

# LEGISLATIVE COUNCIL

Tuesday 29 August 2000

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**The President (The Hon. Dr Meredith Burgmann)** took the chair at 2.30 p.m.

**The President** offered the Prayers.

**The PRESIDENT:** I acknowledge that we are meeting on Eora land.

## ASSENT TO BILLS

Assent to the following bills reported:

Statute Law (Miscellaneous Provisions) Bill  
 Dairy Industry Bill  
 Fair Trading Amendment (Enforcement and Compliance Powers) Bill  
 Home Building Amendment Bill  
 Casino Control Amendment Bill  
 Children's Court Amendment Bill  
 Crimes (Forensic Procedures) Bill  
 Independent Pricing and Regulatory Tribunal and Other Legislation Amendment Bill  
 Industrial Relations Leave Legislation Amendment (Bonuses) Bill  
 Liquor and Registered Clubs Legislation Amendment Bill  
 Lotteries and Art Unions Amendment Bill  
 Medical Practice Amendment Bill  
 Racing Taxation (Betting Tax) Amendment Bill  
 Unlawful Gambling Amendment (Betting) Bill  
 Industrial Relations Amendment Bill  
 Road Transport (Heavy Vehicles Registration Charges) Amendment Bill

## LEGISLATIVE COUNCIL VACANCIES

### Resignation of the Honourable Jeffrey William Shaw

**The PRESIDENT:** I report the receipt from His Excellency the Governor of a communication notifying the resignation of the Hon. Jeffrey William Shaw and intimating that it had been accepted with effect from 28 August 2000. His Excellency advised also that the resignation had been acknowledged, and that the Hon. Jeffrey William Shaw had been informed that the President of the Legislative Council had been notified of the resignation. I have acknowledged His Excellency's communication, and the resignation has been entered in the Register of Members.

### Resignation of the Honourable Richard Thomas Marshall Bull

**The PRESIDENT:** I report the receipt from the Official Secretary to His Excellency the Governor of a communication notifying the resignation of the Hon. Richard Thomas Marshall Bull and intimating that it had been accepted with effect from 29 August 2000. His Excellency advised also that the resignation had been acknowledged, and that the Hon. Richard Thomas Marshall Bull had been informed that the President of the Legislative Council had been notified of the resignation. I have acknowledged His Excellency's communication, and the resignation has been entered in the Register of Members.

## POLICE INTEGRITY COMMISSION

### Reports

**The President** announced, pursuant to the Police Integrity Commission Act 1996, the receipt of the following reports, received out of session:

Report to Parliament—Operation Algiers, dated June 2000  
 Report to Parliament—Operations Copper, Triton and Nickel, dated June 2000  
 Special Report to Parliament—Project Oracle: A Review of Assault Complaints Involving Officers of the New South Wales Police Service, dated August 2000.

**The President** announced that, pursuant to the Police Integrity Commission Act 1996, she had authorised that the reports be made public.

### **INSPECTOR OF THE POLICE INTEGRITY COMMISSION**

#### **Report**

**The President** announced the receipt of the annual report of the Inspector of the Police Integrity Commission for the year ended 30 June 2000, received out of session.

**The President** announced that she had authorised that the report be made public.

### **ADMINISTRATIVE DECISIONS TRIBUNAL LEGISLATION AMENDMENT (REVENUE) BILL**

#### **RURAL ASSISTANCE AMENDMENT BILL**

#### **ROAD TRANSPORT (SAFETY AND TRAFFIC MANAGEMENT) AMENDMENT (BLOOD SAMPLING) BILL**

#### **ADOPTION BILL**

#### **CHILDREN AND YOUNG PERSONS (CARE AND PROTECTION) MISCELLANEOUS AMENDMENTS BILL**

### **WESTPAC BANKING CORPORATION (TRANSFER OF INCORPORATION) BILL**

#### **PLANT DISEASES AMENDMENT BILL**

**Bills received.**

**Leave granted for procedural matters to be dealt with on one motion without formality.**

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

That these bills be read a first time and printed, standing orders be suspended on contingent notice for remaining stages and the second reading of the bills be set down as orders of the day for a later hour of the sitting.

**Bills read a first time.**

### **TABLING OF PAPERS**

**The Hon. Carmel Tebbutt** tabled the following reports:

Report on the Review of the Law Enforcement and National Security (Assumed Identities) Act 1998, dated 10 April 2000  
Report of the Mental Health Review Tribunal entitled "Mental Health Review from 1993 to the year 2000, including the Annual Reports for 1997 and 1998"

**Ordered to be printed.**

### **BILLS UNPROCLAIMED**

**The Hon. M. R. Egan** tabled a list detailing all legislation unproclaimed as at 29 August 2000.

### **REGULATION REVIEW COMMITTEE**

#### **Reports**

**The Hon. Janelle Saffin**, on behalf of the Chair, tabled the following reports:

Report on the Environmental Planning and Assessment (Savings and Transitional) Amendment (Olympic Co-ordination Authority) Regulation 1999, dated June 2000  
Report on the Lord Howe Island (Elections) Regulation 1999, dated June 2000

**Ordered to be printed.**

**TABLING OF PAPERS**

**The Clerk** announced the receipt of the following annual reports forwarded in accordance with the Annual Reports (Statutory Bodies) Act 1984:

Newcastle Showground and Exhibition Centre Trust Inc., for the year ended 30 June 1999  
Farrer Memorial Trust, for the year ended 31 December 1999  
Rural Lands Protection Boards Association of New South Wales, for the year ended 31 December 1999  
Sydney Cricket and Sports Ground Trust, for the year ended 29 February 2000  
Lake Illawarra Authority, for the year ended 31 March 2000

**The Clerk** announced the receipt of the following papers forwarded in accordance with the State Owned Corporations Act 1989:

Changes to the Articles of Association of Biobond Pty Ltd, dated 10 July 2000  
Memorandum and Articles of Association of New South Wales Lotteries Corporation, dated 7 July 2000

**The Clerk** announced the receipt of the Renewed Operating Licence granted to Sydney Catchment Authority under section 40 of the Sydney Water Catchment Management Act 1998, dated April 2000.

**The Clerk** announced that he had authorised that the reports be printed.

**COMMITTEE ON THE OFFICE OF THE OMBUDSMAN AND THE  
POLICE INTEGRITY COMMISSION****Reports**

**The Clerk** announced, pursuant to the Police Integrity Commission Act 1996 and the Ombudsman Act 1974, receipt of the following reports:

Report entitled "Follow-up on the Review of Schedule 1 of the Ombudsman Act 1974", dated August 2000  
Report entitled "Second Review of the Protected Disclosures Act 1994", dated August 2000

**Ordered to be printed.**

**SYDNEY WATER CORPORATION OPERATIONAL AUDIT**

**The Clerk** announced, pursuant to resolution of the House of 13 May, the receipt of the report of the Licence Regulator entitled "1999 Operational Audit of the Sydney Water Corporation", dated July 2000.

**Ordered to be printed.**

**GENERAL PURPOSE STANDING COMMITTEE No. 5****Report**

**The Clerk** announced the receipt of the report entitled "Budget Estimates 2000-2001—Volume 1", dated July 2000.

**Ordered to be printed.**

**SELECT COMMITTEE ON THE INCREASE IN PRISONER POPULATION****Interim Report**

**The Clerk** announced the receipt of the report entitled "Interim Report: Issues Relating to Women", dated July 2000.

**Ordered to be printed.**

**GENERAL PURPOSE STANDING COMMITTEE No. 1****Report**

**The Clerk** announced the receipt of the report entitled "Olympic Budgeting", dated July 2000, together with transcripts of evidence, tabled documents and correspondence.

**Report ordered to be printed.**

**STANDING COMMITTEE ON LAW AND JUSTICE****Report**

**The Clerk** announced the receipt of the report entitled "Crime Prevention through Social Support: Second Report", dated August 2000, together with transcripts of evidence, submissions and minutes of proceedings.

**Report ordered to be printed.**

**The Hon. R. D. DYER** [2.45 p.m.]: I move:

That the House take note of the report

**Debate adjourned on motion by the Hon. R. D. Dyer.**

**GENERAL PURPOSE STANDING COMMITTEE No. 2****Report**

**The Hon. Dr B. P. V. Pezzutti**, as Chair, tabled Report No. 10, entitled "Budget Estimates 2000-2001—Volume 2", dated August 2000.

**Ordered to be printed.**

**GENERAL PURPOSE STANDING COMMITTEE No. 4****Report**

**The Hon. Jennifer Gardiner**, as Chair, tabled Report No. 5, entitled "Budget Estimates 2000-2001—Volume 2".

**Ordered to be printed.**

**PETITIONS****Windsor Women's Prison**

Petition praying that construction of a women's prison at Windsor be abandoned, that the funds be channelled into research to assist girls and adolescent and adult women at risk of offending, and that social programs on crime prevention be introduced, received from the **Hon. R. S. L. Jones**.

**Dharawal State Recreation Reserve Wedderburn Development**

Petition praying that the House opposes the construction of a rifle range and extension of clay mining operations on the Appin-Bulli Road at Wedderburn which will have an adverse impact on the Dharawal State Recreation Reserve, received from the **Hon. P. J. Breen**.

**Dharawal State Recreation Reserve Georges River Development**

Petition praying that the House opposes the development of the Dharawal State Recreation Reserve and resultant damage to the Georges River, and that management of the land be passed to the National Parks and Wildlife Service, received from the **Hon. P. J. Breen**.

**Concord and Drummoyne Councils Amalgamation**

Petition opposing the forced amalgamation of Concord and Drummoyne councils, and praying that council elections and a referendum be held prior to any amalgamation, received from the **Hon. P. J. Breen**.

**GENERAL PURPOSE STANDING COMMITTEE No. 5****Membership**

**The PRESIDENT:** I inform the House that on 29 August 2000 the Leader of the Opposition nominated the Hon. Patricia Forsythe as a member of General Purpose Standing Committee No. 5 in place of the Hon. R. T. M. Bull, resigned.

**EDITOR OF DEBATES**

**The PRESIDENT:** I inform the House that Mr Speaker and I appointed Ms Judith Somogyi as Editor of Debates from Monday 21 August 2000.

**STANDING COMMITTEE ON SOCIAL ISSUES****Inquiry into Early Intervention in Learning Difficulties**

**The Hon. JAN BURNSWOODS:** Pursuant to the provisions of paragraph 14 (2) of the resolution establishing Legislative Council standing committees, I inform the House that the Standing Committee on Social Issues has received a reference dated 4 August from the Minister for Education and Training relating to early intervention in learning difficulties. As the terms of reference are lengthy, I will not read them. Copies are available from the Clerks.

**GENERAL PURPOSE STANDING COMMITTEE No. 3****Inquiry into Cabramatta Police Resources**

**The Hon. HELEN SHAM-HO:** I inform the House that General Purpose Standing Committee No. 3 resolved on 29 June 2000 to inquire into and report on the adequacy of police resources in Cabramatta, especially in relation to drug crime; the impact, if any, of the crime index on Cabramatta policing; and the effectiveness of the Police Service in addressing the needs and problems of Cabramatta residents and in particular people from non-English speaking backgrounds.

**GENERAL PURPOSE STANDING COMMITTEE No. 5****Inquiry into Northside Storage Tunnel Scotts Creek Vent**

**The Hon. R. S. L. JONES:** General Purpose Standing Committee No. 5 resolved on 12 July to inquire into and report on the northside storage tunnel Scotts Creek vent. As the terms of reference are lengthy, I will not read them. Copies are available from the Clerks.

**Inquiry into Sydney Water Biosolid Strategy**

**The Hon. R. S. L. JONES:** I inform the House that General Purpose Standing Committee No. 5 resolved on 18 August to inquire into and report on Sydney Water's biosolid strategy. As the terms of reference are lengthy, I will not read them. Copies are available from the Clerks.

**DEATH OF THE HONOURABLE KEITH JAMES ENDERBURY,  
A FORMER MEMBER OF THE LEGISLATIVE COUNCIL**

**THE PRESIDENT:** I announce the death on 15 August 2000 of the Hon. Keith Enderbury, aged 65 years, a former member of this House.

**The Hon. M. R. EGAN** (Treasurer, Minister for State Development, and Vice-President of the Executive Council) [3.04 p.m.]: I move:

- (1) That this House expresses its deep regret at the death on 15 August 2000 of the Hon. Keith James Enderbury, a former member of this House, and conveys its profound sorrow and sympathy to his family.
- (2) That this resolution be communicated by the President to his family.

Keith Enderbury was a good colleague, a good and dedicated parliamentarian and a good friend, certainly to the majority of members of this House who had the privilege of knowing him. Only those members who were elected after his retirement would not have met Keith personally. In the publicity that has followed his tragic death on 15 August a considerable amount has been written about Keith's background as a Bankstown boy who moved to the far North Coast of New South Wales, joined the Australian Labor Party [ALP], became an ALP candidate for the seat of Byron and subsequently an organiser for the New South Wales branch of the Australian Labor Party, and was then elected to the New South Wales Parliament in 1984. Keith was always mindful that being a member of Parliament was both a great privilege and a great honour. He always took the job very seriously; he was proud to be a member of Parliament and a Labor member of Parliament. Keith was, for a number of years, also the Opposition Whip in this House, a position he won in a ballot against me in 1989.

**The Hon. J. H. Jobling:** He was an outstanding Whip.

**The Hon. M. R. EGAN:** He was an outstanding Whip, as the Hon. J. H. Jobling has pointed out. When our former Whip and friend Barney French retired from that post I indicated that I would be standing for it and so did Keith. I had the support of all the big guns but in the Centre Unity ballot that preceded our main caucus meeting Keith annihilated me by a convincing margin of 25 to 15.

**The Hon. J. R. Johnson:** Not all the big guns!

**The Hon. M. R. EGAN:** Not all the big guns, but most of the big guns. I was often uncertain whether I lost that ballot because I had the support of most of the big guns, but I think it was due more to the popularity of the late Keith Enderbury. When you lose a ballot, Madam President, as you have probably experienced from time to time, there is a tendency for that to potentially sour relations. I recall that on the day I lost the ballot to Keith Enderbury things were a bit cool for only a couple of hours, because Keith, at his initiative, broke the ice—and, I must say, did so in a way which gave me an insight into the fact that Keith knew a lot about human nature and a lot about the nature of different people. If Keith had tried to commiserate with me with some well-chosen words, that would have made things worse; it would have rankled. But, in a way that I am not going to inform the House about—because it would give an insight into my personality and character that I do not think would be necessarily advantageous for the House to know—Keith, within a few hours of that ballot taking place, was able to re-establish our relationship not only in a cordial way but in a friendly way and we continued in that manner for a long time. Indeed, I was subsequently appointed Leader of the Opposition and worked very closely with Keith in his job as Opposition Whip.

Keith was not, in the formal sense of the word, what one might describe as a well-educated man, but he was a thoughtful and very well-read man. There were many occasions when you would have a conversation with Keith during which you would mention some book. More often than not he had read it. On other occasions the conversation would cause him to recall a book that he had read. If you displayed any interest in that book it would be the case, more often than not, that on the following day Keith would bring the book into Parliament and not only lend it to you but give it to you. Since Keith's death I have noticed that I have a number of his books sitting on my library shelves. The proviso that Keith always put on his gift of a book was that you would lend it back to him if he ever wanted to read it again. I recall one book that he gave me—I forget the title, but it dealt with the most common flaws in logic in debate and argument. Keith would often sit in this House during a debate, listening to someone make a speech. He did not so much take members to task for the facts that they were trying to convey in their speeches, but he would actually analyse the flaws in their logic. It was because I realised that he had a great interest in doing so that I spoke to him about it and he subsequently gave me the book.

Keith had two sons and he loved both of them very dearly—both of them. Some years ago Keith reminded me of a favourite saying of Ben Chifley, and that was, "To know all is to forgive all." I believe that was the principle that Keith always lived by. As I say, he loved both of his sons and he certainly would have been extremely proud of his elder son, James, and the tribute that he gave at his father's funeral service at St James Church just a few days ago. I do not want to go into the circumstances of Keith's death but I believe that that saying of Ben Chifley's which Keith adopted—"To know all is to forgive all"—says as much as I need to say. Keith was a good friend, a good parliamentarian, a good member of the Labor Party and a very good father. I know that all of his friends will miss him sadly. On my own behalf, on behalf of the Government and, I am sure, on behalf of everyone in this House, I express our very sincere condolences to his family.

**The Hon. M. J. GALLACHER** (Leader of the Opposition) [3.09 p.m.]: Today we mark the passing of a former member of this House, the Hon. Keith Enderbury, who passed away in particularly tragic circumstances on 15 August. I am told that at the time of Keith's passing his family was at his bedside. On behalf of the Coalition I pass on our condolences to Keith's family and friends, who have endured a trying ordeal over the past few weeks. Keith was a member of the Legislative Council for 11 years—from March 1984 until March 1995—and he served as Opposition Whip from 1989 to 1995. He was also a member of the Standing Committee on Social Issues. I did not serve in the Legislative Council during the time Keith Enderbury was here, but a number of the present members of this House served with him.

From speaking with them recently and from listening to the Leader of the Government in this House, I am assured that he was a well-respected and kind man who had support and friendship from all members of this Chamber. Such a degree of friendship was not limited only to the Legislative Council. I was with the Leader of the Opposition in the Legislative Assembly when Keith's death was announced on the radio. I could see the visible emotion she experienced on the announcement of his death. That sort of friendship and interrelationship beyond the boundaries of this Chamber into the Legislative Assembly is encouraging and something that I hope all honourable members will continue to build on.

Members of this Chamber do the work they are required to do to the best of their ability without losing sight of the difficult job they face during debate. Friendships and relationships that are built up over years of service to the people of New South Wales are reflected both inside and outside this Chamber. No doubt a number of members in this Chamber will speak today of their personal insight into the contribution Keith made during his parliamentary service. I look forward to hearing from those members. Keith was a longstanding member of the Labor Party. He served his party well as branch president, ALP organiser, State Electorate Council secretary and campaign director. I know I speak for all honourable members when I say that our thoughts are with Keith's family at this time.

**The Hon. D. J. GAY** (Deputy Leader of the Opposition) [3.12 p.m.]: On behalf of the National Party I endorse the comments that have been expressed about the Hon. Keith Enderbury, particularly those made by the Leader of the Government. His comments summed up Keith, who was known as the Sheriff to those who served with him. Like the Leader of the Government, I was particularly moved by the comments written by Keith's son and read at the funeral. There is no better legacy to a bloke than those fine words, so sensitively written and epitomising the man they were about. I was moved beyond belief by those words. I shall share with the House a couple of paragraphs from a speech made by Keith and a story involving the Hon. J. R. Johnson, who earlier assured the House that he supported Keith Enderbury against the Hon. M. R. Egan. Is that not right?

**The Hon. M. R. Egan:** No, Johnno was one of my only supporters.

**The Hon. D. J. GAY:** The source of this story is Senator John Faulkner. He indicates that one of the busiest polling booths on election day is at Sydney Town Hall, as it is a favourite spot for absentee voters. The Labor Party always provides a marquee, how-to-vote cards for every electorate in the State and a horde of enthusiastic booth workers. On one particularly wet election day the task of erecting the marquee fell to Labor Party organiser Keith Enderbury. Unfortunately he positioned the tent so that its end was just where people stood to collect their how-to-vote cards. It ensured that every Labor supporter was damp before they voted.

Enderbury had also erected the marquee with insufficient struts, so hundreds of gallons of water had gathered in the folds of the tent roof. Johnno Johnson—who was later to become President of the Legislative Council—was beside himself with the discomfort this caused to Labor voters. He berated Keith for his lack of planning. "Don't worry, I can fix this," said Enderbury, grabbing a long broom handle. Just as he was poised to solve the problem, two little girls in party dresses arrived with their grandmother, who wanted to vote before taking them to their party. Enderbury rammed the broom into and through the large fold in the tent roof, unleashing a torrent of water. As the two little girls and grandma were washed down George Street, the last words grandma was heard to scream were, "That's the last time I ever vote Labor!" One has to take that story in context with two paragraphs out of the many speeches that Keith Enderbury made in this House. He said:

I have always been alert to detect the influence of extremism in politics. Extremism has always been rejected by the electorate whenever its candidates have presented themselves at election time—whether they be from the far right or the far left—and so it should be.

Extremists still exist. From time to time the far right will attempt to infiltrate the Liberal Party and the National Party and the far left will attempt to infiltrate the Labor Party. Fortunately, so far they have had little success. These extremists believe that they can achieve their aims by climbing onto the backs of the major political parties. They have no place in our society. However, this does not stop fanatics from trying. I always believe that the mark of an extremist is a person who starts with a conclusion ...

They are appropriate words and they sum up the bloke we knew as the Sheriff, Keith Enderbury.

**The Hon. J. F. RYAN** [3.16 p.m.]: I had the pleasure of serving with the Hon. Keith Enderbury on the Standing Committee on Social Issues. Members of committees often have a chance to find out a little more about each other. The Hon. Keith Enderbury continued to be the quiet gentleman that he always was and, while he was always pleasant company, one did not get the opportunity to find out what he was like. However, I suspected that that very dapper exterior—which always acknowledged the 1960s—contained a rogue waiting to escape. I am sure that the story the Deputy Leader of the Opposition just told the House illustrates that point. I cannot imagine that a person would have acquired a nickname like the Sheriff—with all the meaning that had within his political party—without having been capable of getting up to some level of good fun and mischief. Notwithstanding that, as I said, he was always a quietly spoken and polite gentleman.

He did not speak in this place very often, but when he did he spoke well. He served most of the three or four years of the Fiftieth Parliament—when I served with him on the social issues committee—as Opposition Whip and his most common speech was in the order of, "The Opposition has pleasure in supporting the bill." He rarely departed from that text, so when Keith chose to make a more extensive speech one knew it was something he felt strongly about. On one of those occasions he spoke about one of those traditional attacks on this House by the *Daily Telegraph*, and he spoke very strongly about his support for the bicameral legislature and about how this House represents a wide variety of people.

I recall a speech he gave on another occasion in response to a report from the social issues committee, of which he and I, the Hon. Helen Sham-Ho, the Hon. Elisabeth Kirkby and the Hon. Dr Marlene Goldsmith were members. The writing of the report was particularly distressing for us because we met many people in desperate circumstances during the committee's inquiry. On that occasion Keith—in some respects, I thought, unexpectedly—sided with the minority report. Keith did not side with the specific position put by the committee.

In this House he explained that he believed that the other conclusion was discriminatory. Many of us understand the emotion dealt with in that report. Keith was quietly spoken and in many respects he was not a very opinionated person—he was something of a contrast to the usual egos that inhabit this place. In this House people have a lot to say and want to press their opinions on others; Keith did not do that at all. In some respects it was a little unusual that the quiet guy of the committee would come to that conclusion. Nevertheless, he said something which obviously meant something to him. He concluded his speech in that take note debate with the following quote from Abraham Lincoln:

I hold that while man exists it is his duty to improve not only his own condition but to assist in ameliorating mankind—I am for those means which will give the greatest good to the greatest number.

It is obvious from many other things that Keith said in this House that those words pretty much summarise how he felt about his duty and role in public life. Along with other members of this House I felt enormous sadness as the news about Keith's death came to the public's attention. Early in the morning there were unnamed reports on ABC radio; during the course of the day we learned the graphic details. Finally, we received the report of Keith's death. I recall feeling extremely distressed when I heard the circumstances under which Keith had met his end. Keith was committed to the functions of this House. He served it and the people of New South Wales well, according to his beliefs. I express my sympathy to his family for their loss and for their future without him.

**The Hon. R. D. DYER** [3.22 p.m.]: I associate myself with the motion of condolence following the tragic passing of the Hon. Keith Enderbury. Keith served in this House from 1984 until 1995. I had the privilege of serving with him during the whole of that period, given that I have been a member of the House since 1979. I knew Keith when he was northern organiser of the Australian Labor Party, New South Wales Branch. To my knowledge he was always known as the Sheriff. So far as I know the derivation of that term was that previously in his career he was a sheriff's officer. As a joke he often carried a toy sheriff's badge and if one asked to see it he would produce a silver, star-shaped sheriff's badge. He liked to share that joke with people from time to time.

I admired Keith in his role as Opposition Whip between 1989 and 1995. During much of the time that the Australian Labor Party was in opposition, and Keith was its Whip, my office was immediately outside the suite occupied by the Leader of the Opposition, at that time shared by the present Leader of the Government, the Hon. M. R. Egan, and a former member of this House the Hon. Bryan Vaughan. At that time I was a shadow Minister and Keith's office was adjacent to mine. Keith was most meticulous about how he carried out his duties as Opposition Whip. He had a clipboard with a list of forthcoming bills and because my office was immediately next to his I was the first person he would visit with that massive list. Keith would endeavour to persuade me to speak to as many of those bills as he could. Sometimes I would demur and say, "Keith, I am not sure that I know much about that." Sometimes, perhaps beyond my better judgment, I might reply, "Okay mate, if you want me to speak to that bill, I will."



I instanced that interaction to illustrate that Keith was very conscientious about how he carried out his duties as Whip: obtaining Opposition speakers to bills, having the numbers in the House, pairing arrangements, et cetera. I am sure that the Hon. J. H. Jobling would have first-hand knowledge of the matters to which I am referring. I am very sad as to the manner of Keith's passing. However, I take some pride in recalling Keith's contribution to this House. It is with sincerity that I associate myself with this condolence motion and I convey my most sincere sympathies to his surviving relatives.

**The Hon. J. H. JOBLING** [3.27 p.m.]: I rise to briefly associate myself with the motion of condolence and to support the words of the Leader of the House and my colleagues. At a time such as this the memories and thoughts that one has of a colleague are very personal and sometimes it is quite difficult to put them into words. Keith Enderbury was a fellow of the class of '84, as I was. As such, we knew each other over a lengthy period. As the Hon. R. D. Dyer stated, I got to know Keith extraordinarily well when I served as Government Whip and he was my counterpart as Opposition Whip. I knew him well and we had an excellent working relationship, which is not always so between Whips or between members of the Government and members of the Opposition. I found Keith to be considerate and thoughtful. He was interested in his fellow members and would not stand any nonsense from them. He would do all that he could within the camaraderie that develops between Whips to ensure that the House worked properly, that people were there, speeches were made on time, and the running of the House progressed. The title of the Sheriff, as was explained, is one that shows the humour and personality of the man.

I got to know Keith extremely well—and this is the only anecdote I will convey to the House—after lunch on a Sunday of a long weekend when I passed Keith's office on my way to my office. I thought I could hear a wee, plaintive "Help." I thought nothing of it and proceeded to my office. About an hour later, having completed my work, I returned past Keith's office and heard a more resounding "Help!" I opened the door to Keith's office. Those of you who knew him well knew that occasionally he suffered from a bad back. He had frozen in his chair, he was totally unable to move and he could not reach the telephone to call security for help. There he was, stuck in his chair, completely unable to move. But for the sheer luck that I happened to be there at that time it would have been Tuesday morning before help and relief arrived.

Keith was most grateful. In straightening him up so that he could move, and then getting help for him, we began to get to know one another extremely well. Without doubt Keith was a character. Without doubt he was worldly and experienced but at the same time very quiet. He was a gentleman, a great colleague and an extraordinarily dedicated parliamentarian. He served the citizens of this State well. Indeed, the citizens of this State will be saddened by his passing. I convey my sincere condolences and sympathy to the members of Keith's family.

**The Hon. HELEN SHAM-HO** [3.30 p.m.]: I associate myself with this condolence motion for Keith Enderbury, who died on 15 August. I was shocked and saddened when I heard the tragic and horrible circumstances in which he died. I pay tribute to Keith. As other honourable members have said, Keith was well liked and respected when he was a member of this Parliament. I echo the comments of the Hon. J. F. Ryan. I did not know Keith very well, but I got to know him when we were members of the Standing Committee on Social Issues. During the committee's visit to Canada and America, Keith and I were members of a subcommittee and we spent every day together for more than a week.

Indeed, after the committee concluded its visit, Keith and I ended up staying in England for two days, at our own expense. I got to know Keith very well because we stayed in the same hotel. During that time I found out that Keith was not only a gentleman but also an artist. He said to me that, given another time, he would like to have been an actor. I do not know whether that information ever came out. Indeed, Keith convinced me that I should be interested in going to the theatre and things like that, which I do in any case. I remember well our trip to the theatre in London to see the *3 Moses*. He was very humorous, and I enjoyed his company. That is one side of Keith that no-one seems to have mentioned.

The Hon. J. F. Ryan referred to the inquiry by the Standing Committee on Social Issues into medically acquired HIV-AIDS. One point I should like to clarify is that Keith gave me much support when I produced a minority report. Of course, Keith was in Opposition so he had no problem with producing a minority report. However, at that stage I was a member of the Government. I was grateful and appreciative of Keith's support when I stood up on the principle that the minority report should stand. That indicates the contribution Keith made to this Parliament. I convey my sincere condolences to members of Keith's family.

**The Hon. J. R. JOHNSON** [3.33 p.m.]: Today we pay tribute to a good man. Keith Enderbury undertook his responsibilities to the fullest in this Parliament from March 1984 through to May 1995. He was

the Opposition Whip for six years. Not only did he take his parliamentary responsibilities seriously; he took seriously his responsibilities in his union, his work in many fields of endeavour, his activities for the political party he loved and served so well and, above all, his family. He loved his family with a passion. In 1976 Keith took up the position of country organiser for the Australian Labor Party, based in Tweed Heads. He remained there until he took his seat in this Parliament. Keith's office and my office at the Labor Party were next door to each other.

Keith had many and varied interests. The Hon. Helen Sham-Ho mentioned the fact that he was interested in acting. Indeed, he was interested in local acting groups in the areas in which he lived. He was a great townsman. When he lived on the North Coast, whether it was in Lismore, Tweed Heads, Coffs Harbour or later in Tamworth, he played an important role in promoting those towns. He had a passion for State development, regional development and, above all, the securing of meaningful jobs for people in those towns.

The Deputy Leader of the Opposition referred to one of Keith's contributions to this House, in which he warned of extremists who might attempt to make inroads into political parties, and urged all political parties to guard against the endeavours of extremists. Thankfully, all the political parties have done so. Keith was interested in small business development. In one contribution he said that approximately 12 per cent of Sydney's working population are either employers or self-employed, but that the figure jumps to 25 per cent in country areas.

Keith stressed the importance of assisting small business in all ways possible and the benefits it brings to country areas. When he went to Tamworth he took up the cudgels and threw his best endeavours behind the country music festival. He was interested in the racing industry and tourism because he had seen, in the areas in which he lived, their great benefits. Keith only had good words to say about his friends, his enemies and his compatriots. I doubt if anyone in New South Wales was not shocked by the way Keith Enderbury left this life. The tribute read by Reverend James MacPherson at the funeral service at St James Church on behalf of Keith's elder son James will long live in my memory, as it will in the memory of each and every person who heard it. In Keith's final contribution to this House he paid tribute to his two sons, James and Christiaan. He said:

I became a single parent just one month before I became a member of Parliament and over the years my sons have had to suffer long absences by me on parliamentary duties, including absences on many weekends and sometimes absence from the family home for many weeks, plus my being away later on countless nights. I have on occasions been obliged to miss their birthdays, school activities and so on. At times it has been very difficult for all of us. However, their loyalty and support for me have never wavered. To them I give a big thank you.

I give a big thank you to Keith for being the good man that he was. May his noble soul rest in peace.

**Reverend the Hon. F. J. NILE** [3.41 p.m.]: I share with other honourable members this opportunity to pay tribute to the memory of Keith Enderbury, who died tragically in the Concord Hospital Burns Unit shortly after 3.00 p.m. on Tuesday 15 August. Keith was a Labor member of the Legislative Council from March 1984 to March 1995. He was involved with the Australian Labor Party [ALP] for more than 30 years and served the ALP for 11 years in the upper House. During those 11 years we came to know and appreciate Keith both as a true gentleman and as a gentle man in his behaviour and attitude to all members in this House. Through his character, personality and bearing he made a great contribution to this House.

The Premier said in the other place that members on both sides of politics had fond memories of Keith Enderbury. I concur with the Premier's remark. Members addressing this condolence motion have spoken of times when they were close to Keith personally. On a number of occasions, as members of the Standing Committee on Social Issues investigating various issues, such as AIDS or sexual violence against women or young people, we travelled overseas to meet with experts and organisations. During those trips we worked hard during the week, and met a constant stream of appointments each day. But on the weekends, if we did not have committee business and as many of the committee members were women, Keith and I would end up together on our own. I tended to tag along and did not make suggestions about where to go. I would ask Keith what he wanted to do and off we would head to various places, to take a ferry ride when in San Francisco, or to look at the sights.

On one occasion in Los Angeles we visited the many shops on Wiltshire Boulevard that sell expensive art deco items, in which Keith had an interest. As honourable members know, Keith was always immaculately dressed, usually with a kerchief in his pocket. When he went into the shops I could almost see the salespersons calculating and thinking: "Here's a millionaire coming in. This guy is going to spend a lot of money." We would start at the front of a shop but quickly would be ushered to the expensive items at the back. I would become

embarrassed and ask Keith, "Do you have any money? Are you are actually going to buy anything?" The salespersons would bring out vases and sculptures and Keith would evaluate their worth. After a while we knew it was time for us to move on to another shop and we would work our way back out again. The shopowners were disappointed, but Keith did enjoy looking at all the expensive items.

Some honourable members have referred to Keith's interest in the theatre. There is a private theatre in Hollywood, Los Angeles, where actors perform plays for the Actors Society. They do it for relaxation. They are serious about their acting, but they enjoy themselves. Keith found out about this theatre and managed to get us both in to view a performance. Keith was in his element sitting in that theatre with actors young and old, many of them well-known. I have very warm memories of Keith. He was a great loss to this House and he will long be remembered.

In his maiden speech Keith gave a description of a young fellow, a thin youth of dishevelled appearance whose clothes were filthy and no better than rags. He went on to tell a story about this young man running messages around the city, even on occasions in Macquarie Street, where he was not admitted into the courtyard of Parliament House, let alone into the building or into this Chamber. The young man was a first-year apprentice in the printing trade. After telling the story Keith said, "That youth was me." Keith developed his career and became a member of this Chamber—a splendid achievement. In his farewell speech Keith gave excellent advice, as members are able to do when they are about to leave this place. He made a number of points that deserve to be put on the record today as we honour Keith. He said:

I believe in the two-house system of Parliament for two reasons. First, it allows for a pause in the legislative process, allowing for further debate after representations and after interest groups have had their say. This leads to better legislation. I also believe that the second House acts as a safeguard against the excesses of Executive power.

Then he wisely said: "Enough said." He may have upset those who wielded executive power. He went on to say:

I have had the honour to serve as Opposition Whip in this place following a distinguished line of members before me who have held this important post.

Keith also said that he had three aims, each of which he had promoted and seen achieved. Of the three aims he said:

The first was for Labor members of the Legislative Council to gain admittance to the State parliamentary Labor Party caucus. The second was to gain parity in salary for the Legislative Council with the Legislative Assembly. The third was to gain full-time secretaries for all members of the House.

Keith achieved those admirable aims. In his final comments in this House Keith gave advice that showed the actor in him. He said:

To Ministers I say: it is axiomatic that hornets' nests should be left unstirred, cans of worms should remain unopened and cats should be left firmly in bags and not set among the pigeons. Ministers should also leave the boats unrocked, leave nettles ungrasped, refrain from taking bulls by the horns and resolutely turn their backs to the music. Seriously though, one thing I really believe is what Abraham Lincoln once said, "No man is good enough to govern another man, without that other's consent." This, I believe, is the essence of democracy.

Keith, in addition to having a strong desire to be an actor, was an excellent politician and a philosopher. All of us should long remember his advice to the House.

**The Hon. J. J. DELLA BOSCA** (Special Minister of State, Minister for Industrial Relations, Assistant Treasurer, Minister Assisting the Premier on Public Sector Management, and Minister Assisting the Premier for the Central Coast) [3.50 p.m.]: Like many other honourable members, I had a close political association with Keith Enderbury over the past 20 years. For a time he and I were the two party organisers for the Australian Labor Party [ALP] in New South Wales. Keith Enderbury was, in fact, the first full-time Labor Party organiser based outside the Sydney-Newcastle area. He held the position of what was termed the northern organiser between 1976 and 1984. This meant that he was responsible for internal party organisation and campaigning in all areas north of Newcastle, extending west as far as Moree, and north to the Queensland border. In this role Keith established and built up a network of party units for the ALP that were to serve it well. His commanding personality, sense of humour, conviviality and enthusiasm made him ideally suited to the task, which involved dealing with people on a one-to-one basis.

His presence in the field established links between diverse and scattered party units. As a result of his work, the Labor Party built up its organisation and morale, especially on the North Coast. I believe this led ultimately to great electoral success in the 1990s on the far North Coast. Much of Keith's work in building up

the ALP networks and branches contributed to Labor's then astounding Federal victories in the seats of Page and Richmond in 1990. His role as a full-time organiser also enabled Keith to make valuable contributions to the party, and therefore to public policy debates, on rural and provincial issues and country life in general. Keith was a familiar figure and a great contributor to the party's highly successful country conferences over the past two decades. His role as a political organiser for the Labor Party saw him take an organisational role in many campaigns across the State.

As a party official I worked closely with Keith Enderbury, or the Sheriff as he was known. This title aptly suited him, as other members have noted. He had been a sheriff's officer at one time, but the manner in which he always rounded up the numbers at meetings and conferences saw the title stick. So much so that a visiting American political delegation, I think from Colorado or one of the other midwestern States, presented Keith with a sheriff's badge, as the Hon. R. D. Dyer mentioned. I think the Leader of the Opposition probably was referring to that aspect of the nickname. Keith was very proud of that badge, which he kept in his office and showed to confidants from time to time as a mark of the thoroughness with which he lived up to his nickname, the Sheriff.

Keith was a great guy to work with. Political organisers and party officials need colleagues they can trust both personally and politically. That applies no matter what side of politics they are on. Keith was such a person. I can relate an anecdote at my own expense rather than at Keith's expense. I am not sure whether it relates to the same election campaign, but it sheds some light on an anecdote that the Hon. D. J. Gay read out about Johnno Johnson and John Faulkner. The 1983 Federal election was held on a miserable, wet day. Those of us who were activists in one party or another would recall that day. Early that morning, Keith and I as party organisers had been rostered, as was the custom, to set up the Town Hall booth at an ungodly hour—I think it was perhaps 4.30 or 5 o'clock in the morning. The tables had to be set up and 101 other jobs done, obviously long before the voters were to turn up. As a young, keen party official, my job was to work with Keith and have the booth operational as early as possible.

I have a confession to make. That was a crucial election. Under Bob Hawke, Labor was poised to win government. Unfortunately for me, the stretch of a long campaign had caused me to be late that day. By the time I managed to get to Sydney Town Hall it was well after daylight and Keith had set up the booth by himself. When our then boss, General Secretary Steve Loosely, our recently departed boss at that time, Graham Richardson, and other senior figures arrived later in the morning, Keith said nothing about my very belated start to any of my colleagues or our employers. He covered for me. He was a good mate—a traditional Australian who really looked after those he worked with, those he worked for, and those whose interests he was pursuing.

Keith was a commanding personality who was well suited for the role of a political organiser or member of Parliament. As members will no doubt recall, Keith was well over six feet tall in stature. He always wore an authoritative and dapper style of dress, right down to his pocket handkerchief. Keith always had a commanding presence at any meeting or function. He was a devoted father. It must have been difficult for him to raise his boys whilst undertaking his political tasks, but this never appeared to trouble him; he always coped so well. Those who knew Keith at all levels of the party were struck by one great quality: his loyalty. It is a valuable and often rare quality in politics. Keith was fiercely loyal to his party and to his mates within it. This was seen again and again in broad party issues and in internal party factional matters.

In every sense, Keith was the ultimate team player, the absolute party man. Possibly Keith's very obvious, unswerving loyalty to the team is what impressed his colleagues most and set an example to many in the party. Keith was always present at the annual State ALP conference, and this is where our paths last crossed in June this year. He was never short of an anecdote, or of a friendly smile for an old colleague or delegate who needed someone in authority to talk to. All those who associate with New South Wales Labor, and especially with country politics, will mourn his passing. Keith was a generous, loyal person and, as the Treasurer and other members have said, a natural intellectual and a truly thoughtful and decent man.

**The Hon. Dr B. P. V. PEZZUTTI** [3.56 p.m.]: I would like to speak briefly about Keith Enderbury and his contribution to this place. Many members have commented on Keith's dapper dress, his assured nature and his quiet but very considered approach to life. I noticed that Keith was not a pushy person but was always open for a chat during late night sittings. I was particularly impressed by his understanding as Whip when one needed a pair. He and the Hon. J. H. Jobling worked very responsibly and effectively to make that arrangement work well and in accordance with certain standards. I was always impressed by Keith's concern for his party members. If one of them was a bit crook, he would always come over to my side and ask me if I would mind seeing them, and of course I did not mind. I was impressed by his understanding of the Mental Health Act, and I

now more deeply understand why that was the case. I pay tribute to the Deputy-President, the Hon. A. B. Kelly, for the fine eulogy he delivered at the service. I was also most impressed by the quiet eulogy offered in the letter written by Keith's son, James.

I remember clearly the trouble that Keith Enderbury and Ken Reed used to get into. Both strongly represented the North Coast to the best of their ability. Of course, they were a little embarrassed about being Labor Party members trying to represent an area which had been forgotten by that party for so long. Their efforts to try to advantage the North Coast and to be true to their origins were noteworthy. On many evenings Keith Enderbury and Ken Reed returned to this Chamber in happy mood. They were never too noisy, but they obviously had had a good time. My thoughts and wishes go out to Keith's family that they will be able to recover from their sad loss. I know that we have lost a good colleague and a friend of the North Coast.

**The Hon. Elaine NILE** [3.58 p.m.]: I pay tribute to Keith Enderbury. I did not know him as well as the Labor Party knew him. As other members have said, he was a loyal and devoted member of that party. He was a loving and devoted father, which in a sense is better than being a good father. He valued his children, and he was able to rise above all the problems that he and his family were confronted with. Keith's death came as a shock to many, as something that surely could not have happened, in much the same way that news of the death of President Kennedy was received. All of us know that we have to die some day, but we do not think about it. The manner in which Keith died was a great shock to me. I feel deeply for his family and his sons given that the realisation of the way he died will be with them for the rest of the days.

Keith and I were of the same vintage, and I remember speaking with him about World War II, musicals, the stage, the plays he was interested in, his parents and so on. I can still see him in this Chamber lifting up his shoulders and shrugging. He was a gentleman, and I think the ladies liked him. He is a loss to his community and the Labor Party, to which he was very loyal. His loyalty, whether it is in the Parliament or life generally, is hard to come by. We in this Chamber will surely miss him and the manner in which he lived his life. He was a gentleman and a caring person. I would like to express my sympathy because, as a woman, I know the heartache the rest of his family must be going through.

**The Hon. A. B. KELLY** [4.00 p.m.]: In adding my condolences to Keith Enderbury's family I would like to reiterate the comments made by the Hon. Dr B. P. V. Pezzutti, the Deputy Leader of the Opposition and other honourable members about the absolutely fantastic tribute given to Keith by his son James. As someone said to me afterwards, if any of us have our children deliver that sort of eulogy at our funeral we would be very pleased.

