruption. I understand also that the honourable member for Eastwood in the Legislative Assembly has stated that he has referred certain allegations to the Ombudsman. Clearly this demonstrates that the Opposition has availed itself of what it considers are the appropriate channels of communication for various allegations. The Opposition does not need this House to endorse that action or take any further steps. The relevant authorities are seized of the allegations and no doubt will determine those matters in accordance with law.

The Hon. D. J. GAY [11.22 a.m.]: I support the motion of the Leader of the Opposition. These matters need to be referred by this House, given that the Government seems not to want to refer any matters for investigation. Yesterday when I asked a question on a matter of equal importance the Minister for Public Works and Services, who is Acting Leader of the Government in this Chamber, told me that the answer would be provided "in the fullness of time". When I asked whether that meant it would be provided within a day, a week or a year, he replied, "How long is a piece of string?" A certain amount of arrogance is creeping into the dying days of this Government and it should be guarded against. As the honourable Leader of the Government said, this is an appropriate matter for referral.

The Hon. J. W. Shaw: You mean the Leader of the Opposition.

The Hon. D. J. GAY: At the moment. I believe also that other matters of concern require investigation. For that reason, I move an amendment to the motion as follows:

That the question be amended by the addition, at the end, of the following paragraphs:

- (h) notes with deep concern the actions of the Minister for the Environment, the Hon. Pam Allan, in strongly supporting, on ministerial letterhead, the development application for a restaurant currently before Byron Shire Council; and
- (i) requests the Independent Commission Against Corruption to investigate this matter to establish if it is in breach of the Independent Commission Against Corruption Act.

The Hon. Dorothy Isaksen: Point of order: The amendment is irrelevant to the matter being discussed by the House.

The Hon. J. W. Shaw: To the point of order: The subject matter this proposed amendment seeks to raise is utterly alien to the motion and the debate. It takes the House off on to a completely extraneous issue and should be disallowed.

The Hon. D. J. GAY: To the point of order: This matter fits quite clearly with the original motion. The amendment also refers to a Minister behaving improperly and outside the guidelines—in fact, there are no guidelines at the moment. This is the second Minister accused of action outside the parameters of the role of a Minister. The proposed amendment is a request of this House to refer the matter to the Independent Commission Against Corruption [ICAC] because, once again, the Government will not so refer it. The Attorney General should check his answer in *Hansard*. The Hon. D. F. Moppett asked:

Would the Minister agree that a recommendation on ministerial letterhead to a local government body constitutes serious influence being brought to bear?

The Attorney General replied:

In relation to the third . . . part of the question, no.

The Hon. D. F. Moppett further asked:

Would he agree that in those circumstances—and I refer to the report of the Independent Commission Against Corruption inquiry into the north coast—"excessive influence ought not to be regarded as simply conducive to corrupt conduct; it has the capacity itself to corrupt the system"?

The Attorney General replied, "No." The first law officer will not refer this serious matter to ICAC. The Opposition asks the House to support the motion because the Labor Party will not refer the matter for investigation.

The Hon. R. S. L. Jones: To the point of order: I thought the honourable member was moving a separate motion relating to the Minister for the Environment. It is entirely inappropriate to tack the proposed amendment onto another motion, as it is unrelated. If the House decides that the amendment is in order, the decision will then be made whether it is appropriate to add those words to the motion.

The Hon. D. J. GAY: Further to the point of order: The Labor Party's opposition does not relate to the facts of the matter. The Government is scared and is not willing to confront the fact that another of its Ministers has behaved outrageously. The Premier and this Government will not bring Ministers into line.

The PRESIDENT: Order! An amendment must be relevant to the question to which it is proposed. I do not consider that the amendment of the Hon. D. J. Gay is relevant to the motion, and I therefore uphold the point of order.

The Hon. Dr A. CHESTERFIELD-EVANS [11.28 a.m.]: I confess that I am not at full throttle

on this motion. Clearly, people should do the right thing and it is distressing if violence occurs at a pub. It is pleasing to hear the Opposition quote the Bureau of Crime Statistics and Research, and refer to the importance of preventive action in social issues. We wish the Opposition would take more notice of those issues more often. I was delighted that this progressive social policy was being enunciated until I realised that the bottom line to the motion was an article in Sunday's newspapers that made allegations against the Minister for Police concerning a hotel in which he has an interest.

In relation to referring this matter to the Independent Commission Against Corruption [ICAC], I refer to the speech of my predecessor, the Hon. Elisabeth Kirkby, on 28 May, which pointed out that the Internal Affairs investigation was currently under way. Ms Kirkby quoted Mr Whealy, Q.C., from ICAC, who was of the view that Mr Whelan was not in breach of section 105 of the Liquor Act. Mr Whealy stated:

I note that Mr Temby QC. has said in his advice that there is nothing which suggests that either the Minister or the Commissioner has misbehaved himself. The advice has been given on the basis that each of these is an honourable gentleman. I agree with those remarks.

I believe the investigation into this matter should be allowed to conclude. If the Leader of the Opposition wishes to refer the issue discussed in the *Sun-Herald* of 29 November to ICAC he is at liberty to do so but, as there is a current investigation, this looks suspiciously like pre-election grandstanding. The House should not take up much time debating it.

The Hon. FRANCA ARENA [11.31 a.m.]: I do not support the motion of the Opposition. As the Hon Dr A. Chesterfield-Evans stated, this matter has already been referred to ICAC and to the Ombudsman. The passing of this motion would have no consequence. In any event, the referral of a matter to ICAC requires a resolution of both Houses. This motion is a political ploy. At this late stage of the sitting politics plays a high role. I do not support the motion.

The Hon. R. S. L. JONES [11.32 a.m.]: Frankly, I am appalled when I see stories that appear in the *Sun-Herald* and other media week after week about the Orient Hotel, the amount of violence that occurs there and reference to the police Minister's name. The article of 29 November in the *Sun-Herald* was the last straw for me. The constant reports in the media of strange goings-on at the Orient Hotel, preference given by some police officers and not by others, and people being bashed are absolutely outrageous.

The *Sun-Herald* article of 29 November stated that a disproportionate number of assaults emanated from a few licensed premises. It stated that 23.3 per cent of all assaults in the area occurred inside or outside three well-known premises and the Orient Hotel was the greatest of these with 24 assaults. That is not good at all. The Minister for Police should disassociate himself once and for all from this hotel; he should do the decent thing and sell his share so that his name and the Government are not dragged through the media week after week. Honourable members should support the motion.

Reverend the Hon. F. J. NILE [11.34 a.m.]: The latest report seems to contain new information and I believe that there would be some value referring it to ICAC. As the R. S. L. Jones said, the Minister for Police should give serious consideration to selling his share in the Orient Hotel. The Attorney General said that the hotel is managed by other people and that the Minister's involvement is not hands-on. However, the hotel is in his name and his name is frequently linked to the Orient Hotel in media reports. I believe that the police Minister—irrespective of whether he is a Labor Minister or a coalition Minister—should not have a role in such a sensitive area.

The Orient Hotel is a sensitive and controversial issue. There are constant references to violence and whether the police are involved in a cover-up; whether the police are nervous because the hotel is linked to the Minister for Police; whether the police are acting other than they would normally in another situation; and whether the police are too closely identified with this particular hotel. Evidence suggests that the hotel has become a meeting place for certain police and that may not be healthy. For those reasons, ICAC should have a free hand in investigating the matter. That is the purpose of ICAC.

Some honourable members have referred to a code of conduct. I believe that the code should be more specific in relation to these matters. There has been controversy in relation to the Government's decision to put poker machines into hotels. I understand that that simple decision has doubled the value of every hotel. Anyone who has shares in or owns a hotel has received a windfall. Again, that gives an unfortunate impression to the public. People have commented to me about this—they are not fools and they observe what is happening. There is always that suspicion.

The Hon. J. R. Johnson: The Minister absented himself from the Cabinet when that was discussed.

Reverend the Hon. F. J. NILE: I am speaking about the perception in the community. People have raised this issue with me. Ministers must distance themselves from these sorts of areas, thus avoiding the creation of such an impression.

The Hon. J. S. TINGLE [11.36 a.m.]: I did not intend to speak to this motion but some of the matters raised by honourable members must be dealt with. I ask: Why this? Why now? Why this particular area? It is obvious from reports the Leader of the Opposition has furnished to the House that a major internal police investigation is being conducted into certain aspects of the way the Orient Hotel is being run.

The Attorney General read a statement from the Minister for Police who says that he has no day-to-day involvement in the hotel. However, the motion of the Leader of the Opposition calls for an investigation into the relationship between the Minister for Police, the police and the Orient Hotel. The motion is inappropriate. As a number of investigations have already been made into this matter, I do not believe that we need another one at this late stage of the sitting of this Parliament. I do not support the motion.

The Hon. HELEN SHAM-HO [11.37 a.m.]: I was not going to speak to this motion but, as the Hon. J. S. Tingle indicated, the matter is being investigated and that investigation is ongoing. This is a political ploy before the election.

The Hon. J. P. HANNAFORD (Leader of the Opposition) [11.38 a.m.], in reply: I hear what honourable members are saying. I regret that they are not prepared to give their support to this investigation and that they are now going to leave it to current investigative programs to be pursued. To date these programs have not proved adequate to deal with this issue and it is clear that that inadequacy will remain.

Question—That the motion be agreed to—put.

The House divided.

Ayes, 18

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

Noes, 19

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

Pair

Mr Willis	Mr Macdonald
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Question so resolved in the negative.**Motion negatived.****DISTINGUISHED VISITOR**

The PRESIDENT: Order! I acknowledge the welcome presence in my gallery of Dave Rugendyke, MLA. He is the member for Ginninderra in the Australian Capital Territory Legislative Assembly.

CANTERBURY PARK RACECOURSE DEVELOPMENT**Suspension of standing and sessional orders agreed to.****Motion to call on general business notice of motion No. 2 forthwith agreed to.****Motion**

Reverend the Hon. F. J. NILE [11.46 a.m.]:
I move:

That this House:

1. Calls on the Government to establish a judicial inquiry into the Canterbury City Council's processing and handling of the development application lodged by the Sydney Turf Club for the development of its property known as Canterbury Park Racecourse for the purposes of conducting night racing and other forms of entertainment and non-racing promotions.
2. Requests that the terms of reference of the inquiry include a full investigation into the following matters:
 - (a) the validity of the application in regard to compliance with the requirements of the Environmental Planning and Assessment Act 1979 and Canterbury local environmental plan No. 138 Canterbury precinct;
 - (b) whether Canterbury City Council followed correct community notification procedures as

specified in the council's development application advertising policy;

- (c) whether correct legislative procedures were complied with in determining the various stages of the development application's approval;
- (d) whether lighting used by Canterbury Park Racecourse is in accordance with acceptable standards as determined by the Australian Standards Council; and
- (e) whether signage for street parking restrictions in communities surrounding the Canterbury Park Racecourse are suitable to the community surroundings.

I realise that the time of the House is limited. However, it is important that I put this matter on record on behalf of the residents of the Canterbury City Council area. The reason for the judicial inquiry is the handling and processing by the Canterbury City Council of the application lodged by the Sydney Turf Club for the development of its property known as Canterbury Park Racecourse for the purpose of conducting night racing and other forms of entertainment and non-racing promotions. The inquiry should investigate but not be limited to the validity of the application in so far as it complies with the requirements of the Environmental Planning and Assessment Act and the Canterbury local environmental plan [LEP] No. 138, Canterbury precinct, dated 14 November 1994. It should also ensure that the correct legislative procedures were complied with when the council was determining the various stages of the application.

The judicial inquiry is needed because the application fails to meet the table in clause 10 of the Act and therefore such a development is prohibited. Notwithstanding the prohibition or otherwise the following reasons also apply: the council's failure to advertise and letterbox residents that Canterbury racecourse is heritage listed according to schedule 1, LEP 138; the council's failure to advertise and letterbox residents that there would be 40 light towers, 17 to 25 metres high, with six towers eight metres above the grandstand, plus eight to 18 bank lights with three-metre masts; and that council omitted numbers and dimensions contrary to the council development application advertising policy.

On 12 June 1997 the city development committee noted in its item 24E, page 111, that residents of properties in Broughton, King, James and Crieff streets will be affected by lighting as it may be impracticable to achieve the 10 lux maximum in residential property boundaries as specified in the Australian standard. This needs to be further clarified. Preconditions were set by council

on 18 December 1997 and night racing was approved on 14 May this year. Precondition 24 states:

The maximum level of spill light at property boundaries (EV) to be 20 lux.

This is twice the maximum lux allowed by Australian standards. Council once again failed to advertise and letterbox residents about this amendment. The applicant's consultants report on the monitoring of the race meeting held Sunday, 24 August 1997 was tabled on 9 and 10 September 1997. Members of both Houses are in possession of this information, accompanied by a report from the residents' independent acoustic engineers stating that the measuring method for night racing acoustics was incorrect.

The applicant's report included an amendment to the original application. The consultant included egress from the infield car park to John and Broughton streets. This amendment was not advertised and affected residents were not letterboxed. The council files relating to the application were unavailable to the public for two months, in contravention of the rights under environment regulation Nos 108 and 104A council policy to advertise in local newspapers. In reply to a question by the Hon. J. M. Samios the Attorney General gave misleading answers about the missing files supplied to him by council's general manager.

The PRESIDENT: Order! I remind members that they should not read newspapers in the Chamber.

Reverend the Hon. F. J. NILE: The general manager said that the files were available for public perusal. Contrary advice was supplied to the Premier's Office and confirmed on a number of occasions, the most recent being 19 November 1998 at the Canterbury council meeting. In an address to council and the public gallery the deputy mayor and chairman of the development committee, Councillor Hatzistergos, confirmed that the files were not on council premises and detailed why. On public application resident Mr R. Spanswick was denied his request to view the files in relation to the application and in particular his concerns that there were no structural certificates or geographical reports on the files appertaining to structures that were built by the applicant without permission of council.

The residents parking scheme will significantly contribute to the demise of the heritage ambience of Ashbury. For example, the tree-lined streets will be adversely altered with more than 100 steel posts

advertising parking restrictions. Residents were denied an independent environmental impact study even in the face of these insurmountable problems. Of the residents, 30 per cent are elderly returned servicemen or widows of returned servicemen. The remainder are young couples with children battling with the burden of mortgage repayments. These people deserve to be given a fair go and shown that Australia is truly a democratic country. Thus I believe a judicial inquiry into Canterbury council's processing and handling of the night racing development is truly justifiable.

The Hon. J. P. HANNAFORD (Leader of the Opposition) [11.53 a.m.]: The motion asks the House to urge the Government to establish a judicial inquiry. Only the Government can establish such a judicial inquiry into the handling of the Sydney Turf Club's application for night racing at its Canterbury course. The issue is not night racing—I do not believe that anybody in the Canterbury area is opposed to the concept of night racing—the issue is Canterbury City Council's handling of the development application. I do not believe that a judicial inquiry is necessary for that to be reviewed. The Environmental Planning and Assessment Act provides numerous mechanisms, appropriate checks and balances in the handling of development applications, for the community and interested parties. There are third party rights of appeal.

The administration of the Act can be challenged. The Minister has the power to call in a development application. He has the power to direct inquiries. If the council has been inappropriately exercising its planning authority the Government has the power to appoint a planning administrator. There are numerous ways in which there can be appropriate oversight under the existing law rather than having a further judicial inquiry, which in itself would not lead to the validating or invalidating of any approvals that might arise out of the application now before the council. The Opposition acknowledges the community's concern about this application. There is a large community outcry over the handling of the application. There is real doubt about the validity of the processes that have been pursued.

The Government's failure to act by providing some oversight will lead to considerable litigation over this issue. It will cost the Sydney Turf Club and it will cost the community a large amount, and that is undesirable. Heat is being generated in the community unnecessarily. When the door on information is kept closed the community fills the void by creating its own versions of the truth. That is exactly what is occurring, to the point where it

will potentially get out of control. I urge the Government to have the Minister for Urban Affairs and Planning take a very close look at what is occurring and, if necessary, call the application in, to address everybody's perceived concerns and to see that masses of money is not spent on lawyers generating unnecessary litigation in the area. The coalition will not support the call for a judicial inquiry.

The Hon. R. D. DYER (Minister for Public Works and Services) [11.56 a.m.]: The Government also does not support the motion of Reverend the Hon. F. J. Nile dealing with night racing at Canterbury. I agree with the remarks of the Leader of the Opposition directed toward the procedural aspects of the matter. There are clearly alternative means of redress available, as identified by the Leader of the Opposition. It seems to me and to the Government that a judicial inquiry into this matter could be described as a sledgehammer to crack a chestnut, to put it mildly. That being the case, the Government is not able to support the motion. I will not deal with the substantive aspects of the matter because I am not presently briefed in regard to those matters by the relevant Minister. However, I have sufficient peripheral knowledge of the matter to believe that the form of redress advocated by Reverend the Hon. F. J. Nile is not appropriate.

The Hon. D. J. GAY [11.58 a.m.]: I note the comments of the Minister for Public Works and Services and the Leader of the Opposition, which I support. The Minister indicated that he supported an aspect of the comments of the Leader of the Opposition. I request that he extend his support to the totality of the comments. I also request that he ask the Minister for Urban Affairs and Planning to re-examine the process that was put in place by the council. It is the process—not night racing or the Sydney Turf Club—that is concerning local citizens. Their allegations raise very real concerns. Rather than Reverend the Hon. F. J. Nile or an Opposition member trying to get the Minister to address the matter, I request that the Minister for Public Works and Services, on behalf of this House, request the Minister to meet with the residents to address their concerns about the process. In a spirit of bipartisanship I look to the Minister for an undertaking on the matter.

The Hon. Dr A. CHESTERFIELD-EVANS [11.59 a.m.]: The Australian Democrats have also heard from Residents Opposed to Night Racing at Canterbury. The name of the group is clear: it is opposed to night racing. The Opposition is displaying fancy footwork in opposing the motion

and saying that Canterbury residents are opposed to the mechanisms by which decisions are made. The organisation represents residents opposed to night racing. It is very clear what the residents want.

The development application has been pushed through. From evidence presented by the residents, which has been alluded to by my colleague Reverend the Hon. F. J. Nile, it would seem that the process has been faulty. Clearly, residents are not happy with the result. However, this is not simply a question of process; it is also a question of results. Obviously, if the process is not right then the results may well favour those who should not be favoured. The matter needs further consideration. The Australian Democrats support this motion.

Reverend the Hon. F. J. NILE [12.01 p.m.], in reply: I understand that methods other than a judicial inquiry can be used. The problem is that this matter has been at issue for some time now and those other methods have not been used. This is not a matter that arose just last week; it has been at issue for about two years. Local residents have contacted the Minister. The Minister is well aware of the situation but nothing is happening. This motion is designed to put pressure on the Minister, the Premier and the Government to examine this matter. The motion calls on the Government to establish a judicial inquiry.

The Hon. D. J. Gay basically supported the principle that there ought to be an inquiry. I therefore urge both sides of the House to support this motion, which would require the Government to consider the process of a judicial inquiry. In order to save the time of the House I do not intend to read onto the record all of the correspondence I have received on this matter. I seek leave to table correspondence received from the residents action group against night racing at Canterbury Park Racecourse.

Leave granted.

Question—That the motion be agreed to—put.

The House divided.

Ayes, 9

Mrs Arena	Mrs Sham-Ho
Dr Chesterfield-Evans	Mr Tingle
Mr Cohen	<i>Tellers,</i>
Mr Corbett	Mr Jones
Mrs Nile	Rev. Nile

Noes, 28

Mr Bull	Mr Manson
Dr Burgmann	Mr Moppett
Ms Burnswoods	Mr Obeid
Mr Dyer	Dr Pezzutti
Mrs Forsythe	Mr Primrose
Mr Gallacher	Mr Ryan
Miss Gardiner	Ms Saffin
Mr Gay	Mr Samios
Dr Goldsmith	Mr Shaw
Mr Hannaford	Ms Tebbutt
Mr Johnson	Mr Vaughan
Mr Kaldis	
Mr Kelly	<i>Tellers,</i>
Mr Kersten	Mrs Isaksen
Mr Lynn	Mr Jobling

Question so resolved in the negative.

Motion negatived.

Pursuant to sessional orders business interrupted.

QUESTIONS WITHOUT NOTICE**Mr ANTHONY HAMOD LEGAL COSTS**

The Hon. J. P. HANNAFORD: I ask a question of the Attorney General. Is the Attorney General aware that in the Downing Centre Local Court earlier this year Mr Anthony Hamod had charges relating to attempting to obtain a financial advantage for himself and others dismissed? Did Mr Hamod spend eight months in custody on remand and is it correct that documents essential to his defence were taken from him into police custody for 2½ years, a fact raised by the presiding magistrate, who stated in his judgment, "I accept Mr Hamod is a person of good character, an honest man and a meticulous businessman"? Is it a fact that the court issued an order for costs of approximately \$98,000 in favour of Mr Hamod, which he is now having difficulty in recovering from the police? Since Mr Hamod has written to the Attorney General seeking assistance, will the Attorney General assure Mr Hamod that he will receive the money the subject of the significant costs order?

The Hon. J. W. SHAW: I am not aware of the precise details of this case, but my understanding is that there is an application for costs with the Director-General of the Attorney General's Department at present. I have no doubt that the application will be given expeditious attention, and I will ensure that it does.

FIRE PREVENTION STRATEGIES

The Hon. R. T. M. BULL: I address my question without notice to the Attorney General, Minister for Industrial Relations, and Minister for Fair Trading, representing the Minister for Energy, Minister for Tourism, Minister for Corrective Services, Minister for Emergency Services, and Minister Assisting the Premier on the Arts. Is it a fact that the Auditor-General has found that many local authorities have been unable to undertake fire prevention measures because of the Carr Government's conflicting environment and animal protection laws? What action is the Government taking to ensure that the environmental legislation of the Government does not hinder fire prevention and firefighting and that the lives and property of New South Wales citizens are not put at risk?

The Hon. J. W. SHAW: I will undertake to have the question referred to the relevant Minister and obtain a response.

PARLIAMENT HOUSE SECURITY

The Hon. J. S. TINGLE: I address my question without notice to the Attorney General, Minister for Industrial Relations, and Minister for Fair Trading, representing the Minister for Police. In the light of reports of attempted letter bombings of various public officials, will the Minister advise the House of what security measures are in place with regard to Parliament House mail? Is he aware of a proposal last year to pass all incoming mail and State government mail to ministerial offices through the State mail scanning systems, and was this proposal ever introduced as a security measure? If it was not introduced, was it because of cost, which is understood to have been in the vicinity of \$17,000? Will the Minister examine the situation with a view to arranging for scanning of all incoming mail using the proposed system or some other suitable security system?

The Hon. J. W. SHAW: I am sure all honourable members have been appalled by the terrorist activities

[Interruption]

Honourable members should take this matter seriously. I assume they are appalled at terrorist activities and the idea of bombs coming through the mail to public servants and public officials. In so far as the question relates to mail within Parliament House, that is a matter for the Presiding Officers and no doubt they will give due consideration to that. In so far as the question refers to the security of mail coming to Ministers' offices, I must confess

a self-interest in the matter. My inclination would be to support any reasonable security measure that might safeguard persons occupying those offices. I take the question seriously because the honourable member has raised an important point. All of us need to reassess security measures taken in relation to mail that might be addressed to members of Parliament and Ministers of the Crown.

GOVERNMENT PURCHASING AND SUPPLY

The Hon. B. H. VAUGHAN: I direct my question without notice to the Minister for Public Works and Services and refer him to the answer he gave to the Hon. J. R. Johnson yesterday. What is the Minister's department doing to promote industry development for suppliers and construction firms engaged by the Government?

The Hon. R. D. DYER: The Department of Public Works and Services takes a leading role in industry development for companies that do business with the State Government. Industry development programs are devised and targeted at firms of all sizes and locations, from large construction companies to the smallest service suppliers in regional centres. To assist this development process Public Works and Services currently operates the following strategies for government suppliers. The first strategy is the identification of opportunities for local and regional participation in government projects. This is primarily achieved by extending the role of the New South Wales Industrial Supplies Office to seek import replacement opportunities.

Local service providers are encouraged to register their capability with the Industrial Supplies Office, which promotes these capabilities to government agencies in preference to overseas or interstate suppliers. Agencies are also strongly encouraged to contact the Industrial Supplies Office directly to identify potential local suppliers. The second strategy is the provision of advance notice for the release of major tenders, enabling New South Wales firms to consider their capability and begin preparing themselves for the tender process. Currently, all supply tenders are advertised three months ahead and I am pleased to advise the House that measures are in place to extend this advance notice to 12 months.

Third, Public Works and Services will provide detailed briefings to service providers for complex tenders, ensuring that they are capable of meeting requirements and are aware of their responsibilities. For the purchase of high risk or complex goods and services, government agencies will be required to

establish pre-tender briefings for all potential tenderers. Further steps are also under way to increase the availability of tender information and procedures in electronic format, providing a central resource for companies to examine opportunities across all government agencies.

Presently some agencies provide tender information via the Internet while others rely on more traditional advertising means. The Government aims to co-ordinate the full range of government tendering information in a single Internet site. Last, a system of performance monitoring of suppliers will follow goods and services provision down the supply chain and feedback will be provided to suppliers and agencies to maximise efficiency and improve value for money.

The Hon. Dr B. P. V. Pezzutti: You published a book yesterday, you are on the Internet today, you are going on radio next week and an advertising campaign is to follow? All you need is a press officer to put this in the papers for you. The Attorney General has four of them.

The Hon. R. D. DYER: It would be a great relief to the House if the Hon. Dr B. P. V. Pezzutti visited the picture theatre at Bonalbo. If he does that, I will arrange to list a double bill which will be *War and Peace* and *Dr Zhivago*, which should keep him occupied for quite an extensive period of time.

The Hon. Dr B. P. V. Pezzutti: Julie Christie is one of the most beautiful women the world has ever seen.

The Hon. R. D. DYER: The Hon. Dr B. P. V. Pezzutti is now fantasising about Julie Christie.

The PRESIDENT: Order! The Minister will address the Chair.

The Hon. R. D. DYER: These initiatives are important steps in securing certainty and fairness for regional industries and increasing employment in New South Wales in private firms that tender for government projects. All agencies will be required to prepare purchasing plans as part of their business planning process to ensure best practice and help the Government secure value for money in emerging supply fields such as information technology. The industry development initiatives are strongly supported by the private sector and are a significant boost to companies seeking work with the State Government. I commend these initiatives to the House and look forward to reporting on their implementation in the future.

**MINISTER FOR THE ENVIRONMENT
ALLEGED CORRUPT CONDUCT**

The Hon. D. J. GAY: My question without notice is to the Acting Leader of the Government. Does he recall that yesterday the Attorney General stated that a recommendation on ministerial letterhead to a local government body did not constitute serious influence being brought to bear? I ask again: As Acting Leader of the Government does he also approve of the action of the Minister for the Environment, Pam Allan, in using ministerial letterhead to support a development application for a restaurant in the Byron Bay council area? If he does support her actions, how does he relate this support to comments by Justice Adrian Roden that no public official should display favour or bias towards anyone in the course of his or her official duty? Given the Minister's piece-of-string comment yesterday, why is the Government not taking this matter seriously? Why is not the Minister for the Environment directing her energies towards valid environmental issues, such as another alleged fish kill in Tallow Creek near Byron Bay, rather than promoting restaurants and bed-and-breakfast establishments?

The Hon. R. D. DYER: The question asked by the Hon. D. J. Gay was almost longer than *War and Peace*. A characteristic of the Hon. D. J. Gay is that he develops an obsession with certain topics and really does them to death. I well recall, for example, the Hon. D. J. Gay's obsession with the Andrew "Boy" Charlton pool.

The Hon. Dr B. P. V. Pezzutti: I was the one. It has been fixed now, thanks very much. I got it fixed.

The Hon. R. D. DYER: Perhaps I am wrong and it was the Hon. Dr B. P. V. Pezzutti who had that obsession. The Hon. D. J. Gay has asked numerous questions about another obsession of his, that is, Mittagong High School. It seems that that interest has receded into the distance and now the honourable member has an obsession with the correspondence of the Hon. Pam Allan. The Attorney General answered a similar question yesterday and proffered a view as to the importance or otherwise that should be attached to this matter. I have answered questions concerning this matter myself and I have passed the matter on, as the honourable member well knows, to the responsible Ministers. If the Hon. D. J. Gay allows himself to be possessed of patience, in the fullness of time, as I have promised, he will receive a response.

**CABINET OFFICE DIRECTOR-GENERAL Mr
ROGER WILKINS**

The Hon. R. S. L. JONES: I ask the Acting Leader of the House, representing the Premier: Is the Premier aware of his Ministers' hostility to Roger Wilkins being allowed to sit in on Cabinet meetings? Is Neville Wran, who never allowed Gerry Gleeson to sit in on Cabinet meetings, appalled that the Premier allows Roger Wilkins to sit in on them? When will the Premier change his practice?

The Hon. R. D. DYER: This matter seems to be another obsession, as it is possibly the third question this week from the Hon. R. S. L. Jones about Roger Wilkins. As I said on an earlier occasion, and I hope I am not overstating the matter, the Hon. R. S. L. Jones appears not to like Roger Wilkins. Perhaps that is because he does not like bow ties—I am not sure of his exact reason. The Hon. R. S. L. Jones would know that confidentiality attaches to Cabinet proceedings and their subject matters are not discussed. The previous questions asked by the member have been passed on, and I am sure that in due course the Hon. R. S. L. Jones will receive a most interesting response.

**COURT INTERPRETER ACCESS
AGREEMENT**

The Hon. J. KALDIS: My question is directed to the Attorney General, Minister for Industrial Relations, and Minister for Fair Trading. Will the Attorney General advise the House of what steps the Government is taking to improve the experience of the court system for people with limited language skills?

The Hon. J. W. SHAW: On 18 November a unique agreement to guarantee access to interpreters at courts was signed by the Ethnic Affairs Commission, the Police Service and the Attorney General's Department. This ethnic affairs agreement is designed to ensure that people with limited language skills who need to appear in court will have access to an interpreter from the beginning of the legal process. By limited language skills I, of course, mean limited skills in the English language. The agreement has formalised an initiative that was trialled at the Fairfield Local Court as part of the Fairfield community access project. The project looked at ways to improve access to justice for people from diverse cultural and linguistic backgrounds. One of the key issues identified during the Fairfield project was that interpreters were often

not booked for an individual's first court appearance because the court registry did not receive advice in time to make the necessary interpreter booking.

As a result, such cases were usually adjourned until another occasion when an interpreter would be present. Understandably, that caused inconvenience and distress to parties and witnesses and sometimes resulted in bail refusal for defendants, who then spent longer than necessary in custody. Such delay in initial appearances impacted on the efficient running of the court system, resulting in delays and additional appearances by police or staff of other justice agencies. Under the ethnic affairs agreement police will now be able to make an interpreter booking on behalf of the court for cases in which they are involved. The interpreter booking number will be confirmed on the charge sheet. Court staff will have access to the booking number on the papers they receive and will be able to clarify any arrangements using that existing reference.

The agreement also provides for enhanced interpreter usage data. That will enable courts to better understand their interpreter requirements, and make greater use of block bookings and co-ordinated listing arrangements to ensure that interpreter services are used more efficiently. This is another example of the practical cross-agency initiatives that the Government is encouraging amongst the justice agencies to improve access to justice for the people of New South Wales.

RESPIRE CARE REPORT RECOMMENDATIONS

The Hon. PATRICIA FORSYTHE: My question without notice is to the Attorney General, representing the Minister for Community Services. Does the Government agree with Roger West, Commissioner of the Community Services Commission, that the respite care system in New South Wales is in a state of crisis? If so, what action does the Government propose to address the crisis highlighted in the report into the system released today by the Commissioner of the Community Services Commission? Will the Government establish a task force as recommended by the commissioner?

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

OBSCENE LANGUAGE

Reverend the Hon. F. J. NILE: I wish to ask the Attorney General, in his own capacity, and

representing the Minister for Police and the Minister for Education and Training, a question without notice. Are obscene four letter swearing words such as the F-word being used on TCN Channel 9 Pty Ltd, in school texts such as *Top Girls* and by schoolchildren at police officers carrying out their duties in the community? Does public use of the F-word and the C-word cause deep offence to the majority of citizens, especially senior citizens?

What is the Government doing in regard to the Summary Offences Act concerning swearing so that the police can enforce and discourage public use of such obscene words? What is the Government doing in State schools to discourage children from using such obscene words in public?

The Hon. J. W. SHAW: I suspect that some schoolchildren probably do use those words from time to time.

The Hon. Dr B. P. V. Pezzutti: Are you sure?

The Hon. J. W. SHAW: I am not sure but I do have some experience with school-aged children and I suspect that from time to time they use those words, although, hopefully, rarely, to their parents only in extreme asides. I will need to refer the honourable member's question to the Minister for Police and the Minister for Education and Training and I undertake to do so.

AUSTRALIAN TECHNOLOGY SHOWCASE ENTRANTS

The Hon. A. B. MANSON: My question without notice is directed to the Minister for Public Works and Services, representing the Treasurer, and Minister for State Development. Would the Minister update the House on New South Wales technologies being showcased at the Advanced Technology Park to date?

The Hon. R. D. DYER: I thank the Hon. A. B. Manson for his question, and for his continuing interest in matters relating to technology.

The Hon. D. J. Gay: Is this the same answer?

The Hon. R. D. DYER: No, this is a novel and original response. This morning, 35 newly approved Australian technology showcase entrants are on exhibition at the Advanced Technology Park in Redfern. The new technologies will be unveiled by my colleague the Minister for State Development, the Hon. Michael Egan, who, by decision of this House, is unable to be here today to report on these matters himself. Seventy-two new technologies have

been approved so far and the Minister has had the opportunity to report on a number of them earlier in the session.

Of the new technologies, 21 were developed by firms in regional New South Wales, and I commend those firms for their efforts in that regard. In recent weeks ATS technologies have been in trade shows in Korea, the Philippines and China. Some of the firms that are being showcased today include Classic Everwood, which has made a synthetic timber suitable for building works using recycled plastic from computer monitors, telephones and coat-hangers. Officers of my department are examining this technological innovation with a great deal of interest, given our role in the construction industry. Prismex has developed a light panel for illuminated signs, which enables a 50 per cent power saving—

The Hon. Dr B. P. V. Pezzutti: Illuminated—"I", "I"—illuminated.

The Hon. R. D. DYER: Nothing illuminating is said by the Hon. Dr B. P. V. Pezzutti. Byron Australia has designed a form of fat-free potato chip from small potatoes and Energetich has developed a system to convert wave energy into electricity with one Energetich unit capable of powering more than 200 homes. I would like to single out this innovation for special mention, given my department's ongoing interest in marine research and data collected through the wave rider network and tidal recorders.

For the benefit of the Hon. Dr B. P. V. Pezzutti, who has a deep interest in these matters, the upgrade of the wave rider buoy off Byron Bay is under way, and a higher level of marine and wave data will soon be provided for the entire north coast. Other technologies showcased today include: Australian Marine Design and Construction, which has designed a range of boats using foam core sandwich construction, increasing internal space and reducing fuel consumption and Bio-oxygen Australia, which has refined a process to purify air in airconditioning systems, although I would challenge that company to meet the standards set by the geothermal system recently installed by my department in Lithgow hospital.

Betotec Industries has designed a stereo speaker shaped like a drop of water, a shape that reduces turbulence and, when used in speakers, results in a clearer sound. I applaud the work of all the companies that is displayed today at Advanced Technology Park. I would also like to highlight a success story from the earlier round of ATS entrants—Bashford International, whose work in yacht design was showcased earlier this year. The

company has now beaten an international field to secure a contract to design yachts for the 1999 Admiral's Cup.

The company will design and build 15 new yachts at a new factory it has constructed in Nowra, a project that will employ 120 people over the course of the work. All members of the House would welcome success stories such as this for Australian inventions and technologies. I invite members, particularly the Hon. Dr B. P. V. Pezzutti, to take the time during today's lunch break to go to Redfern and see for themselves the current round of technology entrants on exhibition and the achievements of New South Wales firms in research and scientific advancement.

The Hon. Dr B. P. V. Pezzutti: Will the Minister take me there in his ministerial car?

WORKERS COMPENSATION INSURANCE PREMIUMS

The Hon. J. M. SAMIOS: I ask the Attorney General, Minister for Industrial Relations, and Minister for Fair Trading: According to a comparison of workers compensation arrangements in Australian jurisdictions published by the Victorian WorkCover Authority, the premium rate as at 1 July 1998 for housing construction in New South Wales is 9.36 per cent. All other Australian States have premiums less than 5 per cent for housing construction. Why is it that in States with comparable housing development, premiums are significantly lower than those in New South Wales? What steps has the Minister taken to ensure that housing in New South Wales is affordable and accessible?

The Hon. J. W. SHAW: The premium rates for a particular industry in New South Wales reflect the cost of the claims and the claims experiences, and they are actuarially determined. Benefits in New South Wales are more generous than in other States; consequently it is understandable that premiums may be higher. The Government and, indeed, the Legislature have drastically restructured the workers compensation scheme in the past six months or so. The benefits of that restructure will impact upon premiums in the near future.

NATIONAL INDIGENOUS ARTS ADVOCACY ASSOCIATION RELOCATION

The Hon. HELEN SHAM-HO: My question without notice is to the Minister for Public Works and Services, representing the Treasurer, representing the Premier, and Minister for the Arts. I refer the Minister to the relocation in June next year

of the office of the National Indigenous Arts Advocacy Association Incorporated. Is the Minister aware that the relocation from East Sydney to Haberfield will create big problems because of the difficulty for people to access the group?

Does the Minister agree that in the lead-up to the Sydney Olympic Games it is particularly important that indigenous artists and their artworks be protected, authenticated and, at the same time, recognised and profiled in the international area, providing benefit not only to indigenous people but also to Australia as a whole, since indigenous artworks are increasingly associated with the true essence of Australia? Will the Minister undertake to provide special assistance to this group and reconsider locating the group in more appropriate, accessible premises—preferably in the central business district?

The Hon. R. D. DYER: I am not familiar with the facts or circumstances outlined in the honourable member's question. However, I will refer it to my colleague the Premier, Minister for the Arts, and Minister for Ethnic Affairs and seek a suitable and sympathetic response for her.

DEPARTMENT OF FAIR TRADING ABORIGINAL CUSTOMER SERVICES

The Hon. CARMEL TEBBUTT: I ask the Minister for Fair Trading a question without notice: Will the Minister tell the House about recent steps taken by his department to address the needs of Aboriginal consumers?

The Hon. J. W. SHAW: Research undertaken by the department indicated that many Aboriginal people are disadvantaged in comparison with other consumers through lack of access to information about their rights—an unsurprising, empirical result. Fair Trading services may miss many Aboriginal people. Specific problems highlighted by the research include tenancy, complicated documents and discriminatory treatment. To address this imbalance the department has made a specific commitment to improve services for Aboriginal people.

Following consultation by Fair Trading with Aboriginal communities, I was very pleased to launch in August the Department of Fair Trading Aboriginal action plan. One tangible result of the implementation of the plan has been the recent employment of 12 Aboriginal customer service staff by the Department of Fair Trading. The new officers are expected to begin duties by early next year. These are good public service jobs. No doubt the officers will take them up on probation, as is usual

under the Public Sector Management Act and, subject to confirmation, they will become permanent officers of the Public Service.

The Hon. Dr B. P. V. Pezzutti: How many do you have?

The Hon. J. W. SHAW: Twelve. At the moment I am concentrating on the 12 Aboriginal customer service staff.

The Hon. Dr B. P. V. Pezzutti: But have you reduced the other numbers?

The Hon. J. W. SHAW: I am sure the Hon. Dr B. P. V. Pezzutti, who is interjecting, would support that initiative.

The Hon. Dr B. P. V. Pezzutti: I do. But I still think you should take 12 off the other number.

The Hon. J. W. SHAW: I believe the time of officers of the department is fully occupied. At the moment I see no need to reduce numbers in the department. The 12 Aboriginal customer service staff will be responsible for delivering services and information direct to Aboriginal communities in a way that will have maximum impact. The new Aboriginal customer service officers will be located in Fair Trading centres in Grafton, Lismore, Newcastle, Gosford, Port Macquarie, Liverpool, Blacktown, Dubbo, Wollongong, Wagga Wagga and Sydney.

These officers will provide greater access for Aboriginal communities in both urban and rural areas. The new officers will be supported by an experienced team of existing Fair Trading staff who are currently gaining a better understanding of Aboriginal communities and the specific need for a comprehensive Aboriginal cultural awareness program. Other initiatives of the Aboriginal action plan include helping Aboriginal people to set up and expand, and employing Aboriginal writers to produce educational material, including a brochure on tenants rights and a guide to Fair Trading services.

Contact with the Aboriginal media will be increased, including training Aboriginal staff as Fair Trading spokespeople. A pilot Aboriginal tenancy mediation project will help Aboriginal tenants and housing organisations to resolve disputes. Fair Trading will continue to fund Aboriginal tenants advice services. Fair Trading will ask Aboriginal communities to evaluate the Aboriginal action plan late next year. The department will ask for feedback on how the plan is working and how it can be improved.

To state the obvious, the plan is not about giving Aboriginal people extra rights, it is about meeting the needs of Aboriginal communities, just as the department takes special measures to meet the needs of older people, people in rural areas and people from non-English speaking backgrounds. The plan is part of the Government's commitment to conciliation by advancing equality for Aboriginal people. I am glad this total plan has the support of the Hon. Dr B. P. V. Pezzutti, as indicated by his interjection. I do not know whether it has the wholehearted support of the Opposition, but I will send a copy of *Hansard* to Mr Piers Akerman of the *Daily Telegraph*. I am sure he will note the views of the Hon. Dr B. P. V. Pezzutti and myself in this respect.

POLICE ALLEGED BEHAVIOUR

The Hon. Dr MARLENE GOLDSMITH: My question without notice is directed to the Attorney General, representing the Minister for Police. Is the Minister for Police aware that on Wednesday last week, in the foyer of Parliament House, lewd and suggestive remarks were made to a young female work experience student about her physical characteristics by one of four uniformed officers of the New South Wales Police Service? Is he further aware that none of the other police officers objected to this behaviour? Does the Minister for Police consider such behaviour by members of the Police Service to be satisfactory, particularly in the precincts of Parliament House? What steps will he take to ensure that police officers behave in an appropriate and non-sexist manner towards female members of the public?

The Hon. J. W. SHAW: Assuming the facts as asserted are correct—

The Hon. J. H. Jobling: Of course they will be.

The Hon. J. W. SHAW: I will start again. Assuming the facts as asserted are correct, I am sure the Minister for Police would be very concerned about any improper behaviour by police officers, whether in the precincts of this House or elsewhere. I am not sure whether the honourable member has given sufficient further and better particulars to enable the Minister for Police to look into the matter, but it may be that particulars could be provided in another manner. I am sure the police Minister would take seriously indeed any allegations to the effect made in the question, because he would be concerned as I would be that police officers conduct themselves in an appropriate manner and do not make what is described in the question as "lewd and suggestive remarks" to anyone.

WESTERN SYDNEY TRAFFIC CONGESTION

The Hon. Dr A. CHESTERFIELD-EVANS: My question is directed to the Minister for Public Works and Services, representing the Minister for Roads. Is the Minister for Roads aware that there is a petition containing 1,378 signatures that cannot be tabled because of the form in which it is written, requesting that the State Government, with the financial assistance of the Commonwealth Government, take immediate action to solve the chronic traffic problems in the Hawkesbury region?

Is he aware that the petition requests the immediate construction of dual-lane roadways, east and west, on the road from Windsor to Parramatta between Kellyville and Macquarie Street, Windsor? Is he further aware that the petition requests the section of road from McGraths Hill to Windsor to be flood free? Is he also aware that the petition requests that the section of the road from Richmond to Blacktown, from the Rooty Hill turnoff to the traffic island at the intersection with George Street, be widened to take two lanes of traffic? This matter is of considerable concern to the people of western Sydney.

The Hon. R. D. DYER: I will refer the honourable member's question to my colleague the Minister for Roads and obtain a response, which I will convey to the member.

MATERNITY RIGHTS AWARENESS WEEK

The Hon. Dr MEREDITH BURGMANN: My question without notice is directed to the Attorney General, Minister for Industrial Relations, and Minister for Fair Trading. This week is Maternity Rights Awareness Week. Could the Minister inform the House what the Government is doing to advise working women of their rights and entitlements to maternity leave?

The Hon. J. W. SHAW: The honourable member has rightly focused my attention on maternity leave, but, of course, under industrial legislation there is a right for fathers to also take leave. Working women as well as working men deserve and demand equal opportunity and equal participation in the paid work force. The Industrial Relations Act 1996 provides women and men with automatic access to parental leave. The Government has been concerned that women are often unaware of their entitlements to maternity leave and their right to return to their job after that leave is completed.

To overcome this problem the Minister for Women and I launched the Maternity Rights Awareness Week campaign on Monday. The

campaign was an initiative of the Premier's Council for Women and was organised by the Department of Industrial Relations, the Department for Women and the Anti-Discrimination Board of New South Wales. The aim of the campaign is to inform and educate women workers and their employers about maternity leave rights and to improve access to, and participation in, both child rearing and employment.

Although the legislation provides parental leave for both women and men, it is women who are more likely to take leave and, of course, it is women who must take maternity leave. The Department of Industrial relations has produced a new publication entitled "Maternity at Work", which is targeted specifically at women. The publication provides women with information about their rights at work with regards to pregnancy and maternity. It provides answers to the many questions that women have asked of the department over many years.

Women in the Australian work force are investing in higher education and often delaying child rearing to gain experience in their chosen occupations. One indicator is that increasingly married women delay the birth of their first child. In 1996 New South Wales women over 30 years of age contributed 39 per cent of first births compared to only 10 per cent in 1976. To retain competent women employees, employers must not only have regard to parental leave entitlements, but also implement programs to meet the demands of women seeking to balance the competing pressures of their careers and family responsibilities.

Increasingly, but slowly, working fathers also wish to share parenting. The Maternity Rights Awareness Campaign will include an information stall at Parramatta Westfield Shopping Centre today, to provide women in that area with on-the-spot advice and information on those issues. Although legislation provides for maternity leave, it appears to be underused. There is a need to make sure that women workers and employers are informed of those rights. Women workers should know that they have a right to return to work after the birth of their child and a right to the unpaid leave contained in the legislation.

INLAND FISHERIES CLOSURE

The Hon. D. F. MOPPETT: I direct a question to the Minister for Public Works and Services, representing the Minister for Fisheries. Does the Minister accept that the inland fisheries of New South Wales have sustained commercial enterprises for more than 150 years? Is it true that

despite your efforts to ingratiate yourself with inland commercial fishers, you have steadfastly and obdurately refused to consult with them to establish an equitable fish stock management strategy? In view of the devastating impact of your decision to close the fishery in respect of fin fish, would you urgently review your decision in consultation with the industry and publish the reasons for your final decision?

The Hon. R. D. DYER: The Hon. D. F. Moppett used the words "you" and "your" although the question was addressed to me as the Minister representing the Minister for Fisheries. I will refer to question to the Hon. Bob Martin, the member's favourite Minister, and I will convey any response to the Hon. D. F. Moppett.

TIMBER INDUSTRY JOBS

The Hon. ELAINE NILE: I direct my question without notice to the Minister for Public Works and Services, representing the Minister for Forestry. Is it a fact that timber workers in the Eden region are now drawing lots to determine who will maintain their jobs and who will not? Is it a fact that on 2 December, 20 men lost their jobs due to the recent changes in the timber industry and that every job loss has a multiplying effect on 2.3 jobs? Will the Minister tell the House what action the Government is taking to ensure that these timber workers will gain suitable employment to support their families, pay their mortgages, keep a roof over their heads and put food on their tables?

The Hon. R. D. DYER: The honourable member will well recall that this House recently debated legislation dealing with the forestry industry. It is fair to say that that legislation was developed as a package in an endeavour to at least partially satisfy the demands made on the Government by the conservation interests on one side and the forestry interests on the other side. As is commonly the case in politics, compromises are made in the best interests of everyone concerned. It is not surprising, though, that when 100 per cent of the claims made by one side or the other are not met, those people still complain.

The Government is concerned about employment opportunities in regional areas. Various measures have been developed to address the concerns raised by the Hon. Elaine Nile. As the honourable member's question raises a matter of detail regarding a particular geographic location in the State I will refer it to my colleague the Minister for Forestry. As soon as I have the Minister's response, I will convey it to the Hon. Elaine Nile.

SPORTS CAPITAL ASSISTANCE PROGRAM

The Hon. DOROTHY ISAKSEN: Will the Acting Leader of the Government give the House details concerning sports funding across New South Wales?

