

## LEGISLATIVE COUNCIL

Wednesday, 10th March, 1993

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

**The President** offered the Prayers.

### PETITIONS

#### Abortion

Petition praying that because of community support for the continued availability of abortions and a woman's right to choose abortion and the continued availability of counselling services for abortion clinics, the House not support any restriction of existing abortion services, received from the **Hon. Ann Symonds**.

#### Forestry Commission

Petition praying that the Forestry Commission of New South Wales be reformed in accordance with the recommendations of the Public Accounts Committee and that the House urge the Government to act immediately for the good of our environmental heritage and the health of the plantation timber industry, received from the **Hon. R. S. L. Jones**

### SUPERANNUATION (RETIRED MAGISTRATES) AMENDMENT BILL

#### Second Reading

**Debate resumed from 4th March.**

**The Hon. R. D. DYER** [2.35]: The Opposition is not opposed to the Superannuation (Retired Magistrates) Amendment Bill. I was surprised by a gratuitous remark made by the Attorney General during his second reading speech on this proposed legislation. The Attorney General, referring to the anomaly sought to be rectified by the bill, said:

The anomaly is a direct consequence of the extreme carelessness of the former Labor Government when it introduced the Judicial Officers Act 1986. Before that Act was passed, the Local Courts Act 1982 contained provisions allowing for the retirement of magistrates on medical grounds. Thoughtlessly, the Judicial Officers Act repealed those provisions and did not replace them with any alternative.

Though it may well be the case that the law needs to be rectified to deal with the position that has now arisen, it is relevant to note that the Judicial Officers Act was enacted by this Parliament seven years ago. One would have thought that if it was so blindingly obvious that this omission had been made from the Judicial Officers Act, it would have occurred to someone before 1993. The other comment I make about the Judicial Officers Act is that since I became a member of this House in 1979 I can recall few occasions when legislation was debated at greater length than was the Judicial Officers Act.

I noticed that the Hon. E. P. Pickering smiled when I made that remark. He would have been the Leader of the Opposition in this House at the time the legislation was debated. No doubt he was in charge of the Opposition's tactics in regard to resisting that legislation. I recall also that the Hon. J. H. Jobling spoke at great length in that debate, notwithstanding that his professional background is as a pharmacist rather than as a solicitor or barrister. Despite the distilled wisdom of the Hon. J. H. Jobling, whose speech took three hours or more, it did not occur to him or to any other member of the then Opposition that this apparently glaring omission had been made from the legislation.

**The Hon. J. H. Jobling:** It was missed by everyone.

**The Hon. R. D. DYER:** I thank the honourable member for that interjection. As he said, it was missed by everyone. Notwithstanding that, last week the Attorney General told the House that the omission was a direct consequence of the extreme carelessness of the former Labor Government. I concede that there was an oversight, but I take issue with the Attorney General's comment about it being a matter of carelessness.

This matter has come to notice because of the circumstances affecting a particular judicial officer. Following that matter arising it has taken the combined advice of the State Authorities Superannuation Board, the Crown Solicitor and the Solicitor General to agree that this legislation is necessary to rectify the unfortunate situation. Having made those brief preliminary, contentious remarks regarding what I describe as gratuitous advice given to the House by the Attorney General, I turn to the substantive merits of the legislation, which is not in contest as between the Government and the Opposition. The Attorney General advised the House of the present unsatisfactory state of the law with regard to the circumstances of an individual magistrate.

I do not think it is appropriate or necessary to name the magistrate or to cause any embarrassment, because the circumstances are a matter of regret, and the Opposition does not wish to deal with the matter in an insensitive way. However, as the Attorney General noted last week, it is doubtful whether the State Authorities Superannuation Board can pay a breakdown retirement pension to a magistrate wishing to retire voluntarily on medical grounds if that person contributed to the State Superannuation Fund. As the House will be aware, the State Superannuation Fund has been closed to new entrants for some years. However, it will no doubt continue to operate for the benefit of contributors to that fund while ever persons are entitled to the legal benefit of the fund.

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Section 22 of the Superannuation Act 1916 envisages the compulsory retirement of the contributor as a precondition to the payment of a breakdown pension. That raises the difficulty because the only way a judicial officer - in this case a magistrate - can be compulsorily retired is by the extraordinary - in the sense in which it is not often used - process of removal by the Governor upon an Address to both Houses as contemplated and provided for in part 9 of the Constitution Act of this State. As the Attorney General stated in his second reading speech, this would impose a heavy and embarrassing burden on a judicial officer who has to face the process of removal by the Governor upon an Address being carried by both Houses of Parliament.

**The Hon. Dr B. P. V. Pezzutti:** This is a very laborious presentation.

**The Hon. R. D. DYER:** It is interesting that the Hon. Dr B. P. V. Pezzutti regards this as a laborious presentation. The honourable member should recognise that we are dealing with the magistracy of this State and that potentially the question of judicial independence could arise. As the Attorney General mentioned in his second reading speech, it does not, in fact, arise. The Hon. Dr B. P. V. Pezzutti, who apparently takes some interest in matters relating to the legal profession, should recognise the importance of the judiciary of this State and the fact that the Legislature should look with some care on any provision bearing on judicial officers in this State.

**The Hon. Dr B. P. V. Pezzutti:** Just because it deals with judicial officers does not mean it is an important or complicated bill.

**The PRESIDENT:** Order! The Hon. Dr B. P. V. Pezzutti may speak later in the debate, if he wishes.

**The Hon. R. D. DYER:** If the Hon. Dr B. P. V. Pezzutti does speak later, I hope he will not do so for as long as the Hon. J. H. Jobling when he spoke in 1986 on the Judicial Officers Act.

**The Hon. J. H. Jobling:** But it was a beautifully crafted speech, was it not? You have to agree it was not boring.

**The Hon. R. D. DYER:** I remember the speech with great clarity. I remember that I made the mistake of taking points of order, which tended to give the Hon. J. H. Jobling a second wind - an unfortunate consequence of taking a point of order. The Opposition believes that these amendments are appropriate. Because of medical reasons, a particular judicial officer is unable to discharge his duties. A report by the Conduct Division of the Judicial Commission of New South Wales described this magistrate as being mentally unfit to efficiently exercise the functions of a judicial officer. In those circumstances he should be entitled, as the Minister said, to retire with dignity and in privacy without the intervention of an Address to the Governor by both Houses of Parliament.

That procedure would be out of proportion, quite demeaning and embarrassing to the judicial officer, who has not been accused of any wrongdoing. This officer has unfortunately been affected by a condition which does not enable him to efficiently carry out the functions of his office. Superannuation entitlements for judges are governed by the Judges' Pensions Act 1953 and are not affected by this bill. However, it is true to say that the measure before the House will not only benefit the particular magistrate I have in mind, but will benefit any magistrate who happens to be affected by a similar problem in the future. The Opposition supports this measure.

**The Hon. J. M. SAMIOS** [2.48]: It gives me pleasure to support the Hon. J. P. Hannaford, the Attorney General and Minister for Industrial Relations, on the Superannuation (Retired Magistrates) Amendment Bill. The precipitate nature of the Judicial Officers Act 1986 represented an impertinent intrusion into the independence of the New South Wales judiciary and that is the reason for this amending bill. Honourable members, particularly the Hon. J. H. Jobling, who spoke at length in debate on the Judicial Officers Bill, will recall that it was a drawn-out, historic debate. Today, some years after the passage of that legislation, one of its deficiencies has necessitated the introduction of this bill.

We have a proud history of service by the judiciary of this State under the traditions of the Westminster system. The citizens of this State have been provided with a system of judicial accountability and independence based on true democratic principles. Our system of justice gives protection to individuals and preserves individual rights against infringement. That is not to say that there are no aberrations in the process of the administration of law, as that process is based on human resources and on systems provided by those resources. This bill addresses one such aberration: provision for the retirement of magistrates on the basis of physical or mental incapacity, so as to be eligible for a breakdown pension. This is simply an amending bill to right a wrong.

The former Labor Government made the unfortunate mistake of overlooking the superannuation entitlements of certain judicial officers when it introduced the Judicial Officers Act 1986, which effectively wiped out the provisions allowing for retirement of magistrates on medical grounds, as contained in the Local Courts Act 1982. By virtue of section 55(1) of the Judicial Officers Act of 1986, schedule 4 repealed section 20(e), section 20(f), and section 20(h) of the Local Courts Act 1982, that is, those sections of the Act providing for the retirement of magistrates on medical grounds. The repealed portions of section 20 were in the following terms:

20. Subject to this and any other Act, a magistrate shall be deemed to have vacated his office of Magistrate if -

- (e) he is removed from that office by the Governor under section 18(2);
- (f) he is retired from that office by the Governor under section 18(3) or 19(5) or under a provision of any other Act under which he may be so retired;
- (h) he attains the age of 65 years.