As many honourable members have mentioned, although Keith was born in Bankstown he spent a lot of his time on the North Coast of New South Wales, particularly in the Kingscliff, Byron, Richmond and Coffs Harbour areas. Keith was a candidate for the State seat of Byron in 1975, and he was very proud when he achieved an 8 per cent swing. He was a very capable organiser—probably the first country organiser we had in the Australian Labor Party. When he moved to Tamworth he was very keen, as other honourable members have mentioned, to promote that town and the Country Music Festival. He also served as campaign director in country by-elections for Castlereagh, Murray, Maitland and Richmond. The Castlereagh by-election was an excellent result for the party, and many stories came out of it.

Some comments have been made about Keith's nickname the Sheriff, which is the result of his spending some 11 or 12 years as a sheriff's officer. As I said in the eulogy I gave at Keith's funeral, I first remember Keith walking up and down the hallway as a vote was being taken at our annual conference in the town hall. Keith was looking at us rather than looking at the speakers, what was happening, or taking his place in the seat and having his hand up. It was my first conference and I asked someone who had more experience with these things than I, "What's that fellow doing wandering up and down, looking at us?" He said, "He's the sheriff. He's making sure you vote the right away." The insinuation was that if I did not vote the right way I would not be back next year. As the Treasurer said earlier, there are not many second votes in the Labor Party.

I do not want to take the time of the House today because I had the opportunity to deliver a eulogy at Keith's funeral, but I would like to leave honourable members with some of the comments that he made—

**The PRESIDENT:** Order! Despite Standing Order No. 59 there is a general agreement that we will have questions without notice.

**Debate interrupted.**

## QUESTIONS WITHOUT NOTICE

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### MINISTER FOR MINERAL RESOURCES, AND MINISTER FOR FISHERIES BUSINESS INTERESTS

**The Hon. M. J. GALLACHER:** My question without notice is to the Minister for Mineral Resources. Will the Minister advise the House whether any of the companies in which he or his immediate family has an interest has been a successful tenderer for State Government business since he was sworn in as Minister? In view of continuing speculation over a number of years about the financial structural arrangements of companies associated with him or his immediate family, will he agree to table all relevant details of his business holdings so that the public and the Parliament can rest assured he has nothing to hide?

**The Hon. E. M. OBEID:** I have no problem, as Minister of the Crown, with being accountable for, or transparent about, anything I do within my portfolio or within the confines of my position here in this Parliament. But if the Leader of the Opposition thinks he is going on some big fishing campaign that involves my family in whatever they are doing, he has it all wrong. I am accountable to this Parliament, and I will remain accountable so long as I am Minister, but I will not be accountable to the *Sydney Morning Herald*—which has always been a very good paper.

**The Hon. M. R. Egan:** I will have to disagree with you there.

**The Hon. E. M. OBEID:** Fine, we will agree to disagree. I still read the *Sydney Morning Herald* because it has some great journalists who make a great contribution. But if I address matters that occurred 20 and 25 years ago that have been well canvassed or spoken about—and some of which have been to the courts—or if I regurgitate them and talk about them now I would be wasting taxpayers' money. If the Leader of the Opposition wants to get the bottom of some of these things, let him ask specific questions. So far as I am concerned, my pecuniary interests of 1999 stand. They are very clear. He should go and have a good look at them and do some research.

### INJURED WORKERS RECOVERY PROGRAMS

**The Hon. R. D. DYER:** I ask the Special Minister of State, Minister for Industrial Relations, and Assistant Treasurer a question. As the Minister responsible for WorkCover can he inform the House of the progress he has made implementing the strategies outlined in his ministerial statement on 8 June?

**The Hon. J. J. DELLA BOSCA:** On Friday 18 August I was in Bathurst to launch three pilot programs focusing on recovery for injured workers in New South Wales. These pilots were first outlined in my ministerial statement. The first is a regional model to be based in the Central West. The second will focus on the nursing homes and private hospitals industry across the State. The third will test ways to involve general practitioners in a return-to-work focus. The Government aims to find out the best ways to ensure that employees who are injured get the best medical treatment and are able to return to work as soon as possible. These pilots will help us find out how we can achieve that. The studies will test injury management systems, and identify problems and potential areas for improvement. Results will be evaluated and successful strategies will be put into practice across the State.

We will see better results for all those involved in a workers compensation claim: the employer, the injured worker and the health professionals whose job it is to help the worker recover and get back into the work force. Workers will be given the best possible medical treatment so that they can return to their jobs as soon as possible. Where that is not possible they will be given support and retraining. Employers will be offered advice in managing workloads and assisting the injured worker to return to work. It is the fact that workers left out of work with no direction and no assistance to return to work are more likely to become chronically ill and unemployed. Expressions of interest are now being sought from service providers who will receive the full support of WorkCover in implementing high-quality injury management programs. The service providers will ensure that everyone knows how and who to notify as soon as an injury occurs, and will bring together the worker, the employer and the treating doctor.

We hope that the Central West pilot will give us insight into how to overcome the barriers of communication and distance, and the uneven spread of health services. In the Central West from Parkes in the

north to Cowra in the west and out to Lithgow we find a typical regional mix of businesses and types of employment. Based on the data available from WorkCover, employees in this region report about 1,000 injuries a year that result in absences from work of more than one week. These demographics give us something to work with that should provide answers to the scheme across New South Wales. There are more than 500 employers in the nursing homes and private hospitals industry in New South Wales, and employees in the health industry are particularly prone to manual handling injuries, such as back injuries. The nursing homes and private hospitals industry provides vital health care services and facilities across New South Wales. Because of its high risk of injuries, the nursing homes and private hospitals industry will benefit enormously from being part of the injury management pilot program.

WorkCover will monitor the injury management pilot programs over 12 months and advise the Government on the potential for incorporating improvements into the workers compensation system. We know that injury management programs succeed best when workers receive immediate and appropriate medical treatment. As I have mentioned, the third part of the program will centre on general practitioners [GPs] using groups of doctors to find out how to keep general practitioners up to date with the best available medical protocols. General practitioners, who have a primary role in managing treatment, have varying experience and knowledge of current practices of the treatment of common work injuries. As well, many GPs do not understand how the workers compensation system works and sometimes find it very frustrating.

Representatives of all major general practitioner organisations have been involved in developing this program and will have an ongoing role in ensuring that it meets the needs of busy general practitioners. Early action is the key. We want to challenge our thinking about how to provide a workers compensation system. Compliance is important, but it is not the only thing that will reduce the cost of the system. Compliance does not reduce claim costs and ongoing liabilities; nor does it improve job placement. Active injury management can reduce the cost of a workers compensation system. Reporting the injury straight away and getting the right treatment will mean there is a good chance that a person's life and the business of his or her employer will not be damaged in the long term. This reform process is about economics but, more importantly, it is also about the whole community. It is about placing importance on people and on their right to a full, productive life, whether they are employees or employers, and whether they live in the country or in the city. I look forward to seeing the practical and definitive results of these programs over the coming year.

#### **MINISTER FOR MINERAL RESOURCES, AND MINISTER FOR FISHERIES BUSINESS INTERESTS**

**The Hon. D. J. GAY:** My question is directed to the Minister for Mineral Resources—Citizen Obeid. Has he at any time used his Parliament House office or his ministerial office to conduct his private business dealings? Is it a fact that, according to State Bank documents, a company named Dakmint ran its affairs from his Parliament House office? Is it also a fact that Dakmint's telephone number was the direct line to his Parliament House office?

**The Hon. E. M. OBEID:** I have never been a shareholder or a director of Dakmint and there is no reason why anyone should have my phone associated with Dakmint. I have never used my office as an office for my business affairs because, basically, members of my family have a number of offices. They are more than capable of looking after their own affairs. They do not need to come to Parliament House to run their affairs.

#### **FEDERAL GOVERNMENT DEFENCE FORCES LEGISLATION**

**The Hon. J. S. TINGLE:** My question without notice is directed to the Treasurer, Minister for State Development, and Vice-President of the Executive Council as Leader of the Government in this House. Can he advise the House of the attitude of the New South Wales Government towards legislation proposed by the Federal Government which would allow members of the Australian defence forces to be called out in the event of certain types of civil unrest when the police are considered incapable of handling the situation? Can the Minister say whether the New South Wales Government has been consulted on this legislation? If the State Government was consulted, did it support this legislation? If the State Government was not consulted, will it seek consultation with the Federal Government before the legislation is enacted? Will the State Government demand that it be consulted before defence personnel are mobilised in any situation in this State? Will it demand that the State Government retain the power of veto? Is the State Government aware of serious public concern about this proposed legislation? What thresholds would the State Government require for such involvement by defence personnel?

**The Hon. M. R. EGAN:** I thank the Hon. J. S. Tingle for his question. To the best of my knowledge the New South Wales Government became aware of the detail of the Commonwealth's proposal only when

contacted by the Senate committee inquiring into the Commonwealth bill. Prior to that, I understand that some reference to a proposal for a bill was made to officers of the State and Commonwealth Committee for Co-operation and Protection Against Violence, but no detail of the contents of the bill was provided. I am informed that the Director-General of the New South Wales Cabinet Office responded to the Senate committee on 20 July this year and raised concerns about the bill. In particular he noted that the State was concerned about the possibility of the Commonwealth calling out its defence forces in a State without having consulted the State.

The State—that is, New South Wales—was also concerned that this law may operate to override the national anti-terrorist plan. Legal concerns about the validity of the proposed legislation were also addressed. I understand that the Senate committee's report was highly critical of the failure to adequately consult with the States on this bill. I understand also that the Federal Opposition proposes to move amendments to address concerns raised by the States.

### **RURAL WORK SAFETY PROGRAMS**

**The Hon. A. B. KELLY:** My question without notice is directed to the Special Minister of State, Minister for Industrial Relations, Assistant Treasurer, Minister Assisting the Premier on Public Sector Management, and Minister Assisting the Premier for the Central Coast. Will he inform the House what the Government is doing to improve safety for people working in rural areas?

**The Hon. J. J. DELLA BOSCA:** The Government has funded a series of ongoing rural safety initiatives which are a direct result of the \$4.1 million dedicated to rural safety that was announced in the State Budget in May. The initiatives include: the rural safety hotline, which is a free service to provide the latest occupational health and safety information to people working in rural industries; safety forums that were held last week in Orange and Wagga Wagga and will be held next week in Albury, where panels of experts will give practical advice on reducing rural accidents and managing workers compensation and injuries; a men's health forum that will be held in Warren in September and will provide information about pesticides, manual handling and skin cancer; and the Government's introduction of a rollover protective structures [ROPS] rebate scheme.

Two million dollars of rural safety funding will be directed to the ROPS scheme. The rebate scheme will reimburse \$200 to owners of tractors who use tractors on farms and is intended to go towards meeting the cost of fitting a rollover protective structure. Eligibility for the ROPS scheme applies to tractors that were fitted with the devices after 23 May 2000. WorkCover estimates that approximately 22,000 tractors in New South Wales do not have approved ROPS fitted to them.

Statistics show that the tractor is the deadliest piece of equipment on rural properties and that over a third of all accidents on farms relate to tractors. In the period 1990 to June 2000, WorkCover received reports of 151 deaths on New South Wales farms, including 45 fatalities from tractor accidents. Of those 45, 17 people died following a tractor rollover or backflip. Those people may have survived if their tractors had been fitted with an approved ROPS. It is a requirement in New South Wales that all tractors between 560 kilograms and 15,000 kilograms be fitted with an approved rollover protection structure. Older tractors may not be fitted with a rollover protective structure, but it is illegal to sell tractors to be used for farm work that are not fitted with ROPS.

Research shows also that 90 per cent of tractor accidents occurred at speeds of less than 8 kilometres per hour; that 75 per cent of operators involved in accidents have more than five years experience of tractors; and that 60 per cent of all accidents occurred on slopes of less than five degrees. A rural advertising campaign to let people know what is available and how they can work in a safe environment and in a safer manner commenced on television and radio on 20 August.

### **GUNNEDAH CHARCOAL PLANT**

**The Hon. Dr P. WONG:** My question is directed to the Treasurer, Minister for State Development, and Vice-President of the Executive Council, representing the Minister for Health. With regard to the proposed Gunnedah charcoal plant, is he aware that if the five flares in the Gunnedah retorts—which relate to an industrial process—work at 95 per cent efficiency during the plant's 40-year life span, approximately 40,000 tonnes of mainly carcinogenic particles, such as cresols, soluble tars and phenols, et cetera, will be emitted and fall out of the sky in the surrounding area? Will extra funds be made available for epidemiological studies in the Gunnedah area and for cancer care at the Gunnedah District Hospital? Has the Health Department prepared a submission on this matter?



**The Hon. M. R. EGAN:** I thank the Hon. Dr P. Wong for his question, which I will refer to the appropriate Minister or Ministers for a response.

**MINISTER FOR MINERAL RESOURCES, AND MINISTER  
FOR FISHERIES BUSINESS INTERESTS**

**The Hon. JENNIFER GARDINER:** My question is directed to the Minister for Mineral Resources, and Minister for Fisheries. Is he, or has he ever been, a shareholder of the company Sarkis Pty Ltd? If so, can he explain why that company has not been listed in his register of pecuniary interests? Furthermore, can he inform the House why the contact address for Sarkis Pty Ltd is at his home address in Hunters Hill?

**The Hon. E. M. OBEID:** I wish I were a shareholder of Sarkis Pty Ltd. It is a very big timber merchant in the western suburbs. I have never been a director. I wish I were a director. I was never a shareholder. If the honourable member is referring to facts she read in Saturday's *Sydney Morning Herald*, he should take caution as 95 per cent of that article is not accurate.

**The Hon. D. J. Gay:** Why don't you answer the question?

**The Hon. E. M. OBEID:** I am answering it. I am not a shareholder. I am not a director. I have no reason to believe that my phone number would be associated with it, other than that I do know the owners of that company

**The Hon. M. J. Gallacher:** It was not a phone number, it was your address. Your phone number is on the other one.

**The Hon. E. M. OBEID:** Do you want to bark on that side or do you want to listen to some of the facts? I suggest that the honourable member not rely on a journalist who has spent 1½ years investigating non-issues and who comes up with that flimsy story that was in the *Sydney Morning Herald* on Saturday morning. I suggest that members of the Opposition do their own research into Sarkis Pty Ltd.

**The Hon. JENNIFER GARDINER:** I ask a supplementary question. Can the Minister explain therefore why the Australian Securities Commission return has on it his home address with respect to Sarkis Pty Ltd?

**The Hon. E. M. OBEID:** I am not bound to explain anything other than what I know. As far as I am concerned, let me say this to honourable members: You are wrong, and the Australian Securities Commission is wrong if it has got me associated with anything with Sarkis.

**NEW SOUTH WALES FISHERIES BUDGET**

**The Hon. JANELLE SAFFIN:** My question without notice is to the Minister for Mineral Resources, and Minister for Fisheries. What benefits can the community and recreational and commercial fishers expect from the recent record funding provided by the Carr Government to New South Wales Fisheries?

**The Hon. E. M. OBEID:** At least one side of politics is really interested in issues relevant to the citizens of New South Wales.

**The Hon. M. J. Gallacher:** Even Della has deserted you. He knows a loser!

**The Hon. E. M. OBEID:** On this side we are all united on one issue, which is to make sure that the Coalition, which has no policies, stays on that side. I thank the Hon. Janelle Saffin for her interest in one of our State's most important natural resources. The Carr Government has provided another record budget for New South Wales Fisheries. This record \$26 million will ensure that funds are available to preserve and conserve our fish for future generations. The funds will benefit regional communities and protect our valuable fish resource and they will continue to stimulate investment in aquaculture—one of the fastest-growing rural industries. Indeed, a recent aquaculture investment forum in Sydney was told that aquaculture's current growth rate in New South Wales is 15 per cent a year. In order to support the further development of this growing industry, the Government has provided a further \$3 million for a three-year aquaculture initiative.

Aquaculture research and extension work will receive an additional boost with the allocation of \$120,000 to restore and upgrade the Grafton Fisheries Centre—an important location for silver perch research. A further \$160,000 has been allocated to upgrade the New South Wales Fisheries Centre at Port Stephens. This budget provides \$800,000 during the next four years for a major clean-up of abandoned and derelict oyster leases in the Georges River. Large numbers of those leases were abandoned after the outbreak of QX disease in 1994. Also, \$415,000 will be spent on a new 13-metre offshore patrol vessel. A further \$100,000 has been allocated for the continuing upgrade of the New South Wales Fisheries fleet. That is great news for enforcement operations and research. These funds will be used to replace existing vessels with modern, faster and more cost-effective craft. I was delighted recently to have had the opportunity to inspect some of the new small-boat fleet of patrol vessels during my visit to Albury, Narooma and Nowra.

Conservation remains a priority. An amount of \$400,000 has been allocated for a four-year program to assist marine park research and planning. This money is being used for biological research and monitoring to conserve habitats in our precious aquatic ecosystems. Most of the research will be conducted on Lord Howe Island, but it will benefit all the State's marine parks. I look forward to updating the House about the outcomes of these programs, which, everyone would agree, is money well spent.

### LOCAL COURT SMALL CLAIMS DIVISION

**The Hon. P. J. BREEN:** My question without notice is to the Treasurer, representing the Attorney General. Can the Attorney tell the House when he intends proclaiming legislation to increase from \$3,000 to \$10,000 the jurisdiction of the Small Claims Division of the Local Court? Does the Attorney agree that his failure to proclaim the legislation will mean that more and more people are denied access to a cheap and efficient system for pursuing small debts claims?

**The Hon. M. R. EGAN:** I thank the Hon. P. J. Breen for a very good question, which I will refer to my colleague the Attorney General for a detailed response.

### SCHOOLS INTEGRATION FUNDING

**The Hon. PATRICIA FORSYTHE:** My question without notice is to the Special Minister of State, representing the Minister for Education and Training. Have schools been advised that the cut-off date for applying for integration funding for 2001 is the last day of term three, which is 8 September? If so, where does that leave schools that may need funding for students who next year attend kindergarten, transfer from another school, arrive from overseas or present with special needs not previously identified? Is that hard-hearted approach because the Government is determined to restrict access to integration funding regardless of whether need is identified?

**The Hon. J. J. DELLA BOSCA:** That sounds like a very disturbing matter raised by the Hon. Patricia Forsythe. I will undertake to get an early and detailed answer from my colleague the Minister for Education and Training. It seems to me that the Hon. Patricia Forsythe is chasing rabbits down burrows when there is a tyrannosaurus rex haunting the school system in New South Wales. I refer to the Federal Minister, Mr Kemp, and his latest exercise in Mengele-like experimentation with the education funding system. I would have thought that a person interested in education and in the importance of public education such as the shadow spokesperson, the Hon. Patricia Forsythe, would be much more concerned about the significant impact of the Federal Liberal Government's approach to funding schools, particularly new schools, than any of the serious matters raised in her question, but I undertake to get an answer as quickly as possible.

### IBM AUSTRALIA ASIA-PACIFIC ELECTRONIC BUSINESS CENTRE

**The Hon. I. M. MACDONALD:** My question without notice is to the Treasurer, Minister for State Development, and Vice-President of the Executive Council. Will the Treasurer please provide details on the latest developments in Australia's information technology industry?

**The Hon. M. R. EGAN:** Last month one of the world's biggest information technology companies, IBM Australia Ltd, announced it will establish its Asia-Pacific e-business innovation centre in Sydney. The \$23 million investment will make Sydney the heart of the company's Asia-Pacific electronic business development and support operations. The investment will create more than 340 new high-value e-business jobs. The centre will showcase IBM's electronic business capabilities and provide e-business research, development and consultancy services for the company's Asia-Pacific clients. IBM chose Sydney as the location for the new

centre against strong competition from Singapore. Ms Colleen Arnold, General Manager, IBM Global Services, Australia and New Zealand, cited our large and stable pool of graduates and experienced professionals in technology, graphic design and marketing as the key reason for locating in Sydney.

**The Hon. J. F. Ryan:** That sounds like the Commonwealth's higher education policy.

**The Hon. M. R. EGAN:** I am not quite sure that any government that has been in office for only three years would want to take credit for the—

**The Hon. Dr B. P. V. Pezzutti:** She said that back five years with the inquiry into regional headquarters too.

**The Hon. M. R. EGAN:** Yes. I do not think it is a matter of partisan political claims. The fact of the matter is that Australia has a very strong education system and we turn out not only a very large number of graduates from our universities and technical colleges but—

**The Hon. Dr B. P. V. Pezzutti:** But they are very good.

**The Hon. M. R. EGAN:** That was the point I was about to make. When talking to international companies that have made decisions to locate in Sydney and have had two or three years' experience of the quality of our young people graduating from universities I am always impressed to hear them comment on the work readiness and the work quality of those young people.

**The Hon. Dr A. Chesterfield-Evans:** Why does the OECD say what it says?

**The Hon. M. R. EGAN:** That is a particularly stupid thing to say. I would have thought that after his earlier performance today the honourable member would go quietly for the rest of the day. Why doesn't he think before he opens his mouth?

**The Hon. Dr A. Chesterfield-Evans:** Why don't you tell the facts about the OECD comments about spending on education in Australia?

**The Hon. M. R. EGAN:** We turn out graduates who are better than graduates from almost any other nation that these companies have experience with. That is simply an observation that they make. The Hon. Dr A. Chesterfield-Evans can deny that fact but his denials would not impress the people with experience to the contrary. This is a great win for New South Wales and will position Sydney at the leading edge of global e-commerce development. It will highlight Sydney as an innovative leader in e-business and position us to win future business in this rapidly expanding market. The Asian-Pacific market is predicted to grow to some \$US1.6 trillion by 2004. That is a mind-numbing figure that I find it difficult—

**The Hon. Dr B. P. V. Pezzutti:** You have got a numb mind!

**The Hon. M. R. EGAN:** Does your mind encompass what that figure is? I know what it is but I am not sure that my mind can encompass it. It is a vast market. The IBM initiative confirms the advantages of Sydney as the IT and e-business hub of the Asia-Pacific. Australia, with Sydney leading the charge, it is now poised to shape the development of e-business throughout the Asian-Pacific region.

#### GLENBROOK RAIL ACCIDENT COMPENSATION

**The Hon. Dr A. CHESTERFIELD-EVANS:** My question is directed to the Special Minister of State and Assistant Treasurer, as the Minister responsible for accident compensation. On page 4 of the *Daily Telegraph* dated 11 August 2000 a spokesperson for the Minister for Transport is reported to have stated that State Rail will settle claims directly with the Glenbrook survivors and that their status under the Motor Accidents Compensation Act is irrelevant. If the Government needs to bypass its own legislation to allow proper compensation to be paid to Glenbrook train accident survivors, is that not an admission that the requirement for road or rail accident victims to suffer a permanent impairment of over 10 per cent in order to qualify for compensation is far too high? Is it not an admission that the Act does not provide proper compensation for the victims of road and rail accidents? Will the Minister agree that the Act should be changed to allow proper compensation for other victims of trauma in addition to the survivors of the Glenbrook train disaster?

**The Hon. J. J. DELLA BOSCA:** The question appears to deal with the portfolio of my colleague in another place, the Minister for Transport. To the extent that the question deals with issues in relation to the State

Rail Authority's attitude to compensation of Glenbrook train accident survivors I will take that part of it on notice and refer it to my colleague Minister for Transport. Another part of the question refers to the Motor Accidents Compensation Act, which comes under my jurisdiction. I assume that the spokesperson quoted was probably referring to a provision in the Act which deems State Rail property as eligible to be considered under the Act. The decisions the State Rail Authority or other organisations make, on behalf of the Government or the Department of Transport, in respect of compensation for Glenbrook survivors or the survivors of any other accidents, or any matters that occur on State Rail property, are largely matters for the Minister for Transport. I think there has been a simple misunderstanding in the way the journalist has reported the matter in the *Daily Telegraph* or in the way the honourable member has quoted the report.

**The Hon. Dr A. CHESTERFIELD-EVANS:** I ask a supplementary question. Victims need to be compensated for the immense impacts the accident has had on them. They cannot be adequately compensated under the Motor Accidents Compensation Act. The Act has problems and that is why I am asking the Minister to clarify the effects. The people obviously will be compensated but they would be ineligible under the current Act.

**The Hon. J. J. DELLA BOSCA:** I will explain the point again. The Transport Administration Act 1988 is the responsibility of the Minister for Transport. It provides that awards for damages for personal injury claims arising from public transport accidents are determined by the rules which apply to motor accidents under the Motor Accidents Compensation Act. That is the deeming provision that is causing confusion in the mind of the Hon. Dr A. Chesterfield-Evans. Claims arising from the Glenbrook train disaster are not claims—

**The Hon. M. J. Gallacher:** You are talking a bit fast; you better slow down.

**The Hon. J. J. DELLA BOSCA:** I thank the Leader of the Opposition for his helpful comments. I am hoping to enable him to ask more questions. Claims arising from the Glenbrook train disaster are not claims made under the Motor Accidents Compensation Act. Claims should be made in the normal way and may involve commencing court proceedings by way of a statement of claim. People who may be entitled to compensation should seek legal advice. Claims may be settled without reference to the Motor Accidents Compensation Act. However, if the matter is disputed the determination of damages is in accordance with chapter 5 of the Motor Accidents Compensation Act.

The Act provides, first, for damages for economic loss such as compensation for medical and rehabilitation expenses, counselling expenses and loss of earnings. Second, it provides for damages for non-economic loss such as pain and suffering if the person has been assessed as having more than 10 per cent permanent whole body impairment. There is a cap for non-economic loss of \$260,000. Third, psychiatric injuries are covered by the scheme. A person will be entitled to non-economic loss compensation if the person is assessed as having greater than 10 per cent psychiatric or psychological impairment. I hope that clarifies the matter for the honourable member.

### EMPLOYEE ENTITLEMENTS

**The Hon. C. J. S. LYNN:** My question is to the Special Minister of State, and Minister for Industrial Relations. Does the Minister agree that there is an urgent need for the protection of workers entitlements? Does he also agree that the Government has failed to provide any process by which workers are assured that they will receive their entitlements if their employer fails? In light of the fact that the Minister, as Minister responsible, has not presented to this Parliament any alternative to the Federal Government's employee entitlements scheme, and the fact that he personally gagged debate on this issue at the recent national conference of the Australian Labor Party, does he accept full responsibility for the many workers that he has failed to protect?

**The Hon. J. J. DELLA BOSCA:** Those responsible for the outstanding employee entitlements should pay for them. They are the employers and, where relevant, related companies and directors, if they are responsible for the loss. The taxpayers of New South Wales should not have to pick up the bill for failed businesses. In October 1999 the New South Wales Government proposed to the Commonwealth a range of options to protect employee entitlements without unduly burdening taxpayers. The options included an insurance scheme, trust funds coupled with Federal tax concessions and Corporations Law changes. To date New South Wales has received no response from the Commonwealth to its proposals.

The Federal Government took a unilateral decision to set up an employee entitlements support scheme without meaningful consultation with the States. The employee entitlements support scheme can also be

criticised for having been established on an administrative basis, and thus the Federal Government has bypassed the scrutiny and debate of its own Parliament. The Federal scheme disadvantages employees as it unfairly limits the payment of workers' entitlements to a maximum of 29 weeks pay, regardless of how many weeks pay they are owed, and is capped at a maximum level of \$40,000 per year. The point is, as has repeatedly been said in this place by members of the Government and outside this place, the responsibility for workers' entitlements lies with the employers, and a decent scheme—

**The Hon. M. J. Gallacher:** What are you doing about it?

**The Hon. J. J. DELLA BOSCA:** I have just said what we are doing about it. We have already worked out the options by which a national scheme would operate. The Hon. C. J. S. Lynn referred to the ALP national conference. We adopted an absolutely fantastic employee entitlements scheme, and I am sure it will be implemented when the Beazley government is elected.

### MINERALS EXPLORATION

**The Hon. A. B. MANSON:** My question is to the Minister for Mineral Resources, and Minister for Fisheries. I understand the Government is funding a new initiative to boost the minerals industry. Could the Minister elaborate on what the initiative involves, and what it might mean to regional communities in New South Wales?

**The Hon. E. M. OBEID:** I commend my colleague the Hon. A. B. Manson for his continued interest in regional New South Wales. The Carr Government is committed to ensuring continued investment and exploration in New South Wales. That is why it has provided an extra \$30 million to stimulate continuing business investment in our State. The seven-year Exploration New South Wales initiative builds on the success of the Discovery 2000 program, which ended last June. Exploration New South Wales will help create vital jobs where they are most needed: in regional areas. Indeed, the regions will be the major beneficiary of Exploration New South Wales. Nearly \$26 million of the initiative's funding is being spent in regional areas like Wentworth, Balranald, Narrandera, Broken Hill, Lightning Ridge and Wagga Wagga.

The Carr Government will spend a major portion of this funding, more than \$6 million, on exploration in the Wentworth-Balranald area. It will encourage exploration by providing potential investors with the most up-to-date geophysical surveys, seismic surveys and drilling. Other regional areas to directly benefit from Exploration New South Wales include \$3.8 million for the Narrandera area, \$3.5 million for Broken Hill exploration, \$3.5 million for the State's far north-west, \$2.5 million in the New England area, \$1.9 million in the areas around Wagga Wagga, \$1.7 million for exploration in the Cobar-Bourke area, \$1.5 million for Lightning Ridge, \$700,000 to be spent in the Bathurst-Orange area, and \$600,000 that has been allocated for exploration in the Braidwood area. Investment in exploration and research is essential for the long-term future of mining in New South Wales. Exploration New South Wales will build on our success to date, and I am confident it will help ensure new mines and the export of more mineral resources, benefiting everyone in New South Wales.

### GUNNEDAH CHARCOAL PLANT

**The Hon. I. COHEN:** I direct a question without notice to the Minister for Juvenile Justice, representing the Minister for Forestry. Can the Minister explain why public submissions on the Gunnedah charcoal plant are due to close on 4 September and yet no details of the actual wood supply areas have been released? Is the Minister aware that even the company, Australian Silicon, was saying as late as last week that State Forests had still not been able to supply the company with details of the wood supply? Is the Government developing a new style of accountability by which details are supplied after an environmental impact study has been done and after the public exhibition phase closes?

**The Hon. CARMEL TEBBUTT:** I will refer the question to the Minister for Forestry, and I undertake to obtain a response as soon as possible.

### INTEGRAL ENERGY BANK OVERDRAFT

**The Hon. D. J. GAY:** I ask a question without notice of the Treasurer, Minister for State Development, and Vice-President of the Executive Council. Why was Integral Energy operating on an overdraft from the Commonwealth Bank of Australia from 25 October 1999 to 25 May this year? Why did Integral

Energy not utilise the come-and-go facility in place with T-Corp? Who authorised Integral Energy to go outside State Treasury and seek an overdraft from the Commonwealth Bank? Given that Integral Energy did operate on an overdraft from the Commonwealth Bank for a period of seven months, can the Treasurer inform the House what surety the company offered to secure that overdraft arrangement?

**The Hon. M. R. EGAN:** It is not uncommon for State-owned corporations to operate on overdrafts. I am advised that the question was asked in the estimates committee hearing and that it was answered by Mr Richard Powis, the Chief Executive. So I also will have a look at Mr Powers' answer. But I think the Deputy Leader of the Opposition is aware that the question has been asked.

**The Hon. D. J. Gay:** The questions came from his answer and go beyond his answer. We want to know who authorised it and what surety was offered.

**The Hon. M. R. EGAN:** I will have a look.

#### DEPARTMENT OF JUVENILE JUSTICE STAFF TRAINING

**The Hon. JAN BURNSWOODS:** My question is directed to the Minister for Juvenile Justice, Minister Assisting the Premier on Youth, and Minister Assisting the Premier for the Environment. Can the Minister provide the House with details of how the Department of Juvenile Justice is improving training for staff?

**The Hon. CARMEL TEBBUTT:** I thank the Hon. Jan Burnswoods for this important question—one that has occupied quite a bit of time of the department of late. The House would be aware that at the time of the release of the Ombudsman's report into the Kariong Juvenile Justice Centre I announced the Government was making an additional \$1.9 million available to the Department of Juvenile Justice this financial year to provide improved staff training. I think all in this Chamber would know that staff in Juvenile Justice, particularly in our detention centres, deal with a very difficult client group. By the time young persons are placed under the supervision of the department they all too frequently have experienced a life of abuse and neglect, and increasingly a history of drug abuse as well. Dealing with those clients and assisting in their rehabilitation so that they choose positive alternatives to offending behaviour requires not just great dedication but also a significant level of training.

I was very pleased a few weeks ago to have the opportunity to launch the department's training program for 2000-01. The program has been designed to address all of the Ombudsman's training-related recommendations from the Kariong report and provides the opportunity for all of the department's staff to undergo some training in the next 10 months. For the first time ever, all new staff members, regardless of their position or their location—whether working in a juvenile justice centre, a juvenile justice community service, an intensive programs unit or central support office—will be the recipient of a structured induction program. These induction training programs will involve an orientation to the department, its policies and structure, employment conditions, occupational health and safety requirements, field placements, as well as relevant skills-based training.

For the first time, senior youth workers will receive an extensive 20.5-day paid induction training program, which incorporates 14 days worth of competency-based training, observation shifts, three days of local centre specific training and one day of policy. Only a couple of years ago this induction course was of four days duration; it is now 25 days, a significant and much-needed increase. Importantly, the induction training program includes the Certificate IV in Juvenile Justice module that focuses on managing difficult behaviour. Components of this include good supervision practices, principles of behaviour management, verbal negotiation skills, strategies to de-escalate critical situations, and the use of force and restraints. As the Ombudsman identified in her report, and as many senior youth workers have stressed to me on many occasions, this is a crucial aspect of detention centre operations, and I am pleased that all new recruits will now have access to this training before they commence work.

In addition, the department will continue to provide the nationally accredited Certificate III course in juvenile justice, and this year two of the modules in Certificate IV will be offered for the first time. Training will also be provided to frontline and other key departmental staff in alcohol and other drug issues to ensure an integrated and comprehensive response to drug and alcohol problems, meeting one of the commitments outlined in the Drug Summit plan of action. The department will also sponsor a further 20 places in Certificate of Management at Deakin University and the Certificate IV course in management and team leadership provided

by TAFE. This training program is a comprehensive effort to improve the skills of the staff. The end result will be a safer working environment for staff and improved services for the department's clients. I would like to put on the record my congratulations to all the staff of the department who have put the program together, in particular Bryce Wilde and his team in the training unit.

### MUNCHAUSEN'S SYNDROME BY PROXY

**The Hon. A. G. CORBETT:** My question is addressed to the Treasurer, representing the Minister for Health. Is the Treasurer aware of concerns in the literature and in the general community that the diagnosis of Munchausen's syndrome by proxy—that is, where a parent is suspected or accused of making a child deliberately sick—is being misused? Is he also aware that such a diagnosis appears to be increasingly being given to mothers of children with chronic illnesses without proper processes or procedures in place? What exactly does a diagnosis of Munchausen's syndrome by proxy mean to New South Wales Health and what procedures and processes are in place to ensure that any diagnosis is both credible and accurate?

**The Hon. D. F. Moppett:** If you don't know, you should.

**The Hon. M. R. EGAN:** I have to admit I do not know.

**The Hon. D. J. Gay:** Read Sir James Killen and Fred Daly on the subject. They both spoke at length on this in the Federal Parliament.

**The Hon. M. R. EGAN:** I will do that. I will try to find the *Hansard* reference to it.

**The Hon. Dr B. P. V. Pezzutti:** Munchausen's syndrome by proxy is very common.

**The Hon. M. R. EGAN:** Is it? I have not heard of it. I will find out what it is when question time is over, and I will obtain a response from the Minister for Health to the honourable member's question.

### NORTH COAST PETROL PRICES

**The Hon. Dr B. P. V. PEZZUTTI:** My question is directed to the Treasurer. Three months ago I asked a series of questions about petrol prices. The Treasurer told the House that he intended to make some inquiries into the petrol subsidy scheme in northern New South Wales to ensure that the petrol subsidy was being delivered to the people of northern New South Wales. On Sunday 17 August I drove from Lismore to Sydney. In Lismore I filled up and the petrol price was 95.9¢ a litre whereas in Sydney it was 80.9¢, despite the fact that the people in Lismore are meant to pay 6¢ a litre less in tax. Can the Minister please inform the House of the results of the inquiries he has made?

**The Hon. M. R. EGAN:** As honourable members would be aware, the only tax that petrol consumers pay these days goes to the Federal Government. As a result of the High Court case some time ago the New South Wales Government and the other States no longer have any tax on petrol. However, in New South Wales there is a subsidy for the northern zones. That subsidy tapers down as one moves further from the Queensland border. The purpose of that subsidy is to ensure that New South Wales petrol retailers can compete with Queensland petrol retailers, where the price of petrol is significantly subsidised by the Queensland Government, directly and indirectly by the New South Wales and Victorian taxpayers because of the subsidies which the taxpayers in those two States are forced by horizontal fiscal equalisation to provide to Queensland.

I am told that the inquiries to which the honourable member referred are expected to be completed once data is received from the oil refiners. That data is due on 31 August, but I am told it is likely to be a little later than that. I have also made my own observations and I noticed, on the day Cabinet met in Tweed Heads, that the price of petrol in Tweed Heads was about 8¢ cheaper than it was around Sydney that morning when I left to go to Tweed Heads.

**The Hon. Dr B. P. V. Pezzutti:** Why is it still 7¢ more expensive in Lismore than it is in Sydney?

**The Hon. M. R. EGAN:** I do not know.

### SKANDIA ASIA-PACIFIC HEADQUARTERS

**The Hon. H. S. TSANG:** My question without notice is to the Treasurer, and Minister for State Development. Will the Treasurer please provide the House with details on the latest financial organisation to establish its Asia-Pacific regional office in Sydney?

**The Hon. M. R. EGAN:** Once again I am pleased to inform the House that one of Europe's largest financial institutions, Skandia, has chosen Sydney for its Australian headquarters. The company expects to create 50 to 100 high-quality jobs in Sydney over the next few years. This is an important win for Sydney and Skandia is the latest international financial institution to pick Sydney as its regional headquarters. Skandia is ranked 227 on the Fortune 500 list of the world's biggest companies and operates in some 25 countries around the globe. It has a market capitalisation of \$40 billion and \$200 billion in funds under management worldwide.

Skandia is one of the world's largest groups in international savings, life assurance and unit-linked assurance. The company brings a depth of investment skill and experience to the local funds management industry. Skandia's decision to locate in Sydney is further evidence of our growing importance as a major financial hub in the Asia-Pacific region. As I am sure honourable members are aware—and if they are not, they should be because I have told them on about 999 occasions—Sydney is home to 65 per cent of Australia's finance industry. Thirty-three of the 36 foreign banking groups in Australia are located in Sydney and, of course, Sydney is also home to the Australian Stock Exchange, the Sydney Futures Exchange and the Reserve Bank.

Mr Johan Hofvander, Skandia's Asia-Pacific regional manager, said Sydney was selected as the Australian base after two years of extensive market analysis. According to Mr Hofvander, Skandia intends to offer global investment opportunities specifically targeted to the Australian market. The funds management industry is one of the fastest growing areas of the Australian finance sector, with some \$900 billion expected to be under management by 2003. Skandia will join other Sydney-based international funds managers in driving product innovation and creating new jobs in this growing industry. I commend the Hon. H. S. Tsang for his interest in this important matter.

#### **MARINE PARKS AUTHORITY**

**The Hon. M. I. JONES:** My question is directed to the Minister for Fisheries. Can the Minister tell me which department is currently running, staffing and paying for the Marine Parks Authority?

**The Hon. E. M. OBEID:** The Minister responsible for national parks and I jointly manage the Marine Parks Authority.

**The Hon. M. I. Jones:** So the Premier's Department is not involved?

**The Hon. E. M. OBEID:** No.

#### **MURRAY-DARLING BASIN MINERAL SANDS EXPLORATION AND MINING**

**The Hon. D. F. MOPPETT:** My question is addressed to the Minister for Mineral Resources, and Minister for Fisheries. Following the recent and rather fulsome restatement of his exploration policy, will the Minister give an undertaking to this House and to the people of the Murray-Darling Basin that everything is being done to ensure that proposals for major mineral sands mining projects already identified are being fully supported by the Government? Will he also give an undertaking to work with his colleagues to ensure that any outstanding native title claims in that area are resolved as quickly as possible so that they do not interfere with the development of these vital projects?

**The Hon. E. M. OBEID:** The honourable member asked an important question. I and the Government support the exploration and mining of the important mineral sands deposit in the Murray-Darling region, and we are co-operating with the Commonwealth, Victorian and South Australian governments in that regard. Mineral sands deposits in the Murray-Darling region of New South Wales, which are valued at about \$13 billion, are important for and vital to that region. The Government, which is making every effort to encourage companies to continue this exploration, will assist in every way it can to ensure that that mineral sands deposit is mined for the benefit of New South Wales.

**The Hon. D. F. Moppett:** What about native title?

**The Hon. E. M. OBEID:** Native title is another issue. This Government has lodged a claim with the Commonwealth Government that we believe will be supported. We are looking forward to the outcome.



## LOCAL GOVERNMENT OCCUPATIONAL HEALTH AND SAFETY

**The Hon. P. T. PRIMROSE:** My question without notice is directed to the Special Minister of State, Minister for Industrial Relations, and Assistant Treasurer. What is the Government doing to improve occupational health and safety outcomes in local government?

**The Hon. J. J. DELLA BOSCA:** I am pleased to inform the House of a significant program that I recently launched in the city of Orange. CouncilSafe is a program to improve health and safety management in New South Wales local government workplaces. The CouncilSafe program will provide council staff with practical tools to develop and implement occupational health and safety systems tailored to their specific needs. CouncilSafe is based on a successful pilot program, Team Merlin, which established occupational health, safety and rehabilitation management systems in nine rural councils—Orange, Dubbo, Parkes, Gilgandra, Mudgee, Goulburn, Wagga Wagga, Shellharbour and Mulwaree.

Local government in New South Wales employs in excess of 40,000 persons directly. When we consider those who are indirectly employed, such as subcontractors, that number is multiplied a number of times. It is anticipated that participating in CouncilSafe will establish within councils a capability for ongoing, self-driven development of risk management strategies. Councils will also develop practical ways of meeting occupational health and safety responsibilities now and into the future. In particular, it is foreseen that the program will provide participating councils with the skills required to readily and effectively incorporate change into their safety management systems.

I have been advised that many pilot project participants have achieved promising results in their safety performance. For example, Burwood Council, a participant in WorkCover's systematic approach model development trials, reduced its cost of claims by 52 per cent from the previous year and achieved a \$94,000 refund on its premium deposit. Orange City Council, a participant in the Team Merlin pilot, examined workplace injuries at its water treatment works. As a result, the weight limits were halved to 20 kilograms, thus reducing back injury claims from 30 per cent of all workplace injury claims to 5 per cent. The CouncilSafe program promises to provide an opportunity to maximise safety performance outcomes, resulting in financial and human cost savings to both local government industry and the community as a whole.

## KANGAROO MEAT CONTAMINATION

**The Hon. R. S. L. JONES:** My question without notice is directed to the Special Minister of State, representing the Minister for Agriculture, and Minister for Land and Water Conservation. Is the Minister aware of reports from dog and cat owners that pets are falling sick from eating kangaroo meat? Will the Minister determine whether this is caused by pathogens present in kangaroo meat, by unhygienic handling of the meat, or possibly by kangaroos ingesting organophosphates being sprayed to kill locusts? Is it not a fact that, whilst there is a withholding period for organophosphates of 14 days for sheep and 21 days for cattle, there can be no withholding period for kangaroos as they are free-ranging animals? Will the Minister investigate this problem of kangaroo meat making pets sick and also determine whether organophosphates fenitrothion and fipronil are contaminating kangaroo meat for both pet and human consumption? Is it not a fact that kangaroo meat served to overseas visitors at the Olympic Games may well be contaminated with organophosphates as spraying begins again next month?