The Hon. R. D. DYER: I commend the honourable member for her obvious interest in sporting activities and sports funding across New South Wales. Last Friday the Minister for Sport and Recreation, my colleague the Hon. Gabriel Harrison, released the Carr Government's \$4 million 1998-99 sports capital assistance program, which is one of the most important funding programs for sport across the State. It will assist with the development and completion of community sporting and recreational facilities worth more than \$50 million. This year funds have been given to some 500 individual projects from various sporting groups and local government bodies around New South Wales. The projects range from the construction of skateboard ramps—I would like to put the Hon. Dr B. P. V. Pezzutti on one of those—and the upgrading of lighting on sportsgrounds to general clubhouse repairs.

This program is just one part of the Carr Government's commitment to assisting sporting groups and local councils by helping to provide the best quality sporting and recreational facilities for the people of New South Wales. Our aim is to work in partnership with the general sporting community and to support groups that have shown that they are prepared to help themselves. The same principle applies with our regional sports facilities program, which is generally aimed at assisting with the completion of big-ticket projects. Providing these facilities is an important part of the Government's efforts to support and encourage a healthy, safe and secure lifestyle for the people of New South Wales.

DENTAL WAITING LISTS

The Hon. Dr B. P. V. PEZZUTTI: My question without notice is directed to the Minister for Public Works and Services, representing the Minister for Health. Yesterday the Minister, in answer to a question concerning dental services, referred to the number of people waiting for dental services. Is it true that in every New South Wales area health service the number of patients waiting for dental care—for conservative treatment and dentures—has increased every year since March 1995?

The Hon. R. D. DYER: Earlier in question time the Hon. Dr B. P. V. Pezzutti asked me

whether I would make my ministerial car available to him to take him to Redfern. I am willing to make my ministerial car available to him on condition that he understands that the driver, Mr Lance Carmichael, will have instructions to take him to Gulargambone. I gave an extensive and expansive answer to a similar question asked of me yesterday about dental services. Members of the Opposition did not like that answer. The Opposition did not like my reference to the Howard Government's dental program financial cutbacks. Is it any wonder that the waiting list deteriorates against that background?

The Hon. Dr B. P. V. Pezzutti should take account of the actions of his Federal colleagues. If the honourable member remains inquisitive regarding this matter—as he probably is—I will approach my colleague the Minister for Health and convey the Minister's interesting response to the Hon. Dr B. P. V. Pezzutti.

The Hon. Dr B. P. V. Pezzutti: When?

The Hon. R. D. DYER: Soon.

ABORIGINAL RECONCILIATION

The Hon. HELEN SHAM-HO: My question without notice is directed to the Minister for Public Works and Services, representing the Treasurer, representing the Minister for the Olympics. Is the Minister aware that the Council for Aboriginal Reconciliation will host its final significant event in Sydney on 27 and 28 May 2000, about two weeks before the beginning of the Olympic torch relay in central Australia? Does the Minister agree that those two events are not only closely associated in dates, but are also important in relation to reconciliation? Will the Minister, while promoting the torch relay for the Olympics, also undertake to promote the Aboriginal reconciliation process, thus demonstrating the importance of staging both events together?

The Hon. R. D. DYER: The Hon. Helen Sham-Ho made a sensible suggestion in her question. I will approach my colleague the Minister for the Olympics, the Hon. Michael Knight, and any other relevant Minister to consider the honourable member's suggestion. As soon as I have a response I will convey it to the Hon. Helen Sham-Ho.

**COMPUTER YEAR 2000 BUG
CONSUMER PROTECTION**

The Hon. P. T. PRIMROSE: My question without notice is directed to the Minister for Fair Trading. Will the Minister advise the House of his department's funding to help consumers deal with the year 2000 date change problem?

The Hon. J. W. SHAW: I am pleased to advise the House that New South Wales Government funding of \$1 million has now been confirmed for full implementation of a statewide year 2000 education program developed by my Department of Fair Trading. There is considerable scope for consumer detriment in the sale or failure of Y2K-affected products, therefore the New South Wales Government is funding its own consumer protection and education campaign. The State Government was not prepared to wait for the Federal Government to decide whether it would respond to the State's request for funds for consumer education on Y2K. Australia's preparations for the year 2000 are well under way at the government and the corporate levels.

The call to action now needs to be heard by small business and consumers. The Government will be promoting this message through a precise and well-planned strategy. There is no need for panic—indeed, it would be counterproductive. In 1999 the Fair Trading campaign will involve extensive advertising and consumer print and electronic media across the State and in trade and non-English language publications. This will be supported by a continued development of information products, such as fact sheets, that address the needs of specific trader groups. Consumers buying products such as personal computer hardware and software, watches, video cassette recorders, fax machines, motor cars or other electronic goods with a date function will be advised to first check with the retailer or manufacturer that the product is Y2K compliant.

They should also insist that the retailer provides a written warranty from the shop or the manufacturer that what they are buying is Y2K compliant. The consumer protection strategy involves the department dealing with consumer inquiries and complaints, monitoring the marketplace and encouraging traders to meet their obligations under fair trading legislation. The Y2K consumer protection strategy includes contingencies for an increased level of complaint handling and investigation by Fair Trading officers. The department has an active program of encouraging trader compliance with fair trading laws through its dispute resolution, marketplace surveillance and compliance enforcement initiatives.

A high level of complaints about a relatively small number of traders sparked the recent Fair Trading Advisory Council inquiry into the retail computer trade. The department will continue to monitor this and other industries for any attempts to

exploit consumers over Y2K. The Department of Fair Trading will not hesitate to act on Y2K complaints that involve but are not restricted to misleading or deceptive conduct, false representations, supply of goods which do not comply with relevant consumer product information standards and breach of implied warranty.

The New South Wales Government is determined that consumers will be able to face the new millennium with confidence in the products and services that we all come to rely on in our daily lives. Although I have used the word "millennium", I deprecate the term "millennium bug". The problem with computers, as I apprehend it, will occur on 1 January 2000. The new millennium will occur in 2001. There was no 0AD; we started with 1AD and, therefore, the new millennium occurs in 2001. That is why I have difficulty with the term "millennium bug". I am happy to adopt the more technically correct jargon of "Y2K". That is the way I talk these days; that is the language I use.

The Hon. Dr B. P. V. Pezzutti: Lawyers should never be allowed to answer questions about science.

The Hon. J. W. SHAW: It was a problem with the mathematicians. When the calendar was constructed the relevant Greek and Roman mathematicians did not have the concept of zero in their minds. That concept was later developed by an Arab mathematician, as I apprehend it.

[Interruption]

I will not get into theology; I will stick with history and science. In conclusion, it is clear that the Department of Fair Trading is doing positive work in terms of consumer education and assistance ahead of the problem that is looming.

MINISTERIAL CODE OF CONDUCT

The Hon. JENNIFER GARDINER: My question is addressed to the Acting Leader of the Government, representing the Premier. In light of the Attorney General's reference to a ministerial code of conduct earlier today in addressing the Whelan-Orient Hotel issue, and in light of the use by the Minister for the Environment of her office in supporting a development at Byron Bay, is it not extremely interesting that the Government has still not produced a ministerial code of conduct for the purposes of section 9 of the Independent Commission Against Corruption Act? Can the Minister explain why the Government is dragging its feet on this issue? When will the matter be rectified?

The Hon. R. D. DYER: I will refer the honourable member's question to the appropriate Minister and obtain a response.

If honourable members have any other questions, I suggest they put them on notice.

MICROSEARCH FOUNDATION ANIMAL RESEARCH INVESTIGATION

The Hon. R. D. DYER: On 29 October the Hon. R. S. L. Jones asked me a question about the Microsearch Foundation animal research investigation. The Minister for Agriculture, and Minister for Land and Water Conservation has provided the following response:

The animal research review panel has an oversighting role with respect to the conduct of animal research in New South Wales. As part of this role its members carry out inspections, consider written material and interview individuals, as well as consider the reports of authorised inspectors. Consistent with this approach, the panel conducts ongoing investigations of compliance with the legislation for all accredited research establishments, including the Microsearch Foundation.

However, the honourable member may be referring to a specific report by the panel to the Director-General of New South Wales Agriculture following his referral to the panel of a formal complaint about the activities of the Microsearch Foundation, as required by the Act. On the basis of this report, which indicated that breaches of the legislation could not be substantiated, the director-general determined the complaint by dismissing it. The director-general also issued a number of directions to the foundation, requiring changes to practices which, while not illegal, required addressing to ensure the foundation operated within the spirit of the legislation.

WORKCOVER AUTHORITY WORKERS COMPENSATION PREMIUMS

The Hon. J. W. SHAW: On 27 November the Deputy Leader of the Opposition asked me a question about WorkCover Authority workers compensation premiums. I now provide the following answer:

1. The abattoir referred to is Beers Abattoirs at Culcairn. The company had insurance through FAI Workers Compensation Ltd. In the workers compensation scheme underwriting of premium, premium collection and premium adjustments, including providing refunds and invoicing, is the responsibility of insurance companies, not the WorkCover Authority.

FAI had provided insurance cover for this company for several years. In renewing its policy in 1997-98, the company took out insurance from September 1997 to September 1998. The company subsequently changed the expiry date of its policy from September 1998 to June 1998 as it was closing its operations at that site. This entitled the company to a refund on the 1997-98 policy. This was processed promptly and a refund of \$54,000 was sent to the company in June 1998.

The company subsequently took out a minimum policy to provide cover for the period from 20 July 1998 to 20 July 1999. In doing so it advised FAI that it did not expect to pay any wages, so FAI charged only the minimum premium of \$110.

As the company was then in the hands of administrators, the administrators undertook an audit of the actual wages paid during the period of cover and advised FAI in September that some wages had actually been paid to workers during that period. In view of this new information, and taking into account the claims experience of the abattoir, FAI recalculated the amount of premium owing, and an invoice for \$328,000 was sent to the administrators in September.

As with any insurance cover, the company relies on the person seeking cover to supply relevant information in order to enable appropriate premiums to be levied. In this case FAI responded promptly to the information provided by the employer.

2. As indicated previously, this issue is a matter for the relevant insurance company, not WorkCover.

In this case the insurer, FAI, responded promptly to a cancellation sought by the employer, and provided the refund to which the employer was entitled. It also responded promptly to the information subsequently provided by the administrators on the actual wage expenses of the company.

3. No.

STEVE KAMINSKI REAL ESTATE AGENT REGISTRATION

The Hon. J. W. SHAW: On 25 November the Deputy Leader of the Opposition asked me a question about real estate agent Steve Kaminski. I now provide the following answer:

The Department of Fair Trading did not raid the real estate agent's offices in question. On 16 September 1997 Department of Fair Trading investigators attended the offices of real estate agent Mr Gambino to inquire into the circumstances surrounding the distribution of an advertising flyer which had been the subject of an article in the *Sydney Morning Herald* the day before. Mr Kaminski was employed at that agency.

Mr Gambino informed the departmental investigators that Mr Kaminski's employment had been terminated. My advice is that it was Mr Gambino who, in fact, handed over Mr Kaminski's certificate of registration to the investigators. There is no suggestion that the investigators acted unlawfully or that their conduct was in any way improper.

Mr Kaminski subsequently made application to the department for re-issue of his certificate of registration. The department objected to the issue of the renewed certificate, and on 21 January 1998 the Licensing Court ordered that his surrendered certificate be returned to him.

On 16 April 1998 the notice of objection against the issue of Mr Kaminski's certificate of registration filed by the director-general was determined by the Licensing Court. Whilst the department argued before the Licensing Court that Mr Kaminski was not a fit and proper person to hold a certificate,

Magistrate Collins found that no case against Mr Kaminski could be sustained on fitness and propriety grounds.

Mr Collins indicated in his judgment that if similar grounds were brought before him regarding a licence application, his attitude would be that Mr Kaminski was still a fit and proper person and of good fame and character. In view of the magistrate's determination, the department issued the real estate agent's licence.

SINK WASTE DISPOSAL

The Hon. J. W. SHAW: On 22 October the Hon. R. S. L. Jones asked me a question about sink waste disposal. The Minister for the Environment has provided the following response:

I am informed that the Mayor of Waverley Council has written to the Director-General of the Environment Protection Authority [EPA], Dr Shepherd, concerning a proposed ban of in-sink waste disposal systems from multiunit housing in Waverley Council. Dr Shepherd's response to the mayor indicated that the EPA has a number of concerns regarding the use of in-sink waste disposal systems.

Primarily, the use of these units is considered to be inconsistent with the Government's green waste action plan. Source separation of green waste, which includes food waste, at the point of generation is regarded as the preferred approach in New South Wales. This would offer the greatest potential for the waste to be reprocessed into a safe high-value product. With regard to Sydney Water Corporation's position and proposed intentions on this issue, your questions are best directed to my colleague the Minister for Urban Affairs and Planning.

CABINET OFFICE DIRECTOR-GENERAL Mr ROGER WILKINS

The Hon. R. D. DYER: On 27 November and 1 December the Hon. R. S. L. Jones asked questions concerning the Director-General of the Cabinet Office. The Premier has supplied the following response:

The questions put by the Hon. R. S. L. Jones constitute little more than an unwarranted attack by the member on a senior public servant. Mr Roger Wilkins has served successive governments and in my experience has done so with the utmost professionalism and loyalty to the interests of the government of the day.

It appears that the member is peeved by the Government's decision to curtail third party rights as part of the forestry agreement. That was a decision taken by the Government, not by any public servant. It was not a decision taken lightly. It is also a decision that appears to enjoy bipartisan support.

Questions without notice concluded.

PETITION

Family Impact Commission Bill

Petition praying that the integrity of the family unit be encouraged by support for the Family Impact

Commission Bill, received, by leave, from **Reverend the Hon. F. J. Nile**.

[The President left the chair at 1.05 p.m. The House resumed at 2.30 p.m.]

PRINTING COMMITTEE

Report

The Hon. A. B. Manson, as Chairman, tabled the committee's report No. 4, dated December 1998.

Ordered to be printed.

SYDNEY WATER CATCHMENT MANAGEMENT BILL

In Committee

Parts 1 to 4

The Hon. I. COHEN [2.35 p.m.], by leave: I move Greens amendments Nos 1 and 16 in globo:

No. 1 Page 3, clause 3. Insert after line 8:

environmental flow means a release of water from storage so as to provide a flow of water in a river, stream or other natural waterway that:

- (a) mimics natural seasonal flows, and
- (b) restores and maintains the ecology of the waterway concerned.

No. 16 Page 10, clause 16. Insert after line 10:

- (a) to supply environmental flows to all waterways that are:
 - (i) within its area of operations, or
 - (ii) downstream of stored waters controlled by the Authority,

The bill does not define "environmental flow" and the Sydney Catchment Authority is not required to provide environmental flows. Water quantity and quality are vital factors in the protection of both public and ecological health. Excessive extractions by Delta Energy in the Cocks River and BHP in the Cataract River concentrate animal and roadway effluent in streams. The Greens have moved these amendments to enable the authority to provide environmental flows to all of the waterways within its area of operation. I commend the amendments to the Committee.

The Hon. R. D. DYER (Minister for Public Works and Services) [2.36 p.m.]: As to Greens

amendment No. 1, the Government does not support the insertion of a definition of "environmental flow" in clause 3 of the bill. A requirement for the Sydney Catchment Authority to provide environmental flows is more appropriately inserted in the authority's operating licence. In addition, the proposed amendment makes no accommodation for halting environmental flows in the event of a water shortage. As to Greens amendment No. 16, it is the Government's view that it is not necessary to state in clause 16 that one of the authority's functions is to supply environmental flows. That matter will be dealt with in the operating licence of the authority.

The Hon. J. F. RYAN [2.37 p.m.]: The point made by the Hon. I. Cohen about the need for environmental flows is reasonable. From time to time it is appropriate to clear the catchment by way of environmental flows. However, like the Government, the Opposition believes that such a provision should be part of the authority's operating licence, thereby allowing an opportunity for public input to consider not only the environmental consequences of water storage but also other social and economic issues which may be important.

The Minister raised the problem of a water shortage. In times of drought it may well be economically catastrophic and not necessarily environmentally urgent to have an immediate environmental flow. The insertion of a provision for the supply of environmental flows into the proposed legislation would make flexibility in operations difficult. In any event, environmental flows ought to be the subject of public consultation before a provision is inserted into the bill. There has not been an opportunity for such consultation. The Opposition is inclined to support Greens amendment No. 1, which inserts a definition of "environmental flow" into the bill, but it does not agree with amendment No. 16, which mandates provisions for environmental flows. As the amendments have been moved in globo, the Opposition is obliged to oppose them.

The Hon. R. S. L. JONES [2.38 p.m.]: I ask that the amendments be put seriatim.

The Hon. R. D. DYER (Minister for Public Works and Services) [2.39 p.m.]: The Hon. I. Cohen sought leave and was given leave to move the amendments in globo. The Hon. R. S. L. Jones should have expressed his view and objected to the amendments being dealt with in globo at the time leave was sought.

The CHAIRMAN: Order! The Hon. I. Cohen has moved his amendments in globo, and the Hon.

R. S. L. Jones has asked that they be put seriatim. Standing Order No. 106 states:

When a Motion consists of more than one resolution, the resolutions shall be put seriatim if any Member so requires.

I will therefore put the amendments seriatim.

Reverend the Hon. F. J. NILE [2.40 p.m.]: In relation to amendment No. 1, I note that there have been reports of wetlands affected by drought and that pressure was placed on the Government to supply water to the particular wetland because the birds could not survive, but no water was available to be supplied. Will this amendment place more pressure on the Government? Paragraph (a) of the amendment refers to flow of water that "mimics natural seasonal flows". That gives weight to those who object to the lack of action to fulfil this requirement. Because of the implications of the amendment I support the Government in opposing it.

Question—That amendment No. 1 be agreed to—put.

The Committee divided.

Ayes, 18

Mr Bull	Mr Kersten
Mrs Chadwick	Mr Lynn
Dr Chesterfield-Evans	Dr Pezzutti
Mr Cohen	Mr Ryan
Mr Corbett	Mr Samios
Mrs Forsythe	Mr Rowland Smith
Mr Gallacher	
Miss Gardiner	<i>Tellers,</i>
Mr Hannaford	Mr Jobling
Mr Jones	Mr Moppett

Noes, 17

Dr Burgmann	Mr Primrose
Ms Burnswoods	Mrs Sham-Ho
Mr Dyer	Mr Shaw
Mr Johnson	Ms Tebbutt
Mr Kaldis	Mr Tingle
Mr Kelly	Mr Vaughan
Mrs Nile	<i>Tellers,</i>
Rev. Nile	Mrs Isaksen
Mr Obeid	Mr Manson

Pairs

Dr Goldsmith	Mr Macdonald
Mr Willis	Ms Saffin

Question so resolved in the affirmative.

Amendment No. 1 agreed to.

Amendment No. 16 negatived.

The CHAIRMAN: Order! Standing Order No. 128 states in part:

... Provided that when a Division is followed by a subsequent Division and there has been limited or no intervening debate after the preceding Division, the President may order the Bell to be rung for one minute only, if there is no objection.

Approximately 80 amendments are to be moved in Committee on this bill. If there is no objection I intend to order the bells to be rung for one minute only when further divisions are called.

The Hon. I. COHEN [2.51 p.m.]: I move Greens amendment No. 2:

No. 2 Page 3, clause 3. Insert after line 13:

land includes the following:

- (a) the sea or an arm of the sea,
- (b) a bay, inlet, lagoon, lake or body of water, whether inland or not and whether tidal or non-tidal,
- (c) a river, stream or watercourse, whether tidal or non-tidal,
- (d) a building erected on the land.

The definition of "land" in this bill should be consistent with the definition in the Environmental Planning and Assessment Act 1979, and this amendment does that. It also adds "water" to the definition. The bill is about the protection of water and therefore the definition of "land" should be comprehensive and effective. I commend Greens amendment No. 2 to the Committee.

The Hon. R. D. DYER (Minister for Public Works and Services) [2.51 p.m.]: The Government does not support this amendment. "Land" is already defined in the Interpretation Act and it is the Government's strong view that that definition is suitable for present purposes.

The Hon. J. F. RYAN [2.52 p.m.]: The Opposition supports the amendment, largely for the reasons succinctly outlined by the Hon. I. Cohen.

Reverend the Hon. F. J. NILE [2.52 p.m.]: I was curious as to how "land" could be a building. The amendment states, "land includes . . . (d) a building erected on the land", which would seem to be inconsistent even if it is in other legislation. As this is new legislation setting up the whole system

of water catchment, will there be a problem if a building is erected on land in question? Would the building have to be removed if this definition is accepted?

Amendment agreed to.

The Hon. I. COHEN [2.53 p.m.]: I move Greens amendment No. 3:

No. 3 Page 3, clause 3, lines 23-25. Omit all words on those lines. Insert instead:

outer catchment area means the following:

- (a) all land forming part of the catchment of the Shoalhaven, Hawkesbury and Nepean River systems upstream of water storage, other than any such land that is within the inner catchment area,
- (b) the Metropolitan Catchment Area (as proclaimed by the Proclamation published in Gazette No. 79 of 13 July 1923 at pages 3080-3086 and as amended by the Proclamation published in Gazette No. 79 of 26 May 1933 at page 1828),
- (c) any other land for the time being declared under this Act to be part of the outer catchment area of the Authority.

This definition of "outer catchment area" will ensure that the entire catchment is the actual watershed of the Hawkesbury, Nepean, Shoalhaven and related catchments and is brought under the administration of the authority. To exempt any area which is part of the physical catchment is to invite further crisis. The authority needs control over the entire catchment, and to allow anything less is to ensure the authority will fail. Mr McClellan emphasised the need to bring the entire catchment under the control of the authority. He stated:

There must be new controls on the type of developments permitted in the entire hydrological catchments and especially in the Outer Catchment.

I commend Greens amendment No. 3 to the Committee.

The Hon. R. D. DYER (Minister for Public Works and Services) [2.54 p.m.]: The Government does not support the proposed amendment to the definition of "outer catchment area" in clause 3 of the bill. The problems with the approach expressed in the proposed amendment are, firstly, the attempt at defining the outer catchment area in paragraph (a) of the definition is very imprecise and unworkable as a practical matter; secondly, the proposed amendment is inconsistent with clause 5(2) of schedule 6, and the Greens have not proposed an

amendment to that clause to overcome the inconsistency.

The Hon. J. F. RYAN [2.54 p.m.]: The Opposition opposes Greens amendment No. 3. Like the Government, we think paragraph (a) is somewhat imprecise, but paragraph (b) is precise and would legislate what has effectively been in the *Government Gazette*. The Opposition takes the view that it is appropriate that changes to the size of the catchment, whether to make it greater or smaller, are adequately provided for by regulation and gazettal. It is possible then for the Parliament, if it disagrees with such a change, to disallow it. I understand that a later amendment relates to the capacity for taking gazetted lands to be treated in the same way as a statutory rule, and we will support it. For that reason, and to be consistent, we do not support legislating the size of the catchment in this bill.

Amendment negatived.

The Hon. I. COHEN [2.55 p.m.]: I move Greens amendment No. 4:

No. 4 Page 5. Insert after line 11:

6 Administration of Act

This Act is to be administered by the Minister administering the *Protection of the Environment Administration Act 1991*.

This amendment recognises that the Minister for Urban Affairs and Planning, who is also the Minister responsible for Sydney Water, may not be the appropriate Minister to be responsible for the Sydney Water Catchment Authority if its primary objective is to deliver cleaner drinking water to Sydney. The Minister for Urban Affairs and Planning has already had responsibility for the management of these lands and, given that the Minister is responsible for the development of land in these areas, there may be some contradictions in terms of land use controls.

Perhaps if the authority is to achieve an improvement in water quality and quantity, the most appropriate Minister is the Minister for the Environment. In the current structure of the Government, the Minister for the Environment is the only Minister who can administer this authority without a conflict arising between, say, planning authorities and agricultural interests and the authority. I commend Greens amendment No. 4 to the Committee.

The Hon. R. D. DYER (Minister for Public Works and Services) [2.56 p.m.]: The Government

does not support proposed clause 6. The Minister for Urban Affairs and Planning, not the Minister for the Environment, should administer this legislation. The Minister for Urban Affairs and Planning is responsible for Sydney Water and should continue to be responsible for the authority established to protect Sydney's water supply and the catchment areas.

The Hon. J. F. RYAN [2.57 p.m.]: The Opposition does not support this amendment. To the best of my knowledge there are not many other instances where an Act of Parliament prescribes which Minister shall be responsible for that Act. In the general arrangements of the Westminster system the Premier is entitled to allocate portfolios. That is relevant for the coalition because when we come to government we might want to split responsibility for the catchment management authority and the environment. For example, the Premier may well decide that the Minister for the Environment has sufficient responsibility without being given other responsibilities. In those circumstances we cannot support the amendment.

Amendment negatived.

The Hon. J. F. RYAN [2.58 p.m.]: I move Opposition amendment No. 1:

No. 1 Page 6, clause 7, line 13. Insert ", one of whom is to be a nominee of the NSW Farmers' Association" after "Minister".

This amendment provides that one of the authority board members will be a nominee of the New South Wales Farmers Federation. The Opposition is moving this amendment because one of the significant activities in the catchment is primary production. The Opposition believes it is important that the interests of primary producers be represented on the board of the authority. I am aware that many other interest groups have expressed the view that they too should be represented on the board. For example, I have seen correspondence sent to honourable members from the Local Government Association indicating that local government would also like a representative on the board.

The Opposition is cognisant that the Government is trying to keep the board of the authority small enough to be an effective decision-making body. However, while we have some sympathy with the request of the Local Government Association—a later amendment will propose adding a further representative of the Nature Conservation Council—we are confident that the board members chosen by the Minister will advocate for the health of the catchment and its environment.

One group of people whose views need to be known, but who find it difficult to obtain the necessary representation, are primary producers, who engage in economic activity within the catchment. The Opposition is hopeful that the Government will support us in requiring specific primary producer representation on the board of the authority. If the primary producer board member is at variance with other members, he or she will not have sufficient voting strength to overwhelm the authority, and we believe it is appropriate that the producers' views be represented because, in many instances, they will be at the hard end of decisions made about the catchment. They should know what is being discussed by the authority and have input into its policies, particularly where they affect their economic health. I commend the amendment to the Committee.

The Hon. R. D. DYER (Minister for Public Works and Services) [3.01 p.m.]: I regret that I am about to disappoint the Hon. J. F. Ryan because the Government does not support this amendment. The bill already provides for the appointment of board members with relevant expertise to achieve the objectives of the authority. The Committee will recall that last evening a similar debate took place on a clause in the foreshore authority legislation.

On that occasion the Hon. R. S. L. Jones was trying to place a representative of the Nature Conservation Council on that authority. I raised the argument that we ought not open Pandora's box and have representatives of various interest groups appointed by right to these bodies; that, rather, the Minister of the day should appoint such persons as he believes to be appropriate. The Government and I have nothing against New South Wales Farmers, but to suggest that one interest group should be represented raises the question of whether others ought to be represented as well.

The Hon. J. F. RYAN [3.02 p.m.]: The Opposition was specifically told by advisers from the Minister's office last night that the Government would support this amendment. Clearly the position of the Government has changed. The Opposition is disappointed that the Government is not prepared to offer support to primary producers. The Opposition believes this amendment to be important because the people who are likely to be adversely affected—the one interest group that will have to foot the bill for decisions about the catchment—are primary producers. If they will be required to put their hands in their pockets to change their businesses and the way they carry out their economic activities, they should have representation on the board of the authority. One primary producer member of the

board would not have sufficient voting strength to change any policies that the authority believes are absolutely essential to the health of the catchment.

A primary producer representative would have a sufficient secretariat, through New South Wales Farmers, to inform relevant primary producers of the decisions made and their impact. The Opposition is not opening a Pandora's box. Other groups, such as the Nature Conservation Council, might seek to be represented on the board, but it is inconceivable that the conservation movement and conservationists will not be represented. It is highly likely that the interests of primary producers will be overlooked in the composition of the board. For that reason the Opposition expresses its incredible disappointment that the Government, having offered its support last night and during the week, has decided to ditch the primary producers of the State. This is of such importance to the Opposition that we will divide the Committee.

The Hon. R. D. DYER (Minister for Public Works and Services) [3.04 p.m.]: I am not privy to any discussions that might have occurred. As the honourable member will appreciate, I was in this Chamber virtually all of yesterday and last night handling various bills. I had no time to be engaged in anything else. I am the representative of the relevant Minister and I am articulating the position as communicated to me.

The Hon. R. S. L. JONES [3.05 p.m.]: I move:

That Opposition amendment No. 1 be amended by inserting "and one of whom is to be a nominee of the Nature Conservation Council of New South Wales" after "NSW Farmers' Association".

It may be inconceivable to the Hon. J. F. Ryan that conservation interests will not be represented on the board but, after the falling out the conservation movement has had with the Government, it is not inconceivable to me. I am confident that farming interests will be represented on the board but I am not confident that conservation interests will be represented. To ensure that both conservation and farmers' interests are represented on the board I expect the coalition will support my amendment.

The Hon. J. F. RYAN [3.06 p.m.]: The Hon. R. S. L. Jones has indicated he is prepared to support the Opposition's amendment in relation to New South Wales Farmers. The Opposition will support his amendment as a means of making sure that both the farming community and the conservation movement are represented on the board.

The Hon. R. D. DYER (Minister for Public Works and Services) [3.06 p.m.]: The Government does not support the amendment proposed by the Hon. R. S. L. Jones to clause 7(2)(b) of the bill. The authority will have a close relationship with the Environment Protection Authority [EPA] and the Health Department. The bill requires the authority to enter into a memorandum of understanding with each of those regulatory agencies. Having regard to this, it is not also necessary for the Minister to be bound to appoint EPA and Health Department representatives to the board.

Amendment of amendment agreed to.

Amendment as amended agreed to.

The Hon. I. COHEN [3.08 p.m.], by leave: I move Greens amendments Nos 5 to 11 in globo:

- No. 5 Page 6, clause 7, line 15. Omit "such expertise". Insert instead "expertise in the areas of protection of the environment and public health, and such other expertise".
- No. 6 Page 6, clause 7. Insert after line 16:
- (4) The Minister is to advertise publicly for nominations for appointment to the Board.
- No. 7 Page 6, lines 19-26. Omit all words on those lines. Insert instead:

8 Functions of Board

- (1) The Board has the following functions:
- (a) determining the policies and long-term strategic plans of the Authority,
- (b) endeavouring to ensure that the Authority meets all public health and environmental requirements set out in the operating licence and any relevant instrument,
- (c) overseeing the effective, efficient and economical management of the Authority,
- (d) preparing:
- (i) the annual report of the Authority required under the *Annual Reports (Statutory Bodies) Act 1984*, and
- (ii) such reports as the Authority is required to furnish under this Act.
- (2) In exercising those functions, the Board has the duty of endeavouring to ensure that the water supplied by the Authority complies with appropriate standards of quality.
- No. 8 Page 7, clause 10, line 3. Insert "in accordance with the policies determined by the Board and any other

decisions of the Board, but subject to any directions of the Minister under this Act" after "Chief Executive".

- No. 9 Page 7, clause 11. Insert after line 19:
- (4) However, a request for a review may not be made on the grounds specified in subsection (3) in relation to a direction given in respect of any alienation, mortgage, charge or demise of land in a special area that is owned by or vested in the Authority.
- (5) The Board may also request the Minister to review a direction if the Board considers that compliance with the direction is likely to result in environmental degradation, or that the direction is otherwise inconsistent with the principles of ecologically sustainable development referred to in section 14 (1) (c).
- No. 10 Page 7, clause 11, lines 26-27. Omit "the direction". Insert instead "a direction of the kind referred to in subsection (3)".
- No. 11 Page 8, clause 11. Insert after line 12:
- (9) The Minister is to publish a direction given under this section in the Gazette (and is to make it available on the Internet) as soon as practicable after it is given.
- (10) A direction given under this section is of no effect to the extent that it is inconsistent with the terms and conditions of the Authority's operating licence unless the Minister certifies in the direction that it is given on such grounds, specified in the direction and involving urgency, public health or public safety, as justify the direction's prevailing over those terms and conditions.

The Greens are concerned about the role of the board of the new authority. As Dr Judy Messer pointed out, this bill "allows virtually unfettered powers to the Minister without imposing adequately defined duties and responsibilities". These amendments not only ensure there is an expertise-based board and public participation in the board nominations but also that the board has some functions. The board is only required by the bill to determine policy. This is an extremely vague direction to an authority that has to address more than 150 years ad hoc decision making about the catchment. The Greens amendments require the board to develop policies and long-term strategic plans and to meet all public health and environmental requirements of the operating licence, oversee effective management of the authority, and prepare annual reports.

They also would require the board to ensure that all water supplied by the authority meets the requisite water quality standards. Lest there be any confusion, the corrected version of my amendment

No. 7 is on sheet C-161F.GRN. I thank staff from the Minister's office for last minute important changes, including Janette Allen, Alice Spizzo and Byron Koster. These changes are designed to decrease what was perceived as an onerous charge on the board members which could cause difficulties in attracting members to the board.

Amendments Nos 9 and 10 relate to the extraordinary amount of ministerial direction to the authority provided for in the bill. The Minister can direct the authority to carry out actions. The amendments would ensure that ministerial directions cannot degrade the environment or be contrary to the principles of ecologically sustainable development. Any direction given by the Minister should be publicly available as soon as it is given. I commend the amendments to the Committee.

The Hon. R. D. DYER (Minister for Public Works and Services) [3.11 p.m.]: On Greens amendment No. 5, the Government does not support the proposed amendment to clause 7(3). The present wording provides that board members must have sufficient expertise to meet the objectives of the authority. On Greens amendment No. 6, the Government does not support proposed new subclause (4) of clause 7 requiring the Minister to advertise publicly for nominations for appointment to the board of the authority. It would introduce an additional administrative burden on the Minister and would be unlikely to result in new candidates for board positions coming to the attention of the Minister.

On Greens amendment No. 7, the Government does not support the proposed deletion and replacement of clause 8. The specification of the functions of the board in the proposed amendment would give rise to potential liabilities of board members in relation to matters that are not within the control of board members. In particular, making it a duty of board members to ensure that water supplied by the authority complies with appropriate standards of quality places very onerous obligations on board members and is likely to discourage properly qualified persons from nominating for the board.

On Greens amendment No. 8, the Government does not support the proposed amendment to clause 10(1). It is intended in the present draft of the bill that the chief executive officer be the dominant organ of the authority with the board playing a subordinate ancillary role to the chief executive. The amendment would make the chief executive subordinate to the board. While this is consistent with government structures in companies

incorporated by legislation, it is unusual in the context of statutory corporations of the State.

On Greens amendments Nos 9 and 10, the Government does not support the proposed changes to clause 11. One of the reasons is that if the Minister directs that certain of the lands owned by the authority in the special areas are to be transferred to the Minister administering the National Parks and Wildlife Act the board should be entitled to a review of this decision.

Finally, in regard to Greens amendment No. 11, proposed subclause (9) of clause 11 is not as appropriate in the present context as it was in the context of the Water Legislation Amendment (Drinking Water and Corporate Structure) Bill 1998. If the proposed subclause were included, too much work in gazetting directions would have to be done because the authority will be under the close and constant direction of the Minister. Proposed subclause (10) of clause 11 is unnecessary because the Minister is extremely unlikely to give a direction to the board that is inconsistent with the terms of the operating licence.

The Hon. J. F. RYAN [3.14 p.m.]: Obviously the spirit in which the Opposition has approached the amendments is quite different from that of the Government. The Opposition supports all the Greens amendments. They largely specify that the actions of Ministers to direct the board should be transparent; that the overriding concern of the board should be the health of the catchment; and that the chief executive officer [CEO] should carry out the policy of the board. If the board sets a policy with which the Minister disagrees, it will be possible for him to change the policy but he will have to do so in a manner which is transparent and that people will know about. The Opposition found it difficult to disagree with the amendments because it supports this sort of openness in government.

Greens amendment No. 5 indicates that expertise in the area of protection of the environment and public health is a relevant consideration to a member of the board but it is not the only one. The Greens amendment would continue to allow other issues to be considered. Greens amendment No. 6 would require the Minister to publicly advertise for nominations for appointment to the board. That happens in almost all instances in any event. There is no reason why the fact that the Minister was going to appoint people to the board should not become publicly known before it occurred to allow the community to nominate board members or people to apply to become board members. That would not prevent the Minister from

approaching other people. He would not be required to advertise the names of the people who have applied nor to cause them to be publicly made known.

With regard to Greens amendment No. 7, essentially the functions of the board would be restructured slightly such that an annual report would have to be prepared. That is entirely supportable. I have listened to the Minister's arguments with regard to proposed subclause (2) of clause 8, which reads:

In exercising those functions, the Board has the duty of endeavouring to ensure that the water supplied by the Authority complies with appropriate standards of quality.

I would have thought that the drafting indicates that it is the duty of the board and not something in relation to which individual members of the board could have actions brought against them. It may be possible to bring an action against the board. That issue was raised during the recent water contamination crisis. If people felt that they had lost income because the authority had not been doing its job they would be able to bring the matter to court. I cannot imagine the Government not supporting this. The Minister would have to explain himself a little further as to how a duty of the board becomes the individual liability of each member of the board.

Greens amendment No. 8 does exactly what the Government said it would do and we believe that to be preferable; that the CEO should be acting to the board and should be subservient to its directives. That is what normally happens with the chief executive of any organisation. Greens amendment No. 9 relates to the changing of land. If the Minister gives a direction to the board which was likely to result in environmental degradation he should have to explain it in a way that became known to the public.

Greens amendment No. 10 is consequential upon Greens amendment No. 9. Greens amendment No. 11 also relates to Greens amendment No. 9. If the Minister gave a direction to the board that the board felt was likely to cause environmental degradation that should become publicly known. Throughout the water contamination crisis the Opposition was concerned that so much information was excluded from public knowledge. We support the Greens amendments.

The Hon. Dr A. CHESTERFIELD-EVANS [3.19 p.m.]: The Australian Democrats support the Greens amendments. They are very good amendments in that they will instil expertise in the board and make it a real board rather than just a

ministerial rubber stamp, which we would not want. The Opposition is being positive in supporting the amendments.

One of the problems with the Water Board, now Sydney Water, has been a loss of expertise. Several reports were produced by the board. A 1983 report to the ministerial task force reviewing the Water Board at page 54 expressed concern that both the administrative and engineering divisions consist of functional branches. It was noted that such organisation fostered the development of specialisation and technical excellence but was also inclined to promote centralised decision making and co-ordination problems, which tended to increase with the size of the organisation and the degree of change needed to meet external pressures. That is fine as a management statement.

In the interests of avoiding duplication, however, the Water Board went on to abolish its investigations branch. It has been put to me that the lack of an investigations branch, which was abolished in 1984, led to a lack of expertise to deal with cryptosporidium and giardia, which in turn led to the current water situation. There is no substitute for expertise. These amendments strengthen the board's expertise. During debate on the second reading I said that there was a danger of too much ministerial interference and that this whole bill is a politically motivated interference. What is needed is a board with as much strength and expertise as possible. The board must have transparency to ensure that the correct policies are followed. I urge acceptance of these amendments.

The Hon. R. S. L. JONES [3.22 p.m.]: I support these amendments.

Amendments agreed to.

The Hon. I. COHEN [3.22 p.m.], by leave: I move Greens amendments Nos 12, 13 and 14 in globo:

- No. 12 Page 9, clause 14, line 20. Omit "where its activities affect the environment,".
- No. 13 Page 9, clause 14. Insert after line 27:
 - (2) The objectives of the Authority specified in subsection (1) (a)-(c) take priority over that specified in subsection (1) (d).
- No. 14 Page 10, clause 14, lines 1 and 2. Omit all words on those lines.

These amendments relate to the objectives of the authority. They ensure that the objectives relating to the delivery of clean water, healthier catchments and

ecologically sustainable development are considered above economic imperatives. As Mr McClellan advised in his third report, "From now on water quality should be the prime consideration in decision making affecting the catchment." Mr McClellan was clear about the fact that competing land and financial interests have resulted in a compromised catchment. He stated:

It is clear that governments of both persuasions have found it difficult to progress effective planning because of pressures from rural and development interests.

The compromise of the catchment has resulted in contamination of Sydney's drinking water supply, which is clearly unacceptable. The objectives relating to the provision of clean water and catchment protection should prevail. These amendments ensure that the authority is not exempt from civil actions and there is no equivalent exemption for Sydney Water. I commend these amendments to the Committee.

The Hon. R. D. DYER (Minister for Public Works and Services) [3.23 p.m.]: Amendment No. 12, which relates to clause 14(1)(c) and to ecologically sustainable development, is semantic and makes no practical difference to the intent of the paragraph. Amendment No. 13, proposed subclause (2) to clause 14 is, in the Government's view, not necessary. All of the objectives of the authority are of equal importance. With regard to amendment No. 14, the Government does not support the deletion of clause 14(3). Clause 14(3) makes it clear that the functions of the authority stated in the bill, and not its objectives, are to set the legal framework for the authority's activities.

The Hon. J. F. RYAN [3.24 p.m.]: The Opposition does not support these amendments. Opposition members agree with the Government that amendment No. 12 is not a matter of great consequence. Amendment No. 13 subsumes economic issues below environmental concerns. The Hon. I. Cohen made the strong point that Mr McClellan has indicated that the catchment has been compromised as a result of economic activity. There is no doubt about that: it is stated in black and white in the report. The Opposition is of the view that when decisions such as these have competing interests it is necessary to have them negotiated and settled, not necessarily fixed in legislation. There may well be opportunities to meet both objectives.

If the law read in such a way that environmental objectives had priority over economic objectives, it could well be that insufficient weight could be given to economic objectives that did not have a particular environmental impact. Opposition

members believe that it would be preferable to allow the balance to be determined by the process rather than settled in the law. The Opposition agrees with the Government's comments about amendment No. 14. That amendment would indeed create opportunity for more legal action, a great many more opportunities for litigation than the Opposition would believe to be healthy for the community. It is important that the authority goes about its activities in a proper way, but the authority ought not be diverted by having to fight various law suits, which would be likely to distract it from carrying out its tasks in the proper way. For those reasons the Opposition does not support these amendments.

Amendments negated.

The Hon. I. COHEN [3.27 p.m.]: I move Greens amendment No. 15:

No. 15 Page 10, clause 15. Insert after line 8:

- (2) The Authority has the primary function of protecting the quality and quantity of water in catchment areas.

This amendment is fundamental to the authority. It requires the authority to have a primary function of protecting the quality and quantity of the water in its catchment areas. Unless the authority is given a clear direction to protect water within its area of operations above all other functions, the lack of decisive and effective action on catchment-based pollution will continue. This deficiency has led to the continual environmental degradation of the catchments and the Sydney water crisis. The reference to quality in this amendment refers directly to environmental flows being made available to all waterways within the catchment area. The amendment attempts to ensure that the quantity of water in these waterways will be sufficient to maintain environmental flows as the minimum quantity required to maintain ecological processes and thus the health of the waterways. I commend this amendment to the Committee.

The Hon. R. D. DYER (Minister for Public Works and Services) [3.28 p.m.]: The Government is of the view that the proposed change to clause 15 is not warranted, so this amendment is not supported. All of the authority's functions are important. In the Government's view, there is nothing to be gained by stating a primary function.

The Hon. J. F. RYAN [3.28 p.m.]: The Opposition supports the amendment. Opposition members would consider the statement that the authority has the primary function of protecting the quality and quantity of water in catchment areas to

be a statement of the obvious. If that is not the primary role of the authority then there is not much point in establishing the authority at all. The Opposition is happy to support this amendment.

Amendment agreed to.

The Hon. I. COHEN [3.29 p.m.]: I move Greens amendment No. 17:

No. 17 Page 13. Insert after line 3:

20 Directions to public authorities

- (1) The Authority may, subject to subsection (2), from time to time:
 - (a) direct any public authority to do anything within the powers of the public authority that will, in the opinion of the Authority, contribute to the protection of the catchment area, or
 - (b) direct any public authority to cease doing anything that, in the opinion of the Authority, adversely affects the catchment area.
- (2) The Authority is required to consult with the public authority about any such direction.
- (3) If a dispute arises about any such direction, the Minister and the Minister responsible for the public authority (or, in the case of a local government authority, the mayor concerned) are to be notified of the dispute and given an opportunity to resolve the dispute.
- (4) If the dispute is not resolved, it may be referred by the Authority or the public authority to the Premier for settlement. The Premier must, before making any decision on the matter, appoint a person to make an assessment of or conduct a public inquiry into the matter. The report of that assessment or public inquiry is to be made available to the public by the Premier and, if the decision of the Premier on the dispute does not follow the recommendations in that report, the terms of the decision of the Premier are to be tabled by or on behalf of the Premier in each House of Parliament (within 14 sitting days of that House) and are to be included in the next available annual report of the Authority.
- (5) The decision of the Premier on a dispute is to be given effect to by the Authority and the public authority concerned.
- (6) If a public authority that is a local government authority fails to give effect to the decision of the Premier on a dispute, the Authority may give effect to the decision and may for that purpose carry out any work and give any directions as if it were the local government authority. The Authority is taken to be the local government authority when carrying out that work or giving those directions.

- (7) Any costs or expenses incurred by the Authority in giving effect to a decision as referred to in subsection (6) may be recovered by the Authority from the local government authority as a debt in a court of competent jurisdiction.
- (8) Any provision of any other Act for the settlement of disputes between public authorities by the Premier or a Minister does not apply to the settlement of a dispute to which this section applies.

This amendment significantly increases the ability of the authority to control activities within its area of operations. It is a directions power which will allow the authority to stop an activity or request an authority to carry out an activity if it will contribute to the protection of the catchment area. Mr McClellan noted:

It is clear that Sydney's drinking water quality cannot be adequately protected in the long term by existing controls. Current land use planning and controls have difficulty providing the structure to ensure that development within the catchment takes place without threatening water quality. There must be new controls on the types of developments permitted.

I commend the amendment to the Committee.

The Hon. R. D. DYER (Minister for Public Works and Services) [3.30 p.m.]: The Government does not support proposed clause 20. The proposal cuts across the whole idea of ministerial responsibility for authorities and agencies within a ministerial portfolio and allows a particular authority to give directions to other public authorities without regard to the wishes of the Minister responsible for the other public authority.

The Hon. J. F. RYAN [3.30 p.m.]: That was elegantly put. The Opposition shares the Government's view. This amendment would make it possible for the authority even to close a school if the authority considered that the facilities of the school were in some way degrading the catchment. The powers being conferred on the authority under this amendment are incredibly wide. The authority would need to have been in existence for a period of time and its effectiveness monitored before we even contemplate bestowing on it this kind of power. It is an extraordinary level of power for one government authority to direct another government authority without recourse to the Minister. Therefore, the Opposition will not be so radical on this occasion and will not support the amendment.

Amendment negatived.

The Hon. I. COHEN [3.31 p.m.]: I move Greens amendment No. 18:

No. 18 Page 13, clause 20. Insert after line 11:

- (3) Sections 39, 40 and 41 of the *Interpretation Act 1987* apply to an order under this section as if it were a statutory rule to which those sections apply.

This amendment requires all orders to vary the size of the area of the operations to be treated as a statutory rule. It ensures that all variations to the area of operations of the inquiry are given parliamentary scrutiny and are disallowable. I commend this amendment to the Committee.

The Hon. R. D. DYER (Minister for Public Works and Services) [3.32 p.m.]: The Government does not support the insertion of proposed subclause (3) in clause 20. It should not be open to each House of Parliament to resolve to disallow a proclamation of the Governor varying the area of operations of the authority.

The Hon. J. F. RYAN [3.33 p.m.]: That was a remarkably succinct comment from the Government, which takes the view that it ought not be possible for the Parliament to have some input into this process. The Opposition begs to differ. It would be quite appropriate if either House of Parliament were to disagree with the variation in the size of the catchment because it would not occur frequently. It would be an extraordinary decision for the Government to change the size of the catchment. Therefore, Parliament could review it in that it would occur only in circumstances in which everyone is in agreement.

That is consistent with remarks I made earlier when the coalition opposed an amendment which scheduled in law the size of the catchment. The Opposition took the view that it was sufficient protection to have changes to the size of the catchment disallowed subject to disallowance in the Parliament. That works perfectly well with other subordinate legislation. It has not been abused by Parliament and the Opposition suspects it would not be abused in this circumstance. This is a commendable amendment which the Opposition supports.

The Hon. R. S. L. JONES [3.34 p.m.]: I support this important amendment. It is interesting that the coalition is more interested in allowing Parliament to have a say whereas the Labor Party is more interested in having Executive Government control everything.

The Hon. Dr A. CHESTERFIELD-EVANS [3.34 p.m.]: This issue relates to the responsibility of Parliament and Parliament's ascendancy over the

Executive. It is disappointing that the Government does not support the amendment.

Amendment agreed to.

The Hon. I. COHEN [3.35 p.m.]: I move Greens amendment No. 19:

No. 19 Page 14, clause 22. Insert after line 22:

- (3) However, the arrangements must not provide for the taking, in any one year, of an amount of water from the Authority's area of operations that is greater than the amount taken in the year immediately preceding the Authority's first entering into the arrangements.

This amendment limits the authority to supplying no more water than is currently being supplied to Sydney Water. Demand management measures which are given considerable in principle support by this Government are yet to take effect. I would like to quote from a press release dated 11 March 1995, issued by Bob Carr when he was Leader of the Opposition, in which he claimed that his government would make dual flush toilets and water efficient showers mandatory in new houses, and legalise rainwater tanks throughout New South Wales.