In repealing those two provisions the Judicial Officers

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Act effectively wiped out the provisions allowing for retirement of magistrates on medical grounds. This bill is necessary to amend the present situation - which clearly is not appropriate. At present it is doubtful, as a result of the repeal of section 20(e), section 20(f) and section 20(h) of the Local Courts Act, whether the State Authorities Superannuation Board can pay a breakdown retirement pension to a magistrate wishing to retire voluntarily for medical reasons, where he or she contributes to the State Superannuation Fund. Clause 3 of the Superannuation (Retired Magistrates) Amendment Bill will amend the Superannuation Act 1916 by inserting proposed section 29(8), which states:

(8) A contributor who is a Magistrate and who ceases to hold office (whether before or after the commencement of this subsection) on the ground of invalidity or physical or mental incapacity to perform the Magistrate's duties is entitled to a pension under this section as if the Magistrate had been retired by the Magistrate's employer on that ground, if the Board is satisfied as to the Magistrate's invalidity or incapacity in accordance with section 22(2).

It provides that a magistrate who ceases to hold office on the grounds of invalidity or physical or mental incapacity is entitled to a breakdown pension, as if the magistrate had been retired by his or her employer on that ground, if the State Authorities Superannuation Board is satisfied of that invalidity or incapacity, having regard to medical advice. At present, under section 29 of the Superannuation Act, a contributor must be retired by his or her employer before being eligible for a breakdown pension. Since a magistrate cannot be removed from office, except after an inquiry by the Judicial Commission and an Address of both Houses of Parliament, this provision enables a magistrate who is unable to carry out his or her duties to resign and obtain superannuation benefits, without the necessity to undergo this process.

As the Hon. R. D. Dyer said, at present a magistrate suffering from a medical condition affecting his or her capacity to function as a judicial officer is able to resign voluntarily. However, if the magistrate is covered by the Superannuation Act 1916, he or she would be entitled only to a withdrawal benefit paid under section 38A of that Act. That section is a very substantial section which provides for a withdrawal benefit only. Such a course would leave the magistrate significantly disadvantaged financially as he or she would not be entitled to a breakdown pension under the Act. The State Superannuation Fund has been closed to new entrants for a while, as I am informed. But we must ask ourselves what will be the fate of those who contributed to the fund which still operates under the Superannuation Act 1916?

Following the mental incapacity of a magistrate recently, the State Authorities Superannuation Board questioned its power to pay a breakdown retirement pension to the magistrate concerned. In order for a magistrate to receive a breakdown pension under the Superannuation Act 1916, entitlement under section 22 of that Act must be established. There is a consensus of opinion between the State Authorities Superannuation Board, the Crown Solicitor and the Solicitor General that section 22 of the Superannuation Act provides that the payment of a breakdown pension can be made only upon compulsory retirement. Without the relief that is proposed by this bill, there is no possibility of a magistrate obtaining a breakdown pension under the Act if he or she retires, even if that retirement is based on medical grounds. Compulsory retirement is the precondition for payment, yet the only compulsory process available for a magistrate's retirement is parliamentary removal, set out in the part 9 of the Constitution Act. Honourable members would no doubt agree that the added pressure that would be placed on a magistrate who is already ill and suffering mental incapacity, and has to be subject to parliamentary debate in what would probably be publicly embarrassing circumstances, would only further tax his or her fitness.

Under this amendment that person can be given the freedom to retire with dignity. Under sections 39 and 40 of the State Authorities Superannuation Act 1987, magistrates contributing to the State Authorities Superannuation Fund are entitled to a disability benefit when they cease employment due to illness. Under the Superannuation Act 1916 the situation for magistrates is not the same as that for judges. It has to be contrasted with the position of judges. A judge can retire with a pension, if the appropriate medical evidence is available. That is provided for in section 5 of the Judges Pensions Act.

It is essential that magistrates be able to retire on medical grounds supported by medical evidence which entitles them to a breakdown pension. It needs to be emphasised that this amendment bill, which aims to overcome the consequences of the Judicial Officers Act, will in no way compromise the independence of the magistracy, because the action will be initiated by the magistrate. The bill will enable the magistrates to retire with the dignity and privacy they deserve, given their special circumstances. Accordingly I commend the Attorney General and the Government for correcting this unfortunate anomaly which, as I have already indicated, came from what might be regarded as an impertinent and precipitate piece of legislation introduced by the previous Labor Government.

**The Hon. ELISABETH KIRKBY [3.2]:** The Australian Democrats support the Superannuation (Retired Magistrates) Amendment Bill. The aim of the bill is to allow magistrates who voluntarily cease to hold office because of invalidity or physical or mental incapacity to be eligible for a breakdown pension under the Superannuation Act 1916. Under section 22 of the Superannuation Act 1916 a contributor is eligible to receive a breakdown pension only when compulsorily retired by his or her employer.

The compulsory removal of a magistrate, as has been pointed out, involves removal by the Governor on an address of both Houses of Parliament. A magistrate can retire voluntarily on medical grounds, but if he or she is a contributor to the State Superannuation Fund, governed by the Superannuation Act 1916, he or she would only be entitled to a withdrawal pension and would be in the same

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category as those who are retrenched, dismissed, discharged or who resign. A withdrawal pension is not a breakdown pension. At present, a magistrate who is a contributor to the State Superannuation Fund will only be entitled to a breakdown pension by undergoing the process for compulsory retirement. This process can be humiliating if it involves debate about his or her incapacity.

The situation was brought about by the provisions in the Judicial Officers Act 1986 which sought to entrench the independence of the judiciary. The Australian Democrats support this principle. It is essential that the judiciary is and is seen to be independent. The Judicial Officers Act 1986 requires the removal of a judicial officer on medical grounds to be on the address of both Houses of Parliament following a medical examination ordered by the conduct division.

Prior to the Judicial Officers Act 1986, procedures for the removal of magistrates on medical grounds were governed by the Local Courts Act 1982, which provided for the removal of a magistrate by the Governor upon the recommendation of a Minister following a medical examination. The important thing which one has to remember is that it did not involve an address of both Houses and, as has already been pointed out, that could be potentially very humiliating for the individual concerned and for the family and relatives of that individual.

**The Hon. R. D. Dyer:** It could also be humiliating for the magistracy in general.

**The Hon. ELISABETH KIRKBY:** As the Hon. R. D. Dyer said, it could also be humiliating for the magistracy in general. The bill does not change the requirement for an address of both Houses of Parliament if the Governor seeks to remove a magistrate on medical grounds and the independence of the judiciary is not affected. In fact, the bill allows a magistrate to retire voluntarily on medical grounds and retain an entitlement to a breakdown pension following a medical examination ordered by the State Authorities Superannuation Board. The relevant section of the bill states that a magistrate who retires voluntarily on medical grounds is:

. . . entitled to a [breakdown] pension under this section as if the Magistrate had been retired by the Magistrate's employer on that ground, if the board is satisfied as to the Magistrate's invalidity or incapacity in accordance with section 22(2).

Section 22(2) of the Superannuation Act 1916 provides:

The question whether the contributor is an invalid, or is physically or mentally incapable of performing his or her duties, shall be determined by the Board, [State Authorities Superannuation Board] having regard to medical advice furnished by the Government Medical Officer or any one or more medical practitioners nominated by the Board.

The State Authorities Superannuation Board consists of nine trustees; four representing the interests of employers, four representing the interests of the employees and one chairperson appointed by the Minister with the endorsement of the Labor Council. The Australian Democrats believe it makes good sense for a magistrate to be able to retire on medical grounds and retain entitlement to a breakdown pension without having to go through the procedures established for compulsory retirement. The Australian Democrats support the bill.

**The Hon. S. B. MUTCH** [3.8]: I support the Superannuation (Retired Magistrates) Amendment Bill. In so doing I take issue with some of the comments of the Hon. R. D. Dyer who referred to what he termed the Attorney General's gratuitous remark that it was the previous Government which had made an error by, in a sense, disenfranchising certain magistrates from what really is a just, fit and proper entitlement.

The Hon. R. D. Dyer said that at that time the Opposition did not pick up the anomaly. The truth is that under the previous administration it would not have mattered what the Opposition said; it never mattered. I well remember that the previous Government would never accept amendments from any quarter. The Hon. Elaine Nile and Reverend the Hon. F. J. Nile on the crossbenches are both nodding vigorously in agreement. The previous Government would not entertain any thoughts of amendments from any quarter, no matter how good they were.

**The Hon. R. D. Dyer:** The previous Government would entertain a technical amendment.

**The Hon. S. B. MUTCH:** I would not bet on that. I would like the Hon. R. D. Dyer to produce to this House some examples of technical and effective amendments that were accepted by the previous Government.