**The Hon. J. J. DELLA BOSCA:** One could be tempted to toy with that question, but I will not. I will refer the honourable member's question to the Minister for Agriculture and obtain an answer as soon as I can.

## COBHAM JUVENILE JUSTICE CENTRE

**The Hon. PATRICIA FORSYTHE:** My question without notice is directed to the Minister for Juvenile Justice. Does the Government have any plans to close Cobham Juvenile Justice Centre on a temporary basis? If so, why is that being done? Is it so that arrangements can be made to use Cobham as a remand centre during the Olympics?

**The Hon. CARMEL TEBBUTT:** The Hon. Patricia Forsythe has a favoured *modus operandi* of relying on anonymous letters. I am not sure whether on this occasion she is relying on information contained in another anonymous letter. The Government does not have any plans to close Cobham Juvenile Justice Centre on a temporary basis. It is the major remand centre for juveniles in the Sydney area, so it is highly unlikely that the Government is proposing to close it.

### MARFAN SYNDROME

**The Hon. ELAINE NILE:** I direct my question without notice to the Treasurer, representing the Minister for Health. Does the little-known genetic disorder Marfan's syndrome have a potential to kill—indeed, it has already killed—a number of Australian athletes? Is it a fact that one in 5,000 Australians is born with this disease? What action is the Health Department taking to identify and treat persons with this syndrome?

**The Hon. M. R. EGAN:** I thought, until yesterday, that today would be the honourable member's swan song. I am pleased that it is not. I am pleased that she is staying. I hope that she stays for the remainder of her term. It seems to me that question time today is a medical question and answer session. I have to admit that that is not my area of expertise. I will take the matter up with my colleague the Minister for Health and obtain a response.

### COUNCIL ON THE COST OF GOVERNMENT MEMBERSHIP

**The Hon. Dr B. P. V. PEZZUTTI:** My question without notice is directed to the Treasurer, representing the Premier. Why did the Premier remove Professor Bob Walker from the Council on the Cost of Government? Why were representatives from the Department of Health and the Department of Education and Training not on that council, given the amount of money that was spent by this Government on those two services?

**The Hon. M. R. EGAN:** The premise of the honourable member's question is wrong.

In view of the time, if honourable members have further questions, they might like to place them on notice.

### DEFERRED ANSWERS

The following answers to questions without notice were received by the Clerk during the adjournment of the House:

#### WOODLAWN MEGATIP

On 8 June 2000 the Hon. R. S. L. Jones asked the Minister for Juvenile Justice, Minister Assisting the Premier on Youth, and Minister Assisting the Minister for the Environment, representing the Minister for the Environment, Minister for Emergency Services, Minister for Corrective Services, and Minister Assisting the Premier on the Arts, a question without notice regarding the Woodlawn megatip. The Minister for the Environment, Minister for Emergency Services, Minister for Corrective Services, and Minister Assisting the Premier on the Arts has provided the following answer:

I am aware that a junior officer of the Nature Conservation Council's Waste Crisis Network wrote to the Independent Commission Against Corruption [ICAC] regarding the Sydney Catchment Authority's submission to the commission of inquiry into the proposed landfill at Woodlawn.

I am also aware that the Chairperson of the Nature Conservation Council, Dr Judy Messer, wrote to the ICAC on 14 June 2000. That letter stated:

On behalf of the [NCC] I would like to inform you that the NCC wishes to disassociate itself from the intent of the attached letter.

The letter was sent under the NCC letterhead without appropriate authorisations.

At no time had the content of the letter been discussed by the NCC Executive and the letter is therefore without standing. The matter is being dealt with internally..."

The Sydney Catchment Authority's submissions to the commission of inquiry were, at all times, based on scientific material which became available to it over the course of the commission of inquiry.

The authority's position in relation to the siting of the waste facility in the former Woodlawn mine site was determined by geography, environmental considerations and impacts of the facility which relate to that particular site.

Under State Environment Planning Policy (SEPP) 48, the Environment Protection Authority provides advice to the Department of Urban Affairs and Planning (DUAP) for any proposed new landfill facility. This involves an assessment of the minimum operating capacity of the landfill and proposed source of the waste and does not infer any judgment about the worth of the proposal in waste minimisation terms; nor is the EPA's position on this proposal inconsistent with the recommendations of the Alternative Waste Management Technologies and Practices Inquiry.

The residual wastes which have been identified by the Northern Sydney Waste Board as forming the justifiable demand are not wastes which the board believes can be easily diverted to composting or other uses.

### **LUCAS HEIGHTS NUCLEAR REACTOR PROPOSAL**

On 6 June 2000 Ms Lee Rhiannon asked the Special Minister of State, representing the Premier, Minister for the Arts, and Minister for Citizenship, a question without notice about Lucas Heights nuclear reactor. The Premier, Minister for the Arts, and Minister for Citizenship has provided the following answer:

I am advised that the Commonwealth has sole responsibility for the tender process for the new Lucas Heights reactor. The Australian Nuclear Science and Technology Organisation Act 1987 is a Commonwealth law which permits the establishment and operation of nuclear facilities in New South Wales and the other States. It overrides any inconsistent State laws and prevents the New South Wales Government from imposing any requirements in relation to these negotiations and the making of decisions about development of the facility.

I am advised that the New South Wales Government made two detailed submissions to the Commonwealth, one in response to the draft environmental impact statement [EIS] and a second submission in response to the supplement to the EIS. The submissions highlighted a number of concerns about the project, particularly the lack of detail concerning the proposed reactor's design and operating arrangements.

Importantly, I am advised that the draft EIS did not justify the Commonwealth's decision to construct the reactor in such close proximity to the suburbs of Sydney. In its submissions, the State Government called upon the Federal Government to ensure that, before the EIS process was finalised, these concerns should be addressed and that a further opportunity should be provided for public comment. I am advised that to date this has not occurred.

### **NAMOI RIVER WATER USE**

On 20 June 2000 the Hon. Dr A. Chesterfield-Evans asked the Special Minister of State, and Assistant Treasurer, representing the Minister for Agriculture, and Minister for Land and Water Conservation, a question without notice about Namoi Valley groundwater use and the proposed Gunnedah charcoal factory. The Minister for Agriculture, and Minister for Land and Water Conservation has provided the following answer:

Namoi irrigators access groundwater from the aquifers of the hydrogeological formation known as the Upper Namoi Alluviums. The proposed Gunnedah charcoal factory is located above the hydrogeological formation known as the Gunnedah Basin. Unlike the deep Upper Namoi Alluviums from which irrigators extract irrigation water, the Gunnedah Basin is not embargoed. These two groundwater sources are separate hydrogeological formations that are not hydraulically linked.

In terms of the actual proposal for the Gunnedah charcoal factory, this represents a development of State significance and as such, the development application and assessment process is being co-ordinated by the Department of Urban Affairs and Planning, which is the consent authority.

The Department of Land and Water Conservation has not received an application for a water entitlement from the developers concerned with the charcoal factory proposal, nor has any commitment been made to the developers regarding groundwater entitlements.

However, in anticipation of development pressures generally, the department has introduced a rigorous policy, endorsed by the Namoi Groundwater Management Committee, to ensure that the resources of aquifers such as those that make up the Gunnedah Basin, are managed in an equitable and sustainable manner. Consistent with this policy, any applications for a groundwater licence would require detailed supporting information on matters such as intended use of the water; volume required; pump testing results indicating bore flow rates, annual demand and drought security capabilities; monitoring strategies; assessed impact on other users of the resource; and assessed impact on known environmental sites, in order to properly assess the application.

### **BYRON BAY COMMUNITY CENTRE**

On 20 June 2000 the Hon. I. Cohen asked the Special Minister of State, representing the Minister for Agriculture, and Minister for Land and Water Conservation, a question without notice about Byron Bay community centre. The Special Minister of State has been advised by the Minister for Agriculture, and Minister for Land and Water Conservation that the answer is as follows:

The Minister is aware that Byron Shire Council has approved a development application in respect of the Byron Bay Community Centre site.

The Minister has asked the Department of Land and Water Conservation to investigate and report on any issues of concern regarding the proposed redevelopment, insofar as the principles of Crown land management are concerned. Resolution of such issues will depend on the outcome of the department's investigations.

### **BLACKTOWN GIRLS HIGH SCHOOL PRINCIPAL**

On 22 June 2000 the Hon. D. E. Oldfield asked the Special Minister of State, Assistant Treasurer, and Minister for Industrial Relations representing the Minister for Education and Training, a question without notice about Blacktown Girls High School. The Minister for Education and Training has provided the following answer:

- (1) The *Blacktown Advocate* of 8 June 2000, a local paper, published a report called "Principal at Centre of Oldfield Claim". This report placed a range of issues in the public domain. The principal, on the advice of his district superintendent, determined to talk to the school's staff about the history and circumstances surrounding the claims of the newspaper report. The staff had a right to hear the whole story. Since the meeting, staff members have supported their principal strongly in what they saw as an unprovoked and unwarranted attack on a highly respected person.

- (2) Appropriate supervision, with teachers on duty in the playground, was in place for the entire period of the meeting.
- (3) The principal was completely open with his staff at this meeting. The principal said to staff that as a principal his public comments were open to public scrutiny. Having made the decision to hold the meeting, the principal also had to ensure the staff knew the context of the *Blacktown Advocate* report to be confident in dealing with reactions from students or parents.

The principal did not deny having made particular statements. He told staff that as he had not used speech notes he could not be entirely sure of what was said. The principal also told his staff that the school video record of the Carnivale celebration had his speech deleted. Mr Oldfield provided a copy of the video of the speech which he had obtained from an unknown source, the original version having been removed from the school without authorisation.

- (4) The principal has now seen the video record of his speech.
- (5) The recess was extended some 15 minutes. Given the circumstances, the principal decided that it was essential that the staff was fully briefed. On occasions, principals of schools do authorise variations to routine to account for specific situations.

#### **MEREWETHER HIGH SCHOOL SUPPORT UNIT CLOSURE**

On 22 June 2000 the Hon. J. H. Jobling asked the Special Minister of State, Assistant Treasurer, and Minister for Industrial Relations, representing the Minister for Education and Training, a question without notice about Merewether High School support unit closure. The Minister for Education and Training has provided the following answer:

- (1) to (4) The IO support unit at Merewether High School will not be closed provided enrolment continues at its current level. The District Superintendent, Newcastle has apologised to parents for any misperception held by the school community and he has written to parents confirming that no decision has been taken to close the support unit. Parents have been assured that current students will be able to remain at Merewether High School or to move on to Newcastle High School if they choose that option. Any decision about the support unit in the future will be with the consent and agreement of the parents and a full consideration of the students' educational needs.

#### **NORTHERN SUBURBS WASTE DISPOSAL**

On 23 June 2000 the Hon. I. Cohen asked the Treasurer, representing the Minister for Urban Affairs and Planning, a question without notice about Northern Suburbs waste disposal. The Minister for Urban Affairs and Planning has provided the following answer:

The proposed landfill at Woodlawn will be assessed on its merits, taking into account the findings and recommendations of the commission of inquiry held into the proposal.

The Minister has also recently appointed an independent expert to assess the need for major landfill sites for Sydney's waste. The findings of this inquiry will inform the need or otherwise for the Woodlawn facility.

In considering the need and justification for the proposal, he will also fully take into account the findings and recommendations of the Alternative Waste Management Technologies and Practices Inquiry.

No decision will be made on the Woodlawn proposal without the implications of the Alternative Waste Management Technologies and Practices Inquiry having been adequately addressed.

#### **VOCATIONAL EDUCATION AND TRAINING ACCREDITATION BOARD**

On 28 June 2000 the Hon. Patricia Forsythe asked the Special Minister of State, Assistant Treasurer, and Minister for Industrial Relations, representing the Minister for Education and Training, a question without notice about the Vocational Education and Training Accreditation Board. The Minister for Education and Training has provided the following answer:

- (1) The role of the Vocational Education and Training Accreditation Board (VETAB) was considered as part of the Government's recent review of the *Board of Vocational Education and Training Act 1994*. In this context some private training organisations wrote to the Minister expressing concerns about the future of VETAB.
- (2) The Minister has responded to these providers assuring them of VETAB's continuing operation.

#### **MINISTER FOR EDUCATION AND TRAINING AND BLACKTOWN GIRLS HIGH SCHOOL PRINCIPAL**

On 29 June 2000 the Hon. D. E. Oldfield asked the Special Minister of State, representing the Minister for Education and Training, a question without notice about the Minister for Education and Training. The Minister for Education and Training has provided the following answer:

Further to the answer that was given to the House on June 29, 2000 the Minister for Education and Training has provided a further response to the honourable member's question.

The Minister has advised that Principal Gavin held a number of positions in the former Department of School Education from 1988 to 1994 when he was appointed principal of Blacktown Girls High School.

The Minister for Education and Training left teaching in 1981 to contest the State seat of Blacktown with an impeccable record as a teacher. The Minister has no knowledge whatsoever of the matters raised in this question.

### **ELECTRICITY DISTRIBUTORS RETAIL OPERATIONS**

On 23 June 2000 the Deputy Leader of the Opposition asked the Minister for Juvenile Justice, Minister Assisting the Premier on Youth, and Minister Assisting the Minister for the Environment, representing the Minister for Information Technology, Minister for Energy, Minister for Forestry, and Minister for Western Sydney, a question without notice about electricity distribution rationalisation. The Minister for Juvenile Justice, Minister Assisting the Premier on Youth, and Minister Assisting the Minister for the Environment has provided the following answer:

I am advised by the Minister for Energy that he can confirm that no proposal has been put to him by either the distributors or the Market Implementation Group to rationalise electricity distribution in New South Wales or to merge the retail operations of Integral Energy, Advance Energy and Great Southern Energy.

### **NORTHSIDE STORAGE TUNNEL FILTRATION SYSTEM**

On 30 May 2000 the Hon. I. Cohen asked the Minister for Juvenile Justice, Minister Assisting the Premier on Youth, and Minister Assisting the Minister for the Environment, representing the Minister for Information Technology, Minister for Energy, Minister for Forestry, and Minister for Western Sydney, a question without notice about northside storage tunnel. The Minister for Information Technology, Minister for Energy, Minister for Forestry, and Minister for Western Sydney has provided the following answer:

- (1) Sydney Water operates two (2) sewage pumping stations, SPS 138 at Padstow and SPS 630 at Hoxton Park, that have activated carbon filters installed.
- (2) Both activated carbon filters have been in operation since January 1999.
- (3) Both SPS 138 and SPS 630 have odour monitoring equipment associated with the filters. A monitor provides a visual indication at each SPS of high hydrogen sulphide levels in the outlet from the filters. The SPSs also contain dataloggers which store monitored outlet concentration readings of hydrogen sulphide from the filters.

Arrangements are currently being made to connect the odour control equipment at both SPSs to Sydney Water's telemetry alarm system to enable remote monitoring by Sydney Water's 24-hour system operation centre.

- (4) Yes.
- (5) Yes.
- (6) The proposed vent and activated carbon system at Scotts Creek were the subject of intensive consideration in 1999 by the New South Wales Health Department, the Department of Urban Affairs and Planning and Sydney Water as part of the review of environmental factors. The advice received from these processes indicates that there is insignificant risk to human health from air exhausted from the vent. Additionally, the Environment Protection Authority and the Department of Urban Affairs and Planning have placed stringent requirements on Sydney Water to monitor the performance of the vent once it is operational.

Officers of New South Wales Health have considered the public health impact from vent emissions "to be very low, and a considerable improvement on the current situation where the public is exposed to uncontrolled raw sewage overflows". New South Wales Health acknowledges that the use of activated carbon filters will "further minimise any risk of micro-organisms spreading via vent emissions".

In addition, the Waterways Advisory Panel is convinced that the proposed solution is environmentally acceptable, poses minimal health risk to the local community and represents a substantial improvement on the current environmental conditions in that valley. Additionally, the advisory panel found that the northside storage tunnel and other stormwater management programs will have significant environmental improvements to Sydney's waterways and that progress has been achieved by the Government and Sydney Water in ameliorating the effects of pollution, particularly sewer overflows, on Sydney Harbour.

### **INDIGENOUS PRISON WELFARE WORKERS**

On 31 May 2000 the Hon. R. S. L. Jones asked the Minister for Juvenile Justice, Minister Assisting the Premier on Youth, and Minister Assisting the Minister for the Environment, representing the Minister for Corrective Services, a question without notice about indigenous prison welfare workers. The Minister for Corrective Services has provided the following answer:

As at 4 June 2000 there were 892 inmates at the Metropolitan Remand and Reception Centre of which 127 were indigenous inmates. The staff establishment for the MRRC provides for 14 welfare officers, 10 alcohol and other drug workers, four chaplains, 10 psychologists, four education officers and three senior education officers. There are also four official visitors. There is one Aboriginal welfare officer, one Aboriginal alcohol and other drug worker, one Aboriginal education officer and one Aboriginal official visitor.

As at 4 June 2000 there were 291 inmates at Mulawa Correctional Centre of which 71 were indigenous inmates. Staff establishment at Mulawa presently includes four psychologists, three welfare workers, 2.5 alcohol and other drug workers, a part-time health educator, two chaplains, a senior education officer, two education officers and two official visitors. The staff establishment provides for one part-time Aboriginal alcohol and other drug worker and one Aboriginal welfare officer.

Both centres also have the benefit of the services of a regional aboriginal project officer.

The creation of designated Aboriginal positions does not depend on a crude calculation of the number of indigenous inmates in a particular correctional centre. Indigenous staff are employed in a number of capacities including being responsible for the design of specialist programs for indigenous offenders.

Indigenous offenders also have access to a wide range of community based organisations such as Link-Up, Aboriginal Prisoner and Family Support Service, Aboriginal Justice Advisory Council, Minigaa Wajaar, Yallawirri Nunri, Aboriginal Legal Service, Aboriginal Corporation for the Homeless and the Aboriginal Mental Health Service.

The department also has a wide-ranging policy to encourage the employment of indigenous staff. The proportion of indigenous staff has increased since 1995.

#### **AUSTRALIAN LABOR PARTY BRANCH STACKING ALLEGATIONS**

On 1 June 2000 the Hon. C. J. S. Lynn asked the Minister for Juvenile Justice, Minister Assisting the Premier on Youth, and Minister Assisting the Minister for the Environment, representing the Minister for Community Services, a question without notice about a Labor Party branch stacking allegation. The Minister for Community Services has provided the following answer:

1. No.
2. No.
3. No.
4. Not applicable.
5. No.
6. Not applicable.

#### **COWRA SHIRE TREE DESTRUCTION CONSENTS**

On 2 June 2000 the Hon. R. S. L. Jones asked the Minister for Juvenile Justice, Minister Assisting the Premier on Youth, and Minister Assisting the Minister for the Environment, representing the Minister for the Environment, a question without notice about the Cowra shire tree destruction. The Minister for the Environment has provided the following answer:

- (1) An integrated development application [IDA] was submitted by Cowra Council for housing development. The IDA did not include any consent to destroy and was subsequently withdrawn after the National Parks and Wildlife Service [NPWS] raised concerns regarding a number of issues which were not addressed in the IDA. The NPWS is not considering a consent to destroy application for the sites.
- (2) NPWS records indicate that from January to June 2000, 134 consent to destroy applications were approved. All applications were assessed in consultation with Aboriginal community representatives and, in almost all cases, were approved only following receipt of a letter of consent from Aboriginal community organisations, usually a local Aboriginal land council.

It is important to note that section 90 of the National Parks and Wildlife Act does not differentiate between a consent to destroy for site destruction and a consent to destroy to carry out site conservation.

- (3) As the NPWS's face is within the Aboriginal community, it is essential that Aboriginal sites officers are made aware whenever consideration is being given to consenting to the destruction of Aboriginal sites.

It is the usual NPWS process to involve Aboriginal sites officers in consent to destroy decision-making processes, especially for sites of high significance to Aboriginal people, such as scar trees.

#### **NORTHSIDE STORAGE TUNNEL CARBON FILTERS**

On 6 June 2000 the Hon. Dr A. Chesterfield-Evans asked the Minister for Juvenile Justice, Minister Assisting the Premier on Youth, and Minister Assisting the Minister for the Environment, representing the Minister for Information Technology, Minister for Energy, Minister for Forestry, and Minister for Western Sydney, a question without notice about the northside storage tunnel. The Minister for Information Technology, Minister for Energy, Minister for Forestry, and Minister for Western Sydney has provided the following answer:

- (1) Expert advice indicates that efficient flushing of the tunnel and regular inspection and maintenance will minimise any impact. The advice given concludes that, "for practical purposes, there is no risk of acquiring, from the air vented from the tunnel, a water-borne infection arising from organisms that cause harmful effects by being ingested in significant concentrations".

New South Wales Health also considers the public health risks from tunnel emissions "to be very low" and "a considerable improvement on the situation where the public is exposed to the uncontrolled raw sewage overflows".

- (2) These documents have already been made available in full.

#### **GUNNEDAH CHARCOAL PLANT**

On 6 June 2000 the Hon. I. Cohen asked the Minister for Juvenile Justice, Minister Assisting the Premier on Youth, and Minister Assisting the Minister for the Environment, representing the Minister for Information Technology, Minister for Energy, Minister for Forestry, and Minister for Western Sydney, a question without notice about State Forests timber resources. The Minister for Information Technology, Minister for Energy, Minister for Forestry, and Minister for Western Sydney has provided the following answer:

Australian Silicon Pty Ltd plans to develop a silicon smelter in the Minerals Processing Park at Lithgow.

The silicon smelter would provide over 300 direct and indirect jobs in three proposed areas of operation—the quartz mine at Cowra, a charcoal plant at Gunnedah, and the smelter itself at Lithgow.

Proceeding with the project will bring a total investment in New South Wales of about \$150 million.

Haulage rates for timber and charcoal are a matter for negotiation between Australian Silicon and its transportation contractors. State Forests' position is that the wood supplied to Australian Silicon will not be subsidised by State Forests and will be priced at a commercial rate. I am advised that price negotiations are not finalised.

I am aware the proposed mine, charcoal plant and silica smelter are undergoing an environmental assessment process, for which my colleague the Minister for Urban Affairs and Planning is the consent authority. The environmental impact of timber transportation options will be looked at in that assessment.

The Government is currently working with the company to examine all potential sources of charcoal, including dedicated timber plantations, wood waste and coal.

Under the proposed timber supply arrangements, wood for the project will be sourced from sawmills and include wood from native forests and plantations.

No tree from publicly owned native State forests will be cut for the specific purpose of charcoal production to meet the requirements of the proposed silicon smelter at Lithgow.

The proposed Australian Silicon project will encourage greater domestic processing of native forest sawmill residues creating jobs in country New South Wales.

The supply of wood is to produce high quality silicon for the export and domestic markets. The silicon is used for a variety of purposes ranging from high value electronic circuitry, biomedical applications and for solar power technology.

It is proposed that wood from State forests be derived from the upper north-east and the lower north-east regions. These regions are the subject of completed regional forest agreements and the proposed forestry operations are consistent with the integrated forestry operations approvals [IFOAs] granted under part 4 of the Forestry and National Parks Estate Act 1998.

In line with the Premier's 15 March 2000 announcement, the Goonoo and Pilliga State forests will not be logged for the specific purpose of charcoal production and sawmill residues from those forests are not counted in Australian Silicon's proposed wood supply arrangements.

Over the 20-year life of the wood supply agreement, Australian Silicon is seeking an average of 100,000 to 150,000 green tonnes of wood per annum from State forests.

State Forests has discussed its potential to provide a 'floor' of up to 230,000 green tonnes per annum to sustain the project in its early years of operation.

Beyond that time, Australian Silicon plans to obtain an increasing proportion of wood from sources other than State forests, including private land and plantations. Other alternatives suitable as reductants in the silicon smelting process will further reduce the call on wood from State forests.

Wood sourced from privately owned native forests will comply with the provisions of the Native Vegetation Conservation Act. The development of special guidelines known as best management principles by the Department of Land and Water Conservation will enhance environmental protection of private property native forests during harvesting operations.

Existing wood supply agreements are not affected by the Australian Silicon project.

A series of community consultation meetings will be held soon in affected areas to discuss the proposal with all those government agencies and industry bodies involved in the project invited to attend.

#### **RECIDIVISM**

On 7 June 2000 the Hon. A. G. Corbett asked the Minister for Juvenile Justice, Minister Assisting the Premier on Youth, and Minister Assisting the Minister for the Environment, representing the Minister for Corrective Services, a question without notice about criminal statistics. The Minister for Corrective Services has provided the following answer:

Recidivism is a complex area and the collection, and any cross-jurisdiction comparisons of recidivism rates, is imprecise and problematic.

The Department of Corrective Services employs a range of strategies to reduce the risk of reoffending by inmates. These strategies commence at the pre-sentence stage through the Probation and Parole Service and continue through imprisonment and post-release. Services which provide opportunities and encouragement for offenders to acquire insights and skills to positively address deficits or addictions associated with offending behaviour include: probation and parole supervision; psychological services; drug and alcohol programs; welfare services and education and training opportunities including formal and vocational education and Corrective Services Industries. Specialist programs offered include violence prevention programs, young offenders programs, sex offender programs and intensive alcohol and other drug programs.

Additionally, in accordance with the department's case management policy, an individual case plan is developed for each convicted inmate. At the screening and assessment stage, when an offender first enters a correctional centre, a case management team develops an initial case plan. This plan is reviewed regularly throughout an inmate's period of imprisonment so that the plan continues to meet the inmate's needs. The inmate undertakes various development programs as set out in his-her case plan.

### **RURAL FIRE SERVICE RADIO COMMUNICATIONS**

On 8 June 2000 the Hon. D. E. Oldfield asked the Minister for Juvenile Justice, Minister Assisting the Premier on Youth, and Minister Assisting the Minister for the Environment, representing the Minister for Emergency Services, a question without notice about Rural Fire Service radio communications. The Minister for Emergency Services has provided the following answer:

The Wingello brigade experienced some intermittent problems with a radio in only one of its vehicles, a back-up category 7 tanker.

Following extensive testing the cause of the problem has been identified and attributed to a voltage supply issue, caused by a dead cell in one of the vehicle's batteries. This problem has now been rectified.

Communications equipment in all firefighting vehicles from the Wingecarribee district are performing satisfactorily, particularly since the commissioning of a new private mobile radio system in November 1999, to enhance the existing government radio network.

### **STAR CITY CASINO MANAGEMENT**

On 30 May 2000 the Hon. Dr P. Wong asked the Special Minister of State, representing the Minister for Gaming and Racing, a question without notice about Star City Casino. The Minister for Gaming and Racing has provided the following answer:

The Casino Control Act 1992 sets out legislative and management arrangements under which casino gaming is allowed to occur in New South Wales. The Act constituted a Casino Control Authority for the purpose of maintaining and administering systems for the licensing, supervision and control of a casino for the purpose of:

- ensuring that the management and operation of the casino remains free from criminal influence and exploitation;
- ensuring that gaming in the casino is conducted honestly;
- promoting tourism, employment and economic development generally in the State; and
- containing and controlling the potential of the casino to cause harm to the public interest and to individuals and families.

As the Hon. Dr P. Wong will know, the Parliament has just enacted legislation that removes from the authority the object of promoting tourism, employment and economic development generally. This step was taken at the Government's initiative because I concluded that it is inappropriate for a body charged with supervising a casino on behalf of the Government to also be a promoter of that casino.

By removing the tourism and economic development object, the authority should be under no illusion that its charter as the controller of the Sydney casino licence is to concentrate on the threats and harms posed by a casino, rather than on overall economic benefits that may flow from a casino.

The Casino Control Act then assigns numerous functions which reflect the authority's objects, including the object of ensuring that the management and operation of the casino remain free from criminal influence and exploitation. Accordingly, the authority has:

- monitored the operation of the casino complex and, in the course of doing so, assessed a very wide range of operational matters;
- maintained and administered systems for the licensing of casino employees and the investigation of casino supply contracts;
- regularly assisted and otherwise liaised with law enforcement agencies for the purpose of ensuring that the casino is not subject to criminal influence and exploitation;
- undertaken comprehensive investigations into commercial parties associated with the casino operation, including Tabcorp Holdings Ltd and Leighton Holdings Ltd;
- monitored share market and other commercial activity in the publicly listed casino company;
- ensured that the casino operator complies with the terms of the casino licence that it holds and with legal agreements that govern the casino project generally; and
- approved and reviewed the casino operators system of accounting and internal controls.

In addition, the authority conducted a comprehensive investigation in 1997 into whether it was in the public interest that the casino licence continued in force, and whether Star City continued to be suitable to hold the licence. That investigation was completed with the assistance of prominent QC Mr Peter McClellan.



Mr McClellan, after examining the Street report and subsequent developments in 1997, expressed the view in his report at that time that money laundering was not a significant problem at the Sydney casino. He also concluded that persons who may gamble at the casino with the proceeds of crime were able to be effectively dealt with by the relevant law enforcement agencies.

However, as a precaution, Mr McClellan stressed the need for the authority, the Director of Casino Surveillance in the Department of Gaming and Racing and relevant law enforcement agencies to be vigilant in exercising their responsibilities and in bringing law enforcement issues—such as reports of actual or suspected criminality—to each other's attention, and in resolving them expeditiously.

In saying this, Mr McClellan recognised that the responsibility for dealing with criminal activities such as drug crime lay with law enforcement agencies—for they, not casino regulatory bodies, would be expected to possess information about the suspicious activities of persons in the community at large.

Casino regulatory bodies, on the other hand, would possess information only in relation to a person's conduct within a casino and they could not be expected to know the source from which moneys used by a patron for gambling are derived.

That is why the Casino Control Act vests the Commissioner of Police with the power to direct the exclusion of persons from the Sydney casino. It is also why the commissioner's decisions to exclude a person from the casino are not reviewable at the behest of the excluded person.

Also, there is nothing to stop the Director of Casino Surveillance and Star City from informing the police commissioner of any concern they may have about the suspected illegal activity of a casino patron, and in calling on the commissioner to consider the exclusion of the person concerned. Indeed, the Hon. Dr P. Wong may be assured that the director and Star City have brought concerns about such instances to the notice of the Police Service on numerous occasions.

As the legislation requires, the authority has initiated a second comprehensive investigation into whether it is in the public interest that the casino licence continue in force, and whether Star City continues to be suitable to hold the licence. Recently, the authority appointed Mr McClellan to assist in the investigation.

I expect that the current investigation by the authority and the associated McClellan inquiry will fully review and report to me on whether sufficient measures are being taken to ensure that the Sydney casino is free from criminal influence and exploitation.

#### **ROSS HILL PUBLIC SCHOOL**

On 31 May 2000 the Hon. Patricia Forsythe asked the Special Minister of State, representing the Minister for Education and Training, a question without notice about Ross Hill Public School. The Minister for Education and Training has provided the following answer:

- (1) The overall enrolment at Ross Hill Public School has remained relatively constant. During this year 50 students have left the school—45 of these have moved from the town. During the same period 60 students have enrolled.
- (2) The concerns of one parent have been investigated and were responded to on 12 May 2000.
- (3) The principal has written to the parent referred to in (2) above requesting that he seek an appointment.
- (4) The principal has requested a management review of the school. The review will examine the school's leadership, financial management, the effectiveness of the school's programs, the school's student welfare practices and the relationship that the school has with its community. The review is currently being organised by the district superintendent and is expected to commence at the beginning of term 3.

#### **BLACKTOWN GIRLS HIGH SCHOOL PRINCIPAL**

On 2 June 2000 the Hon. D. E. Oldfield asked the Special Minister of State, and Assistant Treasurer, representing the Minister for Education and Training, a question without notice about Blacktown Girls High School principal. The Minister for Education and Training has provided the following answer:

I understand that a reply has recently been forwarded to the honourable member.

#### **HIGHER SCHOOL CERTIFICATE JAPANESE STUDIES**

On 2 June 2000 the Hon. Patricia Forsythe asked the Special Minister of State, representing the Minister for Education and Training, a question without notice about higher school certificate [HSC] Japanese language courses. The Minister for Education and Training has provided the following answer:

1. Japanese is one of the State's priority languages and is supported comprehensively by this Government. The Government is committed to increasing the number of students who undertake languages study for a substantial amount of their schooling and to increase the number of students who leave high school with high levels of skills in languages. The Government is implementing a range of programs to support the study at HSC level of Japanese and other languages.
2. The Government is implementing a comprehensive range of strategies to promote Japanese to high school students. These include:

- The development of extensive curriculum support with a focus on technology based resources, including video and satellite programs, CD-ROMs and Internet resources. The CD-ROM, Japan Album, developed by the Department of Education and Training has been recognised internationally as a world leader in educational product design. The video series, *Japanese for Junior Secondary Students*, has been highly evaluated by the Japan Foundation and is being used in Japan as an exemplary resource for teaching Japanese to foreigners.
- A Japanese Language Immersion Centre has been established in Sydney as a statewide resource where students may go to be immersed in Japanese language and culture. Since its opening last year 1,350 students have participated in programs at the centre.
- In 1999, the department introduced the languages continuity initiative, which supports groups of schools in implementing continuous and sequenced learning programs from years 5 to 8. In 1999, there were 121 schools participating in the program and in 2000 the number of schools increased to 190. Japanese is the most widely studied language under this initiative with 79 schools and 8,150 students.
- This Government has developed agreements with foreign governments to support languages study. In 1996, the Minister for Education and Training signed an agreement for student exchange with the Nagoya City Board of Education in Japan. Under this agreement 16 students are fully supported each year to travel to Nagoya and participate in school programs to develop their language skills. A similar agreement with Zhejiang in China was signed in December 1999.
- The Student Language Study in Overseas Countries Program was introduced by this Government in 1996 as a strategy to encourage more senior secondary students to continue with languages study, and to give them opportunities to enhance their language skills. Under this program students are awarded financial grants to undertake intensive languages study overseas. Since 1996 there have been 2,829 students supported through this program, and of these, 905 students have been students of Japanese. This represents 32 per cent of the total number of students supported through this program.

#### **CASUAL TEACHERS REGISTRATION**

On 6 June 2000 the Hon. J. F. Ryan asked the Special Minister of State, representing the Minister for Education and Training, a question without notice about a teacher shortage. The Minister for Education and Training has provided the following answer:

The Department of Education and Training's school staffing unit processes in excess of 10,500 applications for teacher employment each year, giving greatest priority to the processing of the graduate and general employment applications in any difficult to staff areas.

The employment processing workload of the school staffing unit is monitored regularly to ensure that resources are allocated strategically and in the interests of teacher applicants and schools.

#### **UNIVERSITY OF NEW SOUTH WALES ST GEORGE CAMPUS SITE**

On 7 June 2000 the Hon. Patricia Forsythe asked the Special Minister of State, and Assistant Treasurer, representing the Minister for Education and Training, a question without notice about University of Wollongong use of St George campus. The Minister for Education and Training has provided the following answer:

The Minister has liaised closely with the Vice-Chancellor of the University of Wollongong in relation to the St George site. This has taken the form of several discussions and included a visit by the Minister to Professor Sutton on Friday 23 June 2000. It would be inappropriate to comment further on this issue at this stage as to do so could compromise future negotiations.

#### **DRUMMOYNE-CONCORD LOCAL COUNCIL AMALGAMATION**

On 30 May 2000 the Deputy Leader of the Opposition asked the Minister for Mineral Resources, and Minister for Fisheries, representing the Minister for Local Government, a question without notice about Drummoyne-Concord Local Council amalgamation. The Minister for Local Government has provided the following answer:

As part of the current inquiry into the proposed amalgamation of Concord and Drummoyne councils, a postal survey of electors is being conducted. The list for inclusion in the survey comprises residential electors enrolled on the State electoral roll, and non-residential electors who had registered with the council general manager, by 12 May 2000. A total of 40,656 electors were on the survey list, including non-residential electors.

Following a random audit of the contents of the mail-out envelopes prepared by the contract mailing house, they were delivered to Australia Post for distribution to electors on 23 May 2000.

The contract mailing house engaged to undertake this work is committed to quality management principles and is certified to ISO 9001. It has a number of internal quality procedures and documentation in place. A number of progressive checks are involved in processing a mailout, which provides a precise account for the envelopes prepared.

My department has been assured by the contract mailing house that no electors in Concord or Drummoyne received empty envelopes as part of the current postal survey.

Collation machines are used to weigh each individual envelope to ensure that all the papers have been inserted. If an envelope is too heavy or too light, a red light on the machine flashes to alert the operator, and the machine stops further collation until the incorrect item is removed. Any empty envelope passing through this machine would trigger this alert.

Consistent with this is the fact that no Concord or Drummoyne residents have contacted the survey co-ordinator or the councils to report that they received empty envelopes. Over 30 per cent of electors have returned their completed survey forms to date.

With regard to your suggestion that 'similar problems occurred for the Armidale-Dumaresq and Richmond River-Casino postal surveys', I wish to clarify that no electors in those areas were sent empty envelopes. A different contract mailing house collated those survey envelopes incorrectly. To ensure the integrity of the process, a fresh batch was issued to all electors at the contractor's cost.

The contract mailing house which prepared the Concord-Drummoyne survey papers has been successfully used by a range of government and non-government organisations for mailouts requiring a high standard of quality. This company successfully processed the Strathfield-Burwood and Nymboida-Ulmarra postal survey mailouts earlier this year.

#### DAIRY INDUSTRY DEREGULATION

On 31 May 2000 the Hon. D. E. Oldfield asked the Minister for Mineral Resources and Minister for Fisheries, representing the Minister for Fair Trading and Minister for Sport and Recreation, a question without notice about dairy deregulation. The Minister for Fair Trading, and Minister for Sport and Recreation has provided the following answer:

While this question falls within the portfolio responsibility of my colleague the Minister for Agriculture, I would like to make one very important point.

The Federal Government's dairy deregulation will come into effect on 1 July this year. It is a position that has been forced on all State and Territory governments. As the *Australian Financial Review* noted on 31 May, "all State Governments have reluctantly agreed to deregulation ..."

As for the \$1.78 billion industry adjustment package, it is funded by consumers and not by the Federal Government.

I would like to make the following bold prediction that farmgate dairy deregulation will mean:

- fewer family farms in NSW,
- a loss of jobs in dairying,
- higher profit margins for processors and large retailers, and more money in the pockets of foreign multinationals.

The Australian Competition and Consumer Commission has given the dairy industry and government a commitment to monitor milk prices after deregulation. If the full cost savings are passed on to consumers milk prices should fall by about 11¢ per litre.

The Minister for Agriculture has advised me he has also independently discussed this matter with the main supermarkets.

#### REGISTER OF ENCUMBERED VEHICLES RELOCATION

On 2 June 2000 the Hon. C. J. S. Lynn asked the Minister for Mineral Resources, representing the Minister for Fair Trading, a question without notice about the Register of Encumbered Vehicles. The Minister for Fair Trading has provided the following answer:

The honourable member may be aware that this question was asked at estimates on 19 June 2000. The answer is given at page 16.

#### WARREN SHIRE BRIDGE SAFETY

On 2 June 2000 the Hon. D. F. Moppett asked the Minister for Mineral Resources and Minister for Fisheries, representing the Minister for Roads, a question without notice about Warren shire schoolchildren safety. The Minister for Roads has provided the following answer:

I understand that the bridges referred to are all on regional and local roads under the care and control of Warren and Walgett shire councils. When the issue of safety and transport on four bridges in the Warren and Walgett council areas was raised, the Roads and Traffic Authority, as a support service to councils, carried out a visual inspection and provided a report to both councils.

With regard to the schoolchildren travelling across the Mundadoo Bridge, I have been informed that this was an unnecessary safety precaution. While council has imposed a weight limit, buses with passengers are able to safely use the bridge. The bus operator has been advised and the children are no longer required to get off the bus.

The Government provides considerable road funding assistance to councils through block grants and the REPAIR program. From 2000-2001, the block grant includes an equivalent level of funding to that which council previously received under the former 3 x 3 council determined program- ex-3 x 3 component.

Under the block grant system, the Government provides funding assistance to all councils by way of annual grants for use on regional roads according to council priorities. In the 2000-2001 financial year, Warren Shire Council will receive \$996,000 and Walgett Shire Council will receive \$1,602,000. These amounts include the ex-3x3 component.

As part of the block grant formula arrangement, the three regional road timber bridges in Warren council's area currently attract \$30,000 per year as part of that grant and Walgett shire received \$108,000. This is the level of funding negotiated with the Local Government and Shires Associations as being appropriate to the maintenance needs of such bridges.

The councils also have the option of nominating specific improvement works for funding under the REPAIR program on a dollar for dollar basis. In the past, the councils have chosen to nominate road improvement projects for this source of funding, but can also nominate these bridges for future funding proposals under this program.

#### **REGISTER OF ENCUMBERED VEHICLES**

On 6 June 2000 the Hon. P. J. Breen asked the Minister for Mineral Resources, and Minister for Fisheries, representing the Minister for Fair Trading, and Minister for Sport and Recreation, a question without notice about the Register of Encumbered Vehicles. The Minister for Fair Trading, and Minister for Sport and Recreation has provided the following answer:

I am aware of the Marinellis matter and that the Department of Fair Trading has been in contact with Mr Marinellis since mid-May 2000.

The department is continuing to investigate Mr Marinellis' concerns to establish what assistance can be provided in relation to the actions of the financier and the circumstances of the repossession of the vehicle.

I am advised that if a finance company fails to register an interest in a motor vehicle and a consumer purchases the motor vehicle in good faith and without notice of encumbrance, the Registration of Interest in Goods Act 1986 protects the consumer.

If the finance company has failed to register its interest on REV's in these circumstances, its claim to any title over the motor vehicle is extinguished.

#### **SYDNEY TRAFFIC CONGESTION**

On 6 June 2000 the Hon. Helen Sham-Ho asked the Minister for Mineral Resources, and the Minister for Fisheries, representing the Minister for Transport, and Minister for Roads, a question without notice about Ku-ring-gai traffic congestion. The Minister for Transport, and Minister for Roads has provided the following answer:

The figures referred to are most likely those derived by Ku-Ring-Gai Council as part of the preparation of a residential strategy for the local government area. Council commissioned consultants to assess the traffic and transport implications of different residential development scenarios.

Council has not yet commenced the consultation process. Thus the Roads and Traffic Authority is unable to comment on the draft strategy at this stage.

Any future Roads and Traffic Authority contributions towards road improvements stemming from an adopted residential strategy would be contingent upon the level of contribution made available from council and the proponents of the development.

The Roads and Traffic Authority would be prepared to work with council and Department of Urban Affairs and Planning to develop appropriate mechanisms to ensure the orderly provision of transport infrastructure and services to accommodate planned higher density development.

The Roads and Traffic Authority will continue to monitor conditions along the Pacific Highway and the adjoining road network, and will consider possible improvement works on a State wide priority basis subject to the availability of funds.

A new electronic tolling system is currently being prepared for the Sydney Harbour Bridge, the tunnel and the Eastern Distributor. The system meets the Australian Standard. This standard is based on the European CEN Standard and was recently agreed by the Government's of Australia through the Australian Transport Council to be the standard used for all future tolling projects within Australia. The new system is expected to be in operation by the end of the year.