Sydney needs to be more self-sufficient with its water supply. It is unsustainable to keep draining adjoining catchments of their water. One of the more positive impacts of the water crisis is that many people are investigating options which enable them to harvest water directly and reduce their reliance on the central water supply. This bill gives us an opportunity to put a cap on how much water we take from the catchment and to start giving people incentives to reduce water consumption and improve their capabilities to harvest water directly. I commend the amendment to the Committee.

The Hon. R. D. DYER (Minister for Public Works and Services) [3.36 p.m.]: The Government does not support the insertion of proposed subclause (3) of clause 22 into the bill. The amendment provides that Sydney Water has a fixed cap on the amount of water it may take from the catchment areas of the authority. The Government is of the view that this provision is unworkable because it cannot accommodate drought or emergency situations. It is a fairly obvious comment, but that would be a serious consequence of the amendment.

The Hon. J. F. RYAN [3.36 p.m.]: The Opposition supports the objective of trying to use water as efficiently as possible. When the coalition was in government it attempted to introduce measures to use water efficiently so that there was

not the need to build a new dam. That is a strong economic incentive for us to use water more efficiently. However, the Opposition believes that this amendment will cause a problem in the event of a drought.

It would be very difficult in the year after a drought—for example this year compared with a couple of years ago—for more water not to be taken, because during a drought the level of water that can be taken from a dam is artificially reduced. Additionally, Sydney is growing all the time and more people are using water from the dam. Although that creates other environmental problems, I am not sure that the most effective way of controlling the environment of Sydney is by simply cutting off its water. This amendment is somewhat extreme and the Opposition is not able to support it.

The Hon. R. S. L. JONES [3.38 p.m.]: I did not expect the Opposition to support this amendment, which could be called the Michael Mobbs amendment, because he proved that one can get by without using mains water supply at all. The Hon. I. Cohen and I both do not use mains water supply but collect our water in a large tank which never runs out because we are careful with our use of water.

The Hon. D. F. Moppett: You live in a high rainfall area.

The Hon. R. S. L. JONES: I live in what used to be a rainforest. It was cleared to accommodate dairy cattle, although it is now being regenerated as a rainforest. The amendment sends a message to the authority that there should be an emphasis on demand management and a better use of water rather than a greater use of water. The Hon. D. F. Moppett asked where the new dam would go. That would be the proposed Welcome Reef dam, which would wipe out many beautiful areas, farmland and properties. It would cost at least \$500 million, and probably more, and that can be avoided by the better use of water.

The Hon. I. COHEN [3.39 p.m.]: I appreciate that the Opposition cannot support this amendment at this time. In support of the remarks of the Hon. R. S. L. Jones it is important to look at the crisis that in part accelerated this type of legislation, whilst realising that the incidence of cryptosporidium and giardia in the water system is something that can be controlled. The Greens have argued that the controls are most effective at the point of use although, of course, catchments have to be dealt with. I heard a comment about rainwater tanks. Every time I see rain falling in the city I am reminded of the terrible pollution and wasted rainwater that could be utilised.

The Hon. D. F. Moppett: Every time I see rainwater tanks I see a can of frogs.

The Hon. I. COHEN: I can assure the Hon. D. F. Moppett that it is wonderful to have plenty of frogs.

The Hon. D. F. Moppett: You ought to have a look at the bottom of your rainwater tank!

The Hon. I. COHEN: The fact is we have the technology to filter water. If filtration is done at the point of use there are many ways of creatively utilising that resource that is so desperately needed, particularly in times of drought. It is incumbent on this Government or future governments to look at alternative ways of dealing with the resource. All the inlets of my tanks are covered with mesh and I do not have frogs in my water supply. In fact, I have a very clean water supply.

Amendment negatived.

The Hon. I. COHEN [3.41 p.m.]: I move Greens amendment No. 20:

No. 20 Page 15, clause 22. Insert after line 9:

- (8) Section 38 (Public exhibition of memoranda of understanding) applies, with the necessary modifications, to arrangements under this section in the same way as it applies to memoranda of understanding.

This amendment ensures that the final agreement as entered into by Sydney Water and the catchment authority is subject to the same public exhibition processes as the memoranda of understanding [MOUs]. The water supply agreement will be a critical document in the process of changing current water supply arrangements and management practices of the catchment area. That document will set the standards for the water supplied by the authority to Sydney Water and the continuity of that supply, and also set the price to be paid by Sydney Water for the water supplied.

That is the nexus that will drive the authority: How clean does the water have to be? How much will be supplied? What reserves are necessary? How much will Sydney Water pay for a monopoly access to that supply? It is crucial that the arrangements are available in public documents. The public has a declared interest in this issue and my amendment will require the arrangements covered by the clause to be made public. As Mr McClellan reported:

A number of written oral submissions made to the inquiry reinforced the view that Sydney Water has not successfully addressed the perception that it withholds information from the

public and catchment management bodies about the health of the catchment. It is a matter of concern that this perception is also held by the regulatory agencies within Government.

The Catchment Commission's assessment must, in contrast, be transparent, drawing upon information held across government, local government and the community and provide its findings back to all parties.

I commend the amendment to the Committee.

The Hon. R. D. DYER (Minister for Public Works and Services) [3.42 p.m.]: The Government opposes this amendment and does not support the insertion of proposed subclause (8) into clause 22. The arrangements should not be made available for public comment.

The Hon. J. F. Ryan: Why?

The Hon. R. D. DYER: Wait a moment and I will tell you. The reason is that, unlike MOUs, the arrangements are the product of a confidential negotiation between Sydney Water and the authority as distinct from the authority and a public regulatory agency.

The Hon. J. F. RYAN [3.43 p.m.]: I must have missed the point because the two agencies to which the Minister just referred are both public authorities and, therefore, the public is entitled to know of the arrangements between them. The Opposition cannot identify a reason for this information not to be made public. For example, any member of this House could ask the Minister for that information and the Minister would be obliged to provide it. The Opposition can see no reason why this amendment cannot be supported.

I suppose one can understand that the briefing that has been given to the Minister is set by the Government's agenda to keep everything relating to water a secret until such time as the Government is dragged kicking and screaming into the public arena to make it available. The Opposition believes that this minimal level of public exhibition could be permitted. There might be some reason why information would be kept confidential during the time that a decision was being considered, but once a decision has been made the Opposition sees no reason why arrangements between two government-owned instrumentalities should not become public knowledge.

The Hon. Dr A. CHESTERFIELD-EVANS [3.44 p.m.]: The Australian Democrats would prefer to believe that this amendment is unnecessary. However, the Government's response indicated that it is necessary and why it is necessary. The

Australian Democrats, therefore, supports the amendment and are disappointed that it is not supported by the Government.

Amendment agreed to.

The Hon. I. COHEN [3.45 p.m.], by leave: I move Greens amendments Nos 21, 22, 23, 40, 41, 42 and 43 in globo:

- No. 21 Page 15, clause 23, line 18. Omit "Minister". Insert instead "Premier".
- No. 22 Page 15, clause 23, line 21. Omit "Minister". Insert instead "Premier".
- No. 23 Page 15, clause 23, line 22. Omit "Minister". Insert instead "Premier".
- No. 40 Page 23, clause 36, line 26. Omit "Minister". Insert instead "Premier".
- No. 41 Page 23, clause 36, line 27. Omit "Minister". Insert instead "Premier".
- No. 42 Page 24, clause 37, line 12. Omit "Minister". Insert instead "Premier".
- No. 43 Page 24, clause 37, line 13. Omit "Minister". Insert instead "Premier".

These amendments relate to the resolution of disputes between the Minister and other Ministers with respect to the water supply arrangements or MOUs. The Greens are concerned that as the bill stands the Minister will be able to dominate the negotiations with other Ministers, including the Minister for Health. The recent water crisis brought home that public health was of paramount importance. When determining longstanding arrangements or MOUs when two Ministers are in dispute it is more sensible to have the Premier resolve the dispute. I commend the amendments to the House.

The Hon. R. D. DYER (Minister for Public Works and Services) [3.46 p.m.]: The Government does not support the changes to clause 23 proposed by amendment Nos. 21 to 23. In the Government's view it should be left to the Minister and not the Premier to resolve disputes arising under the arrangements. The Premier will not be sufficiently involved at the level of detail required for the issues at hand. The Government does not support amendments Nos. 40, 41, 42 and 43.

The Hon. J. F. RYAN [3.47 p.m.]: The current Minister might believe that the current Premier is not capable of resolving disputes but members of the coalition certainly believe that the Premier who will be chosen in their party room will be perfectly capable of resolving disputes between

Ministers. In fact, it is the reality in the Westminster system in any event that if there is a dispute between Ministers which cannot be resolved the matter is taken to the Premier for some sort of adjudication. In effect, the bill will merely state what in effect happens. As I recall, the Greiner Government presented bills relating to the Environmental Planning and Assessment Act which contained that principle, so it is consistent with the way in which coalition governments have governed in the past.

Amendments agreed to.

The Hon. I. COHEN [3.48 p.m.], by leave: I move Greens amendments Nos 24 and 25 in globo:

No. 24 Page 15, clause 24. Insert after line 32:

- (3) In furnishing such a report, the Tribunal is to take into consideration any public submissions made under section 22 (8).

No. 25 Page 16, clause 24. Insert after line 4:

- (4) Section 33 (Presentation of report to Parliament) applies to a report furnished to the Minister under this section in the same way as it applies to a report of the Licence Regulator presented to the Minister under section 32.

These amendments will also require the Independent Price and Regulatory Tribunal to take into account public submissions to the water supply arrangements when reporting on the water supply arrangement to the Minister. This report will also be required to be tabled in Parliament as set out in clause 33. I commend Greens amendments Nos. 24 and 25 to the House.

The Hon. R. D. DYER (Minister for Public Works and Services) [3.49 p.m.]: The Government does not support the amendments. The Minister must be entitled to keep the report of the Independent Price and Regulatory Tribunal [IPART] confidential, if that is considered necessary.

The Hon. J. F. RYAN [3.49 p.m.]: The Opposition supports the two amendments. I have no idea why the Government wishes to have itself battered to death so consistently. In this latter stage of the twentieth century we see no reason why a report by IPART should be kept confidential. I have no idea why the Government is so comprehensively committed to such an incredible level of secrecy. IPART is an independent organisation. The likelihood of the Government being able to keep any aspect of the report secret would be difficult. We do not see any reason for this sort of secrecy. In

government we are perfectly happy to have this sort of material made public; in fact, we would probably make it public as a matter of course. There is no reason that the right of the public to know these things should not be included in the proposed legislation. The Opposition commends the amendments to the Committee.

Amendments agreed to.

The Hon. I. COHEN [3.51 p.m.]: I move Greens amendment No. 26:

No. 26 Page 17, clause 25, line 8. Omit "whether within or outside". Insert instead "within".

The Greens have a number of concerns with clause 25 as amended by schedule 5.4 to the bill. Clause 25 provides an extremely broad-reaching power for the Governor to grant an operating licence to:

provide, construct, operate, manage or maintain systems or services for the purpose of the exercise of any of its functions in accordance with this Act, whether within or outside the area of operations of the Authority.

This power should be limited to the area of the operations of the catchment authority, which is the entire catchment. I commend Greens amendment No. 26 to the Committee.

The Hon. R. D. DYER (Minister for Public Works and Services) [3.52. p.m.]: The Government does not support the deletion of words from clause 25(1). Many other provisions in the bill rely on the statement in clause 25(1) that the authority may perform its functions outside its area of operations. For example, clause 16(1)(b) states that the authority has the specific function of supplying water to water supply authorities and local councils. These are outside the area of operation of the authority. It must be expressly provided in the bill that the authority may supply water outside its area of operations.

The Hon. J. F. RYAN [3.53 p.m.]: The Opposition was convinced by the argument that the primary role of the authority is one of protecting the catchment, not of building dams, which is obviously the overriding concern of the amendment. In the second reading debate in both this House and another place we raised the conflict of interest of the authority in running the dam and protecting the catchment. It would be better if the two roles were separated. We were persuaded that if the Minister decided to build works within the catchment, the process should be transparent, reported on and open to public consultation.

However, the Opposition accepts the Minister's argument that it may be necessary for the authority to supply water outside the catchment; therefore it will be necessary for the authority to have the power to operate outside the catchment. Although we accept the principle and agree that the authority should not have a dual role, we regret that we are unable to support the amendment on this occasion. However, if there is some way to introduce it at another time, we will give it some consideration.

Amendment negated.

The Hon. J. F. RYAN [3.55 p.m.]: I move Opposition amendment No. 2:

- No. 2 Page 18, clause 26, line 9. Insert "(taking into account the catchment audits conducted under Part 5)" after "indicators".

This amendment relates to the need for the authority to take into account catchment audits conducted under part 5. I understand that as of yesterday the Government supported the amendment, which will ensure that the bill reflects the requirement outlined in the McClellan report. We commend the amendment to the Committee.

The Hon. R. D. DYER (Minister for Public Works and Services) [3.56 p.m.]: The Government supports Opposition amendment No. 2.

Amendment agreed to.

The Hon. I. COHEN [3.56 p.m.]: I move Greens amendment No. 27:

- No. 27 Page 18, clause 26, lines 9 and 10. Omit "of the impact on the environment of the Authority's activities". Insert instead "on the ecological health of the catchment area (with particular reference to the vegetation cover, riparian zones and water quality) and of the impact of the Authority's activities (including polluting activities) on the catchment area".

This amendment relates to the operating licence and requires the authority to compile indicators on the ecological health of the catchment, as well as the impact of the authority's operations on the catchment area. I commend Greens amendment No. 27 to the Committee.

The Hon. R. D. DYER (Minister for Public Works and Services) [3.57 p.m.]: The proposed changes to the introductory words of clause 26(1)(c) are not supported. They are regarded by the Government as semantic. It is our view that the amendment does not change the practical effect of the provision.

The Hon. J. F. RYAN [3.57 p.m.]: I suppose there are those who say "Why not?" and those who say "Why?" Because we could find no reason not to, the Opposition supports the amendment.

Amendment agreed to.

The Hon. I. COHEN [3.58 p.m.], by leave: I move Greens amendments Nos 28 and 30 in globo:

- No. 28 Page 18, clause 26, line 17. Omit "Division 4". Insert instead "Division 5".

- No. 30 Page 18, clause 27. Insert after line 21:

- (2) However, a proposed amendment to the operating licence will not take effect until written notice of the proposed amendment, accompanied by a copy of the proposed amendment, is laid before each House of Parliament and either:
- (a) 15 sitting days of each House of Parliament has passed after the proposed amendment was tabled and notice of a motion to disallow the proposed amendment has not been given, or
 - (b) if notice of a motion to disallow the proposed amendment has been given, the motion has lapsed or has been withdrawn or defeated.
- (3) Subsection (2) applies to the substitution or renewal of the operating licence in the same way as it applies to the amendment of the operating licence.

The amendments will ensure that the substance of the existing Sydney Water operating licence applies until changed by the new operating licence to the extent to which it is applicable. The amendments will ensure that the authority does not have fewer obligations than Sydney Water. The amendments require the amendment of the operating licence to be as for the Sydney Water legislation, which provides a transparent and accountable amendment mechanism for the operating licence. The Greens believe this mechanism has worked well to date and should be retained for the authority and Sydney Water. I commend Greens amendments Nos 28 and 30 to the Committee.

The Hon. R. D. DYER (Minister for Public Works and Services) [4.00 p.m.]: The Government supports the change proposed by Greens amendment No. 28, which corrects a typographical error; and I will not move Government amendment No. 1 as it is the same as this amendment. The Government agrees with the proposed change to clause 26(1)(c)(iii), which corrects an incorrect cross-reference to division 4—it should refer to division 5. The Government does not support Greens

amendment No. 30, which seeks to insert proposed subclauses (2) and (3) into clause 27. It is the Government's view that they unnecessarily encumber the process of amendment of the operating licence. As the Government supports Greens amendment No. 28 and does not support Greens amendment No. 30, I suggest that the question be put seriatim.

The Hon. J. F. RYAN [4.01 p.m.]: The Opposition supports Greens amendment No. 28 for the reasons given by the mover and the Minister. The Opposition has been persuaded by the remarks of the Government and does not support Greens amendment No. 30.

Amendment No. 28 agreed to.

Amendment No. 30 negatived.

The Hon. I. COHEN [4.02 p.m.]: I move Greens amendment No. 29:

No. 29 Page 18, clause 26. Insert after line 17:

- , and
- (d) to provide for environmental flows in all waterways that are:
 - (i) within the Authority's area of operations, or
 - (ii) downstream of stored waters controlled by the Authority, and
 - (e) to ensure that the Authority, in the exercise of its functions under section 17, does not allow any development (private or public) that would have an adverse impact on the quality of water in the catchment area, and
 - (f) to protect riparian lands by excluding domestic animals from them, and
 - (g) to ensure that the Authority takes action to remove, as far as is possible, sources of pollution that affect any part of the catchment area and that are in existence as at the date of the grant of the operating licence, and
 - (h) in particular, to ensure that the Authority puts special emphasis on:
 - (i) removing sources of pollution in and adjacent to riparian land, and
 - (ii) the rehabilitation of degraded riparian land.
- (2) The terms and conditions of the operating licence granted to the Authority under section 25 must include terms and conditions of substantially the same effect (with the necessary modifications as to dates) as clauses 1.6, 5.3, 5.3.1, 5.3.2, 5.10, 5.11 and 5.23, as at

21 December 1994, of the operating licence granted on that date to Sydney Water Corporation under the Sydney Water Act.

This amendment ensures that the authority compiles environmental indicators on all activities within the catchment, not merely the authority's activities. It broadens the range of environmental indicator information which is reported on by the authority to include environmental flows, riparian lands and activities which pollute the catchment. I commend Greens amendment No. 29 to the Committee.

The Hon. R. D. DYER (Minister for Public Works and Services) [4.04 p.m.]: The Government does not support proposed paragraphs (d), (e) and (f) of clause 26(1), which set out additional terms and conditions for the operating licence. In addition, the Government does not support proposed clause 26(2), which will deem certain provisions of the Sydney Water Corporation operating licence to be included in the terms and conditions of the licence granted to the authority. The reasons for that are that the operating licence will provide for environmental flows and this does not require express reference in proposed subclause 26(1)(d).

Further, proposed paragraphs (e) and (f) of clause 26(1) overlap with what will be provided for under the regional environmental plan. Proposed clause 26(2) is not supported, because the operating licence of Sydney Water will be carefully reconsidered and substantially changed when the authority commences. The terms of the authority's operating licence will be carefully considered prior to its establishment. We should not be bound to include provisions from Sydney Water's operating licence in the authority's operating licence that may not now be relevant or about to be changed.

The Hon. J. F. RYAN [4.05 p.m.]: The Opposition does not support Greens amendment No. 29. The public would have some concerns about some aspects of it, particularly regarding the banning of domestic animals from riparian lands.

The Hon. R. S. L. Jones: It should happen anyway.

The Hon. J. F. RYAN: Whatever might be the view of the Hon. R. S. L. Jones, it ought to be discussed in a more public way than an amendment in Committee on the last day of this Parliament. The Opposition accepts the arguments put by the Government that the operating licence of the authority needs to be carefully considered and changed as environmental standards change; the Opposition considers that to be an improvement. To legislate for the inclusion of the operating licence

into the Act would make it difficult to change that licence if aspects of it were to be upgraded for environmental purposes. The Opposition agrees with the Government's cogent argument for not accepting the amendment. The Opposition does not support the amendment.

The Hon. R. S. L. JONES [4.06 p.m.]: I fully understand why the Government and the Opposition cannot support this amendment. I hope that eventually domestic animals will be removed from riparian lands wherever possible. I hope also that other sources of pollution that affect the quality of water in the catchment will be removed, such as private or public development. That is what we are all aiming for, in any case. However, I understand it would be difficult to include that in legislation at this time because it would be quite draconian. But we should certainly do that as soon as possible.

Amendment negatived.

The Hon. I. COHEN [4.07 p.m.], by leave: I move Greens amendments Nos 31 and 32 in globo:

No. 31 Page 19, clause 29, lines 4-6. Omit "the Governor may direct that the Authority is to pay a monetary penalty in an amount to be determined by the Governor". Insert instead "the Minister is to require the Authority to pay a monetary penalty in an amount prescribed by the regulations (or, if the regulations do not prescribe an amount for the purposes of this subsection, in the amount of \$10,000)".

No. 32 Page 19, clause 29, lines 7-10. Omit all words on those lines. Insert instead:

- (3) The fact that the Minister has required the Authority to pay a penalty under this section (or that the Authority has paid such a penalty) does not prevent the Minister from requiring the Authority to pay a further penalty, or to take other action under this section, if the contravention continues or a fresh contravention occurs.

The Greens New South Wales believe that contravention of the operating licence should result in a mandatory penalty. The authority should be given strong incentives to achieve improvement in water quality and quantity, which is its prime objective. I commend Greens amendments Nos 31 and 32 to the Committee.

The Hon. R. D. DYER (Minister for Public Works and Services) [4.08 p.m.]: The Government does not support the proposed change to clause 29(2) sought to be effected by Greens amendment No. 31. The present structure of the provision provides greater flexibility for the Government in

relation to fines for contravention of the operating licence. As to Greens amendment No. 32, the proposed alternative wording for clause 29(3) is not supported because it does not improve the operation of the clause as it currently stands.

The Hon. J. F. RYAN [4.09 p.m.]: The Opposition does not support the amendments for the reasons outlined by the Government.

Amendments negatived.

The Hon. I. COHEN [4.10 p.m.], by leave: I move Greens amendments Nos 33, 34 and 37 in globo:

No. 33 Page 20, clause 31, line 32. Omit "identified".

No. 34 Page 20, clause 31, lines 33-34. Omit "any identified environmental planning instrument". Insert instead "the regional environmental plan or plans referred to in section 51".

No. 37 Page 21, clause 31, lines 19-21. Omit all words on those lines.

These amendments relate to the role of the licence regulator with respect to the authority. The licence regulator has an important role to play in an independent assessment of the authority's effectiveness. We have seen decades of wasteful and ineffectual management of the catchments. The licence regulator should audit the authority to ensure that it is effective. The licence regulator should monitor and report on the compliance of all public authorities, as measured against the regional environmental plan, as provided for in clause 51.

The Greens are concerned that a regional environmental plan will not be in place for at least 18 months. I expect that, in the interim, the licence regulator will report against the interim State environmental planning policy [SEPP] which will be the precursor to the regional environmental plan [REP]. Peter McClellan included in his report the following observation of Dr Peter Crawford, a former chair of the licence regulator:

There is a strong, but erroneous impression that the public can have confidence in the aggregate performance of Sydney Water resulting from each annual audit.

He was further quoted as saying:

The Licence Regulator will not be able to provide the required assurance to the community if its purpose is so narrowly construed as to enable Sydney Water to secure a perfect report card on the same examination each year. Rather the objective must be to provide an independent assessment of value to the Minister, Government, the community and Sydney Water.

Peter McClellan states in his assessment:

The Licence Regulator should be required to undertake an independent audit of the operations of the proposed catchment commission and the activities of the primary regulators.

If the authority is not effective, the Parliament should be notified as soon as possible. It should not require another water crisis before the Government acts to protect Sydney's water catchment. I commend amendments Nos 33, 34 and 37 to the Committee.

The Hon. R. D. DYER (Minister for Public Works and Services) [4.12 p.m.]: As to Greens amendments Nos 33 and 34, the Government does not support the proposed amendments to clause 31(1)(c). The monitoring by the licence regulator of public authorities should be focused to ensure that duplication of regulation does not occur. As to Greens amendment No. 37, the Government does not support the deletion of clause 31(7) of the bill. In the Government's view, the proposed deletion does not make sense, because the definition sought to be deleted is applied in clause 31 of the bill. So the deletion would leave us with an undefined term.

The Hon. J. F. RYAN [4.13 p.m.]: The Minister gave some information in regard to Greens amendment No. 37, which I thought was worth checking. He said that if the amendment were passed another part of the bill would not make sense. The Opposition intends to support these amendments. We thought that these amendments would ensure that all public and private authorities were treated equally. The bill in its present form appears to contain a loophole. If an authority is not identified the licence regulator does not have to prepare a report in relation to that authority. The bill, in its present form, enables the Minister to exempt such an authority.

The Opposition believes that there is some sense in including in the regional environmental plan reports about existing planning instruments as opposed to future planning instruments, otherwise there would be no incentive to introduce regional environmental plans. Greens amendment No. 34 will enable the provisions in the Act to come into play immediately. I listened to the Minister's arguments in relation to Greens amendment No. 37. He said that it would remove a definition which is to be used in another part of the Act. The Opposition, after considering that matter, still intends to support these amendments.

Amendments agreed to.

The Hon. I. COHEN [4.16 p.m.]: I do not intend to move Greens amendments Nos 35 and 36.

I move Greens amendment No. 38:

No. 38 Page 22, clause 34, lines 15-18. Omit all words on those lines. Insert instead:

- (1) The Board is to prepare a statement of financial framework for adoption by the Minister and the Treasurer. The statement of financial framework is to be complied with by and in relation to the Authority. It may be amended or replaced from time to time on the recommendation of the Board.

The Greens believe that the board should play an active role in the financial framework of the authority. It is a function which is normally performed by a board and it is particularly important in this instance as the financial framework of the authority will be crucial in allowing the authority to pursue innovative financial incentives aimed at changing current land-use practices within the catchment. The authority will inherit a number of expensive problems from Sydney Water. The board should play a major role in determining what funds need to be allocated to the enormous task at hand. I commend Greens amendment No. 38.

Pursuant to sessional orders business interrupted. The Committee continued to sit.

The Hon. R. D. DYER (Minister for Public Works and Services) [4.17 p.m.]: The proposed deletion and replacement of clause 34(10) is not supported by the Government. The proposed clause, that is, the clause as proposed in the amendment, suggests that adoption of the statement is mandatory. The Government is not happy with that.

The Hon. J. F. RYAN [4.18 p.m.]: The Opposition supports Greens amendment No. 38. We disagree with the view of the Government that the adoption of the statement is mandatory. A financial framework must be adopted by the board, which we would prefer to see as independent as possible. The board must be able to adopt a statement of its financial purpose and the determination of its budget should be a transparent process.

Amendment agreed to.

The Hon. I. COHEN [4.19 p.m.]: I move Greens amendment No. 39:

No. 39 Page 22, clause 34, lines 26-28. Omit all words on those lines. Insert instead:

- (3) However, the statement of financial framework must not require any payments of the kind referred to in subsection (2) (b) to be made to the Government during the first 10 years of the Authority's existence.

- (4) The statement of financial framework is not to be adopted until the Board has given public notice of the draft statement. Section 38 (2)-(6) applies, with the necessary modifications, to the statement of financial framework in the same way as it applies to memoranda of understanding.
- (5) Despite section 59B of the *Public Finance and Audit Act 1983*, the Treasurer may not make any requirement of the Authority under that section during the first 10 years of the Authority's existence.

The authority will need to be able to invest funds raised by it on catchment improvements. It is vital to provide a period within which the authority will be able to operate without pressure from the Government to provide a dividend to Treasury. The Greens believe that this period should be at least 10 years. It is apparent that diffuse sources of pollution are largely responsible for the contamination of our drinking water supply. The authority will need to be able to provide financial incentives to land-holders to address this pollution. It will need to spend money to save money over the long term.

Dollars spent encouraging land-holders to protect riparian zones and replant the catchment will result in long-term improvement to water quality. Land-holders should not be expected to shoulder this burden alone. Sydney water drinkers should assist land-holders in improving their land management practices in ways which will clean the city's drinking water supply. If the authority is able to withhold funds raised by the sale of bulk water to Sydney Water and it reinvests those funds in the catchment for at least 10 years, we would see a vast improvement in the quality and quantity of water reaching the Warragamba Dam. I commend Greens amendment No. 39 to the Committee.

The Hon. R. D. DYER (Minister for Public Works and Services) [4.19 p.m.]: The Government does not support the deletion of subclause (3) of clause 34 and its replacement with proposed subclauses (3) to (5) inclusive for the following reasons. First, proposed subclause (3) in the amendment would provide that the statement of financial framework must not require any dividends, tax equivalents and guarantee fees to be paid by the authority in the first 10 years of its existence. That is contrary to the Government's competitive neutrality principles.

Secondly, proposed subclause (4) in the amendment would provide that the statement of financial framework be reported to Parliament in accordance with the provisions of subclauses (2) to

(6) of clause 38, which relate to reporting of memoranda of understanding. Finally, under proposed subclause (5), and despite section 59B of the *Public Finance and Audit Act 1983*, no dividend would be payable by the authority for 10 years. It is important that it be left open for the authority to pay dividends if they are available.

The Hon. J. F. RYAN [4.20 p.m.]: The Opposition sympathises with the concerns raised by the Hon. I. Cohen with regard to dividends. The Government has fleeced Sydney Water of funds, especially this year.

The Hon. R. S. L. Jones: A coalition Government might need the money, too.

The Hon. J. F. RYAN: During the longest recession in 60 years the coalition Government took dividends of \$100 million over two successive years. This year the Labor Government has taken \$279 million in one hit. That is nearly three times the amount the coalition Government took in two successive years. The Labor Government took it all in one hit. The Opposition believes that the catchment is not in the condition it should be in because the Government is not in a position to implement changes to the water treatment plants to ensure that cryptosporidium is treated properly. One reason is that the Government has raided Sydney Water to the extent that no funds are available to carry out the changes.

The Opposition understands the concerns expressed by crossbench members. The procedure for taking dividends is fairly transparent. The Government is required to report any dividends it takes from Sydney Water, and the dividends are reported in the budget and in various annual reports. So the public knows about the dividends. If the people of New South Wales are silly enough to return the Labor Government to office so that it can continue to fleece Sydney Water of funds to meet its budgetary concerns, and continue its wanton waste and mismanagement, they will know about it.

The Opposition accepts that it is necessary for governments to make such decisions and that they should be held accountable and responsible for those decisions. While the Opposition is not able to support the amendment for those reasons, nevertheless it joins with the crossbench in condemning the Government. I can understand why crossbench members do not trust the Government to keep its grubby hands off the funds gathered by the authority from water ratepayers. While the Opposition agrees that that is a matter of concern, it cannot support the amendment at this time.

The Hon. R. S. L. JONES [4.23 p.m.]: What mealy-mouthed comments from the Hon. J. F. Ryan! He knows that a coalition government or Treasury might need the money, and that is why the Opposition is not supporting the amendment.

The Hon. Dr A. CHESTERFIELD-EVANS [4.23 p.m.]: The Opposition is full of platitudes but lacks the courage to support a motion when it is put on the table. The crossbench is disappointed about that and wonders whether privatisation is one agenda of the bill. If Sydney Water is privatised, money from the privatised organisation should be returned to New South Wales taxpayers through the catchment authority. However, this amendment would make that difficult, so I wonder whether it is relevant.

Amendment negatived.

The Hon. J. F. RYAN [4.24 p.m.]: I move Opposition amendment No. 3:

No. 3 Page 25. Insert after line 29:

40 Other documents to be presented to Parliament

- (1) In addition to the reports referred to in section 39, the Minister is to lay (or cause to be laid) before both Houses of Parliament copies of the following documents within the time specified in this section in relation to the document concerned:
 - (a) any order varying the area of operations of the Authority - within 15 days after the order is published in the Gazette,
 - (b) the operating licence (and any amendments to the operating licence) - within 90 days after the licence is granted (or amended),
 - (c) the statement of financial framework referred to in section 34 - within 14 days after it is adopted,
 - (d) each regional environmental plan referred to in section 51 - within 12 months after it is published in the Gazette.
- (2) Section 39 (3) and (4) apply to and in respect of a copy of a document referred to in this section in the same way as they apply to a report referred to in section 39 (1).

The Opposition hopes that the Government and the crossbench will support this amendment, which relates to various reports that will be presented to Parliament. I draw the attention of honourable members to the third report of Peter McClellan, QC. On page 7 of that report he stated:

In my opinion there is a need for independent auditing and regular reporting to the Parliament on the management of Sydney's drinking water catchment.

On page 130 he stated:

The Catchment Commission should have the responsibility for conducting water quality monitoring in the catchment under the supervision of the EPA . . .

I recommend that the Catchment Commission be required to report regularly to the Parliament on its assessment of the health of the catchment and especially on the achievement of water quality objectives in the REP. This should be in the form of a "State of the Catchment" report.

That recommendation has not been implemented in this bill, so the Opposition is endeavouring to include that requirement by means of its amendments Nos 3 and 4—amendment No. 4 will come before the Committee shortly. The Opposition looks forward to receiving the support of the Government and the crossbench in order to have the bill approved.

The Hon. R. D. DYER (Minister for Public Works and Services) [4.26 p.m.]: The Government is willing to accept Opposition amendment No. 3.

The Hon. I. COHEN [4.26 p.m.]: The Greens are pleased to support Opposition amendment No. 3.

Amendment agreed to.

Parts as amended agreed to.

Part 5

The Hon. I. COHEN [4.27 p.m.]: I move Greens amendment No. 44:

No. 44 Page 26, clause 40. Insert after line 9:

- (3) The catchment area must not be reduced in size, and an order declaring an area of land to be part of the inner catchment area or of the outer catchment area must not be repealed, unless authorised by an Act of Parliament.

This amendment would require that any variation to the area of the authority's operations that repeals an area formerly declared to be part of the area of operations be presented to Parliament in a bill. The Greens believe that Mr McClellan has clearly justified the need for the entire hydrological catchment to be included in the authority's area of operations. I commend Greens amendment No. 44 to the Committee.

The Hon. R. D. DYER (Minister for Public Works and Services) [4.28 p.m.]: The Government does not support proposed subclause (3) of clause 40. Providing that the catchment area must not be reduced in size unless authorised by an Act of Parliament would introduce unnecessary rigidity in specification of the catchment area.

The Hon. J. F. RYAN [4.28 p.m.]: The Opposition does not support this amendment. I remind honourable members that the Opposition concurred with the Greens earlier in relation to changes to the catchment being made by way of regulation and then being disallowed by Parliament. The Opposition believes that Parliament will have adequate opportunities for input about changes to the size of the catchment. It is not appropriate that a catchment established by Act of Parliament should be changed by regulation. For those reasons the Opposition does not support the amendment. However, the Opposition takes the view that any reduction in catchment size should attract the scrutiny of Parliament.

Amendment negatived.

The Hon. J. F. RYAN [4.29 p.m.]: I move Opposition amendment No. 4:

No. 4 Page 26. Insert after line 9:

41 Catchment audits

- (1) Within 5 months after the commencement of section 40 (2), the nominated person must:
 - (a) conduct an audit (a *catchment audit*) of the state of the land constituting the catchment area of the Authority, and
 - (b) present a report on that audit to the Minister.
- (2) The nominated person must conduct subsequent catchment audits, and report to the Minister on those audits, at intervals of no more than 2 years calculated from the date of the first report.
- (3) Section 39 (2)-(4) apply to and in respect of a report furnished to the Minister under this section in the same way as they apply to a report referred to in section 39 (1).
- (4) In this section, *nominated person* means a public authority, or other person, nominated by the Minister. However, the Minister is not to nominate the Authority for the purposes of this section.

This amendment relates to the preparation of state of the catchment reports, which are specifically provided for in Mr McClellan's third report. The Opposition hopes that this amendment will be supported by the Committee.

The Hon. R. D. DYER (Minister for Public Works and Services) [4.30 p.m.]: The Government does not support this amendment as it is contrary to Mr McClellan's recommendation that the Sydney Catchment Authority be responsible for reporting to Parliament on the state of the catchment on a regular basis.

The Hon. J. F. RYAN [4.30 p.m.]: The Opposition is disappointed that the Government will not agree to the amendment. The amendment provides that reports are to be presented within every two years, calculated from the date of the first report. There is no reason why the reports cannot be presented to the Parliament on a more regular basis, if that is the concern of the Government. We would consider it inappropriate if a report on the authority was not received within a period of two years. I believe that the concerns of the Government have been addressed in our amendment, particularly in proposed clause 41(2). The Opposition was seeking to ensure that a provision specifically referred to in Mr McClellan's report was included in the bill. We sincerely hope that the crossbench agrees with us that there is a need for state of the catchment audits to be conducted and reported to the Parliament. The Opposition commends the amendment to the committee.

The Hon. I. COHEN [4.31 p.m.]: The Greens support Opposition amendment No. 4.

Amendment agreed to.

The Hon. I. COHEN [4.32 p.m.]: I move Greens amendment No. 45:

No. 45 Page 27, clause 43, line 13. Insert "(at no cost to that Minister)" after "1974".

This amendment ensures that a transfer of land between the Sydney Catchment Authority and the Minister administering the National Parks and Wildlife Act 1974 occurs at no cost. After the State Government's furore about the purchase by the Federal Government of prime Department of Defence lands around Sydney Harbour, I am sure that the Government intends that any transfer between government agencies occurs at no cost. I commend this amendment to the Committee.

The Hon. R. D. DYER (Minister for Public Works and Services) [4.32 p.m.]: The Government does not support the proposed amendment to clause 43(1) of the bill. If a special area owned by the Sydney Catchment Authority is transferred to the Minister administering the National Parks and Wildlife Act, then the authority should be entitled to some compensation.

The Hon. J. F. RYAN [4.33 p.m.]: The Opposition cannot understand why the Sydney Catchment Authority would need to be compensated for no longer administering a catchment area. On the contrary, the authority should compensate the National Parks and Wildlife Service for the cost of maintaining a particular area, rather than having to sell it. There should not be an economic incentive

against adopting the most appropriate course for the benefit of the catchment. The appropriate course is to make sure that the catchment is properly managed. The authority should not make a profit out of transferring the land into the hands of the National Parks and Wildlife Service so that it can be properly protected.

The Opposition cannot understand why the Government will not support this reasonable amendment. I assume that the authority would only transfer land if it believed that was the best way for the property to be adequately protected. Under those circumstances, I am sure that most members of the public would not understand the need to compensate one government authority for transferring an area to another government authority. We commend the amendment to the Committee.

Amendment agreed to.

The Hon. R. D. DYER (Minister for Public Works and Services) [4.34 p.m.]: I move Government amendment No. 2:

No. 2 Page 27, clause 43. Insert after line 14:

- (2) As soon as practicable after the commencement of this section, the Minister is to review all the land referred to in clause 5 (1) of Schedule 6 that is owned by or vested in the Authority.
- (3) If, as a result of the review, the Minister determines that the objectives of the Authority would be more effectively attained if the land concerned were vested in the Minister administering the *National Parks and Wildlife Act 1974*, the Authority is to transfer the land under subsection (1) (a) as soon as practicable after the determination is made.

This amendment will provide for investigation by the Sydney Catchment Authority of the transfer of special area lands currently owned by Sydney Water to the National Parks and Wildlife Service, as recommended by Mr McClellan in his third report.

The Hon. J. F. RYAN [4.35 p.m.]: The Opposition supports the amendment.

The Hon. I. COHEN [4.35 p.m.]: The Greens also support the amendment.

Amendment agreed to.

The Hon. I. COHEN [4.35 p.m.]: I move Greens amendment No. 46:

No. 46 Page 27, clause 43. Insert after line 14:

- (2) On the commencement of this section, such of the lands (not being controlled areas) referred to in subsection (1) as

are within the following Areas are, by operation of this subsection, vested in the Minister administering the *National Parks and Wildlife Act 1974* for an estate in fee simple subject to any easements in force as at the date of that commencement over or in connection with the land concerned:

- (a) the Metropolitan Catchment Area (as proclaimed by the Proclamation published in Gazette No. 79 of 13 July 1923 at pages 3080-3086 and as amended by the Proclamation published in Gazette No. 79 of 26 May 1933 at page 1828),
 - (b) the O'Hare's Creek Catchment Area (as proclaimed by the Proclamation published in Gazette No. 51 of 14 April 1927 at pages 1862-1864 and as amended by the Proclamation published in Gazette No. 178 of 21 September 1934 at page 3525),
 - (c) the Shoalhaven Catchment Area (as proclaimed by the Proclamation published in Gazette No. 51 of 10 April 1970 at page 1234),
 - (d) the Warragamba Catchment Area (as proclaimed by the Proclamation published in Gazette No. 122 of 4 September 1942 at pages 2499-2500 and as amended by the Proclamations published in Gazette No. 1 of 7 January 1944 at page 1 and Gazette No. 77 of 4 August 1944 at page 1365),
 - (e) the Wingecarribee Catchment Area (as proclaimed by the Proclamation published in Gazette No. 156 of 14 December 1973 at page 5324),
 - (f) the Woronora Catchment Area (as proclaimed by the Proclamation published in Gazette No. 51 of 14 April 1927 at pages 1862-1864 and as amended by the Proclamation published in Gazette No. 37 of 21 March 1941 at pages 1142-1144),
 - (g) the Blackheath, Katoomba and Woodford Special Areas (as declared by the Order published in Gazette No. 45 of 15 March 1991 at page 2186).
- (3) Subsection (2) does not operate to vest in the Minister administering the *National Parks and Wildlife Act 1974* any water storage or works on or in the land vested in that Minister by that subsection.
 - (4) Subsection (2) does not affect:
 - (a) any land reserved or dedicated under the *National Parks and Wildlife Act 1974*, or
 - (b) any land owned by or vested in any person or body other than the Authority at the commencement of this section.
 - (5) Nothing in this section affects the rights of a person who has entered into an arrangement with the Sydney Water Corporation before the commencement of this section relating to the alienation, mortgage, charging or demise of land in a special area and, in particular, the entitlement of such a person to require due performance or completion (or both) of such an arrangement.

This amendment will provide for the immediate transfer of land proclaimed as special areas to the Minister responsible for the National Parks and Wildlife Service. Mr McClellan found:

In my view, the National Parks and Wildlife Service is best placed to manage these areas for both water quality and broader ecological considerations, provided it is resources adequately.

That was also a pre-election commitment of the Carr Government. The transfer of lands should not be seen as too onerous a task. I commend the amendment to the Committee.

The Hon. R. D. DYER (Minister for Public Works and Services) [4.36 p.m.]: The Government does not support proposed clause 43(2), which will provide for the transfer of certain special areas to the Minister administering the National Parks and Wildlife Act. The Government has successfully moved its own amendment to clause 43, which provides that as soon as practicable after the commencement of section 43 the Minister will review the special areas owned by the authority and determine whether the objectives of the authority could be more effectively attained if the land concerned were vested in the Minister administering the National Parks and Wildlife Act 1974.

The Hon. J. F. RYAN [4.37 p.m.]: Whilst the Opposition supports the views of Mr McClellan that it is appropriate for certain parts of the catchment to be transferred to the management of the National Parks and Wildlife Service, we see that as desirable but not necessarily mandatory in every circumstance. In essence, that is what the proposed amendment provides. It will mandate that certain sections of the catchment be transferred to the National Parks and Wildlife Service without any review having been undertaken. We supported the Government's previous amendment that dealt with a review of these areas and, where it will achieve the best outcome for the environment and the catchment, the transfer of them without cost. Therefore, a decision to transfer can be made where the environment is of paramount concern.

With those provisions now in the bill, we do not consider it necessary to override and gazump that review by stipulating in the Act which parcels of land should become part of the management of the National Parks and Wildlife Service. That should be sorted out in the course of time rather than by politicians dictating what they consider desirable. The Opposition does not support the amendment.

Amendment negatived.

The Hon. I. COHEN [4.38 p.m.], by leave: I move Greens amendments Nos 47, 49 and 50 in globo:

No. 47 Page 27, clause 43, line 15. Omit "subsection (1)". Insert instead "this section".

No. 49 Page 27, clause 44, line 28. Omit "Authority may, in a special area.". Insert instead "Director-General of National Parks and Wildlife is, in a special area, to".

No. 50 Page 27, clause 44. Insert after line 31:

- (3) Any person who, immediately before the commencement of this section, held office as a member of a trust board appointed under Part 5 of the *Crown Lands Act 1989* in respect of land in a special area:
 - (a) ceases to hold that office on that commencement, and
 - (b) is not entitled to any remuneration or compensation because of the loss of that office.

These amendments are consequential to Greens amendment No. 46, which did not succeed. I note the Government's amendment to clause 43 and I accept that those issues will be addressed with the transfer of lands to the National Parks and Wildlife Service. I commend the amendments to the Committee.

The Hon. R. D. DYER (Minister for Public Works and Services) [4.39 p.m.]: The Government does not support Greens amendment No. 47. The amendment proposes a change to clause 43(2) consequential on other proposed changes to clause 43 that the Government also does not support. The Government does not support Greens amendment No. 49, which proposes a change to clause 44(2). If the change is made, the important functions of the authority under clause 44(2) will be taken over by the Director-General of the National Parks and Wildlife Service. Finally, the Government does not support Greens amendment No. 50, which proposes new subclause (3) of clause 44. The proposed amendment seeks to remove all members appointed to reserve trusts under the Crown Lands Act if those reserve trusts operate in special areas. However, some reserve trusts operate in relation to part only of special areas and other areas.

The Hon. J. F. RYAN [4.41 p.m.]: The Opposition does not support the amendments largely for reasons similar to those given by the Government. The Opposition makes the same point that was supported in a previous vote dealing with transfers of particular parcels of land into the ownership of the National Parks and Wildlife Service. The bill makes sufficient provision on this aspect. Therefore the Opposition does not support these amendments.

Amendments negatived.

The Hon. I. COHEN [4.42 p.m.]: I move Greens amendment No. 48:

No. 48 Page 27, clause 43. Insert after line 22:

- (3) Within 18 months after the commencement of this section, the Authority is to review all existing leases referred to in subsection (2) (a) to determine whether they are consistent with the objectives of the Authority. If the Authority is satisfied that any such lease is inconsistent with any one or more of those objectives, it may terminate the lease on 6 months' notice. Any such termination does not give rise to any civil cause of action against the Authority.

This amendment enables the authority to review all existing leases of Crown land to ensure they are consistent with the objectives of the authority. One of the major points in the McClellan reports is that many land uses within the catchment are inconsistent with use of the land as a drinking water catchment. The amendment will allow the authority to terminate leases should they not be consistent with the authority's objective and will exempt the authority from civil actions over lease terminations. I commend Greens amendment No. 48 to the Committee.

The Hon. R. D. DYER (Minister for Public Works and Services) [4.43 p.m.]: The Government does not support the insertion of the proposed subclause into clause 43. The amendment would allow private leases in special areas to be cancelled by the authority without payment of compensation.

The Hon. J. F. RYAN [4.43 p.m.]: The Opposition does not support this amendment. The Opposition is proud of legislation introduced by the Hon. Wal Murray during the term of the previous Government to provide just terms compensation for lands resumed by the Government. The proposed amendment, which would enable private leaseholders to be evicted from land on six months notice, would be entirely inconsistent with that just terms compensation policy and would be a wildly draconian step. The Opposition, in view of its previous policy, does not support the amendment.

Amendment negatived.

The Hon. R. D. DYER (Minister for Public Works and Services) [4.44 p.m.]: I move Government Amendment No. 3:

No. 3 Page 30. Insert after line 19:

Division 4 Regional environmental plan

51 Regional environmental plan to be made

- (1) For the purpose of making all land in the catchment area subject to a regional environmental plan, the Minister administering Division 3 of Part 3 of the *Environmental Planning and Assessment Act 1979*

must ensure that one or more such plans are made as soon as practicable after the presentation (to the Minister administering this Act) of the report on the first catchment audit conducted under Part 5.

- (2) A regional environmental plan made pursuant to this section is taken to be made with respect to matters of significance for environmental planning for the region or part of the region to which it applies.

- (3) Without affecting the generality of any of the provisions of the *Environmental Planning and Assessment Act 1979*, a regional environmental plan required by this section is to make provision for or with respect to the following:

(a) imposing controls subject to which State agencies and local authorities (including the local council, if any) may take action and make decisions concerning development of the land to which the plan applies,

(b) setting water quality objectives for that land,

(c) requiring consent authorities to refuse to grant development consent to a development application relating to land to which the plan applies unless the consent authority is satisfied that the carrying out of the proposed development would have a neutral or beneficial effect on the quality of water,

(d) requiring the development of action plans to rectify any development of the land to which the plan applies that does not have a neutral or beneficial effect on the quality of water,

(e) declaring that the regional environmental plan prevails over a local environmental plan made before or after the regional environmental plan to the extent of any inconsistency.

- (4) In this section, *consent authority*, *development*, *development application*, *development consent*, *region* and *regional environmental plan* have the same meanings as they have in the *Environmental Planning and Assessment Act 1979*.

This amendment would ensure preparation of a regional environmental plan and sets out the issues the plan must address, as recommended in the third McClellan report.

The Hon. J. F. RYAN [4.44 p.m.]: The Opposition welcomes this amendment. Honourable members might recall that part of one Opposition amendment is in similar terms. The Opposition will not need to withdraw that amendment should this Government amendment be carried. We are pleased the Government responded to the need for a regional environmental plan. We take some credit for prompting the Government to address that need, which was outlined in Mr McClellan's report. The need for a regional environmental plan has been comprehensively addressed. We commend the amendment to the Committee.