**The Hon. E. P. Pickering:** What about the mathematical formula in the Superannuation Bill?

**The Hon. S. B. MUTCH:** As the Hon. E. P. Pickering pointed out, what about the mathematical formula in the Superannuation Bill? I remember the Hon. E. P. Pickering, as a young member, pointing that out to the House. But the previous Government was so pigheaded it would not accept it.

**The Hon. E. P. Pickering:** No, but it admitted that it was wrong.

**The Hon. S. B. MUTCH:** As the Hon. E. P. Pickering said, the previous Government would not accept it, even though it admitted that it was wrong. A government could not be more pigheaded than that. I well recall the Judicial Officers Bill because I was in the honoured position of executive assistant, which I believe was the title of my position -

**The Hon. E. P. Pickering:** Research officer.

**The Hon. S. B. MUTCH:** Research officer, policy adviser or chief of staff to the Hon. E. P. Pickering. At the time I remember the Judicial Officers Bill being hotly debated by the Opposition.

**The Hon. Dr B. P. V. Pezzutti:** In the middle

of the night.

**The Hon. S. B. MUTCH:** It was debated in the middle of the night. In fact, we even had Mr Roger Gyles, Q.C., all wigged and robed, standing in the back of the public gallery - all dressed-up with nowhere to go, waiting to give evidence on behalf of the Bar Association.

**The Hon. J. H. Jobling:** Before the bar of the House.

**The Hon. S. B. MUTCH:** We were waiting for him to give evidence before the bar of the House against preposterous legislation that was introduced by the previous Government - legislation which was a fundamental attack on the judiciary in New South Wales. It was an attack upon judicial independence, which is the cornerstone of the judicial system. This bill seeks to amend the Superannuation Act 1916 and provide a superannuation entitlement for magistrates who cease to hold office because of their invalidity or physical or mental incapacity.

It has been noted on occasions in this House that there are a number of things that we cannot change in New South Wales. Honourable members might have noticed that the Government does not necessarily have the numbers, particularly in the other place, and that the Government did not have the numbers in the upper House in its first term in office. So it has been labouring under the massive disadvantage of not being able to get all its legislation through both Houses of Parliament. All honourable members know how irresponsible the Opposition is in this regard. The Independents in the lower House and the Opposition are using and abusing one another in their efforts to make life difficult for the New South Wales Government, but the Government has persevered.

This bill seeks to ensure that magistrates retiring because of invalidity or physical or mental incapacity are eligible for what is known as a breakdown pension under the Superannuation Act 1916. In fact, this bill is a long overdue correction of an anomaly that arose because of the passing of the Judicial Officers Act in 1986, which repealed provisions of the Local Courts Act 1982, dealing with the retirement of magistrates on medical grounds. The Attorney General has pointed out the thoughtlessness of the previous Government in ramming legislation through the Parliament - which caused this anomaly.

Advice was taken by the Government from the Crown Solicitor on this point. A magistrate who retires voluntarily on medical grounds is not entitled to a breakdown pension under the Superannuation Act, because the Superannuation Act provides for the payment of a breakdown pension only on the basis of compulsory retirement. The State Authorities Superannuation Board questioned its power to pay a breakdown pension in a particular case. The board - correctly, as it turns out - perceived that its power to make such a payment arose only in the circumstances provided for in section 22 of the Superannuation Act. That section, which is headed "Breakdown retirement", states:

(1) Any contributor may be retired from the service of his employer on the ground of invalidity or physical or mental incapacity to perform his duties.

Subsection (2) states:

(2) The question whether the contributor is an invalid, or is physically or mentally incapable of performing his or her duties, shall be determined by the Board, having regard to medical advice furnished by the Government Medical Officer or any one or more medical practitioners nominated by the Board.

It is obvious that the difficulty in that section of the Superannuation Act arises from the words "any contributor may be retired". I presume that the phrase "may be retired" refers to a compulsory situation - where a contributor is forced to retire. So that precludes a magistrate who wishes to retire on genuine medical grounds. The only process currently available for the compulsory retirement of a magistrate, which is precluded under present circumstances, is that set out in part 9 of the Constitution Act, which part was inserted as a result of amendments in 1992. Under part 9, "judicial office" is defined as including: a chief magistrate, a deputy chief

magistrate, a magistrate of the Local Court, senior children's magistrates and so forth. Under the heading "Removal from judicial office" section 53, which was inserted, states:

- (1) No holder of a judicial office can be removed from the office, except as provided by this Part.
- (2) The holder of a judicial office can be removed from office by the Governor, on an address from both Houses of Parliament in the same session, seeking removal on the ground of proved misbehaviour or incapacity.
- (3) Legislation may lay down additional procedures and requirements to be complied with before a judicial officer may be removed from office.

That is one way in which a magistrate may be removed from office. But a person who wishes voluntarily to be removed from office would not want to go through this horrendous procedure. It is horrendous enough for anyone to go through when he or she is resisting it bitterly, but for a person who is medically unfit it would obviously be quite disastrous. It would be humiliating and degrading for that person - something that we certainly need to avoid.

**The Hon. D. F. Moppett:** And demeaning to the office.

**The Hon. S. B. Mutch:** It would also be demeaning to the office. This amendment will ensure that magistrates in such circumstances are able to retire with dignity. It is interesting to note that the present anomaly in respect of a certain type of magistrate does not apply to judges. Section 5(1) of the Judges' Pensions Act 1953 under the heading "Pension for judge who retired, or retires, on account of ill-health", states:

This section applies to a retired judge who retired from his judicial office before, on or after the appointed day where his retirement was certified by an appropriate authority to have been due to permanent disability or infirmity.

Similarly, certain magistrates who contribute to the State Authorities Superannuation Fund are covered under sections 39 and 40 of the State Authorities Superannuation Act 1987. Section 39(1) states:

The benefit provided by this section is payable by the  
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Board to a contributor where, before attaining the early retirement age, the contributor ceases to be employed by an employer and the Board is satisfied:

- (a) that the contributor's cessation of employment was due, directly or indirectly, to the permanent physical or mental incapacity of the contributor (not caused by any act or default of the contributor intended to produce that incapacity); and
- (b) that the contributor is permanently unable, by reason of that incapacity, to be engaged, or to be employed, in any remunerative occupation in which, in the opinion of the Board, it would otherwise be reasonable to expect the contributor to engage.

Section 40 provides for magistrates who retire on partial invalidity before the early retirement age. There should be conformity in schemes that provide for retirement of judicial officers and it is nonsensical that certain classes of judicial officers should be treated differently in this respect. This legislation seeks to remedy that anomaly. The truth is that most magistrates who are disadvantaged probably have no idea that they are under this disadvantage. I think everyone would assume that if he is ill and suffers from a disability which would force his retirement, this would be a right to which he was entitled. Many such magistrates have probably organised their affairs on the basis of this understanding.

This bill in no way attacks the independence of the judiciary. A judicial officer cannot be forced out of



office on medical grounds unless the above procedure is adopted and the judicial officer is brought before the Houses of Parliament. Retirement on medical grounds, with appropriate evidence from medical practitioners, should be a normal right in such circumstances. When I was first elected to this august Chamber I was required to attend the superannuation scheme doctor for the purpose of a medical examination to determine my eligibility for pension benefits and entitlements. It was explained to me that if I suffered an illness that forced my retirement, I would be entitled to superannuation benefits. So politicians have the expectation of being able to retire on medical grounds with compensation.

One politician did not go across the road to see the doctor, but went next door and into an office marked with a blue light. It took him some time to realise that the doctors were examining something other than general medical condition. It took him a fair while to work out where he was. Honourable members can probably guess to which party he belonged. The Attorney General has caused a copy of a report to be provided to the Clerks of both Houses of Parliament in relation to the magistrate whose circumstances brought the anomaly to light. The Minister made a statement to that effect in his second reading speech on the bill.

A magistrate suffering from a medical condition affecting his or her capacity to perform functions as a judicial officer is currently able to resign voluntarily. However, if the magistrate was covered by the State Authorities Superannuation Act he or she would only be entitled to a withdrawal benefit under that Act. That would leave the magistrate significantly disadvantaged financially as he or she would not be entitled to a breakdown pension under the Act. I believe the bill will be passed by the Parliament, as we have had the benefit of a supportive speech from the Hon. R. D. Dyer on behalf of the Opposition, a supportive speech from the Hon R. S. L. Jones on behalf of the Australian Democrats and the support of the Call to Australia party. The Superannuation (Retired Magistrates) Amendment Bill will allow magistrates who are not already able to do so to retire voluntarily with full pension rights, provided the necessary invalidity or physical or mental incapacity to perform his or her duties can be shown.