Maintaining traffic flow on the Bridge is vital. The Sydney Harbour Bridge Traffic Office monitors all lanes on all approaches to the Bridge and adjusts the electronic lane changing system to manage the lane configuration during the daily peak periods. When breakdowns or accidents occur on the Bridge, or its approaches, every effort is made to restore traffic flow as quickly as possible.

Government policy is aimed at getting the best out of the transport system, improving air quality and reducing car dependency whilst encouraging more people onto public transport. In keeping with this policy, the Department of Transport and the State Rail Authority (SRA) construct free commuter car parks near railway stations in accordance with integrated transport strategic planning.

Commuter car parking at railway stations is generally provided on-street by the local council or off-street by CityRail and the Department of Transport. CityRail frequently contributes railway land for the facility where practicable and appropriate to do so, while the Department provides funding for construction. The purchase of non-railway land for development of commuter car parking is very rarely pursued, as it adds considerable cost to the project.

Commuter car parks completed include Gordon (338 spaces), Hornsby (410 spaces), Thornleigh (295 spaces) and Gosford (currently 700 spaces being increased to 1000).

The Department is developing a rolling program of commuter car parks and interchange projects in keeping with the Government's integrated plan, "Action for Transport 2010".

**DEPARTMENT OF FAIR TRADING BUILDER WARNING NOTICES**

On 7 June 2000 the Hon. J. F. Ryan asked the Minister for Mineral Resources, and Minister for Fisheries, representing the Minister for Fair Trading, and Minister for Sport and Recreation a question without notice about Department of Fair Trading builders warnings. The Minister for Fair Trading, and Minister for Sport and Recreation has provided the following answer:

The director general has advised me that one licensed building contractor has been the subject of action under section 23 during the 1999-2000 year.

The licensed building contractor to which I referred on 1 June is currently before the Fair Trading Tribunal. He is responding to the Department's application for the contractor to show cause why his contractor licence should not be disqualified by the tribunal.

As the honourable member will be aware an amendment was recently made to the Fair Trading Act to enable the director-general to suspend a trader's license for a period of up to 60 days where there is danger that a person or persons may suffer significant loss or damage as a result of the trader's conduct. The ability to make a public naming under section 23 will complement this suspension power.

**BADGERYS CREEK DEFENSIVE DRIVING CENTRE**

On 7 June 2000 the Hon. C. J. S. Lynn asked the Minister for Mineral Resources, and Minister for Fisheries, representing the Minister for Roads, a question without notice about Badgery Creek Defensive Centre. The Minister for Roads has provided the following answer:

The Government is constantly analysing and reviewing strategies for improving the behaviour and competence of drivers on New South Wales roads. For example, a new licensing system has been introduced for novice drivers from 1 July 2000. The new scheme takes an innovative approach to road safety based on the progressive easing of driving restrictions while drivers continue to increase their skill and experience. A learner driver's log book and hazard perception test are major components of the new scheme.

With regard to driver training, the Roads and Traffic Authority works closely with the driving instruction industry in the development of standards and in the identification and development of driver education resources for use by road safety and education practitioners. The focus is on supporting the industry in its objective of enhancing professionalism and increasing standards.

With regard to the conducting of 'defensive' driver training it should also be noted that evaluations of 'advanced' and 'defensive' driver training courses, which generally involve emergency recovery and high performance skills-based training, have found that such courses have unfortunately failed to demonstrate any significant contribution to road safety. In fact a number of studies of such courses have found that drivers who undertake these courses have a tendency to misuse the skills and may actually have a higher crash rate.

**FREIGHT AND PASSENGER RAIL SERVICES**

On 7 June 2000 the Hon. Helen Sham-Ho asked the Minister for Mineral Resources, and Minister for Fisheries, representing the Minister for Transport, and Minister for Roads, a question without notice about freight and passenger rail services. The Minister for Transport, and Minister for Roads has provided the following answer:

The New South Wales Government provides \$170 million per year to the Rail Access Corporation for the maintenance of rural rail lines.

**COUNTRYLINK RAIL SERVICES**

On 7 June 2000 the Hon. Jennifer Gardiner asked the Minister for Mineral Resources, and Minister for Fisheries, representing the Minister for Transport, and Minister for Roads, a question without notice about the Murwillumbah to Sydney Countrylink service. The Minister for Transport, and Minister for Roads has provided the following answer:

The immediate changes to the timetable were necessary in order to reflect accurately the actual running times.

The Murwillumbah to Sydney XPT arrives in Sydney at 11.38am and the Sydney to Canberra service departs Sydney at 6.14pm.

As the train arrives and departs Sydney on the same day, and customers are aware at the time of booking of the waiting period in Sydney, Countrylink is unaware of any passengers having been stranded in Sydney.

**LOCAL GOVERNMENT MULTICULTURAL COMMITTEE**

On 7 June 2000 the Hon. Dr. P. Wong asked the Minister for Mineral Resources, representing Minister for Local Government, questions without notice about the Local Government Multicultural Committee. The Minister for Local Government has provided the following answer:

- (1) Yes. Since the Department's restructure in early 1999 it will no longer conduct this committee nor sponsor the annual forums. However, it will continue to be involved in policy development initiatives on multicultural issues where appropriate.
- (2) Yes.

- (3) These issues were raised by the Ethnic Communities Council of New South Wales back in December 1999 and were addressed by me in my response in early March 2000.

At that time I responded as follows: " In relation to the recommendations made in the monograph titled 'Multiculturalism and Local Governance', many of these relate to Federal Government and New South Wales Government agencies other than the Department of Local Government. I would like to point out that local councils are largely autonomous bodies, and while I and the Department can certainly encourage them to implement the recommendations, neither I nor the Department can direct them to do so" .

The Local Government (General) Amendment (Community and Social Plans) Regulation 1998 seeks to address many of the issues covered in the recommendations concerning local government. The Department of Local Government will look to implement other recommendations where possible.

Mechanisms have been put in place by the Department of Local Government to encourage, promote, and monitor council's progress with multicultural issues. These include the requirements to prepare social plans, council's annual reports and management plans, the department's Ethnic Affairs Priorities Statement (EAPS) and the local government multicultural forums held yearly. The department promotes a whole-of-council approach towards integrating multiculturalism into all policies and programs.

The development of social and community plans should assist councils as autonomous bodies, to identify the particular needs of their community and to adopt appropriate strategies to develop relevant skills for their staff.

In a circular issued in May 1999 councils were encouraged to consider the inclusion of strategies which could result in increased access to accredited interpreters and translators for customers of local services; and the use of ethnic community's language and cultural skills to attract business and expand overseas trade.

When providing advice or guidelines to councils the Department of Local Government will, wherever relevant, incorporate cultural diversity aspects and remind councils of the need to consider the needs of their culturally diverse community.

The department will continue with strategies to increase awareness of cultural diversity issues and promote ethnic affairs in the local government sector.

- (4) Session notes provided by presenters who conducted the various workshops at the 1999 Local Government Multicultural Forum are being finalised and will be provided to councils shortly. Copies will also be provided to the Ethnic Communities Council of New South Wales which may then be distributed to other organisations.
- (5) Following the 1998 Local Government Multicultural Forum the University of New South Wales Monograph—Multiculturalism and Local Governance: A National Perspective, was published by the Department. This was considered to be a better use of limited resources. A circular was issued to councils commending the monograph as a resource in developing strategies to target their services to ethnic communities. A hard copy of the monograph was distributed to all councils in October 1998, and it is also available on the Department's internet homepage.

A summary of proceedings from the 1999 Forum was not produced. Refer to question 4 concerning information which will be provided.

#### **OVERTON INVESTMENTS PTY LTD**

On 20 June 2000 the Hon. P. J. Breen asked the Minister for Mineral Resources, and Minister for Fisheries, representing the Minister for Fair Trading, and Minister for Sport and Recreation, a question without notice about Overton Investments Pty Ltd. The Minister for Fair Trading, and Minister for Sport and Recreation has provided the following answer:

My advice is that on 15 June 2000 Justice Emmett in the Federal Court dismissed proceedings by Mr & Mrs Murphy, residents of the Heritage Retirement Village, against the operator, Overton Investments Pty. Ltd.

Whilst the Director-General of the Department of Fair Trading has approved applications for legal assistance for various portions of the litigation between the parties in the New South Wales Supreme Court, I understand he has not received any request for or granted legal assistance in respect of the Federal Court action. Accordingly, the department has no liability in respect of the costs of the conduct of these particular proceedings.

I am informed that the question of costs with respect to the New South Wales Supreme Court action is currently being assessed as part of the court's costs assessment process. I can make no further comment at this time.

With regard to the final part of the honourable member's question, I have been informed that Overton has sold the Village to Cuzeno RVM Pty Ltd, settlement having taken place on 28 June. I understand that the new owner has held preliminary meetings with residents in the company of the new village manager.

#### **AUSTRALIAN LABOR PARTY FUNDRAISING**

On 21 June 2000 the Hon. D. T. Harwin asked the Minister for Mineral Resources, and Minister for Fisheries, representing the Minister for Local Government, Minister for Regional Development and Minister for Rural Affairs, a question without notice about Australian Labor Party fundraising. The Minister for Local Government, Minister for Regional Development and Minister for Rural Affairs has provided the following answer:

Vic Smith has described this allegation that he, or the council of South Sydney channelled money to the Australian Labor Party as "despicable".

I understand that the former mayor commissioned some private polling from ALP pollsters.

Although an incorrect invoice was sent addressed to South Sydney Council, I am advised that the client was actually Mr Smith.

I am further advised Mr Smith paid this amount out of campaign funds not council funds.

In these circumstances no investigation is warranted.

#### **AIRLINE INDUSTRY DEREGULATION**

On 22 June 2000 the Hon. J. S. Tingle asked the Treasurer, representing the Minister for Transport, and Minister for Roads, a question without notice about airlines deregulation. The Minister for Transport, and Minister for Roads has provided the following answer:

The removal of licensing restrictions on intrastate air routes between New South Wales regional centres and Sydney that have an annual passenger volume of 20,000 is being monitored closely by the Air Transport Council Secretariat. In this regard, I am advised that all regional air routes that were subject to licensing restrictions and were serviced prior to 26 March 2000 still continue to receive scheduled air services.

On the Ballina—Sydney, Tamworth—Sydney and Armidale—Sydney air routes, the removal of licensing restrictions has encouraged new air operators to enter the market. This has resulted in the provision of significantly higher levels of air service for residents of, and visitors to those regional centres and surrounding areas. It has also brought about a substantial reduction in the price of some types of advance purchase tickets.

The consumer response to these initiatives is clear from the increase in the total number of passengers being carried on each of these routes. For example, on the Ballina—Sydney air route, the Air Transport Council Secretariat has been advised by Ballina Airport that during the April to June 2000 period there has been close to a 35 per cent increase in passengers carried, compared with the corresponding period in the previous year.

In relation to schedule adherence, I have been advised that due to the peak period capacity problems at Kingsford—Smith airport, it remains the case that some regional air services encounter delays that can impact on the punctuality of schedules. However, this has been a persistent problem in recent years for all air services operating to or from Sydney and cannot be attributed to the removal of licensing restrictions on higher volume intrastate air routes.

In addition, early morning fog at a number of regional airports is proving to be a problem for schedule adherence on some regional air services. However, I should emphasise that this is a seasonal problem that in no way relates to the government's decision to remove licensing restrictions on higher volume intrastate air routes.

In the intrastate air service market, I am pleased to say that those air operators who have taken the opportunities provided by the New South Wales Government for expansion of air services have not diminished their level of service commitment to the regional centres they were previously serving. While the Government is aware that Impulse Airlines has rationalised a number of services from Newcastle and Wollongong to interstate centres in response to competitive pressures from other airlines, it does need to be understood that the State Government does not have and has never had regulatory control over interstate air services.

In relation to the monitoring of intrastate air services, the Air Transport Council Secretariat maintains a monitoring role for the Government on the levels of air services between Sydney and New South Wales regional centres. The Secretariat liaises with local councils and airport owners to ensure that adequate air services to regional New South Wales are being maintained.

Past experience has shown that local councils are very willing to alert the Air Transport Council Secretariat to any reduction in the levels of air passenger services being provided in their area.

It is therefore pleasing that the main response from local councils and regional airport owners to the Government's changes to the intrastate air licensing system on 26 March 2000 has been overwhelmingly positive.

#### **M5 EAST TUNNEL VENTILATION**

On 23 June 2000 the Hon. R. S. L. Jones asked the Treasurer, representing the Minister for Roads, a question without notice about the M5 East road tunnel ventilation. The Minister for Roads has provided the following answer:

Continuous monitoring of air quality is undertaken in both existing road tunnels, and will be undertaken in all future road tunnels, as part of the tunnel operating system. Monitoring programs for external air quality around the Eastern Distributor and the M5 East are being implemented.

The estimates of costs for the cleaning systems, as presented by the equipment suppliers at the workshop, were not consistent with each other and clearly did not include all civil works, and it is not clear whether or not they included a number of other costs such as supply and installation of ancillary electrical and mechanical equipment, all of which are included in the estimates of the Roads and Traffic Authority. The Roads and Traffic Authority estimates also take into account overheads and other costs that would be necessarily incurred under the existing contract for construction of the motorway.

It is also a requirement of the project approval conditions that the M5 East ventilation system must have the ability to be retrofitted with cleaning systems if required.

**M5 EAST SINGLE EXHAUST STACK**

On 23 June 2000 the Hon. Dr. A. Chesterfield-Evans asked the Treasurer, representing the Minister for Roads, a question without notice about the M5 east ventilation stack. The Minister for Roads has provided the following answer:

My understanding is that the international experts at the workshop agreed that the stack would enable the air quality goals to be met in the local area and that constructive comment was provided to improve the performance of the stack.

**M5 EAST TUNNEL VENTILATION**

On 28 June 2000 the Hon. P. J. Breen asked the Minister for Mineral Resources, and Minister for Fisheries, representing the Minister for Roads, a question without notice about the M5 east tunnel filtration. The Minister for Roads has provided the following answer:

I understand that the Victorian Government's call for expressions of interest is for the purpose of review of the available emission control technology, and that a report on the results of that review will be forthcoming in due course. I await that report with interest and do not intend to commit this Government to duplicate that process.

**COMPUTER MONITORS DISPOSAL**

On 28 June 2000 the Hon. M. I. Jones asked the Minister for Mineral Resources, and Minister for Fisheries, representing the Minister for Fair Trading, and Minister for Sport and Recreation, a question without notice about computer monitor disposal. The Minister for Fair Trading, and Minister for Sport and Recreation has provided the following answer:

The Electrical Safety Act 1945 and the Electricity Safety (Equipment Safety) Regulation 1999 regulate the sale and disposal of electrical articles in NSW.

Articles such as computer monitors must comply with the minimum safety requirements prescribed by the Electricity Safety (Equipment Safety) Regulation 1999 before they can be sold.

The regulation also makes it an offence to dispose of a computer monitor at a council rubbish tip, if at the time of the disposal, it did not comply with the minimum safety requirements for an electrical article.

In respect of other concerns relating to the disposal of hazardous materials, it is suggested that these be referred to my colleague, the Hon R. J. Debus, Minister for the Environment.

**DIESEL BUS POLLUTION**

On 29 June 2000 the Hon. R. S. L. Jones asked the Minister for Mineral Resources, and Minister for Fisheries, representing the Minister for Transport, and Minister for Roads, a question without notice about diesel bus pollution. The Minister for Transport, and Minister for Roads has provided the following answer:

The Bus and Coach Industrial Association (NSW) [BCA] has advised that the bus industry is committed to reducing vehicle emissions, and private bus operators are working to introduce modern, cleaner, more energy-efficient vehicles. Recently, 14 NSW bus companies, including some of the biggest in the State, signed Greenhouse Challenge Agreements with the Australian Greenhouse Office and more are expected to follow over the next two years. The agreements require operators to adopt a range of economically sustainable actions to improve energy efficiency, including establishing an emissions inventory, developing an action plan to examine opportunities for energy efficiency improvements, identifying a suitable performance indicator for performance comparisons, monitoring and reporting emissions, and being open to independent verification.

The BCA has also advised that, as part of this arrangement, signatories to agreements will support these initiatives with improved maintenance scheduling, simple waste reduction programs, professional driver training, tree planting at bus depots and increased promotion of public transport use, as an alternative to private car travel.

I am further advised that State Transit Authority does not agree that it operates "heavily polluting diesel buses". Its fleet of diesel buses is regularly maintained in accordance with the manufacturers' maintenance schedules and at the time of purchase were specified to meet the most stringent diesel emission standards.

At present, State Transit Authority has about 1600 buses in Sydney. The annual bus purchase quantity to maintain the bus fleet age is 150 buses per annum and will reduce to 100 buses per annum in the next few years. In recent years, compressed natural gas [CNG] has been selected as an alternative to diesel powered buses.

When the existing Daimler Chrysler contract for buses is completed in 2002, there will be 400 natural gas buses in Sydney, comprising 25 per cent of the fleet. If CNG buses are purchased at a rate of 100 per year, under the current replacement strategy, 1200 buses, or 75 per cent of the fleet will be gas powered by 2010.



### MYALL LAKES POLLUTION

On 29 June 2000 the Hon. Jennifer Gardiner asked the Minister for Mineral Resources, and Minister for Fisheries a question without notice about Myall Lakes National Park. The Minister for Mineral Resources, and Minister for Fisheries has provided the following answer:

The Fisheries Department contributes to whole of government programs to minimise the occurrence and impact of outbreaks of blue-green algae in waterways, including those near the Myall Lakes National Park.

The Fisheries Department is a member of the area's Regional Algal Co-ordination Committee established by Minister Amery's Department, Land and Water Conservation.

This committee, has developed an Algal Contingency Plan and undertakes a co-ordination role for algal monitoring,

It is important to protect the interests of fish consumers. When advised by NSW Health to do so, I put in place fishing closures to ensure fish supplied to the public are safe to eat.

Fishing and aquaculture industries are strongly supportive of this type of precautionary approach to ensure the quality and reputation of their products are maintained.

On 28 June a commercial fisher brought a number of the fish showing ulcerations on their mouths and bodies to the Port Stephens Fisheries Centre for inspection.

Their condition was too poor to allow for more rigorous testing.

Further samples of apparently diseased fish were collected by Fisheries officers and sent to NSW Fisheries' veterinarian and expert in fish diseases for more extensive analysis.

Analysis revealed that the fish were suffering from a disease known as, Red Spot Disease which is symptomatic of acidic waters, rather than raw sewage or blue green algae.

Officers from the Fisheries Department are participating in a whole-of-government inter-agency group established as a consequence of water quality concerns in Myall Lakes.

### NORTHSIDE STORAGE TUNNEL GAS EMISSIONS

On 8 June 2000 the Hon. Helen Sham-Ho asked the Minister for Juvenile Justice, Minister Assisting the Premier on Youth, and Minister Assisting the Minister for the Environment, representing the Minister for Information Technology, Minister for Energy, Minister for Forestry and Minister for Western Sydney, a question without notice regarding northside storage tunnel gas emissions and the Glenaeon Rudolf Steiner School. The Minister for Information Technology, Minister for Energy, Minister for Forestry and Minister for Western Sydney has provided the following answer:

I am advised that the filtered vent and activated carbon system at Scotts Creek were the subject of intensive consideration in 1999 by the NSW Health Department, the Department of Urban Affairs and Planning and Sydney Water as part of the Review of Environmental Factors. The advice received from these processes indicates that there is insignificant risk to human health from air exhausted from the vent. Additionally, the Environment Protection Authority and The Department of Urban Affairs and Planning have placed stringent requirements on Sydney Water to monitor the performance of the vent once it is operational.

Officers of NSW Health have considered the public health impact from vent emissions " to be very low, and a considerable improvement on the current situation where the public is exposed to uncontrolled raw sewage overflows." NSW Health acknowledges that the use of activated carbon filters will " further minimise any risk of microorganisms spreading via vent emissions."

In addition, the Waterways Advisory Panel is convinced that the proposed solution is environmentally acceptable, poses minimal health risk to the local community and represents a substantial improvement on the current environmental conditions in that valley. Additionally, the advisory panel found that the northside storage tunnel and other stormwater management programs will have significant environmental improvements to Sydney's waterways and that progress has been achieved by the Government and Sydney Water in ameliorating the effects of pollution, particularly sewer overflows, on Sydney Harbour.

### ILLEGAL FIREARMS

On 30 May the Hon. J. S. Tingle asked the Treasurer, representing the Minister for Police, a question without notice regarding unregistered handguns. The Minister for Police has provided the following response:

The Commander, Crime Agencies, advises me that :

- (1) The jurisdictions rely on the Commonwealth's Australian Customs Service [ACS] to detect and intercept illegal importations of firearms at the customs barrier.

New South Wales raised concerns about the large numbers of handguns being imported into Australia at the meeting of the Australasian Police Minister's Conference [APMC] Senior Officer's Group in June 2000. As a result, the matter was referred to a Working Group on Handgun Crime, which is being chaired by the Commonwealth. On 13 July the APMC requested the urgent development of detailed strategies for a national approach to combat the illicit trade in handguns. The working party has yet to report back to the APMC with its recommendations.

On 18 August, the Commonwealth amended its Customs (Prohibited Imports) Regulations to introduce restrictions on the importation of handguns. I am advised those amendments are intended to decrease the potential for illegal trafficking in handguns through the legal importation process.

New South Wales has also recently introduced special measures to combat firearms trafficking. Additional resources have been allocated to crime agencies and a Firearms Trafficking program has been created to track the supply of guns to criminals.

- (2 – 4) It is not possible to quantify the number of handguns that are currently in illegal circulation in New South Wales.

Initiatives like the Firearms Trafficking program will enable the methods being used by these criminals to access illegal handguns to be addressed.

The process of detecting and preventing illegal handgun trafficking is one that is ongoing. To assist in this process, The Carr Government has recently spent \$3.5 million purchasing the Integrated Ballistics Identification System [IBIS] for the New South Wales Police Service. The IBIS will match cartridge cases, bullets, and bullet fragments to firearms from which they were shot in a much shorter time than the current methods of comparison. IBIS will also provide police with the capacity to link evidence from numerous crime scenes.

#### **TRADITIONAL CHINESE MEDICINE**

On 1 June the Hon. Helen Sham-Ho asked the Treasurer, representing the Minister for Health, a question without notice regarding the regulation of traditional Chinese medicine. The Minister for Health has provided the following response:

The Government is aware of the Victorian Chinese Medicine Registration Act. Progress on passage of the Act was considered at the 1 June 2000 meeting of the Australian Health Ministers' Advisory Council [AHMAC].

The Government understands that traditional Chinese medicine [TCM] is, historically, a well-established therapy and is aware of increasing public use of TCM and a growing acceptance of the practice among non-Chinese practitioners.

NSW is conscious of the need to ensure safety in the practice of TCM and complementary health practices generally.

Subsequent to a 1998 recommendation by Australian Health Ministers' Conference, New South Wales has consulted with the Commonwealth, States and Territories to produce a discussion paper concerning the development of a national framework for establishing minimum standards for the conduct and safety of alternative and complementary medicine. The discussion paper is currently being considered by AHMAC as an out-of-session item.

It is intended for issues relating to the regulation of TCM practitioners to be considered within the framework proposed in the New South Wales submission to AHMAC.

#### **OLYMPIC GAMES MEDIA ACCESS**

On 2 June the Hon. Elaine Nile asked the Treasurer, representing the Minister for the Olympics, a question without notice relating to media access to Olympic venues. The Minister for the Olympics has provided the following response:

Non-rights holding broadcasters are accredited to the Olympic Games directly by the International Olympic Committee, but their news access is strictly limited. Under the IOC's News Access Rules, designed to protect rights holding broadcasters, they are not permitted to take their cameras or recording equipment into venues. Their access is strictly limited to the Main Press Centre where they can record press conferences but again with limitations.

The accredited non-rights holders argue they should be allowed to film and record inside Sydney Olympic Park but outside the venues. Rights holders have argued this could compromise their broadcast rights. In addition, the Olympic Co-ordination Authority has real concerns about the impact of the activities of these organisations on crowd management and crowd comfort inside Sydney Olympic Park.

As a compromise, Minister Knight and the IOC agreed to a limited pass system for non rights holders.

Eight passes are available each day for Australian non-rights holders—Channels 2, 9, 10, SBS et cetera—and eight passes are available for international non-rights holders. The details of how this pass system will operate have been formulated in guidelines drafted by the Olympic Co-ordination Authority and these are being discussed with the IOC.

Sydney 2000 has to balance its obligation to protect the exclusive rights of Rights holding broadcasters, who have paid large amounts of money for those exclusive rights and the desire to maximise international publicity for the Sydney 2000 Olympic Games. The pass system promotes an effective balance between those obligations.

#### **HEALTH SERVICES CONTRACTOR PAYMENTS**

On 2 June the Hon. Jennifer Gardiner asked the Treasurer, representing the Minister for Health, a question without notice relating to government contractor payments. The Minister for Health has provided the following response:

The position of the New South Wales Department of Health is that all health services are required to pay general creditors within 45 days of receipt of invoice, unless alternative settlement terms have been determined.

I have been advised that some health services have experienced problems with general creditors extending beyond 45 days.

The Department and all the Health Services are already liaising to develop strategies to ensure that creditors are paid within 45 days so that similar problems do not arise in the future.

#### **OLYMPIC GAMES TICKET ALLOCATION**

On 6 June the Hon. C. J. S. Lynn asked the Treasurer, representing the Minister for the Olympics, a question without notice relating to Olympics attendance. The Minister for the Olympics has provided the following response:

The third round of ticket sales, which commenced on 7 May, was conducted through both telephone and mail order selling processes. The sports and events which were sold by telephone were the high demand events for which only a relatively small number of tickets was available. To ensure that as many people as possible had an opportunity to access these events, a limit of six tickets per session was placed on each customer.

A customer support team was established at SOCOG at the time the third round ticket offer commenced. This team has been able to assist hundreds of ticket applicants with their particular needs. Included in these was the case of a family that had five children. They have now been offered seven tickets to an event of their selection.

#### **SYDNEY ENTERTAINMENT CENTRE**

On 6 June the Hon. M. I. Jones asked the Treasurer, representing the Minister for the Olympics, a question without notice relating to the Sydney Entertainment Centre. The Minister for the Olympics has provided the following response:

The Minister for the Olympics has written to the key stakeholders in the management of the Sydney Entertainment Centre and the Sydney SuperDome to advise them of the establishment of a review team to report to the Government on options for the future role and functions of the Sydney Entertainment Centre.

Given the Government's significant investment in both these facilities this is the only sensible thing to do.

There are no preconceived outcomes and the review team will take into account the relevant marketing and community needs.

The review will ensure that the Government gets the best value for money from both centres.

During the review process, there will be an opportunity for those who have a direct commercial or community interest in either venue to put their views to the Review Team.

#### **HENRY LAWSON COTTAGE DEMOLITION**

On 7 June the Hon. R. T. M. Bull asked the Treasurer, representing the Premier, a question without notice regarding the Henry Lawson Leeton cottage. The Premier has provided the following response:

The Minister for Urban Affairs and Planning advises that the New South Wales Heritage Office is proposing to recommend to the Heritage Council, dollar-for-dollar grant funding to Leeton Shire Council to assist in the purchase and conservation of the Henry Lawson cottage in the Riverina town of Leeton.

The Minister for Urban Affairs and Planning further advises that the shire council is currently considering this proposal.

#### **MOTORISTS MOBILE PHONE USE**

On 7 June the Hon. J. S. Tingle asked the Treasurer, representing the Minister for Police, a question without notice relating to motorists use of mobile phones. The Minister for Police has provided the following response:

Further to the honourable member's question regarding motorists' use of mobile phones, the Minister for Police has been advised by the Commander, Traffic Services Branch that for the period 1 June 1999 to 31 May 2000, a total of 10,017 infringement notices were issued for mobile telephone offences involving motorists. The penalty for the offence of using a hand-held mobile telephone whilst driving is \$114. The high level of mobile telephone ownership in Australia and the existence of some four million motorists in New South Wales, contribute to the frequency of these offences.

The Minister for Police advises that he does not know why some offenders use the pretzel technique to answer mobile phone calls whilst driving, however, he is sure the Honourable Member can appreciate that this is a matter of individual choice.

Furthermore, the Minister for Police wishes to assure the honourable member that police will continue to actively enforce the law relating to mobile phone use whilst driving a motor vehicle.

#### **NON-PARALYTIC POST-POLIOMYELITIS SYNDROME**

On 8 June the Hon. Elaine Nile asked the Treasurer, representing the Minister for Health, a question without notice relating to paralytic post-poliomyelitis syndrome. The Minister for Health has provided the following response:

Polio was previously considered to be a self-limiting disease, once the acute stage was passed. The degree of residual damage determined the degree of recovery, which was thought to be stable once optimum function had been achieved.

It is now well established that polio has a second, slowly progressive degenerative phase, post poliomyelitis syndrome, unrelated to normal ageing. This second phase may become apparent many years after the initial infection.

A patient's previous history of polio is often not clear, as most people who had acute polio have no obvious or only minor sequelae of the disease. It is possible that such patients may be treated for other conditions such as arthritis.

There is no specific treatment or test for post poliomyelitis syndrome. Treatment is symptomatic.

#### **GLOCK PISTOL SAFETY**

On 20 June the Hon. J. S. Tingle asked the Treasurer, representing the Minister for Police, a question without notice relating to Glock pistol safety. The Minister for Police has provided the following response:

Further to the honourable member's question regarding Glock pistol safety, the Minister for Police has been advised by the Deputy Commissioner of the New South Wales Police Service that the decision to purchase the Glock Model 22 pistol was standard Police Service sidearm and was made after a lengthy tender and selection process. The pistol was selected as being a safe, durable, easy to maintain handgun with the greatest merit over any of the tendered pistols.

The Glock pistols purchased by the Police Service have a modified trigger system that differs from the standard factory model. The Glock contains three separate in-built safety systems, which disengage sequentially as the trigger is depressed. If the trigger is released prior to firing, the safety mechanisms re-engage automatically.

Concern over officer safety was paramount in the selection of the Glock pistol by the Police Service. The Minister for Police was advised that the Glock design is considered to be a basic and safe design and that it is not in any way considered by the Police Service to be exceptionally dangerous.

Approximately 10 thousand police officers have already undergone an intensive three-day training course prior to their being issued with the pistol. This course concentrates heavily on all aspects of safety and handling. Further training with the pistols is carried out during the annual police "Simunition" practice and police are required to undergo a mandatory annual live shoot with the Glock.

Safe handling of the firearm is reinforced during all training with the pistol.

#### **CRIME STATISTICS**

On 20 June the Hon. Dr P. Wong asked the Treasurer, representing the Minister for Police, a question without notice regarding the delayed response to reports of criminal activity. The Minister for Police has provided the following response:

So far as the honourable member's comments on crime statistics are concerned, he should refer to the Bureau of Crime Statistics and Research which is the agency tasked with providing the State's official crime statistics.

Furthermore, police investigate all reported incidents of crime. If the honourable member knows of any crimes that have not been reported to police then he should encourage the reporting of that information to the Local Area Command.

So far as the honourable member's comments about policing during the Olympics are concerned, the Police Service has made arrangements to maximise the availability of police for normal policing activities across the State at the same time as meeting the special policing needs of the Olympics.

These arrangements include:

- an embargo on police leave;
- the scaling back of training commitments;
- rationalisation of court activity to reduce police attendance; and
- utilising the Police Assistance Line to deal with non-urgent calls from the public.

These special arrangements will make sure that significantly greater numbers of police are available for duty over the Olympic period and will reduce the impact on normal policing activities at local area commands.

### CRIME INDEX

On 21 June Reverend the Hon. F. J. Nile asked the Treasurer, representing the Minister for Police, a question without notice relating to the crime index. The Acting Minister for Police has provided the following response:

The Minister for Police has asked the Commissioner of Police to review the crime index. The Minister has also advised that the Police Service will be working with the New South Wales Bureau of Crime Statistics and Research to discuss law enforcement indicators.

### MIGRATION HERITAGE CENTRE

On 23 June 2000 the Hon. Helen Sham-Ho asked the Treasurer, representing the Premier and Minister for the Arts, a question without notice regarding the Migration Heritage Centre. The Premier, Minister for the Arts and Minister for Citizenship has provided the following response:

The Migration Heritage Centre was set up by the New South Wales Government in 1998 to develop migration heritage and cultural projects network around the State. The Centre is a fresh response to an old-fashioned model of presenting migration heritage. It is not about a series of static displays in a stand-alone museum. Rather, it is about promoting, displaying and maintaining our living heritage in streets, suburbs and communities across New South Wales.

The Migration Heritage Centre works in partnership with the Ethnic Affairs Commission, the Heritage Office, the Ministry for the Arts, Tourism NSW and the Premier's Department. The Chief Executives of these agencies comprise the Migration Heritage Centre Management Group.

The Premier also recently appointed a reference group for the centre to provide strategic advice and assistance to the management group. The reference group includes representatives of cultural institutions, local government, heritage maintenance experts and regional ethnic community organisations.

The Migration Heritage Centre is located within the Strategic Projects Division of the Premier's Department. The centre has a staff of two and will receive \$375,000 in recurrent funding with additional contributions for projects from the Department of Information Technology Management, the Ministry for the Arts and the Ethnic Affairs Commission.

The centre's role is to broker partnerships between major State cultural institutions, and other government agencies and community groups and to develop new and innovative ways of preserving and promoting migration and refugee heritage. In doing so, the centre seeks to mobilise resources drawn from a wide variety of sources while incorporating a regional focus and enlisting existing cultural structures and institutions to achieve its goals.

The centre's activities range from the identification and preservation of the material heritage of migration to providing a voice in public discussion about the role of cultural diversity in the community.

Since the Migration Heritage Centre started activities in October 1998 it has initiated and completed seven projects which have included:

- a focus on the Lebanese, Italian and Chinese communities;
- an ethnic communities heritage identification program in regional and rural NSW;
- forum for communities, State cultural institutions, academics and government agencies;
- partnerships with State institutions and agencies and;
- Other initiatives.

This initial broad-based range of projects sought to capture a variety of cultures, partnerships and media.

The Migration Heritage Centre Management Group has approved new projects for the year 2000-01. These will be announced shortly.

The Premier would be pleased to make available the Director of the Migration Heritage Centre to brief the honourable member in more detail if she wishes.

### NEW CHILDREN'S HOSPITAL RESEARCH FACILITY DONATION

On 28 June the Hon. Dr P. Wong asked the Treasurer, representing the Minister for Health, a question without notice regarding a New Children's Hospital charity donation. The Minister for Health has provided the following response:

- The Wills Report noted that in comparison to other western countries, Australia lags behind in spending on health and medical research.
- In the three years 2000-01 to 2002-03, the New South Wales Government will commit \$57.5 million for health research through the NSW Health Infrastructure Grants Program.
- I refer the honourable member to my response to a question without notice concerning the New Children's Hospital Research Facility Donation asked on 29 June 2000. In response to that question, I advised that the New South Wales Government would work with the donor family and the Commonwealth Government to ensure the donation is properly allocated following a proper process to ensure that medical research is properly developed in this State.

### **GUNNEDAH CHARCOAL PLANT WATER LICENCE**

On 28 June the Hon. I. Cohen asked the Treasurer, representing the Premier, a question without notice regarding North-East Forests. The Premier, Minister for the Arts and Minister for Citizenship has provided the following response:

The Hon. I. Cohen, MLC will be aware that a project of the nature of the charcoal plant at Gunnedah requires the lodgement of an Environmental Impact Statement [EIS] by its proponents, Australian Silicon Smelters.

Issues such as the water requirements of the project need to be addressed in the EIS and, after the public exhibition and comment process, will be dealt with in the associated assessment of the proposal.

The water requirements of the proposed charcoal plant project will be confirmed upon the lodgement of the EIS and the subsequent public exhibition of the proposal.

Until this stage in the process occurs it would be speculative to assume any outcome of the assessment process.

The Hon. I. Cohen, MLC can be assured that proper assessments of environmental impacts will be adequately addressed by the New South Wales Government in its deliberations.

### **OLYMPIC GAMES SITE HYDROFLUOROCARBONS USE**

On 28 June the Hon. A. G. Corbett asked the Treasurer, representing the Minister for the Olympics, a question without notice regarding HFC-free Olympics. The Minister for the Olympics has provided the following response:

SOCOG staff have been working closely with Coca Cola and McDonalds and other sponsors to ensure that they are aware of, and address, the environmental guidelines, and identify opportunities for the use of non-hydrofluorocarbons [HFC] refrigeration equipment during the Olympic and Paralympic Games. HFC refrigerants are the industry standard in Australia and alternative refrigerant technologies, such as hydrocarbons [HCs], are still in various stages of development.

Coca Cola will be providing approximately 1,800 drink cooling machines at Olympic venues. One hundred will be gassed with an HFC-free hydrocarbon refrigerant, as part of a global trial of this new technology that commenced in Denmark in 1999. Coca Cola also announced on 28 June that by the Athens Olympics in 2004 it will no longer purchase new cool drink equipment using HFCs. In the meantime it will expand its R&D program to identify and test alternative technologies. This represents a very important milestone which reinforces the influence of Sydney's high environmental standards in organising the 2000 Olympic and Paralympic Games, and adds to the environmental legacy.

During the Olympic Games, McDonalds Australia will also be showcasing and testing, as part of a global program, the latest hydrocarbon refrigeration technology. Nine HC refrigeration units will be imported and will operate at Sydney Olympic Park.

### **PARALYMPIANS ACCOMMODATION COSTS**

On 29 June the Deputy Leader of the Opposition asked the Treasurer, representing the Minister for the Olympics, a question without notice regarding paralympians accommodation costs. The Acting Minister for the Olympics has provided the following response:

The athletes themselves do not pay the levy you mention. Each national paralympic committee is responsible for the fee and in most cases funding for these bodies comes from a mix of government and sponsor contributions.

The decision to charge an entry fee was made by the Board of the Sydney Paralympic Organising Committee in conjunction with the International Paralympic Committee.

### **ALLAN BAKER LIFE SENTENCE REDETERMINATION**

On 29 June Reverend the Hon. F. J. Nile asked the Treasurer, representing the Attorney General, a question without notice regarding Allan Baker's life sentence re-determination hearing. The Attorney General has provided the following response:

Allan Baker applied to have his life sentence re-determined by the Supreme Court. That application was lodged pursuant to legislation which was introduced by the Greiner Government in 1989.

The Government substantially reformed this legislation in 1997. A court which hears a re-determination application must now have regard and give substantial weight to the recommendations, observations and comments of the original sentencing judge. If appropriate, the judge can order that the applicant never again apply for a re-determination or that the applicant not re-apply for a period of not less than three years.

Mr Baker's application was heard by Justice James of the Supreme Court on 30 June. It is expected that the decision will be handed down in September.

The Opposition did not proceed with legislation in relation to this matter on 29 June. When the matter was before the Legislative Assembly on 29 June 2000, the Premier told the House that " I am advised in the strongest terms possible that much further comment just one day before a Supreme Court hearing is extremely dangerous. I am advised that this is the advice that the Opposition has been shown this morning" .

The Government stands by the 1997 amendments. To introduce legislation runs the risk of having the High Court diminish the power of Parliament as occurred in the Kable case. As the Premier told Parliament on 29 June, "to argue a case that one knows is constitutionally invalid, simply to get a run in the media ... [is] an abrogation of responsibility".

The Government will await, as is proper, the decision of Justice James before taking any action in relation to the matter.

#### **OLYMPIC BEACH VOLLEYBALL STADIUM**

On 29 June Ms Lee Rhiannon asked the Treasurer, representing the Minister for the Olympics, a question without notice relating to the Olympic beach volleyball stadium. The Minister for the Olympics has provided the following response:

The appropriation of \$140 million referred to has been allocated to SOCOG to cover risks and contingencies. While it is theoretically possible that some unforeseen eventuality may occur, at this stage no risk which would require allocation from these funds has been identified for the beach volleyball stadium at Bondi.

#### **ETHNIC COMMUNITIES COUNCIL FUNDING**

On 29 June the Hon. Helen Sham-Ho asked the Treasurer, representing the Premier, a question without notice regarding the Ethnic Communities Council. The Premier, Minister for the Arts and Minister for Citizenship has provided the following response:

The Premier stated at the budget estimates hearing that the Government will continue to fund the Ethnic Communities Council of New South Wales. However, the council's needs for funding are considered within the context of other organisations that seek funding by way of grants from the Ethnic Affairs Commission.

The Premier has approved the employment of two people by the Ethnic Affairs Commission to be outposted to the Ethnic Communities Council of New South Wales. The two people are an administrative officer and a clerical officer and they are appointed for a period up to and not exceeding four months.

This interim arrangement will allow the Ethnic Communities Council of New South Wales to:

- acquit past grants to the satisfaction of the Ethnic Affairs Commission;
- put into place proper public accountability procedures for government funding;
- develop a financial business plan.

#### **POLICE POWERS**

On 2 June Reverend the Hon. F. J. Nile asked the former Attorney General, and Minister for Industrial Relations a question without notice relating to police powers. The Attorney General has provided the following response:

The honourable member referred to press reports of a personal injuries action which is currently before the District Court. The cause of action arose from a police raid for which a person was subsequently convicted of assaulting police in the execution of their duty and possession of a prohibited drug. That person appealed against these convictions and the appeal was upheld and the convictions were quashed. The appeal judge made certain comments which were critical of police actions.

The Attorney General advises that civil action has not yet concluded. Given this fact, it would be inappropriate to comment further in this regard.

In relation to the general law on search warrants, the Attorney General advises that if the police suspect that a drug offence has occurred on a property, they can apply for a search warrant to enter the property.

A warrant is normally issued by an authorised justice at the Local Court on the application of a police officer. If a warrant is required outside of court opening hours, a telephone warrant can be issued. All police officers have the contact details for the panel of justices who are available to issue search warrants after hours.

If the police have followed a suspect onto premises with the intention of arresting the person then a warrant to enter the premises is not required.

#### **AWAKENING 2000 GLOBAL MARCH FOR JESUS**

On 8 June Reverend the Hon. F. J. Nile asked the Attorney General, representing the Minister for Police, a question without notice relating to the Awakening 2000 Global March for Jesus. The Minister for Police has provided the following response:

Further to the honourable member's question regarding the Awakening 2000 Global March for Jesus, the Minister for Police has been advised by the Commander, City East Region that, following the furnishing of a certificate to the Olympic Co-ordination Authority proving that it is a registered charity, it was determined that the organisers qualified for an exemption from the payment of fees.

#### **NIMBIN COMMUNITY DRUG USE**

On 7 June Reverend the Hon. F. J. Nile asked the Special Minister of State a question without notice relating to policing in Nimbin. The Minister for Police has provided the following response:

The Deputy Commissioner, Field Operations, has informed the Minister for Police that many of the proactive police operations within the Richmond Local Area Command [LAC] are directed to addressing the issue of drug activity in Nimbin.

The Richmond LAC Drug Unit, supplemented by undercover operatives from other parts of the State, regularly conducts controlled operations in the Nimbin area. The latest operation was conducted during May and resulted in 13 offenders being identified and arrested for supplying heroin.

In total, over 100 charges were preferred during the operation. However, the Minister for Police advises that there was no evidence to suggest that "drug cafes" were operating in the area.