The Hon. I. COHEN [4.45 p.m.]: The Greens are pleased to see the institution of a regional environmental plan and support the Government's amendment.

Amendment agreed to.

Part as amended agreed to.

Part 6

The Hon. R. S. L. JONES [4.46 p.m.]: I move my amendment No. 6:

No. 6 Page 31, clause 51, line 14. Insert "minor" before "works".

I am concerned about the possibility that the authority could sell or deal with large works such as Warragamba Dam. The amendment will ensure that that will not happen.

The Hon. R. D. DYER (Minister for Public Works and Services) [4.47 p.m.]: The Government does not support the proposed amendment to clause 51(3). The amendment would provide that the authority is not entitled to deal with works that it owns unless they are minor works. Such a provision would prevent the authority from leasing or licensing major works and preclude it from engaging in build-own-operate-transfer [BOOT] projects.

The Hon. J. F. RYAN [4.47 p.m.]: The Opposition does not support the amendment. It is highly unlikely that Warragamba Dam will be sold and/or leased without the public knowing about it and having some input. There is no necessity to address that issue by legislation. However, the BOOT scheme was used effectively by Sydney Water to establish facilities such as water treatment plants, which the entire community supports. The authority can deal with the selling of works through its budget. For those reasons, the Opposition believes that the bill gives flexibility to the authority in the sale of its works. We do not support the amendment.

Amendment negatived.

The Hon. I. COHEN [4.50 p.m.]: I move Greens amendment No. 52:

No. 52 Page 32, clause 52, line 5. Omit "remove material". Insert instead "treat material on that land or remove it".

This amendment merely enables the authority to treat pollution in situ if necessary. I commend the amendment to the Committee.

The Hon. R. D. DYER (Minister for Public Works and Services) [4.50 p.m.]: The Government does not support the proposed amendment to clause 52(1)(d). The proposed amendment does not augment in a material way the powers of the authority when it enters land.

Amendment negatived.

The Hon. R. S. L. JONES [4.51 p.m.]: I move my amendment No. 7:

No. 7 Page 32, clause 52, lines 8-16. Omit all words on those lines. Insert instead:

this section may only be removed from the land by the Authority if this is necessary for the purpose of ascertaining whether:

- (a) an offence against this Act or the regulations has been committed, or
- (b) an offence against another Act or regulations under another Act has been committed within a catchment area, being an offence prescribed by the regulations.

This amendment removes the words, "if the owner of the land has consented to its removal" from clause 52(2)(b). If an offence had been committed the owner surely would not give consent for excavations for the purposes of determining whether an offence has been committed against this or any other Act. The excavation should be able to be carried out without the consent of the owner.

The Hon. R. D. DYER (Minister for Public Works and Services) [4.52 p.m.]: The Government does not support the proposed deletion of clause 52(2)(b). The deletion of this subclause does not in any way change the rights of a landowner to give consent to the authority for the removal of material excavated by the authority from land it has entered under proposed section 52.

Amendment negatived.

The Hon. R. S. L. JONES [4.53 p.m.]: I move my amendment No. 8:

No. 8 Page 35, clause 58, line 24. Insert "urgent and is" after "the activity is".

This amendment ensures that if the Minister wishes to bypass the Environmental Planning and Assessment Act and the Local Government Act the activity must be urgent.

The Hon. R. D. DYER (Minister for Public Works and Services) [4.53 p.m.]: The Government does not support amendment No. 8 to clause 58(2)

of the bill. The proposed amendment merely states in a slightly different way what the subclause already specifies.

Amendment negatived.

The Hon. R. S. L. JONES [4.54 p.m.]: I do not move my amendment No. 9.

Part agreed to.

Part 7

The Hon. R. S. L. JONES [4.54 p.m.]: I move my amendment No. 10:

No. 10 Page 37, clause 60, line 4. Insert "within a catchment area" after "water".

This amendment ensures that it is wrong to take or divert water within the catchment as opposed to outside the catchment. It seems to me that those outside the catchment would in fact divert water which would normally go into the catchment. It might be a problem if a person outside the catchment were deemed to be illegally diverting water which would end up in the catchment. It is appropriate to show that it was within the catchment.

The Hon. R. D. DYER (Minister for Public Works and Services) [4.55 p.m.]: The Government does not support the amendments proposed to clause 60(a) of the bill. Limiting the ambit of the offence proposed by clause 60 is not in the interests of the authority.

Amendment negatived.

Part agreed to.

Part 8

The Hon. I. COHEN [4.56 p.m.]: I move Greens amendment No. 53:

No. 53 Page 41. Insert after line 1:

67 Restraint of breaches of Act

- (1) Any person may bring proceedings, concerning matters relating to the protection of the catchment area, in the Land and Environment Court for an order to restrain a breach of this Act (or a threatened or apprehended breach of this Act).
- (2) Any such proceedings may be brought whether or not any right of that person has been or may be infringed by or as a consequence of the breach (or the threatened or apprehended breach).

- (3) If the Court is satisfied that a breach, or a threatened or apprehended breach, will, unless restrained by order of the Court, be committed or be likely to be committed, it may make such orders as it thinks fit to restrain the breach or other conduct of the person by whom the breach is committed or by whom the threatened or apprehended breach is likely to be committed.
- (4) Proceedings under this section may be brought by a person on the person's own behalf or on behalf of other persons (with their consent), or a body corporate or unincorporated (with the consent of the committee or other controlling or governing body), having like or common interests in those proceedings.
- (5) Any person on whose behalf proceedings are brought is entitled to contribute to or provide for the payment of the legal costs and expenses incurred by the person bringing the proceedings.

This amendment is a direct copy of part of section 102 of the Sydney Water legislation. It provides for the institution of third party proceedings in the Land and Environment Court for breaches of the Act. It is important that this bill restores public confidence in the administration of the catchment and does not erode public interest rights. As a result of recent debates in this place, the House understands the Greens' position on public interest rights. I commend Greens amendment No. 53 to the Committee.

The Hon. R. D. DYER (Minister for Public Works and Services) [4.57 p.m.]: The Government does not support the introduction of the new clause 67. The provision is not necessary and may give rise to vexatious litigation. In addition, there are provisions in the existing environmental and planning legislation that enable actions to be taken in relation to environmental issues.

The Hon. J. F. RYAN [4.58 p.m.]: The Opposition notes the wonderful contrast between the Government's attitude in this debate to these sorts of clauses and its attitude to similar clauses in earlier debates. However, the Opposition will maintain its consistent view that the clauses are not appropriate. The Opposition does not support the amendment.

The Hon. Dr A. CHESTERFIELD-EVANS [4.59 p.m.]: The Australian Democrats believe the maintenance of third party rights is extremely important. No evidence is ever produced of the alleged vexatious litigants who have a few hundred thousand dollars to throw at the legal system just so they can enjoy themselves. People should have recourse to the law within a generally agreed framework as a matter of equality.

At times that may be a matter of necessity if governments are negligent in enforcing the law

because it is inconvenient to their purposes or political considerations. Given that the whole bill appears to be influenced by political considerations, the maintenance of third party rights seems more important. It is disappointing that the newly reinvented Opposition, which is taking a more enlightened approach, does not support third party rights, which do not seem to have caused any problems as they apply to Sydney Water.

Amendment negatived.

Part agreed to.

Schedule 2

The Hon. I. COHEN [5.00 p.m.]: I move Greens amendment No. 54:

No. 54 Page 48, schedule 2. Insert after line 6:

2 Performance criteria

The performance criteria dealt with in the Chief Executive's contract of employment under the *Public Sector Management Act 1988* are to include criteria that require improvement of the quality of the water in catchment areas.

This amendment requires water quality improvement to be a performance indicator of the chief executive officer's ability. Mr McClellan called for a chief executive officer [CEO] who would begin and end each day with the sole task of ensuring that catchment protection prevailed over often compelling commercial or broader development interests. The amendment will provide a direct incentive for the CEO of the authority to ensure that improvement in water quality on a catchment-wide basis is a personal priority, as well as a primary function of the authority. I commend the amendment to the Committee.

The Hon. R. D. DYER (Minister for Public Works and Services) [5.01 p.m.]: The Government does not support the proposed new clause 2 of schedule 2 to the bill. It is inappropriate to provide in the bill that the performance criteria set out in the chief executive's contract of employment under part 2A of the *Public Sector Management Act* are to include criteria concerning improvement in water quality in catchment areas.

The Hon. J. F. RYAN [5.01 p.m.]: The Opposition supports the amendment. We cannot see any good reason why the chief executive should not be paid on the basis that he is improving water quality in catchment areas. If he is not doing that he probably should not continue in his job, much less be given an additional salary based on his performance. The Opposition finds it difficult to disagree with this amendment and therefore supports it.

Amendment agreed to.

Schedule as amended agreed to.

Schedule 4

The Hon. I. COHEN [5.03 p.m.]: I move Greens amendment No. 55:

No. 55 Page 54, schedule 4[2], line 13. Insert ", but only for the purpose of conferring functions on the Sydney Catchment Authority or in consequence of conferring functions on the Authority" after "1998".

The Greens are concerned that an attempt has been made to bypass the clear provisions that allow for the amendment under the Sydney Water Act of Sydney Water's operating licence. The amendment will ensure that the Governor's broad power to change the operating licence outside the transparent and participatory process allowed for in the Sydney Water Act can only occur if it is directly in relation to the functioning of the Sydney Catchment Authority. I commend Greens amendment No. 55 to the Committee.

The Hon. R. D. DYER (Minister for Public Works and Services) [5.04 p.m.]: The Government does not support the proposed amendment to schedule 4 to the bill. Having regard to the major structural change that will occur in Sydney Water as a result of this bill, it is not sensible to limit the reasons why Sydney Water's operating licence may be changed once the bill is enacted.

The Hon. J. F. RYAN [5.04 p.m.]: The Opposition supports the amendment for the reasons outlined by the Hon. I. Cohen.

Amendment agreed to.

The Hon. R. D. DYER (Minister for Public Works and Services) [5.05 p.m.]: I move Government amendment No. 4:

No. 4 Page 54, schedule 4, line 16. Omit "for the". Insert instead "for".

This amendment corrects a typographical error.

The Hon. J. F. RYAN [5.05 p.m.]: The Opposition supports good grammar.

The Hon. I. COHEN [5.05 p.m.]: The Greens support the amendment.

Amendment agreed to.

The Hon. I. COHEN [5.06 p.m.]: I will not move amendment No. 56. As that was to have been my last amendment, I now thank both the Government and the Opposition, especially Flavio Romano, the honourable member for Gosford, who was here earlier, and the Hon. J. F. Ryan for their assistance in ensuring that the many amendments to this bill were treated in a manner that allowed the completion of the Committee stage of the bill in a reasonable time. That co-operation is much appreciated. I also thank very much Kathryn Ridge from my office, who, along with other members of the conservation movement—notably John Connor—has spent a great deal of time and effort on the amendments.

Schedule as amended agreed to.

Bill reported from Committee with amendments and report adopted.

Third Reading

The Hon. R. D. DYER (Minister for Public Works and Services), on behalf of the Hon. M. R. Egan [5.11 p.m.]: I move:

That this bill be now read a third time.

The Hon. J. F. RYAN [5.11 p.m.]: I wish to thank those who have assisted the Opposition in considering and replying to the bill. The Hon. I. Cohen did not move the amendment I intended to make these remarks on so I will take the opportunity now. I thank in particular Flavio Romano for the incredible work that he has done in regard to the bill. He has burned the midnight oil all this week to assist me and Chris Hartcher in understanding the bill and responding to crossbench amendments. It is also appropriate to thank Ms Kathy Ridge from the Greens office for her assistance. There is no doubt that her understanding of these issues and the bill was nothing short of awesome. We thank the Hon. I. Cohen for making Kathy available to give that advice. We also thank crossbench members and Government members for their favourable consideration of the amendments the Opposition moved. It was a pleasure to be involved with a bill debated in such good spirit.

The Hon. R. S. L. JONES [5.12 p.m.]: I congratulate the Greens, and Kathy Ridge in particular, and the Hon. J. F. Ryan and his advisers on the excellent work they have done on the bill.

The Hon. R. D. DYER (Minister for Public Works and Services) [5.13 p.m.], in reply: I thank the Government advisers, including the Cabinet Office, for all their assistance on this measure.

Motion agreed to.

Bill read a third time.

Message forwarded to the Legislative Assembly seeking its concurrence with the Legislative Council's amendments.

INDUSTRIAL RELATIONS AMENDMENT (FEDERAL AWARD EMPLOYEES) BILL

Second Reading

The Hon. J. W. SHAW (Attorney General, Minister for Industrial Relations, and Minister for Fair Trading) [5.14 p.m.]: I move:

That this bill be now read a second time.

In order to appreciate the reasons for this legislation it is necessary to refer briefly to some basic aspects of Australian constitutional law. In order for a law of the Federal Parliament to be constitutionally valid, and hence effective, it has to be based on one or more of the heads of authority or powers set out in the Australian Constitution. There is a specific power in the Constitution which is relevant to industrial relations. This is the conciliation and arbitration power—section 31(xxxv). Historically, when the Federal Parliament legislated in the area of industrial relations it relied on this conciliation and arbitration power. However, in more recent years there has been a tendency for Federal industrial relations provisions to be made in reliance on other constitutional powers.

The current Federal Workplace Relations Act 1996 relies much more heavily on the corporations power of the Constitution as the source of legislative authority than did previous Federal industrial legislation. In the area of termination of employment, those provisions dealing with harsh, unjust or unreasonable terminations are based on the corporations power, as well as on certain other powers of a limited application in New South Wales. However, a consequence of this reliance on the corporations power is that, by and large, these Federal unfair dismissal provisions can have application only to corporations. The legislation is the result of extensive negotiations between Mr Peter Reith and me. We are in amicable agreement and perhaps the House does not need a further exploration of the details of the bill. I seek leave to have the remainder of my second reading speech incorporated into *Hansard*.

Leave granted.

The result is that employees whose employers were not constitutional corporations are not able, if dismissed, to apply to the Australian Industrial Relations Commission for a remedy against harsh, unjust or unreasonable termination of employment. Moreover, the unfair dismissal provisions of the Workplace Relations Act 1996 are expressed to apply only to persons who prior to their dismissal were employed under a Federal award.

Last year, a decision of a Full Bench of the Industrial Relations Commission of New South Wales in the case of *Moore v Newcastle City Council* dealt with the issue of access to the New South Wales unfair dismissal system. The provision in the Industrial Relations Act 1996 which dealt with access by persons whose employment was not covered by State awards was based on a (rather complex) amendment moved by the Opposition when the legislation was passing through the Parliament.

Somewhat unexpectedly, the Full Bench held in *Moore v Newcastle City Council* that persons whose employment had been covered by Federal awards before their dismissal were not able to bring unfair dismissal claims to the New South Wales commission.

The effect of this decision has been to create a lacuna in the availability of a remedy against unfair dismissal. Persons who were Federal award covered employees but whose employer was not a constitutional corporation (or covered by other narrow constitutional heads of authority) are not able to apply to the Australian Industrial Relations Commission for a remedy against unfair dismissal. At the same time, because of the decision in *Moore v Newcastle City Council*, no persons whose employment was covered by a Federal award can apply to the Industrial Relations Commission of New South Wales. This means that Federal award covered employees in New South Wales who were not employed by corporations have no remedy against unfair dismissal available in either jurisdiction.

The Commonwealth Government was aware that the effect of its reliance on the corporations power would be to deny access to the Federal commission in relevant termination cases to employees of non-corporate employers who were covered by Federal awards. It accordingly sought complementary State legislation to confer power on the Australian Industrial Relations Commission in respect of Federal award covered employees whose employers were beyond the scope of federal legislative power.

The Federal Workplace Relations Act 1996 explicitly permits the Federal commission to perform functions or exercise powers as conferred by the law of a State with respect to the termination of employment of employees who were before that termination Federal award covered employees. Although only Queensland has so legislated, in other jurisdictions Federal award covered employees have access to State unfair dismissal systems while Victoria has referred full industrial relations powers to the federal Commission.

The Industrial Relations (Federal Award Employees) Amendment Bill 1998 is in the terms envisaged by the Workplace Relations Act. As this bill now before the House is consistent with the Federal Workplace Relations Act, and has been approved by the Federal workplace relations Minister, I assume that it should receive the support of the Opposition. I am also sure that crossbench members will appreciate the desirability of legislation to ensure that employees are not denied a remedy against unfair dismissal merely because their employer lacked corporate status. This bill will remedy a small but significant deficiency in the availability of unfair dismissal

remedies to workers in New South Wales. I commend the bill to the House.

The Hon. J. P. HANNAFORD (Leader of the Opposition) [5.17 p.m.]: The coalition does not oppose the Industrial Relations Amendment (Federal Award Employees) Bill. As the Attorney General indicated, there has been discussion between the Federal Government and the State Government on the need for the bill to address the position of Federal award employees who are not employed by corporations. As a result of the decision in *Moore v Newcastle City Council* there is a clear inequity in regard to unfair dismissal.

In the discussions between the Federal Government and the State Government the only issue not covered was ensuring that there is appropriate consultation between the State Government and the Federal Government in the making of regulations. I give notice that in Committee I will move an amendment, which I understand the Government will support, that will propose that regulations may not be made under section 90A(5) unless the Minister certifies to the Government that the Commonwealth Minister administering the Federal Act has been consulted about the proposed regulations. The House will note that the wording refers to consultation.

The Hon. R. S. L. Jones: There does not have to be agreement.

The Hon. J. P. HANNAFORD: There does not necessarily need to be agreement but because in this area there is an acknowledgment of a hiatus that needs to be addressed consultation is the appropriate way in which to proceed. If it were provided that there had to be agreement the State Government effectively would be making itself subservient to the Federal Government, and I do not know that anyone would concur in that approach. The bill has been developed between the two governments to overcome a clear problem that was not foreseen by any of the parties in developing their industrial relations legislation.

The Hon. R. S. L. JONES [5.20 p.m.]: I support the bill.

The Hon. J. W. SHAW (Attorney General, Minister for Industrial Relations, and Minister for Fair Trading) [5.20 p.m.], in reply: I thank honourable members for their constructive support for the bill.

Motion agreed to.

Bill read a second time.

In Committee

Schedule 1

The Hon. J. P. HANNAFORD (Leader of the Opposition) [5.21 p.m.]: I move:

Page 4, schedule 1[3], proposed section 90A. Insert after line 25:

- (6) Regulations may not be made for the purposes of subsection (5) unless the Minister certifies to the Governor that the Commonwealth Minister administering the Federal Act has been consulted about the proposed regulations.

I outlined the reasons for this amendment in my contribution to the second reading debate. There is no need for me to further advocate the argument.

The Hon. J. W. SHAW (Attorney General, Minister for Industrial Relations, and Minister for Fair Trading) [5.22 p.m.]: I recognise the arguments in support of the amendment and I accept it.

Amendment agreed to.

Schedule as amended agreed to.

Bill reported from Committee with an amendment and passed through remaining stages.

WASTE MINIMISATION AND MANAGEMENT AMENDMENT BILL

Second Reading

The Hon. J. W. SHAW (Attorney General, Minister for Industrial Relations, and Minister for Fair Trading) [5.24 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.

I bring to the House another component of the Government's waste reform agenda. The Carr Government has engineered a massive overhaul of the waste management system in New South Wales, an overhaul that required us to rebuild the system from the ground up. As part of that process the Waste Minimisation and Management Amendment Bill will ensure transporters and owners of waste can be prosecuted for waste dumping. The bill is aimed at people who irresponsibly dispose of waste in our State. Waste dumping is an environmental menace that continues to threaten our society. It can risk our health and the future of our environment. Dumping causes extensive environmental damage including: erosion, sedimentation, damage to aquatic ecosystems, harm from contaminated soils and hazardous materials, pollution of local waterways and destruction of trees and vegetation.

This bill is a response to growing community concern about the problems of waste dumping. It is recognition that it is never okay to dump a million tyres on a farm or use hazardous or building and demolition waste to build playing fields. The concern about illegal waste dumping is shared by the Government and those in the waste industry who are doing the right thing. Many in industry are trying hard to better manage waste in our State. Recent efforts include the green waste action plan and the soon to be released construction and demolition waste action plan. Stronger measures to combat illegal waste dumping will assist in achieving the waste reduction and management goals shared by Government, the community and industry.

In strengthening prosecution powers for environmental offences the bill extends the Government's commitment to establishing an efficient and equitable enforcement regime. It will send a strong message to dumpers that they cannot continue their environmental vandalism. The bill will also reduce the loss of government revenue from operators who are avoiding waste levy payments by dumping waste illegally. The bill aims to ensure operators pay the appropriate waste levy and direct their efforts to responsible disposal, including recycling or reprocessing. It aims to make economic imperatives work in favour of the environment. It will not however, burden individuals or corporations who already take care of the environment. On the contrary it will shore up the businesses of those doing the right thing by stamping out the illegal dumping that allows unscrupulous competitors to undercut their prices.

The bill is part of an illegal waste dumping strategy that was developed in consultation with the Western Sydney Waste Board, Liverpool, Penrith, Blacktown and Fairfield local councils and local government and shires associations. Improved prosecution powers are part of a balanced approach to the problem. The strategy includes a public education campaign to alert the community to illegal waste dumping practices and penalties. The Hunter Waste Board, covering Cessnock, Lake Macquarie, Maitland, Newcastle and Port Stephens has also developed a strategy to target illegal waste dumping. The strategy involves use of state of the art technology and hardware to track and identify illegal dumpers.

In addition the Inner City Waste Board is co-ordinating for all waste boards a construction and demolition education and strategy campaign. The strategy will consist of a resource directory, a manual for construction and demolition developers and a training manual. The Government has released its construction and demolition waste action plan which sets out a range of actions and initiatives to reduce construction and demolition waste and to encourage more recycling of waste that cannot be avoided. This will ensure alternative programs for waste generators who want to do the right thing.

The bill brings forward offence provisions contained in the new Protection of the Environment Operations Act 1997 with some minor modifications. The new Act, passed last year but not yet proclaimed to commence, requires a lengthy lead-in time to allow for smooth implementation, training and education. By bringing forward the offence provisions for waste we can act now to stop environmental degradation. The other key aspect of the bill is the improvement of notice powers to direct those responsible for dumping to take action including removing dumped waste, and the improvement of notice powers to request information. This will ensure those responsible for dumping put right the damage they cause. It will mean the cost of cleaning up will be borne by those responsible.

The new section 63 brings forward a provision of the Protection of the Environment Operations Act that deals with unlawful transporting of waste. It is only fair that transporters face the same penalties that landowners currently face when waste is dumped. Under current legislation people who transport waste and dump it on land with the permission of the landowner are culpable but not guilty of any offence. The landowner, though often an innocent dupe, is likely to be guilty of an offence for receiving waste without a waste facility licence. Some landowners find themselves in a situation where they are unaware they are receiving waste or are unaware that it is an offence. This arises because unscrupulous waste transporters use landowners to avoid more environmentally acceptable alternatives such as re-use, recycling or responsible disposal at a waste facility.

One method employed by these transporters who want to dispose of construction and demolition waste is to approach landowners and ask if they would like to use the waste for site works. Penrith council has noted vulnerable groups, especially people from non-English speaking backgrounds have been targeted by transporters wishing to dump in this way. Sporting clubs have been asked if they would like their fields raised above flood level and farmers have been asked if they would like their roads filled and graded. Another method employed by irresponsible transporters is to seek out contracts for site works involving filling so that they can take waste from one job and dump it at another. The problem is the waste is not always sorted and hazardous substances can remain in the fill.

Using waste in this way is both unsafe for people and the environment. This type of irresponsible use of waste means people can be unknowingly exposed to hazardous substances such as lead and asbestos. The bill will stop this unscrupulous behaviour. It removes the ability to obtain landowner consent to dumping. It is no longer enough for a transporter to ask a landowner if they can leave waste on their property. A transporter will have to prove they have done more than simply rely on the advice of a landowner that their land can lawfully be used as a waste facility. They must take steps to ensure this. For example, a transporter may obtain from the landowner or occupier a notice certifying that the land can lawfully be used as a waste facility for that waste. The certification will be in a form approved by the EPA which will alert landowners of the need to make inquiries from councils and the EPA about whether their land can legally be used in that way.

The bill also makes it an offence to cause or permit waste to be unlawfully transported and disposed of. This will catch the shady operators who act as go-betweens in orchestrating illegal dumping. This includes individuals or companies who offer disposal services to waste generators and then contract with private transporters to get rid of the waste at nominated places that cannot lawfully accept the waste. The offence of causing or permitting unlawful disposal prevents people who may have no actual contact with the waste escaping from liability if they nevertheless organise its illegal disposal. Section 63 also creates an offence for the owners of dumped waste.

Owners of waste, like transporters, do not commit an offence if they dump waste with the consent of the landowner. In the past some waste owners have colluded with transporters to irresponsibly dispose of waste to avoid paying the waste levy. Under the bill this will no longer be possible. The bill provides waste owners with a continuing responsibility to ensure the waste they create is properly handled, transported, treated and disposed of. Waste owners will be guilty of an offence unless they can show that unlawful transporting was

due to causes over which they had no control, or they took reasonable precautions and exercised due diligence to prevent it. Relying on landowner consent to dumping will not be enough. Waste owners must share the responsibility of safeguarding against illegal disposal.

Waste owners must take positive steps to ensure compliance with the Act. For a waste owner to prove they have taken reasonable precautions and exercised due diligence they will have to establish they have thought about the likely risks, they have taken precautions specifically designed to avoid the unlawful transporting and they have adequately supervised the measures taken. Doing nothing is not acceptable. An education campaign is planned to assist waste owners to understand their responsibilities. It will consist of information packages outlining environmental and legal consequences of illegal dumping and landfilling, information to councils about their powers under the Waste Act and training for council officers.

Under the bill, when waste is dumped we can now prosecute the most culpable party. The amendments to sections 65 and 68 of the Waste Minimisation and Management Act deal with notice powers. The bill will strengthen the notice powers in the current Waste Act. These powers are crucial in gathering the necessary information to prosecute offenders. They are also pivotal in making dumpers address the environmental damage they have caused. The bill will add preventative powers to notices. The power to issue a notice directing a landowner not to receive waste means we can act before dumping occurs. Using notice powers this way we can act quickly to stop waste dumping. Additionally, when a landowner innocently receives waste we can issue them with a notice directing them to stop this activity. This may be more appropriate in these circumstances than prosecution.

It will now be clear a notice can be issued asking for information or directing a person to do something in respect of waste even after that person no longer has possession or control of that waste. Transporters and creators of waste can be held responsible for waste even after it is dumped. They can be directed to remove waste from a landowner's property, with landowner consent, and pay to have it disposed of properly. Making the penalty for failure to comply with a notice a continuing penalty for each day a person fails to comply reflects the gravity attached to this offence. It also provides for quicker clean-up action. If a company knows there is a continuing penalty for failure to remove waste from a farm they will act more speedily to remove it.

Finally, the bill makes some other minor amendments of an administrative nature to clarify the regulation making power about information gathering. It also makes consequential amendments to the relevant offence provisions in the Environmental Offences and Penalties Act 1989. The bill provides a new weapon in the fight against illegal waste dumping. It is a significant step towards ensuring we can pass on a clean environment to future generations. I commend the bill to the House.

The Hon. J. F. RYAN [5.24 p.m.]: The Opposition supports this bill, which seeks to close a loophole that was exploited by a person illegally dumping a massive quantity of tyres. It is my understanding that the person responsible for dumping the tyres could not be prosecuted because current legislation addresses only the person who does the dumping rather than the person who transports the material. In the case in question the

culprit was the person who transported the tyres, not the person who owned the land on which the tyres were dumped. Under current legislation those who transport waste and dump it on land with the permission of the land-holder are culpable but not guilty of an offence. The landowner, although often an innocent dupe—as was the case in the instance in question—is likely to be guilty of an offence for receiving waste without a waste facility licence.

Some landowners are unaware that they are receiving waste or that it is an offence. Consequently, the bill addresses the unscrupulous transporters of illegal waste. The problem of dumping tyres was brought to the Government's attention by the former shadow minister for the environment, Jim Longley. When the Government introduced its first waste minimisation measure Jim Longley made lengthy and specific reference to the need to target the dumping of tyres. It is noted with some regret that his remarks, made some years ago, have only now been acted upon by the Government.

At the beginning of this session of Parliament the Government set itself a target of reducing waste by 60 per cent. Approximately \$130 million has been spent on waste management plans and the various waste management authorities, yet the State has not come anywhere near to meeting the target. The Opposition was sceptical about that target in the first place. Opposition members suspected that it was set at a fairly ambitious rate because the Government intended to move almost immediately to ban the landfill of green waste. The Labor Party promised before it took office to impose that ban, but it has not done so.

The Hon. R. S. L. Jones: Why not?

The Hon. J. F. RYAN: I am not sure why not. That represents yet another failure by the Government to honour its promise. The rhetoric of the Minister for the Environment has been noted. For all of the Minister's enthusiasm for minimising waste, she has not been able to achieve a great deal. The level of landfill waste is about the same now as it was when the Government took office. The Opposition supports the bill.

The Hon. R. S. L. JONES [5.28 p.m.]: Some years ago when I had a five-acre property at Ingleside I was duped. A neighbour asked me whether I needed some fill for my road, which was in need of repair. I said, "That's a good idea." My neighbour turned up with a truck one day when I was not at home and dumped wet concrete onto my property. I managed to prevent him from doing that more than once, but it was a real problem. So I have

fallen into the trap myself. Together with Peter Woods, the Hon. I. Cohen, Peter Hopper, and others I attended a function at Circular Quay today to promote container deposit legislation. The promotion offered 20¢ for the return of bottles or cans, and quite a number of cans and bottles were collected. If we are to reach the waste minimisation target, we will have to move towards container deposit legislation. It is time for the Government to grasp the nettle on the issue. The Minister said a couple of years ago that if the target was not met she would move towards such legislation.

The Hon. J. F. Ryan: But she has not.

The Hon. R. S. L. JONES: The Minister could still do so. Industry is yet to co-operate. Figures show that only about 40 per cent of containers are being returned for recycling, as opposed to approximately 85 per cent in South Australia. I do not believe that the target will be met. I draw attention to two landfill proposals, one at Ardlethan and one up north, which will facilitate the dumping of more recyclable and compostable material. I would also like to ask why green waste has not been prohibited from landfill. Surely by now there must be enough facilities to be able to compost green or garden waste, if not food waste. It is well past the time that was done.

The Hon. Dr A. CHESTERFIELD-EVANS [5.29 p.m.]: The Australian Democrats welcome this bill. My predecessor was quick to highlight the ongoing problem of tyre dumping and hard fill; and we are yet to be convinced that the dumping of grease trap waste has been brought under control. Basement dumping via the sewer has meant an additional load on our outfall. The Australian Democrats concede that there have been many improvements and it is now more difficult to pick up a waste removal contract, drive a truck into the basement of a high-rise building and empty its contents down the handiest cast-iron hatch.

There are still less environmentally friendly means by which people can dump waste, but this bill is a step in the right direction. Ignorance of the law is no excuse, and transporters and owners of waste should expect to be prosecuted if they transport waste to any place that is not a lawful dumping ground. Today's enlightened community demands no less.

The Hon. J. W. SHAW (Attorney General, Minister for Industrial Relations, and Minister for Fair Trading) [5.30 p.m.], in reply: I thank honourable members for their contributions to the debate. This bill strengthens the chain of waste

accountability by amending the Waste Minimisation and Management Act to ensure that transporters and owners of waste can be prosecuted for dumping. It deals with a loophole in the law and I thank honourable members for their support for the bill.

Motion agreed to.

Bill read a second time and passed through remaining stages.

**ADMINISTRATIVE DECISIONS TRIBUNAL
LEGISLATION FURTHER AMENDMENT
BILL**

Second Reading

The Hon. J. W. SHAW (Attorney General, Minister for Industrial Relations, and Minister for Fair Trading) [5.32 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.

Members will by now be familiar with the Administrative Decisions Tribunal, which was established by the Administrative Decisions Tribunal Act 1997. This Act, together with some provisions of cognate Acts, which conferred jurisdiction on the tribunal was commenced on 6 October 1998. The tribunal now has a physical presence on level 15, 111 Elizabeth Street, Sydney, and is equipped to hear matters referred to it by the provisions of the cognate Acts, which have commenced. At present the bulk of the tribunal's jurisdiction is in the equal opportunity division, the legal services division and, pursuant to the Freedom of Information Act, in the general division.

The Administrative Decisions Tribunal Legislation Further Amendment Bill 1998 reflects the need to amend both the principal and cognate legislation, as identified in the course of preparing to open the doors of the tribunal for business. In addition, the jurisdiction of the tribunal is further extended, so that appeals from board decisions pursuant to the Surveyors Act 1929 will be heard in the Administrative Decisions Tribunal, and a person with a right of appeal with respect to a licence or permit issued under the Dangerous Goods Act 1975 will be heard by the tribunal.

With respect to the existing jurisdiction of the tribunal, amendments to the Disability Services Act 1993 are effected in order to clarify the kinds of decisions that may be subject to an application for review by the tribunal. These amendments will allow the community service division of the tribunal to commence on 1 January 1999. Also, the bill re-enacts previous amendments to the Animal Research Act 1985 to take account of the rewriting of that Act. Amendments to the principal Act create a new division, the occupational regulation division, which will allow expertise to be developed in reviewing matters concerning the discipline and regulation of occupations, where jurisdiction has been conferred on the tribunal.

An amendment to remove the age restriction on membership of the tribunal will allow the tribunal to appoint or retain expert members in circumstances where they would previously not have been eligible for appointment or reappointment. This amendment recognises the significant wealth of experience which is available to a community that is prepared to accept that many of its ageing, but otherwise well, members have a significant and active role to play in the life of society and its institutions. As the maximum term of appointment for members is three years, the potential for a member of the tribunal to fail to perform his or her duties as a member is still kept to a minimum.

Other amendments will allow the tribunal to utilise its existing human resources to maximum potential. Specifically the bill provides that the president may be appointed as a divisional head and that he or she may appoint divisional heads to sit as members in other divisions. Also, to allow the tribunal to manage its workload in an appropriate fashion, the bill provides that a non-judicial member, a registrar or a deputy registrar, may conduct directions hearings.

The bill also provides for a number of amendments to procedure in the tribunal, which include amendments to clarify who is responsible for management of the administrative affairs of the tribunal, who may be a party in proceedings before the tribunal, and how notices and lodgment and service of documents should be dealt with. I commend the bill to the House.

The Hon. J. M. SAMIOS [5.33 p.m.]: The Opposition supports this bill, which seeks operational changes identified during the establishment of the Administrative Decisions Tribunal. The bill is substantially administrative and procedural. At present the bulk of the tribunal's jurisdiction is in the equal opportunity division, the legal services division and, pursuant to the Freedom of Information Act, in the general division. The bill provides that appeals pursuant to the Surveyors Act will be heard in the Administrative Decisions Tribunal and that a person with a right of appeal with respect to a licence or permit issued under the Dangerous Goods Act 1975 will also be heard by the tribunal.

Amendments to the Disability Services Act will allow the community services division to commence in January 1999. The bill re-enacts previous amendments to the Animal Research Act 1985, to which I draw the attention of the House, and creates the occupational regulation division. The bill removes the age restriction on membership of the tribunal, which will allow the appointment or retention of expert members. This is a good housekeeping bill, which the Opposition will not oppose.

The Hon. I. COHEN [5.35 p.m.]: The Greens generally support this bill but we have two minor concerns that I shall outline later. The Greens support the extension of the tribunal's jurisdiction and eventually would like to see that jurisdiction

extended further. Under the bill the community services division is able to commence operation on 1 January 1999. People with Disabilities [PWD] wrote to my office on 24 November regarding the bill as follows:

disastrous drafting errors associated with the conversion of the appeal rights previously provided in section 20 of the Disability Services Act 1993 into their new context in the Administrative Decisions Legislation Amendment Act 1998 . . .

In fact, the current bill does not correct the worst of these errors, however, there are still two problems in the drafting we would like corrected.

The PWD proposes two amendments to deal with these drafting errors. It argues that the amendments will simply maintain pre-existing appeal provisions and will not extend any appeal rights. The Greens will move two amendments in Committee to address the concerns of the PWD. Correspondence has been forwarded to us by the Law Society of New South Wales regarding the bill as follows:

The bill is substantially administrative and procedural in effect together with further extensions of jurisdiction under the Surveyors Act 1929 and the Dangerous Goods Act 1975. The Law Society has no problems with the bill.

With the inclusion of my two foreshadowed amendments the Greens support the bill.

The Hon. R. S. L. JONES [5.37 p.m.]: My office contacted the Law Society of New South Wales, which gave the same opinion as it gave to the Hon. I. Cohen. I also contacted the Public Interest Advocacy Centre, and it has no problem with the bill. No-one else has expressed any concerns about the bill, so I therefore I support it.

Reverend the Hon. F. J. NILE [5.37 p.m.]: The Christian Democratic Party supports the Administrative Decisions Tribunal Legislation Further Amendment Bill. This bill will amend the Administrative Decisions Tribunal Act 1997 to more appropriately utilise the human resources available to the tribunal, and it amends the Administrative Decisions Legislation Amendment Act to ensure that the community services division can commence operation on 1 January 1999, and to extend the jurisdiction of the tribunal. We support the bill.

The Hon. J. W. SHAW (Attorney General, Minister for Industrial Relations, and Minister for Fair Trading) [5.38 p.m.], in reply: I thank all honourable members for their support for the bill and I commend it to the House.

Motion agreed to.

Bill read a second time.

In Committee

Schedule 1

The Hon. J. W. SHAW (Attorney General, Minister for Industrial Relations, and Minister for Fair Trading) [5.40 p.m.]: I move:

Page 4, schedule 1[8], lines 21-26. Omit all words on those lines. Insert instead:

[8] Section 25 Functions of President

Omit section 25 (2). Insert instead:

- (2) The President is to facilitate the adoption of good administrative practices in the conduct of the business of the Tribunal.

Explanatory note

Item [8] amends section 25 of the *Administrative Decisions Tribunal Act 1997* to replace the current requirement that the President of the Tribunal is responsible for the management of the administrative affairs of the Tribunal with a requirement that the President facilitate the adoption of good administrative practices in the conduct of the Tribunal's business.

[9] Section 28 Functions of Registrars and Deputy Registrars

Omit "managing the affairs of the Tribunal" from section 28 (1). Insert instead "exercising the President's functions under section 25".

Explanatory note

Item [9] makes an amendment to section 28 of the *Administrative Decisions Tribunal Act 1997* that is consequential on the amendment made by item [8].

Section 25(2) of the Administrative Decisions Tribunal Act as it stands does not accurately reflect the existing structure for the management of courts and tribunals within the administration of the Attorney General's Department. Until New South Wales moves towards a system with its courts and tribunals being responsible for the management of their staff, budgets and infrastructure independently of the Attorney General's Department, the president of a tribunal cannot have responsibility for the management of its administrative affairs.

In recognition of the significant role that the heads of jurisdiction now have in managing the work of their courts and tribunals, it is not inappropriate to give legislative effect, in this case, to the role of the President of the Administrative Decisions Tribunal as a facilitator in the adoption of good administrative practices in the conduct of the work of his tribunal. The amendment to section 28 achieves that purpose and is consequential upon the

amendment to section 25. I commend the amendment to the Committee.

The Hon. J. M. SAMIOS [5.42 p.m.]: The Opposition does not oppose the amendment.

Amendment agreed to.

Schedule as amended agreed to.

Schedule 2

The Hon. I. COHEN [5.42 p.m.]: I move Greens amendment No. 1:

No. 1 Page 16, schedule 2[1], lines 8-11. Omit all words on those lines. Insert instead:

- (d) a decision not to conduct a review under section 15 or to conduct a review that is not in accordance with the requirements of that section,

The current drafting of section 20(d) as proposed by schedule 2[1] may narrow the original right of appeal. The bill specifies that the following decision is reviewable by the Administrative Decision Tribunal:

- (d) a decision not to conduct a review in accordance with section 15 (or to conduct the review otherwise than in accordance with that section).

The original provision of section 20(d) of the Disability Services Act 1993 allowed an appeal on the basis "that a review has not been conducted in accordance with section 15". It would seem that an appeal may be made only when a review is conducted and it is claimed that that review does not satisfy the requirements of section 15. It may not be possible to appeal against the failure to conduct a review which was originally possible. The narrowing of appeal rights is of great significance in the disability services area because many systemic problems result from omissions or failure to take appropriate action rather than from positive acts. This amendment makes it crystal clear that a decision not to conduct a review is reviewable by the Administrative Decisions Tribunal; it accords with the original appeal rights in the Disability Services Act. 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) [5.43 p.m.]: Greens amendment No. 1 gives a clearer expression of the decisions that may be reviewed. The amendment is a mere clarification of the bill as it stands, and is supported by the Government.

The Hon. J. M. SAMIOS [5.44 p.m.]: The Opposition does not oppose the amendment.

Amendment agreed to.

The Hon. I. COHEN [5.45 p.m.]: I move Greens amendment No. 2:

No. 2 Page 16, schedule 2[1], lines 16 and 17. Omit "relating to the provision of financial assistance".

The current drafting of this provision restricts the class of appeal rights that can be prescribed by the regulations to the provision of financial assistance. Originally there was no such restriction in section 40(1)(d) of the Community Services Complaints (Appeals and Monitoring) Act 1993, and this amendment restores the original provision. The amendment is necessary because of the important rights to administrative review that might be prescribed by regulation that do not relate to the provision of financial assistance. That flows from the Disability Services Act having a much broader focus than just the provision of financial assistance. In particular, this amendment deals with the direct provision of services by the Minister. I commend Greens amendment No. 2 to the Committee.

The Hon. J. W. SHAW (Attorney General, Minister for Industrial Relations, and Minister for Fair Trading) [5.46 p.m.]: The Government supports this amendment, which seems to be appropriate in that it helps to vindicate the role of this Chamber. The amendment proposes a return to the provisions in the Act that this bill amends. While the proposed amendment may be a better reflection of the intention to limit appeal rights available under the Disability Services Act to those concerning the provision of financial assistance, without a regulation the provision is toothless. The time to debate extending the jurisdiction of the Administrative Decisions Tribunal with respect to the Disability Services Act is when such a regulation is proposed. All in all, having considered the matter, the Government supports the amendment.

The Hon. J. M. SAMIOS [5.47 p.m.]: The Opposition notes that the bill as drafted restricts the class of appeal rights in new section 20(f) and that the amendment will restore the original provisions. The Opposition supports that equitable and correct procedure.

Amendment agreed to.

Schedule as amended agreed to.

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

CRIMES AT SEA BILL**Second Reading****Debate resumed from 18 November.**

The Hon. J. P. HANNAFORD (Leader of the Opposition) [5.52 p.m.]: On 18 November the Attorney General, Minister for Industrial Relations, and Minister for Fair Trading introduced this bill. In his second reading speech he outlined in some detail the development of the bill, which will be uniform to the Commonwealth and the States. The proposed legislation stems from a High Court decision that divided up the authority of the Commonwealth and the State over lands below the high water mark, making it clear that land above the coastal low water mark is the responsibility of the States. The High Court delivered jurisdiction to the Commonwealth.

Legislative arrangements were then entered into between the Commonwealth and the States in respect of their responsibilities to control the land below the low water mark and a regime was put in place to deal with criminal offences within territorial waters. That regime has developed problems. The Standing Committee of Attorneys-General appointed a special committee of Solicitors-General to develop model legislation that would provide for a consistent regime between all States and the Commonwealth to deal with crimes below the coastal low water mark. The proposed legislation implements that model. The result will be a uniform scheme throughout the nation to deal with criminal behaviour on the high seas. The Opposition supports the legislation.

Reverend the Hon. F. J. NILE [5.54 p.m.]: The Christian Democratic Party supports the Crimes At Sea bill, which is part of the law and order campaign. The bill is an attempt to combat crime at sea.

[*Interruption*]

Perhaps some of the crossbenchers oppose it, but we support it. The proposed legislation will replace existing Commonwealth, State and Northern Territory legislation, including the New South Wales Crimes (Offences at Sea) Act 1980, and is designed to provide for greater co-operation to overcome legislative gaps in the existing scheme. Priority is to be given to the law of the adjacent State. In other words, the criminal law of the State or Territory will apply of its own force to a distance of 12 nautical miles. The State or Territory law will also apply by force of Commonwealth law up to a distance of 200 nautical miles from the baseline for the State or the outer limit of the continental shelf, whichever is the greater distance.

The outer limits will be proclaimed under an amendment to the Commonwealth Seas and Submerged Lands Act. We support the bill, which closes off loopholes that criminal groups are often quick to use. Recently, a large ship off the coast of New South Wales transferred an enormous quantity of drugs to smaller boats, which then proceeded to the beach. Thankfully, they were apprehended by law enforcement officers, whom we congratulate on the success of that operation. This bill will assist them and we support it.

The Hon. R. S. L. JONES [5.56 p.m.]: I support the Crimes at Sea Bill. The greatest crime at sea is the destruction of fish, mammals and birds such as the albatross. Those crimes are not being addressed.

The Hon. J. W. SHAW (Attorney General, Minister for Industrial Relations, and Minister for Fair Trading) [5.56 p.m.], in reply: I thank honourable members for their contribution to the debate and I commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

**BENEVOLENT SOCIETY
(RECONSTITUTION) BILL****Second Reading**

The Hon. J. W. SHAW (Attorney General, Minister for Industrial Relations, and Minister for Fair Trading) [5.58 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.

The purpose of this bill is to repeal the Act incorporating the Benevolent Society of New South Wales and the by-laws made thereunder; transfer the assets, rights and liabilities of the Society to a new company limited by guarantee created for that purpose; and to exempt the transfer of assets so affected from stamp duty. The Benevolent Society of New South Wales was formed on 5 June 1818 for "the relieving of the poor, the distressed, the aged and the infirm" and others requiring such assistance. Governor Macquarie was its first patron and subsequent Governors of New South Wales have continued to hold this position.

Until the early part of this century the society was the major provider of support and assistance to the disadvantaged in New South Wales. The pioneering work of the society included making legal aid available to single women; fighting

for and obtaining the old age pension for older Australians; campaigning for laws abolishing child labour; establishing the first baby health centre in Australia; and pioneering district nursing in this country. The history and charitable activities of the society are long and distinguished. They are set out in great detail in "A Very Present Help", a history of the society prepared by Mr Ron Rathbone and published in 1994.

I commend this book to those honourable members interested in reading further about the works of the Society. After managing a number of institutions, such as hostels and asylums, the society established the Lying-In Hospital for Women in 1866. The Parliament passed the Benevolent Society of New South Wales Act 1902 based upon the then existing by-laws of the society to clearly identify the importance of the society's obstetric and other health services for women, and to give the society the ability to carry on those activities with greater independence from government.

In 1904 the Royal Hospital for Women was established at Paddington. For some time this world-renowned hospital was the society's prime activity. In 1992 the society transferred the operation of the hospital to the Eastern Sydney Area Health Service. The increasing cost of managing a modern hospital, the society's decreased involvement in the management of the Royal Hospital for Women, and changes to health funding policy by State and Federal governments over many years led the board of the society to agree to the closure of the hospital. In 1997 its facilities were transferred to a new building at the Prince of Wales Hospital at Randwick where the tradition of excellence in obstetric and related services continues.

The society no longer has responsibility for the management of a single, major facility such as a hospital. This change in its role means that it is now not significantly different from other large charitable organisations. The purpose of incorporation under an Act of Parliament no longer applies and the Board has determined to reincorporate the society as a company limited by guarantee. This bill has been prepared to give effect to that decision by the society's board. The board has achieved the necessary company registration and that company's registered name and Australian company number have been included in the relevant part of the bill.

For the benefit of honourable members I will outline the major provisions of the bill. Clause 4 dissolves the former body and its board of directors, and provides that references in other documents to that body be taken as including a reference to the new company. Clause 5 transfers the assets, including staff, rights and liabilities of the former body to the company. Clause 5(3) continues the restrictions currently found in section 5 of the Benevolent Society of New South Wales Act as to the power to deal with land previously acquired by grant from the Crown. Such restriction requires the consent of the Governor to any such dealings except for a lease of not more than 21 years for which there is payable during the whole of the term of the lease the best yearly rent that can be reasonably achieved.

Clause 6 exempts transfers under the proposed Act from duty otherwise payable under the Duties Act 1997. Clause 7 repeals the Benevolent Society of New South Wales Act 1902 and the by-laws under that Act. Clause 7 also provides for the certification of a copy of the by-laws of the former body by an officer of the company as correct to be conclusive evidence of those by-laws where needed to be received as evidence by any court or tribunal. The assets, rights and liabilities of the former body will transfer to the new company from the commencement of the proposed Act, on a day to be appointed by proclamation. Registration of the company was effected on

12 October 1998 and the appropriate date for proclamation will be determined in consultation with the society. I commend the bill to the House.