Though the magistrate can be dealt with pursuant to the provisions of the Constitution Act, that parliamentary process and the connotations of any findings of incapacity would undoubtedly impose a heavy burden on any judicial officer. In the case of one suffering from a medical condition clearly affecting his mental capacity, the burden should be avoided if that is possible. It is very important to ensure that whatever the Act provides, proper medical examinations should be carried out to determine that the judicial officer needs to retire. This legislation is but another example of the caring side of the Fahey-Murray Government. Our Government does not overlook minor points of law that have a big effect on individuals in New South Wales. The Government is concerned when such anomalies are found and moves appropriately to ensure that people who are serving the State in the capacity of a judicial officer are looked after by the Government. I support the bill.

**Reverend the Hon. F. J. NILE** [3.29]: On behalf of the Call to Australia group I record our support for the Superannuation (Retired Magistrates) Amendment Bill. The object of this bill is to ensure that a magistrate who ceases to hold office, whether or not voluntarily, as a result of invalidity or physical or mental incapacity is eligible for a breakdown pension under the Superannuation Act 1916. The Attorney General has informed honourable members that the bill is necessary and is relevant to a current situation involving a magistrate that necessitates the Address-in-Reply debate being interrupted so that the bill can be dealt with at this time.

The principal clause in the bill is clause 3, which will amend the Superannuation Act by inserting proposed section 29(8). That proposed section provides that a magistrate who ceases to hold office on the ground of invalidity or physical or mental incapacity is entitled to a breakdown pension as if the magistrate had been retired on that ground by his or her employer, if the State Authorities Superannuation Board is satisfied of the invalidity or incapacity, having regard to medical advice. At present under section 29 a contributor must be retired by his or her employer before becoming eligible for a breakdown pension.

In this instance the employer is the Parliament.

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That is why a magistrate cannot be removed from office except after inquiry by the Judicial Commission and on

an address from both Houses of Parliament. The proposed provision will enable a magistrate who is unable to carry out his or her duties to resign and thereby obtain superannuation benefits without the necessity of undergoing that process. The reason for removing a magistrate or judge by an address from both Houses of Parliament may be a serious question regarding the conduct of the magistrate or judge, involving corruption or other allegations. That is not pertinent in the specific instance to which I have referred, which relates to a voluntary decision by a magistrate to retire. Usually such cases involve ill health. I support the bill and congratulate the Government on moving speedily to rectify the discrepancy in the legislation.

**The Hon. J. P. HANNAFORD** (Attorney General, Minister for Industrial Relations, and Vice-President of the Executive Council) [3.32], in reply: I thank honourable members for their support of the proposed legislation. As honourable members have said, the legislation is aimed at bringing about fairness for those who sustain a disability in the course of employment as magistrates, so that they can retire and take superannuation in the same way as members of the judiciary generally, members of Parliament and others in the public sector. It is inappropriate that there be discrimination against magistrates in the way in which discrimination has occurred in the particular instance to which reference was made. I am pleased that honourable members have supported the bill and enabled it to proceed without directing attention to the particular circumstances that highlighted to the Government the gap in the legislation. I commend the bill to the House.

**Motion agreed to.**

**Bill read a second time and passed through remaining stages.**

## **GOVERNOR'S SPEECH: ADDRESS IN REPLY**

### **Fifth Day's Debate**

**Debate resumed from 9th March.**

**The Hon. JENNIFER GARDINER** [3.34]: I reiterate that I have pleasure in joining in this debate in response to the Governor's Speech recently made in this House. As I was challenged on the matter, I should reaffirm that along with my National Party colleagues in this House and in the other place I intend opposing the move by Her Majesty's Opposition to demean the role of the Monarch in this Parliament.

**The Hon. Dr B. P. V. Pezzutti:** The honourable member will have the support of her Liberal Party colleagues also.

**The Hon. JENNIFER GARDINER:** I am pleased that the Hon. Dr B. P. V. Pezzutti has pledged that the members of the parliamentary Liberal Party in this place will oppose any such move.

**The Hon. Dr B. P. V. Pezzutti:** And we stick to our word.

**The Hon. JENNIFER GARDINER:** Now that the honourable member's comment is on the public record, we will have a completely united force on this side of the House in opposing any attempt by Mr Carr or any member of the Australian Labor Party to water down the role of the monarchy in the Westminster system in which we believe. I look forward to the debate on the bill after it has been dealt with in the lower House. With great vigour we will oppose any action by the Australian Labor Party along those lines. I join with various honourable members who have spoken in this debate and praised the work of His Excellency the Governor since he last addressed this House. In particular I mention his strong appreciation of the need to travel beyond the bounds of metropolitan Sydney, Newcastle and Wollongong.

His Excellency makes regular visits to country areas of New South Wales. Before he became Governor he established strong empathy with rural people, particularly focusing on the Nyngan area of the State during the terrible floods. He has continued to get to know a lot of country people personally. The Governor visits all

parts of the State, even the more remote areas. A few weeks ago he attended to official duties on a very remote part of the Port Macquarie electorate, namely, Lord Howe Island. He was there in his capacity as Governor, helping to give the freedom of the island to the Australian Defence Force. As the Hon. Dr B. P. V. Pezzutti said, in the next few days the Governor will be in and around the dynamic city of Queanbeyan in the electorate of Monaro.

**The Hon. Dr B. P. V. Pezzutti:** Did I say that?

**The Hon. JENNIFER GARDINER:** I think the honourable member did say that. Honourable members appreciate the fact that the Governor ventures beyond the Blue Mountains. At the beginning of his Speech His Excellency commented:

The current Federal election campaign has made the community aware of the increasing deficit in Australia's balance of payments and the structural weaknesses in the economy. This has made it very clear to my Government that the State is unlikely to obtain relief from Commonwealth sources.

That comment was underlined by the remarks of the Premier, the Hon. John Fahey, who said in the past few days that Paul Keating is spending money like a drunken sailor, running up the biggest Bankcard bill Australia has ever seen. We hope that, come next Sunday, we will obtain relief from the Commonwealth.

**The Hon. D. F. Moppett:** They will put the drunken sailor in a longboat.

**The Hon. JENNIFER GARDINER:** He will be sailing out beyond the reef of Lord Howe Island into nowhere land, simply by virtue of the sun rising on a new much-awaited Liberal Party-National Party coalition government. We will not be the only ones who will be relieved. The whole of Australia will be

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relieved that 10 years of hard Labor in Canberra is finally over.

**The Hon. R. S. L. Jones:** There will be a Democrat Government.

**The Hon. JENNIFER GARDINER:** If there is one thing that one can be sure of happening on Sunday it is that we will not be having an Australian Democrats Government. The Democrats may have even fewer members in the Senate than they have now. However, the era of record foreign debt, child poverty, unemployment, bankruptcies and all the disaster brought on by the Labor Government will be well and truly consigned to the scrap-heap.

I should like to mention a few matters in His Excellency's Address. Under the heading "Law and Justice" the Governor drew attention to the Government's intention to reform the legal profession. It has been interesting to observe reactions from the legal profession before and since the opening of this session of the Fiftieth Parliament. The best type of change is change from within. It appears that the legal profession is reasonably keen - in light of the Government's determination in this matter - to have a constructive input into the debate on reforms designed to reduce restrictive practices in the profession, promote greater competition and accountability and provide greater choice for consumers. Most people are not willing consumers in the first place but seek legal advice as a matter of necessity.

The move towards alternative methods of dispute resolution, which have been trialed in a number of areas in the court system and the quasi-judicial system, is to be speeded up by the Government, which is certainly a welcome move. The Liberal Party-National Party Government has been truly appalled at the delays in the State's court system. Those delays, which accumulated over the years of the Wran and Unsworth governments, have denied justice to many people. Since the change of government in 1988 consecutive Ministers for justice have worked with great commitment. This is not because of the political and electoral advantages in reducing court backlogs but because backlogs mean denial of justice. New South Wales should stand proud among other democracies in having legal cases dealt with expeditiously.

Under the sponsorship and support of the former justice Minister, the Hon. Terry Griffiths, and the current Minister, the Hon. Wayne Merton, the Government is moving mountains with the co-operation of many people in the legal profession, courts administrators and the judiciary. The Government looks forward to the backlogs in the major jurisdictions continuing to be reduced. The Governor mentioned the Government's commitment to establishing a domestic violence advisory council to co-ordinate government initiatives to reduce violence in New South Wales. The Government's commitment is facing up to the level of domestic violence in this State and is continuing to work across portfolios to best address the problems. That strategy is to be admired and we look forward to the establishment of the proposed advisory council.