#### **POLICE AND COMMUNITY YOUTH CLUB CLOSURES**

On 29 June the Hon. D. T. Harwin asked the Minister for Juvenile Justice, Minister Assisting the Premier on Youth, and Minister Assisting the Minister for the Environment a question without notice relating to the closure of the Newtown, Paddington and North Sydney Police and Community Youth Clubs [PCYC]. The Acting Minister for Police has provided the following response:

The PCYC movement is a public company and is independent of the NSW Government and New South Wales Police Service. The PCYC movement has sole responsibility for the location of PCYC facilities, whereas the Police Service is responsible for the provision of police officers to support the activities of PCYC clubs.

The honourable member may wish to bring his question to the attention of the Chief Executive Officer of the PCYC movement, Ms Deborah Mills, PO Box 316, Belmore NSW 2192.

#### **TERENCE WILLIAMS COMMUNITY SERVICE ORDER**

On 23 June the Leader of the Opposition asked the Attorney General a question without notice regarding Terence Williams. The Attorney General has provided the following response:

Mr Williams was convicted at the Wagga Wagga Local Court on 9 February on two counts of aggravated indecent assault on a child under 16 years contrary to section 61M(1) of the Crimes Act 1900. The complainant child was aged 10 years. Consequent upon conviction, the appellant was sentenced to a fixed term of six months, concurrent in respect of both offences. An appeal was lodged and conditional bail was allowed.

On 7 June, the matter came before His Honour Judge Job QC at the Wagga Wagga District Court. His honour confirmed the convictions, but set aside the sentence of imprisonment and substituted, in respect of count 1, an order that the appellant serve 250 hours of community service, and, in respect of count 2, a deferred sentence bond for a period of two years.

The fact that this case was an appeal from the Local Court to the District Court precludes any further avenue of appeal by the Office of the Director of Public Prosecutions.

Any person can make a complaint about a judicial officer to the Judicial Commission. If Mr Gallacher has concerns about this matter, he is at liberty to contact the Judicial Commission.

#### **Questions without notice concluded.**

### **DEATH OF THE HONOURABLE KEITH JAMES ENDERBURY, A FORMER MEMBER OF THE LEGISLATIVE COUNCIL**

#### **Debate resumed from an earlier hour.**

**The Hon. A. B. KELLY** [5.09 p.m.]: I conclude my tribute to the Hon. Keith Enderbury by quoting his concluding remarks in his maiden speech in 1984, when he became a member of the Legislative Council:

If I can contribute to the greater public esteem towards this Council, if I can help to improve facilities, if I can build the effectiveness of membership of this Council, if I can well and truly serve the people who have sent me here, if in any way I can improve this Council and if, in the final summation, I can leave the people I have known here somehow better off for having known me, then I will be satisfied with my time here.

I believe that Keith Enderbury suitably achieved his wishes.

**The Hon. JAN BURNSWOODS** [5.10 p.m.]: I, too, would like to place on record my grief at the untimely death of Keith Enderbury. As other members have done, particularly Labor members, I would like to talk a little about my knowledge of him over many years. I think it was the Hon. A. B. Kelly who mentioned that several of us thought that Keith received the nickname "the Sheriff" because of the way he used to stride up and down the aisles and around the back at New South Wales ALP conferences. Certainly my earliest memories of him were him doing just that. Indeed, he used to have a little notebook into which he scribbled notes as he moved around. I do not know that he was actually counting people on my side of the ALP but he was certainly counting people on the other side of the ALP to make sure they were all in their places.

**The Hon. M. R. Egan:** He did a good job, too.



**The Hon. JAN BURNSWOODS:** He did do a good job—although I do not know that he deserved all the credit for the fact that my side was almost always outnumbered by the other side. I remember that that was Keith's role at ALP conferences in the early years that I knew him. I have heard about his role as North Coast organiser for the ALP, although I did not have much experience with him in that role. Keith became Opposition Whip at the time when I was elected to the Legislative Council in 1991 and, like many other members on this side of the House, I pay tribute to the often unsung efforts of the Whip. I am sure both Dorothy Isaksen and Peter Primrose would agree that a Whip's job is often marked more by grumpy members wanting to be paired and this and that, rather than for being thanked for the job that those holding that office do. Keith, during his term as Whip when we were in opposition, certainly earned his keep.

The final matter I particularly want to mention is that on the day of Keith's funeral I saw Kim Robbins, whom many people will remember. Kim used to work for me and had many fond recollections of Keith over that period. However, Kim attended the funeral also because she currently works in Canberra for James Enderbury. Her attendance was not only as a mark of respect for Keith but also to express sympathy for and solidarity with James and other members of the family. It is a sad day for us all when someone who was a member of this House only a short time ago dies in such tragic circumstances.

**The Hon. JANELLE SAFFIN** [5.12 p.m.]: I was very saddened when I heard about Keith's early death and the tragedy that surrounded it. We have lost a Labor comrade. Although Keith and I were always of different camps I worked with him when he was a North Coast organiser, and it is to that association that I can speak. The sense of loss that I felt on hearing of Keith's death was like that of having lost a member of the family. I remember the time when Keith lived on the North Coast and was a candidate for the position of ALP organiser for Byron and the North Coast. Indeed, I spent time working with him. Sometimes we spent time working against each other on internal party matters, but we had what we used to say was a common enemy, and that was basically the National Party. We worked together quite well and as part of a larger team on the North Coast to try to change the nature of politics in the area.

I had many memorable and funny experiences with Keith when we were electioneering together. I recall that Keith used to say that we were in tiger country and that we had to stick together to try to change that. One of the things I also remember is that Keith was a rather cultured man and always immaculately dressed; and that he took a vital interest in the arts and in acting, but principally the arts on the North Coast. As my colleague the Hon. J. R. Johnson said, Keith lived in Lismore, Tweed Heads, Coffs Harbour and Tamworth and in all of those areas he took a vital interest in and tried to nurture the arts.

We had what I would call a sometimes tense, but very friendly and quite affectionate relationship. When one works with someone so closely for a number of years one cannot help but develop an affection for that person. I recall that the relationship was tense because Keith and I would sometimes work against each other, but during elections we were always there and worked together as a team and we did that extremely well. Keith did indeed have the nickname "the Sheriff"; the name was widely used. We also used to say that Keith was a good shop steward. I believe that was confirmed here today by a number of members, including Reverend the Hon. F. J. Nile. I do not wish to comment on the circumstances of Keith's death. It was tragic and I believe that my colleague the Hon. M. R. Egan summed it up appropriately in his contribution. I want to pay tribute to a comrade and a colleague and extend my sincere condolences to his family.

**The Hon. I. M. MACDONALD** (Parliamentary Secretary) [5.16 p.m.]: I join with all my colleagues in this House who have spoken about our former colleague Keith Enderbury. I echo their sentiments. I had talked to Keith only a week prior to his untimely death. I must say that when I received a note on my desk advising me that he was critically ill and of the circumstances surrounding his becoming ill, I was absolutely shocked. On the occasion I spoke with him he was in good health, his mind was fully alert and he was fired up about various issues that were besetting the body politic today. Like most members I was absolutely devastated when I heard of this tragedy.

One of the most profound speeches I have ever heard was given at Keith's funeral by the celebrant on behalf of James, Keith's son. It was a most moving speech and, in a way, one of the most difficult to listen to. After the speech I—as did many others, including Justice Terry Sheahan—went to shake James's hand and to commiserate with him. Justice Terry Sheahan said to James that if any one of his nine children were to make such a speech at his funeral, he would die a very happy man. That was a tribute to James and to the family. It was an incredibly moving and powerful speech. I do not believe I have heard of a closer relationship between a father and a son.

Keith and I became very close friends. When I came into this House I was a factional warrior for the other side and, of course, Keith was related to the Sussex Street head office. As a consequence, when sometime

soon afterwards he became Whip I remember thinking: This will be the hardest thing I will ever face—a Whip who was a former officer of the party and a member of the Sussex Street gang! It was all right for Barney French, who was a union official and a friendly sort of a chap, to be Whip. But I thought: Here we go! With a head office official as Opposition Whip I will probably never get a moment off in my time here. In those days we had a roster which was rigidly enforced. Fortunately, its use seems to have declined somewhat. I remember the Sheriff coming up to me on many occasions and saying, "Just turn up for a little while and then slip out the back". That was Keith's attitude and it was a good attitude.

When votes had to be taken, we were here doing the job, getting the votes through, and Keith was marshalling us like a good sheriff. Then I would slip out the back and join the other layabouts at that time—members like those belonging to the Gay-Bull conspiracy; Jobbo, who did not have much responsibility in those days but who has prospered later in life; and other members of this Chamber. Keith was a compassionate Whip; he made sure that at various stages we were all given a little bit of time off to attend to the many duties we have in other directions. I was never tempted to use any of those times off to engage in factional politics. I would not do that. Whenever I was given a pair it was purely for personal reasons and Keith gave me many pairs over the years—which was something other people were not too keen on, particularly the general secretary of the party at that time. Some things do change over time. I wish to read to honourable members what I believe was one of the strongest statements Keith made in this place, and he was talking about himself. On 12 September 1984 he said:

Some years ago—in fact, back in the early 1950s—there wandered through the streets of this great city a rather thin youth of dishevelled appearance.

I must say, that was something he attended to later with great vengeance. He went on:

His clothes were filthy. They were no better than rags—stained by bitumen, dust, shellac and resin, with ragged holes burned into them by caustic soda and nitric acid. He had on his feet old army boots similarly damaged, with cardboard stuffed inside them so that his feet were protected from the pavement. He could not afford decent working clothes. He came to work each day with no money in his pocket—not a single coin—and went home the same way. He was probably the lowest paid employee in the city at that time. Dressed in this somewhat bizarre garb, he used to run messages round this great city—even on occasions into Macquarie Street, where he would not have been admitted into the courtyard of Parliament House, let alone into this building or this Chamber. He was a first year apprentice in the printing trade. That youth was me.

Later he said:

It sort of keeps my feet on the ground. It is not merely a sense of achievement but a feeling of deep responsibility to the people I represent, and to where I came from. Having gained the honour of becoming a member in this august Chamber, I am reminded of the story of the boy who was wandering in the country and came upon a turtle stuck on the top of a fence post. It was obvious that it had not got there by itself. Somebody else had put it there.

So, like most of us in the Labor Party, Keith was like a turtle stuck on fence. We have been put there by someone intending to help us. In his time Keith was helped by the forces who had a reasonable majority in the State, and he was always loyal to them, but he was never a factional warrior to any of us in this Chamber. I missed him when he left in 1995, and that is testimony to the fact that we all felt a great sense of friendship for and comradeship with him. I wish his family all the best as they try to survive the incomprehensible circumstances of his demise.

**The Hon. R. S. L. JONES** [5.23 p.m.]: I wish to pay tribute to Keith. He was Whip in this Chamber for six years and he was extremely easy to deal with. He was always such a gentleman and very dapper. On any occasion he visited the Parliament following his resignation he was always the same smiling person. It seemed to me that he was never in a bad mood. He always seemed to be happy, always smiling. A very good person to have around. I also express horror at the way he died. He certainly did not deserve to die like that—no-one deserves to die like that. I wish his family well. They should know that we in this Chamber respected and liked him very much.

**The Hon. D. F. MOPPETT** [5.24 p.m.]: When I heard the very early news bulletins about this tragic event I was filled with great anxiety. Despite the differences that divide us in debate, we all develop a great feeling of mutual respect for one another and for those we have known in this place. Between hearing the early news broadcasts and the later bulletins, which identified Keith, I had reason to speak with the Chair of the Standing Committee on Social Issues, the Hon. Jan Burnswood, who was the first to intimate to me that she felt it may be Keith Enderbury who was the victim of the incident. Subsequently we heard with great sadness that he had passed away as a result of the injuries he sustained.

My thoughts then went back to a tall, somewhat wistful person. I am grateful to members of the Labor Party who have filled in the background details of the Keith Enderbury that I knew, because in Parliament he

was a rather private man. One did not get to know his family well although one got to know him well. Keith was a man who obviously embraced the platform and principles of the Australian Labor Party and held them very dearly, but his personal philosophy was an amalgam of those principles together with personal experiences, to which some honourable members referred earlier. He was a man who suffered the vicissitudes of life and he bore those difficulties with stoicism and great courage. Those of us who worked alongside him appreciated his laconic wit and the great philosophy that spoke out from his experiences of life.

He made very strong contributions—although they were often only short and pungent—to the deliberations of the Standing Committee on Social Issues. With regard to his various roles in the Labor Party, as Whip, as an official of Parliament and in the parliamentary committee structure, we could all stand and salute Keith Enderbury and say that his job in Parliament was well fulfilled. We certainly salute a colleague who distinguished himself and the Legislative Council with his performance. I say to the family that we are seeking to understand the circumstances that led to the incident. We do so without taking sides or being judgmental about it. These things do happen. We had a similar incident with a family at Coonamble. All of us who knew that family realise it is not appropriate to make judgments about responsibility or blame; rather, it is for all of us to reach out in sympathy to the surviving members of the family and let them know how much we respected Keith, how much we will miss him and how much we are thinking of them at this time as they go through the healing process, albeit rather painfully.

*Members and officers of the House stood in their places.*

**Motion agreed to.**

#### **GENERAL PURPOSE STANDING COMMITTEE No. 5**

##### **Report**

**The Hon. R. S. L. Jones**, as Chair, tabled Report No. 8 entitled "Budget Estimates 2000-2001—Volume 2", dated August 2000, together with answers to questions taken on notice.

**Report ordered to be printed.**

**The Hon. R. S. L. JONES** [5.30 p.m.], by leave: The committee reported that it was disappointed that the statistics, studies and research referred to and the answers provided were not adequately identified, and that some questions were not adequately answered. The committee reported that if the problems recur next year it may elect to hold further extensive supplementary hearings. This year additional hearings were held in an attempt to elucidate further answers to questions. For the edification of honourable members I will point out some of the questions that were not answered.

**The Hon. J. H. Jobling:** It was like pulling teeth from a rocking horse.

**The Hon. R. S. L. JONES:** Yes, it was a bit like that. For example, in the Environment portfolio, questions 46(B), 46(D) and 46(E) were not answered; funding details were not provided for question 57; and the obstacles were not discussed in the answer to question 62. In the Corrective Services portfolio a number of questions were not adequately answered. I will not list them all. Questions 6 and 7 were not adequately answered; questions 9(G) and 9(H) were not answered adequately; specific answers were not given to questions 10(1), 10(2) and 10(3); and questions 11, 12, 15 and 20 were not answered adequately. In the area of Local Government, questions 4 and 7(2) were not adequately answered.

Information is available regarding the number of microchipped animals that are put to death in pounds, and that would have enabled question 10 to be answered adequately. It would seem that quite a number of microchipped animals are being put to death, and that should not happen. I hope that in future questions will be answered on time—this year they were all late—and that they will be answered adequately. I will follow up some of those questions at next year's estimates hearings and beyond.

#### **GENERAL PURPOSE STANDING COMMITTEE No. 3**

##### **Report**

**The Hon. Helen Sham-Ho**, as Chair, tabled Report No. 6 entitled "Budget Estimates 2000-2001—Volume 2", dated August 2000, together with answers to questions taken on notice.

**Ordered to be printed.**

**SMOKE-FREE ENVIRONMENT BILL****Second Reading**

**The Hon. J. J. DELLA BOSCA** (Special Minister of State, Minister for Industrial Relations, Assistant Treasurer, Minister Assisting the Premier on Public Sector Management, and Minister Assisting the Premier for the Central Coast) [5.33 p.m.]: I move:

That this bill be now read a second time.

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

**Leave granted.**

I am pleased to introduce the Smoke-free Environment Bill. This Government is committed to addressing the problem of tobacco-related harm in our community and a successful tobacco control program must address this problem from many angles. As well as efforts to prevent young people from starting to smoke and helping existing smokers to stop, the Government recognises that we must also protect those who suffer discomfort due to breathing other people's tobacco smoke. The legislation before you now is important for a number of reasons. Tobacco is the largest single preventable cause of death in this country. It kills around 6,500 people in New South Wales every year. However, it is not just smokers whose health is suffering because of tobacco but also non-smokers who may be exposed to tobacco smoke. Evidence that passive smoking can be harmful, particularly to children, has accumulated in the past 20 years.

In children, passive smoking can lead to bronchitis, pneumonia, asthma and other illnesses. In adults, breathing other people's smoke can increase the risk of cardiovascular disease, lung cancer and other lung diseases. This is in addition to the irritant effects of other people's smoke on the eyes, nose, throat and airway passages that arise from the presence of irritant chemicals in tobacco smoke. A supportive social and legislative framework will enable individuals to be better protected from these risks. The concern that control of passive smoking may have a negative economic impact on certain industries is unfounded. A survey of customers conducted four months after the implementation of the South Australian legislation that banned smoking in restaurants found that over 80 per cent agreed with the legislation, including 55 per cent of smokers; 66 per cent of people reported that dining out was now more enjoyable; 28.5 per cent said the ban had made no difference to their enjoyment; almost 62.5 per cent reported that the ban made no difference to their dining out; and a further 17 per cent reported that they were dining out more often.

Overseas studies have also consistently found that non-smoking laws do not have negative economic consequences for local hospitality or tourism industries or for a jurisdiction as a whole. Two studies by California, the first in 1994 followed up in 1997, examined the effect on restaurant sales in California requiring restaurants and bars to be smoke free. The authors found no significant effect of the restaurant provisions on bar revenues, and a small but significant positive change in bar revenues associated with the bar provisions coming into effect. A Massachusetts study published in 1999 compared local tax data before and after the introduction of smoke-free restaurant policies in Massachusetts, and found that there was little or no impact on the communities' restaurant industries.

I turn now to the bill before the House. The Smoke-free Environment Bill, which will replace the Smoking Regulation Act 1997, will reduce the risk of passive smoking. The Smoking Regulation Act had a similar intention. However, its reliance on an air quality standard as the basis for regulation has meant it cannot be practically implemented unless a safe air quality standard can be prescribed. This has not been possible. The best way to reduce the risk of passive smoking is to reduce smoking in enclosed public places. The Smoke-free Environment Bill will repeal the Smoking Regulation Act and replace it with a clearer and more enforceable legislative scheme which relies on the banning of smoking in enclosed public places, with exemptions for certain types of premises.

The main provisions of the bill before the House are as follows. Clause 3 of the bill clearly articulates its public health objective, namely, the promotion of public health by reducing exposure to tobacco and other smoke in enclosed public places. The definition of "smoking produce" in clause 4 includes both tobacco and non-tobacco smoking products, such as herbal cigarettes. Clause 7 prohibits smoking in all enclosed public places with the exception of certain types of premises designated exempt. The places where smoking is banned are referred to in clause 6 of the bill as smoke-free areas. Examples of smoke-free areas are set out in schedule 1.

Clause 8 of the bill places an obligation on the occupier of premises to ensure that people do not smoke in a smoke-free area. As with the Smoking Regulation Act there will be a defence for the occupier. That defence is available if the occupier did not supply anything to facilitate smoking and was not aware or could not have been reasonably aware that somebody was smoking. If the occupier is aware that somebody is smoking in a smoke-free area the occupier must require the person to stop smoking, inform the person that he or she is committing an offence, and require the person to leave the premises if he or she continues smoking.

Clause 9 also places an obligation on occupiers to display appropriate signage in smoke-free areas. Clause 10 requires an occupier of premises to take reasonable steps to ensure smoke does not enter smoke-free areas. Guidelines will be issued as to what are reasonable steps. Clause 11 defines exempt premises to include registered clubs, hotels, nightclubs and the bar and gaming machine areas of the Sydney casino, other than the parts of those premises used for dining. However, transitional measures to afford businesses the time to achieve compliance with the new requirements have been included in the bill. Schedule 2 to the bill permits smoking within the dining areas of hotels, registered clubs and nightclubs and the reception area of licensed restaurants to continue for a further 12 months after the Act commences.

Those businesses and organisations which have exempt premises will have to demonstrate ongoing compliance in order to retain the exemption. Under clause 13 the Director General of the Department of Health will have the power to declare that any premises cease to be exempt if satisfied that the regulations or guidelines under the legislation have not been complied with. Part 4 of the bill provides necessary enforcement powers for the new regulatory scheme. Part 5 provides miscellaneous and machinery provisions including clause 25, which repeals the Smoking Regulation Act 1997. Appropriate regulation-making powers are provided for in clauses 12 and 23.

Let me assure honourable members that it is not the intent of the legislation to undermine protections provided to employees in New South Wales under the Occupational Health and Safety Act. Clause 21 of the bill explicitly provides that nothing in the Act is to be construed as creating or preserving a right of a person to smoke in an enclosed public place. This provision will ensure that premises exempt under this bill will not operate to discharge or overturn an employer's obligations under the Occupational Health and Safety Act.

An implementation group will be established to work co-operatively with industry to address implementation issues in relation to the ban on smoking in dining areas of hotels, registered clubs and nightclubs during the 12-month phase-in period provided in schedule 2. In relation to the casino, the bill provides for a ban on smoking at gaming tables. This has been included following representations from casino staff representatives, and the Minister's own inspection of the casino premises. It is consistent with the casino's policy on smoking. The Minister has also met with the casino representatives on this issue, and encouraged them to continue working with the Liquor, Hospitality and Miscellaneous Employees Union to ensure a smooth implementation.

The Government will also provide funds for a comprehensive information campaign to be undertaken by the Department of Health. The campaign will raise community awareness of the new legislation, and help businesses, organisations and individuals to understand their respective obligations under the new legislation. This is an important public health initiative which will benefit the entire community through a well balanced, practical and commonsense approach to the regulation of passive smoking. I commend the bill to the House.

**The Hon. Dr B. P. V. PEZZUTTI** [5.33 p.m.]: I support the intentions and arrangements contained in the bill. I note that when the bill was presented in the other place it was not presented by the Minister for Health, but in his absence by the Minister for Agriculture, and Minister for Land and Water Conservation. The Committee stage was dealt with by the Parliamentary Secretary, the honourable member for Heathcote. I have no objection to either of those two gentleman, but I would have thought that the Minister would present this important bill himself.

**Reverend the Hon. F. J. Nile:** Did you get an explanation?

**The Hon. Dr B. P. V. PEZZUTTI:** No, I did not. By the same token, this is not the first major health bill that Minister Knowles has not presented to the House; he usually gets his Parliamentary Secretary to present the bills and does not even turn up for the Committee stage. I find that an extraordinary way to do business in Parliament. The industries impacted on by the bill were not widely consulted. In the Minister's speech he referred to surveys carried out in South Australia and California, but not to research carried out in New South Wales. Had he carried out research in New South Wales I am quite confident that he would have had widespread success with restaurateurs and members of the public who use the facilities.

The bill provides for a smoke-free environment for the consumption of food and protects diners from the intrusion and smell of tobacco smoke. Tobacco is not only smelly but it puts people off eating their food, and it can be dangerous. Action on Smoking and Health (Australia) Ltd [ASH] has produced an interesting document, entitled "Tobacco Facts for MPs", which I found most effective. I draw attention to it because of its well-presented and well-sourced information. Of course, the association sells its message very powerfully. Previously the association produced information on passive smoking and impotence, which attracted the attention of everyone. Its next publication will be headed "The Impact of Smoking on Vision".

I have approached the Minister for Health and the department to have printed on cigarette packages the words "Smoking Affects Your Vision" and "Smoking Can Send You Blind", but I have not yet received a response from the Government. The effects of smoking are well known within the health community. My colleague the honourable member for North Shore, the Opposition spokesperson on health, indicated that the Coalition not only supports this bill but has actively sought to achieve its results. In 1988, during the Greiner Government, the then health Minister, Peter Collins, took a proactive stance in pushing for the prevention of harm caused by tobacco. In his contribution to the second reading debate on this bill he stated:

It is extraordinary to think that until the 1989 legislation—

which he introduced—

people could smoke in public hospitals ... We need to understand the incremental approach to legislation in this place.

It is important for legislation of this nature to change long-term social and community habits and to proceed at a pace with which the community can feel comfortable. The legislation relating to smoke-free zones was given a

phase-in period. In this bill the phase-in period applies only to clubs and pubs, which are powerful organisations in this State. The phase-in period does not apply to restaurants or small operators. I note also that air quality measurements are not included and that is something the Government promised to implement. In the Minister's second reading speech he said:

Clause 8 places an obligation on the occupier of premises to ensure that people do not smoke in a smoke-free area. As with the Smoking Regulation Act there will be a defence for the occupier. That defence is available if the occupier did not supply anything to facilitate smoking and was not aware or could not have been reasonably aware that somebody was smoking.

If the occupier is aware that somebody is smoking in a smoke-free area the occupier must require the person to stop smoking; inform the person that he or she is committing an offence; and require the person to leave the premises if he or she continues smoking. Clause 9 also places an obligation on occupiers to display appropriate signage in smoke-free areas.

In a restaurant people will be required to draw the occupier's attention to the fact that someone is smoking. Again, people will have to complain. Those who do complain, to ensure that the Act works, may be victimised by others in the restaurant. That is unfortunate, although I note that the strong support of restaurateurs for this bill should ensure that this is not seen as a problem. However, I am concerned about pubs and clubs in this regard. After the Act has commenced, businesses and organisations will be exempt for 12 months. Effectively, pubs and clubs will have 12 months in which to comply with the legislation—in other words, the exemption will continue for some time—whereas restaurants must introduce smoke-free areas immediately to comply with the legislation.

This morning I became aware of the amendments that the Hon. Dr A. Chesterfield-Evans intends to move. I understand the honourable member's deep and continuing commitment in this area. He is one of the foremost activists in the area of the dangers of smoking and the protection of young people against promotional activities for smoking. However, as his amendments were received only this morning and we have not had a chance to consult on them, as we would normally do, and as we have been advised by Minister Knowles that Action on Smoking and Health [ASH], the Cancer Council and the Heart Foundation are keen to see this bill passed and in place as quickly as possible, to support the amendments would delay the passage of this bill.

As the honourable member for Willoughby said in his contribution to the second reading debate, this is an incremental approach, and this has been a bill in evolution. After this bill is passed there will be many opportunities to extend further the nature of what many honourable members, including the Hon. Dr A. Chesterfield-Evans, wish to achieve. With those few words I indicate that the Opposition will not support the proposed amendments to this bill in the interests of having it in place before the Olympics so that we can put out best foot forward to protect our guests and, importantly, our workers during the Olympic Games and beyond.

**The Hon. HELEN SHAM-HO** [5.42 p.m.]: I support the Smoke-free Environment Bill, which seeks to repeal the Smoking Regulation Act 1997 and ban smoking in all enclosed public places such as shopping centres, restaurants, cafes and dining areas, theatres and cinemas, public transport, motels, child care facilities and hospitals. The bill goes further than previous tobacco control legislation by banning smoking in restaurants, hotels, registered clubs, nightclubs and the Sydney casino, subject to certain exemptions, as referred to by the Hon. Dr B. P. V. Pezzutti. These exemptions apply to existing reception areas in restaurants, which will be subject to a 12-month extension, as well as to areas of hotels and nightclubs which do not involve the ordering, serving or consuming of food. Pubs and clubs will also have 12 months to rearrange their facilities to accommodate the new arrangements.

This bill is simply a reflection of current community attitudes and standards in relation to smoking, with smokers currently comprising less than one-quarter of the New South Wales population. And I hope that figure is decreasing! The bill also represents a further advance in a long line of legislation enacted in response to the dangers of smoking and tobacco-related harm. Since the early 1900s, beginning with tobacco excise Acts and juvenile smoking suppression legislation, governments in Australia have progressively passed laws to reduce the devastating impact of tobacco products on public health. As evidence of the damaging effects of smoking accumulated, doctors, health authorities and the media increased their pressure on governments to introduce tougher tobacco controls.

Key legislation to curb tobacco advertising, improve labelling, increase taxation and restrict the sale of cigarettes to minors followed, which, when combined with large public awareness campaigns, resulted in a significant decline in smoking rates. Today, with the adverse effects of passive smoking now widely acknowledged, it is time to go the next step by supporting the Smoke-free Environment Bill. I congratulate the Minister for Health, the Hon. Craig Knowles, on introducing this legislation. New South Wales has been a global leader in tobacco control since the launch of the first Australian QUIT campaign in 1983 by the then Minister for Health, the Hon. Laurie Brereton.

The introduction of bans on smoking in public places took place five years later, in 1988, when a smoke-free work environment policy was adopted throughout the Australian public service and Commonwealth-controlled buildings. The last major review of legislation regulating smoking in enclosed public places was undertaken by the Carr Government in the form of the Smoking Regulation Amendment Act 1997, and I am pleased that the object of that Act is reinforced and expanded in this bill.

In this day and age we are all too aware of the deadly effects of smoking. In fact, more than 70,000 scientific studies document the adverse impact of tobacco on health. Each year more than 6,000 people in New South Wales die from tobacco use—more than one-quarter of them from lung cancer alone. My mother, who had been a very heavy smoker, was in this category. She had emphysema and eventually died from the effects of smoking. Smoking has also been found to cause heart attacks, strokes and blindness as well as cancer of the cervix, bladder, kidney, pancreas, stomach, oral cavity, oesophagus and larynx. My husband, Robert Ho, whom many honourable members know, was a very heavy smoker. He had open heart surgery; he still smokes but I do not find it insufferable. Often, smokers cannot stop smoking, which is a big problem.

In 1995 a report commissioned by the Commonwealth Department of Health and Family Services for the National Drug Strategy provided estimates for the impact of alcohol, tobacco and illicit drugs on mortality and morbidity in Australia. Tobacco came in well ahead of other drugs as a cause of death, with more than 18,000 deaths annually. While the dangers of smoking have long been recognised, there is now strong and growing evidence that environmental exposure to tobacco smoke or passive smoking has a distinct impact on population health. About 20 per cent of people have an immediate reaction to other people's cigarette smoke. Of these, 8 per cent complain of an asthmatic condition, 4 per cent to 5 per cent suffer an allergic reaction, which ranges from watery eyes to coughing fits, and 2 per cent to 3 per cent suffer respiratory diseases of gradual onset, such as emphysema.

Passive smoking can have an adverse impact on cardiovascular health, with the risk of heart attack or death from coronary heart disease about 25 per cent higher in non-smokers living with a smoker. The impact of smoking on a non-smoking spouse is also significant, with a 25 per cent increase in the incidence of lung cancer for spouses of smokers who smoke one pack per day, and a similar increase in the incidence of coronary heart disease. Also, environmental tobacco smoke has recently been implicated as a cause of cancer of the nasal sinuses, which tends to occur most frequently in spouses of smokers or hospitality workers.

**The Hon. D. J. Gay:** You'll have to leave him.

**The Hon. HELEN SHAM-HO:** I will not leave my husband for that reason. Children are particularly vulnerable to passive smoking. It is now known that a large proportion of childhood respiratory infections, asthma, bronchitis and pneumonia are caused by passive smoking in the home. A recent study of the effects of passive smoking during childhood and adolescence found a sevenfold increase in the risk of breast cancer among those children exposed to cigarette smoke early in life. If confirmed, this would outrank all other known or suspected risk factors for breast cancer, and add urgency to the drive to address under-age smoking and control environmental tobacco smoke.

Passive smoking is a major cause of health problems for workers in the hospitality industry, where concentrations of environmental tobacco smoke are often much higher and exposure more continuous than in homes. Due to occupational health and safety legislation and activities, such as the New South Wales Cancer Council's Workplace Consulting Service, about 92 per cent of New South Wales offices are now either smoke-free or have a non-smoking policy which specifically designates where smoking can and cannot take place. Parliament House is one such example. However, smoking and ineffective smoking controls remain commonplace in the hospitality industry. Given the persuasive evidence of the dangers of passive smoking, which I have referred to, the Smoke-free Environment Bill must be implemented as a matter of urgency in order to protect the health of workers.

The Hon. Dr B. P. V. Pezzutti made a valid point in relation to the contribution of the Hon. Dr A. Chesterfield-Evans, and I agree with his sentiments. The proposed legislation has been the subject of some controversy, particularly in relation to the banning of smoking at gaming tables at the Star City Casino. Whereas gaming machine and bar areas of pubs and clubs are given a 12-month time frame under the bill in which to erect barriers to prevent the penetration of smoke into smoke-free areas, the casino has not been included in the list of exempt facilities. While it may seem that an unfair rule is being applied to the casino, as compared to that which is being applied to pubs and clubs, I remind honourable members that the Liquor, Hospitality and Miscellaneous Employees Workers Union has been pushing for a smoking ban in the casino for five years.

Unlike employees in pubs and clubs, many of the employees who worked as dealers at the casino sit for hours on end with people blowing smoke in their faces. The health and public safety of employees must be our number one priority. Another criticism directed at the bill is that the bans on smoking in enclosed public places

will have a negative impact on certain industries. However, according to a recent United Kingdom study into smoking bans in public bars, smoke-free policies do not have a detrimental economic impact. In fact, they tend to result in an increase in trade. Of the 12 pubs that implemented smoking bans as part of the study, 10 have decided to permanently retain the smoke-free policy.

To return to an important point I made earlier, smoking is a minority activity, with less than a quarter of the New South Wales population being tobacco users. We can assume from that figure that the overwhelming majority of people in New South Wales do not wish to inhale other people's tobacco smoke when they are in enclosed public places. I am one of them. I also mention that the bill has gained the support of a broader range of health, hospitality and community groups, including the SIDS Foundation, the Heart Foundation, the Cancer Council, the Australian Hoteliers Association, Clubs 2000, the Restaurants and Caterers Association, the Liquor, Hospitality and Miscellaneous Employees Workers Union and the Thoracic Society. I am sure many another groups support this bill.

In conclusion, I again indicate my support for the proposed legislation. Given the damaging effect of tobacco consumption and passive smoking on public health, we as parliamentarians must take a bipartisan approach to this issue, which concerns the livelihood of the entire community. I am pleased that the Coalition is taking a bipartisan approach. It is also timely that the bill should be debated just weeks before thousands of overseas tourists will pour into the State for the Olympic Games. Let us present Sydney to the world in the best possible light as a clean, healthy and smoke-free environment. I commend the bill to the House.

**The Hon. D. T. HARWIN** [5.53 p.m.]: It is with great pleasure that I support this bill. I noted with interest the Hon. Helen Sham-Ho's remarks about the reaction of people who are in enclosed environments where people are smoking. I suffer from a condition similar to asthma and I can barely sit in a room with someone who is smoking. I suppose I am not the most objective speaker in this debate. However, I very much welcome this bill, which is long overdue. Some honourable members have said that the legislation has been incremental. Incremental change is often important, but this is a change where legislative action has been necessary for some time. According to the Federal Department of Human Services and Health, smoking costs Australia \$12.7 billion annually, of which New South Wales carries a \$4.2 billion share. That estimate is now several years old. Smoking results in an incredible drain on our economy.

New South Wales Health advised that 6,280 people in New South Wales died of smoking-related illnesses in 1998. In the financial year 1997-98, 27 per cent of all males aged 18 and over and 21 per cent of all females aged 18 and over indicated that they were smokers. Those figures are lower than equivalent figures in 1977, which is testimony to the public education campaigns that have been conducted in the intervening years. The respective figures for 1977 were 41 per cent of males aged over 18 and 30 per cent of females aged over 18. Nevertheless, we still have some way to go to achieve the targets that New South Wales Health set for 2000: to reduce the number of adult male smokers to 24 per cent and adult female smokers to 17 per cent.

A matter of great concern is that smoking amongst males and females under the age of 18 is currently on the increase, with more high school girls than boys taking up smoking. That should concern all members of the House. It is worth repeating that passive smoking can lead to lung cancer, nasal cancer, increased stroke risk and heart disease in adults and bronchitis, cot death, asthma, low birth weight, middle ear infections and pneumonia in children. This is obviously of great concern to people in the community as there is overwhelming support for education programs to help people stop smoking. In 1990 the Anti Cancer Council of Victoria conducted research which showed that 92 per cent of Australians support such education programs. Governments must take into account the community's willingness to do something when developing public policy in this important area.

In 1994 the Australian Bureau of Statistics made a random sample survey of 3,000 Western Australians at the time when similar legislation was under consideration in that State. The survey found that 96 per cent of adults, including smokers and non-smokers, believed that smoking should be banned or restricted in restaurants, and 66 per cent supported some form of restriction in bars and hotels. That survey was conducted six years ago. It is a pity that we are only now seeing legislation in this important area. Nevertheless, I welcome the legislation that has been introduced to this House. The major provisions of the bill include, firstly, the banning of smoking in all enclosed public spaces, subject to certain exemptions relating to areas in pubs and clubs in which genuine food is served. Secondly, the bill makes it an offence, following a 12-months initial grace period, to smoke in a designated smoke-free area.

Within the first 12 months of operation, a smoker commits an offence only if he or she continues to smoke after being asked not to smoke by the occupier of the area. Thirdly, the bill makes it an offence for an



occupier of property to allow smoking in a designated smoke-free area. However, it makes an exception in the case of theatrical performances which require actors to smoke. Fourthly, the bill provides that premises in which both smoking and smoke-free areas exist must provide adequate ventilation and smoke-drift prevention. It is extremely annoying for a patron who asks to sit in a smoke-free area to find that, simply because of lack of ventilation and smoke-drift prevention, he or she may as well be sitting in a smoking zone. That provision is therefore very welcome. Finally, the bill provides for the appointment of inspectors whose function is to visit designated areas and ensure compliance with signage and ventilation.

South Australia, the Australian Capital Territory and Western Australia have similar legislation. Victoria and Tasmania have now indicated their intention to follow suit, which is welcome. The West Australian legislation is very similar in effect to the New South Wales bill. I have one criticism of the bill, which marks a departure from what was done in Western Australia. Western Australia made special provisions for its Burswood Casino, to allow it at least 18 months to make 50 per cent of the main gaming area non-smoking. In contrast, in New South Wales the Star City Casino does not have the benefit of any 12-month grace period for the introduction of adequate screening of smoking areas from non-smoking areas, which the casino has raised as a matter of concern. However, that should not obscure the fact that this is worthwhile legislation that will be welcomed by the community. Research shows that it is well supported. I, for one, as a person who suffers greatly from various allergies during the allergy season and also from cigarette smoking generally, am delighted that this legislation will finally be in force. I am delighted that the Opposition supports it.

**The Hon. Dr P. WONG** [6.02 p.m.]: The Smoke-free Environment Bill seeks to enhance good public health by setting up smoke-free areas in enclosed public places subject to certain exemptions. I congratulate the Government on taking another important step to reduce public exposure to tobacco smoke. Medical research has found positive links between smoking, including passive smoking, and various diseases, including but not limited to lung cancer, emphysema, coronary heart disease, stroke, and many other health problems involving children, as the Hon. D. T. Harwin referred to earlier. The greater community has had much awareness about these facts due to the publicity of many medical research findings. The National Health and Medical Research Council is one of the leading institutions that has, since 1987, continually delivered reports on the increased risk of cardiovascular disease from passive smoking.

Many other worldwide organisations are also involved in extensive research on the impact of passive smoking. According to information from the National Heart Foundation of Australia, reviews of the more than 15 epidemiological studies conducted since 1985 have consistently reported a 24 per cent to 30 per cent increased risk of fatal and non-fatal cardiac events in non-smokers living with smokers. The National Heart Foundation states that passive smoking is an important and avoidable cause of heart disease which increases a person's risk by 25 per cent. The foundation further states that everyone should be able to go about his or her daily lives without involuntary exposure to other people's smoke, and that therefore all workplaces, homes, cars, enclosed indoor public places and outdoor restricted public areas should be smoke free.

Honourable members will recall that in the past the Hon. R. S. L. Jones introduced a similar bill relating to smoking in cars, which was not supported by either the Government or the Opposition. Research on the effect of exposure to cigarette smoke in the workplace is scarce; the exact information is still not available. However, it would be reasonable to assume that passive smoking in a working environment would be as harmful as passive smoking in a family environment, or perhaps even more harmful. Recent studies undertaken by the Save Sight Institute of the Sydney Eye Hospital shows that there is a close relationship between smoking and serious eye disease leading to blindness, a fact still not well known to many in the community.

While expressing my support for the bill in principle, I believe concerns about some aspects of it should be addressed. Regrettably, the bill does not provide exemptions for overall areas; rather, it provides exemptions only for dining areas. Similarly, exemptions are provided for all areas in registered clubs and nightclubs that are used as dining rooms. I believe it is unfair that the legislation protects part of the community but does not properly protect certain parts of our work force, who are disadvantaged and forced to make a choice between continuing to work in an unsafe environment and changing jobs. I do not believe that the bill goes far enough. We should take into account community concerns in relation to this legislation. The Cancer Council, the National Heart Foundation, the restaurant and catering association and others have expressed their strong support for the total ban of smoking in all enclosed public places, but do not support the exemptions. I understand that the Government is considering setting up working groups in relation to the legislation. I ask the Minister to inform the House in his reply of the composition of such a working group, the terms of reference of it, and how the Government intends to monitor the success of the legislation.

**Ms LEE RHIANNON** [6.07 p.m.]: The Greens are pleased to support the Smoke-free Environment Bill and the proposed amendments to the bill. We believe that the proposed amendments would not in any way bring about a substantial change to the legislation; they are very much in keeping with the spirit of it. The Greens regard this legislation as a further advance in providing protection to the people of New South Wales against the scourge of passive smoking. It is excellent that the legislation will be introduced before the Olympics, so that all our wonderful restaurants and many other areas that will come under the legislation will be able to be enjoyed to their fullest. It will be a great recommendation for Sydney for many years to come, which makes the timing of the legislation so important. We have come a long way in the consideration of the dangers of smoking and we have reached the stage where we have across-the-board support for such legislation. This bill has not come out of the blue. It is the result of the Government's foresight and the efforts of anti-smoking activists who, over decades, have worked—often using very creative, innovative and sometimes direct-action tactics—hard to bring to the attention of the public and the decision makers the fact that this most serious issue must be addressed.

A whole range of organisations was involved. Back in the 1950s one was dismissed out of hand. I did some work for an organisation in the 1980s and I discovered, when I was going through its archive material, that in the 1960s the Union of Australian Women had taken a stand against smoking. It was certainly a very difficult issue to raise, and one that was dismissed out of hand. The anti-smoking movement reached great strength in the 1980s. Two members of this House, the Hon. I. Cohen and the Hon. Dr A. Chesterfield-Evans, were prominent in the anti-smoking movement. It is people like them who take a strong stand, get these sorts of issues on the agenda and create the space so that lobbyists and legislators can come forward. It is important to put on the record when discussing this type of legislation that from 1980 to 1994 the Hon. Dr A. Chesterfield-Evans was the host of Puff Off, which could make it the longest-serving program of an anti-tobacco nature.

**The Hon. Dr A. Chesterfield-Evans:** Fourteen years!

**Ms LEE RHIANNON:** Is that a record? It must be getting close to the record for a program of an anti-smoking nature. Both the Hon. Dr A. Chesterfield-Evans and the Hon. I. Cohen were members of Billboard-Utilising Graffitiists Against Unhealthy Promotions [BUGA-UP]. I am not sure whether people remember the incredible artwork with which they festooned the city by doctoring advertisements that promoted a product that harms and kills people; it was a whole new form of protest. The famous photograph that did so much for the anti-nuclear movement was used in a photographic competition run by a smoking company. The Hon. I. Cohen took the matter to court and used it to highlight that in no way did he want images with which he was associated misused by the smoking lobby. It is because people take such strong action that the dangers of passive smoking and, indeed, the dangers of smoking are on the agenda: we can think about them, talk about them, build up our awareness and recognise that we need to change the legislation.