The Hon. Dr B. P. V. PEZZUTTI [5.58 p.m.]: The Opposition strongly supports the proposed legislation, which will incorporate the formerly unincorporated Benevolent Society of New South Wales. The proposed legislation will enable the corporation, amongst other things, to trade in the land that may have been subject to a grant under certain circumstances—which is not dissimilar to grants to universities—and enter into a lease not exceeding 21 years, provided that the return on the lease is fair. The proposed legislation will enable the corporation to transfer all of its properties in such a way that it will not have to pay duty. It would be remiss of me, on behalf of the Opposition, not to congratulate the Benevolent Society on its long and proud history. The society began in 1818 to care for the destitute and the distressed.

The Benevolent Society created a number of firsts in this country, including the Lying-in Hospital for Women, later known as the Royal Hospital for Women and also the first baby health centres. The society should also be commended for its pioneering work in district nursing. Times have changed and with those changes came a very good example of government action, which I approved of at the time. The Government, under the leadership of the former Minister for Health, the Hon. Ron Phillips, socialised the Royal Hospital for Women and took it back under the State's wing. The Benevolent Society ceased to operate that hospital.

The Government built a new hospital on the Prince of Wales Hospital site, which continues to operate with the same name, but completely without input from the Benevolent Society. However, the society has continued to provide many services for women. The previous Government, under the leadership of the former health Minister, the Hon. Ron Phillips, transferred \$1.3 million as a contract for the Benevolent Society to operate women's services in south-western Sydney. That was an appropriate change in the modus operandi for the society. It is important to note that the society has become a corporate body, giving it more freedom to change what it does and how it does it. I wish the society all the best for the future. I commend the bill to the House.

Reverend the Hon. F. J. NILE [6.01 p.m.]: The Benevolent Society (Reconstitution) Bill repeals the Act and by-laws under which the Benevolent Society of New South Wales operates, transfers its assets, rights and liabilities to a new company limited by guarantee created for that purpose and

exempts the transfer of assets from stamp duty. The Law Society of New South Wales has advised that it has no objection to this bill. The Christian Democratic Party is pleased to support this administrative bill.

The Hon. Dr A. CHESTERFIELD-EVANS [6.02 p.m.]: The Australian Democrats acknowledge the good work of the Benevolent Society of New South Wales over a long period and support this bill, which involves the restructuring of the society's affairs so that it can take advantage of the new situation on the site of the former women's hospital.

The Hon. R. S. L. JONES [6.02 p.m.]: I support the bill and acknowledge the work of the Benevolent Society of New South Wales which has provided relief for the distressed and the poor since 1818.

The Hon. J. W. SHAW (Attorney General, Minister for Industrial Relations, and Minister for Fair Trading) [6.03 p.m.], in reply: It is pleasing that honourable members have acknowledged that the Government is doing so much good work. Bill after bill has been supported, so the Government must be doing something right. I acknowledge the positive contribution of my colleague the Hon. B. H. Vaughan, who has been a director of the society for many years, regarding the reconstitution of the Benevolent Society. I thank honourable members for their contributions in support of the bill. I commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

LAW ENFORCEMENT AND NATIONAL SECURITY (ASSUMED IDENTITIES) BILL

Second Reading

The Hon. J. W. SHAW (Attorney General, Minister for Industrial Relations, and Minister for Fair Trading) [6.04 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.

I am pleased to introduce the Law Enforcement and National Security (Assumed Identities) Bill. As members of this House know criminals are becoming smarter and more dangerous all the time. They are prepared to go to extraordinary lengths in the pursuit of their nefarious activities. The Carr Government

is pulling out all stops to give police and other law enforcement agencies the powers and the tools they need to do their job. This includes giving them the means to fight criminals on their own dirty turf. The Law Enforcement and National Security (Assumed Identities) Bill is designed to provide an essential tool for law enforcement and national security agencies to conduct investigations and operations.

Broadly speaking, the bill provides for the authorisation and acquisition of assumed identities, including relevant documentation, for use by law enforcement and national security officers in the course of their duties. The Royal Commission into the New South Wales Police Service recognised that the use of assumed identities is essential to the success of some types of investigations, including but not restricted to, undercover operations. Justice Wood's recommendation in his final report was that legislation be enacted at State and Commonwealth levels to permit the creation and use of assumed identities in law enforcement. The royal commission final report also pointed to the need for greater accountability in response to demands from the courts who are more actively scrutinising evidence presented and the methods used to obtain it.

This Government is not prepared to settle for a system where law enforcement agencies have to conduct operations on a nod and wink, or a gentleman's agreement. Agencies need to conduct operations using assumed identities. But as the royal commissioner made very clear, a system for their issue and use is needed. This bill implements the royal commission's recommendation in New South Wales and also introduces appropriate accountability mechanisms. The rationale behind the legislation is to ensure that law enforcement investigations and national security operations are as effective as they can be, and that the officers who conduct them are adequately protected in their personal and professional lives.

As I have already mentioned the bill is an important initiative in the fight against crime. It will permit law enforcement and national security officers to obtain documentation such as drivers licences and credit cards in an assumed name and to use them in the course of their official duties. The system will be a regulated one. Law enforcement officers will not be able to go and get documentation at their own discretion. The bill will permit the chief executive officer of an authorised agency to approve the acquisition of documentation to support an assumed identity and the use of this documentation by one of his or her officers for law enforcement or national security purposes. The number, type and duration of documents is not restricted. Approvals can be varied in order to respond to operational developments as they occur, or revoked when no longer required.

An approval can relate to more than one assumed identity. In New South Wales, agencies that will be able to use the proposed legislation are: the New South Wales Police Service; the Independent Commission Against Corruption; the New South Wales Crime Commission; and the Police Integrity Commission. Commonwealth law enforcement and national security agencies also need to use documentation in assumed names in the course of their duties. It is therefore important that they obtain these documents as part of the newly regulated system, and that they comply with the accountability arrangements that this Government is putting in place. It is a prerequisite that participation by Commonwealth agencies will depend on their demonstrated capacity to comply with the accountability mechanisms set out in the bill.

To ensure this and to allow time for any necessary negotiations with the Commonwealth Government,

Commonwealth agencies will be prescribed as authorised agencies by regulation. Commonwealth agencies that may be prescribed under the legislation will be restricted to: the Australian Federal Police; the National Crime Authority; the Australian Security Intelligence Organisation; the Australian Secret Intelligence Service; and the Australian Customs Service. The inclusion of the Commonwealth agencies will not be a one-way street. Obviously, officers of New South Wales law enforcement agencies sometimes require access to documentation such as passports and tax files numbers in assumed names: documentation which is issued by the Commonwealth.

The Government considered this matter so important that the Premier wrote to the Prime Minister seeking an intergovernment approach and Commonwealth legislation. The safety of law enforcement and national security officers, and the security of the investigations and operations that they conduct are paramount. The bill therefore permits the chief executive officer to authorise whatever types of documentation are necessary to ensure the successful outcome of any investigation or operation. Typical supporting documentation includes drivers licences and credit cards. However, many other different types of documentation may be required depending on the type and extent of an investigation. In some operations, the type of documentation required will depend on the activities that need to be carried out. In others, it will depend on the officer's role, for example, conducting surveillance.

When an authority is granted, the officer to whom it applies may go ahead and acquire all the relevant documentation he or she needs, or just one or two documents depending on operational requirements. Law enforcement and national security officers will be able to approach any issuing agency in New South Wales. This includes any public or private sector agency that issues licences or any other kind of documentation that can be used to establish the holder's identity. Examples of issuing agencies include the Roads and Traffic Authority for drivers licences and vehicle registration, and the Department of Fair Trading for business names. All Government bodies that issue documents that can be used to establish identity are authorised and required to comply with the legislation.

Private bodies are authorised but they are not required to comply with the legislation. However, there is a strong incentive for them to do so. Compliance will give private issuing agencies the same protections from liability as their government counterparts. Specifically, the authorising agency, not the issuing agency, will ultimately be responsible for all liabilities incurred by law enforcement or national security officers in the course of acquiring and using an assumed identity. Assumed identity documents must appear normal and officers must be able to use them as if they are real. Therefore it is important to remove any offences that might otherwise attach to their authorisation, issue or use.

This includes, but is certainly not limited to, such things as making false or misleading representations or creating false or misleading records of any kind. Specifically, the bill ensures that anything regarding the acquisition, provision, or use of assumed identities that is done in good faith by officers of an authorised agency or an issuing agency is not unlawful and does not constitute an offence or corrupt conduct. From time to time a law enforcement or national security officer may need an assumed identity that is untraceable. This is because criminals are capable of going to extraordinary lengths to identify someone they believe is a law enforcement or national security officer, and to seek them out at work or at home. For

this reason the bill also provides for the issue of false birth certificates that can be used to obtain other documentation in an assumed name. This is a powerful tool and one that can only be obtained following an application to the Supreme Court.

The chief executive officer of an authorised agency may apply to an eligible judge of the Supreme Court for an order authorising the Registrar of Births, Deaths and Marriages to make an entry in respect of a law enforcement or national security officer. The test of an application to a Supreme Court judge is considered sufficient to deter any unnecessary applications. The bill introduces appropriate accountability within each authorised agency. For example, the chief executive officer must ensure that a record is kept of all the authorities that he or she grants for assumed identities. The record must include details sufficient to create an audit trail so that any inappropriate use of an assumed identity can subsequently be detected. Officers who misuse an assumed identity will be subject to the existing disciplinary system of their agency, and to criminal prosecution for any offences committed such as fraud.

The record must be independently audited every 12 months and the results are to be reported directly to the chief executive officer. There is to be external as well as internal accountability. The annual report of each authorised agency must include a statement of the number of assumed identity approvals granted, varied or revoked; the general nature of the duties to be undertaken by officers when they use assumed identities; and any fraudulent or other criminal activity detected during the annual audit. The statement in the annual report must not include any information that, if made public, could put law enforcement and national security officers, or anyone else, in danger. As it is essential to protect law enforcement and national security methodology and any current or proposed investigations and operations, any information that might prejudice these must also be excluded from the annual report.

The bill recognises that investigations and operations that require the use of assumed identities can be dangerous. Protections for law enforcement and national security officers, and operations, are needed at every step in the criminal justice process. For this reason, the bill makes provision for the courts to grant that officers may give evidence in private using an assumed name or a code name, and to suppress any evidence that might disclose that officer's real identity. A breach of the suppression order is punishable by a fine or 12 months imprisonment, or both. The bill also makes it an offence for any person to directly or indirectly disclose any information relating to the provision of documentation in assumed names or to relevant records.

The safety of officers and the integrity of investigations and operations is a serious matter. Breaches of the non-disclosure provision will therefore attract a maximum penalty of imprisonment for five years. The bill includes a power of delegation. The chief executive officer of authorised agencies may delegate functions to a person holding or acting in an office prescribed by regulation. In the case of the New South Wales Police Service which conducts by far the most investigations in this State, delegations may be prescribed for up to four positions in addition to the Commissioner of Police. Delegates must be at or above the rank of superintendent. For all the other authorised agencies, there is provision for one delegation in addition to the chief executive officer.

Finally, the bill calls for a review of the legislation after 12 months to determine if the policy objectives remain valid and

whether the provisions are appropriate for achieving them. The results of the review are to be tabled in Parliament. I commend the bill to the House.

The Hon. M. J. GALLACHER [6.05 p.m.]: I lead for the Opposition in supporting the Law Enforcement and National Security (Assumed Identities) Bill. The implications of the proposed legislation are important. However, I have been critical and will continue to be critical of the way in which the Government has tried to market this bill as if it were of the Government's own making. The Minister for Police, in another place, said:

The Carr Government is pulling out all stops to give police and other law enforcement agencies the powers and the tools they need to do their job. This includes giving them the means to fight criminals on their own dirty turf.

Those powers have been in place for years! The Government is, in fact, only tidying up some of the protocols, but at the end of the day the police have been able to use assumed identities for many years. In 1988, when I was a member of the Police Service, I had a totally false identity.

The Hon. R. S. L. Jones: Do you still have it?

The Hon. M. J. GALLACHER: No, I certainly do not.

The Hon. B. H. Vaughan: Are you the real Michael Gallacher?

The Hon. M. J. GALLACHER: I ask myself that question every morning. A short time ago I was talking to the Leader of the Government about an occasion when I assumed a false identity as a taxidriver. I was conducting a surveillance exercise and pulled up outside the front of an offender's home. The offender came racing out and jumped into the back of my taxicab and asked to be taken to an address. Without doubt that was one of the easiest and most interesting surveillance exercises I have ever undertaken.

The Hon. R. S. L. Jones: Did you get him, did you get your man?

The Hon. M. J. GALLACHER: We were like the Mounties. We always got our man—or woman. We did not discriminate. An assumed identity is an important tool for members of the New South Wales Police Service and the Opposition is proud to acknowledge its importance. However, it is a bit rich for the Government to say that it created the facility. For many years police have used Bankcards, Medicare cards and a raft of other

methods of identification. This bill merely tidies up the protocol.

The Hon. R. S. L. JONES [6.07 p.m.]: I have a somewhat schizophrenic attitude towards this legislation. It worries me that people who assume false identities with birth certificates and passports are able to nominate as candidates for a seat in Parliament. We do not know whether the member's identity is real. Who is the real Michael Gallacher? Is that his real name, or an assumed name? He has a birth certificate and a passport and looks like Michael Gallacher, but is he really who he says he is? We will never know. I am pleased that the legislation provides for a periodic review of the psychological effects on those assuming a false identity. I suggest that the Hon. M. J. Gallacher should take advantage of that provision.

The Hon. I. COHEN [6.08 p.m.]: This bill ostensibly provides protection for police officers who, in the course of their work, need to work undercover as criminals. The Wood royal commission noted that the need for police to participate in criminal activity is most often linked to narcotic investigations and can occur in many different facets: facilitation of customs entry, purchase of drugs in "sting" style operations, false documentation to support false identities and incidental minor offences. In drug operations a considerable amount of corruption has occurred in the past. The Greens have significant concerns about those types of operations, given that the position on drug law enforcement is counterproductive. The Greens have maintained that that is not the way to solve the problem.

Undercover operations often exacerbate the situation and I wonder about the effectiveness of "sting" operations and the policing attitude in general towards the serious drug problem in society. In 1995 the High Court established in *Ridgeway v The Queen* that criminal behaviour carried out by law enforcement officers is criminal if they intend to commit a crime and actually do commit the crime. In the absence of specific legislation they may be liable to both penalties and imprisonment. Wood noted that both the Commonwealth and South Australian governments have moved to pass legislation which will put in place an authorisation approvals process, exempting law enforcement officers from criminal liability for actions carried out in accordance with an approval. Wood believed it to be:

... contrary to principle to place any police officer in a position where operationally, he or she is expected to commit a criminal offence, and to apply to the Attorney General after the event for an indemnity from prosecution if the relevant

conduct is called into question, or to rely on the discretion of the Director of Public Prosecutions not to prosecute, or of the Commissioner of Police not to institute disciplinary proceedings.

He further argued that expecting discretionary application of the law by courts for presentation of Crown cases was equally unsatisfactory. Commissioner Wood also stated clearly that prospective statutory indemnity should be subject to "suitable safeguards", the bulk of which were implemented with respect to covert operations in the Law Enforcement (Controlled Operations) Act 1997. There is no link, however, between that Act and the use of identities provision in this bill. The Greens New South Wales would be far more comfortable with a direct link to the checks and balances provided for in the controlled operations bill. Commissioner Wood also expressed concern about the use of law enforcement officers in "long-term undercover capacity" due to the psychological consequences and stress caused by the need to engage in conduct which is the antithesis of the values held by officers.

To take account of the concern expressed by Commissioner Wood this bill should contain a reference to a time limit, after which the assumed identity approval should be automatically reviewed to ensure that it is still current. It is important that, after law enforcement officers have been issued with assumed identities, they are given an opportunity to express any psychological stress that they may be experiencing in relation to the assignment, and an independent psychological examination should occur at the time of review of the assumed identity approval. Investigations, including covert operations, have long been recognised as potentially risky. The Independent Commission Against Corruption [ICAC] 1993 discussion paper entitled "A high risk area: the management of criminal investigations" opens with the warning:

Criminal investigation routinely exposes police to both the temptation and the opportunity to engage in criminal acts themselves. The Corruption Prevention plan of the New South Wales Police force identifies criminal investigation as a high risk area warranting special attention and extra safeguards.

This bill does not deliver the extra level of care which we as a community—a community tired of institutionalised police corruption—expect. The Wood royal commission was not an exercise in empty rhetoric. As a community we applauded the care and attention that the commissioner brought to his job. We as a Parliament should ensure that we implement the recommendations of the Wood commission as he intended, with the relevant and important safeguards, otherwise we risk a more powerful police force with less scrutiny. The New

York police department has experienced similar problems in relation to corruption in its police force, and the ICAC has reported against its experience. In 1994 the Mollen commission report into police corruption found that corruption was a moving target. The report states:

While the systemic and institutionalised bribery schemes that plagued the Department a generation ago no longer exist, a new and often more invidious form of corruption has infected parts of this city, especially in high crime precincts with an active narcotics trade.

Its most prevalent form is not police taking money to accommodate criminals by closing their eyes to illegal activities such as bookmaking, as was the case twenty years ago, but police acting as criminals, especially in connection with the drug trade.

Corruption occurred not only because of fortuitous opportunities and the frailties of human nature, but often because of created opportunities and premeditated, organised group effort.

It is precisely that type of behaviour that the Wood royal commission sought to guard against. The Government should look at linking the safeguards provided in the controlled operations bill to the reforms contained within this bill. The Greens also ask the Government to make it explicit in the bill that the improper use of an assumed identity by any other person is an offence. The Greens have many concerns about this bill and oppose it.

Reverend the Hon. F. J. NILE [6.14 p.m.]: The Christian Democratic Party strongly supports the Law Enforcement and National Security (Assumed Identities) Bill, which will regulate the issuing and use of assumed identities in law enforcement. The bill seeks to ensure that Federal or State law enforcement agencies do not have to fight organised crime with their hands tied behind their backs. A number of honourable members focused on the possible corruption of police officers without taking into account the highly organised and sophisticated nature of organised crime in our society. Earlier today, when I was preparing my speech on this bill, I remembered a recent incident which has shocked the nation. Twenty-six letter bombs have been mailed to a variety of people, including commissioners of Federal government agencies and a solicitor in the Police Integrity Commission.

It is assumed that the person who sent those letter bombs is a former employee of the Australian Taxation Office who had access to a range of records and documents. He would be an ideal person to assist others engaging in organised crime. He would receive payment from those figures and help them to identify and track down officers and

undercover people working in various law enforcement agencies. This bill will give law enforcement officers a fair go; it will give them at least an equal chance to carry out their duties. I have read a lot over the years about organised crime. I will not be discouraged into giving up my fight against it. However, I am staggered at the sophistication of organised crime, at the way in which that criminal element operates and at the modern equipment that is used. Every time we give police additional powers or better equipment such as firearms, vehicles and surveillance equipment they basically have to try to catch up with organised crime. It is one step ahead of them all the time. This bill is one small step in the right direction. I believe that the bill contains sufficient safeguards. The Minister said in his second reading speech:

There is to be both external as well as internal accountability. The annual report of each authorised agency must include a statement of the number of assumed identity approvals granted, varied and revoked; the general nature of the duties to be undertaken by officers when they use assumed identities; and any fraudulent or other criminal activity detected during the annual audit. The statement in the annual report must not include any information that, if made public, could put law enforcement and national security officers, or anyone else, in danger. As it is essential to protect law enforcement and national security methodology and any current or proposed investigations and operations, any information that might prejudice these must also be excluded from the annual report.

I refer again to the sophistication of organised crime. Government departments can identify documents through the use of some hidden code. If those documents appear elsewhere those departments will be able to trace the persons who photocopied them. Organised crime is just as sophisticated. By putting together information from a number of sources it is able to identify an officer involved in an undercover activity, such as drug trafficking, and that officer's life is immediately placed at risk. This bill will give police law enforcement agencies a fair go in the war against organised crime.

The Hon. Dr A. CHESTERFIELD-EVANS [6.19 p.m.]: I will not speak at length in debate on the Law Enforcement and National Security (Assumed Identities) Bill, which is very law-and-order oriented. I would have preferred it if the bill had dealt in particular with crime prevention. This bill was introduced as a direct result of the Wood royal commission, which recommended control and regularisation of the use of assumed identities. Undercover police have to assume other identities. To do that they require false drivers' licences, birth certificates and Medicare cards. Up until now those things have been provided by relevant agencies and agency heads. The same loose arrangements are in place for the Australian Security and Intelligence

Organisation [ASIO] and the Australian Federal Police. Undercover operations are a bit of a grey area. Although it is an offence for anyone to obtain false documents, no-one is prosecuted, obviously because the police would be instituting proceedings against themselves.

The Minister's office has advised me that the Federal Police, other State police services and ASIO are likely to adopt the thrust of the New South Wales legislation next year to formalise their arrangements. The Australian Democrats believe that this is a good bill because at present there are no controls in this area. We believe that it is better for the matter to be regularised than to be dealt with by a quiet arrangement between departments which does not come under scrutiny and, as such, could be open to abuse. So the Australian Democrats support this bill and the amendments which have been circulated but which I believe will not be moved.

The Hon. J. W. SHAW (Attorney General, Minister for Industrial Relations, and Minister for Fair Trading) [6.20 p.m.], in reply: I thank honourable members for their contributions to the debate and for their general support for the bill. Some amendments have been circulated by the Hon. R. S. L. Jones. I understand that he will not be proceeding with the amendments, but I stand corrected. Madam President, I suggest that you seek leave to proceed to the third reading forthwith, but the procedure is available for honourable members not to grant leave. I have been informed that the Hon. R. S. L. Jones will not proceed with the amendments he has circulated, so perhaps the House can proceed to the third reading forthwith.

Motion agreed to.

Bill read a second time.

Third Reading

The Hon. J. W. SHAW (Attorney General, Minister for Industrial Relations, and Minister for Fair Trading) [6.22 p.m.]: I move:

That this bill be now read a third time.

The Hon. R. S. L. JONES [6.22 p.m.]: I had anticipated making my remarks in Committee, but as the bill did not go into Committee I shall make a few brief remarks now as a result of advice I have received. A senior counsel has expressed concern about some provisions in the bill, including the definition of "officer". He suggested that the definition be amended by deleting the words "and any person exercising the functions of officer, agent

or employee" to tighten the provisions. He further suggested that clause 4(1) be amended by inserting the words "for the carrying out of the officer's official duties for the agency" at the end of the first sentence and that the second sentence be deleted and insert instead the words "The approval remains in force for six months".

The senior counsel suggested also that clause 11 be amended to provide that "The record kept under section 10 is to be audited at least once every six months by a person appointed by the chief executive officer of the authorised agency concerned. Such officer must be a senior officer." Finally, he suggested that the word "must" be deleted from clause 14(1), line 12, and be replaced with the words "if it is satisfied that the interests of justice so require". I knew that my proposed amendments would not be accepted, but I thought it appropriate to put those comments on the record.

Motion agreed to.

Bill read a third time.

MAIL PARCEL BOMBS

The PRESIDENT: Advice has been received that Parliament House may be one of the locations targeted by the person responsible for mailing parcel bombs, so members are requested to take special care in dealing with their mail, both here and at home. Attendants and Security have been advised and they have been directed to forward all mail for X-ray checking before they deliver it to our offices. If you receive any mail that looks suspicious, please notify Security. A notice that has been sent to all members about this matter has details on how to identify parcel bombs.

[The President left the chair at 6.25 p.m. The House resumed at 8.15 p.m.]

DEPARTMENT OF THE LEGISLATIVE COUNCIL

Report

The President tabled the annual report of the Department of the Legislative Council for the year ended 30 June 1998, together with a summary.

Report ordered to be printed.

PROTECTION OF THE ENVIRONMENT ADMINISTRATION AMENDMENT (ENVIRONMENTAL EDUCATION) BILL

Second Reading

The Hon. J. W. SHAW (Attorney General, Minister for Industrial Relations, and Minister for Fair Trading) [8.18 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.

The Government's reforms of environmental education are about better co-ordination of effort, better use of resources and better recognition of the wide array of service providers who play a role in the delivery of environmental education.

Environmental education is widely recognised as one of the most important tools available to us in dealing with the many pressing and emerging environmental issues with which we are faced. In spite of this, educational approaches in this field are often applied in a less strategic and systematic manner than is necessary to achieve the outcomes we all seek. The Carr Government is determined to create a framework to address this problem.

Our proposal to establish a Council on Environmental Education was not just plucked out of the air. It was the result of extensive consultation with all relevant stakeholders. The proposed council will be more than an advisory body. It will co-ordinate the development of three yearly statewide environmental education plans. These plans will clearly articulate the priority environmental outcomes set out in government policy and will link educational initiatives to these outcomes.

As the council will include representation from all sectors involved in the delivery of environmental education, it will be well-positioned to ensure a co-ordinated effort in delivering programs that achieve these priority outcomes. This is a very important feature of the Government's proposal.

While, undoubtedly, there are many first-class examples of environmental education programs in this State, it is widely considered that these initiatives are far too often delivered independently of one another, outside any broader strategic framework.

By providing a framework for co-ordinating the planning and delivery of environmental education, we will see great advances in the contribution that this tool can make towards improving the environment. In addition to the education reforms canvassed in this proposal, the bill sets out a number of minor amendments consequential to the enactment of the Protection of the Environment Act 1997 that would otherwise have been dealt with by miscellaneous statute law amendment.

The whole community of New South Wales recognises the need for environmental education. In its 1994 and 1997 community surveys, the Environment Protection Authority found that over 85 per cent of people in New South Wales believe that one of the two major causes of environmental problems is that people just do not know what to do to protect the environment.

We know from these and other studies that people already have very positive attitudes to the environment. Environmental education is not, any more, just about changing attitudes; it is about increasing knowledge and developing skills that will allow people to overcome the obstacles to change.

So, we need a co-ordinated effort, but also an effort focused on giving people what they need so that they can play their part in environment protection. People are tired of messages of

doom and gloom. They want knowledge, they want help in developing practical skills and they want feedback on whether the things they are doing are making a difference.

The community will only be able to realise this aspiration when all of those involved in designing and delivering environmental education are doing so in concert with one another. As the Minister pointed out in her second reading speech in the other place, the New South Wales Parliament has recognised the legitimacy of this aspiration previously and attempted—albeit unsuccessfully—to grapple with the issue of appropriate legislation to support environmental education.

So, while the bill before the House now is not the first time the New South Wales Parliament has considered this issue, it is the first time a proposal put to this place regarding environmental education has been developed after a full and detailed consultation process with all key stakeholders. It is the first time that a model for dealing with this issue has been purpose built to suit the needs of the New South Wales community.

The previous proposal—a private member's bill sponsored by the then member for Davidson, Dr Terry Metherell—was a laudable attempt to deal with some of the issues I have raised. However, its focus on school education did not recognise the breadth of environmental education. The Government's proposal differs considerably in that it acknowledges that environmental education must be a lifelong experience—what happens in schools is important, but equally important is the need for programs in many other areas of life.

As honourable members know, the Metherell proposal was not finally enacted. When the Carr Government came to office we sought to correct this situation by undertaking a major policy review of environmental education in New South Wales. This review was designed to complement all of our other environmental reforms. In short, the Government wanted to ensure that every aspect of environment protection was thoroughly overhauled.

Another major difference between the Metherell proposal and the one before the House now is that the Carr Government embarked on a very thorough consultation with all key stakeholders about its reforms. During 1996 a green paper was developed. This paper set out clearly the history of environmental education in New South Wales. It documented major developments in the field. Importantly, it put forward a model for creating the coherent framework which all agree is needed.

The Minister for the Environment and the Minister for Education and Training launched the green paper in February 1997 at a workshop at Macquarie University attended by more than 300 people. Following that workshop the green paper was widely distributed and more than 110 formal submissions were received.

The Government's proposal had a clear vision—a high quality, integrated and effective system which ensures that all stakeholders have a role in planning, delivering and evaluating strategic environmental education for ecologically sustainable development in New South Wales.

To achieve this vision we proposed a high level Council on Environmental Education. Importantly, the Government's proposal gave the body a very tangible and much needed focus—to develop three-year, whole-of-government and cross-sectoral plans for environmental education. These plans would be submitted to the Government for consideration.

These plans were to link environmental education initiatives to priority environmental outcomes and ensure that all of those involved in developing and delivering these initiatives were working hand-in-hand. This would ensure that duplication of effort was avoided and that gaps in programs could be identified and addressed.

The Government's proposal committed the council to developing performance indicators for its environmental education plans and to reporting on actual progress in implementing these plans in state of the environment reports. Given the long history of this issue, key stakeholders were very enthusiastic about the Government's approach. Agreement about the need for reform was universal in the submissions responding to the green paper.

The model put forward by the Government was also widely approved. Where concerns were expressed, these were about the size and make-up of the proposed council. The green paper proposal canvassed a council with 18 members, including those involved in the design and delivery of environmental education programs as well as those with an interest in the area but no direct role.

Concerns were expressed in the consultation that this would create a large and unwieldy council and make it difficult to focus on its co-ordination role. An important suggestion was made in the consultation that the Government has taken on board. This suggestion was for a smaller council, but one with the capacity to set up working groups as necessary to deal with issues requiring broader input.

This proposal, and comments made at the Macquarie University workshop, also indicated the need to formalise the requirement for the council to consult broadly when developing its plans and to include the outcomes of this consultation when submitting environmental education plans to government.

The Government has modified its proposal accordingly. The bill before the House now proposes an 11-member council made up of representatives from organisations or sectors with key roles in the design and delivery of environmental education programs.

A great deal of debate about the size and composition of the council has occurred in the other place. In spite of the fact that the consultation process did not weigh in favour of an independent chair, the Opposition has taken the position that this should be an essential feature of the council. The Government does not agree.

The model before the House now allows the council to elect a chair from among its members. This was introduced by way of a Government amendment at the Committee stage of the bill in the Legislative Assembly and replaced the earlier provision that the chair be a representative of the Environment Protection Authority.

The Opposition also attempted in the other place to amend the council's composition to include a representative of groups representing the interests of recreational users of public lands. This amendment was rejected; the Government's view is that these groups do not have a great claim at present for representation on this council. Their views will be sought through the detailed consultation processes undertaken by the council.

The Hon. A. G. Corbett has indicated that he will move in Committee to amend the bill to include a representative of the

Federation of Parents and Citizens Associations on the council. At this time the Government is not prepared to support amendments that seek to change the composition of the council.

The bill before the House already places a statutory obligation on the council to consult with, among others, organisations of parents. This recognises that parents will have a keen interest in the work of the council and will be able to provide many useful insights that will shape the development of environmental education plans. So the bill already provides for input from this important sector.

The Government is attempting through its approach to balance the workability and inclusiveness. The council must be small enough to work effectively; it must have operating processes which ensure that those who are not members are included in the work of the council. The bill before the House achieves this balance. We have the right players at the table and have placed an obligation upon them to enter into a dialogue with all interested parties.

The Government supported in the other place an Opposition amendment that requires the Minister for the Environment to review the council's effectiveness in three years. The proposal before the House now was carefully crafted after a comprehensive analysis of the issues and an extensive consultation process. The Government wishes to see the resulting model implemented. We are happy, once it has had the opportunity to be tested, to see the model subject to a thorough and open review and for membership of the council to be reconsidered at that point if needs be.

The bill requires the council to co-ordinate the development of three-year, statewide environmental education plans and puts a requirement on the council to release a discussion paper—within six months of the commencement of this provision—relating to the process it will use to put these plans together.

The bill requires the council to consult with a wide range of groups and to advise the Government of the outcomes of such consultation. The bill provides for the council to establish working groups where it needs to, either to deal with particular issues or to consider the needs of particular groups within the community.

Another issue raised during the consultation process was the provision of funding for some areas of environmental education. This issue was, in part, addressed by the reforms to the environmental trusts scheme enacted in the budget session.

From the year 2000 a minimum of \$500,000 per year will flow to community groups for environmental education initiatives. This will provide funding certainty in an area where none previously existed. Funding issues will also be addressed by the council.

There is already a significant commitment of resources to environmental education. This occurs in agencies within my own portfolio and others. We know from consultation on the green paper that there are areas of duplication. We know that by putting an end to such duplication we will free up resources. We know that there are gaps in program delivery to which those freed up resources can be allocated.

All of the key stakeholders have indicated not just their willingness to work together, but their strong desire to work together. They know they can deliver better outcomes for the community if they do this. They know that these outcomes will not just be in terms of greater efficiency in the system but

in improved quality of the outputs of programs in different sectors.

The final issue raised in consultation was that the bill should provide detail on the process for appointing members to the committee. The bill before the House does this. Environmental education is an area where there is clear agreement about the need for co-ordination. It is also an area where there is wide agreement about the need for programs that increase knowledge and develop skills. Neither the community nor educators want environmental education that focuses on doomsday scenarios and engenders the powerlessness that necessarily flows from this.

The Government is putting before the Parliament a proposal that will position New South Wales as the national leader in this field. Not only that, we are putting in place the kind of approach that is entirely consistent with international agreements for progressing environmental initiatives. Already, even before this reform process has been completed, the work being done in New South Wales is attracting attention nationally and internationally.

Getting this right will further consolidate the reputation of New South Wales as a leader in developing environmental management tools. Our proposal builds on the thinking and work that has been going on in the environmental education community and provides a framework for action. I commend the bill to the House.

The Hon. J. F. RYAN [8.18 p.m.]: The Opposition supports with great pleasure the Protection of the Environment Administration Amendment (Environmental Education) Bill because it continues a great tradition that was established by the former coalition Government.

The Hon. R. S. L. Jones: It was Terry Metherell's bill.

The Hon. J. F. RYAN: Indeed. In 1988, when the coalition came to office, environmental education was fragmented and traditional in its scope. It was limited in our schools largely to a few important events, such as the celebration of Wattle Day and Arbor Day. When the Greiner Government came to office Terry Metherell and Tim Moore designed a bill that established the original proposal for environmental education. Perhaps it became a little more famous than hoped. Nevertheless it established the credentials of the coalition Government with regard to environmental education.

When Madam President was the education Minister she established the first environmental education policies within our school system. As a humble backbencher I suspect that I will not participate in further debates in the House this session. Therefore, I would like to pay a short tribute to Madam President. Virginia Chadwick's role within the Liberal Party has been phenomenal. She was the one who saved us from trouble in the education portfolio. Whilst we may have had the

right policies, in many instances our relationship with much of the education community was strained.

There is no doubt that as education Minister Virginia Chadwick took us a long way—from many thousands of protesters demonstrating outside Parliament against our education policies to the Teachers Federation complimenting her for being one of the best education Ministers for some time. The Hon. Virginia Chadwick was a great champion of liberal ideas at a time when liberal views were not traditional within the Liberal Party. For that I thank her greatly.

Since we lost government at the last election no doubt one of the reasons we have not torn ourselves apart whilst being in opposition is the steady hand and good advice from Virginia in the party room. Finally, I have no doubt that it will be a long time before I forget how we felt when Virginia was elected as President of this Chamber. There were special reasons and I do not need to go through them. Nevertheless, it was a special occasion and one I was grateful to see.

In the few months as President the Hon. Virginia Chadwick has done a wonderful job of making this Chamber perhaps a little more relevant than the public might otherwise view it. She has done much to reverse in a quiet but effective way some of the public opinion about the upper House that has largely focused on things that do not matter but seem to have a big impact in the media. The Hon. Virginia Chadwick has done a wonderful job as President in rescuing the reputation of this place. I am proud of the job she has done as President. Although she has been in the chair only a short time, she will be remembered for a long time and I am grateful for that.

Returning to the subject of environmental education, it remains to be said that environmental education is probably one of the most effective ways of getting change towards improving our environment. All the laws in the world do not make nearly the change that can be achieved by a change in people's behaviour. We need to get young people from an early age to value the environment and to change their behaviour. As one person put it to me, the meaning of life to some people is really about consuming as many things as possible in the course of a lifetime and turning those things into waste.

Whilst I enjoy every bit of our Australian lifestyle, one of its down sides is that resources are consumed at a rate that is possibly unsustainable for the foreseeable future. Yet somehow we must organise our lifestyles to maintain our health,

economic environment and all the other things we appreciate in this country but make sure that we minimise our impact on the environment as much as possible. Education will be one of the most important ways to bring about that change because all the laws in the world do not stop people from ultimately making the decision about caring for the environment.

The overall impact on our environment is the result of many private decisions either to dispose of waste inappropriately or to use resources inappropriately. Environmental education is perhaps one of the most important ingredients we can use to improve our environment in the long term. One would hope that those who are educated through environmental education programs will eventually become managers of companies and politicians who will make important future environmental decisions. Environmental education is strategically important, but that does not mean that its best form is necessarily politically correct for conservation.

Many of the great environmental breakthroughs have been made by people thinking laterally and being able to do pretty much the same job but with less resources. It must be acknowledged that some of the best environmental decisions are made not only in the forests but also by our companies in the production of goods. By and large, the Opposition has no major concerns with the content of this bill except in a couple of respects. The Opposition will move an amendment in an attempt to have user groups of national parks recognised on the environmental education board.

The Hon. Jan Burnswoods: Do you have a particular group in mind?

The Hon. R. S. L. Jones: Four-wheel drivers.

The Hon. J. F. RYAN: I acknowledge that some people in the Chamber view those who use our national parks as people with adverse opinions of the environment. It is important to examine how important it was to bring those people on side. By co-operating with them and making them part of the picture we will be more likely to achieve advancements in environmental improvement instead of delaying them. We will pursue that aspect in Committee. Another amendment the Opposition will move and for which it hopes to receive support, relates to the chair of the committee of the environmental education board.

The PRESIDENT: Order! The Hon. J. F. Ryan has said some extraordinarily pleasant things about me and I would therefore be especially grateful if honourable members would not interject.

The Hon. Jan Burnswoods: Point of order: I was saying very pleasant things about him. I said what a nice person he was.

The Hon. J. F. RYAN: The Opposition believes there are ways and means of making the chairperson more independent and will pursue that in Committee. There is much to be said for environmental education, which I am sure will be said at a later time. The coalition has a grand tradition of supporting, encouraging and reforming environmental education. It is in that vein that it supports the bill.

The Hon. R. S. L. JONES [8.28 p.m.]: This bill was the brainchild of Dr Terry Metherell, who should be here to listen to this somewhat truncated debate on the last piece of legislation of this session and of this Parliament. David Tribe was also part of that effort. It is a pity that the legislation was not passed during Dr Terry Metherell's time but, unfortunately, he left rather suddenly. Nevertheless, six years later we finally have the bill as the last piece of legislation of the session. I hope the positioning of this bill on the program does not indicate the Government's priorities on the environment. Of course, I would not have that opinion from the forestry bill when environment was listed last after all the various development interests!

I am interested to see the Opposition's amendment proposed by the honourable member for Lane Cove because I believe that if the Hon. J. F. Ryan were shadow minister that amendment would not be moved in this House. I do not believe the Hon. J. F. Ryan has his heart in it, but of course he would not say that! We have a long way to go on environmental education. There have been considerable moves, particularly with the assistance of enthusiastic teachers, who themselves are particularly environmentally aware.

Nevertheless, we have failed badly to educate our young people on what caring for the environment means. Children are encouraged to feast at McDonald's—one of the worst environment abusers in the world. McDonald's kill more animals than any other organisation on earth. McDonald's get their beef from herds fattened in cleared rainforests—though not recently cleared rainforests, it claims.

Children are not aware that when they eat at McDonald's they are contributing to abuse of the environment. The other day in Western Australia students were playing "quokka soccer"—kicking quokkas to death. I understand that the BBC is preparing a story to show the world how dreadful

some Australian students are in their lack of care for the environment. The most appalling environmental decision was made by the Government recently in lifting the moratorium on the shooting of flying foxes. I spoke to the BBC about that today and it is going to be a global story because it too is appalled at the idea of shooting flying foxes.

The Hon. D. F. Moppett: Comedy hour?

The Hon. R. S. L. JONES: The Hon. D. F. Moppett said "comedy hour"—another demonstration of how National Party members view the environment. They have even further to go in their education than many students in this State. The Liberal Party has effective environment defenders, including the Hon. J. F. Ryan and the Hon. Virginia Chadwick. Other Liberal members care deeply for the environment—Dr Terry Metherell was one of them. The National Party, however, has a long way to go before it understands what the environment means. Australia has the worst extinction record of any country in the world thanks to people like the Hon. D. F. Moppett and his friends.

We have lost a huge number of species and many are still on the brink of extinction. That is an appalling record for the white people of Australia. In the 40,000 years that the Aboriginal people are believed to have inhabited this land very few species became extinct, yet in our 210 years in Australia we have managed to send dozens of species to extinction. Today I was down at Circular Quay with Peter Woods and the Hon. I. Cohen. We were talking about container deposit legislation. Everywhere we looked we could see McDonald's containers, bottles, every possible kind of rubbish.

We hear about new garbage tips being promoted and built in the north and the south. We have not reached our waste reduction targets through landfill, nor have we any hope of reaching them. Very few people really care for the environment. Only a small percentage of the community does anything serious about protecting the environment. Gradually we are losing the planet. I have travelled around the world many times and I have seen what is happening, as have other honourable members. I have seen the Amazon being cleared.

The Hon. C. J. S. Lynn has seen the jungles of New Guinea being cleared in the most disgraceful manner, mainly by Malaysian companies. Indonesia, Burma and the Philippines have been cleared—there is virtually nothing left of their old-growth forests. Species after species is being made extinct. The oceans, even on our own coastline, are being denuded of fish. We have seen the deliberate

extinction of the orange roughy. We have a long way to go to save the environment and very few people really understand what is happening to this planet. At our current rate of destruction we probably have only about 100 years left as a species.

The Hon. D. F. Moppett: One hundred years?

The Hon. R. S. L. JONES: If we are lucky; perhaps 200 years if we are extremely lucky. So we have to make fundamental decisions about our way of life and how we consume resources. Some people make an effort to reduce the amount of resources they use; others make an effort to recycle; others do not care a damn. They do not care about the environment, even though they are destroying their own nest. I hope that the Protection of the Environment Administration Amendment (Environmental Education) Bill will establish a better structure for cross-curriculum environment education to ensure that today's students do much better than we have done when they take control next century.

We have failed the environment miserably. Perhaps when today's students take control there will be proper species protection and an end to the annual massacre of flying foxes. Every year vast numbers are shot and their populations are dwindling. Maybe we will finally see an end to the commercialisation of wildlife. Maybe we will realise that our wildlife is far more valuable alive as an attraction for tourists—particularly in western New South Wales—than being shipped off as cat and dog meat and skins to Germany and Italy. At least one scientist has estimated that our kangaroos are worth more alive as tourist attractions than dead in large numbers after being shot.

We must re-examine the way we treat the environment. Some people have done great work. David Tribe, for example, has worked his heart out over the years and was instrumental in bringing the bill before this House tonight. People like Jeff Angel and the late lamented Milo Dunphy worked for the environment throughout their lives. So many of these people—I cannot mention all of them here tonight—have spent their lives trying to turn this whole mess around. They have not yet been very successful. They have saved little bits here, fractions there, bits of forests here and there, but the bulk of it is going—85 percent of our forests is up for grabs.

Less than 15 per cent will be preserved for the children of the next century to give them a chance

to see what these forests were like. I applaud those who have tried and I hope these children who are being taught in a better way about the environment will produce more David Tribes, Milo Dunphys and Jeff Angels so that the environment will be treated in a much better way next century. We have done an awful lot of damage in our lifetime, but I hope that something will be left for the grandchildren of today's students.

The Hon. A. G. CORBETT [8.36 p.m.]: I support the bill as I believe it will improve the standards of environmental education in the community, particularly among children. I welcome the broad spectrum of education initiatives that will be established by this measure. I also support the significant role of schools in the entire environmental education undertaking. Development of students' environmental protection skills at an early age will go far towards creating a positive, environmentally sensitive culture. The main object of the bill is to establish an environment education system that increases awareness about environmental issues and teaches environmental protection skills.

As envisaged in the discussion paper on this measure, environmental education should involve the whole community in meeting the challenge of environment protection and ecologically sustainable development; it should be recognised as an essential tool for enabling people to meet that challenge; it should establish a system that maximises efforts towards commonly agreed environmental outcomes; and it should be a lifelong process. In the past few years there have been positive changes in environmental education. Environmental education is delivered in various combinations of information products and services, public communication programs such as telephone information services and the Internet, community development programs, site-specific programs, career days, comprehensive personal education programs and school curriculums.

This versatile and broad sphere of education imposes the need for integration and co-ordination of products and services in accordance with methods of achieving environmental education and environmental protection. To be effective in achieving ecologically sustainable development, environmental education needs to be continually assessed and evaluated, and programs need to be effectively co-ordinated across fields. The bill seeks to establish the Environmental Education Council to take the lead in creating an integrated and effective system to ensure that all stakeholders have a role in planning, delivering and evaluating strategic and

environmental education for ecologically sustainable development in New South Wales.

A function of the council will be development of three-year plans to co-ordinate the educational programs of different sectors of government and industry. The council will be a single advisory body representing all sectors of the community, government departments and industry. It will be a framework to increase the ability of the community to protect and restore the environment. The council will replace two existing advisory bodies, the Minister for Education and Training's ministerial advisory council on environmental education and the Environment Protection Authority's [EPA] education committee.

This single advisory structure should not only reduce administrative costs but also prevent duplication of environmental education programs provided by different sectors. The bill will enable the council to achieve the goal of building on everyone's decision-making skills in a manner conducive to sustainable development. However, the measure has shortcomings that may limit the council in building a progressive environmental education system. One of the limitations is the membership of the council. At present the balance is tipped in favour of government departments and industry. This could restrict the independence of the chairperson, who is elected by members of the council.

Another limitation of the proposed legislation is that the council does not include a representative of parents and childrens organisations independent from government and industry. The council will have as members representatives of each department and organisation engaged in providing environmental education, but there should be more balance between government, industry and community representatives.

The education of children is of particular importance. In Committee I will move an amendment to provide that a member of the council be nominated by the Federation of Parents and Citizens Associations. The proposed legislation will be strengthened if the public has equal access to environmental education plans, through both consultation and direct representation on the council. There are a number of good reasons for placing a representative of the Federation of Parents and Citizens Associations on the Council on Environmental Education. Parents and carers are primary providers of education to our young citizens and they should be represented at every level in the public school system.

The Federation of Parents and Citizens Associations has a long record of involvement in environmental protection and education. The federation's commitment to the environment is also codified in its environmental education policy. I point out to honourable members that not many environmental protection groups have an environmental education policy. I am sure the council will play a positive role in changing this. The environmental education policy of the parents and citizens federation expresses an holistic view of education and the environment. Its opening statement is:

Environment education includes learning how to view any situation as a whole. Students, parents and teachers should build a coherent understanding of the world. The interest of different species, whether animal or plant, are integrated. The curriculum for every student must show students how facts, skills and attitudes come together to inform our actions.

The Government has informed me that it will not support my amendment, as increasing the size of the council could render it unworkable. I do not believe that one extra community member on the council would result in an unworkable council. On the contrary, I believe that the Federation of Parents and Citizens Associations, with its dedication to the environment and the diverse communities it represents, would be a great asset to the council and the environmental education system in this State. However, given that this amendment may not be accepted, I ask for an assurance from the Minister that the Federation of Parents and Citizens Associations will be included in consultation at every level of implementation of the legislation.

Considering the long period over which this measure has developed, and its object of establishing an holistic and comprehensive environmental education system, the bill still can go further. It can prescribe more necessary functions to the council, such as advisory functions, and establish public consultation processes at every stage of development of environmental education plans. In Committee I will be moving amendments that will increase the input of the council in shaping environmental education by preparing advisory papers for environmental education products. These papers will particularly assist providers of environmental education. They will guide them in developing products and services along ecologically sustainable development principles and will take into account the diverse cultural, educational, economic and age characteristics of the people being targeted.

The advisory papers will be useful for non-government and industry providers of environmental education, some of whom may not even have an

environmental education policy. To achieve an integrated and successful environmental education system it is important that the bill clearly sets out the principles and objectives of environmental education and specifies that environmental education plans will meet the needs of the community. It must ensure that environmental education is offered by a broad spectrum of formal and informal education providers such as schools and universities, industry, professions and local government. At the Committee stage I will propose amendments that will attempt to clarify the goals of the bill.

Drafting of environmental education policy and co-ordination of the system should be an inclusive public process. It is important that all documents produced by the council—the discussion paper prescribed by the bill, the three-year education plans and the environmental education plans—be open to public viewing and subject to comprehensive consultation. The bill specifies that one of the functions of the council will be to consult with the community, an object that the Minister reiterated in the other place. However, the consultation process prescribed in the legislation will occur at every level of development of environmental education. That is also the view of the Environmental Liaison Officer. I will be moving amendments in Committee to give effect to a more thorough consultation process.

Environmental education must have a primary role in any environmental protection policy. As research and surveys have shown, community concern for the environment has improved as a result of co-ordinating education levels with environmental concerns. Environmental education is a two-way process—both a response to the community's environmental concerns and a way to inform and promote individual and societal responses. The goal of environmental education is promotion of a better understanding of these interconnections within the context of ecologically sustainable development.