The ground-breaking green paper on juvenile justice, following on from the excellent work of the Legislative Council's Standing Committee on Social Issues relating to juvenile justice, has been well received. The Government's emphasis on providing young people with rehabilitation and keeping them out of institutions is to be applauded. In response to the Governor's Speech, the Hon. R. D. Dyer paid a tribute to the Office of Juvenile Justice. I should like to add my positive comments about the way in which that office does its best for juveniles who come under its notice and the way in which it tries to provide them with a second chance. That is not a conveniently neat slogan on the part of the Office of Juvenile Justice but accurately sums up the professional and caring approach the office has towards those young people.

His Excellency mentioned the Government's proposal to introduce a comprehensive regional development policy, to be announced by the Hon. Peter Collins in the next few weeks. I look forward to that as a National Party member and also as a member of the Standing Committee on State Development which has commenced work on its inquiry into business growth in country areas. The members of the committee look forward to working in tandem with the Department of State Development in that regard. The Governor announced also the creation of a new strategy for the small business sector. That strategy is being developed in consultation with small business operators throughout New South Wales, and the announcement was well received by the National Party given that it was the first political party to have a specific policy for small business.

The proposed changes to the New South Wales Tourism Commission are also welcome. This will have the effect of refocusing on the need for strategic marketing of our tourism resources in New South Wales, particularly when we compare our strategy with that adopted in respect of north Queensland. The model introduced by the former National Party Government in that State has proved to be a great success; and a similar strategy has been adopted by the present Queensland Labor Government. In fact, the policy implemented by the National Party in Queensland is proving to be such a major threat to the historically pre-eminent market share of New South Wales that it has become necessary to revamp the Tourism Commission to ensure that New South Wales is not overtaken by Queensland within the next few years.

**The Hon. Dr B. P. V. Pezzutti:** Do not worry; we will not let the socialists beat us.

**The Hon. JENNIFER GARDINER:** We certainly will not, because we will be replicating the National Party policy in Queensland, which has been copied by the Australian Labor Party in Queensland.

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**The Hon. Dr B. P. V. Pezzutti:** That is what I said.

**The Hon. JENNIFER GARDINER:** The Hon. Dr B. P. V. Pezzutti should stay tuned because he might find that is what we are going to do. It was pleasing to note the Governor's reference to the proposal by the Minister for Agriculture and Rural Affairs to introduce legislation binding the Crown on control of noxious weeds on public land. Though that may seem to some city-based members of Parliament a mundane piece of legislation, it is important to country members.

**The Hon. D. F. Moppett:** It has been a thorny problem for a long time.

**The Hon. JENNIFER GARDINER:** It has been a very thorny and noxious problem for a long time. It

has been the subject of debate and anxiety in branches of the National Party for a number of years.

**The Hon. Dr B. P. V. Pezzutti:** It has caused considerable problems for branches of the Liberal Party as well, especially those in country areas.

**The Hon. JENNIFER GARDINER:** That is right. The few branches of the Liberal Party in the country that are concerned about noxious weeds would have been making representations in that regard to the party's annual convention year after year.

**The Hon. Dr B. P. V. Pezzutti:** Any number of them, from West Wyalong and places such as that.

**The Hon. JENNIFER GARDINER:** From West Wyalong, yes, definitely; but right along the coast it has been a long-standing and aggravating issue to many landholders. Its lack of resolution in the past would have cost the State of New South Wales untold revenue through loss of production because of noxious weeds escaping, one might say, from Crown lands. The National Party is pleased that the Minister intends to introduce this important piece of legislation in this session. Last year the Hon. Ron Phillips announced that he would designate one week in 1993 as country health week. Last week we witnessed this idea coming to fruition. Country hospitals opened their doors to the local community. This was a great way to engender old fashioned community support for local hospitals. Most people seek to avoid hospitals as much as possible, but it is interesting to visit one's local hospital to see how it functions and how it cares for the very sick.

At the macro level of health services the long negotiations with the reluctant Commonwealth Government over the Medicare agreement with the States were brought to a conclusion last month and the New South Wales Minister is to be congratulated on ensuring that the outcome of those negotiations meant the provision of \$78 million in additional funding to New South Wales, a commitment which has been matched by the incoming Federal coalition government in the days leading up to the election.

Mr Phillips has also extracted from the Commonwealth an agreement that the Commonwealth and the States will co-operate on the development of a national health policy; that the Commonwealth will provide an additional \$5 million in matched funding to improve delivery of ambulatory care; and an agreement to legislate the link between private health insurance coverage and the demand for public hospital services. This clause in the agreement means that health funding arrangements will be reviewed should levels of supplementary health insurance fall by more than 2 per cent. It is hoped that a number of issues will be addressed in the move towards a national health policy. Such issues include dealing with funding arrangements for outpatients and primary care in emergency departments and in the community. The current overlap between the provision of ambulatory care in hospitals and in the community gives rise to cost shifting, gaps in service provision in some cases and overlap in others.

The clause also means correcting the distortions in funding arrangements for nursing home patients in public and private nursing homes and in hospitals; improving the continuity between acute care and home care including the development of cost-effective community alternatives to institutional care; establishing effective information systems that are applicable to clinical and resource management; ensuring that control over resources is reflected in the levels of responsibility and accountability throughout the system; addressing the significant barriers to integration of services; agreeing on national goals and targets for the health of Australians; and translating these goals and targets into measurable and achievable outcomes and outputs. This requires the development of clinical and population based outcome indicators.

Despite what some people from the other side of politics have tried to say during the Federal election campaign, the incoming Liberal Party-National Party coalition Government supports the basic principles of Medicare, namely, universal access on the basis of need and equity in provision - principles which are supported by all right-thinking Australians. Mr Phillips is correct when he says that the Federal Government's health financing system erodes an ever-shrinking private health insurance industry and that that ultimately threatens access to services. A health system that leaves private hospital beds empty while public hospitals overflow is inefficient and crazy. For that reason members on this side of the House support the mixed public and private

system which is guaranteed by the coalition's policies and represents a clear distinction between the two sides of the health debate.

A number of initiatives in education were announced in the Governor's Speech, including a new quality assurance program - the Minister mentioned this yesterday - that will involve all government schools being reviewed in a four-year cycle involving parents, students, teachers and the community. A review will be conducted of 200 schools in 1993. The concept of an international advisory council on the quality of education in New South Wales to provide independent and public advice to the Department of School Education on assessment procedures for measuring and reporting our student performances against national profiles is also welcome. His Excellency said in his Speech:

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One of the major issues to be addressed by government in Australia and overseas is the provision of increased opportunities for education and training in the post-compulsory age group.

It is unfair that the young people in the State are being severely disadvantaged in respect of gaining places at university because of inequitable Commonwealth funding. Our young people deserve the same opportunities for tertiary education as are afforded people in the States not being discriminated against by the outgoing Commonwealth Government. New South Wales has more than one-third of the nation's total population, with approximately 160,000 people attending higher education institutions, but New South Wales receives less per ratio of population than many of the less populated States. Victoria has 25.6 per cent of the total population and receives 26.8 per cent of Commonwealth funds; South Australia has 8.3 per cent of the Australian population and receives 8.4 per cent of the funds. As the Minister for Education and Youth Affairs pointed out, if this unfairness in the funding allocation were squared up, as many as 1,500 additional places could have been provided in the State's universities in 1993.

The National Party wishes to address the matter of access to the excellent facilities at regional universities, which is currently being denied by the outgoing Federal Labor Government. The policy of the Federal Government is to restrict the number of places that have traditionally been available to students who wish to undertake external or distance education. Yesterday the two incoming members for the Federal seats of Richmond and Page, National Party members Mr Larry Anthony and Mr Mike Emerson, released a policy specifically aimed at -

**The Hon. J. R. Johnson:** Do not tell us fairy stories.

**The Hon. JENNIFER GARDINER:** The Democrats tell fairy stories, not the National Party.

**The Hon. Virginia Chadwick:** They are quite honest; they say they are part of the problem.

**The Hon. JENNIFER GARDINER:** It is a very good line to finish the campaign with: the Democrats are part of the problem in Australia. Senator Coulter said that last night in an eloquent speech on "Lateline". We will see the Democrats ride away on a bicycle into the sunset on Saturday night. Regional tertiary education is of particular interest to the National Party because people such as Dr Earle Page, who has a college named after him on the campus of the University of New England, which he helped to found, and Dave Drummond, former member for Armidale, who also has a college at Armidale named after him, have contributed to the establishment of what used to be the University of New England College which is now an institution of international status.