People should be able to go about their daily lives without involuntary exposure to other people's smoke. That is a fundamental right. This legislation will bring us a bit closer to achieving that goal. Smoking is a factor in strokes and peripheral vascular disease, and passive smoking has become linked with these diseases. Other honourable members have spoken with great concern about relatives and loved ones who have died because of smoking-related illnesses. Anything that can be done to reduce the problem should be done. The Greens are pleased to support the legislation and congratulate the Government on bringing it forward. If the Government cannot support the proposed amendments at this stage, we hope that shortly it will be able to build on this legislation and strengthen it for all workers and everyone who enjoys outdoor recreation and social recreation.

**The Hon. I. COHEN** [6.13 p.m.]: As Ms Lee Rhiannon stated, the Greens have a very strong view about tobacco smoking in our society and the rights of people not to be impacted upon by passive smoking. The Greens are very happy to support the Smoke-free Environment Bill. The health problems caused by tobacco are so well known that it is hardly necessary for me to go into detail about them. Previous speakers have referred to various diseases that are now well and truly proven to be associated with tobacco smoke. In my activist days it was certainly reasonable, and I presume it is still reasonable, to comment that the consumption of tobacco is the highest cause of avoidable death in Australia. The Hon. D. T. Harwin mentioned that the cost of tobacco is in the vicinity of \$4.2 billion in New South Wales alone. Tobacco is addictive. It is a hard drug. Cigarette smoking is an addiction that has been promoted for many years through advertising. It is an addiction aimed at youth, which means that they become high spenders contributing to a rather evil industry for the rest of their lives.

Cigarette smoking has a significant number of associated health problems. It is not a case of simply looking at the medical bill and the number of deaths in Australia, but the build up to them. Many relatively

minor illnesses, such as flues and colds, impact on our system: they cost the employer and the worker, and they impact generally on people in the community. All round cigarette smoke has a negative impact on our community. It also has a significant environmental impact, because tobacco production has been blamed for the destruction of approximately one-third of the world's forests. In many areas, particularly third world countries, tobacco production takes over forest land and other types of arable land that is normally used for subsistence agriculture. Rather than using the land to survive, people in third world countries are introduced to a cash crop of tobacco. Use of pesticides in the growth and development of tobacco crops is significant.

In Australia such pesticides are not subject to the same level of control as pesticides used for the production of food crops. In third world countries, in particular, cigarette companies often encourage the flue drying of tobacco crops, which uses a significant amount of forest material, because supposedly it creates a better flavour for the eventual product that will be exported. People are living in a rudimentary cash crop economy rather than producing their own food. The tobacco industry is part and parcel of the global grinding cycle of poverty. It is quite clear that the tobacco industry has been appropriately targeted. I note that Ms Lee Rhiannon mentioned activists. The Hon. Dr A. Chesterfield-Evans and I compared notes on how many billboards we had graffitied, and we decided that between us it would be quite a few hundred, which is perhaps a bit of a worry. I was very active, and I do not step back from the fact that I was a very keen Billboard Utilising Graffitiists Against Unhealthy Promotions [BUGA-UP] artist.

**The Hon. D. J. Gay:** Law-breaker.

**The Hon. I. COHEN:** That is a reasonable thing. The Australian experience shows that a non-violent protest movement, such as BUGA-UP, is one of the most effective means of promoting a campaign, creating awareness—often through artfully and cleverly refacing billboards—and capturing the imagination of people in the community by using the very medium that was previously used to sell the product. It was an effective campaign, and it is interesting to note that both the Hon. Dr A. Chesterfield-Evans and I are in this House today partly because of those types of activities. We are now a part of the process that will see this bill, which is to be commended, go through this House. We hope it has a further impact on fostering an attitude and awareness in society that we need to move beyond the acceptance of the use of tobacco and tobacco products, and their impact on both users and passive consumers against their will.

This bill is a major public health initiative because it imposes a ban on smoking in many enclosed public places. The Greens congratulate the Government on taking this important step towards achieving smoke-free environments. During the debate a number of issues have been raised about honourable members who smoke. While I must say that most honourable members are respectful, there are a number who are not, such as the honourable member for Coffs Harbour, Andrew Fraser. At one stage when I asked him to stop smoking in the bar of the Members Dining Room he blew smoke in my face. That is an attitude that is found throughout the community and I think it is a great shame that that is the case. Nevertheless, most honourable members of this Parliament approach this matter in a mature manner.

**Reverend the Hon. F. J. Nile:** Sue him for health damages.

**The Hon. I. COHEN:** Perhaps I should have done so at that time. There is clear public support for this legislation. The New South Wales health promotion survey, which was carried out in 1994, examined the community's attitude towards smoking restrictions being applied in public places. The survey demonstrated that the majority of people—both smokers and non-smokers—believe that passive smoking is harmful to health and that 95 per cent of people are generally supportive of restrictions and bans on smoking in public places. It is therefore generally accepted that restrictions and bans are necessary. Despite that, there has been a continuing reluctance by the Government to impose restrictions in relation to certain premises, particularly hotels and clubs. The Government's reluctance has resulted in a number of exemptions being contained in the bill, which is a shame. A number of honourable members who preceded me in this debate have mentioned the exemptions.

It is a pity the Government has taken this approach because, over the course of time and as a result of amendments that have been proposed by the Hon. Dr A. Chesterfield-Evans and that are supported by the Greens, the direction the Government should take will be flagged. Hopefully, over a period, the legislation will develop to obviate the need for exemptions. But the Greens accept that at this point the Government is not prepared to legislate to that extent. I believe that a total ban would improve business and trading in entertainment establishments and public places. Many people—including me—decide not to go to entertainment establishments to listen to a band or to some other form of live music because they cannot handle the smoke in entertainment venues. Recently Peter Garrett from Midnight Oil performed in Byron Bay. I know that a

significant number of people—including me and those in the household in which I live—decided not to go to his performance because they would not have been able to handle the smoke, despite the fact that they would have liked to have gone out and to have listened to the music.

Based on that fairly typical experience, I believe overall that there would be an advantage to hoteliers and the owners of entertainment venues if the bill went as far as imposing a total ban on smoking. I particularly want to discuss health implications of tobacco smoke for workers in the hospitality industry. These workers are a vulnerable group who are exposed to high concentrations of smoke as a result of their work. Even when such workers are not smokers, the amount of smoke they inhale from the cigarettes smoked by customers has been shown to be detrimental to their health. Research indicates that exposure to concentrations of smoke in the workplace is likely to be at least 1.5 times higher for restaurant workers than it is for people who live with a smoker. For bar workers, the rate of exposure is 4.4 times higher than it is for a person who lives with a smoker. This is a serious occupational health issue. There is clear evidence that there is only one way to avoid the occupational health risks for hospitality industry workers. The solution is to make indoor air in all buildings used for the purpose of the hospitality industry 100 per cent smoke-free.

My experience leads me to believe that ventilation systems do not cope with the smoke in an enclosed environment, despite what organisations such as the Australian Hotels Association suggest. Ventilation systems do not do the job of providing indoor air that is free from tobacco smoke and the bill, unfortunately, does not legislate for a workplace that is 100 per cent smoke-free. However, for restaurant workers, the bill will bring relief. The Greens congratulate the Government on banning smoking in restaurants but we do not agree with the 12-month delay in the application of the ban to hotel and club restaurants. We also do not accept that there is no ban at all in other parts of club and hotel premises. The only general obligation on clubs and pubs is to take "reasonable steps" to prevent the spread of smoke from smoking to non-smoking areas.

Until guidelines are produced by the Minister for Health to clarify the nature of this requirement, it is business as usual for pubs and clubs. The health of customers and staff will suffer as a result. The figures I cited earlier show that bar workers are exposed to extremely high levels of cigarette smoke. The occupational health risks for people who work in hotel and club bars will not be reduced by this bill. Perhaps the Government is listening to cigarette companies and the hotel industry. A letter which I received from the New South Wales Cancer Council and the National Heart Foundation was generally supportive of the bill but raised the issue of the influence exerted by tobacco and hotel industry lobby groups. The letter was signed by Andrew Penman, who is the chief executive of the New South Wales Cancer Council, and Maree Faulkner, who is the executive director of the National Heart Foundation. The letter stated in part:

Community surveys are overwhelmingly in favour of smokefree hospitality, the only opposition coming from the Australian Hotels Association and tobacco companies. We are concerned that their pro-smoking stand is contrary to Occupational Health and Safety legislation and the Disability Discrimination Act and may indeed be unlawful. As there are already numerous successful legal cases and settlements, this continued opposition to smokefree workplaces will result in increased legal claims of unlawful discrimination by employees and patrons ...

Contrary to the AHA's dire predictions, independent and reliable evidence shows bans are good for business. Even in bars, studies show small but positive change in bar revenues.

We support the plan for a Working Group of union and industry representatives to assist with the phase in of the bans to ensure successful and timely implementation.

It seems that the Government is once again held partly captive to certain industry bodies. The Government still cannot accept that a complete ban on smoking in all premises used by the hospitality industry is necessary to protect the health of the 75 per cent of the population who are non-smokers. The Greens certainly regret this exemption in what is otherwise an excellent bill. I congratulate the Minister and the Government on promoting this bill at an appropriate time—just prior to the Olympic Games. The bill will send a strong message to visitors, who will be here in large numbers, that New South Wales is setting an example to the rest of the world for a smoke-free and healthy workplace, and for smoke-free and healthy recreational and dining areas.

**Reverend the Hon. F. J. NILE** [6.26 p.m.]: The Christian Democratic Party is pleased to support the Smoke-free Environment Bill, especially because we introduced Smoking Regulation Act 1997, which was passed by this Parliament. I will have more to say about that legislation during my speech. The purpose of this bill is to regulate smoking in enclosed public places. It will repeal the Smoking Regulation Act 1997, which I introduced. The bill states:

The object of this Act is to promote public health by reducing exposure to tobacco and other smoke in enclosed public places.

**The Hon. D. J. Gay:** Other smoke?

**Reverend the Hon. F. J. NILE:** Yes, other smoke.

**The Hon. R. S. L. Jones:** Not marijuana!

**Reverend the Hon. F. J. NILE:** It includes marijuana and cannabis—it even includes smoking heroin. As honourable members would know, sadly there is a program funded by the Federal Government to teach injecting heroin users not to inject but to instead smoke heroin. It is not safe to smoke heroin, marijuana or cannabis. If the police are reluctant to take action against marijuana smokers, perhaps action will be taken by the Health Department when public places at which people smoke marijuana are identified. I understand that there are places where that happens.

**The Hon. R. S. L. Jones:** There are a couple of cafes at Kings Cross.

**Reverend the Hon. F. J. NILE:** If any honourable members can point out to me those places, such as the Cafe Amsterdam and other such places, I will make sure that they are drawn to the attention of the Health Department. I am pleased that the bill will have the effect of banning smoking immediately in the following enclosed public places: shopping centres, malls and plazas, restaurants, cafes, cafeterias, dining areas, schools, colleges and universities. I am especially pleased about the ban on schools, colleges and universities because, as all honourable members would know, despite all the material that has been associated with the quit smoking campaign, sadly there are still a number of young people who are resisting that education program. Hopefully this bill will reinforce the view that smoking is dangerous to health and certainly dangerous to other people in the form of passive smoking.

The bill will also prohibit smoking in professional, trade and other business premises, community centres, halls and places of public worship. Although I do not know many places of worship where people smoke, I think I am correct in saying that a religious group has claimed that smoking marijuana is their way of worshipping. As a result of this legislation, they will no longer be able to smoke during their church services. The bill also prohibits smoking in theatres, cinemas, libraries, galleries, trains, buses, trams, aircraft, taxis, hire cars, ferries and common areas in hostels and motels. The Government should give consideration to whether there is a way to encourage hostels and motels to increase smoke-free accommodation. I commend the many hostels and motels which now provide smoke-free rooms.

*[The Deputy-President (The Hon. J. R. Johnson) left the chair at 6.30 p.m. The House resumed at 8.00 p.m.]*

**Reverend the Hon. F. J. NILE** [8.00 p.m.]: I am pleased that the Government has persevered with the Smoke-free Environment Bill. The bill is supported by the Christian Democratic Party and I hope by all honourable members. However, critics and certain organisations will oppose it. The measure, introduced by the Government as a matter of principle, will upset interest groups but will benefit the health of the citizens of this State. The bill prohibits smoking in common areas such as in hostels and motels. I raise a matter of concern to the Hon. Elaine Nile and me: that the environment in such areas should be free of both cigarette smoke and its odour. We find that we are affected by traces of cigarette odour left by smokers in motel or hotel rooms even though those rooms have been cleaned and vacuumed. Often when I cannot detect the odour, my wife with her sensitive sense of smell does detect it and objects to staying in a particular room. People often smoke in hotel or motel rooms that lack installations to prevent smoke moving from those rooms into common areas such as passageways and other parts of the building. Some hotels are establishing smoke-free floors, a much better idea than prohibiting smoking in an area adjacent to rooms in which smoking is permitted.

**The Hon. J. J. Della Bosca:** A smoke-free building!

**Reverend the Hon. F. J. NILE:** Indeed, a smoke-free building. I understand and appreciate the strategy adopted by the Government with this bill. It is important that this House passes a bill that deals with the principle of prohibiting the effects of passive smoking, with the prospect of further amending bills to tidy up loose ends. Many honourable members are concerned about the health effects on bar patrons and on the bar staff who have to work in and around bars in smoky atmospheres that can almost be cut with a knife. Bar staff who have never smoked but who have worked in heavily smoke-affected workplaces have developed cancer of the throat or lungs.

Smoke-free airport terminals in the United States of America have made the bizarre concession of establishing large smoking rooms for those who want to smoke. Whilst I was in the waiting area at one terminal there I was sitting facing a room which seemed to have white glass walls. At first I did not know what it was,

but suddenly I realised that inside the room were smokers and that the atmosphere inside that room was so thick with smoke that I could not see the people. The sign outside could have read "Execution chamber". People rushed into the room—maybe even some members of this House, without mentioning names—and breathed in large quantities of passive smoke. That staggered me, and I thought that surely the local health department would have questioned the desirability of smokers gathering in one room, assuming that it did not intend to get rid of that class of people. I do not have that desire: I love everyone, both smokers and non-smokers. Establishment of smoking rooms is a bizarre development and I hope no-one will try to encourage that idea in our State or nation.

**The Hon. Janelle Saffin:** Don't worry, they've talked about it!

**Reverend the Hon. F. J. NILE:** Yes, but in the interest of both smokers and non-smokers we need to make sure that that does not happen. The bill also applies to fitness centres, bowling alleys and other sporting and recreational facilities. Sporting bodies who allow sponsors to encourage smoking convey contradictory messages. Sportsmen and women who wish to excel in their chosen sport would never indulge in the habit. The bill also prohibits smoking in child care facilities and hospitals. Hospital patients suffering from lung cancer and other smoking-related illnesses should not be located anywhere near people who smoke, and measures have been introduced in the past to prevent that. No smoking in hospitals must always be the rule. Hospital staff should not be allowed to smoke. As a member of a select committee that visited Canberra to discuss smoking and other health problems, in the Federal Health Commission office I saw staff smoking outside the conference room. People working in the health profession, in that case those employed by the Federal Government, should not be allowed to smoke just outside a prohibited area. Many doctors in private practice—and, sadly, members of this House—smoke. That sends the wrong message to the community and to those who are suffering from the effects of smoking or who are fighting addiction.

Smoking in restaurants will be banned immediately except in existing reception areas as defined in section 88 of the Liquor Act 1982. These areas will be subject to a 12-month extension following which they will be smoke-free. Only in the licensee's reception area will smoking be permitted for the 12-month period. Some honourable members are not happy with the phasing-in provisions but I support them. I have always recognised that certain bills impact on society more than others and therefore require phasing-in periods, in this case to allow sporting organisations to adjust sponsorships or even advertising billboards for their business operations. A thoughtful attitude can reduce opposition to legislation and finally we get what we want. It may not always happen immediately. That is a good strategy and the Government is adopting it in this case.

The provisions of the bill will not apply to the drink and dine licences. There will also be a ban on smoking in dining areas of pubs and clubs, which will come into effect 12 months after the passage of the bill, again allowing a phasing-in period. The ban will not apply to bar and gaming machine areas. This is a matter of controversy and there may even be amendments in respect of this. We understand that the Government was reluctant to move in this area immediately because of strong opposition from the Australian Hotels Association, supported by the Tobacco Institute. This is a pity. But I would rather have the bill passed in its present form. Once the community accepts this measure the Government can work out the details. I assume this will happen through the working party promised in the second reading speech. It will comprise representatives from industry, pubs and clubs and relevant unions, which actively protect the health of their members. The pubs are not completely indifferent to health but they look at these matters from another aspect: how to maintain revenue and to keep customers happy. So union representatives must be on the working party. I hope that before the debate finishes the Minister will indicate the make-up of the committee. He may not be able to give names but he can say whether there will be, say, 10 members with so many representatives of pubs and clubs organisations and so many members of the relevant unions. I would even add someone from the Government side with technical knowledge of occupational health and safety. I assume that somebody with that expertise would at least give advice to the working group.

The working group is to provide guidelines for implementation of smoke-free dining areas. The bill also provides for the Minister to have regulation-making power to give legal effect to the guidelines. I would not encourage members to disallow the regulations but the House should at least be aware of them to consider whether they should be supported. Smoking will be banned at gambling or gaming tables at the casino. It is more accurate to describe them as gambling tables. That is a controversial issue but it has been resolved and that provision will be implemented by the bill. The penalty for smoking in a smoke-free area will be a maximum of five penalty units. Penalties for an occupier allowing smoking in a smoke-free area will be 10 units in the case of a person and 50 penalty units for a body corporate. I support that but the problem is who will enforce it. The Government should spell this out. I do not mean that there should be some sort of smoke-free Gestapo but there should be an expansion of the number of people who have this role. Perhaps council health officers could have legal power to lay a complaint and then have it handled by another person further up the line.

People should be clearly given the power to enforce these provisions, but again there should be a phasing-in period. Smokers and people who run organisations and who may not be aware of the new requirements should be extended leniency and there should be an education program. People should not be dragged into court instantly from the day the bill is passed. There should be warnings and cautions but at some point the legislation must be enforced. The bill is supported by the SIDS Foundation, the Heart Foundation and the Cancer Council. The Australian Hotels Association has given the bill limited support. That is not a surprise because bars are exempt. The bill is also supported by Clubs 2000, the restaurant and catering association, the Liquor, Hospitality and Miscellaneous Employees Union [LHMEU], Action on Smoking and Health [ASH], the Christian Democratic Party and the Festival of Light. The Smoking Regulation Act 1997, which I introduced, was passed by both Houses of Parliament. It is not always easy to have a private member's bill passed. This bill will repeal that Act. But we need to remember, without upsetting the Coalition, what happened and why we are revisiting this issue three years later. Perhaps in the intervening period some people have died of the effects of passive smoking. The bill was drafted by lawyers from ASH, the Cancer Council and the Heart Foundation. It was a very good bill, as was the tobacco advertising bill. On 31 March 2000 I wrote to the Premier indicating my support for what he was intending to do. The letter reads:

Premier Carr

**Smoking Regulation Act 1997...**

You have indicated that your Government will introduce tobacco smoking bans in restaurants and in dining areas of pubs and clubs prior to the Olympics.

As you are aware, this legislation has already been passed by the NSW Parliament in 1997, with the support of your Government, under the *Smoking Regulation Act*. This Act bans tobacco smoking in clubs, pubs, restaurants and other public places.

I then make the main point of the letter:

During the debate of that Bill the Bill was amended by the Opposition (Hon JP Hannaford 6/5/97) to delay its start date until five years after "*the commencement of a regulation that prescribes and air quality standard*". They knew that this would delay the introduction of the Act for many years. Such air quality standard is yet to occur [even in 2000].

Meanwhile employees and patrons of these establishments continue to be exposed to the ill effects of passive tobacco smoke.

I assume from your announcement that you will be moving amendments to the *Smoking Regulation Act* to change the commencement date requirements. The legislation was supported and moved by your Government in the Lower House. It is important that the Government therefore move amendments to the *Smoking Regulation Act 1997* to bring it into full force.

As the mover of the *Smoking Regulation Bill* in the Upper House I would appreciate your detailed proposal for bringing about the commencement of the *Smoking Regulation Act*.

I enclose a copy of the *Smoking Regulation Act* for your information.

Yours sincerely

Rev Fred Nile MLC

Leader of the Christian Democratic Party

I had thought the Government would amend my Act but it will repeal the Act and replace it with the bill we are now debating. Sometimes it is simpler or less messy to introduce a new bill rather than amend existing legislation. I was pleased that the Premier replied to me a month or so later. I am never upset at a delay; I am glad to get a reply, because I know that the Premier is a very busy man. On 12 May he wrote:

Dear Rev Nile,

Thank you for your recent letter concerning the *Smoking Regulation Act 1997*.

As you may be aware, the Minister for Health, the Hon Craig Knowles MP announced on Tuesday, 2 May 2000, my Government's intention to amend the *Smoking Regulation Act* to require enclosed public places, including restaurants and dining areas in hotels and clubs, to become smoke free.

These amendments will not require the prescription of an air quality standard by regulation, which to date has delayed implementation of the smoking restrictions contained in the *Smoking Regulation Act*.

My Government will be adopting a staged approach to this issue, requiring restaurants and cafes to go smoke free immediately and giving pubs and clubs an extension for 12 months before smoking is banned in their dining areas.

My Government will establish a working group with industry and union representatives to help licensed premises implement these proposals. The 12 month period will allow this group to investigate practical, commonsense solutions to problems faced by pubs and clubs in implementing the new restrictions.

These reforms will help protect public health and improve the experience of dining out in New South Wales. Thank you for your interest in this matter.

Yours sincerely,

Bob Carr  
Premier

I am pleased that the Government has introduced this bill, which has the general support of the community. I note that Mr Collins, when speaking on 29 June in the other place, seemed to be under the impression that it was a Government bill. I note that the Government is most concerned about public health, and in particular is concerned to protect the health of employees who work in bars and so on. That concern was expressed in the Minister's speech, which was read by the Minister in the other place but was incorporated in *Hansard* in this House. It is quite clear that the Government is intent on moving to protect public health in this way, albeit in stages. The Government has also moved on the casino issue.

I am pleased also that the Government will provide funds for a comprehensive information campaign to be undertaken by the Department of Health. The campaign will raise community awareness of the new legislation and help businesses, organisations and individuals to understand their respective obligations under the new legislation. That is a most important point. It is a question of legislation and education. Sometimes education is sufficient, but on many occasions legislation also is required. In this instance legislation is necessary, but without education the community will have a problem understanding the implications of the legislation. I regard as vital education about a bill that touches the lives of so many smokers, including honourable members of this House, and people outside this Chamber who run the organisations whose activities are covered by this legislation.

We do not want people to get their backs up over this legislation. When I introduced the Tobacco Advertising Prohibition Bill the tobacco industry ran an extensive education campaign against the bill and against me. That campaign said in effect: Today it is this bill, but tomorrow it will be another bill to stop people from smoking. That campaign sought to instil fear in the minds of smokers. Although, as far as I know, the intention is not to ban smoking, the Tobacco Institute and tobacco companies will say, "We must stop this type of legislation because tomorrow they will be trying to stop us from smoking altogether and to totally ban cigarettes and tobacco products." There may be some who want such bans, but that is not my intention and I do not believe it is the intention of the Government through this legislation.

I have received from the Cancer Council and the Heart Foundation letters expressing strong support for the bill and urging the Christian Democratic Party to support it. Those organisations have expressed concern also, even in discussions today, that some of the amendments, though well-intentioned, may affect the Government's attitude to the bill. They are concerned that the amendments may go further than the Government's plans at this stage to deal with passive smoking, taking the issue to a level that the Government may feel is beyond the scope of the agreement it has been able to reach with various community organisations and so on. It is my personal concern that some of the foreshadowed amendments, despite being innocent in their intent and not of a draconian nature, could go beyond the Government's agreed position on this legislation, which in many cases has been reached after much discussion involving working groups, et cetera.

There is no point saying, "This is a good amendment," moving it and then saying, "Let us delay the bill so that there may be further consultation with interest groups before we consider it again." The bill should be dealt with and passed tonight and become law as a matter of urgency. We can consider finetuning the bill at a later time, perhaps when legislation is introduced to deal with smoking in hotels. Perhaps then we could consider provisions to be incorporated in that legislation, rather than delaying this bill, which is the principal legislation dealing with this matter. This is the first major legislative initiative that will be effective, in my view, which would have been effective without the amendment moved by the Opposition. This bill is now so structured as to be effective. We should pass it and put it into operation as quickly as possible, particularly before the Olympic Games. I did joke that some cigar-smoking American tourists might wonder what is going on.

**The Hon. J. J. Della Bosca:** Cigars are better than cigarettes.

**Reverend the Hon. F. J. NILE:** They are still banned under this bill, along with cigarettes and reefers.



**The Hon. R. S. L. Jones:** And joints.

**Reverend the Hon. F. J. NILE:** And joints, and heroin as well! We enthusiastically support this bill.

**The Hon. Dr A. CHESTERFIELD-EVANS** [8.25 p.m.]: It gives me great pleasure to speak to this bill. As some honourable members would know, I have campaigned against the tobacco industry since 1981. I came to this place because I recognised that medicine was a silly way to fight tobacco and that basically the proper forum for the fight is the political arena. The disappointment is that it was 20 years ago that I seriously thought that if I talked to some politicians I would get some action quickly. Although this action is grossly overdue, Craig Knowles is the first Minister for Health to do something about the issue. I do not know how difficult it was for the Minister. From the point of view of a citizen, or even a backbench member of Parliament, one would think that immense public support would make it easy for a Minister to simply take this action in the Parliament. The fact that this measure has gone ahead so smoothly shows how easy it is. But Craig Knowles actually took the action, which is more than can be said for health Ministers before him—although some were hobbled by people with tragically close links to the tobacco industry.

**Reverend the Hon. F. J. Nile:** Name them.

**The Hon. Dr A. CHESTERFIELD-EVANS:** I will, but honourable members will have to wait a while. When people say that measures such as these must be phased in, I always wonder how long a phasing-in period they want. To any reasonable observer the paper by Sir Richard Doll in the *British Medical Journal* of November 1950 made it absolutely clear that smoking causes lung cancer. It is three months short of 50 years since then, yet each year 18,000 Australians die of this pestilence. So, although there is talk about phasing in, we have lost more than three years since the failed 1997 legislation, which I will speak about later. Anything that now happens quickly still happens extremely slowly in terms of what needs to be done.

Let us consider when things could reasonably have been expected to be done. In 1962 the Royal College of Physicians produced a special report on smoking and health—the first of its three such reports—because that organisation was concerned that 12 years after the publication of Doll's seminal paper in the *British Medical Journal* nothing had been done at a legislative level. The United States Surgeon General's first report in 1964—which started the tradition of his writing reports on issues of public health importance every year—was also in response to the fact that nothing had been done legislatively in the United States to deal with this issue. My view is that in about 1962 or 1964 governments could reasonably have been expected to introduce legislation to curtail smoking. Having looked at the papers available, the state of knowledge and how clear the issue was at the time, one feels entitled to beat government about the head and ask, "What the hell have you been doing since then?"

I became involved in the smoking debate because of the immense tide of human misery caused by cigarettes: lung cancer, tragic cases of mouth cancer, the incredible pain suffered by people with secondary bone cancer, not to mention the distress suffered by widows and children of victims who suffered heart attacks at an early age. People suffering from emphysema struggle with every breath as their lungs fail slowly over the years. I have seen all of this and I could speak for hours about the human misery I have witnessed that has been caused by the tobacco industry.

The tobacco industry has learnt nothing except how to delay regulation and create misery. It is still doing this and selling as many cigarettes as it can, including in Third World countries. Indeed, the number of cigarettes smoked throughout the world is still rising 50 years after the paper written by Doll in the *British Medical Journal*. I am a little disappointed that the Liberal Party will not accept my amendments because they were only circulated on Friday. Every day crossbench members are asked to change their agenda and respond to legislation in an hour or two, yet the major parties appear unable to do the same, despite their huge resources and the fact that these issues are covered in the briefing papers.

**The Hon. D. T. Harwin:** The crossbench members have twice as many staff as other upper House members.

**The Hon. Dr A. CHESTERFIELD-EVANS:** You could actually co-operate with each other. Your total staff is far greater than ours.

**The Hon. H. S. Tsang:** We have only one staff member.

**The Hon. Dr A. CHESTERFIELD-EVANS:** Your Ministers have whole departments. I am disappointed that the Government also will not accept my amendments. The amendments were available only last Friday because I was attending the world health conference on tobacco in Chicago and I wanted to draft amendments that I thought were consistent with the spirit of the legislation. They were more moderate than I wanted, but at least I thought they would be accepted. I shall speak to the amendments later.

This bill is at least 20 years overdue when one considers the developments in passive smoking. The tobacco industry documents had become available through the discovery process in the United States courts; a number of American States have had the courage to sue the tobacco industry. There are thousands of documents on web sites, some of which show that in 1975 the tobacco industry expected to be legislated or regulated out of existence by 1990. This did not occur because the health industry did not have strong lobbyists, and the tobacco industry has shown that with money and clever lies it can continue to kill, helped by the fact that, generally speaking, politicians do not have the courage to take a strong stand.

I remember back in 1974 taking my girlfriend to a restaurant just off Oxford Street that had a little alcove of five tables. Three of the tables were occupied and as we were about to be seated I asked whether anyone smoked and they all happily shook their heads. Then the last table was occupied by someone who lit up a cigarette. Everyone at the other tables looked at me and rolled their eyes as if to say, "Oh dear, another meal ruined," yet nobody said a word. At that stage non-smoking groups were seeking action and it was rather tragic that nothing happened.

In 1991 when North Sydney Council attempted to introduce smoke-free areas in restaurants it was threatened by the tobacco industry and told that local government did not have that power, so the idea was dropped. However, in conjunction with the local government elections in 1991, under the leadership of Ted Mack, 71.8 per cent of respondents to a referendum voted in favour of smoke-free areas in restaurants. Needless to say, the State Government did nothing about that. It should be noted that around that time Newcastle City Council also tried to ban smoking in restaurants and was also threatened with legal action by the tobacco industry. Nothing happened at either the local government level or the State government level.

A seminal report by the Roper Institute in 1978 stated that the tobacco industry identified environmental tobacco smoke as the most threatening issue to its interests. That meant that those addicted to smoking had to accept some responsibility for their addiction and in a sense they were fed the tobacco industry's rationalisation line. People exposed to pollution from cigarette smoking said that as long as they were not affected by passive smoking they did not care whether smokers killed themselves. Those people were the driving force, particularly in the United States, behind the anti-smoking movement. The contrast between progress in the United States and in Australia is salient. The United States has great respect for individual rights and as a result lawsuits against establishments or people who exposed others to cigarette smoke were successfully litigated, and this led to legislation at the local government level.

Citizens in local government areas in the United States were more powerful than the tobacco industry, which had no credibility with its front organisations and big talking lobbyists because they were from out of town. Progressively, councils across the United States became smoke-free and big cities such as Los Angeles and New York were the last to become smoke free because the bigger the government the more influence the tobacco industry had.

One of my amendments is to empower local councils to make the decisions because at that level the tobacco industry has less power and so, pray God, does its running dog, the Australian Hotels Association [AHA]. For many years the tobacco industry has been successful in deceiving the international community about environmental tobacco smoke. In politics there are many conspiracy theories but in this case there is hard evidence on the web site from the archives of the tobacco industry. Neil Francey, who is in the public gallery this evening, and Simon Chapman, a professor at the University of Sydney who historically has been an important link between the non-smoking activists and the academics, wrote an article in the *British Medical Journal* of 4 August that describes the formation of the conspiracy. It states:

On 3 December 1976, the then President of Philip Morris International, Hugh Cullman, received a telephone call from the then Chairman of Imperial Tobacco in the United Kingdom, Mr A. G. (Tony) Garrett, who proposed a meeting of the world's major tobacco companies to develop a unified "defensive strategy" on smoking issues. A Philip Morris memorandum records:

Tony Garrett (TG) Chairman of Imperial Tobacco Limited phoned me from London. TG informed me that he had been exploring with a number of major tobacco companies; specifically, B.A.T., R. J. Reynolds, Reemtsma, Rothmans International and now with Philip Morris International, whether we might be prepared to meet discreetly to develop a defensive smoking and health strategy for major markets such as the U.K., Germany, Canada, U.S. and possibly others.

TG reported that B.A.T., R. J. Reynolds, Reemtsma, Rothmans International and Imperial Tobacco were prepared to consider such a program which TG suggested take place after careful preparation in April or May of 1977 ... The meeting would be as discreet as possible with, hopefully no publicity emanating therefrom, with a public affairs statement ready should news of such a meeting leak out. The initial objective of this group was to develop a smoking and health strategy which would include a voluntary agreement that no concessions beyond a certain point would be voluntarily made by the members and if further concessions were required by respective governments, that these not be agreed to and that governments be forced to legislate. TG seemed to be most concerned that companies and countries would be picked off one by one and that the Domino theory would impact on all of us.

The document goes on to state that this was to be called Operation Berkshire. It then states:

Objectives of the conspiracy

The agenda for Operation Berkshire included determining areas of future cooperation in matters relating to smoking and health, discussing the feasibility of joint industry research into the benefits of smoking, and mounting a programme of "smoker reassurance" to counter the increasing social unacceptability of smoking.

Proceedings from the meeting on 2 and 3 June 1977 are recorded in a minute, apparently prepared by a representative of Philip Morris Europe. The minute, headed "strictly confidential—limited circulation," describes a presentation by Imperial Tobacco, which "by implication rather than direct admission, made concessions in the area of Lung Cancer, Pregnancy and to a lesser extent Coronary Heart Disease." This was followed by a "full discussion" of the Philip Morris and British-American Tobacco position paper and the ready acceptance of a "parallel paper" by R J Reynolds.

A memorandum by R J Reynolds about the meeting describes—in even more detail than the minute of Philip Morris Europe—the deliberations and resolutions of the senior representatives of the tobacco industry in attendance. The record by Philip Morris of the meeting notes an agreement to establish three working parties dealing with the social acceptability of smoking, the benefits of smoking, and "other possible causes of alleged smoking diseases." It recommended that:

- Philip Morris regards Operation Berkshire as a turning point in international cooperation on a matter of vital concern to the industry
- Philip Morris attempts to maximise the effectiveness of the three established working committees by including executives with experience beyond the purely scientific or legal disciplines
- Full security cover be maintained for future meetings irrespective of the number of executives involved
- The agreed position paper becomes a vehicle to activate industry associations throughout the world.

That same article in the *British Medical Journal*, under the heading "Industry knowledge", states:

All of this conduct occurred over the last three decades of the 20th century, despite recent admissions of an overwhelming medical and scientific consensus that cigarette smoking causes serious disease, and despite the fact that this seems to have been accepted—at least by the British tobacco companies—since the late 1970s. This is confirmed by another document recording notes on a research and development conference by British-American Tobacco (BAT) Group in Sydney, March 1978.

There has been no change in the scientific basis for the case against smoking. Additional evidence of smoke-dose related incidence of some diseases associated with smoking has been published. But generally this has long ceased to be an area for scientific controversy.

In other words, the tobacco industry was aware of the facts in 1978. British American Tobacco, which is the Wills tobacco company, held a meeting in Sydney. So the claims by the Australian tobacco industry that it did not know about the dangers of smoking are a pack of lies. It has known perfectly well about these dangers since 1978, if not earlier. That must be borne in mind by legislators and litigators in this country and in this State. So Operation Berkshire was launched. I found another document on the web from J. Canon, who has collected tobacco industry documents for a long time. The document, which refers to Dr Sharon Boyse, states:

Philip Morris presented to the UK industry their global strategy on environmental tobacco smoke. In every major international area (USA, Europe, Australia, Far East, South America, Central America & Spain) they are proposing, in key countries, to set up a team of scientists organised by one national co-ordinating scientist and American lawyers, to review scientific literature or carry out work on ETS to keep the controversy alive. They are spending vast sums of money to do so, and on the European Front Covington & Burling, lawyers for the Tobacco Institute in the USA, are proposing to set up a London office from March 1988 to coordinate these activities. The countries in Europe where they have already been working are the UK, France, Germany, Switzerland, Italy, Spain and Scandinavia (via Sweden). A list of potential scientists who could be contacted in the UK was produced.

Because of the heavy financial burden, Philip Morris are inviting other companies to join them in these activities to whatever extent individual companies deem to be appropriate. Presumably they expect interested companies to respond on an individual basis.

Philip Morris' pliable, plausible experts, who were co-ordinated by a legal team, were basically promoting this controversy. They were promoting this deception so that smokers could rationalise their behaviour by saying, "The dangers have not yet been proven." Nigel Grey commented:

It was tedious to me over the years to have to debate this issue. Some of the media's idea of balance of a program was to have someone who was telling the truth balanced with a tobacco person who was telling lies.

This strategy involved bogus groups within the restaurant industry. Some councils in the United States—I suppose the Australian equivalent of councils is local government—made some restaurants smoke free. Berstan and Marsala, the tobacco industry lobbying firm, established a bogus restaurant organisation, the Californian Restaurant Association, which claimed that its turnover dropped by one-third because of the smoke-free restaurants. At that time there was no real association; it was merely a bogus organisation established by a lobbying company. In the absence of other evidence the councils were persuaded to repeal the regulations relating to smoke-free restaurants, and that example was trotted around the world by lobbyists from the tobacco industry.

It is still widely believed by those in the restaurant industry that smoke-free restaurants will result in a reduction in patronage. That was not disproved for about a decade, at which time Stanton Glantz, a professor of cardiology from California and one of the world's leading campaigners, looked at the income tax or excise tax receipts from those restaurants and noted that there was no change to their tax receipts. Everything else was equal. If they were cheating their taxes they would have been cheating at the same rate as they had been cheating before. He compared the tax receipts from the restaurants in those municipalities with the tax receipts from the restaurants in adjacent municipalities. They showed no change. But that lie, which was peddled extremely successfully, has been peddled ever since.

The entertainment and hospitality industries seriously believe that a prohibition on smoking in dining areas will reduce their revenue. However, the studies that have been done by Glantz show that such a prohibition will not reduce revenue. But these lies and this deception have extended the life of the tobacco industry by 20 years. Another tactic has been used, which is worth going into in some detail as it impinges on Australia. A Philip Morris executive, who had a bad day because smokers in the United States had won a minor victory, went for a walk at lunchtime. While on his walk he noticed a fellow measuring pollutant levels at the base of the building near the car park. When he asked this fellow what he was doing he said, "I am measuring the carbon monoxide levels."

The executive came up with the idea that ventilation was the solution to the problem. A group called Healthy Buildings International, which was given huge amounts of money to become expert on indoor air quality and ventilation, became a world lobbyist for the tobacco industry's daring plan. The tobacco industry said, "You do not need to ban smoking indoors; you just need to improve the ventilation." The tobacco industry made this suggestion to the United States Environmental Protection Agency [EPA], but it did not succeed. The equivalent in Australia of the United States EPA is Standards Australia. Standards Australia did not insist that everybody on its committees should have no interest in the outcome of the matter. The only people who can afford to be on its committees are those who are involved in the industry.

The Standards Australia committees comprise people who are not disinterested: they are looking after their own interests. I refer to the September 1997 issue of "Non-Smokers Update", a newsletter which I edited for some years. Those honourable members who would like to read "Non-Smokers Update" will find it on the Non-Smokers Movement of Australia web site at [www.nisma.org.au](http://www.nisma.org.au). The article in "Non-Smokers Update" refers to an air quality standard which was produced with the help of Healthy Buildings International and some other groups that were keen on the ventilation option—groups that had no real commitment to a ban on smoking.

The health groups were invited, but a group such as the Cancer Council generally cannot afford to have someone sitting on a committee for months on end. The same might be said about other groups, such as the Consumers Association: they cannot afford to have people sitting on committees for such a long time. However, the Department of Public Works and Services had someone on the committee who was able to inform the health groups about what was happening. The "Non-Smokers Update" of September 1997:

1. The standard is structured around the concept that the community expects poorer air in bars and, therefore poorer air is 'normal'. The standard sets 'minimum permissible rates of changes of air, based on a newly defined non-health concept, the 'amenity index', which 'represents consensus judgment of community expectations'. In other words, since people are supposedly used to poor air quality in bars, the draft assumes that the air quality standard can be set at a poorer level.
2. Environmental Tobacco Smoke (ETS) is not mentioned as a contaminant and while carbon monoxide levels are specified for car parks, there is no monitor for atmospheric contaminants in bars or other areas where there is ETS.
3. The draft standard demands that exhaust ventilation must be installed where air may be taken from areas where there is unflued gas heating or car exhausts but does not ask the same for smoky areas.

I understand that the chairman of the committee, and presumably author of its report, Paul Spry was the same engineer who was employed to set up the air conditioning system for the two premises, 'Chisholm Tavern' and 'La Grange' that Wills tobacco company (a branch of British American Tobacco—BAT) used in their campaign to prove that ventilation can make smokers and non-smokers happy, and thus render smoke-free indoor air unnecessary.

Paul Spry certainly appears to have had a conflict of interest. The two restaurants I mentioned were constructed in Canberra to try to prove that ventilation rather than smoke-free indoor air would do the job. It was a high point of the tobacco industry's strategy to try to replace indoor bans on the pollutant with expensive ventilation to fix it. The industry continues to take that line today, particularly through the Australian Hotels Association. Smoking bans, of course, are a major public health measure but they are effectively ignored by Standards Australia.

The comments I am making about a ventilation standard are not merely academic. The tobacco industry succeeded in having a ventilation standard incorporated into 1997 New South Wales legislation. It should be noted that, in contrast to Standards Australia, the American Society of Heating, Refrigeration and Air Conditioning Engineers [ASHRAE] has disclosure requirements for all members serving on standards committees: they must reveal the names of any clients who could put them in a possible conflict of interest situation. Standards Australia has no such requirement. Also, ASHRAE specifically declined to specify anything that would suggest there was a safe level of tobacco smoke.

The amendment that incorporated the Standards Australia air quality standard was first set as a precedent when the well-intentioned but somewhat naïve—so far as the tobacco industry was concerned—Mike Moore, an Independent in the Australian Capital Territory Parliament who held the balance of power, let it in. In New South Wales Dr Peter Macdonald and Reverend the Hon. F. J. Nile introduced smoke-free environment legislation in 1997. It came from Action on Smoking and Health Australia [ASH] and it was an excellent bill. What happened is described again in the Non-Smokers Update, issue 21 of November 1997:

The unamended Nile/Macdonald Smoking Regulation Bill proposed to prohibit smoking in all enclosed public places.

This included restaurants, pubs and clubs by defining a public place as any place that was a place of employment. The smoke-free areas were to be implemented six months after the bill had been passed in the upper and lower Houses.

However, the Trojan Camel amendments came along. The update continued:

The NSW Liberals (and the Labor Party in supporting the amendments) destroyed the Smoking Regulation Bill. The amendments meant that smoking will be prohibited in enclosed public places 5 years after the prescription of an air quality standard.

Since there was no such standard in existence, and the only draft standard was quite unsatisfactory, this effectively extended the life of the tobacco industry by many years. As was pointed out in Non-Smokers Update 15 the standard was under the control of air conditioning interests which seemed much more influenced by the tobacco industry than the health forces. The update continued:

The bottom line is that after these amendments, smoke-free air may come 5 years after never-never time, and to a standard that may not even be satisfactory! The tobacco industry has achieved a guarantee of no action for over 5 years, so the bill is actually worse than nothing. The President of the NSMA, Dr Arthur Chesterfield-Evans, described the amendments as a "Trojan Camel". Yet the media treated this defeat as a great victory, and wrote as if it was progress!