This bill is a firm step towards establishing policies and programs that will develop community awareness of factors that affect the environment; knowledge and understanding of complex issues; a personal ethic enabling people to participate in improving the environment; and knowledge, skills, and commitment which enable people to act effectively. Finally, I thank the Environmental Liaison Officer and David Tribe of the Association for Environmental Education for their guidance and advice on this important issue. I acknowledge also the efforts of Violeta Brdaroska, a member of my staff, who has worked long and hard on this legislation.

The Hon. Dr A. CHESTERFIELD-EVANS [8.46 p.m.]: This bill is the end of a process that was started by the former member for Davidson, Dr Terry Metherell, who was a man of vision.

The Hon. R. S. L. Jones: He still is.

The Hon. Dr A. CHESTERFIELD-EVANS: And still is. He is now working with the Life Education Centre. His vision for education was extensive. He launched a film I made with people from TAFE called *Confessions of a Simple Surgeon*. At that time the Minister for Health, the Hon. Peter Collins, was reluctant to launch the video because he thought it was somewhat radical. This did not deter Terry Metherell. When he launched the video the Department of Education looked at it and decided it was a bit too radical to be a recommended text for schools.

However, the video went on its way to become the highest selling educational video ever made in Australia at that time—I do not know if it still is. It won a record five Australian Teachers and Media awards, an award from the British Medical Association in London, and an award at the American Medical Film Festival in Walnut Creek in California, gold and silver awards in Chicago at the American Industrial Film Festival and the Christopher Columbus Award in New York. The film would have been eligible for an Oscar had Terry Metherell launched it four days later, although he did not think of that at the time. It was certainly a controversial little film at the time. I am eternally grateful that Terry Metherell launched it—although I wish he had launched it the following week.

Hopefully, the bill will do as much to advance environmental education as my film did to deter tobacco advertising. The bill gives effect to a proposal set out in a green paper, which was amended after taking on board issues raised in consultation. It will deliver improved linkage of environmental education programs to other environmental protection initiatives; better co-ordination between agencies within government, and between government and other sectors engaged in environmental education; and greater efficiency in delivering programs by avoiding duplication, identifying gaps and targeting resources to those gaps.

Major parties may use rhetoric and tinker around the edges of environmental management but they continue to make other damaging decisions. Decisions that result in increased pollution, decreased biological diversity, wasteful practices and irresponsible resource use will result in an ever

decreasing quality of life, locally and globally. The Australian Democrats base their practical actions on a firm conservation philosophy. It is not a case of choosing between the economy and the environment. A responsible government would demonstrate that both are interlinked and can be augmented together. Doing anything less means we are poorer physically and are progressively losing our connection to the land and waterways.

People must accept their responsibility to care for the environment as stewards, recognising the intrinsic value of nature and the interconnectedness of environmental systems. They must ensure that all future generations inherit an environment that has as much biodiversity and is at least as productive and healthy as that inherited by previous generations. Understanding our environment is the only way to save it. The Australian Democrats actively promote environmental education throughout the community to raise people's understanding of environmental issues and to encourage community action to protect, conserve and rehabilitate the environment. The bill is therefore consistent with the Australian Democrats policy, which is available on the Internet at www.democrats.org.au.

The community is not adequately involved in identification and/or conservation of its heritage. That involvement is slowly improving. In particular, culturally appropriate conservation and management practices need developing for indigenous heritage. That is a key finding of the state of the environment report for 1996. We know how important it is that people make informed decisions, and that they know the best ways they can help protect the environment and minimise resource use. We will instigate environmental awareness programs to gain and disseminate knowledge about the environment and our place in it.

The Australian Democrats will work towards recognition of the important knowledge the original inhabitants of the country have and facilitate dialogue between indigenous and non-indigenous people regarding preservation and management techniques. We will work towards a bureau of environmental economics so that the costs and benefits of conservation and all government decisions can be assessed to determine their potential impact on society. We will ensure that financial and other developments promote ecologically sustainable development and remove incentives or apply disincentives for inappropriate activities.

We will develop and publish environmental standards, codes of practice and guidelines for the

purpose of better management of our natural resources. We believe in three-yearly national state of the environment reporting. We believe in the introduction of legislation to give the community and individuals legal standing and, when desirable, technical, legal and financial assistance in court actions and tribunal appeals for protection of the environment. We will improve communication and co-operation between environmental organisations, community groups, industry, educational institutions and all levels of government. We will increase and continue funding for the Environmental Defender's Office.

We will strengthen or initiate consultative arrangements and information exchange between the Commonwealth and other government and non-government bodies concerning participation in international conservation agreements and programs. We will increase grants to voluntary conservation organisations, which are willing to work very hard and cost-effectively towards helping the environment. We will encourage all members of the community to participate in environmental and conservation activities. We will review export licences which have adverse environmental effects.

We will promote nature conservation on private land to preserve flora and fauna and educate land-holders about the benefits, including increased productivity, of these practices. We will protect or improve soil and water quality and establish shade and shelter belts, environmental corridors and wildlife refuges. We will retain gene pools, conserve areas and base agricultural practices on sound ecological principles. We will introduce programs of environmental awareness in educational institutions, including environmental studies centres, which will offer a range of viewpoints. Those objectives are inherent and axiomatic in Democrat policy. I hope that these are the things that will be taught so that a generation is created that understands them and they become absolutely central to the view of life and decisions of the next generations. We support the bill with that object in mind.

The Hon. I. COHEN [8.54 p.m.]: As I speak to the Protection of the Environment Amendment (Environmental Education) Bill it occurs to me that perhaps the Greens and National Party members may have in common the belief that it is great to get out in the bush with young people, to analyse, investigate, study and appreciate nature in wonderment. That should be integrated as part of the education process. Many people stuck in cities do not realise how much there is to be learned from our environment.

The Hon. D. F. Moppett: That is where the danger lies.

The Hon. I. COHEN: Indeed.

The Hon. D. F. Moppett: Gardens and concrete.

The Hon. I. COHEN: Yes, there are too gardens and too much concrete and not enough of the natural environment, where young minds can appropriately expand. The Greens support the general intent of the bill. We are pleased that the New South Wales Government has introduced a process which should result in tailored, effective delivery of environmental education in all our institutions of learning. Environmental education in New South Wales has long suffered from too many different organisations and institutions preparing environmental education resources and delivering programs in isolation from each other.

The consultation process carried out by the Environmental Protection Authority [EPA] in preparing this bill was comprehensive: 2,000 people and groups received the green paper, 300 people attended a one-day workshop and the EPA received more than 100 submissions. That is indicative of not only the accessible process but also the extraordinary level of commitment which is a hallmark of those teachers who are involved in the statewide delivery of environmental education to future citizens of New South Wales.

Environmental educators battle the apathetic tendencies of students. More insidiously, there is a lack of support within cash-strapped departments. Friends in the teaching profession with whom I trained have bemoaned the fact that environmental education since its inception has been cut down, controlled and not given the appropriate freedom it deserves as a new discipline to enable it to expand in the school system. School administrations cannot understand the use of anything beyond the three Rs. Agency and local government technical experts ridicule the veracity of the results of environmental educators in the absence of any testing of their own. The environment movement has found this to be a problem. The findings of young people out in the field are not accepted if they are contrary to the opinion of the day. In short, it is not a good deal. Yet environmental educators continue to fight for the right of their students to be involved in environmental studies.

The reward is the empowerment of students who previously have been locked into traditional education methods. For the first time students

actively collect data on the state of their environment. I was at a public hall in Murwillumbah when the Hon. Kim Yeadon, the former Minister for Land and Water Conservation, gave awards and presented water testing kits to the schools in the Murwillumbah area. The students were enthusiastic to test the local streams as an integral part of the school curriculum. I had a lively afternoon of discussion with the students as a Green. They were challenging me constantly on the state of our rivers and streams.

Students collect data on the state of their environment, analyse it and inform other stakeholders such as councils, total catchment management committees and State agencies. They work on action plans to effect change in their communities. A successful outcome can change lives, resulting in active community participation by the students. A school at Lake Macquarie decided to use Streamwatch as an activity for what could loosely be termed as students who had behavioural problems. The students were apathetic, too cool to be involved in anything remotely related to chemistry, which was strictly for the nerds. Heading off to test the local creek they caught a whiff of sewage and, heading upstream, found an overflowing manhole in the bush.

After putting in a phone call to Hunter Water the students got down to test the flow. Pure sewage was the verdict. They watched the Hunter Water sewer choke crew clear the blockage. After the problem was solved they tested the creek above and below where the effluent had flowed and discovered the difference between the background "clean" level of their urban bushland creek and the creek after its pollution by sewage. That afternoon, after posing for the newspapers and being entrusted with the school principal's mobile phone for use while testing, the Streamwatch team from Belmore decided that environmental education was "way cool".

Two students decided to help train a new Streamwatch team in Nelson Bay the next day. In short, a group of fairly world-weary students had decided that they too could help improve their environment. They had discovered a new enthusiasm for learning, for being detectives, investigators, and for being able to bust a few people who might deserve it. That experience would remain relevant to them for their entire year-long involvement with Streamwatch and, I hope, for the rest of their lives. Once people become greenies, they are greenies for life.

The Hon. D. F. Moppett: They might be green heelers.

The Hon. I. COHEN: Absolutely. Plenty of them are needed in this growth industry. Many environmental education packages have failed or not been effective because there has not been adequate consultation with appropriate stakeholders. New South Wales teachers have long argued that environmental education packages are not designed to be integrated with the curriculum and, therefore, are not able to be effectively delivered in the classroom setting. The Greens are concerned about the lack of consistency in delivering environmental education resources to schools.

Environmental education does not come cheaply. For example, it costs approximately \$3,000 for a school to be involved in the Streamwatch program. That covers the cost of two training days, chemicals and the Lovibond test kit, which I imagine is the same kit I saw the Hon. Kim Yeadon giving to appreciative students from a number of high schools at the Murwillumbah open day. Over the past five years Streamwatch has been successfully established, with a great commitment from communities and schools, in rural and coastal New South Wales.

Unfortunately, the Department of Land and Water Conservation has not received as a priority continual State support for Streamwatch, and that is a matter of concern for future environmental education. Streamwatch asks a great deal of teachers and departments in additional voluntary time and resource commitments. If the program is not supported and those teachers, departments and schools find the Streamwatch experience to be ultimately unsatisfactory and negative, the future of not only Streamwatch but other environmental education programs is at stake.

In acknowledging the effort and commitment of students, teachers, schools, communities and councils to participating in environmental education, the Environmental Education Council needs to be aware of consistent support for successful programs and to advise the Government on the potential negatives of continually trying to launch new programs. Better resources and support for existing programs that have demonstrated their success are far more satisfying for participants and more productive for the wider community.

The bill will establish an 11-member council from a wide range of stakeholders. The council, apart from advising the Government on key issues, trends and directions in environmental education, will prepare draft environmental education plans in consultation with the community. Those plans will be subject to further community consultation and,

once implemented, will be assessed against performance indicators. That well thought out process will enable the community and interest groups to drive the environmental education planning process and contribute meaningfully to the establishment of environmental education programs in our schools, in TAFE and in community colleges and universities.

Although I am pleased that the Minister will amend the bill to allow the chair of the council to be elected from the committee's members, I would have preferred the chair to have been an independent academic. I will support the widening of the committee to include a representative from the Federation of Parents and Citizens Associations. I am pleased that the Opposition will move an amendment to establish a transparent selection process for an independent chair. The Greens look forward to consistent support for this style of amendment in a wide range of government councils in the future.

From the beginning I enthusiastically supported environmental education and I am pleased with its progress. The green movement generally has a great affinity with that type of activity. It is encouraging that these days children are given better environmental education. I went to a public school and many of the subjects such as maths and science had little relevance for me in later life. It is heartening that students these days are given a much broader spectrum of education. The Greens wholeheartedly support this bill.

Reverend the Hon. F. J. NILE [9.05 p.m.]: The Christian Democratic Party is pleased to support the Protection of the Environment Administration Amendment (Environmental Education) Bill, which will amend the Protection of the Environment Administration Act 1991 and establish a system to improve environmental education in New South Wales. I speak as a lay person who is concerned about the environment, human beings and families. I wonder whether perhaps the objective of the bill should include the words: accurate, balanced, factual, truthful, calm and unemotional environmental education. In other words, environmental education should not be propaganda.

In the past many aspects of the environment have been exploited by lobby groups and even by certain members of this House. Environmental education is often not factual but is distorted; sometimes it is even propaganda. Factual environmental education in our schools should include an accurate description of the impact of mining in Australia and putting mining in its correct

context; a factual presentation of the impact of the timber industry on Australia and on our forests; and I know that the Hon. R. S. L. Jones would appreciate an accurate presentation of the impact of kangaroo culling on the overall kangaroo population. That matter was recently distorted as far away as London, a city visited by the Hon. R. S. L. Jones.

Environmental education should also include an accurate presentation of the impact of the human population on Australia. Because of the amount of propaganda about that people are terrified of overpopulation. Some seek zero population growth for Australia, which will result in Australia becoming a stagnant nation or a nation that is dying. Similar policies have been implemented in European countries are fearful of the increasing size of their populations. We do not want our nation to die.

I am sure the Hon. D. F. Moppett would appreciate a factual presentation of the impact of farming on Australia. It is not the scourge of the nation. It is not an industry to be feared or tied up in more red tape—or green tape as I call it—so that farmers do not know what direction to take and believe they are the enemy. People must realise that milk does not come from a carton but from a cow. Bread does not come out of a packet but is made from wheat, which is grown on farms.

We need environmental education based on facts, not on propaganda. It has been acknowledged that the former Minister for Education and Youth Affairs, Dr Terry Metherell, was originally concerned about the importance of environmental education and introduced into the schools system a K-12 environmental education curriculum. The bill he introduced was primarily focused on education in schools and was not as wide in its scope as this bill. He set the stage for what we are debating today, and he said in his second reading speech:

... there is no more important cross-curriculum initiative that we can take in education than the promotion of environmental education by the measures contained in this bill. I believe there is no better way to bring into focus in the minds of young children—and, indeed, more mature students, and finally the entire community—their joint responsibilities, their balanced responsibilities, to ensure that human development in our society does not destroy the very natural systems upon which we all rely.

I am sure all honourable members agree with him. I note his emphasis on balanced responsibilities and on presenting factual material. The Hon. J. F. Ryan compared the success of our President, a former Minister for Education, Training and Youth Affairs, to Dr Terry Metherell, whose actions resulted in large protests outside Parliament House. During the

years I worked closely with Dr Terry Metherell in consultations, discussions, inquiries and so on. The large protests were because he did an unusual thing: he said that the Government, not the Teachers Federation, should set education policy and consequently he was in direct conflict with the federation and its 70,000 or so teachers.

The teachers were almost compelled to join the union and put a throttle on education in this State. It took a brave Minister for Education and Youth Affairs to take on that union. When Dr Metherell was the Minister he talked about the concepts of voluntary unionism and the Government not collecting union fees and so on. As honourable members know, each year the Government collects \$11 million in union membership fees and transfers it to the federation. I believe that teachers should make their own voluntary payments.

The Hon. R. S. L. Jones: It is for the teachers.

Reverend the Hon. F. J. NILE: The money is taken out of the teachers' salaries by the Government and then transferred by cheque to the Teachers Federation, which it uses to pay for the salaries of its staff. I am not against unions or membership fees, but individuals should make their own arrangements to pay their membership fees to their union. The Government should not collect membership fees on behalf of unions. Membership of unions should be voluntary, with individual arrangements made for the payment of fees. When the Government collects membership fees it is intimidating to teachers who do not wish to join the union.

The Hon. R. S. L. Jones: What has this got to do with environmental education?

Reverend the Hon. F. J. NILE: I am talking about factual environmental education in schools that is not set by the Teachers Federation. The Teachers Federation may decide on a left-wing political agenda for the type of environmental education it wants in schools. That approach would not be balanced or factual and would lead to a lot of distortions within the education system. The connection between the new council and the schools curriculum was raised in debate in the other place. Concern was expressed that the council would determine the environmental education curriculum in schools. I am glad that the Minister for Education and Training, the Hon. J. J. Aquilina, for whom I have great respect and with whom I have worked closely, when speaking about the environmental education curriculum, said:

The Board of Studies is responsible for the curriculum and will maintain that responsibility. The environmental education unit within the department's curriculum support unit is revising the 1989 environmental education curriculum support statement K-12. I look forward to the council being able to provide to schools and to the Board of Studies the resources and materials to support the curriculum.

Those resources and materials must be factual and balanced when being presented to students. Although the Christian Democratic Party supports the bill, I notice that there is concern about the membership of the council. I sought to ascertain who is the authority? It is strange that in Cambodia, Pol Pot had the title of "The Authority". The bill states that the council is to consist of the following members:

The Hon. I. Cohen: Are you equating the Department of Education with Pol Pot?

Reverend the Hon. F. J. NILE: It has the same tone.

The Hon. I. Cohen: They talk about God being the authority, too!

Reverend the Hon. F. J. NILE: I would not mind God being head of the council but at this stage I am dealing with a human agency. The bill says "a representative of the Authority". The Hon. R. S. L. Jones is an expert and even he does not know who it is.

The Hon. R. S. L. Jones: The Environment Protection Authority.

Reverend the Hon. F. J. NILE: That is what we think.

The Hon. D. J. Gay: Point of order: Although this discussion is interesting, I suspect that it is not directed towards the bill.

The PRESIDENT: Order! There is no point of order. Prior to being sidetracked by interjections, Reverend the Hon. F. J. Nile was speaking to the bill.

Reverend the Hon. F. J. NILE: Not only was I speaking to the bill, I was reading from it. I was trying to find a description of "Authority" in the bill but it is not there. I understand from interjections and from other places that it is the Environment Protection Authority. If that is the case, it is worse, because seven of the 11 members of the council would be bureaucrats from the public service and that could hardly make it an independent body. I know some honourable members want other people on the council. For example, a representative from

non-government schools would be interested in being on the council. I would assume such a representative would have good environmental education programs because a number of the high quality staff have doctorate degrees and specialised educational backgrounds and would be of great assistance to the State Government.

I note that one member of the council is to be chosen from a panel of nominees provided to the Minister by the Nature Conservation Council of New South Wales. The Minister for Public Works and Services put forward a convincing argument about why that type of representation should not be included in amendments. He said it was not a good policy, and I agree.

The council should not be linked to any organisation. The Government should appoint someone, a representative of a community-based organisation, from the people who are doing the job. The danger of someone representing the Nature Conservation Council is that he would regard himself as a representative of the Nature Conservation Council, when he supposedly is a representative of the people. In principle I do not agree with having positions tied to organisations. With those words the Christian Democratic Party supports the bill and is interested in the proposed amendments to ensure that the environmental education program is balanced, factual and truthful, and not propaganda.

Motion agreed to.

Bill read a second time.

In Committee

Schedule 1

The Hon. A. G. CORBETT [9.22 p.m.], by leave: I move A Better Future for our Children amendments Nos 1, 2 and 3 in globo:

- No. 1 Page 4, schedule 1[9], proposed section 27, line 29. Insert "to ensure those contributions meet the specific needs of the community for environmental education" after "contributions".
- No. 2 Page 5, schedule 1[9], proposed section 27. Insert after line 25:
 - (h) to prepare advisory papers for environmental education providers to provide guidance so that their products, services and programs assist in furthering the principles of ecologically sustainable development and in meeting the cultural and other relevant needs of the community in relation to environmental education.

No. 3 Page 5, schedule 1[9], proposed section 27, lines 26-31. Omit all words on those lines. Insert instead:

- (2) No later than 6 months after the substitution of this section by the Protection of the Environment Administration Amendment (Environmental Education) Act 1998 (referred to in this section as the *substitution date*), the Council is to publish a discussion paper setting out:
- (a) the process to be followed for developing environmental education plans, and
- (b) an outline of the proposed contents and structure of environmental education plans.

Amendment No. 1 requires the New South Wales Council for Environmental Education to consider the specific needs of diverse communities when developing three-year, statewide plans for environmental education. The amendment seeks to recognise that, if environmental education is to be accessible to the wide variety of communities that make up our society, it needs to be set out in an appropriate manner, taking into account cultural diversity, specific regional needs, and the educational and economic backgrounds of the people targeted.

Amendment No. 1 affirms the purpose of the proposed legislation to co-ordinate environmental education programs into a comprehensive system that will integrate the whole community and raise awareness about environmental issues. The council is to co-ordinate preparation of three-year plans that will describe environmental education contributions from various sectors and measure them against performance indicators. The amendment will reinforce the main purpose of the bill as it ensures that environmental education plans are regionally and culturally sensitive.

Amendment No. 2 gives the Council on Environmental Education an advisory and assistance role in the production and delivery of products, services and programs. It will enable the council to prepare advisory papers that will aid environmental education providers so that their product services and programs meet the relevant needs of the groups they target. Amendment No. 3 will implement appropriate public consultation and submission procedures for setting out the process according to which the environmental education plans are drafted.

The Hon. J. W. SHAW (Attorney General, Minister for Industrial Relations, and Minister for Fair Trading) [9.24 p.m.]: The Government accepts these amendments. Amendment No. 1 is implicit in the bill, but it does not change the intent of the

proposed legislation. The Government acknowledges that amendment No. 2 will give the council a role in assisting educators to produce quality programs without giving it any formal responsibility in reviewing such programs.

The Hon. J. F. RYAN [9.24 p.m.]: The Opposition accepts the amendments as by and large they contain little that is disagreeable. For example, amendment No. 1 states that education should meet the specific needs of the community for environmental education. The implicit intention is that education should meet the specific needs of a wide variety of people in the community, including people of ethnic diversity. Education, by its very definition, does that. Bureaucracy may be involved in amendment No. 3, but it is not onerous.

Amendments agreed to.

The Hon. A. G. CORBETT [9.26 p.m.]: I will not move A Better Future for our Children amendment No. 4. By leave, I move amendments Nos 5, 6 and 7 in globo:

- No. 5 Page 5, schedule 1[9], proposed section 27, lines 33 and 34. Omit "that substitution". Insert instead "the substitution date".
- No. 6 Page 5, schedule 1[9], proposed section 27, line 37. Omit "that substitution". Insert instead "the substitution date".
- No. 7 Page 5, schedule 1[9]. Insert after line 37:
- (5) An environmental education plan is to be tabled in each House of Parliament as soon as practicable after its submission to the Government.

Amendments Nos 5 and 6 make minor drafting amendments relating to the submission dates for the first environmental education plan and for the first performance statement for environmental education included in the report on the state of the environment. Amendment No. 5 specifies that the first environmental education plan is to be submitted to the Government and tabled in Parliament no later than one year after the substitution date.

Amendment No. 6 specifies that the first performance statements of environmental education programs must be included in a state of the environment report submitted after the substitution date. Amendment No. 7 requires that after the council has submitted the environmental education plans to the Government through both the Minister for the Environment and the Minister for Education and Training, as is already required by the bill, the plans are to be tabled in both Houses of Parliament.

Environmental education should be developed with the benefit of wide consultation, as that is only in this way we can ensure that the community has an input into the environmental plans and the workings of the council. The environmental education plan is an important document that the public has a right to access. Tabling the document in Parliament will ensure that it is on the public record and can be accessed easily by members of the public. Bearing in mind the integrated approach to environmental education and the importance of community awareness of environmental issues, it is important that the legislation provides for consultation at every level.

Amendments agreed to.

The Hon. J. F. RYAN [9.28 p.m.]: I move Opposition amendment No. 1:

No. 1 Page 6, schedule 1[9], proposed section 28, lines 2-5. Omit all words on those lines. Insert instead:

- (1) The Council is to consist of an independent Chairperson, and eleven other members chosen from the categories referred to in subsection (5) (a)-(i). Those eleven other members are to be appointed by the Minister following consultation with the Minister for Education and Training.
- (2) The Chairperson is to provide strategic leadership, vision and corporate governance to the Council in the exercise of its functions.
- (3) The Chairperson is to possess relevant tertiary qualifications and have knowledge, skills or experience in 2 or more of the following:
 - (a) environmental education,
 - (b) environmental sciences,
 - (c) education program planning,
 - (d) working with government departments and agencies and community and business groups,
 - (e) public relations and promotion,
 - (f) strong communication and interpersonal skills,
 - (g) capacity to equitably involve all relevant stakeholders,
 - (h) demonstrated skills in dealing with the media.
- (4) The Chairperson is to be appointed by the Minister as follows:
 - (a) the Minister is to make a public call for nominations for the office of Chairperson,

(b) the Chairperson is to be selected on merit by a panel chosen by the Minister and consisting of the following:

- (i) a senior officer of the Department of Education,
- (ii) a senior officer of the Authority,
- (iii) a person holding a senior university appointment in the field of environmental education,
- (iv) an independent person to represent community interests.

(5) The other eleven members of the Council are to be as follows:

The Opposition expressed its concern in the second reading debate about the independence of the chairperson. We note that five, or possibly six, members of the 11-member council will be public servants, which will give the Government significant influence on the council. The environment, particularly environmental education, may be influenced by political debate and political orthodoxy. It is important that people who organise environmental education for our State approach the educational needs of children fearlessly. The council, unlike our Board of Studies, should consist of people who are not subject to political pressure.

The Opposition believes it is important to have a mechanism that will allow the chairperson—who will be chairing a committee almost half of whose members will be public servants—to be independently selected and not subjected to political influence or pressure. The Opposition hopes that the chairperson of the council will have broad credentials in both environmental understanding and the education process. The Opposition accepts that the method chosen and outlined is somewhat bureaucratic. Without a doubt that is one of the downsides, but after consultation we have not been able to find anything that is better.

Nevertheless, this process is finite. It will not last forever, but will eventually result in the selection of a suitable person. I hope that the amendment will result in the council having a chairperson who is able to stand aside from and be independent of the Government, and independent of any influence from within the committee. The committee may consist of people who have strong views about the environment—and it would be fair to say that we have witnessed plenty of instances of that in this House. Members of the committee need to be able to look beyond educational or environmental fads, and so on, and present a program that will have the same integrity as that

presented by the Board of Studies. I commend the amendment to the Committee.

The Hon. J. W. SHAW (Attorney General, Minister for Industrial Relations, and Minister for Fair Trading) [9.31 p.m.]: The Government supports the amendment.

The Hon. A. G. CORBETT [9.31 p.m.]: I support the amendment and congratulate the Government on its positive stance.

Reverend the Hon. F. J. NILE [9.31 p.m.]: The Christian Democratic Party supports the amendment and is pleased that the Committee has taken notice of our comments.

The Hon. R. S. L. JONES [9.32 p.m.]: I congratulate the Opposition on an excellent amendment and the Government for accepting it.

Amendment agreed to.

The Hon. A. G. CORBETT [9.32 p.m.], by leave: I move my amendments Nos 8 and 9:

No. 8 Page 6, schedule 1[9], proposed section 28, line 5. Omit "11". Insert instead "12".

No. 9 Page 6, schedule 1[9], proposed section 28. Insert after line 24:

- (f) a person chosen from a panel of nominees provided to the Minister by the Federation of Parents and Citizens Associations of New South Wales,

These amendments will change the make-up of the New South Wales Council on Environmental Education and add to the council another member to be nominated by the Federation of Parents and Citizens Associations. The amendments are prompted by the need to have more community representation on the council, particularly by parents and children. I am aware that I do not have Government or Opposition support for my amendments and I will not call for a division.

The Hon. J. W. SHAW (Attorney General, Minister for Industrial Relations, and Minister for Fair Trading) [9.32 p.m.]: The honourable member is prescient in that he correctly understands that the Government cannot support the amendments. The Government does not wish to increase the size of the council. Current provisions relating to consultation that specifically refer to parent organisations will ensure that the views of the Federation of Parents and Citizens Associations are taken into proper account during the development of environmental education plans. The Government

supported an amendment in Committee in the other place—in the Legislative Assembly, I should say.

Reverend the Hon. F. J. Nile: The other place.

The Hon. J. W. SHAW: No, I eschew that tradition. I refer to it as the Legislative Assembly. I think we ought to refer to that place as the Legislative Assembly.

Reverend the Hon. F. J. Nile: It is a convention.

The Hon. J. W. SHAW: It is a convention, but it is a little bit old-fashioned. The Government supported an amendment in the other place that would result in the Minister conducting a formal review of the council's effectiveness after three years of operation. The Government believes that the membership and method of operating proposed for the council should be given a chance to work, and that changes to the membership or procedures could then be considered as part of a review process if that were required. The Government gives the assurance that present organisations will be widely consulted in the development of environmental education plans.

Amendments negatived.

The Hon. A. G. CORBETT [9.34 p.m.]: I move my amendment No. 10:

No. 10 Page 6, schedule 1[9], proposed section 28, lines 30-33. Omit "by any other body that in the opinion of the Minister is a professional organisation concerned with environmental education". Insert instead " by a successor of either of those bodies".

This amendment corrects a drafting error and confirms the intention of the legislation that the two major professional and nationally respected environmental education bodies in New South Wales would be represented on the council. The amendment will ensure that the Association for Environmental Education and the Australian Association for Environmental Education Inc., remain the nominating bodies for the professional organisation representation on the council. I am informed by the Government that that was the intention when the bill was drafted. However, in attempting to cater for the future dissolution or change of name of those two bodies, the Government inadvertently broadened the nominating role to:

... any other body that in the opinion of the Minister is a professional organisation concerned with environmental education.

I propose more appropriate wording to reflect the original intention of the section. Those words would be replaced with the following:

. . . by a successor of either of those two bodies.

The Hon. J. W. SHAW (Attorney General, Minister for Industrial Relations, and Minister for Fair Trading) [9.36 p.m.]: The Government supports the amendment.

Amendment agreed to.

The Hon. J. F. RYAN [9.36 p.m.], by leave: I move Opposition amendments Nos 2 and 3 in globo:

No. 2 Page 7, schedule 1[9], proposed section 28. Insert after line 13:

(j) a representative of bodies concerned with promoting the interests of recreational users of public land chosen from a panel of nominees provided to the Minister by bodies that in the opinion of the Minister are bodies concerned with promoting the interests of such users.

No. 3 Page 7, schedule 1[9], proposed section 28, line 16. Omit "and (i)". Insert instead ", (i) and (j)".

The Opposition believes that a 12-member body will be able to ensure that recreational users of public land are represented. It is perfectly obvious that a committee concerned with environmental education will heavily reflect the conservation movement even though so many public servants are involved. The users of public land include horse riders, mountain bike riders, fishers and drivers of four-wheel drive vehicles. It is important that they not be alienated but brought into the process of conservation.

A significant proportion of the community uses public land and it is important that those people are represented on a committee such as this. In the enthusiasm for political orthodoxy it is highly likely they will not be represented on the council. When relevant industries were made part of the litter reduction program they became more aware of environmental issues, and consequently they responded. For honourable members who believe that there is a need to make recreational users more conservation minded—although that is not my view—that is worthy of consideration.

Reverend the Hon. F. J. Nile: They could become educated.

The Hon. J. F. RYAN: Indeed. From my experience it is perfectly obvious that often recreational users have a higher level of understanding of the protection of the environment

than most other members of the community. They understand better because they spend more time in the natural environment and they understand how it works. They are often not the vandals they are represented to be, but in many instances they are people who, at best, appreciate the value of the environment and want to continue to use it for recreation and see it preserved. They often have a great deal of sympathy for the environment.

One of the most powerful reasons for having these people represented on the council is that they are an important target group for environmental education. They know how to get the message across to their members. They know how to bring about a change in attitudes, if such a change is needed. If the council becomes an enclave of political orthodoxy its message will not necessarily be passed on to people who appreciate these sorts of activities. If those people are not part of the process, the message might bypass them altogether.

If they are part of the process they cannot claim that the process has excluded them, that they have been alienated from it, or that they have not been represented on it. If they are part of the process they will know how to get the message across to their target group. There are a lot of good reasons for considering their appointment to the council, given that it will be 12-member council. There should be at least one representative of the users of the environment—owners of four-wheel drive vehicles, fishers and cross-country skiers. I commend the amendment to the Committee.

The Hon. R. S. L. JONES [9.41 p.m.]: I am surprised that the honourable member did not try to promote the appointment of representatives from the soft drink industry because they are tremendous users of the environment. The Construction, Forestry, Mining and Energy Union has a direct interest in the environment. The tobacco industry also has a fairly significant interest in the environment because it destroys huge areas of forests each year to cure its tobacco. Everybody uses the environment in one way or another. It is bizarre to single out one group that happens to own four-wheel drive vehicles. I have a four-wheel drive vehicle and I use the environment, but I do not think that I should be on the council. This bizarre and most extraordinary amendment should be rejected by the Committee.

The Hon. Dr A. CHESTERFIELD-EVANS [9.43 p.m.]: This amendment amazes me. It would be most extraordinary if we appointed someone who knew very little about the environment to a position on a council that will be responsible for controlling

environmental education. We are talking about environmental education and about the sustainability of our planet in the medium term. Those who do not know very much about the environment cannot contribute to the body of human knowledge. We are not talking about a political balance on a council; we are talking about appointing to this council people who have knowledge to impart to the next generation. The group of people about whom the Hon. J. F. Ryan referred earlier do not seem to me to be appropriate candidates for appointment to the council. I agree with the statement that we should not appoint only academics; we should also appoint communicators and educators. We must not appoint as environmental educators people who know very little about the environment. I oppose this extraordinary amendment.

The Hon. J. W. SHAW (Attorney General, Minister for Industrial Relations, and Minister for Fair Trading) [9.43 p.m.]: The Government would be incautious if it were to adopt all of the remarks made against the amendment. Nonetheless, the Government does not support the amendment. Recreational users of public lands, although an important part of the community, would not constitute the kind of major provider of environmental education that would be appropriately represented on the council. I do not see the amendment as appropriate in so far as it suggests that those recreational users should have some voice on the council. Essentially, I support the opposition that has already been articulated about the amendment.

The Hon. I. COHEN [9.44 p.m.]: The Greens oppose this ridiculous and totally inappropriate amendment. The coalition's representations on the environment, when wet, are exemplary, as witnessed in earlier debate. However, when it is on dry land the coalition appears to have trouble moving. Perhaps it would do better in four-wheel drive tracks!

The Hon. J. F. RYAN [9.45 p.m.]: Some of the comments that have been made, for example, the remark that recreational users do not know much about the environment, represent the sort of prejudice which this amendment was designed to counter. In my experience, that statement is not true. Additionally, it is not necessarily fair to equate those people as being in the same category as industry in regard to litter reduction. It is unfortunate that so much of the rhetoric which is directed against recreational users largely reflects prejudice. The Opposition moved this amendment because of the existence of such prejudice.

It is important to counter that level of prejudice and to inform others that these people have something valuable to add on the subject of environmental education. In the spirit of debate this evening—this being probably the last night of this parliamentary session—the Opposition will not divide the Committee on this issue. It recognises that its amendment is not likely to be carried. I am disappointed that my amendment does not have the support of the Government. This issue was tested in another place and I have no doubt that recreational land users will take it into account when allocating preferences at the next election.

Amendments negatived.

The Hon. A. G. CORBETT [9.46 p.m.]: I move A Better Future for our Children amendment No. 11:

No. 11 Page 8, schedule 1[9]. Insert after line 13:

28C Scope of "environmental education"

For the purposes of this Division, *environmental education* is a process that:

- (a) seeks to give a person an understanding of the inter-relationship between the elements of the total environment, a positive attitude towards it and the skills that will enable the person to actively promote its well-being, and
- (b) takes into account the particular needs of the person being educated, such as his or her age, cultural background and ability to learn, and
- (c) is a lifelong learning experience that integrates the activities of environmental education providers (such as, schools, TAFE establishments, universities, local government authorities, community organisations and industry), and
- (d) includes any process by which a person may be educated (for example, a course or a media awareness program).

This amendment will insert an appropriate definition for environmental education. People making submissions to the green paper commented that there was no working definition of "environmental education" within the bill. Without one there is no clear scope on which the council can base its educational plans. The proposed section emphasises that environmental education does not include only conventional school education; it also includes other formal and informal education covering the spectrum of on-the-job training, local government education programs, informative services and adult education. It reflects the broad nature of environmental education and will ensure that the council's approach is appropriately broad-based.

The Hon. R. S. L. JONES [9.47 p.m.]: I support this last and very sensible amendment to be moved in Committee in this session of the Parliament. I trust that it will receive unanimous support. At least it is a sensible amendment, unlike the previous amendment.

The Hon. I. COHEN [9.48 p.m.]: I support the amendment moved by the Hon. A. G. Corbett. He and his staff did a good job encapsulating environmental education in this bill, which will be of great assistance to people in the education system.

The Hon. J. W. SHAW [9.49 p.m.]: This might be the last amendment to be dealt with in Committee in this session of the Parliament. I do not know and I hesitate to predict anything of that nature. Anything can happen in State politics and it probably will. It gives me great pleasure to support this amendment, and I thank the Hon. A. G. Corbett for suggesting it. The Government recognises that crossbench members have suggested many positive amendments to government legislation which, by and large, has gone through Parliament without undue difficulty. I thank honourable members who have contributed positively to the process, and I commend this amendment to the Committee.

The Hon. J. F. RYAN [9.50 p.m.]: With the last amendment in a parliamentary session one almost expects honourable members to celebrate with fireworks and streamers. The Opposition cannot find any reason for opposing this amendment, except I am not sure Parliament should suggest a definition of "environmental education". However, I accept that the definition of "environmental education" in the amendment is as good a definition as one could find. I only hope that when Parliament meets in the new session my coalition colleagues and I will not be facing the busts of Lackey, Steven and Storey.

Amendment agreed to.

The CHAIRMAN: Before I continue I note that, having been Chairman of Committees for the past eight years, this may be the last Committee that I chair.

The Hon. J. W. Shaw: It will be.

The CHAIRMAN: Unless the Machiavellian comments of the Attorney General that the House will resume on 16 February come true. I thank honourable members for their indulgence and courtesy during the past eight years. I pay tribute to the Clerks in this role. The Committee is an important stage in the passage of legislation, and the tolerance that honourable members have shown in

Committee has been terrific. That is a great credit to all honourable members, because the Committee is where the real work of members of Parliament is done: line by line, word by word, comma by comma and full stop by full stop. Congratulations to all of you and thank you.

The Hon. J. W. SHAW (Attorney General, Minister for Industrial Relations, and Minister for Fair Trading) [9.52 p.m.]: The Government has enjoyed your chairmanship of the Committee over the past few years. You have chaired it with commendable technical expertise, good humour and goodwill. We thank you for that, and we wish you well in your next four years as Chairman of Committees.

Schedule as amended agreed to.

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

[*The President left the chair at 9.55 p.m.*]

Friday, 4 December 1998

[*Continuation of Thursday's sitting.*]

[*The House resumed at 10.00 a.m.*]

VALEDICTORY SPEECHES

The Hon. R. D. DYER (Minister for Public Works and Services) [10.01 a.m.]: I move:

That this House places on record its appreciation of the contributions made to the State of New South Wales by those honourable members retiring at the expiry of the Fifty-first Parliament.

The Hon. M. F. WILLIS [10.03 a.m.]: Last September marked 28 years since I stood on the floor of this Chamber, to the right of the chair, and swore my oath of allegiance as a new member of this House. There was at that time only one member who was younger than I was and that was the Hon. Clyde Packer. At 34 he was one year younger than I. He and I got together later and calculated that when we took into account our combined tender ages we reduced the average age of the House from something like 75 to 73. That exemplifies what a very different House this is now compared to that of 28 years ago; not only as to its method of election, but as to the nature and quality of its members. Of course, the nature and qualities of members of any House of Parliament are in many ways a reflection of the way in which those members are elected.

In those days with but a few exceptions the members of this House on both sides were people who were distinguished in their particular field of endeavour, who had reached the heights of their respective professions, vocations. Rarely, therefore, did they ever speak on any subject that was not within their field of expertise and rarely did they resort to copious notes. Certainly I cannot recall any of them, except Ministers delivering second reading speeches, speaking from lengthy prepared speeches put together by somebody else—whether they supported the views or not. That does not necessarily mean that what we had then was better than what we have now; it is just that what we have now is different. It reflects a different age and a different system of election.

Through these great changes the one thing that I think is a little bit remarkable and very good is that the psyche of the House has remained the same. It is still in essence a House of review; it is in essence distanced from the turmoil and the hurly-burly of the other place, as indeed it should be; and, by and large, its members, because of their method of election now and the longer term that they serve, reflect a broader and a longer-term vision than does the other place. When I say this, I am mindful of what I have said in this Chamber on many occasions to schoolchildren who come here as part of their education program. By and large Australians are appallingly ignorant of their great institutions of State.

Very few people in our society would know that Australia is the sixth oldest continuous democracy in the world and yet we are such a very young nation. Our great institutions of State of course are the Parliament, the judiciary, the rule of law and our civil service. I am always appalled at the way in which Australians, and the media in particular, go out of their way to denigrate these great institutions of State and the people who serve in them. It is a truism that if you tear down and criticise something over and over again, and continuously, no matter how good it is you will ultimately destroy it.

That is one of the greatest fears that I have as a loyal and devoted Australian for the future of our country. I have travelled abroad extensively, as most honourable members know—anyone who does not know should read some of the newspaper rags around this town. When I travel abroad I find that foreign people, most of them in high places, know the Australian flag and are not confused in the slightest because there is a Union Jack in the top quadrant. What confuses them is why Australians and our media continuously denigrate Australia.

They cannot believe it. They never hear a good word about this wonderful, great country from the lips of Australians.

Of course we are not a perfect society, but we are terrible knockers of our own society and we are terrible knockers of the people who occupy positions of importance and responsibility in our great institutions of State. An extrapolation of that almost obsession to knock things is what is commonly known as the tall poppy syndrome. That is the other big thing that concerns me for Australia's future. Despite those two concerns that I express, I have great faith in this country. I have great faith in the resilience of its people and great admiration for our democratic process. Twenty-eight years in this place is a long time but, as someone reminded me the other day, three years after I was elected to this place in 1970 one member retired after having been here for 42 years. That was Frank Spicer.

The Hon. R. D. Dyer: How many elections did he face?

The Hon. M. F. WILLIS: None. He never faced an election or a preselection, which is much harder.

The Hon. J. R. Johnson: He came in as a Labor radical and went out as a member of the National Party.

The Hon. M. F. WILLIS: Indeed. To those members who are relatively new to this place and to all those people outside who aspire to become a member of this, or indeed any, Parliament, I can only quote from the biography of the late Harold Macmillan, former Prime Minister of England:

You will not find in politics, ever, fairness or gratitude.

Anyone who comes into this field of endeavour with those expectations is doomed to be disappointed, injured and embittered. I have been heard to say on many occasions that a democratic parliament is society in microcosm, and life in parliament is life in microcosm. Parliament is a microcosm of society, therefore it reflects the good and the bad, the stupid and the brilliant, the lazy and the energetic, and all the other qualities one finds in human nature. Life in parliament is like life at large, but it is in microcosm: it is bittersweet.

In 28 years I have enjoyed and endured in this place just about every one of life's experiences. Some of them have been exquisitely happy and very gratifying. Some of them have been mind-blowingly disappointing, cruel and embittering. It is the way

one endures the latter that is the greatest experience of this place and, in particular, the way one rises above these disappointments determines the quality of the individual. I only hope that I have been able to endure those disappointing times and that, as a result, my character has been enhanced.

I come now to so many of the people with whom I have been associated, both those who have been colleagues and those who have served me as a member in this place. Amongst my colleagues since 1970 have been some wonderful people and some great personal disappointments. However, I feel I am more experienced and a better person for having shared this life in politics with them. In my moments of despair, some whom I did not expect to do so demonstrated to me a friendship and loyalty I thought they did not have for me. Others, whose friendship and loyalty I thought I commanded or had, proved to be treacherous, and betrayers of my friendship and trust. That was the greatest disappointment of all. But, such is life, and one must get on with it.

To all my parliamentary colleagues who worked with me and helped me in my roles as Deputy Leader of the Opposition, Leader of the Liberal Party in this place, Leader of the Opposition, chairman of the social issues committee and subsequently President, I am most grateful for your assistance. One needs a very thick hide in this place, but, above all, one requires an exquisite sense of humour. I say, "exquisite" because you must be able always to laugh at yourself. That is probably the only palliative there is to the distressful times one might experience in political life. In short, what I am saying is, you cannot afford to be precious and you must always have the capacity to laugh at yourself even when you are trying to be terribly serious.

When I became Leader of the Opposition in this place my deputy was the Hon. Bob Rowland Smith. Although there was great disparity in our ages, and considerable disparity in our political thinking, we made a pretty good team. Bob, to me you will always be deputy. I thank you for your loyalty, for your counsel and for your very great assistance during those years. During the time I was President, which is the greatest honour I have had in this place, the Hon. Duncan Gay was my Deputy-President and Chairman of Committees. I have seen a lot of deputy-presidents and chairmen of committees in this place and I would have to say truthfully that the only one whose capacity to handle the job might have been marginally better than Duncan Gay's was the late Adrian Solomons.

I come now to the staff of the Parliament. Politicians come and go but the people who preserve the fabric, the psyche, the tribal wisdom and the corporate memory are the staff. I do not include only the Clerks at the table. I include all the staff from the Clerk of the Parliaments right through to the building assistants, who move the chairs, set things up and move tables in and out when we have formal occasions. Those down that chain are all part of the corporate fabric around which politicians become the Parliament of this State.

When I have given awards out to these people for 10, 15, 20, 25, or 30 years of service I have made the point of saying to them, "Your position in this place is much, much more important than you believe, because you are the custodians of the corporation called parliament; we are merely the people who come and use its fabric from time to time." In that context I would like to thank in particular the Clerk of the Parliaments, John Evans, for his loyalty, guidance, wisdom and support during my seven years as President. Of course, the thanks extend to the other clerks of the table.

I have a special thankyou for my friend the Usher of the Black Rod. We bonded very quickly after I became President when, between us, we had to do something which had been done only once before in the life of the Parliament: stage the spectacular of the opening of the Parliament by Her Majesty the Queen. As many of you know, I served for many years in the army. I was very proud of my capacity in drill on a parade ground. I always believed that my regiment was the best drilled there was in the army—even if it was not. But nobody ever taught me how to march backwards.

I had to teach the Black Rod to march backwards. He could not even turn left or right or about-turn. He had never been in the military. It was relatively easy to teach him to turn left, turn right, and about-turn but, my God, when it came to teaching him to march backwards . . . Anyway, it was a wonderful experience and in the whole of that episode I became very appreciative of his efforts. He did march backwards and he did it very, very well. I was going to suggest, Madam President, that you might send him off to Westminster and tell the new Lord Chancellor, Lord Irvine, that if he cannot march backwards the Black Rod from the Legislative Council of New South Wales will teach him. Thank you, Warren Cahill, for your service as Black Rod and your friendship to me during my presidency.

I come now to my personal staff. I will not go right back to the first secretary I had when I became

a member of this place because I did not have one in those days. The first secretary I had was when I became Leader of the Opposition and I inherited Vera Sougle from my predecessor, Sir John Fuller. She was a great little dynamo. I think that my next secretary was Alison Burk, when I became chairman of the social issues committee. She then followed me into the presidency. She was a tremendous support. Then I had Vicki Page and then I had your current secretary, Madam President, Donna Hesford. All three served me loyally, faithfully and very efficiently and I thank them.

I owe a special thanks to my three executive officers: first, Trent Zimmerman; second, Shayne Mallard and last, your executive officer now, Madam President, Jason Collins. As Young Liberal presidents from time to time they were really quite pains in the butt, but overall they demonstrated to me the future politicians of my party in this State and they exemplified the very high quality of young people who are coming up through its ranks. I have no doubt this applies to the ranks of the Australian Labor Party.

I want to say a special thankyou to the man who was my driver for my seven years as President, the ubiquitous Patrick Callaghan. When I chose Patrick out of a field of 137 applicants and 24 finalists I made an incredibly good choice. Patrick Callaghan typifies the really good guy Australian. He served me loyally; he served me faithfully; he served me with diligence; he served me with infinite tolerance. We became very good friends and we had a great time.

I was terribly saddened, and I must confess that I am still embittered, about the circumstances in which he was driven by the yellow press of this city from his job. He and his family were put under such obscene pressure that they could tolerate it no longer. He came to me with tears in his eyes and said, "Sir, I can't take this any longer. My family can't take this any longer. Will you let me go?" He did not say, "I am going", he said, "Will you let me go?" What he meant was that if I said no he would have stayed and endured it.

Of course I said, "Patrick, go with my blessing and I just apologise for the terrible, terrible obscenities and pressures that you have been put under." I am not a man who holds grudges but I will never forget and I will never forgive what was done to Patrick Callaghan. My present staff member is, again, a unique sort of person and very multiskilled, Ralf Hobeck. He has even learned to type letters. He has been a loyal and faithful servant. He volunteered to stay with me until my term finishes in March. I

am most grateful to him for that and I am most grateful for the great service that he rendered during my presidency.