Another person involved with that institution during his career, and who still is, is the former Deputy Leader of the Country Party of New South Wales, Sir Davis Hughes, who is still very active in formulating tertiary education policy. He was instrumental in the policy that was released yesterday at the Northern Rivers campus of the University of New England at Lismore. That followed a commitment made by the Federal Leader of the National Party, Mr Tim Fischer, in Lismore last month in the national launch of his campaign

when he said, "We will specifically target rural education". The National Party was instrumental in the establishment of the first rural university of New South Wales, the University of New England at Armidale. The National Party also established long distance learning from the University of Queensland. There are now too many restrictions and a ridiculous rationing system imposed by Labor in respect of internal and external studies. Mr Fischer also gave this commitment:

We will free up this system so that there is expanded access for external students so that youth in rural and regional Australia have better access to higher education with a 6 per cent increase in Austudy payments and an open learning system that works.

**The Hon. J. R. Johnson:** Who said that?

**The Hon. JENNIFER GARDINER:** That was said by the incoming Deputy Prime Minister of Australia, Timothy Andrew Fischer, on 21st February 1993, at the Lismore RSL Club.

**The Hon. Judith Walker:** I notice you are not supporting your Liberal candidates in Richmond.

**The Hon. JENNIFER GARDINER:** Because it is National Party territory.

**The Hon. J. R. Johnson:** It is not. It is Labor territory. The Hon. Dr B. P. V. Pezzutti set up all those branches up there in your dung hill.

**The Hon. JENNIFER GARDINER:** We will see the results on Saturday night. I can assure the Hon. J. R. Johnson that his friend Mr Laurie Brown does not have a smile on his face today in Grafton.

**The Hon. J. R. Johnson:** Why?

**The Hon. JENNIFER GARDINER:** Because he knows he is beaten.

**The Hon. D. F. Moppett:** That is the trouble, the Opposition only has one page and it is a blank one.

**The Hon. JENNIFER GARDINER:** And we are about to turn it over, pull it out and throw it in the waste paper basket. The National Party believes it is a basic human right and a matter of dignity that all people should be able to benefit from education to their maximum ability. It is because of the influence of the National Party that universities have been established over the years in regional Australia, and we are determined to see that their role is not downgraded in any way. We propose to try to break the nexus between Federal government contributions to distance education programs - external studies - and internal student rationing, for that will be of great benefit to regional universities such as the University of New England.

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

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## QUESTIONS WITHOUT NOTICE

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## CLEAN WATERWAYS PROGRAM

**The Hon. M. R. EGAN:** My question is directed to the Minister for Planning and Minister for Housing. I wonder whether the Minister recalls advising the House yesterday in the following terms:

I assure all honourable members opposite that the Government is not embarrassed because I state categorically that this document, which the Opposition purports to be a government document, is an internal Water Board memorandum.

I further ask the Minister: does the document that he later released, at his press conference yesterday, which he now claims is the original document, also confirm that the acting manager of the clean waterways program was asked to identify possible cuts of 60 per cent to the program? Why was the acting manager asked to undertake that exercise?

**The Hon. R. J. WEBSTER:** Naturally the Leader of the Opposition is very predictable in the questions he asks. Once again, of course, this whole grubby matter has shown just how far members opposite, and particularly the shadow spokesperson in another place, are prepared to go. They are prepared to do everything they can to destroy, to besmirch, and to twist the truth in every possible way. I stand by what I said yesterday. What is more, I have just received -

**The Hon. M. R. Egan:** Which conflicting version?

**The Hon. R. J. WEBSTER:** Just hang on. Five minutes ago I received a memo from the Managing Director of the Water Board, Bob Wilson, who I know has had, and should enjoy, the support of both sides of this House for the job he has done with that board. He has been praised many times by members opposite, and I am pleased to see the Hon. Judith Walker nod her head. I will read the memo to the House and I will then table it so that the Leader of the Opposition can look at it. The Opposition might learn a few things. The document is to the Minister from the managing director and the subject is "Leaked Water Board Document". It states:

The initial internal audit investigation has not been able to find an exact copy of the memorandum released by the Opposition yesterday. Even taking into account the "cut and paste" job done in the memorandum, there are small discrepancies between the copy in the hands of the Opposition and the working documents within the Board.

As you will appreciate, the Board goes through a financial modelling process annually. It is essential that financial modelling is undertaken to develop a series of scenarios dealing with all of the capital programmes.

The case leaked to the Opposition was an extreme one and one that could never really happen. This is obvious given the major effects of such a scenario which were present on the original but edited out of the leaked document.

It is wrong to speculate that there will be substantial cuts to the clean waterways Programme. The Programme is one which looks towards the maintenance of the Board's assets at an acceptable level. The deterioration of these assets has been what has led to the environmental damage. No commercial organisation can contemplate leaving these assets in a deteriorating position and the clean waterways Programme is looking to invest heavily in the rehabilitation of assets subject to neglect of past Governments. The planned level of investment in the clean waterways Programme is essential and will not be cut.

**The Hon. M. R. Egan:** Write it down -

**The Hon. R. J. WEBSTER:** Oh, shut up and listen! The memo continues:

In retrospect it was foolish to document such an extreme case given the chance that some vicious person could use a doctored document out of context to damage all that the Water Board -

**The PRESIDENT:** Order! It is my duty to listen to the question and the answer. I cannot hear some of the things the Minister is saying when there is constant carping.

**The Hon. R. J. WEBSTER:** To quote from the document:

In retrospect it was foolish to document such an extreme case given the chance that some vicious person could use a doctored document out of context to damage all that the Water Board and the Government have striven to achieve over the last five years.

The Board's Audit and Review Branch will continue with their investigations and we are anxious to co-operate with and use the



power of the police to detect those people who may or may not be leaking information in order to damage the Board and the Government.

The results of the internal audit report will be forwarded to the police this afternoon.

It is signed R. E. Wilson, managing director and dated 10th March. There could not be anything clearer than that: what has happened is that there is obviously a vicious person in the Water Board who has deliberately altered a memorandum to try to discredit a program that this Government is proud of. The worst aspect of this is that the shadow spokesperson for the environment knew that the document was doctored. She admitted that on radio this morning, yet she used it, to her everlasting -

**The Hon. M. R. Egan:** She did not.

**The Hon. R. J. WEBSTER:** She did. I have the quote here. It states, "But I think if you look even at the cover sheet and in addition to subsequent pages, that there is very little similarity, so I think that the cut and paste job simply is an attempt by the Minister to distract our attention".

**The Hon. M. R. Egan:** That is right, by the Minister.

**The Hon. R. J. WEBSTER:** No, the cut and paste job that she admitted to; and she later admitted to a journalist in the press gallery that it was a cut and paste job.

**The Hon. M. R. Egan:** By the Minister.

**The Hon. R. J. WEBSTER:** By the Minister like hell - by her, because that document does not exist in the Water Board. Did the Leader of the Opposition not hear what I had to say?

**The Hon. M. R. Egan:** The document  
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confirmed it.

**The Hon. R. J. WEBSTER:** I will read it again if the Leader of the Opposition wants that. The Leader of the Opposition could have someone read it but he is too stupid to understand it. The fact is that the Opposition deliberately altered a memorandum and constructed it to suit its own ends. It is no wonder that Ms Pam Allan has been dumped on by just about everyone in Sydney today for the disgraceful way in which she went about this horrific attempt to deliberately undermine the work not only of the Government - put the Government to one side for the moment - but also of the 9,500 employees of the Water Board, probably all of whom except one or two are just as disgusted by what Pam Allan has done as everyone should be.

Bob Wilson is a man who has devoted about 40 years of his life to the public sector, and he is shaking with rage at what has happened, because the people at the Water Board are saying that the work they are doing and the dedication they are displaying is being undermined by these despicable people opposite who simply want to wreck, to cheat, to lie, and to besmirch. But with what aim? Funding for the clean waterways program will not be cut by one dollar. You heard it from the mouth of the Premier today, you heard it from my mouth yesterday, and you will hear it from my mouth again today - not one dollar. This whole thing is a grubby exercise which has achieved nothing, except to destroy morale in the Water Board; it is an attempt to destroy me by using forged documents, because the document that Pam Allan produced yesterday does not exist at the Water Board.

The Opposition does not like it because it got caught and so did the honourable member for Blacktown. The Premier called her "cut and paste Pam" and he is right. He also called the Leader of the Opposition "Honest Bob" and honourable members can make of that what they will. But the truth is that the Opposition got caught; this incident has turned around and bitten the Opposition and they deserve every bit of it. It is a disgraceful exercise which, as I said, has served not only to undermine the role of the Water Board but also to

bring discredit upon the Opposition.

I remind the House just where the credibility of the honourable member for Blacktown stands. She has done some remarkable things. A couple of years ago the honourable member for Blacktown grabbed the television, radio and newspaper headlines with a claim that the proposed housing at Homebush Bay was contaminated by dioxins. She said that every man, woman and child who lived in the houses would be dead within 10 years. Two days later she retracted the statement, but where was her retraction printed? In the middle pages of some regional newspaper, where she said, "I am sorry. I said there was dioxin in Haslam's Creek. I can give no evidence that proves the claim".