The Standards Australia draft Air Quality Standard was rejected by the Passive Smoking Taskforce (appointed and then ignored by Dr Refshauge)—

the former health Minister—

because ventilation does not remove cancer causing agents. There can be no magic line dividing smoke free air and smoky air. So, the amendments, if passed in the lower House, will effectively mean that NSW will have Smoking Regulation Laws that may never be implemented. And there is to be an exemption for large indoor places. Central Railway Station was given as an example.

One parliamentary observer commented that the health groups got too close to Jillian Skinner who got approval for a few minor amendments and then gutted the bill. When it was introduced, upper House MLC John Hannaford falsely claimed support from all health groups—even from NSMA!

I was President of the Non-Smokers Movement of Australia at that time and I can certainly affirm that that claim was not credible. The update continued:

One theory was that this upset Dr Refshauge, who supported the bill as revenge on the health groups. Others said that Refshauge was rolled in caucus, by Labor members who did not realise what a Trojan Camel it was.

**The Hon. J. J. Della Bosca:** What?

**The Hon. Dr A. CHESTERFIELD-EVANS:** I called it a Trojan Camel instead of a Trojan horse because, in fact, Camel is a brand of cigarette. I know it is a little subtle. It must be noted that at the time the

legislation went through, the National Health and Medical Research Council guidelines on passive smoking had not been released. Their release had been delayed because of legal action instigated by Philip Morris in the High Court. The tobacco industry had succeeded in delaying the High Court guidelines from the National Health and Medical Research Council which confirmed that ventilation would not provide smoke-free air. The industry had control of Standards Australia to such an extent that it had secured this ridiculously bodgie standard relying on ventilation and had succeeded in getting it through this Parliament: a successful triple whammy campaign, the foundations of which had been laid some 20 years before.

Parliament needs to grasp the significance of these effects for the campaigns that will be ongoing from this point by the Australian Hotels Association about how we cannot possibly have smoke-free bars. This is only the first step. The bars will fight tooth and nail, and these are the tactics they will use. Honourable members should not think this is the end point in the game. It is not. Children who go to discos as their first brave foray into adulthood will still go to smoky discos; they will still think it is tough and sexy to smoke, and it will go on. A lot of work still needs to be done. The new Australian standard was not agreed because the health groups and the New South Wales Department of Public Works and Services opposed it in the Standards Australia working group.

The tobacco industry loved this. It tried the same tack in the United States but the Environmental Protection Authority did not let them get away with it. The controversy—the fact that negotiations were gridlocked and the standard was not set, or if it had been set it was more or less unenforceable anyway—was just what the tobacco industry wanted. Since 1997, when that legislation was introduced, there has been no change. For three years the tobacco industry has been winning. Since that legislation went through, each year 70,000 young kids have been recruited to smoking. That is 210,000 kids! These are the stakes we play for. Each year 18,000 people die from the effects of smoking.

The tobacco industry was very active when WorkCover-type organisations tried to enforce the legislation. Again, it fought tooth and nail. Scientific honesty, which admits there are mistakes in measurement, is fully exploited by lawyers. This was admirably demonstrated in the Burswood case, when the Western Australia Occupational Health and Safety Department lost to the Burswood Casino when it tried to protect workers at the casino from environmental tobacco smoke. While we are talking about WorkCover and its efforts to enforce the law in the absence of a strong legislative lead, we should pay tribute to Peter Harley of WorkCover New South Wales, who has done a fantastic job trying to protect workers' health. In the absence of any legislative lead from the Parliament he has endeavoured to ensure that workplaces are free from risk to health. The Minister should take on board the good work Mr Harley has done and encourage and help him in his endeavours, both administratively and legislatively.

The tobacco industry amendment that was introduced in 1997 to emasculate the Macdonald-Nile bill was consistent with tobacco industry tactics throughout the world, which have been observed by competent groups like Americans for Non-smokers Rights and spoken about at tobacco control conferences. When a bill with demands for real action comes along the standard industry tactic is to pretend it is helping but to make the law unworkable. That is exactly what the industry did with the bad amendment that was introduced by the honourable member for North Shore. I am unsure whether the honourable member was naive or whether the interests of the tobacco industry dominated her party. I do lean towards the latter view as the explanation. There has been immense harm done to public health in Australia by Nick Greiner, who continued to lobby the Liberal Party when he became chairman of British Tobacco.

I have said before that British Tobacco knew exactly what was going on. It had been plugged into an international network since 1978, so it had precise knowledge of the science. In discussions in the late 1970s with Philip Morris, British scientists from British-American Tobacco wanted to admit that tobacco was harmful, but the lawyers—particularly those from America who were concerned about product liability suits—wanted to tough it out and, basically, their world tobacco strategy won. So, if the influence of Nick Greiner and British Tobacco was strong in the Liberal Party, the former Minister for Health should have known better. I am afraid his lack of action was nothing short of a disgrace. It is sad that smokers, perhaps because of their addiction, do not seem able to grasp the full significance of tobacco, and legislators who smoke are generally a disappointment for not recognising this—Brian Burke from Western Australia is one significant exception.

Predictably, therefore, no progress has been made and the industry has postponed any action for another three years. The story of the campaign for tobacco will finally be told when tobacco lobbyists break ranks, or when their ego or the passage of sufficient time allows them to write their memoirs. They will be self-congratulatory about successfully achieving decades of delay when their demise should have been assured. It

will make sad reading. The chapters on how politically naive the health establishment is, how little were the resources that were committed to convincing legislators, how often the bureaucrats were rotated through the public service, and how little status the anti-smoking people were given in the bureaucracy will be sad reading indeed.

The cowardice of legislators, which is demonstrated by their not having taken on the industry when they knew what needed to be done or could easily have ascertained what needed to be done, as well as their inability to learn from other jurisdictions, are aspects worthy of comment. They are certainly huge ongoing problems. Global industries like tobacco, with huge corporate memories for everything but the facts about what their products do, pick off legislators seriatim. They have already received a three-year reprieve and they are working on a few clauses in this legislation to slow its introduction into bars and gambling areas. The third world is just a story of misery created by western forces—the opium wars revisited.

This bill does not go far enough. The complete exemption of bars and the talk of realistic regulations suggest there is danger of yielding to the industry yet again. The Australian Hotels Association has always been a proxy for the tobacco industry. It is worth reading the tobacco industry strategy that was disseminated by Infotab, a world information system. It was written by David Rees Davies and was sent to Geoffrey Bible of Philip Morris on 16 April 1993. It stated:

We are seeking to develop a partnership with the hospitality industry to minimise restrictions upon smoking in places of public accommodation.

The development of that strategy can be seen in a very chummy letter from Donna Staunton of the tobacco industry to Henry Goldberg, managing director of Philip Morris, dated 16 March 1994, referring to the Australian Capital Territory legislation. The letter reads:

This legislation which proposed to ban smoking in certain public places has now been referred to the Standing Committee on Conservation, Heritage and Environment for enquiry and report. I believe this is a significant achievement. The Tobacco Institute deliberately kept a low profile in relation to the lobbying that took place prior to the capital being referred to the Standing Committee. The Tobacco Institute did not want the debate to turn into one about "health". The Tobacco Institute instead provided assistance to the National body of the Australian Hotels Association. You would probably be aware that Richard Mulcahy (an ex-CEO of the Tobacco Institute) is now CEO of the AHA. The Tobacco Institute will make or arrange to make, submissions to the Standing Committee. Our submissions will endeavour to promote "choice" and the issue of indoor air quality rather than legislative action. We will continue to offer assistance to the AHA.

So, the issue was referred to a committee, and the Tobacco Institute regarded that as a great success. That guaranteed another year of talkfest. This has been the tactic of the industry for three years. At the end of the day the industry dissents from the ruling, puts it back in the political arena and lobbies like hell for nothing to happen, thus gaining a few more years. In other words, the AHA is the stalking horse for the tobacco industry. The pretentious renamed Tobacco Institute is not an institute at all. It does not pursue any sort of learning; it does quite the opposite. Having found the truth much earlier than anyone else, it has tried to hide it. It waited for other scientists to find it. It put out false leads to waste years of publicly funded research, so we could continue to sell cigarettes for a few more years.

At the beginning of August at a world conference in Chicago I listened to a speech by an eminent scientist who spent most of his working life in tobacco research. He said in 1975 he was the head of a big research team when the Government, with some money from tobacco companies, started to find out once and for all the issues over which the industry was in dispute with the regulators. He worked on this for about 15 years. Imagine how he felt when documents from the tobacco industry came out showing that it knew all his major conclusions before he had even started his work. He had wasted the prime of his working life, but at least he had not died in the interim, like the millions of smokers who were the reason for the research being done again. They died as a consequence of this cynical exercise by the industry.

Others who came out at the conference were tobacco industry researchers. They had commenced their research in good faith and were bound by confidentiality agreements, which they thought were introduced for commercial reasons. When their research showed how deadly the problem was and they asked to publish their results they were dismissed and their laboratories closed down. One researcher told how he had smuggled papers out of his laboratory inside his shirt and pants. But they did not dare publish. They were harassed, and threats were made against them and their families. The industry was still seen as respectable, and then all the research was duplicated.

The political power of the industry caused all this additional research. What usually happens is that one paper throws doubt on a hazardous substance, a few more papers confirm the conclusion and then governments

act. But not so with tobacco. It is the most researched subject in the history of medicine, with about 80,000 papers published. Those in the industry have toughed it out, looked into the politicians eyes and lied blatantly. They have asked, "What are you going to do? Stop me, or compromise?" The politicians have always compromised, and this bill is a compromise: Hotels are exempt, but Mr Carr will make so-called realistic regulations. It is okay for the AHA, the Government will buckle as usual! Over the Anzac weekend I spoke to Mr Richard Mulcahy of the AHA and asked him what was the position of the AHA with regard to indoor air. Paraphrasing him, he said that we have to realise that indoor air is only a problem with old buildings, because the new ventilation standard deems okay buildings erected since about 1992. He said also that another problem was that the ventilation rules are very difficult for building owners to follow as the fire and smoke regulations and health regulations relating to toilets and food are inconsistent and that this creates a problem for building owners. Of course, we all realise that in the end the financial viability of the rules will win out. All this interference creates costs and conflict; it prevents people from making profits, which is what keeps businesses going. Governments interfere at their peril.

What Mr Mulcahy said was all very clever and plausible, but of course it is complete nonsense. New ventilation does not fix the problem; the way to save money is to recirculate air not replace it. There is no such thing as a safe dose of tobacco smoke. The way to save money is not to pollute in the first place, not pay a fortune for ventilation—which only dilutes the pollutant. Standards of ventilation may be different for tobacco, but if so that is because it is the major contaminant and requires a much greater flow than other pollutants. The only solution is to make indoor air smoke free. Mulcahy was merely inventing complications, one after another, to put his listener off the track.

It is arrogant to contend that money is the only thing that drives industry. That contention is made to make the listener back off. Frankly, health is more important than the right to have polluted premises. Volume 281, No. 20, dated 26 May 1999, of the *Journal of the American Medical Association*, refers to research in the United States of America which shows that smoke-free ordinances either increase or, in some areas, have no effect on tourist revenues. The article outlined the changes in revenues in the hospitality industry during the period in which smoke-free ordinances were introduced. Mulcahy tried to convince me that there are no harmful economical effects of smoke-free ordinances. Mulcahy had an obsequiousness that is common to salesmen and lobbyists.

Many lies, which have been recycled, still have an effect in this Chamber. Because the bar industry is exempt from the provisions of the legislation, kids will be introduced to the disco scene, of which tobacco smoke is an integral part. This legislation is important; it needs an extra objective, and I shall seek to add that objective in Committee with my first amendment. The objective must be to help smokers quit! Smokers suffer much more from the effects of smoking than do passive smokers, although passive smokers have been the driving force behind this type of legislation. The classic reason driving smoke-free indoor air legislation is the myth that smokers choose to smoke, hence they can go to hell in their own way, but non-smokers, who complain about the smoke, must be protected from harm. That is the industry's paradigm and it is wrong.

The choices of addicted smokers are fairly limited. The tailor-made rationalisations of the tobacco industry are to prevent smokers from recognising their peril. Studies have shown that smokers underestimate and rationalise the risks. The industry does not want governments to act. It is okay for industry to lie and run disinformation campaigns. That is free enterprise and hence is regarded as good, but if the Government tells the truth to smokers, that is regarded as Big Brother interference and hence bad. If governments do good things that is bad, but if industry does bad that is good. In the book *1984* Big Brother was the government, but in reality the tobacco industry is bigger than all governments except those of 15 countries.

In this case Big Brother is an unscrupulous group of multinational companies, and our modest little Parliament should recognise that it has been elected to gain a critical mass of power to look after the citizens, in this case the smokers. We should use smoke-free indoor air to help them to quit. We should not be ashamed to give this legislation a public health component. I will be moving an amendment to achieve that end. I return now to the non-smokers. The industry has always demanded that there must be evidence that the health of non-smokers is adversely affected by tobacco smoke before anything is done legislatively to help them. That is a ridiculous ask, but the industry has gotten away with it. Many laws and standards are introduced to give comfort, not because people are killed!

Over a couple of decades a non-confrontational medical establishment conducted detailed research but the tobacco industry rubbished that research for its own ends. The tobacco industry should have to prove that because tobacco kills smokers there is a threshold dose that is safe. The industry has never attempted to prove that, because it has had the parameters set to suit its threshold. Political pressure has defined the parameters and the killers have gotten away with it. It is time that that stopped.



I will now explain the medical effects of tobacco on smokers. It is simple, but is rarely explained simply. Inhaling a cigarette produces five main components: hot gases, soot particles, tars, carbon monoxide and nicotine. The hot gases have an irritant and burning effect that damages cells, as do the particles of soot and burning paper. The tars are carcinogenic, the carbon monoxide is a cell poison and the nicotine has both an addictive component and is a vasoconstrictor which raises blood pressure by constricting the muscle in the walls of the arteries, which thins the arteries. In turn, that raises the pressure and disturbs the flow within the arteries.

The effects of inhaling a cigarette are what I call the input cancers. As the tars enter the body cancers are created along the tracks, leading to cancer of the lip, tongue, mouth, pharynx, larynx, bronchi and lung. As the tar is swallowed it causes carcinoma of the oesophagus and stomach, which is the most common cancer in smokers. The intake of particulate material, the damage to the bronchi by the hot gases and the deposition of tar on the bronchi leads to lung cancer. Damage is done to the lining that transports the mucous and brings up dust so that particles of cigarette and dust stay in the lungs causing cancer and emphysema. The tar and components go through the lungs into the bloodstream and circulate around the body. The tars continue on, causing cancers—including leukemias—in different places of the body. Carbon monoxide poisons cells, first, in the wall of blood vessels. Cells clot on the blood vessels and fat deposits on the walls of arteries, which starts to block the arteries. Carbon monoxide also binds to the haemoglobin, which means that the blood carries less oxygen per cell and per millilitre.

Nicotine has a double effect: It constricts the arteries and increases blood pressure. This increases the load on the heart while reducing the flow in the coronaries. So the heart gets a quadruple whammy—a bigger load of blood pressure through the constricted arteries, less blood through its own arteries and less oxygen in the blood, because of the carbon monoxide. The direct cell poisoning has effects on the heart muscle by the carbon monoxide in the blood. In fact, the blockage and constriction of arteries cause more deaths than the cancerous effects of tobacco. The effect of blood vessel damage depends on which organ they are blocked to. Blood vessel damage to the brain causes stroke; to the skin, premature ageing; to the heart, angina and coronary disease; to the kidneys, a reflex continuing high blood pressure; to the gut, malabsorption and intestinal angina; to the uterus, small babies and associated cot death increases; to the penis, impotence, which is a matter of a considerable interest to middle-aged men; and to the legs, gangrene and amputations.

Tar is still going around the body. It causes cancers as it comes out, just as it caused cancers as it went in. And it comes out in secretions: cancer of the pancreas; cancer of the kidneys and urinary tract and bladder; cancer in cervical mucous, causing cancer of the cervix; cancer of the prostate; and possibly cancer of the breast. All this is consistent with the carcinogens moving through the body, causing cancer as they go in, as they go round and as they come out. Naturally, each one of these groups of cancers has been the subject of thousands of research papers, and the tobacco industry has nitpicked every single one.

One effect of nicotine that I have not mentioned is its addictive properties on the central nervous system, which reset the receptors and give a nasty withdrawal syndrome when one becomes dependent. That is why smokers have only a partial freedom of choice and need all the help they can get from governments and the new quit industry to help them quit. New data in the *Journal of the American Medical Association* of 8 August this year shows that quitting is easier if there are smoke-free laws; people are less likely to start smoking as there is less opportunity to develop the habit; and the social norms are redefined. Again, the drug pushers—the tobacco industry—do not want the Government to define non-smoking as the norm; they would rather it be left to them to pay to advertise as much as they are allowed, to sponsor or pay models when they are not allowed to advertise, to put in video games, toy cars, product placements in film scripts or any other technique to define poisoning oneself by smoking as normal behaviour.

It is time they were stopped, and we should not be coy or retiring about this endeavour. I do not want to go into the evidence of environmental tobacco smoke in detail because I think we must look at the smokers and say, "If the big dose hurts you, it's up to someone else to prove that a small dose will not hurt you, even if it is a little bit less". I seek leave to have incorporated in *Hansard* an article by James Repace, a health physicist who is probably the greatest expert in the world on ventilation and secondhand smoke. The short article is entitled "Can Ventilation Control Secondhand Smoke in the Hospitality Industry?".

**The DEPUTY-PRESIDENT (Rev. the Hon. F. J. Nile):** Has it been published?

**The Hon. Dr A. CHESTERFIELD-EVANS:** I do not know how widely it has been published.

**The Hon. D. F. Moppett:** Is it readily available to the public?

**The Hon. Dr A. CHESTERFIELD-EVANS:** To my knowledge it is not readily available to the public.

**The DEPUTY-PRESIDENT:** Is the source clearly stated on the document?

**The Hon. Dr A. CHESTERFIELD-EVANS:** The source is a report to the American Occupational Safety and Health Administration.

**Leave granted.**

**Article tabled.**

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#### *Abstract*

A panel of ventilation experts assembled by OSHA and ACGIH concluded that dilution ventilation, used in virtually all mechanically ventilated buildings, will not control secondhand smoke in the hospitality industry (e.g., restaurants, bars, casinos). The panelists asserted that a new and unproved technology, displacement ventilation, offered the potential for up to 90% reductions in ETS levels relative to dilution technology. However, this assertion was not substantiated by any supporting data. Air cleaning was judged to be somewhere between dilution and displacement ventilation in efficacy, depending on the level of maintenance. The panel also failed to quantify the ETS exposure or risk for workers or patrons either before or after the application of the new technology. Panelists observed that building ventilation codes are not routinely enforced. They also noted the lack of recognized standards for acceptable ETS exposure as well as the lack of information on typical exposure levels. However, indoor air quality standards for ETS have been proposed in the scientific literature, and reliable mathematical models exist for predicting pollutant concentrations from indoor smoking. These proposed standards and models permit application of an indoor air quality procedure for determining ventilation rates as set forth in ASHRAE Standard 62. Using this procedure, it is clear that dilution ventilation, air cleaning, or displacement ventilation technology even under moderate smoking conditions cannot control ETS risk to de minimise levels for workers or patrons in hospitality venues without massively impractical increases in ventilation. Although there is a scientific consensus that ETS is a known cause of cancers, cardiovascular diseases, and respiratory diseases, although ETS contains 5 regulated hazardous air pollutants, 47 regulated hazardous wastes, 60 known or suspected carcinogens, and more than 100 chemical poisons, the tobacco industry denies the risks of exposure, opposes smoking bans, promotes ventilation as a panacea for ETS control, and works for a return to laissez-faire concerning smoking in the hospitality industry. Smoking bans remain the only viable control measure to ensure that workers and patrons of the hospitality industry are protected from exposure to the toxic wastes from tobacco combustion.

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**The Hon. Dr A. CHESTERFIELD-EVANS:** One issue that should be dealt with in an academic way is that of hotel revenues. An article in the *Journal of the American Medical Association* of 26 May 1999 related to tourism and hotel revenues before and after the passage of smoke-free restaurant ordinances. The article stated:

**Main Outcome Measures** Hotel room revenues and hotel revenues as a fraction of total retail sales compared with preordinance revenues and overall US revenues

**Results** In constant 1997 dollars, passage of the smoke-free restaurant ordinance was associated with a statistically significant increase in the rate of change of hotel revenues in 4 localities, no significant change in 4 localities, and a significant slowing in the rate of increase (but not a decrease) in 1 locality. There was no significant change in the rate of change of hotel revenues as a fraction of total retail sales ... or total US hotel revenues associated with the ordinances when pooled across all localities ... International tourism was either unaffected or increased following implementation of the smoke-free ordinances.

**Conclusion** Smoke-free ordinances do not appear to adversely affect, and may increase, tourist business.

Page 1915 of the article contains graphs for different hotels. This bill is a significant start in New South Wales to indoor air smoking restrictions. However, it is only a start. My amendments, which I shall speak to in Committee, will not inhibit the basic principle that such legislation must be phased in, in terms of political realities. One starts with restaurants, then moves on to clubs, then bars, and then the hardest areas of all—casinos—because people who gamble their money often also gamble their lives. Without wrecking that model, my amendments will try to tighten things a little.

I should like to thank some of the significant figures in the battle against tobacco in Australia. First, I thank the three people who founded BUGA-UP: Ric Bolzan, Bill Snow and Geoff Coleman. I thank also Peter Vogel, who continued their good work conceptually, particularly in the advertising field; Fred Cole for his immense number of billboards—Fred was arrested more times than everyone else put together—Marge White, who co-ordinated BUGA-UP in Melbourne and, indeed, got the Victorian tobacco Act through as the first Act in the world to get money from tobacco to fund non-smoking advocacy; Steve Woodward, who ran ASH, prior to its revival by Anne Jones; Peter Martin, who worked for the non-smoker's movement for virtually no money for

a considerable number of years; Brian McBride, the founder of the non-smoker's movement; and Simon Chapman, an academic, who has been extremely important as an activist in bridging the gap between what the activists did and the publishing of academic papers and who is now the editor of Tobacco Control and a consultant for the *British Medical Journal* for articles on tobacco.

I thank also other significant campaigners in Australia: Noni Walker and Michelle Scollo in Victoria; Ruth Shean in Western Australia; and Cotter Harvey and Nigel Gray, the two people in New South Wales and Victoria who have been immensely important at the top of the establishment tree. Finally, I thank Elva Yanez of Americans for Non-smokers Rights and Ed Sweda of GASP of Massachusetts who helped me draft my amendments. I should not forget Harley Stanton, who has done great work trying to combat the tobacco industry in the South Pacific.

I do not want to speak at length about my proposed amendments. To ensure that the legislation is not seen as smokers versus nonsmokers I will seek, first, to add an object to the Act—that is, to help smokers quit—and second, to delete some of the complexities in the implementation of the Act in that it is a defence for offenders to say they are unaware of the legislation. Presumably the legislation will be introduced with great fanfare and will be well signposted. It should be like a parking fine: if you smoke you get a fine. As the Americans say, "The principal is keep it simple." Third, I will seek to have the guidelines replaced by regulations so that any deals the Minister does with the industry are brought before the House for debate.

Fourth, if there is more than one bar on licensed premises there should be a smoke-free bar. This amendment will make hotels take the first conceptual step and recognise that they have to do something. They have been expecting this change for 20 years. It is not an onerous requirement because most pubs have two bars—the front public bar and what used to be called the lounge bar at the back, which is now usually a restaurant and technically should be a smoke-free area anyway. Therefore, that amendment is not particularly onerous, although it is seen as dangerous and impinging on bars. Further, I propose that the Act should be reviewed in one year. I will also seek some extensions to the wording in relation to health and educational facilities.

Another important aspect is to empower local councils to impose rules that are tougher than this legislation because the tobacco industry is weaker in local council areas. Groups in North Sydney and Newcastle tried to do that years ago. People laughed when a little hick town in the middle of nowhere became the first town in the United States of America to pass smoke-free indoor air legislation. The legislation then spread to larger towns, and finally to Los Angeles, New York and other cities, yet they were unable to get action at Federal or State levels until much later because of the political power of the tobacco industry. If local councils were empowered and set the trend, it would make it easier for the State Government to take action as the Australian Hotel Association and the tobacco industry launch their last-ditch struggle to retain smoking and continue its harmful effects.

One should think of the political significance of the driving engines. Australia has practically no tobacco advertising, yet all our bars are full of smoke. That is because BUGA-UP, an activist group, got rid of tobacco advertising. In the United States of America, where the driving engine was litigation and legislation in small council areas, there is smoke-free everything, but advertising is still ubiquitous. The important aspect is what drives the political process. I urge the Minister to accept my amendments and not discard them out of hand. Empowering local councils increases democracy in Australia, which is a concept we should all value.

**The Hon. R. S. L. JONES** [9.33 p.m.]: At least four members of this Chamber have been long-term anti-tobacco campaigners: the Hon. Dr A. Chesterfield-Evans, the Hon. I. Cohen, and Reverend the Hon. F. J. Nile and the Hon. Elaine Nile, who have been campaigning since 1981. I have also been involved in the campaign—I was involved in the first anti-smoking campaign in 1965 in the *Sunday Mirror*, the *Sunday Telegraph* and the *Sunday Herald*. I defaced cigarette advertisements in 1965, 1966 and 1967, but then moved on to other things. Members of this House have campaigned for a long time on this issue, and we are finally getting there. The first anti-tobacco campaigner was King James I, who said of tobacco use in 1604:

a custom lothsome to the eye, hatefull to the Nose, harmfull to the brain, dangerous to the Lungs, and in the blacke stinking fume thereof, nearest resembling the horrible Stigian smoke of the pit that is bottomlesse.

It has taken 400 years to get this close to removing environmental tobacco smoke. Tobacco use is still legal. I believe that people have a fundamental right to smoke, to drink and to use substances that other people may not approve of, provided they do not harm anyone else. That is the bottom line. Tobacco should not be illegal; it should be legal, but people should be educated as to exactly what it does to them. It does an awful lot of harm. It

killed both my parents and many of their friends in their 40s and 50s, and other members know of people who died in their 40s and 50s as a result of tobacco use. We do not see many 80- or 90-year-olds smoking, because smokers die much younger than that. I am surprised that the Government did not support my bill to ban smoking in cars when children are present. That is one of the worst situations of environmental tobacco smoke on children. The Government would not support the bill because motor vehicles are not public places. They are private places in a public place, so they are almost public places.

**The Hon. Patricia Forsythe:** Educate the parents.

**The Hon. R. S. L. JONES:** It does not work. Surely by now parents know the harmful effect of tobacco smoke and should know the effect it has on their children, yet we see mothers and fathers smoking with infants in the car.

**The Hon. D. F. Moppett:** Not a lot.

**The Hon. R. S. L. JONES:** I see a lot of it and I am appalled. Perhaps it is happening less frequently as parents realise the harmful effect.

**The Hon. D. F. Moppett:** In the joint smoking area where you come from.

**The Hon. R. S. L. JONES:** I do not smoke joints any more; it is bad for my lungs. I recommend that people do not smoke joints. It is not good for their lungs and not good for others who have to inhale the smoke. The Hon. Dr A. Chesterfield-Evans has already referred to many of the points I was going to raise in my speech, so it will not be as long as it might have been. Environmental tobacco smoke [ETS] is a extraordinary, complex mixture of 4,000 chemical compounds, including 43 known carcinogens.

The World Health Organisation estimates that almost 700 million, or almost half of the world's children, breathe air polluted by tobacco smoke. Although we know the effects on children, I will put it on the record once again—particularly the effects on children who receive an extra dose in cars. Children who experience ETS have increased rates of lower respiratory tract infections, such as bronchitis and pneumonia, and ear infections, which I had as a child; an exacerbation of chronic respiratory symptoms such as asthma, which I had as a child; a reduced rate of lung growth; and an increased risk of death from sudden infant death syndrome. The Californian Environmental Protection Agency concluded that second-hand smoke is responsible for an estimated 35,000 to 62,000 deaths among non-smokers from heart disease in the United States of America each year, which is an extraordinary figure.

A 1994 study published in the *British Medical Journal* found that non-smoking women in the Xi'an province of China had a 24 per cent increased incidence of coronary heart disease if their husbands smoked and an 85 percent increased incidence if they were exposed to passive smoke at work. The Hon. Dr A. Chesterfield-Evans incorporated in *Hansard* an extract of a document prepared by James Repace, MSc., a health physicist, entitled "Can Ventilation Control Secondhand Smoke in the Hospitality Industry?" I urge honourable members to read the incorporation, which is an interesting document. The extract states:

Environmental tobacco smoke contains 5 regulated hazardous air pollutants, 47 regulated hazardous wastes, 60 known or suspected carcinogens, and more than 100 chemical poisons.

The Hon. Dr A. Chesterfield-Evans also referred to the conspiracies of Operation Berkshire, which I do not wish to reiterate. He pointed out that, as a result of a meeting held by the International Committee on Smoking Issues held in 1977 at Brillancourt, Lausanne, the Tobacco Institute of Australia was established in December 1978. Australia was one of the first countries to establish that charade of an institute. The committee recommended that national associations of cigarette manufacturers form the tobacco institutes to try to fool people into believing that there was some worth in tobacco and its use. I believe the Hon. Dr A. Chesterfield-Evans would have referred also to the "Shockerwick" situation, so I will not go into that. Unfortunately, most of my contribution has already been used.

**The Hon. D. F. Moppett:** You might have been quoting the same material.

**The Hon. R. S. L. JONES:** Yes, I think we might have been quoting the same material. In any event, the shorter my contribution, the better it will be for members. The Hon. Dr A. Chesterfield-Evans referred, I think not at great length, to a report by Clive Broadbent and Stan Wesley entitled "Ventilation Issues and Risk from Exposure to Environmental Tobacco Smoke", published in August 1996. It is also an important document,

because it refers to how ineffective ventilation is. Of course, this is what stopped the previous attempts to clean up environmental tobacco smoke. The report states, *inter alia*:

Natural ventilation tends to be inadequate leading some areas within buildings poorly ventilated. Natural ventilation (and mechanical ventilation at times) can result in smoke moving from smoking rooms into the rest of the building unless there is good sealing of internal doors. Removal of ETS by mechanical ventilation for comfort control is slow unless there is a high fresh air supply and no recirculation. Filters used in general ventilation applications are inefficient or ineffective at removing tobacco smoke particles (the gaseous phase is not filtered at all).

The report states that whilst Australian standard 1668.2 is used as a design standard, it is not a health standard. The report continues:

Nevertheless the standard is the basis for smoke-free exemptions at restaurants in the ACT and a measure of success in reducing exposures to ETS has resulted.

This is the most interesting point:

Ventilation strategies to attain an "acceptable health risk" level indoors with smokers and nonsmokers co-located requires excessively high outdoor air flow rates costed at some \$30,000 per smoker in capital cost alone. Thus an increase in general ventilation (or the use of air cleaners) is not cost effective ...

The only certain method of eliminating health risks from ETS in the workplace is by legislated 100% smoke-free premises.

The Hon. Dr A. Chesterfield-Evans also referred to the letter from Donna Staunton of the Tobacco Institute of Australia addressed to Henry Goldberg, which stated that Richard Mulcahy, an ex-chief executive officer of the Tobacco Institute of Australia, is now chief executive officer of the Australian Hotels Association. It is therefore evident that there is a very close link between the tobacco industry and the Australian Hotels Association. The Hon. Dr A. Chesterfield-Evans also referred to the document prepared by David Rees Davies, which referred to a meeting between Henry Goldberg and Senator Graham Richardson, the then new Federal Minister for Health, on 23 April 1993. The document stated further:

The meeting will provide an excellent opportunity to present our positions to the new Keating administration on several key issues, including labelling and sponsorship.

On April 25, 1993, the Tobacco Institute of Australia filed a lawsuit against Stephen Woodward, (a prominent anti-smoking activist, supported with AVCO, ASH etc.)

The institute was quite jubilant at trying to nail someone who was trying to put it out of business. An article entitled "Bartenders' Respiratory Health After Establishment of Smoke-Free Bars and Taverns", by Mark D. Eisner, MD, Alexander K. Smith, BS, and Paul D. Blanc, MD, MSPH, which appeared in the *Journal of the American Medical Association* on 9 December 1998, which the Hon. Dr A. Chesterfield-Evans referred to but not in any detail, contains some interesting comments which I should like to place on the record. The first page of the article shows the following results:

Fifty-three of 67 eligible bartenders were interviewed. At baseline, all 53 bartenders reported workplace ETS exposure. After the smoking ban, self-reported ETS exposure at work declined from a median of 28 to 2 hours per week. Thirty-nine bartenders (74%) initially reported respiratory symptoms. Of those symptomatic at baseline, 23 (59%) no longer had symptoms at follow-up. Forty-one bartenders (77%) initially reported sensory irritation symptoms. At follow-up, 32 (78%) of these subjects had resolution of symptoms.

The article continues:

Strong epidemiologic evidence links ETS exposure with lung cancer and arteriosclerotic cardiovascular disease. As a result, ETS has been estimated as the third leading preventable cause of death.

That is extraordinary. The document continues:

By contrast, the more immediate impact of ETS exposure on adult respiratory health has received less attention.

An article that appeared in the *Journal of the American Medical Association* of 26 May 1999, entitled "Tourism and Hotel Revenues Before and After Passage of Smoke-Free Restaurant Ordinances", reported that a number of States and cities—including California, Utah, Vermont, Boulder in Colorado, Flagstaff in Arizona, Los Angeles in California, Mesa in Arizona, New York, and San Francisco in California—said that the removal of smoke from restaurants would have a significant effect on business. With regard to Boulder in Colorado the article states:

After a ferocious campaign to defeat the measure, some bar and restaurant owners said the ban would slash their business and drive smoking customers out of town. Some said they likely would go out of business.

The article contains charts showing an increase in business in most areas after the implementation of the smoke-free ordinance. According to the article, Flagstaff in Arizona was the only place adversely affected. The article continues:

The smoke-free law was associated with no significant change in the rate of growth of hotel revenues compared with the United States as a whole in 5 localities, a significant slowing in 2, and a significant slowing in 2 localities. Pooled across all localities, there was no significant change in the rate of change of hotel revenues compared with the United States as a whole.

The article states further:

In our analysis of smoke-free restaurant ordinances, we include Boulder, Colo, which permits the construction of a separately ventilated smoking room. While the Boulder Environmental Enforcement Office has not done a formal survey, they reported that "actual use" of such separate smoking rooms is rare.

The bottom line is that when smoking is banned in restaurants and other areas business does not go down; rather, it goes up. The article contains a chart showing that smokers, particularly in the United Kingdom, continue to go out to restaurants. It shows that only 10 to 15 per cent of smokers—presumably the hard-core addicts—do not go out to restaurants after the introduction of smoking bans. By and large, a ban on smoking in enclosed public places is of benefit to the entire community, with the exception of the 10 per cent of smokers who are the hard-core addicts, who will have to stay at home and smoke their hearts, lungs and brains out. I therefore wholeheartedly support the legislation. I also support the proposed amendments of the Hon. Dr A. Chesterfield-Evans. However, we have heard that if the amendments are passed the bill will be withdrawn and will not be enacted in time for the Olympics. If there is a division I will not support the Hon. Dr A. Chesterfield-Evans' proposed amendments because I do not want the bill to fail.

**The Hon. ELAINE NILE** [9.50 p.m.]: I will speak briefly to the bill, as my leader has already contributed to the debate. I have suffered from the effects of cigarette smoke in this place, so I very much appreciate the Smoke-free Environment Bill. The objects of the bill are to promote public health by reducing exposure to tobacco and other smoke in enclosed public places, and to help smokers stop tobacco smoking and improve their health by reducing the places in which smoking is permitted. I remember the concern of the tobacco industry when the Christian Democratic Party introduced the tobacco advertising prohibition legislation. My leader featured daily in the *Sydney Morning Herald*. The tobacco industry ran double-page advertisements advocating the rights of smokers to smoke. We did not want to stop people from smoking; we wanted a smoke-free environment so that people would not suffer, as I have. Fortunately, with the help of a good lung specialist, I have been able to overcome those problems and I am able to continue in this Parliament. Pickering drew the cartoons, one of which featured the then Leader of the Opposition, Bob Carr, in bed with Reverend the Hon. F. J. Nile. The picture was most offensive. I am sure the Hon. J. R. Johnson would understand how I felt about it.

**The Hon. J. R. Johnson:** Can we get autographed copies?

**The Hon. ELAINE NILE:** We have it at home—in fact, we have a whole scrapbook. The \$1 billion tobacco industry was most concerned and did everything it could to stop the bill. John Singleton's company was running the campaign. It went on day in and day out, ridiculing us because of our attitude to cigarette smoke. Honourable members may remember the song *Smoke Gets in Your Eyes*—smoke gets in your lungs, which is really what the bill is all about. It seems that advertising and education are failing our young people, particularly our young women. Recently at a day-care centre a young mother of a three-year-old said to me, "Mrs Nile, I am so pleased with her. When her father lit up she said, 'Daddy, that's no good. That will kill you.'" I thought that was beautiful coming from a three-year-old child.

The Hon. Dr A. Chesterfield-Evans spoke effectively this evening about the physical effects of tobacco. But, as we all know, smoking is an addiction. We have to educate people, especially young people. We can show them a lung that has been killed off, but it does not seem to have any effects on them because smoking is the done thing whether, as the Hon. R. S. L. Jones commented, it is at a rave party or a dance party. Young people still think it is hip to smoke, whether it is drugs or cigarettes. I am pleased that the bill is being debated in this House tonight. I hope that the tobacco industry burns, in the right sense, because eventually tobacco kills people. When we were first married we lived in a garage. When my brother-in-law got up in the morning I could hear his hacking cough coming from the house.

**The Hon. R. S. L. Jones:** Was he a smoker?

**The Hon. ELAINE NILE:** Yes. Unfortunately, he is not with us today. However, he did not die because he was a smoker; he was run over by a train and killed. We know what will happen to young people if they continue to smoke because of their addiction. I congratulate the Government on at last doing something. It

has taken a long time. I would like the bill to pass through the House tonight so that it is in place for the Olympic Games. There is nothing worse than sitting in a restaurant when someone is smoking and his or her attitude is, "Lady, I couldn't care less what happens to you. You can eat your food and you can breathe my smoke. I don't care." I am sure the bill will pass through this House.

**The Hon. J. J. DELLA BOSCA** (Special Minister of State, Minister for Industrial Relations, Assistant Treasurer, Minister Assisting the Premier on Public Sector Management, and Minister Assisting the Premier for the Central Coast) [9.55 p.m.], in reply: I thank all honourable members for their contributions to the debate. Obviously, it has been a long time coming for some honourable members. Four or five members with self-proclaimed anti-smoking records participated in the debate and made a great deal of work for the Government in the production of the legislation. The Minister has introduced a very sensible package that contains what can generally be supported as commonsense initiatives to limit the impact of passive smoking on the health of non-smokers. The legislation will also continue the subtle and sometimes not-so-subtle program of making smokers aware of the risks of smoking and making smoking a generally less acceptable activity in such a way as to limit the number of people recruited to smoking.

As a reformed smoker—I was once a heavy user of the dreaded weed—I know that smoking has long-term health effects on any person who has been a smoker for any length of time. It is regrettable, as the Hon. Elaine Nile alluded to, that we have to legislate for manners. Even when I was a heavy smoker, and I am sure other smokers in the House would agree, I would always ask people whether they had any objections to my smoking, even if I expected them to say yes. I would never continue to smoke if people were consuming a meal or if young children were around. Like many people, the reason I gave up the habit was that I had young children and I wanted them to grow up in a smoke-free household without their role model smoking around them and endangering their health. Among the leadership of this Government are a number of people who have been or who are smokers. Included amongst their number are people who smoke and support the principles behind the legislation. The Hon. Dr A. Chesterfield-Evans stated that there are smokers in the Government who do not support the principles embodied in the legislation. The fact is that there are a number of smokers in this Government and, I am sure, other governments, who support these kinds of principles.

The Government is aware that there are a number of proposed amendments to the bill. The Government would like the bill to pass through its remaining stages tonight. I would like to deal with the general reasons for the Government rejecting the proposed amendments now rather than during the Committee stage. The general reason for rejecting the amendments relates to the time at which the bill would become law, particularly when one considers the forthcoming Olympic Games. Perhaps many members of this House share the scepticism about the need to get things done before the Olympic Games. But when we are seeking to establish an example for the world and show that New South Wales is moving forward and taking the kinds of initiatives embodied in this bill, or catching up with the rest of the world depending on which interpretation one places on it, it is important that the legislation be in place before the Olympic Games.

If the bill were to be amended along the lines suggested, or if this House were to accept the amendments, it would not be possible for the legislation to be in force in time for the Olympic Games. It must also be said that the bill has received unanimous support in the lower House, including the crossbenches, which is of some significance and importance for this House to consider when examining the proposed amendments. Moreover, the bill has received strong support from diverse groups, obviously excluding some of the better known public proponents of tobacco smoking, but including some of the organisations referred to perhaps a little harshly by the Hon. Dr A. Chesterfield-Evans in some of his remarks.

Not only has this legislation received support from what I would describe as the obvious groups—such as the New South Wales Cancer Council, the Thoracic Society of Australia and New Zealand, the Sudden Infant Death Syndrome [SIDS] Foundation, Action on Smoking and Health [ASH], and the National Heart Foundation—but also from some of the groups that have not necessarily traditionally been open to tobacco smoking reform or limitation of tobacco use in public places, including organisations such as Clubs New South Wales, the Australian Hotels Association and the New South Wales Restaurant and Catering Association. In the context of a more general category of organisations which support this legislation, I mention also the support of the Australian Medical Association.

It should be noted also that the New South Wales Cancer Council has written to Hon. Dr A. Chesterfield-Evans advising him of that organisation's strong support for this bill in its current form. The balance of my remarks will remain as responses in Committee. Again I thank honourable members for their support for the bill. I commend the bill to the House.

**Motion agreed to.**

**Bill read a second time.**

## In Committee

### Part 1

**The Hon. Dr A. CHESTERFIELD-EVANS** [10.02 p.m.]: I move:

No. 1 Page 2, proposed section 3, lines 8-10. Omit all words on those lines. Insert instead:

#### Objects of Act

The objects of this Act are:

- (a) to promote public health by reducing exposure to tobacco and other smoke in enclosed public places, and
- (b) to help smokers quit tobacco smoking and improve their health by reducing the places in which smoking is permitted.

I am disappointed with the Government's comment about not being able to accept the amendments owing to insufficient time. Naturally I would like the bill to be in force before the Olympic Games. Honourable members of the Legislative Assembly will be attending Parliament tomorrow but that House will not be sitting. Both that circumstance and the introduction of this bill late in the sittings were within the Government's control. The amendments were given late to the Government for two reasons: first, I wanted to take them to America and discuss them with industry world leaders at the beginning of my two-week holiday, and, second, I was busy last week with a parliamentary committee. I apologise for the lateness of the amendments. They were written late due to other constraints. This amendment deals with the object of the bill, which should be to help smokers quit smoking. The amendment is aimed at improving the health of smokers by reducing the number of places in which smoking is permitted. I want to add that provision to the objects of the bill so it is seen to be helping smokers, not bashing smokers—an important factor in public perception.