Madam President, I do not think I should say anything more except that it has been a great honour for me to serve this Parliament, to serve the people and to serve my party as a member for, by the time I leave, well over 28 years. It was a particularly great honour to have been President of this place for something like seven years. I told my colleagues that I did not like valedictories but now that I have just delivered myself of one I have a warm and fuzzy feeling. I wish you all well for the future. I wish you a happy and holy Christmas and I wish you a prosperous and successful new year. Those of you who are staying I wish a successful further career in this Parliament in the service of the people.

The Hon. R. B. ROWLAND SMITH
[10.29 a.m.]: Madam President, may I commence by thanking you and the Government for giving retiring members the opportunity to reminisce a little. This is the first time, in my experience anyway, that we have had an opportunity for valedictories. I thank the Hon. Max Willis for the kind words that he expressed about me. I have always remained a deputy. During the period from 1978 to 1981 when he was Leader of the Opposition he used to put his head round the door and say, "Morning, Deputy". I got a complex about that—I thought I was about to become Deputy Dawg, like the cartoon character that appeared in the paper.

Many years ago my father told me that if I became a member of the Legislative Council I would have achieved a great deal. How right he was. I have made many friends. I was elected Leader of the Country Party in 1978 when Sir John Fuller retired and Deputy Leader of the Opposition under the Hon. Max Willis. I became a Minister of the Crown, and have thoroughly enjoyed the period I have been in this illustrious Chamber. I will always recall my introduction into the Chamber on 1 October 1974, when I was sworn in. The Hon. Mac Falkiner—who, incidentally, has just turned 90—took me in hand. I had known Mac for many years because of our mutual interest in sheep and wool. We sat on the backbench and he explained to me who was in the Chamber.

At that time the coalition was in government. Sitting opposite were some of the most illustrious people from the Labor Party. I recall people of the calibre of Ralph Marsh, Lindsay North, Bill Peters, Kath Anderson and many others. At that time the President was Sir Harry Budd, a noble and gentlemanly man. On our side of the Chamber were

people of the calibre of Sir John Fuller, Mack Hewitt, Tom McKay, Sir Edward Warren, Roger de Bryon-Faes, Fred Duncan and, of course, the Hon. Max Willis. Members of the Labor Party had been and still were officials of different unions—somewhat different from the membership today. On our side of the Chamber all members had grazing or business interests, so it was a diversified House and certainly a House of review.

Whilst we had a fair amount of work to do with legislation, we were still able to carry on our business activities. In 1974 I was given a desk and a telephone in a room at the back of the old building that housed eight members of the Country Party. The late Adrian Solomons and Leo Connellan had a room opposite. Being the youngest of the members, I had to answer the telephones. Their telephones never stopped ringing and I wondered whether they had an SP business. I found out that that was not the case. The most difficult task at that time was to be accepted by our lower House members in the Country Party.

The Hon. Dr Marlene Goldsmith: It still is!

The Hon. J. F. Ryan: What's new?

The Hon. R. B. ROWLAND SMITH: Things have not changed much, have they? One morning Sir Charles Cutler, who was the leader, had me to tea at Richmond Cottage, which has been removed to Observatory Hill but was then the home of the Country Party. I was introduced to all of the lower House members of the Country Party. They proved to be very friendly and I thought that this was easy going. Little did I realise that it was the early part of the day. The member for Castlereagh, Roger Wotton, got hold of me at 9 o'clock that night and said, "I want to take you over to Richmond Cottage to have a drink and chat to our colleagues." I went over.

What a difference in approach. The wine was flowing freely, as indeed were the voices. I heard one particular member, who would be known to most honourable members present, say, "Who in the hell is this Rowland hyphen Smith?" We got over that pretty quickly, and I was accepted into the fold. From that time on there were no problems. In those days speeches in the Chamber were limited, not by standing orders, and questions were limited to about three or four. We were able to get through our work most efficiently and in good time. If I may be permitted to say so, I believe that consideration should be given to that after the next election. I feel strongly that speeches should be limited to a certain time frame—

The Hon. Franca Arena: Hear! hear!

The Hon. R. B. ROWLAND SMITH: Good! Questions should be framed in such a way as to put the Ministers on the spot, rather than asking questions of Ministers in the other place and receiving no response. I will have a little more to say about that before I finish this farewell speech. Being in opposition, as the coalition was after 1976, and particularly being the deputy leader after 1978, was a task that was onerous but fulfilling. The Parliamentary Library informs me that I have made 681 speeches—this will be the 682nd—and have asked 1,120 questions.

The Hon. D. F. Moppett: How many answers did you get?

The Hon. R. B. ROWLAND SMITH: That is a very good question, because in those days we did get answers. From 1978 to the 1988 election I had three Liberal leaders, namely Messrs Willis, Lange and Pickering. We got on fairly well, but the task was not easy. After the 1988 election I was appointed the Minister for Sport, Recreation and Racing. That portfolio suited me down to the ground. I recall that on the night we were given our respective responsibilities my eldest son rang me to ask, "What did you get, Dad?" I said, "Have a guess", and he asked, "You didn't get Corrective Services, did you?" I said, "No, I got sport, recreation and racing." My son said, "That's good, because if you've got any problems about sport you'll be able to contact me and I will help you solve them." At that time my son was the master in charge of physical education at his old school in Parramatta. Fortunately, I did not have to consult him on too many occasions.

One of the real characters in the Council back in 1974 was the Hon. Bill Peters, whom Sir John Fuller dubbed as the Mayor of St Petersburg. He was the secretary of the Felt Hatters Employees Union. Imagine how far anyone would go today if he represented that union. Nobody wears a felt hat anymore! Anyway, Bill Peters used to stand up at the table to speak without any notes—not like me—and lean heavily on his braces, which he would twang on numerous occasions during his speech. I happened to say during one of his speeches that I was a worker, and I thought that old Bill would have a heart attack. He looked at me and said, "You, a worker? You're a silvertail."

However, Bill and I got to know each other quite well and became very friendly after I invited him to visit our wool-processing plant in Orange. He was attending a local government conference in that

city. He came out to the plant and I introduced him to our Japanese wool manager, who told Bill that he had two sons, one of whom supported Eastern Suburbs and one of whom supported Western Suburbs at rugby league. Bill was the president of Western Suburbs rugby league. At that time my son was training Western Suburbs. Old Bill was absolutely overcome and said to the Japanese manager that he would send him up some mementos for his son.

One day Bill came into Parliament with a bag full of pins and God knows what else. He said to me, "When Easts plays Wests at the sportsground you must bring the boys down from Orange so they can come to the game, and I will look after them." I duly did so. At the end of the day Bill said, "Where are those Chinese kids, son?" I said, "They're not Chinese, Bill, they're Japanese." He said, "All the same to me." Anyway, they went in and met all the players and had a thoroughly good time. From that time onwards Bill and I became great pals. He was a lovely man and a very good Christian. I went to his funeral at Ashfield, which was jam-packed with people wishing to pay their last respects to him.

I recall another illustrious member of the Labor Party of those days, one Lindsay North, who had been the Secretary of the Textile Workers Union. We had a small problem at the Orange plant and I happened to mention it to Lindsay. He said, "Not to worry, get me a ticket and I'll come up and talk to them." I duly did that and Lindsay came up. Within a matter of half an hour Lindsay said, "Not to worry, the matter is fixed." That proved the calibre of the man—he was doing it not only for me but for the workers as well. He really was a mediator.

My major outside interests have been in wool, not only in growing it but also in processing it for shipment overseas. Back in 1964 when I was Chairman of the Wool Exporters Association of New South Wales and Queensland I espoused the cause of value-adding of wool here in this country and particularly in New South Wales.

I spent four years on the Wool Board and, as honourable members know, the industry is in a terrible bind at the moment. It is to be hoped that the situation will improve before too long. I believed that we should be part-processing our wool up to the stage of spinning and this eventually came to fruition. It was in 1972 that I was able to establish, in conjunction with Toyobo Osaka of Japan and Marubeni of Australia, a wool processing plant in Orange. This plant has now processed well over several million bales of greasy wool.

As a result of that initiative plants were established in Cowra and Goulburn, with a large plant in Wagga Wagga. It had always been my desire to further the interests of wool in this State and in this country. Initially 110 people were employed at the plant. Unfortunately, this number has been reduced to about 90, mainly due to modern technology. My days as a Minister were rewarding, although I worked seven days a week in that portfolio because Saturdays and Sundays were big days for sporting events. I believe I was able to achieve a lot for sport.

However, I was bitterly disappointed that following Cabinet giving 100 per cent support for sports betting the Premier of the day contacted me and said to pull it off. When I questioned him on it, he gave as the reason that he had been to a lunch with Jack Gibson, the famous or infamous rugby league coach—and also, I believe, an SP bookie—and he criticised Greiner for the decision Cabinet had made. Gibson said the teams could be bought and this would be a disaster for the code, which was a lot of rot.

Anyway, I pulled it off but it has returned and proved to be most successful. As the Minister for Sport and Recreation I established six synthetic hockey pitches, two in Newcastle, Madam President. The department has helped many young people with sports scholarships and through the capital assistance grants has helped many people throughout the length and breadth of this State. Racing has been in my blood since I was knee-high to a grasshopper. My father bred and raced horses and I did the same. When I became Minister I sold my breeding stock because I felt it was wrong to be involved in owning and racing horses. After I leave here I will be back into the business again.

On the racing scene I was delighted to be able to assist greatly country racing and was able, through the Racecourse Development Fund, to allocate money to many country venues. We built the magnificent stand at Wagga Wagga and money was allocated for eight regional training centres throughout New South Wales. Grandstands were built at Kembla and Wyong, and many other country courses were assisted with race day stalls and the general upkeep of the tracks. Through the fund money was allocated to build the public grandstand at Royal Randwick.

One of my achievements of which I am very proud was when I was able to convince the Premier to convince the Governor to write to Buckingham Palace asking the Queen to allow us to call Randwick racecourse "Royal Randwick", and the

Queen graciously agreed. I remind honourable members that only two courses in the world are called "royal"; the one here and one in England. I remember the day that the Queen opened the public stand. I met her and was able to thank her personally for her gracious act.

My other recollection of the royal family goes back to 1988 when I attended a reception aboard the *Britannia*. After dinner His Royal Highness the Duke of Edinburgh came up to me, my wife and several other people and said, "I believe you are the Minister of Recreation. Are you in charge of all the brothels in Sydney?" He smiled and walked away. It took me more than a week to convince my wife that I had nothing to do with brothels; that was the Duke's form. Although it would not be allowed, I was tempted to say to him that he should know something about that as he was here in Sydney in 1944 and I was in the same flotilla as him.

I should like to make a few comments about the Legislative Council. First, do not ever be kidded into believing that we can do without an upper House in New South Wales. The Hon. M. R. Egan has said he would like to see the Legislative Council abolished—although I believe he said it tongue-in-cheek. That is ridiculous and honourable members must work hard to ensure that this establishment remains a proper House of review. I referred earlier to time limits on speeches and I reiterate what I said. This House now has nine Independent members and after the next election could have anything up to 12. I know that all these people want to make a contribution—and rightly so—but for the life of me I cannot understand why they have to speak at great length on every piece of legislation that comes before the House. I suggest that those who will remain members look very closely at this.

I was horrified one day when I came into the House to see the Clerks at the table in ordinary suits and ties. I beseech you to restore the dignity of this House by putting them back into their original outfits of wigs and gowns. It may be all right to get rid of the wigs but keep the gowns. Imagine a bunch of children coming into the Chamber, looking at the table and saying, "Are they members of Parliament? Who are they because you can't distinguish them from anyone else?" However, I acknowledge they wear ties, which is more than I can say about one member here. I ask that the decision be reversed and that the Clerks wear the outfits they previously wore. We must always dignify this establishment.

There are many other anecdotes to which I could refer but time is limited and I do not want to bore the House with too long a speech. However,

one anecdote I recall vividly is that the Labor Party had a delightful lady, Milly Rygate, who had been a member of Parliament twice; once in the early sixties and then from 1967 to 1978. She had never made her maiden speech. The Hon. J. R. Johnson would remember that one night we were debating a nurses or medical bill and Annie Press from the Liberal Party and Edna Roper assisted her to the rostrum. She started to speak, while we listened with bated breath, but she spoke on the wrong bill. No-one said a word. I say to Reverend the Hon. F. J. Nile, whom I admire, that the fruit of the vine makes wine, which is alcoholic. As I have said to him before, as a Christian he should accept this because Jesus turned the water into wine at the feast.

Reverend the Hon. F. J. Nile: It was non-alcoholic wine.

The Hon. R. B. ROWLAND SMITH: I am sure Reverend the Hon. F. J. Nile does not really believe that. I also say to him and his charming wife, "Don't be anti-horseracing." I have met your brother Jim Nile, who trains pacers at Bankstown. He is the most delightful man and I am sure he is a good Christian. As for the gambling side of it, that is a different story. Do not be opposed to horseracing because it is a great sport, particularly for people in country areas. As I look back over 25 years I am delighted that I gained preselection and in 1978 was duly elected a member of this House. I am looking forward to getting on with my own business. The other day someone asked me whether I have retired and I told him that there is no way in the wide world that I am about to retire. I have plenty to do and I intend to do it until such time as the good Lord decides to take me away.

I thank all the people with whom I have been involved: my wife and family, Presidents, Clerks, assistant Clerks, Ushers of the Black Rod, the attendants, the catering staff, the library—I could go on forever. I thank them very much for their support during the years. Finally, I wish all honourable members a very happy future. Some honourable members will be retiring and some will be coming up for re-election and I wish them well in their endeavours.

As I said, work hard to ensure that the people of this State recognise that the Legislative Council of New South Wales is a proper House of review. As I move into another phase of my life I conclude with the words of the great essayist G. K. Chesterton: *horas non numero nisi serenas*. I am sure all honourable members know what that means but I will paraphrase it: I think only of the things

that are serene. May all honourable members have a happy Christmas and a fruitful new year. Best of luck.

The PRESIDENT: Last weekend I had the opportunity to be part of my party's selection of candidates for the Legislative Council at the next election. I suspect that it is not often in politics that one has the opportunity to quite happily and, to use the words of the Hon. R. B. Rowland Smith, serenely help choose one's own replacement in politics. It reinforced my belief that I have indeed been most fortunate and privileged to have been given the opportunity of 20 years parliamentary service. Additionally, it is clear, given the large number of candidates presenting for preselection in all parties, that despite the challenges and pressures of political life there is no shortage of people keen and eager to replace any of us.

In 1978 when I was first elected I thought I was blessed to be provided with an office. In recent days when I have heard staff of this place complaining that their office is in FAI House I have quickly pointed out that that is where my office as a member of Parliament was all those years ago. I thought I was blessed to be offered an office, a telephone, some stationery and one-fifth of a secretary—who was quaintly titled an amanuensis.

How things have changed given, as your President, from time to time I and other presiding officers have been subject to special pleadings from members on the matter of staff and equipment. At that time I was one of a handful of members who saw their role as a full-time member of Parliament—and that is hardly surprising given my salary in 1978 was \$10,430 per year and my expense allowance was \$3,930. It was full-time work in Sydney on part-time pay, and I was very heavily subsidised thanks to Bruce, who is here today.

Some people portray the Legislative Council as incapable of change, as an anachronism. However, all members work full-time, are popularly elected and have duty roles in electorates across the State. Our members represent areas of expertise, interest and backgrounds which have changed dramatically from that outlined by my colleague the Hon. M. F. Willis. Increasingly, through the crossbenchers and the interests of various members here, we have been able to provide a broader and more accurate representation of political and community views. For those who think that it has not changed, we should be proud of the way that we have changed in, historically speaking, a very short period of time. It

has been a wonderful honour to have served as a shadow minister, the Opposition Whip, the Minister of many interesting and challenging portfolios and, more recently, as your President.

I thank so many people who have befriended, advised and supported me through all of those endeavours. Simply put, I do not agree with those who suggest that it is impossible to make real friends in politics. I do not intend to individually name my staff who have worked with me during the past 20 years, suffice it to say that I have worked with a really interesting, talented, feisty and disparate group of people who have been most wonderfully loyal to me and, more importantly, loyal to one another. The people I have worked with over time have become like an extended family. I am intensely proud of how well they have all done in their later careers, and I look forward to sharing some vicarious pleasure as they soar to even greater heights. I look forward to being able to say, "I knew them when".

Special mention must be made of the Deputy Leader of the Opposition, the best assistant Minister anyone could ever have. Two of my three parliamentary secretaries and assistant Ministers went on to serve as Ministers, and it is my profound hope to see the Deputy Leader of the Opposition complete the trifecta—I know he will serve with great distinction. There is something special about the tribal loyalty of the National Party because I have been given the same friendship, encouragement and support from our fine Chairman of Committees, the Hon. D. J. Gay. I have served many Liberal Party leaders during the past 20 years, and all have had special skills and unique talents.

However, it was a very special privilege to work with Nick Greiner and John Fahey. I still believe that the demise of Nick Greiner was the greatest travesty of justice and a great loss to this State. Words can scarcely express my thanks to the staff of the Parliament, whatever their role in the complex and unique structure that we call this Parliament. One of the rewards of the Presidency has been to gain a different perspective of the staff and operations of the Parliament and this opportunity has reinforced my gratitude to and respect for our staff. In particular, I thank the Clerks, especially John Evans, and the attendants, who have eased my path in so many ways. My time as Minister taught me to value public servants. I have been privileged to work with people whom I regard as simply outstanding. Given the nature of political life, I have no intention of naming those people.

However, it is important to recognise that the old stereotypes of public servant and bureaucrat are indeed inaccurate. I extend my very good wishes for happiness and health to all retiring members. I wish my other colleagues well. I hope I may be forgiven for hoping that members on one side of the House have better fortune than those on the other and the crossbenches. I take this opportunity to stimulate discussion and thought about the administration of the next Parliament. Clearly, more bills are subject to a larger number of complex and often competing amendments. If we are to avoid long delays and spare the Clerks, in the next Parliament consideration should be given to identifying persons who may be employed to assist us during these busy periods at the end of the session.

The House may also choose finally to have a serious discussion about the proposed updating of our standing orders. Those orders were reviewed in 1991 and as yet have not been agreed to by members. We are almost at the point at which a review of the review may be required. I guess, running the danger of being in dispute with a colleague on my last day in this Parliament, I offer a counter argument and urge members not to go backwards in terms of changing some of the things that have been effected in this Chamber in recent months.

I have been in the fortunate and unique position of having two of our previous Presiding Officers in the Chamber. I thank them for their welcome and generous assistance and advice. There are, however, some issues that have bedevilled the Hon. John Johnson, the Hon. Max Willis and, indeed, myself. In essence, those issues concern the joint administration of the Parliament and the sharing of responsibility and budget between our House and the Assembly. Streamlining and clarification are long overdue. I urge members to be vigilant and offer strong encouragement to the endeavours in this regard of whoever may be my successor.

Mention must be made of my Newcastle friends. Friendship is a two-way street, and over the years there have been times when I never seemed to be home when needed. Their understanding, tolerance and good humour are certainly treasured. To the Liberals in Newcastle I say thank you. We have had two such members sitting in this Chamber for some years. I am pleased that, despite my departure, that representation will be continued. Between the Hon. Patricia Forsythe, Greg Hansen and myself, I estimate we represent some 100 years of party membership in the Newcastle Young Liberals and the Newcastle branch of the Liberal

Party. The three of us, uniquely, were trained by the same people, the powerful troika of Iris Hyde, Eric Cupit and Muriel Lee.

To my best friend and husband, Bruce, what can be said but thank you. Our life together has been a grand adventure. We may not have followed the course envisaged for us by our family or contemporaries, but I suspect that in our future we will reinvent our lives and that again they will be full of surprises and fun. I take this opportunity to say how proud I am of my children, Amanda and David. Lisa and the amazing Mia Kate Chadwick have brought Bruce and me great joy in the past year or so. The past 20 years would not have been possible without the Liberal Party. None of us got here by ourselves. In 1964, when I was already a party member, Robert Menzies—later Sir Robert—said:

For me the perfect society would be one in which, by equality of opportunity and the full development of individual character and talent, each citizen was independent in his own heart and mind, but all citizens were inter-dependent in all social rights and duties.

That quotation I took forward and placed as the preface to all draft policy documents that I prepared in Opposition. It expresses a view I still find valid today. I thank the party for the opportunity to serve and to seek to fulfil those principles. In my first speech in Parliament I said that I intended to fight the good fight and to keep the faith. I certainly did not then imagine that I would do so for 20 years. But I do hope that as I leave Parliament those who have believed in me and supported me will be satisfied that I did fight the fight and keep the faith.

The Hon. J. KALDIS [11.03 a.m.]: The last thing we want now is extra speeches and lengthy speeches. I have been advised my farewell should be confined to 10 minutes. I want to say a lot, to thank everyone for my happy stay of 20 years here. Parliament House is my second home, and one is saddened to leave a home after so many years. In particular, I want to say a special thanks because I have been looked after kindly because of my situation.

As honourable members may know, I am suffering from multiple sclerosis. I am one in a million at my age to be struck with this illness. It is usually a sickness that young people in their twenties and thirties get—particularly women, who are twice as likely to be afflicted by the illness. Multiple sclerosis is the deterioration of the central nervous system, and you do not know where it will hit you next. A person in his eighties whom I knew years ago had a problem walking because of severe

arthritis. He would say laughingly, "I'm thanking God because he is starting to hit me from the bottom and not from the top." I am saying the same thing now myself. The Almighty is hitting me from the bottom: as you can see, I have difficulty walking.

I thank the staff, the Clerk of Parliaments John Evans, the Deputy Clerk Lynn Lovelock, the Usher of the Black Rod Warren Cahill, the Clerk Assistant Mike Wilkinson, all the assistants, and Hansard for their help. I thank also my party Whip the Hon. Dorothy Isaksen, the Deputy Whip the Hon. Andy Manson, and all my colleagues as well as colleagues opposite. I have had happy associations with many of them. Also, I want to thank my secretaries Rita Perivolarys and Maria Sipka.

A special thanks to our President, the Hon. Virginia Chadwick, who was very kind to me when she was the Minister for Community Services and Minister for School Education. The Hon. Virginia Chadwick, although of the opposite party, always listened carefully—and many times sympathetically—to my many, many representations. I came to this House with the Hon. Virginia Chadwick, and now we are leaving together. Of course, my colleague the Hon. Johnno Johnson was President of this House when I came here.

I remember some hilarious and awkward instances at the beginning of my career. I remember when I was first appointed as a teller. I saw the then Clerk of the Parliaments, Les Jeckeln, that wonderful fellow, counting the Opposition with his finger. Innocently I leant down to him and asked, "How many are there, Les?" He looked at me with not a friendly look and said, "Count them yourself." It took me a couple of days to understand why Les was not helpful.

The Hon. Max Willis, the previous President, was helpful. I had the pleasure of travelling with him in Thailand when he was leading our parliamentary delegation. He said to me the other day, "There is a rumour going around that when you get out of this place you will stand for the Greek Parliament." I did not have the chance to tell him in the lift that I had the opportunity of becoming a member of the Greek Parliament 25 years ago.

The Greek junta deprived me of my Greek nationality when it came to power. For eight years I could not visit the country of my birth. When the junta fell from power I got the first plane and went to Greece. To be deprived of one's nationality by the junta was considered a great honour. The leader of the Centre Union Party approached me in Athens

and put to me a proposition that I stand for election on my island. One day, when my whole family was having lunch in their summer house, I mentioned the offer of Mr Mavros.

My brother Manolis, a lawyer, got up and made a speech. He could not hide the sadness; it was evident on his face. He said, "Our brother, you know how much we love you. We grew up watching the tears of our mother because you went away. Your name was like a saint's name in our house. Brother, after the many years that you've been away, why did you decide to come back and ridicule us?" "Ridicule you by becoming a member of Parliament?" I asked. "Yes," he said. "Can you imagine me with your other brothers going around in the ouzo bars in Mitilini and shouting ouzos and pleading to regular customers to vote for our brother? Please don't do that to us. Go back to Australia!"

When Mr Mavros, the leader of the party, visited Sydney he said to the Hon. Neville Wran that New South Wales stole me from the Greek Parliament. We politicians are not popular anywhere. My brother, exaggerating, was saying that no profession is lower than that of a politician. Of course, there are explanations for that. One is what the Greek Minister for Foreign Affairs told us recently in a gathering in Athens:

The people who hate politicians wanted to become politicians themselves. They did not succeed, and that's why they hate politicians and talk against them.

As for the rumour mentioned by the Hon. M. F. Willis that I will stand for the Greek Parliament, I will not demote myself. In New South Wales I am a humble backbencher; in Greece I am treated like a senior Minister. My brother gives me his car and his chauffeur to travel around Greece every time I visit. A regional television station in Sparta said that when Australian members of Parliament travel overseas they are provided with Mercedes and chauffeurs. The announcer used me to illustrate his point. Even the Hon. J. M. Samios, who saw me in Athens circulating with a Mercedes and a driver, jokingly said, "Aha! Bob Carr sends you to Greece in style. Wait and see what happens when we return to Sydney. I'm going to ask many questions."

I have had a very good time in the years I have been here. I have made many good friends. On coming into this House I found the Leader of the Government, the Hon. Paul Landa, whom I knew before I was elected. As a matter of fact, we were together in a theatre play: I acted as his father, he

was 10 years of age and I had to mind him during rehearsals. One day in this place, when I said to Paul, "So and so are my friends", he said to me, "Listen, mate, there are no friends in this place."

He was wrong. There are many friends in this place and I consider every one of you as friends. I have a close relationship with quite a few. The Hon. B. H. Vaughan is one of them. We have already started to select good restaurants in Sydney; we will have a lot of long lunches because now we do not have to hurry. I came into this House with Deirdre Grusovin, whom I knew years before coming into this Parliament.

I developed a close friendship with her. For five weeks I travelled with her in Greece and Cyprus. We visited a village close to Albania. There was a huge fair. The people informed the president of the town that I was attending the celebration. He came to me to take down a few notes. I told him that I was attending the function with my colleague, a former Minister. A few minutes later he announced over the microphone, "Ladies and gentlemen, we are very happy to have with us today a Senator from Australia, James Kaldis, who is here with his Minister wife."

My wife was sitting at the next table. She laughed, of course. Over the years I had a close and happy relationship with the then Premier, the Hon. Neville Wran, and through numerous representations to him I was able to help many people. I express my thanks to the Legislative Council attendants: Ian, Maurice, Lucy, George, Bob, Charles, Michael, Mike and Katrina. I have already mentioned my illness. The first person to note that something was wrong with me was the Hon. Dr B. P. V. Pezzutti. He said that something was wrong with my glasses. He asked me to walk up and down the stairs wearing my glasses and then not wearing my glasses.

He then advised me to have an optometrist check my glasses. The optician told me that nothing was wrong with them. When I was diagnosed as suffering from multiple sclerosis, I told the Hon. Dr B. P. V. Pezzutti that MS was the problem. He did not understand, and thought I had said, "I'm in a mess." I'm in a mess all right, and it is something that I have learned to live with. When my illness was originally diagnosed I could not accept it. I suffered psychologically for a whole year, but I have overcome it and now I am living completely cured, at least psychologically.

I want to thank my wife, Heather, whom I love very much. She was my constant adviser and

tried to influence me with her anarchistic views. But in the many years I have been in this place I have found her advice useful. Everybody has asked me what I will do after I leave this House. I will continue to write for the Greek newspapers, something I know well, and I will write a book. The other day an academic convinced me to write two books, and she outlined what they would be about. Maybe someone will propose that I write three books, then I will finish up with a trilogy. Thank you.

The Hon. DOROTHY ISAKSEN [11.18 a.m.]: On the last occasion I left this House I did not have the opportunity to say goodbye. In 1988 I was No. 7 on the Labor Party ticket and I was optimistic of returning. Today on my retirement I say farewell to this House, which has played such an important part in my life since 1978. I was elected to this House in 1978, as were you, Madam President, and the Hon. J. Kaldis. It was the first occasion on which the Legislative Council was elected by the voters of New South Wales. We were so proud of that fact. It gave more credibility to this House.

Prior to that it was likened to the House of Lords, with hereditary peers. For a long time abolition of the upper House was a plank of the Australian Labor Party's platform. As a fiery young reformer I was active in the 1961 campaign for the referendum to abolish this House. I did a radio broadcast on station 2KY, which was owned by the Labor Council, in which I strongly criticised this House, which consisted of appointed members, as undemocratic. I think I said something to the effect that it was full of the aristocracy and burnt-out trade union officials.

My husband, who was a union official at the time, got a call from the secretary of the Labor Council, Jim Kenny, just to remind him that the Labor Council had members in the Legislative Council and that maybe I should temper my criticism. At that time I did not take too kindly to being advised on what to say. During that campaign I recall standing on the back of a truck in Pittwater Road, Dee Why, supporting abolition when an elderly gentleman approached me. He said, "I agree with what you are saying young lady, but you won't win the referendum." He also predicted to the audience that one day I would be a member of the Legislative Council and I very vehemently said, "No, never, never." In 1978 I was elected to this House—it was a much reformed place and elected by the people of this State.

The election of 1978 saw an increase in the number of women in this place. Virginia Chadwick,

Deidre Grusovin, Maree Fisher and myself were elected and joined Kathleen Anderson, Edna Roper and Vi Lloyd who were sitting members. It took a while for the Parliament to adjust. "Whose secretary are you?" we were often asked. There was one women's toilet, out the back under the stairs. We paid less for superannuation because male spouses were not entitled to a pension. In 1984 Legislative Council members were admitted to the Labor caucus and then we began to play a more serious role in this Parliament. One of the most important reforms to this place was the introduction of the committee system of which our Acting Leader, the Hon. Ron Dyer, was an ardent advocate.

I know not all members are enthusiastic about committee work—perhaps that is because some members, certainly on the Government side, have to sit on so many. I believe in the past 12 months or so some referrals to committees have been for political reasons and not for a genuine need for broad examination or community consultation. If this happens too often it will destroy the high standards that the committees have achieved in the past. I have had the opportunity to serve on a few, including road safety, gun control, State development and social issues. Those committees have been extremely rewarding and I have not regretted the long hours devoted to them. Some of the committee reports will be reference documents for years to come. My years in this place have given me much fulfilment and enjoyment. There has been great comradeship with members of all parties.

Within my party friendships have bridged the faction gap and I try to advise new members coming in that while we might fight to the death at the annual conference, in this place there should be a sense of unity. I did not expect to come back to Parliament after my defeat in 1988. I am very grateful that Deidre Grusovin decided to go to the Assembly and create a vacancy. I also appreciate her support and advice, which assisted me to return. I also express my appreciation to two learned silks, who shall remain anonymous, who advised a senior party official that my claim to the vacancy was enshrined in the Constitution and despite his plans I should fill the vacancy. Of course, changes were made later but I was back and on a longer term, which Deidre Grusovin had gained on the change from a 12-year to an eight-year term.

The position of Government Whip has been an interesting one. My former position as a party organiser was good experience and taught me the importance of having the numbers and not taking risks. On a couple of occasions God was good to me and I survived my mistakes. I thank my colleagues

for electing me as their Whip and for their co-operation. I assure you I do not intend to write a book and reveal all—although it would be a best seller. The Whips are privy to a lot of the personal details of members' lives and must respect their privacy. There have been some sad times and some hilarious times. My parting message is to remember that in a team all are equal. No-one is so important that he or she can avoid the onerous duties as well as share in the more prestigious ones. The respect of one's colleagues will win more support.

I would like to make a special mention about one of our members, the Hon. Jim Kaldis, who has made such a courageous effort to fulfil his parliamentary duties despite his illness. I was absolutely determined that before I left my position as Whip of the Legislative Council that members would move to the eleventh floor. I despaired at times at the obstructions that were put before us but thanks to the Treasurer for his funding, the Presiding Officers for their support, and Building Services, particularly Bob Willis, who had the most difficult tasks to perform in the physical move of members, we eventually made the move. Bob's patience with some of our more demanding members was more than I would have given them.

I could not believe my ears when recently I heard two Assembly members in the lift saying how happy they all were on the twelfth floor and wondered why it had not happened years ago. The accommodation on the eleventh floor provides a much better working environment for members and staff, is much more efficient and creates a much better relationship between members and their staff. I think the working hours have been much better in the past two years, due mainly to our Leader, Michael Egan, who gave an undertaking to the crossbench and has been determined to honour his commitment.

I would like to thank the Clerk of the Parliaments, John Evans, and all his staff for the help and guidance they have given me. It took a long time for me to understand procedure and the Clerks were very patient with my repeated questions. To Information Technology Services, my special thanks for improving my computer skills, which has been such a help to me in my work. I will miss their assistance when I retire. To David Draper and his staff who have fed me too well over the years, my thanks. I thank Printing Services, Pat Makin, Bernie Wood and their staff—they are a great team. The Library has been invaluable as a source of information and I look forward to reading many of those interesting books on the rack just inside the front door instead of reports and policy briefings. To

Hansard staff, your skill in tidying up my speeches was much appreciated. To Ian Pringle and his efficient team, my thanks.

I would never have survived my job as Whip without the able assistance of some very special people. My deputy, Andy Manson, who worked a miracle and stopped our members complaining about their rosters. I thank my staffers: the first was Carol Boughton who mothered me until her retirement; she was so loyal and meticulous. Ann Purcell was so good that the Minister for Police stole her from me, and now I have Leellen Lewis, who never gets flustered, never complains and loves politics, as I did at her age. I am sure she will have a very successful future. The Opposition Whip, John Jobling, and I had a good working relationship, which is very necessary to keep legislation running smoothly, and I thank him for his co-operation.

My right hand and irreplaceable support, Virginia Knox, was there in the Leader's office ready for any crisis that may have arisen. I cannot imagine how I would have managed without her. Our ability at the end of a long and stressful day to have a giggle about some of the incredible things that happen in this place preserved our sanity. Despite some people's criticism, just as this House survived after the 1961 referendum, I am sure the Legislative Council will continue for a long time to come. To the members retiring with me today, I hope you all have a happy and healthy retirement. I am about to commence the next phase of my life. It will be a lot slower and quieter than my 17 years as a member of Parliament. I shall read more novels and fewer newspapers, spend more time with my family, who have always been such a great support for me during my political career, and will watch with great interest the progress of the Legislative Council of New South Wales.

The Hon. B. H. VAUGHAN [11.28 a.m.]: What a delightful morning this has been; I have enjoyed every single moment of it. I wish it could go on for a while. On this occasion I hope the House will indulge me as I make my final plea to the Parliament of New South Wales to change the name of this Chamber from Legislative Council to State Senate. I have made that plea before; in fact, I made it on 24 May 1984, 20 October 1988, 27 October 1992, 8 June 1995 and 1 October 1996, a mere two years ago.

In *4 Geo IV C.96* [1823], the Act which established the Legislative Council of New South Wales, we find the reason for calling the House "Legislative Council" as being "And whereas it is not at present expedient to call a Legislative

Assembly in the said colony because of the nature of the House, namely, that it was to advise the Governor rather than be a representative body". On page 429 of the *Encyclopaedia of Parliament*, by Norman Wilding and Philip Laundry—a London publication by Cassel—under the entry "Legislative Council" one reads:

The name usually given to the colonial legislatures of the British Commonwealth.

What I proposed—and I propose again—is a simple change to section 3 of the Constitution Act 1902. Under the definition "Legislature" such a change should be to the following effect: the "Legislative Council also known as the State Senate". What could be more simple than that? It seems to me, for the reason New South Wales was still a colony and therefore its Legislature was still a colonial Legislature, that Federation of the States did not change that situation because the States in this nation of ours remained colonies pursuant to the Colonial Laws Validity Act 1865, repealed in 1986 by the enactment of the Australia Act. Just think of it: until 12 years ago this State was, in law, a colony. Because the States are no longer colonies, the term "Legislative Council" is absolutely redundant and, even further than that, it is inaccurate. In this House we continue to labour under the burden of the nomenclature of King George II, King George III, King George IV and the widow of Windsor, Queen Victoria, of whose empire the title is a relic.

Everybody within this Chamber—or everyone just out of it—knows that there are more than six million people in this State. For years we have been elected directly by the people of this State. This body and like bodies around Australia are not in existence to advise governors; they are in existence to make laws in every way. Madam President, on Tuesday, 1 December, at a luncheon in your dining room for a German delegation, I sat next to a visiting German delegate, retired State Minister Professor Ursula Maennle of Bavaria. Professor Maennle pointed to the cover of the menu and said, "Speaker Murray MP is obviously a member of Parliament, but what are you?" I said, "The President is not an MP, she is an MLC." The professor said, "What is that?" I told her that the Legislative Council was a State Senate—a Bundesrat, as they would say in Germany. "Ah", she said, "I know what you mean."

This is 1998, and we still have to put up with that sort of thing. I doubt whether a member in this Chamber would not have been irritated, let alone frustrated, by Professor Maennle's query, which

reminded me of a question I asked in this House on the afternoon of 24 May 1984 of the Leader of the House at that time, the Hon. Barrie Unsworth, who was Minister for Transport, and Vice-President of the Executive Council. My question was:

Will the Government give consideration to changing the name of this House of the Legislature from Legislative Council to Senate, thus abandoning the colonial overtones inherent in that name? Is the Minister aware that such a change could be made by a simple amendment to section 3 of the Constitution Act of this State? Does the Minister agree that such a change would not only be more appropriate to the times, but it would more felicitously explain to the electorate what the Chamber is all about?

At page 1672 of Questions Without Notice in that day's *Hansard*, the Minister acknowledged the significance of my question. That was always happening to me. He said:

There is clearly a need to indicate to the community at large the nature of the function of the Legislative Council. If that could be more clearly indicated by a change of name of the institution itself, which would change the nomenclature of members of the Council, the matter should be examined by the Government.

Mr Unsworth went on to say:

I myself have had difficulty in explaining my position to American visitors or on occasions when I have had the opportunity to visit the United States of America and have tried to explain the Legislative Council's functions. Certainly in recent times I have found it much easier to explain my position—and this happened recently when I met the United States Attorney General—by saying that I am the majority leader of the State Senate. He understood what I was talking about. If I had given him the correct designation of my office, I feel he would still be contemplating what I was doing in this Legislature. Therefore, there probably is a need in our contemporary society to rationalise some of the designations of both Legislatures and those who serve in them. I understand that this matter has the support of a number of parliamentary colleagues of the Hon. B. H. Vaughan with whom the question has been raised privately. It is a matter that must be seriously considered by this Government. I shall raise the issue in a formal manner prior to placing before honourable members any proposal of a more formal nature.

Of course, being in government changes the views of legislators. For example, on 20 October 1988—a year fondly remembered by those opposite—I asked the following question:

I direct a question to the Leader of the Government in this House. Does he still agree, as he did as Leader of the Opposition, that this House should be renamed the New South Wales Senate? If he does, will he initiate procedures to implement that reform?

The Hon. E. P. Pickering responded:

The honourable member raises a contentious issue.

I interjected:

The Minister embraced it when I raised it several years ago.

The Hon. E. P. Pickering continued:

As a private member I was in a different position from that of a member of Cabinet. Therefore, I no longer have the luxury to express private views, although I suppose I expressed them at the time and they would be clearly on the record. I am not able to burden the honourable member with my private views; I shall be able to burden him in the future only with the views of the Government.

The problem with changing the name is overcoming the jealousy and the envy of lower House members of Parliament towards this House and towards us. Yet those jealous and envious members in the other place were given the title MP—member of Parliament. How did that happen? It happened by a stroke of the pen of Mr Gerry Gleeson, then Under Secretary of the Premier's Department, when he wrote to all State government departments as follows on 13 March 1978:

Following representations by the New South Wales branch of the Commonwealth Parliamentary Association, the Premier has approved of the use of the letters "MP" in lieu of "MLA" in the titles of members of the Legislative Assembly.

The new style of address is to be used in all correspondence and on other occasions where reference is made to members of the Legislative Assembly. The letters "MLC" should continue to be used in respect of members of the Legislative Council. Would you please bring this matter to the notice of your department or any sub-department or other authority associated with your administration.

Don't members of the other House relish those letters "MP"! If they receive a letter addressed to an "MLA", they send it back "addressee unknown". That has happened to me, but there was malice aforethought in my sending the letter. In so proposing this name change I record that I would not have the slightest hesitation in supporting the abolition of the Legislative Council if it were effected simultaneously with the abolition of the Legislative Assembly! I also raised that matter in a serious vein on 5 December 1996.

Perchance within 50 years this may occur, wherein the governance of our nation would be implemented by a national parliament and local government bodies of much more substantial size than they are now. In short, what I term our American system—in America every State except Nebraska has a State Senate—would be supplanted by a United Kingdom system, a New Zealand system or a French system, that is, two levels of government only. For a better understanding of my remarks I refer honourable members to author Rodney Hall's book *Abolish the States!*, which is subtitled *Australia's future and a \$30 billion answer*

to our tax problems, published by Pan Macmillan Australia in 1998.

Mr Hall proposes regional governments that would take into account such factors as climate, geography, population concentration, industry and other relevant factors, unlike the current State boundaries, which are arbitrary and whereby, as the author notes, even rivers are cut in half within States. I visualise local bodies of substantial size which would have control over such matters as local police, education and even housing. This distinguished Chamber is a repository of almost all the substantial history of this State. Everyone knows that those who have sat in this place from the beginning have formed this State. Reading list after list after list one is overcome—indeed, overawed—that one would be in a place like this.

I wish this House of Parliament a long life. It is an integral part of making laws in this State. By the way, this progressive step was barred only by a majority in Labor's parliamentary caucus; I think it would have no difficulty being successfully considered in the coalition party room, if it has not already been. As befits this valedictory program, since I have ignored a valediction, I leave honourable members with this comment: I shall never forget this honourable House, nor you my colleagues, and I carve the memory on the palm of my hand.

The Hon. Dr MARLENE GOLDSMITH [11.43 a.m.]: Honourable members are undoubtedly grateful that this is the last speech I shall make in this Chamber. I thank all my coalition colleagues for their assistance during my recent illness. They have shouldered the extra work involved when a member is paired from Parliament and they have been most generous. In particular I thank my leader the Hon. John Hannaford for his support. I thank also the Opposition Whip the Hon. John Jobling, because my absence must have incurred considerable additional work for him. I thank also the Government Whip, the Hon. Dorothy Isaksen, the Leader of the Government, the Hon. Michael Egan, and the Acting Leader of the Government, the Hon. Ron Dyer, for their kindness in unstintingly granting me a pair throughout this time. To all members who have deluged me with cards, good wishes and flowers, I say thank you. Your thoughtfulness was most appreciated and meant a lot to me.

I wish my fellow retirees well in their new lives post politics, or post Upper House and in the other place for the Hon. Mark Kersten. The new Liberal team for the Legislative Council has my very best wishes, both the members sitting behind

me and the new members coming in. I note the presence in the gallery of one member of that team. I wish Catherine Cusack very well. I hope that she succeeds in being elected because she is an enormously talented person and will make a major contribution to this House. I have another reason for wanting to see her elected. One important memory of this Chamber for me is the fact that it has been a trailblazer for the representation of women in Parliament in Australia—indeed, throughout the world. When I first became a member of this House one-third of the members were women. I would like to see that number maintained and exceeded in the future.

I can recall one occasion when I deputised for the President, both table clerks at the time were female, as was the Usher of the Black Rod—I think it may have been Lynn Lovelock, who is now the Deputy Clerk—leading for the Government was Madam President when she was education Minister, and leading for the Opposition was the Hon. Franca Arena. In other words, every member with an official task in the House on that occasion was a woman. And it happened by accident! That was an historic occasion for this Chamber, and perhaps for all Parliaments. It will remain one of my special memories of this place. I hope to see that continue in the future.

As I said, the new coalition team has my best wishes but not my envy. Given that the decision not to stand again for Parliament was forced on me by circumstances beyond my control, I am surprised at how little I regret my impending departure. That attitude results in part from a personal habit of looking forward rather than back, and I am curious about what future adventures life has in store for me. It results also in part from pleasurable contemplation of the prospect of having a private life with evenings at home and of being less constrained intellectually by the limitations of the party room. Do not misunderstand me. Philosophically I am a liberal and cannot imagine being otherwise. I have a fundamental commitment to respect for the individual as against the mass, to the maximisation of opportunity for each member of society, always remembering that people have different needs and goals. After all, is that not what is meant by diversity?

Respect for the individual also calls for the encouragement and nurturance of community, rather than using big government to extinguish it, to attempt to coerce it—people do not take kindly to being bullied—or to artificially emphasise the divisions between different communities. Being a sitting member of Parliament imposes limitations on

one's ability to discuss ideas, a constraint clearly evident in the recent book *Civilising Global Capital*, written by the Federal Labor member Mark Latham. My review of that book for the magazine *IPA Review* summed it up as a procrustean attempt to take intellectual beliefs that are genuinely Liberal and hack them to fit a Labor framework.

Intellectual honesty and political partisanship are incompatible sometimes. So in that sense my departure from Parliament is a gift of freedom, and I welcome it. Politicians tend to divide into two groups: the pragmatists, who are interested in what works or, sadly, in some cases only in what works to promote them, and the idealists who want to save the universe. In my view Parliament needs both kinds; either on its own is dangerous. The extreme of pragmatism is the "whatever it takes philosophy"; the extreme of idealism is the subjugation of people to fit an ideology. As I am predominantly an idealist, I have continually reminded myself that so was Lenin—but then Stalin was a pragmatist.

Perhaps it is as a result of my attitude to politics—that it is a mechanism for making the world a better place—that the politicians I have most admired and the ones who have been my mentors and role models have, almost entirely, been idealists. The first, and in many ways the most important of these, was John Dowd, now Justice Dowd of the New South Wales Court Of Appeal, whom I served as executive officer when he was the Leader of the Opposition in the early 1980s. He was the most courageous politician I have ever known, a man of extraordinary integrity. For him there was never any choice between doing what was right or doing what would further his career. I remember when Evan Whitton, a journalist, asked him bluntly, "Do you think an honest man can ever become Premier of New South Wales?", Dowd's only reply was silence.

John Dowd, because of his pursuit of organised crime, and his continual questions about Bill Allen and Tom Domican, was pilloried by Neville Wran, the then Government generally, and many in the media, particularly the *Sydney Morning Herald*. His family were terrorised by criminals such as Roger Rogerson. Some of the details of his pursuit were included in an ABC series *Scales Of Justice*. As all honourable members now know, John Dowd was ultimately vindicated. Bill Allen, who had been promoted over many more senior officers to be next in line for police commissioner, was demoted to sergeant and resigned in disgrace. Rogerson and Domican, among others, ended up behind bars.

John Dowd, oddly and unfairly, never got any of the credit he so truly deserved for his campaign against corruption—a campaign which exposed many important issues and undoubtedly cost him his leadership. He was never a publicity hunter for his own sake. What he taught me was the reason for being in politics: because it could make a difference.

My second great role model and source of inspiration—a man who is widely revered, and I am tempted to say universally revered because I know of no-one who would dissent—is Sir John Carrick, a truly extraordinary human being. One of the most special privileges of my life as a parliamentarian has been the opportunity to get to know Sir John and Angela, Lady Carrick. His chairing of what became known, for good reason, as the Carrick committee achieved the impossible: unanimous agreement from a large and disparate committee which comprised a number of warring interest groups. The result of that agreement is still being worked through in our schools. Today's children and their families have many reasons to be grateful to Sir John Carrick. I am delighted that much of the trail he blazed is still being followed by the current Labor Government, not least because it is the right course to follow.

I hope that New South Wales education will never return to the dark days of being little more than a fiefdom for the aggrandisement of the teacher unions, although the continuing war over external assessments and testing shows that the struggle continues. Testing may not be perfect but it is the best mechanism for accountability, which is why the unions reject it. Their protection of the incompetent and lazy is a betrayal of the vast majority of teachers, who are dedicated, committed, hard working and competent. Do not be fooled by protestations about damage to children's fragile egos. Try suggesting that school sports should be totally non-competitive without scores being recorded.

I trust that honourable members will forgive this slight digression. As a former teacher it is a subject about which I care passionately. Sir John Carrick has been extraordinarily generous to me with his time and sage advice, and I treasure his many kindnesses. He has achieved so many things in his life as the general secretary of the Liberal Party, a Federal Minister, the chair of numerous committees and organisations and an individual who endured, survived and triumphed over the horrors of a Japanese prison camp in World War II.

Sir John inspires people to strive for nothing less than all. Yet he is extraordinarily modest. His personal ego needs, if he has any at all, never get in

the way of his goal of achieving something better for society. He sees Parliament not as an end in itself but as a means to achieve a better society. In his own words, "Parliament exists to provide the optimal environment for the physical, intellectual, emotional and spiritual development of each member of society."

The third politician I have found extraordinarily impressive is Nick Greiner. As a politician he was a great businessman. He had an economic vision for this State and implemented it as far as was possible without having an upper House majority and despite howls of outrage from the Labor Party and various special interests. The short-term political cost to him and his party was substantial. For some time, the name Greiner had a decidedly pejorative connotation. But he stuck to his ideals, and his reforms became the blueprint in microeconomic reform for every State in Australia.