She is a woman who claims to have credibility. No wonder last night when I went down to the *Sydney Morning Herald* offices with the two documents the person to whom I spoke said, "I thought this was a cut and paste job". One could not blame the press for doubting Pam Allan's credibility. It really is disgraceful. As my friend and colleague the Minister for Education and Youth Affairs and Minister for Employment and Training said, only the other day I brought to the attention of this House that the honourable member for Blacktown had written opposing a coalmine development in the electorate of the honourable member for Bathurst. Surprise! Surprise! The next week she wrote a letter saying that she had made a mistake.

How many mistakes does the honourable member for Blacktown make? Yesterday's grubby little effort was a mistake and the Opposition knows it, because it has been caught doctoring documents, as confirmed by the managing director of the Water Board, a man who was appointed by the Opposition when it was in office, a man whose credibility has never been doubted. He is angry with the Labor Party because it has so disgracefully attempted to discredit the Water Board and all the work it is doing. The Opposition should be ashamed of itself and it should be particularly ashamed of Pam Allan. Is it any wonder that the rumour out of the office of the Leader of the Opposition is that, in the unlikely event of the Opposition ever being elected to government, "there is no way she will ever be the Minister for the Environment". Thank goodness for that.

### **BONDI COMMUNITY STREET PROJECT FUNDING**

**The Hon. ELISABETH KIRKBY:** I direct my question without notice to the Minister for Education and Youth Affairs and Minister for Employment and Training, representing the Minister for Health. Will the Minister explain why the Drug and Alcohol Directorate will cut funding for the Bondi community street project after 1st April? Is it true that the decision to cease funding was taken without any consultation with the organisation? Was the fact that the project provided some services other than specific drug and alcohol services relevant to the decision to cut funding? Will the Minister now review this decision?

**The Hon. VIRGINIA CHADWICK:** As the Hon. Elisabeth Kirkby would recall, I have made a fairly regular plea in this House to the Federal Government on a variety of issues to give New South Wales a fair deal. Whether one looks at the proportion of university places, at funding for English as a second language program, or at Aboriginal programs, one finds that time and again New South Wales has been disadvantaged; and this is yet another example of New South Wales being disadvantaged.

I do not have any particular knowledge of the centre and the program to which the Hon. Elisabeth Kirkby refers - and I will be delighted to refer the

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question to my colleague - but it should be noted that New South Wales has had a Federal Government funding cut of \$800,000, from memory, in its drug and alcohol program. I am not trying to explain the situation, of which I have no knowledge, but it could well be that part of the explanation is that the drug and alcohol program received significantly reduced funding from the Federal Government.

However, because I do not know the program and the centre with which the Hon. Elisabeth Kirkby is so clearly concerned, it would be better for me to pass on the general question to my colleague. But, given the honourable member's comments, I think that she would join with me and all fair-minded members of this House

in expressing our concern at the \$800,000 cut which New South Wales sustained in drug and alcohol funding from the Federal Government.

### **WATER BOARD PRIVATISATION**

**The Hon. B. H. VAUGHAN:** My question without notice is directed to the Minister for Planning and Minister for Housing. Does he deny the transfer of three Water Board reports on privatisation from the Water Board to the Cabinet Office at his instigation?

**The Hon. R. J. WEBSTER:** No, I do not deny that, because those reports are part of the review of the Water Board currently being undertaken by the Water Board performance steering committee, which is run by the government trading enterprise unit of the Premier's Department.

**The Hon. M. R. Egan:** The Minister transferred those reports so that they could not be made available under the Freedom of Information Act.

**The Hon. R. J. WEBSTER:** Documents do exist but I am not in charge of the freedom of information unit. It is not my place to say whether those documents should be available or whether they should not be available.

**The Hon. M. R. Egan:** Was the Minister advised that transfer of the reports was the only way they could not be made available under freedom of information?

**The Hon. R. J. WEBSTER:** Once again, the Leader of the Opposition is trying to sledge honest public servants. He cannot help himself. All he has ever done since he became the shadow finance spokesman is sledge public servants. When one thinks of the disgusting way in which he handled the State Emergency Service matter a year or so ago, when he went out and slandered every hard-working, senior public servant in New South Wales - called into question their ability and their capacity to earn money; why they should not have this; why they should not have that - one has to ask, "What is wrong with him; is he sick?" He is acting as though he is sick. Why does this man spend his time criticising public servants?

There is nothing at all wrong with my sending reports to the Premier's Department to be part of a Cabinet committee review process. If freedom of information requests are made for those documents - and I understand requests have been made - they will be dealt with in the appropriate way. If the documents contain commercially sensitive information which, by the Freedom of Information Act, is precluded from being given out, it will not be given out. I do not make the decisions as to what information is excluded under freedom of information. Honest and hard-working public servants make those decisions according to the legislation, which I assume the Opposition voted for. I do not understand what is wrong with the Opposition. The Leader of the Opposition should ask a positive question for a change.

### **AUSTRALIAN TRAINEESHIP SYSTEM**

**The Hon. D. F. MOPPETT:** My question without notice is directed to the Minister for Employment and Training. Given the diligence with which the Minister pursues her responsibilities in the area of employment and training, will she explain to the House how the Australian traineeship system works and what role the New South Wales Government plays in it?

**The Hon. VIRGINIA CHADWICK:** I thank the Hon. D. F. Moppett for his important question relating to traineeships and equipping our young people with skills which will enhance their job prospects and their contribution to the community in later years. Traineeships are important for every young person. If Opposition members were concerned about the productive future of Australia they, like the Hon. D. F. Moppett, would be interested in training and traineeships. I am grateful that the honourable member has taken such an

interest in the Government's contribution towards improving training opportunities for young people. This is an integral part of the Government's general labour market reform. It is essential for young people to have the skills to take advantage of new technologies, work organisation systems and practices. For that reason the Government and I are placing a high priority on encouraging the acquisition of skills.

The Government also aims to ensure that trainees are capable of responding to new technologies and the emerging needs of industry. Whilst the New South Wales Government has its differences with the Federal Government on the direction of many of its programs, there is a commonality of view about the Australian traineeship system. Some honourable members would be aware that traineeships involve 12 months of structured on-the-job and off-the-job training. Industries, including the automotive, banking, finance, hospitality, insurance, manufacturing, racing and rural industries, and the public sector all offer traineeships. At the conclusion of traineeships successful trainees receive a certificate of proficiency which lists the skills obtained and the type of training received.

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Under arrangements with the Commonwealth the Federal Government meets all promotion and development costs - I think it should be acknowledged that this is a positive move by the Federal Government - and the financial incentives to take up traineeships in the private sector. This Government administers the traineeship scheme for the Federal Government, and is reimbursed a component of the cost by the Federal Government. This Government also provides direct assistance in the way of concessional rail fares and makes other significant contributions to the program.

It is worth noting that this year there will be 500 trainees in government departments and public hospitals. There will also be continued funding of wages and payroll tax for trainees employed by government departments and public hospitals. Payroll tax rebates are available for all employers of trainees, and workers' compensation premiums for trainers are paid. In addition, this Government helps with fares and accommodation for trainees who travel long distances to attend off-the-job training under the vocational training travel assistance scheme.

In the 1991-92 financial year it is worth noting that 3,700 trainees were hired in New South Wales. That represents 42 per cent of all trainees hired nationally. So there is certainly a strong commitment in both the private sector and the public sector in New South Wales to work productively with the Federal Government in this traineeship scheme. This year changes to the program resulted in the Federal Government setting a target for New South Wales of 6,400 trainees. As Minister for Employment and Training I and officers in my department will be doing everything within our power to meet this important target. I commend the Australian traineeship system to all honourable members. This year my ministry of education and youth affairs will hire four trainees, and this week I hired a trainee for my ministerial office.

**The Hon. Ann Symonds:** A trainee what?

**The Hon. VIRGINIA CHADWICK:** An office worker.

**The Hon. Ann Symonds:** A trainee Minister?

**The Hon. VIRGINIA CHADWICK:** It is about time that people were trained to become Ministers. At present Opposition members employ people with a negative view of life to assist them in preparing questions and other things. In the future they might like to think constructively and be productive by hiring trainees.