**The Hon. J. J. DELLA BOSCA** (Special Minister of State, Minister for Industrial Relations, Assistant Treasurer, Minister Assisting the Premier on Public Sector Management, and Minister Assisting the Premier for the Central Coast) [10.03 p.m.]: The Government does not support amendment No. 1. The purpose of the bill is to reduce environmental tobacco smoke. Separate programs are run by New South Wales Health to assist smokers to quit. A new tobacco action plan is in the final stages of development. The plan will increase the Government's prevention activity by bringing about the cessation of smoking in certain areas.

**The Hon. Dr A. CHESTERFIELD-EVANS** [10.04 p.m.]: I would certainly like to help to formulate that plan and to be consulted more on the plan than I was in relation to the bill.

**The Hon. Patricia Forsythe**: You are one member of a crossbench party. What do you expect—to be consulted on the bill? You should be so lucky.

**The Hon. Dr A. CHESTERFIELD-EVANS**: I would like to be consulted on areas in which I have special expertise. That is a clever way of governing. It may be an innovative approach to consult with a member in relation to his or her particular expertise, but it is a very clever move if good legislation is to be achieved.

**Amendment negated.**

**Part 1 agreed to.**

### Part 2

**The Hon. Dr A. CHESTERFIELD-EVANS** [10.06 p.m.], by leave: I move my amendments Nos. 2 and 3 in globo:

No. 2 Page 4, proposed section 7 (3), lines 15-18. Omit all words on those lines.

No. 3 Pages 4 and 5, proposed section 8 (2) and (3), lines 25-33 on page 4 and lines 1-20 on page 5. Omit all words on those lines.

These amendments will simplify offences so that a defendant will not be able to plead ignorance as a defence. Effectively, enforcement will be made very simple. If a person smokes in a non-smoking area, that person will



be committing an offence. The amendments will enable the provision to operate as simply as the imposition of a traffic fine. The amended provisions will not cause a great deal of legal hassle and argument. Inspectors need straightforward enforcement, and the objective of the amendments is to make enforcement a simple process. It also means that the tobacco industry will not be able to create martyrs out of those who, for whatever reason, claim they do not know that smoking in a non-smoking area is an offence.

The amendments will impose on owners of premises the responsibility of ensuring that people do not smoke in non-smoking areas. The aim of the amendments is to ensure that owners take a greater interest in what occurs on their premises instead of acting as though people are not smoking because they cannot see it happening. These two amendments are enforcement provisions.

**The Hon. J. J. DELLA BOSCA** (Special Minister of State, Minister for Industrial Relations, Assistant Treasurer, Minister Assisting the Premier on Public Sector Management, and Minister Assisting the Premier for the Central Coast) [10.07 p.m.]: Amendment No. 2 is not a reasonable one. The reasonable defence provision is a standard clause in similar legislation.

**Amendments negatived.**

**The Hon. Dr A. CHESTERFIELD-EVANS** [10.08 p.m.], by leave: I move my amendments Nos. 4 and 5 in globo:

No. 4 Page 6, proposed section 10, line 5. Insert "air volume of" after "penetrating the".

No. 5 Page 6, proposed section 10, line 12. Insert "air volume of" after "penetrating the".

These amendments, rather than simply referring to smoke-free areas, emphasise that smoke exists in volume, not in areas. This is a matter of physics and definition and is not controversial. Air exists in volumes and not in areas. One of the problems with area delineation is the magic-line segregation so beloved by airlines. That resulted in aeroplanes having one section for smoking and another for non-smoking—the latter remembered for how unpleasant they were. The object of the amendment is to define air volumes in the legislation. When arguments are advanced about ventilation, it will be possible to refer to segregated areas and non-segregated areas as air volumes rather than areas. This amendment offers a perfectly reasonable definitional aspect given the physics of gases.

**The Hon. J. J. DELLA BOSCA** (Special Minister of State, Minister for Industrial Relations, Assistant Treasurer, Minister Assisting the Premier on Public Sector Management, and Minister Assisting the Premier for the Central Coast) [10.09 p.m.]: The previous Act was deemed unworkable because it relied on air quality standards. These amendments add no value to the legislation and are not practical or workable.

**Amendments negatived.**

**The Hon. Dr A. CHESTERFIELD-EVANS** [10.09 p.m.]: I move my amendment No. 6:

No. 6 Page 6, proposed section 10, lines 17 and 18. Omit "The Minister may issue guidelines from time to time as to what constitutes". Insert instead "The regulations may make provision as to what is to be taken to constitute".

This amendment provides that the Minister has to issue regulations rather than guidelines which have to be brought back to this Parliament for report and discussion. The regulations will be clearly defined in the *Government Gazette*, whereas guidelines which may not be disseminated or updated may be misinterpreted. The amendment clarifies what the Minister may do and will ensure a watching brief on the guidelines.

**The Hon. J. J. DELLA BOSCA** (Special Minister of State, Minister for Industrial Relations, Assistant Treasurer, Minister Assisting the Premier on Public Sector Management, and Minister Assisting the Premier for the Central Coast) [10.10 p.m.]: The Minister whom the Hon. Dr A. Chesterfield-Evans so properly praised earlier for this aspect of the legislation and its general effect has already flagged his intention to incorporate the guidelines into the regulations upon completion. As that is a public commitment given by the Minister, the amendment is not necessary and is rejected.

**Amendment negatived.**

**Part 2 agreed to.**

**Parts 3 and 4**

**The Hon. Dr A. CHESTERFIELD-EVANS** [10.11 p.m.], by leave: I move my amendments Nos 7, 8, 9 and 10 in globo:

- No. 7 Page 7, proposed section 11, line 5. Insert "or an order of a kind referred to in section 14 (1) (b) and in force under that section" after "section 13".
- No. 8 Page 7, proposed section 11, lines 28 and 29. Omit "regulations referred to in section 12". Insert instead "subsection (3), regulations referred to in section 12 or an order under section 14 (1) (a)".
- No. 9 Page 7, proposed section 11. Insert after line 29:
- (3) An occupier of exempt premises:
    - (a) that are the subject of a licence in force under the *Liquor Act 1982*, *Registered Clubs Act 1976* or *Casino Control Act 1992*, and
    - (b) that contain more than one bar area,
 is to designate at least half of the bar areas as smoke-free areas.
- No. 10 Page 8, proposed section 13 (1) (a), line 15. Omit "or the regulations". Insert instead ", the regulations or an order under section 14".

These amendments provide that if there is more than one bar area in licensed premises, at least half of the bar areas will be smoke-free. Most hotels have a front bar and a back bar that is also a restaurant. Presumably a back bar which is also a restaurant would be smoke-free in any case. These amendments provide that if such an area is designated as a restaurant or is open for only certain hours it will be smoke-free at all times. A hotelier or licensee can still operate a smoking bar but if there is more than one bar area there must also be a non-smoking bar. That is very reasonable in the circumstances.

**The Hon. J. J. DELLA BOSCA** (Special Minister of State, Minister for Industrial Relations, Assistant Treasurer, Minister Assisting the Premier on Public Sector Management, and Minister Assisting the Premier for the Central Coast) [10.13 p.m.]: Most of the range of amendments with which we are dealing will have no material effect other than to unnecessarily complicate the proposed legislation. Specifically, amendments from this cluster onwards through the bill demonstrate a failure to recognise that the legislation relates to a statewide public health strategy, supported by key stakeholders, as previously mentioned. It is not appropriate to create in this legislation an opportunity for potentially 170 separate anti-smoking policies. In relation to discretion about the number of bars and a prescription as to the designation of a smoke-free bar, the Government will not ban smoking in bar areas in gaming table areas, a matter already addressed in the bill.

**Amendments negatived.**

**The Hon. Dr A. CHESTERFIELD-EVANS** [10.14 p.m.], by leave: I move my amendments Nos 11, 12, 13 and 19 in globo:

- No. 11 Page 9. Insert after line 3:
- 14 Orders of councils in relation to premises**
- (1) A council of a local government area may by order:
    - (a) impose requirements on exempt premises situated in the local government area that are additional to the requirements in this Act or the regulations with which those premises must comply, or
    - (b) declare that no premises within the local government area are exempt premises.
  - (2) An order under this section:
    - (a) must be published in the Gazette and in a local newspaper (or, if there is no local newspaper, a newspaper circulating generally throughout the State), and
    - (b) takes effect on and from the date of its publication in the Gazette or on and from such later date as may be specified in the order.
  - (3) A council must give the Director-General a copy of any order that the council makes under this section as soon as the order is published in the Gazette.
- No. 12 Page 11, proposed section 15 (1) (d), lines 2 and 3. Omit "and the regulations". Insert instead ", the regulations and any order under section 14".

No. 13 Page 11, proposed section 15 (1) (e), line 7. Omit "or the regulations". Insert instead ", the regulations or any order under section 14".

No. 19 Page 15. Insert after line 10:

**26 Review of Act**

- (1) The Minister is to convene a working group to review this Act with a view to removing the exemptions provided by this Act in relation to smoking in enclosed public places.
- (2) The report is to be tabled in each House of Parliament within 12 months after the end of the period of 2 years from the date of assent to this Act.

These amendments will allow a local council to impose requirements on exempt premises in the local area in relation to smoke-free areas, provided that such regulation is not more lax than the legislative provisions. This legislation will provide a base. The amendments will enable local councils to do what citizens want them to do and allow them not to be so influenced by tobacco and hotel lobbies. Local councils have been the engine that has put the United States of America 15 years ahead of Australia in smoke-free indoor air legislation, as we plod along timidly poking at the tobacco industry through its mouthpiece, the Australian Hotels Association. These amendments will allow the trial of regulations in a number of related areas, thus creating a domino effect that will enable the State to progress far more quickly towards this vital objective. The amendment will greatly benefit local residents with access to better quality air and will provide greater democracy throughout this State.

**The Hon. J. J. DELLA BOSCA** (Special Minister of State, Minister for Industrial Relations, Assistant Treasurer, Minister Assisting the Premier on Public Sector Management, and Minister Assisting the Premier for the Central Coast) [10.15 p.m.]: The remarks I made previously relate also to that issue. I reiterate the obvious point that the practical effect of the amendments proposed by the Hon. Dr A. Chesterfield-Evans would leave us with potentially 170 separate anti-smoking policies. Given the tradition of public health administration in New South Wales, that would not be seen as a desirable outcome. With this bill the Minister has succeeded in pulling together legislative provisions which will ensure that the views of key stakeholders, including the somewhat unfairly maligned Australian Hotels Association and the Registered Clubs Association who support this bill, are considered. That is a great step forward. Adoption of the amendments proposed by the Hon. Dr A. Chesterfield-Evans would undermine both a statewide public health strategy and the support of key stakeholders as it could potentially generate 170 separate disputes with local hoteliers, clubs and various organisations. That would be an unhealthy and unhelpful development.

**Amendments negatived.**

**The Hon. Dr A. CHESTERFIELD-EVANS** [10.18 p.m.]: I will not move my amendments Nos 14, 15 and 16 as circulated.

**Parts 3 and 4 agreed to.**

**Part 5**

**The Hon. Dr A. CHESTERFIELD-EVANS** [10.18 p.m.]: I move Australian Democrats amendment No. 17:

No. 17 Page 14, proposed section 21, lines 5-7. Omit all words on those lines. Insert instead:

**21 Certain rights not affected**

Nothing in this Act:

- (a) is to be construed as creating or preserving a right of a person to smoke in an enclosed public place, or
- (b) affects any right that a person claiming to have been affected by smoke might have to workers compensation or affects any other right or action that such a person might have.

This amendment will not create a right to smoke in a public place, nor will it affect the rights of any person claiming to be affected by smoke under common law or workers compensation actions. That may be true and may be implied in the bill, but this amendment states it explicitly.

**The Hon. J. J. DELLA BOSCA** (Special Minister of State, Minister for Industrial Relations, Assistant Treasurer, Minister Assisting the Premier on Public Sector Management, and Minister Assisting the Premier for the Central Coast) [10.19 p.m.]: The Government does not support the amendments. Workers are protected by

the relevant occupational health and safety legislation, as has been referred to by the Hon. Dr A. Chesterfield-Evans in relation to the WorkCover employee who was in the gallery previously, Mr Peter Harley.

**Amendment negatived.**

**The Hon. Dr A. CHESTERFIELD-EVANS** [10.20 p.m.]: My amendment No. 18 was associated with the previous amendments, so I will not move it.

**Part 5 agreed to.**

#### **Schedule 1**

**The Hon. Dr A. CHESTERFIELD-EVANS** [10.20 p.m.], by leave: I move my amendments Nos 20 and 21 in globo:

No. 20 Page 16, proposed schedule 1, line 6. Omit "and universities". Insert instead ", universities and all other educational facilities".

No. 21 Page 16, proposed schedule 1, line 17. Insert "and all other medical and health facilities" after "Hospitals".

Amendment No. 20 extends the reference to universities to include all other educational facilities to make the position absolutely clear. Amendment No. 21 expands the wording from "hospitals" to "hospitals and all other medical and health facilities". I move those two amendments to extend the scope of the bill.

**The Hon. J. J. DELLA BOSCA** (Special Minister of State, Minister for Industrial Relations, Assistant Treasurer, Minister Assisting the Premier on Public Sector Management, and Minister Assisting the Premier for the Central Coast) [10.21 p.m.]: The Government does not support the amendments.

**Amendments negatived.**

**Schedule 1 agreed to.**

#### **Schedule 2**

**The Hon. Dr A. CHESTERFIELD-EVANS** [10.22 p.m.]: My amendment No. 22 was dependent on the success of amendments Nos 2 and 3, so I will not move it.

**Schedule 2 agreed to.**

**Title agreed to.**

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

#### **GENERAL PURPOSE STANDING COMMITTEE No. 1**

##### **Report**

**Reverend the Hon F. J. Nile**, as Chair, tabled report No. 12 entitled "Budget Estimates 2000-2001—Volume 2", dated August 2000, together with answers to questions taken on notice.

**Report ordered to be printed.**

#### **ADJOURNMENT**

**The Hon. J. J. DELLA BOSCA** (Special Minister of State, Minister for Industrial Relations, Assistant Treasurer, Minister Assisting the Premier on Public Sector Management, and Minister Assisting the Premier for the Central Coast) [10.24 p.m.]: I move:

That this House do now adjourn.

#### **MEDIATE TODAY PTY LTD**

**The Hon. D. J. GAY** (Deputy Leader of the Opposition) [10.24 p.m.]: This evening I share with the House the concerns of a number of farmers who have approached me about a company called Mediate Today

Pty Ltd. Mediate Today, as the name suggests, is a company that promotes itself as an organisation that will assist parties that wish to use mediation as a solution to various forms of dispute, including legal disputes. It promotes itself as a specialist alternative dispute resolution agency providing negotiation, mediation, honest broking, facilitation and arbitration services.

Bob Gausson is the managing director and John Weingarth is a director and the general counsel. Gausson and Weingarth promoted Mediate Today and themselves to the Foreign Currency Borrowers Association as experienced mediators and facilitators with banks. Because of their self-promotion a number of foreign currency borrowers had discussions with them from 1995 and Mediate Today was engaged by some of the borrowers to look at and assist with debt problems with various banks. As one can imagine, most of the borrowers were somewhat desperate to find a settlement. Three cases in particular have been detailed to me. They give some idea of the dubious methods that Gausson and Weingarth use to gain business and then attempt to get some sort of settlement and therefore large fees.

A borrower engaged Mediate Today to get a settlement with a major bank. He agreed to pay Mediate Today \$30,000 for a settlement and a lesser fee for no settlement. He believed that by agreeing to pay a fee to Mediate Today, they would be acting for him. On the day prior to an organised mediation with the bank the borrower discovered, to his disbelief, that Mediate Today had also organised a fee structure with the bank. The company had, without the knowledge of the borrower, organised both sides to pay settlement fees. Mediate Today also lost eight years of diaries that belonged to the borrower.

A second borrower engaged Mediate Today to try to get a settlement from one of the major banks. The borrower agreed to a \$20,000 fee for a successful settlement. Mediate Today, after discussions with the bank, advised the borrower that they believed it would be advisable if they acted as "honest brokers". After some discussions with the bank, Gausson advised the borrower that he believed it would be advantageous if the borrower paid them \$30,000. Mediate Today then advised that the bank would pay the fee. Mediate Today did get an unsatisfactory settlement, the fee was deducted from the settlement amount, and the borrower in the end paid a total of \$37,100 in fees to Mediate Today rather than the original agreed fee of \$20,000.

A third borrower engaged Mediate Today through Gausson and Weingarth to try to get a settlement from a major bank. This borrower agreed to a success fee structure with them. It involved \$4,000 for initial work and then a 5 per cent success fee on the settled amount minus the original \$4,000. That is, if there were no settlement with the bank, they would get only \$4,000. After five months and various meetings Mediate Today had with the bank, the borrower decided that they could not get a satisfactory settlement with the bank. The agreement with Mediate Today was terminated with their agreement.

The borrower then went to farm debt mediation with legal assistance. A settlement was reached at the farm debt mediation. Mediate Today did some work towards the mediation but were not involved in the long mediation process. The borrower offered to pay for the small amount of pre-mediation work they did, but they refused that offer of payment. When Mediate Today discovered that the borrower had received a settlement from the bank they decided they should receive a 5 per cent fee from the borrower. The borrower refused to pay as the original fee structure was terminated. Mediate Today then took the matter to the Local Court in Sydney, where they sued the borrower for \$30,000. The matter was heard over three days. In handing down his decision, Magistrate Mr P. S. Cloran made some damning statements about Mediate Today and Bob Gausson. Mr Cloran said:

It transpires that the litigation with the bank did settle, however it was not as a result of mediation that involved the plaintiff despite a clear inference in the further amended statement of liquidated claim.

I have been critical of Mediate Today throughout the judgment ... Certainly, I have indicated a degree of scepticism about the evidence, particularly of Mr Gausson.

[Time expired.]

#### **CHRISTIAN DEMOCRATIC PARTY MEMBER Mr JOHN BRADFORD**

**The Hon. ELAINE NILE** [10.29 p.m.]: I should like to clarify a number of issues raised in the *Daily Telegraph* editorial of 22 August. I strongly object to the accusations in that editorial which claimed that the Christian Democratic Party, and in particular Reverend the Hon. F. J. Nile and I were supporting an apparent attempt by John Bradford of the Gold Coast to circumvent the electoral laws to provide the necessary qualifications for him to be nominated to fill a casual vacancy for my seat in the Legislative Council. Not only did we not encourage any such action by Mr Bradford; we did the exact opposite, as it is Christian Democratic

Party policy to be seen always to do the right thing. We told Mr Bradford a number of times that the New South Wales Parliament is very strict about the necessity to fulfil all legal requirements, both in the spirit of the law as well as to the letter of the law. We told him that the Leader of the Government, the Hon. M. R. Egan, the Hon. J. R. Johnson and the Deputy Clerk, Lynn Lovelock, had reminded us of the 28-day requirement.

We had hoped that Mr Bradford would move with his family to Sydney before the commencement of the minimum 28-day residential requirement, but his children's schooling prevented that. We regret the negative publicity and controversy over the perception that Mr Bradford was living in Sydney and on the Gold Coast during the 28-day period; it would not have arisen if he had followed our directions. Mr Bradford believed, and still believes, he was fulfilling the letter of the law. That opinion was supported by the ruling of the New South Wales Electoral Commissioner, who found that Mr Bradford had fulfilled the 28-day residential requirement even though he had only spent 12 days at Narrabeen.

The unpleasant controversy and my return to good health as a result of specialist treatment has caused me to review my decision to resign. I was in poor health in the earlier part of the year, as honourable members were aware, particularly the Hon. Dr P. Wong, who referred me to an excellent lung specialist. Now, thanks be to God, my health has improved and I am now seeking God's guidance concerning my future as a member of this Parliament and whether to resign. I would appreciate and value the prayers of honourable members because of tremendous pressure within my party for me to resign, in spite of the withdrawal of my intended resignation.

### EMPLOYEE ENTITLEMENTS

**The Hon. M. J. GALLACHER** (Leader of the Opposition) [10.31 p.m.]: I place on the record my continuing disappointment and frustration at the Labor Government's lack of interest in, and commitment to, workers in this State. For a change I will not talk about the Government's failure to reform workers compensation but I will raise an equally important issue, that is, workers entitlements. This afternoon the Minister for Industrial Relations was asked a fairly straightforward question by the Hon. C. J. S. Lynn concerning the Government's attitude towards providing protection for workers in the event of a business insolvency. We would all like to work in an environment in which companies did not close their doors and workers' entitlements were protected but, unfortunately, that is not the reality.

I was most disappointed by the simplistic approach taken by the Minister for Industrial Relations, who simply stated that he believed an insurance scheme should be put in place and that it was the responsibility of the Federal Government to address workers entitlements. One can only assume it is his view that workers' entitlements are akin to superannuation rather than workers compensation, a matter he continues to ignore. However, I am yet to be convinced that it is a matter for the Federal Government, rather than the State Government. Although there is some argument that businesses are not confined by State boundaries, there is considerable weight to the suggestion that as State governments have the power to influence the operations of businesses in their jurisdictions, they too should bear some responsibility if those businesses fail.

It is easy for the Government to focus on stories of unscrupulous operators who run businesses into the ground and who fail to fulfil their workers compensation responsibilities. However, the Government has failed to acknowledge that some employers are forced to close their doors through no fault of their own, because of matters beyond their control, and that this has had a bearing on the continued operation of their business. In recent times I have spoken to a number of employers and operators of small, medium and large businesses throughout country and regional New South Wales. They are greatly concerned about the continuing confusion about workers entitlements and the fact that the Government has failed to put forward any plans to address the issue.

The suggestion about insurance is an interesting concept. It will achieve a number of things in a negative way. It will provide a mechanism for bad operators to simply walk away from their responsibility to keep their doors open. The message that will be sent to operators will be, "Pay your insurance, run your business into the ground, and workers entitlements will be picked up in the insurance scheme." The Minister failed to address a number of issues. For example, how does an insurance company determine risk for potential insured businesses? Does an insurance company have the right to inspect the books of a business so that it is able to determine risk?

The Government does not have a plan in relation to workers entitlements, but a plan is firmly and squarely on the books. The Minister, who is attempting meekly to interject, knows that he is in dangerous water. He stymied debate on workers entitlements at the recent Federal Australian Labor Party conference in

Tasmania. We have been told that one of the propositions that was put to the conference was that until such time as the Labor Party came up with an alternative plan delegates should agree to the Reith plan. There was nothing else on the table to protect workers entitlements. The Minister did not want debate on that issue.

Workers in New South Wales who are being protected as a result of the Reith plan receive up to 40 per cent of their entitlements. The State Government should be prepared to match dollar for dollar the Federal Government's contribution. Workers in this State are not getting one cent from this Government. Minister Reith asked the State Government to match the Federal Government's contribution but the Government simply walked away from its responsibility in relation to workers entitlements. It is a disgrace. The Opposition intends to appoint a committee to examine appropriate mechanisms relating to workers entitlements. [*Time expired.*]

### TAREE HEALTH FOR LIFE PROJECT

**The Hon. JAN BURNSWOODS** [10.36 p.m.]: I refer to a project which it is hoped will soon be under way in Taree. Taree Public School, together with the Biripi Aboriginal Corporation Medical Centre, submitted an application to the Federal Government under the National Nutrition program. The project, which is entitled "Health for Life", is briefly described in the following terms:

A project to implement practical hands-on health programs that will teach children, adolescents and pregnant women sound nutrition, thereby improving their health and learning ability. Research has shown that children who have a poor diet have difficulties with learning. This frequently results in other problems occurring, such as truancy, theft, including shoplifting, and associated behavioural problems.

As I said earlier, the program has been jointly worked out. The Biripi Aboriginal Medical Service is situated at Purfleet in the heart of the Aboriginal community and is therefore accessible to all the subgroups targeted by this program. It has been providing a primary health service to the local community for some 20 years. The other partner, Taree Public School, is classified as a disadvantaged school, which means that it is a school serving students from the community with the highest concentration of families from low socioeconomic backgrounds.

Aboriginal children comprise about 60 per cent of the school's population. Their families have an unemployment rate of approximately 75 per cent. One of the reasons for the development of this program has been the work done by Taree Public School to identify the needs of children. During 1999 the school kept daily records of the number of children who had to be given food throughout the day. On average, 40 children each day were provided with food before school commenced, at recess and at lunchtime. There were also numerous cases of children having been given money to order their lunch from the school canteen, but spending the money on toys and lollies on their way to school and, consequently, having no money for food.

This is a very detailed submission. It is too lengthy to read, but I assure honourable members that the project has been very carefully worked out between the Aboriginal Medical Service and Taree Public School. I believe it adequately meets the criteria under the National Child Nutrition program. I have raised the matter here because when I was in Taree last week I was informed that the application was submitted in accordance with the rules back in March when applications closed, and the community was told—as indeed everyone was told—that the grants were to be announced in June. Since then people associated with the school and the medical service have been trying to find out what is happening. They have contacted their local Federal member, Mark Vaile, and they have contacted other people.

The matter was raised with me and I have attempted to find out what is going on because it is now the end of August. The local Taree community have put together this submission and still do not know whether or not they have any funding. What they have found out is that no decision seems to have been made but, of course, they are trying to make their plans to put this program into effect. Contact with the Commonwealth Health Department has worried me somewhat because I had been informed that the submissions were "with the Minister"—that is, the Federal Minister, Dr Wooldridge—and that as the Minister was overseas for a month and a half there would be no decision for another few months.

Given the nature of the need I have described, and the fact that applications closed back in March and it was made clear that the grants were to be announced in June—and whether Michael Wooldridge chooses to be overseas for a month and a half or not—it is simply not good enough for the Federal Government, a Federal Minister and another Federal Minister, the local member, Mark Vaile, to simply repeat that they cannot do anything; that it is with the Minister and the Minister is not here; and that all of these children in Taree, no matter how great their need, no matter how excellently this program has been worked out, will simply have to wait until Michael Wooldridge deigns to return to Australia to actually deal with this and every other submission that was made from all over Australia. [*Time expired.*]

## ACID SULFATE SOILS MANAGEMENT

**The Hon. R. S. L. JONES** [10.41 p.m.]: Over a number of years I have raised in this House the subject of acid sulfate soils and it is time for the Government to do something about it. I have had for some months a report from the Acid Sulfate Soils Management Advisory Committee [ASSMAC] and I should like to refer to the executive summary of that report: In 1998 the New South Wales Government adopted the New South Wales Acid Sulfate Soils Strategy which involved a suite of mutually supporting measures to strengthen the management of acid sulfate soils [ASS]. As part of that strategy ASSMAC was requested to undertake a review of the worst degraded ASS areas or hot spots and report on both priorities for remediation and costings. In addition, ASSMAC was requested to review existing financial incentives available to landowners to remediate ASS affected lands and to formulate a package of financial assistance.

The report says that substantial research has been directed towards developing innovative low-cost methods of remediation which can be incorporated in current land management by ASS property owners. Because of the severity of the degradation associated with hot spots, their remediation will require measures beyond those identified for other ASS affected lands. As a result, the hot spots remain unaddressed. Hot spots have been estimated to contribute 80 to 90 per cent of the acid discharge and associated water quality problems in several North Coast estuaries. In simple terms the measures needed to bring ASS hot spots back to a condition where land use management resources employed in other ASS areas might be effective, are beyond the capacity of landowners to pay. In addition, the landowners point out with some justification that the problem has been created, at least in part, by past initiatives of State governments.

There are some 150,000 hectares of high risk ASS under agricultural production on New South Wales coastal flood plains and more than 260,000 hectares of high risk ASS in New South Wales. The ASS problem on the coastal flood plains can be traced back to the drainage and flood mitigation schemes developed during the past 100 years to promote agricultural production. These works have transformed former wetlands into predominantly dry pasture and at the same time have lowered water tables and exposed long-dormant sulphide layers in the soils to oxidation, leading to the production of sulphuric acid and its export in every rainfall event.

An economic scoping study currently under preparation for ASSMAC has identified that the principal occupier, the beef cattle industry, is yielding the poorest gross margins—\$75 per hectare—and has no significant capacity to invest in the property improvements that might reduce acid discharges. The other major industries on ASS, sugarcane and tea-tree, are returning gross margins of about \$850 per hectare and \$3,000 per hectare respectively and are considered to have the capacity to invest in improvements. Earlier reports on ASS management referred to the need to remediate the worst degraded areas or hot spots, which often extended over a number of properties, with acidity at or close to the soil surface. A valuation of New South Wales coastal catchments by the Department of Land and Water Conservation has identified 26 such sites, totalling some 55,000 hectares. Acid discharges from the hot spots are the dominant source of water quality problems in the estuaries.

While landowners have begun to deal with ASS issues, considerable friction remains between water-based industries, commercial fishing and oysters on the one hand, and land-based industries, beef and dairy, sugarcane and tea-tree on the other, because the hot spots continue unabated in the production of acid run-off, which degrades water quality. The total cost of a remediation package for the 26 identified hot spots is some \$13 million. The package includes pre- and post-remediation water quality monitoring at \$2.4 million and appropriate land-holder and community consultation participation in development of actions, at a cost of \$1.1 million. Of the remaining \$9.5 million, some \$8.5 million would be committed to a range of capital works on major flood control structures, minor flood gates on drains within the hot spots and sluices-dropboards on individual side drains. The remaining \$1 million has been allocated for voluntary purchase or leaseback during reflooding of the worst-affected sites.

There is a strong case for the New South Wales Government to meet the cost of hot spots remediation because the strategies will often involve major modifications of flood mitigation structures built by the Government; the flood mitigation structures will often be remote from the hot spots; the benefits from hot-spot remediation flow to the wider community rather than the landowner; and the landowners are generally receiving poor returns from their land and have no capacity to pay for the proposed remediation works. ASSMAC recommends that the New South Wales Government recognises the need for the mutually complementary measures of hot-spot remediation and a financial incentives package applicable to all ASS lands to progress ASS rehabilitation; and that the New South Wales Government adopts an ASS hot-spot remediation package at an estimated cost of \$13 million to develop and implement management plans for the 26 identified hot spots.



### EASTERN DISTRIBUTOR TOLLWAY

**Ms LEE RHIANNON** [10.46 p.m.]: On behalf of the Greens I again draw the attention of the House to the ongoing scandal of the Eastern Distributor tollway. It concerns a blatant fraud by a Macquarie Bank subsidiary in which the Carr Government and the Roads and Traffic Authority [RTA] are deeply implicated. I remind the House that the prospectus issued by Macquarie Infrastructure Investment Management Ltd asserted that the road would carry a daily average of 60,000 toll-paying vehicles by 2006. The RTA's environmental impact statement for the project endorsed this unscientific nonsense. A citizens group, Truth about Motorways Pty Ltd, blew the whistle on Macquarie back in 1997, alleging misleading and deceptive conduct. Ever since, Macquarie has used every legal tactic available to avoid the matter being aired in the Federal Court. It mounted a High Court challenge to the open standing provisions of the Trade Practices Act even though its lawyers advised that it would be unsuccessful. In other words, it wasted the nation's time and money on a hopeless challenge.

Eight months after the Eastern Distributor's opening it is abundantly clear why Macquarie has fought so hard to avoid an open examination of its claims. The prediction of 60,000 vehicles a day by 2006 was fully 15,000 vehicles per day higher than the road's maximum physical capacity even if it had been a freeway. Of course, it is not a freeway but a very expensive toll road. There were no riders to this assertion in the prospectus and no indications of risk or doubt. After four months of operation, toll-paying traffic has simply stopped growing. The distributor averages just 26,000 vehicles a day. Forty per cent of potential users are avoiding the tollway. It will be years before traffic could reach the 33,000 average predicted for the first four months of the project's operation. It may never reach it. In July traffic fell by 4 per cent after a fall in June of 1.4 per cent. These figures reflect the annual cycle of traffic growth and decline that has been recorded for many years in this corridor.

**The Hon. D. J. Gay:** It is the annual cycle of school holidays.

**Ms LEE RHIANNON:** The web master speaks again. Are you going to tell us about the misuse of your parliamentary resources with your web page? A conservative estimate of the interest bill on the project's half a billion dollar debt would be \$40 million per annum. The operating contract is worth \$10 million. To meet those costs, without even starting to pay off the principal, therefore requires \$50 million a year. The distributor's cash flow is less than \$30 million. It has no chance of improving that in the medium term and is bleeding red ink at the rate of more than \$20 million a year. Ultimately, its hapless investors and creditors will be burned.

But the Eastern Distributor cannot be passed off as a private sector scandal in which taxpayers have no interest. Through the environmental impact statement process the Roads and Traffic Authority endorsed the consortium's fraudulent estimates and the Carr Government signed off on them. In any privately funded infrastructure project which is built to fulfil a government-prescribed function the Government has an overriding moral duty to endorse only those commercial claims which are arrived at on good evidence and by sound scientific methods. The Carr Government has failed in that duty.

### MEDIATE TODAY PTY LTD

**The Hon. D. F. MOPPETT** [10.50 p.m.]: I share the concerns of my colleague the Deputy Leader of the Opposition concerning the activities of Mediate Today and Bob Gaussen. In his decision Magistrate Cloran said:

I have been critical of Mediate Today throughout the judgment... certainly I have indicated a degree of scepticism about the evidence, particularly of Mr Gaussen ...

It is a matter in my view where an order for costs is being made against the plaintiff because the plaintiff has been largely unsuccessful.

In all three cases Mediate Today has acted without ethics and at times dishonestly. From the above information it is obvious that Mediate Today is not an organisation that can be trusted, particularly with regard to its fee structure. Bob Gaussen is listed as an accredited mediator through the Rural Assistance Authority. This accreditation should be carefully examined to determine whether he is a fit and proper person to hold such a position. It is obvious that Mediate Today is a danger to the mediation industry and anyone looking for an honest settlement of the problems should look past Mediate Today. The mediation process has many good points when handled by organisations and individuals who honestly want a reasonable outcome for those involved.

## HIGHER SCHOOL CERTIFICATE TEXTS

**The Hon. PATRICIA FORSYTHE** [10.52 p.m.]: For many young people the Higher School Certificate is the most important thing in their lives. Yet this year students in year 11 are involved in a debacle for which the Carr Government will have to be held accountable. That debacle is undermining the confidence of students, parents and teachers. A petition which was sent to the Minister by students of Wade High School and Griffith High School, referring to the preliminary information processors and technology course, stated:

- The textbooks have been unavailable until recently and even now due to demands on the publishers the school has only been able to receive half of the amount they ordered. Also, to our knowledge the textbooks for the HSC course have yet to be written.
- Teachers are unqualified and are unable to acquire sufficient training and/or information on the course. Or they are qualified and are still unable to gain up to date training and information regarding the new course.

The students have asked for special consideration. I received a letter from a teacher of modern history, which stated:

I teach senior Modern History ... and, to date, no publisher has produced a text for either the year 11 Preliminary Course or the year 12 HSC course.

I am completing the teaching of my year 11 students and have had to secure information from various older texts to cope with the syllabus requirements this year.

Also, we begin the HSC course in a few weeks and no texts from any publisher have been mooted so far.

Who is to help the students and teachers?

A science teacher wrote to me as follows:

The delay on the introduction of data loggers is only part of the problem. Year 12 Physics and Chemistry texts are still unavailable and if the experience with year 11 texts is any guide, they are likely to be late. This raises the possibility that students could be without texts for a quarter of their HSC course. Most publishers don't even have plans for producing a text for Senior Science. The pressure of lack of time also means that schools have to rush in and buy new texts before they can properly evaluate them. This is hardly conducive to making wise purchases with scarce resources.

The haste with which the new syllabuses were implemented is illustrated by the long list of corrections that have been issued to science syllabus documents. Some errors are trivial, others are far more serious and involve terminology. This incorrect and misleading terminology is enshrined in some of the year 11 texts that have just been published, so schools find they have spent large sums of money on texts, that in some cases, use terminology different from the syllabus.

I have received an email from a parent whose son attends Bowral High School, which stated that they have no texts for computer science. When the parents visited the web site no information was available.

*[Time for debate expired.]*

## HONOURABLE MEMBER FOR MURRAY-DARLING CONDUCT

**The Hon. J. J. DELLA BOSCA** (Special Minister of State, Minister for Industrial Relations, Assistant Treasurer, Minister Assisting the Premier on Public Sector Management, and Minister Assisting the Premier for the Central Coast) [10.54 p.m.]: Carl Jung said that we hate in others the thing we fear most about ourselves. Those words came to mind this morning when I heard the shameful contribution by the Deputy Leader of the Opposition in giving notice of a motion concerning the honourable member for Murray-Darling, Peter Black. I will canvass a number of matters raised by the Deputy Leader of the Opposition. There may well be some issues that can be canvassed about all members of this place, but I do not intend to go into them. Rather, I intend to come to the defence of the character of my friend and colleague Peter Black. First, I shall read a statement by Kevin McCormack headed "To whom it may concern".

**The Hon. J. H. Jobling:** Point of order: The Minister is speaking about a notice of motion which will not appear on the business paper until tomorrow and, as such, does not appear before the House. It may well be argued that the Minister is anticipating a debate that may or may not occur. I contend that the statements the Minister is making at this stage are totally out of order as there is nothing whatsoever on the business paper and will not be until tomorrow's business paper is issued.

**The Hon. J. J. DELLA BOSCA:** To the point of order: This is the adjournment debate. I understand that I can respond to the adjournment debate in any form I choose.

**The Hon. D. J. Gay:** To the point of order: I understand that if something comes up in the adjournment the Minister may reply to it. This was a notice of motion; it was not a matter that was raised in the adjournment. Will Ministers now take half an hour every night after the adjournment debate to address every notice of motion that is before the House during the day? Or is the Minister making a ministerial statement? The Minister cannot give a ministerial statement without expecting a right of reply.

**The Hon. M. R. Egan:** To the point of order: My understanding is that any Minister may speak on the adjournment without the Minister's time being deducted from the time for the adjournment debate, which is 30 minutes.

**The Hon. D. J. Gay:** But this is not the adjournment debate.

**The Hon. M. R. Egan:** I am afraid that it is. The only difference is that the Minister's time is added to the 30 minutes. On the adjournment debate members are entitled to speak on any matter "not relevant to the motion". I remember those words because I wrote them, back in the days when Barrie Unsworth was Leader of the House.

**The Hon. J. H. Jobling:** On a point of clarification and further to the point of order: The Minister is referring to a notice that was given earlier today. The words of the notice are, "the next sitting day I shall move". There is nothing on the notice paper at this stage, and there will be nothing, so anything that the Minister says is of his own free will and volition, in anticipation of a debate that may or may not occur. Therefore, I contend that he cannot refer to that matter because it is not on the business paper and may never be debated.

**The Hon. J. J. DELLA BOSCA:** To the point of order: It is not necessary for me, in canvassing the issues I intend to canvass, to refer specifically to the motion.

**The Hon. J. H. Jobling:** There is no motion.

**The Hon. J. J. DELLA BOSCA:** To the point of order and to explain that interjection: I think the logic behind the Hon. J. H. Jobling's point is that in anticipating debate I must be speaking about the notice of motion of the Deputy Leader of the Opposition. I can continue my remarks without referring to that notice of motion.

**The DEPUTY-PRESIDENT (The Hon. Janelle Saffin):** Order! The point of order is taken on two grounds. The first is that the adjournment debate is limited to 30 minutes duration. Sessional Order 7 (1) provides that the question will be put no later than 30 minutes after the adjournment motion has been moved or at the conclusion of a Minister's remarks if a Minister desires to speak in the debate. Ministers are as entitled as any member to speak to the motion and are not restricted as to time when speaking. Accordingly, no point of order is involved. The second point raised was that of anticipation of debate. Traditionally, the Chair has ruled out of order references to any matter when there is a real likelihood of the matter becoming the subject of debate in the House. As I am not persuaded of that likelihood on this occasion I will allow the Minister to continue. No point of order is involved.

**The Hon. J. J. DELLA BOSCA:** In respect to the behaviour of the honourable member for Murray-Darling at a function of the Bankstown and Broken Hill councils at Bankstown District Sports Club, I have in my possession a copy of a statement from Mr Kevin McCormick, the host of that function. He has written that he is able to advise that he was in the immediate company of the honourable member for Murray-Darling throughout the four days of the sporting exchange this year. In his letter Mr McCormick states:

Peter Black, at no stage whilst in my company, and to my knowledge at no stage during the course of the visit, caused any embarrassment nor did he denigrate any person from Broken Hill or behave in a manner unbecoming his stature as a member.

As to the character and behaviour of my colleague and friend Peter Black, the honourable member for Murray-Darling has been attacked on a number of occasions by members of the National Party. Many of those attacks have been made because they are unable to overcome his great capacity to—

**The Hon. D. J. Gay:** Gordon Langbine is not a member of the National Party. He is a member of the Labor Party.

**The Hon. J. J. DELLA BOSCA:** I am now referring to remarks made by members of the National Party, I am not referring to your motion. We have already canvassed that issue. Peter Black has made the

accurate observation in relation to the allegations drawn to people's attention by the Deputy Leader of the Opposition that the National Party has sunk lower than a snake's belly. The allegations about the character and behaviour of the honourable member for Murray-Darling are blatant lies. I understand that the Nationals are frustrated at a time when they are reporting low performance in the polls and have a low standing in the community. That is not Country Labor's fault, nor is it Peter Black's fault. The fact that we have a high standing and that Peter Black is able to attract widespread community support in the largest country seat in this State causes great offence to members of the National Party, but they have to accept the ruling of the umpire—the umpire in this case being the people of Murray-Darling, who find Peter Black an outstanding representative. They voted him in with a substantial majority at the last election, and they will do so again.

I refer to another incident that resulted in public comment by the National Party. I am not sure whether comment was made specifically by members opposite or by members of their party. Allegations were made about Peter Black's behaviour at a recent function at the New Crown Hotel. A declaration received from the licensee of that hotel, Mr Don Walker, refers to media reports about the Australian Hotels Association sub-branch meeting and dinner held at the hotel on 1 August. The reports were in a similar vein to those referred to by the Hon. D. J. Gay. They referred to allegations that the local State member, Mr Peter Black, was asleep or behaved in an inappropriate manner during the dinner, and that he was subsequently banned or barred from the hotel. Mr Walker further states in his declaration:

These reports are incorrect and untrue. Both Mr Black, and the NSW Minister for Gaming and Racing, the Hon. Richard Face, and their staffs, along with the many AHA members present, behaved themselves in an exemplary fashion.

Furthermore, myself and my staff are trained in the responsible serving of alcohol, and I am concerned that anyone who has been to the New Crown Hotel would think otherwise.

Indeed, far from being banned from my hotel, it would be my very great pleasure to have the Member for Murray Darling Peter Black, and the Minister back at any time in the future.

A similar declaration was received from Mr Allan J. Ash, the licensee of the Tattersalls Club Hotel. If people are to make these sorts of attacks on members, first and foremost they should have their facts right. The facts here indicate that all the people who were in a position to be material witnesses to the alleged behaviour are in a position to provide me, or anyone else who is prepared to ask them, with declarations to the effect that Peter Black did not behave in any way that would have brought disrepute to his office or his electorate. I believe it is most outrageous for members of the National Party to use what I believe is the very great privilege of this Parliament in such a way as to cast a slur on a member who is doing an excellent job in representing one of the most difficult constituencies in this State.

**Motion agreed to.**

**House adjourned at 11.08 p.m.**

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