The latest descendant of the reforms has been the attempt by Premier Carr and the Treasurer to privatise the electricity industry. It is fair to acknowledge their political courage and realism in the face of the special interest groups and economic dinosaurs in the Australian Labor Party who have prevented that necessary development.

Another idealistic parliamentarian I must mention is the Hon. Ted Pickering. When he was a relatively new police Minister and I a relatively new parliamentarian I visited him in his office and was shown the safe where he kept certain documents that he could not trust to the police force. His campaign against police corruption resulted in threats on his life, and ultimately in his being forced to fall on his own sword and resign when confronted by the impossibility of getting rid of a police commissioner in whom he had lost confidence. What happened to Ted Pickering then and to Nick Greiner in being drummed out of the premierships are the two greatest blots on the parliamentary record of this State, certainly during my time as a member. I concur with the remarks of the President in that regard. Of course, Ted Pickering's concern about police corruption has since been vindicated one hundredfold.

The final idealist I would like to single out is the Hon. M. F. Willis, the former President of this Chamber. As a parliamentarian with many years of experience and extensive legal knowledge the Hon. M. F. Willis played an important role in the development and establishment of the standing committees of this House—along with a number of other members, both present and past, especially the Minister for Public Works and Services, who was

the chair of the committee that examined this issue. However, it was under the Greiner Government that the system was established, and in that achievement Max Willis was instrumental. He then chaired the Standing Committee on Social Issues, on which I served as a member and later chaired.

At least two former members of this House have stated that the first report of that committee has been enormously important to them. They are the Hon. Robert Webster, who was the Minister who implemented its recommendations, and the Hon. Ann Symonds, then deputy chair of the committee. Only this week I heard the Hon. M. F. Willis mention its importance to him. From that report, on accessing adoption information, came legislation that has changed the lives of many thousands of people in this State, not least two members of this House. I feel the same way about that report as those members I mentioned. It brought home to me the fundamental importance of social issues in politics, the importance of researching the issues carefully because they affect so many lives, and the fact that legislation is a powerful and usually very blunt instrument. Max Willis' chairmanship of that committee and his latest service to this House as President must not be forgotten.

Do honourable members who have served since 1991 recall the days when upper House members did not have personal staff? Certainly the President does. I listened to her eloquent remarks on that subject with great empathy. Through the management skills of the Hon. M. F. Willis, funds became available to supply each member with a full-time assistant, and a mobile phone and updated computer equipment. Under his presidency, the capacity of members of the Legislative Council increased massively. In effect, we became fully professionalised. It is long past time that honourable members in this Chamber said, "Thank you, Max."

One of my unhappy memories of this place is how the Hon. M. F. Willis was hounded out of his presidency by a vicious media feeding frenzy. He was the victim of a campaign to get rid of the upper House by attacking it and its members whenever possible. In Max Willis I have seen strength in the face of adversity and enormous grace under pressure.

I also have many mentors, friends and supporters who have not been parliamentarians. First among these, of course—indeed, first of all—is my husband, Ian, without whom I would not be here. His unstinting support and encouragement throughout our life together, throughout my political career—often a lonely road for a politician's

spouse—and during my recent illness have made everything possible. Thank you, Ian. My daughter, Georgina, also deserves mention. She is a very special human being who enriches my life greatly and has been totally supportive of me. When she was an art student at university it cannot have been easy for her to be the daughter of a Liberal politician.

One of the great rewards of politics is getting to know so many special people. I do not intend to attempt to name the many friends I have made and value highly, but several who have been with me throughout the process deserve a mention: Betty Grant, Quenton and Diana Moloney and Mary and, of course, Ted Ingall. Then there is Chris McDiven. I should not have started, because where could I stop? One more person I must mention though is my dear friend John Lutman, a former mayor of Burwood, who has friends in all sorts of political nooks and crannies, whose political skills are legendary and whose friendship means a great deal to me.

I thank all of my parliamentary colleagues who have had to endure my impassioned pushing of various issues over the years. To my fellow retirees I offer my best wishes for an exciting new life. I particularly thank the parliamentary staff: Ian and the other attendants, and David Draper and his staff. Most importantly, I thank the Parliamentary Library staff, to whom I suspect I gave more work than most members. They always met my often unreasonable demands with great grace and style, and with enormous efficiency. Our library is a great treasure. I extend my thanks and congratulations to Rob Brian and his staff on doing a wonderful job.

Perhaps most important of all I thank my staff. I have been blessed with excellent research officers: Kathryn Merrett, the first, who is a meticulous writer; Lila Borjesson, whose calm composure and quiet efficiency are well known; Louise Glanville, who worked with me for only a short time but who was, I noted, also present this morning; Janelle Haffenden who could usually do over a recalcitrant bureaucrat in about 10 seconds; the gifted Kerrie Thornton, who is now in a senior public relations position with the Sydney Symphony Orchestra; and finally, but not least, Tanya Bains, who is almost terrifyingly competent, as I am sure other members would agree. Tanya has been an extraordinary support and friend for me during so many political adventures. I know she will have a brilliant career wherever she turns her considerable energies.

In a speech such as this it is customary to dwell on one's own achievements. That is not my

style. I know that in politics blowing one's own trumpet is a necessary art form, but it is one with which I have never been comfortable. I am not particularly proficient at it, and I have no further need to try to develop the skill. Suffice it to say that it has been a great honour for this descendent of two illiterate First Fleet convicts to sit in this House as the first member of Parliament in the Herbert family.

I entered Parliament with interests focused largely on education. I leave it, of course, with a far broader range of concerns, the principal one being a belief in the need for social policy to protect and nurture children. They are our society's future, but they are not effective lobbyists. Neither are their parents, who are too busy parenting and working or too poor and unskilled. Combine that with a society which has for many years stressed rights over responsibilities and we should not be surprised by the current epidemic of child abuse, neglect, youth crime, unemployment, homelessness and drug abuse.

During my career I have focused increasingly on those groups who have not had strong voices to push their barrows and who have in consequence been run over by those with noisier and squeakier wheels. It is the pushy who get rewarded, as I argued in my book *Political Incorrectness*. I lobbied strongly for the introduction of the Parents as Teachers program in the State and saw it introduced by the Greiner Government, expanded under the Fahey Government and, moreover, exported to the Northern Territory where it has been successful.

Then there was my campaign to protect young children from pornography and to oppose pornography, especially violent pornography, that demeaned and degraded women. Since I began this crusade some years ago the attitude of the community towards such things has changed considerably. At first I found myself under attack, principally from the pornography industry lobby and the media, who resist any initiative that might limit their freedom to publish what they choose. The guidelines for publication have since been tightened and the community generally has supported me so strongly that State and Federal politicians have begun to listen.

However, the media still does not listen. Recently a features editor was foolish enough to admit to me that his reason for not running an article by me on the subject was that it did not reflect his own view. So much for freedom of speech! Apparently it is only for those with access to the media, who then happily censor views not in accord with their own. Another change I succeeded

in making was raising the age at which young people can appear as actors in pornographic films; the age in this State was raised from 16 years to 18 years of age. That change was achieved despite the ministry at the time being united against it. I thank all of my colleagues in the party room for making the change possible.

The only reason I am now breaching party-room confidentiality is to plead a change in the rules. When a backbench member proposes a private member's bill it is essential that the individual be admitted to the Cabinet or shadow cabinet meeting for the purpose of defending that proposal. Otherwise the proposal runs the risk of being misrepresented, perhaps even deliberately and maliciously so, as I believe happened to my proposal. I thank the friends who helped that and other proposals of mine to eventually succeed.

A role I particularly enjoyed as a parliamentarian was being the parliamentary patron of Spokeswomen, which is the self-help network for women in the public service. I have met some impressive women through that program and I have been delighted by its achievements, particularly for women on the bottom rungs of the public service. The program allowed a station hand, the redoubtable Pamela Kerslake, to confront the head of State Rail and achieve real and much-needed change. I am proud to say that the Spokeswomen's network expanded considerably under the coalition.

One of the greatest joys in my political career has been serving on the social issues committee. Our reports have a good track record of being implemented by government, and at least one has been used as a university textbook because of its thorough research. To all my fellow committee members, and to future committee members, I extend my best wishes and thanks, especially to those who served on the committee during my chairmanship. I believe we have made a great deal of difference, in a positive way, to the social climate of our State.

Even the one report that resulted in the majority of committee members being attacked by certain lobbyists and their politically correct hangers-on, our report into medically acquired HIV, was implemented by the Government, which later went further than our recommendations in providing assistance to the people affected. One of the most important functions of parliamentary committees is to listen: to hear the stories of those who have been affected by the issue under discussion. Some of the most impressive and memorable people I have met during my parliamentary career have been witnesses before the social issues committee.

Who of us on the social issues committee could ever forget the beautiful Lorraine Cibilic, who was dying of AIDS, coming day after day to support others and hold their hands while they testified, even though the cost to her health was great; or the eloquent Bryce Courtenay telling us of his son's painful death; or the birth mothers who had relinquished babies for adoption many years ago and had no way of even finding out whether they were alive or dead, and who sat alone with a birthday cake every year grieving; or the Hon. Judith Walker telling us in this Chamber of her painful experiences in losing her children. I have so many memories of so many stories and every one of them is important. I keep being reminded of the words of Sir John Carrick that Parliament is a means, not an end: a means to serve the community and to improve the social environment.

That brings me to a subject upon which I must have one last word before leaving this place. We all know the community is disillusioned with the political process. Today the sometimes childish and frequently abrasive spectacle that is question time in the lower House is beamed into family living rooms in eight-second grabs. The public sees only puerile debating games and any issue too complex for a fleeting grab, as most political issues are, is ignored or misrepresented.

The system is struggling under the challenges of an increasingly educated and insecure electorate on the one hand and recent electronic technologies on the other. All of you who continue to serve in this place will have to grapple with solutions to these problems. However, one strategy I would suggest is an expansion of the committee system as a means of increasing community participation in the political process, of ensuring that issues are thoroughly researched and of finding the optimal solutions to them as opposed to frequently simplistic legislation and knee-jerk opposition.

In recent times there has been much derision about the upper House in the media. The continuing development of the committee process so that it can be used for all legislation that does not have bipartisan support would be a strong riposte to the critics. I exhort my colleagues on the crossbenches to use their power and numbers wisely and sparingly. As all of you know, that has frequently not been the case—and not only in this Chamber. I wish all of you well as you continue the evolution of democracy in this State. I thank all of you who assisted me with my survey on the training needs of parliamentarians.

Unfortunately, I am not well enough to fly to Glasgow next week, and I have had to relinquish my

place on the Commonwealth Parliamentary Association [CPA] committee examining those needs. However, I will ensure that the CPA gets the information to use in its deliberations. These are challenging times for parliamentarians and for the democratic process. There is a need to respect the stability of tradition while at the same time having the flexibility to adapt to necessary changes.

The answer to political problems is not big government, it is relevant government, and the role of government is not to run businesses but to ensure accountability and to protect the disadvantaged. Indeed, in my view we are much more likely to get accountability, responsibility and transparency from government when it does not combine the two incompatible roles of provider and watchdog. Finally, I implore honourable members not to feel obliged to make fulsome comments about my departure—and I use the word "fulsome" in its correct sense. It has been an honour for me to serve the Liberal Party in this place and I need no thanks. For me the fun has come from being part of the process. I thank you all for your contributions, various as they have been, to that fun.

The Hon. M. R. KERSTEN [12.11 p.m.]: I suppose the term "valedictory speech" is probably not an apt description for what I say today. I prefer to look on it as an "I will see you all again very soon" speech. The day before yesterday Madam President most graciously hosted a dinner for those of us who are leaving this place. When I first came to this place I can recall being in her company and saying something which is worth repeating now. When I was first given the honour of representing the National Party in this place I approached both the House and its members with great awe. I was in awe for a long time, and I can say in all honesty that I am still in awe of the people I have come to know, like and respect in this place. I have seen many things here that have changed my view about what happens in the New South Wales Parliament, both in Government and in Opposition. I thought I knew it all, but in fact I knew absolutely nothing. That is what happens to us all when we come to a place like this.

I can say in all honesty that there is no-one in this Chamber today that I do not hold in great respect. I have come to understand many things here and respect is one of them. I have learned that valuable lesson not only from my colleagues on this side of the House, but from some of the friendships that I have made on the other side of the House. I can recall being a bit of a yeller and a screamer when I first came here. On one occasion the Hon. D. F. Moppett said to me, "Mark, that's not the way

to do it. I have found that if you approach the Ministers they will be more than happy to accommodate you." I tried that approach and, lo and behold, it worked. The Hon. Ron Dyer can attest to the fact that there is not a Minister in this House that I have not approached. I have approached them quietly and made representations without a lot of fanfare. On every single occasion I have been accommodated and the problems have been rectified. I thank the Ministers for that.

The Hon. J. R. Johnson: That is what you usually get from Labor Ministers.

The Hon. M. R. KERSTEN: I would prefer not to acknowledge that interjection. The same can be said of my colleagues on the other side. I have been given a great deal of advice during the years I have been here. I have heard many things both in this House and in the press. Many statements have been made this morning about what has been said in the press about the need to abolish the New South Wales upper House. I have to tell you in all honesty that I do not share that view. I have heard from it from my lower House colleagues, who take any and every opportunity to denigrate the efforts of this House. I repeat that I do not share that view. I give you an absolute guarantee that as my career goes along—which I hope it will—you will never hear from me at any time the sorts of statements made by people in the lower House and by the press about the abolition of this place.

On many occasions I have not agreed with what has resulted from legislation that has come before this House, I have not always agreed with the result. However, some things probably would have been calamitous if the members of this House had not voted to change them. This place is not only a House of review, it is also a handy safety valve for government in this State and I am a firm supporter of it. Like the Hon. B. H. Vaughan, I would like its name to be changed to the State Senate. I mean that sincerely.

The Hon. B. H. Vaughan: And you will vote for that when the time comes.

The Hon. M. R. KERSTEN: I will. I suppose it is something of an honour to be the last member to make a valedictory speech in this final session of the Parliament. I am told that I have created one or two records. The Hon. I. M. Macdonald used the vernacular when he spoke to me about my maiden speech. He said it was the longest maiden speech he had ever heard and he never wanted to sit through another one like it again. I do not know whether he was bored, but at least he was honest and

acknowledged the fact that it was a long speech, but interesting in parts.

I have heard many opinions this morning about why people go into politics and what gives them their drive. About a year ago I was speaking to a National Party senator, Sandy Macdonald, a lovely man, at the airport. He said something to me that made me think. He said, "Mark, there are only two types of people who enter politics—the mad and the ambitious". As I look around this Chamber and try to categorise everybody into those two slots, I am not game to say what my predictions are.

The Hon. D. F. Moppett: Are there any ambitious ones?

The Hon. M. R. KERSTEN: I would rather not acknowledge that interjection. I want to set something straight for the record. On one occasion not long after I became of member of this place I was yelling and screaming and the Hon. Max Willis was in the chair. He called me to order, and about three seconds later he called me to order for the second time.

The Hon. D. F. Moppett: At least he could remember your name!

The Hon. M. R. KERSTEN: Thank you, Doug Moppett. Having been called to order for the second time in the space of about three seconds I thought that I would have the dubious honour of being one of the few people to be thrown out of the place. Both Whips turned around and glared at me. But I want to set the record straight for *Hansard*. It was not me who was doing the yelling and screaming on that day—it was Charlie Lynn, although I was sitting in between Charlie Lynn and Mike Gallacher. It was not me, but Max mistakenly thought it was. I remember I had laryngitis on that day so it was those two. I hope that fixes the *Hansard* record.

I want to pay tribute to my colleagues in the National Party, who are not only my friends but my mentors. Without their help and guidance I do not know where I would have been. I have been reined in on a few occasions. I particularly thank my friend the Hon. Doug Moppett for all the help and assistance he has given me over the years. I also thank the Hon. Jenny Gardiner, the Hon. Duncan Gay, the Hon. Richard Bull and the Hon. Bob Rowland-Smith, who have all been very good to me since I became a member of this place. I also thank my colleagues in the Liberal Party.

The three years that I have been here have been most enjoyable and I have learned so much. I have been on an absolutely amazing learning curve. I cannot put into words what it means to me. I share some views—but not all views—with many members of this Chamber. At the end of the day we are all working towards a common goal; we just take different paths to get there. I thank all my colleagues for the friendships I have made, particularly those on the other side of the Chamber and on the crossbenches. Every one of you has prepared me for the next stage. I wish you well in your political futures. I also extend my best wishes to my colleagues who are retiring. I look forward to greater things in about four months, when my coalition colleagues are on the other side of the table. Thank you, Madam President, and honourable members.

Motion agreed to.

FRANCA ARENA CHILD SAFETY ALLIANCE

Personal Explanation

The Hon. FRANCA ARENA, by leave: I did not make a valedictory speech today because this morning I announced that I have formed my own party, the Franca Arena Child Safety Alliance. I will be running as a candidate for that party at the next State election. It is up to the people of New South Wales whether this will be my last speech. I hope I will be back next year, but if I am not I thank you all.

SPECIAL ADJOURNMENT

Seasonal Felicitations

The Hon. R. D. DYER (Minister for Public Works and Services) [12.22 p.m.]: I move:

That this House at its rising today do adjourn until Tuesday, 16 February 1999, at 2.30 p.m., unless the President or, if the President be unable to act on account of illness or other cause, the Chairman of Committees will prior to that date by communication addressed to each member of the House fix an alternative day and/or hour of meeting.

I should like to combine with my seasonal felicitations a brief acknowledgment of the remarks that have been made to the House by the honourable members who are departing. As one would expect, the Hon. M. F. Willis made a careful, intelligent and analytical speech. I convey my respects to him as a distinguished former Presiding Officer of the House. Some members might take the view that the Hon.

M. F. Willis paid undue reverence to certain ceremonial aspects of the House. However, not all members would share that view. Without doubt the Hon. M. F. Willis is steeped in the traditions of the House. He well understands its precedents and practices and he was truly an outstanding President.

The Hon. R. B. Rowland Smith, a former Minister of the Crown and Deputy Leader of the Opposition, could perhaps be described as the laird of Orange. He gave us the benefit of his associations with former members of the House, including the late Lindsay North. When the late Lindsay North was general returning officer for the Australian Labor Party he played a crucial role in the history of this country. He was summoned from his bed late at night. He proceeded to a scout hall at Bankstown, took possession of a ballot box with great ceremony, and the rest is history, the main part of the history being that Paul Keating became member for Blaxland and Prime Minister of Australia.

Madam President, on one occasion I said that for some perverse reason I like you. I will not go into any explanation as to why the reason might be perverse. I must say that since you were elected President of this House I have missed your sitting directly opposite me. You used to have the most quizzical expressions on your face when I was answering questions, and I found it most difficult to retain my composure. The fact you are now seated where you are means I can avoid your gaze much more easily. In the very short time you have occupied the office of President you have, in my view, been a distinguished and reforming Presiding Officer and I am very sorry that you are retiring. Every member of the House would share the view that you have fulfilled your duties admirably.

I should have said at the outset that the remarks I am making are made also on behalf of my ministerial colleague the Hon. M. R. Egan, who sends his regards from his eyrie on Devil's Island, where he is in exile. My remarks are also made on behalf of the Attorney General, the Hon. J. W. Shaw. I pay tribute to our Government colleagues. The Hon. J. Kaldis, the Hon. Dorothy Isaksen and the Hon. B. H. Vaughan have all served their party, the Australian Labor Party—a great though imperfect institution, as all human institutions are—well. They have served the Legislature in the same way.

The Hon. J. Kaldis spoke with great courage and humour. He is one of nature's gentlemen. He is a distinguished journalist and a master of the Greek language. We will all be sorry to see him leave this place. The Hon. Dorothy Isaksen has been an

absolutely outstanding Government Whip. In the time she has been here she has played a very important role in the House, and I include in that comment her work on parliamentary committees.

The Hon. B. H. Vaughan, a former Deputy Leader of the Opposition and latterly the chairman of the Standing Committee on Law and Justice, has been a great contributor to the House. Like the Hon. R. B. Rowland Smith, he goes with the furniture. He has that aura about him that seems to fit him as a legitimate member of the House. I became rather alarmed when the Hon. B. H. Vaughan was speaking about the House being renamed the State Senate. He referred to a question he addressed to the Hon. Barrie Unsworth, and I was rather apprehensive he intended to address the same question to me. If he had, I intended to interject and say that the time for questions had expired.

The Hon. Dr Marlene Goldsmith is a very thoughtful and, indeed, intellectual member who has contributed greatly to the House, particularly with her work on the Standing Committee on Social Issues. I take pride in the fact that I was closely associated with the establishment of the committee system of the House, mainly by virtue of my chairmanship of the Select Committee on Standing Committees, commonly but irreverently referred to as the committee on committees. I take the view that committees have perhaps the pre-eminent role in this House. I believe the Standing Committee on Social Issues, the Standing Committee on Law and Justice and other committees serve the House and the State of New South Wales very well. I commend the Hon. Dr Marlene Goldsmith for her contribution to the House, particularly, as I said, to the work of the social issues committee.

The Hon. M. R. Kersten is but a newcomer here. I thank him for his remarks regarding the way in which Ministers have sought to address the concerns he has raised, usually on behalf of people living in the backblocks of the State. I do not use that expression in any pejorative sense. The Hon. M. R. Kersten has shown an appalling lack of judgment in wanting to transfer from here to another place. I will speak to him about that later.

I thank the Hon. M. R. Kersten for his contribution to the House and I wish him all the best in the future. I will not extend my remarks beyond that. Perhaps I should adopt a commonly used phrase and wish him all the best with his future endeavours, and keep it general in that sense. The House will lose corporate knowledge with the retirement of members, and that is a matter for regret. However, times move on and it is inevitable.

I thank all members on behalf of the Government for the contribution they have made to the House and to the State of New South Wales.

In addressing seasonal felicitations I would like to say some things very briefly. This has been an extremely busy year, and there are even more challenges to come before the year ends. I welcome the changes that you have brought about, Madam President. It is appropriate that you have introduced changes because, despite what some members think, it is important that we become a modern and dynamic institution. I am not one of those who advocate the abolition of the House. I can say that in safety because Mr Egan is not here.

I thank my ministerial colleagues the Hon. Mike Egan and the Hon. Jeff Shaw, the Government Whip the Hon. Dorothy Isaksen, the Deputy Whip the Hon. Andy Manson, and all Government members. I thank the Leader of the Opposition and the Deputy Leader of the Opposition for their co-operation. The Opposition Whip, the Hon. John Jobling, is his avuncular self on all occasions and is very co-operative. My notes say that I should thank the crossbench members. Who wrote this? I do thank the crossbench members, particularly for the occasions on which they appeared in the division lists with Government members. I wish them all the best over the festive season.

I thank the Deputy President and Chairman of Committees, the Hon. Duncan Gay, who is very suitable in the role and who discharges his onerous functions with great distinction, patience and good humour. Madam President, I wish you all the best in your retirement. I wish you happy beekeeping as well. I give my regards to and pay thanks to the staff of the Parliamentary Counsel's office, led by Dennis Murphy, QC. They were given afternoon tea by the Cabinet last Monday afternoon. Their workload has been greatly increased, particularly by the crossbench, but they carry out their duties very ably and with great skill and patience.

I thank the Clerks—John Evans, Lynn Lovelock and Mike Wilkinson. I thank Black Rod, Warren Cahill. Warren might have noticed that I have been even better behaved than usual of late because I do not want to be "assaulted" by Black Rod. That is meant in jest; I do not want it to be cited in legal argument outside. I thank all staff of the Legislative Council, Ian Pringle and the attendants, the committee staff, the information technology staff, Mark Faulkner and the Hansard team, Greg McGill and the accounts staff, Rob Brian and the library staff, David Draper and the catering staff, Pat Makin and the printing staff, Stafford

Bennett and building services, the cleaning staff, the security staff and members of the press gallery. Should I say that? I will. I also thank the departmental officers and advisers and the ministerial and personal staff of Ministers.

I thank my own staff very sincerely. I also convey thanks to the staff of the Hon. Mike Egan and the Hon. Jeff Shaw for performing a difficult role at the best of times. With those more than few words I wish all members, their staff and their families every best wish for Christmas and the new year.

The Hon. J. P. HANNAFORD (Leader of the Opposition) [12.35 p.m.]: In recent times there has been an increasing tendency for members to enter parliamentary service in the belief that they are pursuing a career. Parliamentary service is not a career: it is a vocation of service. The valedictories today have recognised the retirement of eight members who have given a total of 140 years of service to the community. Before I thank them for that service it is appropriate that I first thank their spouses and families, who allowed those members to experience the best part of their lives in service to our community. The members would not have been able to do so as excellently as they have without the support of their spouses and families, who have made significant sacrifice in the service of New South Wales. All too often we forget to say thankyou to them.

Max Willis will retire from this House with a record that will never be equalled. After a period as an appointed member he had 28 years as an elected member. I do not think we will ever see that record equalled; I hope that we never see that record equalled. Because of the vagaries of the relationship between the Legislative Assembly and this Chamber, the Hon. Max Willis was never appointed a Minister. Most members come into this House hoping to have the experience of being a Minister. However, he was an outstanding President of the Chamber.

What has not been noted, and I shall put it on the record now, is the significant contribution that he has made to the Liberal Party. He is a great strategist. He developed some of the electoral strategies that achieved victory for the party. He also developed strategies which, had they been followed, would have led to other victories. But history notes that the strategies he worked out were ignored by the leaders of the time, to their detriment. As a member of the Legislative Council from the southern part of metropolitan Sydney Max contributed to the growth and emergence of the

Liberal Party in that area. As a result of his leadership the Liberal Party gained many seats in the area after the great victories of Neville Wran.

Bob Rowland Smith has also provided great leadership to the National Party in this House. He has been a member of the House for 25 years and will go down in the record books as the longest serving elected National Party member of the Legislative Council. I suspect that that record also will never be equalled. I can remember when Virginia Chadwick was preselected to the Legislative Council. I had been a member of the Liberal Party for only a short time and at that time she was the youngest member to be elected to this Chamber. She has been able to sustain her youthful appearance. To emphasise her youth, I note that when I was subsequently elected and became the youngest member of the Chamber she was even then only a few months older than me.

The Hon. Virginia Chadwick fought her way through—I emphasise that she fought her way through—the Liberal Party to achieve preselection. Her victory was sweet for her because at the time she was strongly opposed by organisations within the Liberal Party that did not want someone from the Hunter Valley, let alone Virginia Chadwick, in this House. It is important to recognise Virginia's great role as a Minister in the Greiner and Fahey governments. It is appropriate for me to acknowledge the disappointment that she experienced, but would never publicly acknowledge, in not becoming the Leader of the Opposition in this House. Many honourable members, myself included, acknowledge her disappointment and recognise that perhaps that should have occurred. But in politics we do not have control over such things, and that appointment did not come about.

The great contribution made by the Hon. Virginia Chadwick to the Parliament and to the Liberal Party was recognised with her election as President, although she and other members of the House recognise the sadness of the circumstances in which that election came about. We are very appreciative that she was given that opportunity and we appreciate the mark that she has been able to make in this Chamber.

The contribution made by the Hon. Dr Marlene Goldsmith must be recognised. Marlene came to the fore in her role as chief of staff to John Dowd. Every political organisation needs someone who provides intellectual honesty and seeks to impose a discipline in that organisation to adhere to its principles and beliefs. Marlene Goldsmith will be noted in the records of the Liberal Party for that

great strength. She has maintained that intellectual rigour in her work in the Parliament as Chairman of the Standing Committee on Social Issues. She has brought that intellectual strength and honesty to her contributions in that role. Whilst Marlene will retire from the Parliament, I have not the slightest doubt that she will continue to show the great strengths of intellectual honesty and rigour and will continue to seek to apply them to our political party.

I join our colleague Ron Dyer in saying that I do not know why the Hon. M. R. Kersten is leaving this place for another. I accept that Mark has always been prepared to take on a challenge, and I have no doubt that the discipline that we in this Chamber have been able to impart to him will contribute greatly to his making a significant impression in the Legislative Assembly when he is elected to that place. I have no doubt that he will be in a position of great influence and leadership, and much of that will be due to the three years that he has been here and the lessons he has learnt about the real role of Parliament and the body politic—something that is learnt in this Chamber but which members in the other place do not have the opportunity to learn.

I say to our colleagues on the other side of the House who are retiring, the Hon. Dorothy Isaksen, the Hon. B. H. Vaughan and the Hon. J. Kaldis, that it has been a pleasure to be a part of your experience in this Chamber with you. I recognise the disappointment felt by the Hon. B. H. Vaughan in not being able to achieve the change of name of this Chamber that he desires.

That name change will occur. Even though the Hon. B. H. Vaughan was disappointed with the answer given by the Hon. Ted Pickering to his question, Ted told me to draft the legislation and see if it could happen. The legislation was drafted but was not passed through the Chamber. It is not inappropriate on your retirement, Bryan, to note that the legislation was then handed to a crossbench member in the hope that the numbers in this House and the numbers in the lower House when the Government did not have a majority could be used to get the legislation passed. It is my belief that the change in name of the Chamber will occur.

It is time to say farewell to all honourable members for the Christmas period. Today marks the end of a four-year session, one that has been noted by a number of successes for this House as a parliamentary Chamber, although with some elements of regret. The Government has broadened the committee system, which is to its credit. The budget committees have improved their roles. The concept of general purpose committees has been

introduced, and those committees have been put to tentative use. I believe that the role of this House and its committees will be greatly expanded in the future, and that will be a hallmark of this Chamber.

The independence of this Chamber has been marked by the challenges between Executive Government and the House. I regret that, because of the politics of this Chamber, the Hon. Michael Egan is not here to make a contribution to these felicitations. That is unfortunate. His absence reflects an unfortunate part of our history, which will, however, have an important effect on the future of the Chamber. I thank Michael Egan as Leader of the Government for the way in which he has supported members of the House and for the working relationship has been engendered between members of the House.

I thank the other Ministers of this House, too, for the way in which the Chamber has worked in the past 12 months and the past four years. Our good working relationship could not have been achieved without the great work of Dorothy Isaksen as Government Whip or the guidance that all honourable members have received from Virginia Knox. If there is someone who really makes this House work, it is Virginia Knox. I thank her for the support that has been given to all of us. I thank the staff of all Ministers, who have provided honourable members with great co-operation and assistance.

I thank my colleague the Hon. Richard Bull, the Deputy Leader of the Opposition, for the significant support he has extended to me in the past four years. Some people have heard me say that my four years as Leader of the Opposition has in some ways been harder than my years as Leader of the Government, because of the pressures that are part of this Chamber these days, exacerbated by the lack of support staff. Richard Bull has supported me very significantly, as has the Hon. John Jobling as Opposition Whip. No leader or party in this Chamber, in government or in opposition, could be better served by a Whip than the coalition has been served by John Jobling.

I thank the shadow ministers in this House for their support. Coalition members have formed a very strong and supportive team in the past four years. To the Clerks of this House, who make this place work, I say thank you very much for your direction. I will not enumerate all of the other members of the staffs of the House, but I recognise that we could not function properly within the Parliament without their dedication, not just to helping members but to the institution.

I hope that all of us get the opportunity to spend time with our families in this period leading up to Christmas, to remember that whilst we become perhaps myopically entranced with our role in the Parliament the most important people in our lives are those who are at home supporting us. Let us use the time of Christmas to remind ourselves of that. As we go into the cauldron of an election, which will involve great political tension between us all as we pursue that battle, it is appropriate for us to remember that when we are in this Chamber and working together we do so in an attempt to improve the lot of the people who elected us.

The Hon. J. W. SHAW (Attorney General, Minister for Industrial Relations, and Minister for Fair Trading) [12.50 p.m.]: In light of the eloquent statements made by the Hon. Ron Dyer and the Hon. John Hannaford there is little I need say. However, I would like to make a couple of remarks at the end of this parliamentary session. I have listened with great interest to the speeches of the departing members. I respect each and every one of the members who have finished their service in this House.

Over the past three to four years of government I have appreciated the civility that has generally prevailed in this House and the spirit of co-operation and professionalism. That co-operation has meant that we have been able to deal with a vast amount of legislation that will be in the public interest. I wish to thank all the parliamentary staff for their great assistance to members during this year in particular but also over the past three to four years. I have appreciated the support of Government members and the co-operation of Opposition members.

The Hon. R. S. L. Jones: What about the crossbenchers?

The Hon. J. W. SHAW: One step at a time. I have enjoyed my dealings with the crossbenchers with their disparate and often vigilant interests in a variety of topics. To negotiate amendments and try to predict the numbers is extremely difficult but, by and large, we have been able to do so professionally and, I hope, to the satisfaction of the crossbenchers, although obviously there have been some irreconcilable differences. However, by and large we have been able to work co-operatively with all members. It has not been an easy process and it has taken patience and time to achieve the desired results.

I commend my staff for their idealism, dedication and loyalty. Two members of my staff

are leaving in the near future, although I am sure that does not reflect any view as to the likely election result. Miss Jessie Choy has been the parliamentary liaison officer. A few years ago she was seen as a party girl but she is now studying law at the University of Technology, and she is taking up a position with the Public Service Association of New South Wales. Miss Marian Trenerry has essentially dealt with workers compensation issues and has given great service in that area. She will be taking up a senior position with the Department of Industrial Relations. I congratulate those two staff members in particular and, indeed, all my staff, who have worked as a team over the past few years. I wish all members of this House a little respite over the Christmas period and a happy New Year.

The Hon. R. T. M. BULL (Deputy Leader of the Opposition) [12.53 p.m.]: I should like to reflect briefly on some of the departing members and extend my felicitations on behalf of the National Party. The Chamber will be the poorer for the departure of Max Willis and Bryan Vaughan, who are two excellent debaters. When I first entered Parliament Max Willis was one of the fiercest debaters. His mind was like a steel trap when it came to understanding legislation and articulating the Opposition's point of view. He distinguished himself as President of this Chamber and will be remembered for the many reforms that he made. Bryan Vaughan is one of the great debaters. Over the years he always enjoyed coming to the lectern, wrenching it up, and then delivering outstanding speeches. The Chamber will be the poorer for those two leaving.

However, we still have the Hon. Doug Moppett, who speaks eloquently without notes. The real debaters are those who can get up and speak, as the Hon. Max Willis did this morning, without needing notes. This is the debater's House and those two members excel in debating. My former leader, Bob Rowland Smith, has been of great assistance to me. I worked with him for many years and he was an outstanding Minister for Sport and Recreation. He presided over many changes in the Parliament and I thank him for his support and work for the Country Party, which became the National Country Party and now the National Party. We will miss Bob for all his intricacies and contributions.

Madam President, I will miss you especially because you have had an extraordinary influence on my life as a member of Parliament. Working with you for four years in the Ministry of Education was an exhilarating experience. You have a certain political savvy and wisdom that will be missed by the coalition; you will be very difficult to replace. I

only hope that Catherine Cusack can retain her position on the ticket. I thank you very much for your support. You should have been Premier of New South Wales and we are all the worse off for that opportunity not being given to you. You were an outstanding Minister and in recent times you have been an outstanding President. Thank you very much for all the help you have given me.

I turn now to Jim Kaldis and Dorothy Isaksen. Both Dorothy Isaksen and the Hon. Doug Moppett have proved that a soufflé can rise twice. I wish Jim and Dorothy well in their retirement, which is well deserved. Marlene Goldsmith has been an outstanding leader and participant in committee work. We will miss you, Marlene. Your time in this place has been shortened by your recent illness and we wish you all the very best for your future and continuing life.

Finally, I pay tribute to my good friend the Hon. Mark Kersten, who is missing one of his friends from the Liberal Party. The three of them are always together. Mark has been a great team man for the National Party in the few years that he has been a member of this House, and we have enjoyed his support. He has learnt a lot about politics and I hope he takes that knowledge to the lower House. He has certainly had the opportunity to ask questions and make speeches here, an opportunity that might be denied him in another place. Mark is a highly personable man and he has been a fierce defender of the west, and Broken Hill in particular. I am sure he will carry on in that vein in the months to come. We wish him well and thank him for his support.

I briefly thank the Government Ministers and all staff members. I particularly mention Virginia Knox, who is completely unflappable and does a fantastic job in communicating with the Opposition on behalf of the Government. I wish Michael Egan all the best and thank him, Ron Dyer and Jeff Shaw for their co-operation, which has enabled considerable legislation to be passed. That is the function of this House. Let us leave the politics to another place and get on with the job here.

I thank the crossbenchers for their support. Their job is probably more difficult than that of anyone else. I thank my leader, John Hannaford, for his outstanding leadership over the past four years. It has been a pleasure working with him. I thank all other members of the coalition, in particular John Jobling, who has been the most outstanding Whip ever in this Chamber. He has excelled in that position and even in opposition he is still running the show.

I thank the Chairman of Committees, the Hon. D. J. Gay, for his support and for his work in the Chamber. Some members might think he has a split personality, because he appears to take on another personality when he is in the chair to that he assumes when he is on the Opposition benches. He enjoys his politics tremendously and he has been an outstanding Chairman of Committees.

I thank the members of my National Party team for their support; I thank also the members of the coalition and all those referred to by the Hon. R. D. Dyer; and I thank the attendants, who have been fantastic. I thank my personal staff, Edwina Pearce and Tanya Cleary, who have been tremendous to me as Deputy Leader of the Opposition and in all my portfolio work. I wish everyone a peaceful and holy Christmas. I hope that the time spent with families and loved ones is enjoyable and restful in the period during the next few weeks, which could otherwise be described as the calm before the storm.

Reverend the Hon. F. J. NILE [1.03 p.m.]: On behalf of the Christian Democratic Party and my wife, Elaine, I wish to make a few remarks. As we approach the end of this four-year session it is appropriate to give thanks to almighty God. I have spent 17 years in this House and I have been thinking of the many blessings we have all received and to which other honourable members who are leaving the House have referred. We are reminded in Ephesians 5:20 that we should give thanks always for all things unto God and the Father in the name of our Lord Jesus Christ. We give thanks to God for Christmas, which we will celebrate shortly. God was in Christ reconciling the world unto himself, linking the cradle and the cross for time and eternity. From the birth of Jesus Christ we take our calendar and the letters AD, in the year of our Lord.

At this time I also give thanks to God for the opportunity this weekend to celebrate, with our children and their wives, 40 years of marriage to Elaine. I give thanks to God as I am the only member who has his wife sitting beside him in the Legislative Council. We give thanks to God for the opportunity to advance the glory of God and the true welfare of the people of New South Wales and Australia when we pray at the beginning of each day. I give thanks to God for the oath of allegiance to the Queen of Australia, Elizabeth II, that I took when I was sworn in 17 years ago. We also give thanks to God for the opportunity to know and become good friends with many members of this House from both sides of politics since my election in 1981 and, prayerfully, my re-election, on 27 March next year. However, I will leave my future in the hands of God.

We give thanks for the friendships of those who are leaving this House or are retiring from Parliament on this occasion, particularly the Hon. Bryan Vaughan, who has been a very good friend and with whom I have served on the Standing Committee on Law and Justice and on overseas study tours. I thank the Hon. Max Willis, who has been the Chairman of the Standing Committee on Social Issues of which I was a member and also President of this House. It comes to mind that he chaired the Standing Committee on Parliamentary Privilege and Ethics when I was challenged and could have been expelled from the House, to my mind for no reason at all. That was a nerve-racking time for me and I am glad the matter was resolved peacefully and quietly and I was able to continue to serve as a member of this House.

I thank the Hon. Dr Marlene Goldsmith, who chaired the Standing Committee on Social Issues. I concur with her comments about the heart-rending stories we heard from witnesses time and again. I thank Dorothy Isaksen, who has been a good friend and who, as a Government Whip, has always been helpful and co-operative; the Hon. Bob Rowland Smith, who, although he supports racing, I regard as a very good fellow and as a friend of ours; James Kaldis for his faith and his courage in the face of his illness; and Mark Kersten as he moves to the other place. We give thanks to God for the help and co-operation that we have received from both sides of Parliament. The Christian Democratic Party has honestly tried to be a bridge between both sides when there have been differences of opinion, and to find a middle road for the benefit of the people of this State, which has been our main concern.

We also thank God for the co-operation we have had from the leaders of both sides of politics. The Hon. Mike Egan is not here today, but that is as a result of the political process of this House. I thank the Hon. Ron Dyer, the Hon. Jeff Shaw, the Hon. John Hannaford and the Hon. Duncan Gay in particular, who served as Chairman of Committees. I commend Dorothy Isaksen and John Jobling for their important roles as party Whips, with whom crossbench members have consulted and from whom they have received advice and assistance. We give thanks for the help and guidance we have received from all members of the staff; the President, the Hon. Virginia Chadwick, and former Presidents—the Hon. John Johnson and the Hon. Max Willis. We give thanks to the Clerks, John, Lynn, Mike and also Warren, who have served in this House and have been a great help to me on a number of committees.

We give thanks to the Hansard reporters, the attendants, the library staff, dining room staff,

especially David Draper as we have many functions at Parliament House and have always received great co-operation and assistance from the staff. We give thanks to the printing department, the security office, my parliamentary legislative officer, Jeff Sorrell, and to all members from both sides and the crossbenches. Finally, may God bless all the members of this House and their families. We hope they have a peaceful, joyful, holy and healthy Christmas as we celebrate the birth of our Saviour, the Lord Jesus Christ. As we are reminded in Isaiah 9, in two verses which are part of the Messiah and which are famous but were written 700 years before the birth of Christ, and which link our Lord Jesus Christ and Government together, I read from verses 6 and 7:

For unto us a child is born, unto us a son is given: and the government shall be upon his shoulder: and his name shall be called Wonderful, Counsellor, The mighty God, The everlasting Father, The Prince of Peace.

Of the increase of *his* government and peace *there shall be* no end, upon the throne of David, and upon his kingdom, to order it, and to establish it with judgment and with justice from henceforth even for ever. The zeal of the Lord of hosts will perform this.

God bless you all.

The Hon. J. H. JOBLING [1.07 p.m.]: I will briefly associate myself with the comments and felicitations of the Leaders and Deputy Leaders of the Opposition and the Government on this occasion. However, I move:

That the question be amended by the addition, at the end, of the following paragraphs:

2. Notwithstanding the above, the President, on receipt of a request by a majority of the members of the House that the House meet at an earlier time, must, by communication addressed to each member of the House, fix a day and hour of meeting in accordance with the request.
3. For the purpose of paragraph 2, a request by the leader of any recognised party or group is to be deemed to be a request by each member of that party or group.
4. A request may be made to the President by delivery to the Clerk of the House, who must notify the President as soon as practicable.
5. In the event of the absence of the President, the Clerk must notify the Chairman of Committees, or, if the Chairman of Committees be absent, any one of the Temporary Chairmen of Committees, who must summon the House on behalf of the President, in accordance with this resolution.

The Hon. R. S. L. JONES [1.10 p.m.]: I speak briefly to wish retiring members all the very best. I have made a lot of friends amongst them. We will miss them very much. I thank my extraordinary,

indeed quite brilliant, adviser Sally Girgis, Jeni Emblem and Barry Davies. I commiserate with Hansard, who have had to deal with me and particularly my rapid rate of delivery for the past four years. It must be very difficult for them. I wish to thank the attendants, the staff of the Parliamentary Library, Parliamentary Food and Beverage Services, and especially the cleaning staff who tidy up the mess that I make. I wish my colleagues on both sides of the House the very best for Christmas. I hope that all those who wish to come back will come back. Maybe some who have not given speeches today will not be coming back. Let us hope that is not the case. I wish all honourable members the very best.

The Hon. Dr A. CHESTERFIELD-EVANS

[1.11 p.m.]: On behalf of the Australian Democrats I extend seasons greetings and a happy new year to all honourable members. I farewell those who are retiring. I perhaps should not say more than that they have given me a wonderful introduction to Parliament. I appreciate their efforts in that respect. I do not think I should speak about honourable members who are retiring: members who know them far better than I do have expressed sentiments that I share.

I pay tribute to the Hon. Elisabeth Kirkby, whose retirement from this place allowed me to become a member this House. To my staff, Simon Disney, Guy Ellicot and James Lantry, I express special thanks. To the staff, particularly those from Information Technology Services, who have carried me and guided me through the difficulties of understanding electronics and the new technology, I say thankyou. I thank the Clerk of the Parliaments, Mr John Evans, and the Deputy Clerk, Ms Lynn Lovelock, who helped me to settle in as a member of Parliament and explained to me the procedures of the Chamber.

I thank the staff of the committees of this Parliament for trying to bring me up to speed with the work of committees that were already dealing with matters with which I became involved when I was appointed a member of those committees. I thank the Parliamentary Counsel, who has kept me out of trouble. I thank the Parliamentary Library staff for their help in providing me with facts to fight the rhetoric. I thank also the attendants, the catering staff, the cleaners, the security officers, printing staff and Hansard, who make us sound better than we are. I hope that every member of this Chamber and all of the parliamentary staff have a great Christmas.

Amendment agreed to.

Motion as amended agreed to.

ADJOURNMENT

The Hon. R. D. DYER (Minister for Public Works and Services) [1.13 p.m.]: I move:

That this House do now adjourn.

WORKCOVER WHISTLEBLOWERS

The Hon. Dr A. CHESTERFIELD-EVANS [1.13 p.m.]: I would like to dedicate this speech to Philip Arantz, the whistleblower who was so active in regard to police deception. I wish to speak on the ongoing problems with WorkCover and to request again that action be taken both to correct the deficit and to bring those responsible for it to account. Arguably, the WorkCover deficit is the third most important financial issue for the State, after Commonwealth-State relations and the Olympics.

The fact is that the WorkCover scheme is broke and is getting further into debt. As I said in my speech at the time of debate of WorkCover legislation on 2 July, the current WorkCover scheme has a deficit of some \$1.5 billion and is going backwards at more than \$2 million a day. It is a question of who is responsible, whether they will be brought to account, and whether those who have tried to draw attention to the problems will be rewarded or punished.

As I have said in this House with regard to Cynthia Kardell on the South Eastern Sydney Area Health Service, Stephen Maher on trying to get a smoke-free work place policy implemented in CityRail, and now Robert Taylor at WorkCover, the path is not easy. There is the early death of career prospects, then harassment, bullying, visits to psychiatrists in a manner worthy of former Communist Eastern Europe, and dismissal or exit on the medical ground of stress, which is usually of the employer's own making. The whole process is helped because huge wads of public money—including legal fees—are spent to make life difficult for the whistleblower. I seek leave to table certain documents that I believe will prove valuable for the information of all honourable members.

The Hon. J. W. Shaw: What are they?

The Hon. Dr A. CHESTERFIELD-EVANS: They are statements of WorkCover on how it came to be in financial difficulties and about controversy arising between WorkCover and the whistleblower regarding that matter.

The Hon. R. D. Dyer: Are they public documents?

The Hon. Dr A. CHESTERFIELD-EVANS: Many of them have already been released under protected disclosures provisions.

The Hon. J. W. Shaw: Regretfully, I would have to object to their tabling, not having been given advance notice of the content of the documents or of their intended tabling.

The PRESIDENT: Order! The House does not grant leave.

The Hon. Dr A. CHESTERFIELD-EVANS: Bob Taylor has previously forewarned WorkCover management of inadequate strategies to counter the rising costs of premiums to employers and has suffered considerable harassment as a result of his criticism. More money spent on rising premiums will mean less money spent employing more workers. Workers who attempt to expose maladministration or mismanagement are all too often subjected to vilification and detrimental action by colleagues. The tabling of this material would allow honourable members to satisfy themselves whether or not the level of harassment experienced by my constituent can be justified.

Whistleblowers, whether they expose corruption or maladministration, should be afforded protection. Mr Taylor had appealed to me to table these documents to ensure that the management failure of WorkCover is placed on the public record and to permit WorkCover's accountability and control processes to be examined by the New South Wales Parliament. These documents should also encourage the investigation of WorkCover's post June 1991 financial management of the WorkCover managed fund scheme. I attach a summary of the material that I have sought to table.

The PRESIDENT: Order! The House has indicated that it does not grant leave to table the material.

The Hon. Dr A. CHESTERFIELD-EVANS: I will continue to endeavour to have this material brought into the public domain in New South Wales as I believe it is important that the public have access to the material. I apologise to the Attorney General that I did not have the chance to show him this material, so that it could be tabled. I have a list of the material, if that would be of assistance in persuading the Attorney to change his mind about the tabling of this material. If the Attorney maintains his position of denying leave, I will continue my endeavours to bring the material into the public domain, for that is important, among other things, to save the career of the whistleblower, who I believe has tried to do an important public service.

THE HONOURABLE VIRGINIA CHADWICK

The Hon. HELEN SHAM-HO [1.16 p.m.]:
Madam President, I wish to take this opportunity to wish you all the very best. Please take my word for it: you have been the greatest model for all women who aspire to be members of Parliament. I congratulate you on all the work you have done, not only for the Liberal Party but for the Parliament of New South Wales and for Australia, because you have made history. I highly respect you, and I still

consider you a friend. All the very best for your future.

The PRESIDENT: I thank the Hon. Helen Sham-Ho.

Motion agreed to.

**House adjourned at 1.17 p.m. until 2.30 p.m.
on Tuesday, 16 February 1999.**