#### **CASINO AT PYRMONT**

**Reverend the Hon. F. J. NILE:** My question without notice is directed to the Minister for Education and Youth Affairs and Minister for Employment and Training, representing the Chief Secretary and Minister for

Administrative Services. Did a meeting of 11 club organisations yesterday, Tuesday, 9th March, express strong opposition to the proposed casino at Pyrmont? Did the Registered Clubs Association, which represents more than one million members, state that the 1,500 poker machines in the new casino would draw at least 20 per cent of their revenue from the 243 clubs within 10 kilometres of Pyrmont? Will the 7,000 jobs that the Government hopes to create at the new casino be offset by 7,000 jobs lost by the local clubs? Will the Government place an immediate moratorium on the world's biggest casino until these facts are fully investigated?

**The Hon. VIRGINIA CHADWICK:** I am aware of some of the public comment and concern relating to the proposed casino. I am unaware of what meetings may or may not have taken place yesterday and, therefore, what may or may not have been discussed. I will refer the matter to my colleague for her consideration and reply.

### **WATER BOARD PERFORMANCE**

**The Hon. R. D. DYER:** My question without notice is directed to the Minister for Planning and Minister for Housing. Was Reark Research Pty Limited engaged to undertake a survey of community attitudes to the Water Board? Did the survey find that people felt the Water Board preferred to keep them in the dark, that the public does not trust the board and what it is telling them, and that the board appears to be seen to be almost floundering? Did the survey also find that the board was perceived as being incompetent? Does the Minister accept responsibility for this obvious absence of public confidence in the board?

**The Hon. R. J. WEBSTER:** If members of the Labor Party believed everything that they read in the opinion polls they would have sacked Bob Carr as leader a long time ago. He is a lot more unpopular than Opposition members would have us believe. I will not take another 10 or 15 minutes - though maybe I should - to defend the dedicated staff of the Water Board, with the exception of a couple of miserable quislings, who work extremely hard and who have achieved an enormous amount of progress for this Government and the people of New South Wales. I have seen the news release put out by the honourable member for Blacktown - filled with spelling mistakes and grammatical errors.

**The Hon. Virginia Chadwick:** Is that a cut and paste job?

**The Hon. R. J. WEBSTER:** Who knows? I do not think anyone believes anything the honourable member for Blacktown says any more. I will not dignify the press release by commenting on it. As I have said, the Water Board is full of hard-working and dedicated people who are sick to death of the criticism and sniping directed at them by members of the Opposition, in particular by the Leader of the Opposition in this place and the honourable member for Blacktown in the other place. The Labor Party has reached a new low by attacking hard-working public servants in New South Wales. I hope those public servants remember that at the next election.

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### **SUNDAY RETAIL TRADING LEASES**

**The Hon. PATRICIA FORSYTHE:** I direct my question without notice to the Attorney General, Minister for Industrial Relations and Vice-President of the Executive Council. Is the Minister aware of concerns raised by the honourable member for Ku-ring-gai in the other place over shopkeepers in large shopping centres being coerced into signing Sunday trading leases against their wishes? What rights do leaseholders in large shopping complexes have in relation to Sunday trading?

**The Hon. J. P. HANNAFORD:** I thank the honourable member for her question. I am aware of the serious concerns raised by the honourable member for Ku-ring-gai in the other place yesterday evening. I am seriously concerned about reports of coercion regarding Sunday trading in large shopping centres. I am sure all honourable members would take the view that no individual should be forced to open his place of business, on a

Sunday, or any other day, if he chooses not to do so. The deregulation of shopping hours began on 9th December, 1988, when this Government legislated to amend the Factories, Shops and Industries Act to allow shops to operate unrestricted hours from Monday to Saturday.

The other major area of deregulation has been Sunday trading. This has been administered under the Act which allows the director-general of the Department of Industrial Relations, Employment, Training and Further Education to exempt major and chain stores from the restrictions imposed by the Act on Sunday trading. Deregulation has occurred gradually during the past few years, with the interests of the New South Wales public in mind. This has occurred at the instigation of individual shopkeepers, a number of whom have been located in shopping complexes.

Sunday trading exemptions under the Act were for some time granted only if the shop was located in an area which had a high tourist or visitor attraction rate. Later, because of the huge build-up of applications, the test was widened to include areas of significant public demand. The industrial relations department always administered the deregulation process on the assumption that it was totally voluntary for shops to exercise their exemptions. The onus was always on the applicant to provide convincing argument as to why he should trade. The insistence of certain managers of shopping complexes, and landlords, that individual owners open every Sunday, as allowed under the exemption, should have been an issue that the lessor and the lessee should have been capable of resolving between themselves, rather than by having the Government intervene. The industry developed a voluntary retail tenancy leasing code of practice more than 12 months ago.

**The Hon. Dr B. P. V. Pezzutti:** It has never been complied with.

**The Hon. J. P. HANNAFORD:** I am not here to comment on that. This agreement was drafted by the Building Owners and Managers Association and the Retail Traders Association. The retail industry has now claimed that the landlords are not adhering to the voluntary code of practice. They have alleged that since the code of practice was drafted not one lease has been seen by the Retail Traders Association which fully incorporates the code's provisions. They are apparently seeking Government legislation to prevent this coercion. I therefore intend to meet with the BOMA and the Retail Traders Association to discuss this situation as soon as possible.

Following that meeting, should voluntary agreements to protect individual retailers from this type of pressure fail, I shall consider legislation to protect those retailers. While I remain confident that the parties will be capable of reaching a reasoned and voluntary decision without the need for Government intervention, I will intervene unless this matter is resolved satisfactorily. The Government is not prepared to stand by and allow coercion of this type to occur.

## **TOBACCO PRODUCTS HEALTH WARNINGS**

**The Hon. R. S. L. JONES:** I address my question without notice to the Minister for Education and Youth Affairs and Minister for Employment and Training, representing the Minister for Health. Does the New South Wales Government intend to implement the new cigarette packet warnings on 1st July as agreed unanimously by the last ministerial council chaired by the Hon. John Hannaford? Is it a fact that the Minister for Health wants the warnings, but the chain-smoking Premier will not let him introduce them?

**The Hon. VIRGINIA CHADWICK:** While I could confer with my colleague the Hon. John Hannaford, it would be better if I referred the matter to my colleague in another place. Advertisements and education programs are encouraged to assist people in understanding the health hazards involved and, more particularly, to try to encourage young children not to take up smoking. Any number of programs, printed warnings, notions and suggestions of one kind or another exist, but this morning I noticed that an undoubtedly well meaning person suggested that children as young as five or six years of age should be supervised in my schools trying cigarettes.

**The Hon. J. R. Johnson:** Your schools? Our schools!

**The Hon. VIRGINIA CHADWICK:** In our schools; I am happy about that. As Minister, I would like to think that the honourable member would agree that I have some responsibility for what occurs in New South Wales schools. To suggest that children of five or six years of age should be supervised trying a cigarette, through some sort of aversion therapy to prevent them taking up smoking, is a bizarre notion. That certainly will not happen in New South Wales while I am Minister for Education. However, I am happy to refer the other matter to my colleague in the other place for his comment and considered reply.

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### **SYDNEY CITY COUNCIL FINANCES**

**The Hon. J. W. SHAW:** I direct my question without notice to the Minister for Planning, representing the Minister for Local Government. Why is the Government threatening to take steps to sack the Sydney City Council when the Government knows that all relevant information required by it has been or is being supplied by the council; that there is a reasonable explanation for the 1992 deficit, resulting from staff reductions and income decline; and that the 1993 budget is on track?

**The PRESIDENT:** Order! The honourable member has asked the Minister a question. It is the responsibility of Ministers, not of members, to answer questions.

**The Hon. R. J. WEBSTER:** It is on a downhill track. It is a bit like Paul Keating's budget of last year. I do not know the complete answer to the question. I know that the Minister for Local Government has given the Sydney City Council an ultimatum to provide him with certain facts and figures by this evening. Obviously, as the Hon. J. W. Shaw would know, local government inspectors are very much at arm's-length from the Minister and they conduct their investigations without ministerial control or supervision. It is a question of the local government inspectors being satisfied, not a question of the Minister being satisfied. Obviously they have not been satisfied, otherwise I am sure the Hon. G. B. P. Peacocke would have been satisfied. I think all will be revealed later today or tomorrow as to whether the council has been able to satisfy the Minister. No doubt at that time he will inform everyone what he proposes to do.

**The PRESIDENT:** Order! If the Hon. Dr B. P. Pezzutti and the Hon. J. R. Johnson wish to have a continuing discussion, will they please do so in the members' lounge.

### **RACISM IN SCHOOLS**

**The Hon. HELEN SHAM-HO:** My question without notice is directed to the Minister for Education and Youth Affairs and Minister for Employment and Training. Will the Minister inform the House what measures are being taken to combat racism in schools?

**The Hon. VIRGINIA CHADWICK:** I thank the honourable member for her important question and for her continuing interest in education in New South Wales, particularly those aspects of education that impact on those least advantaged in our multicultural society. The Government has an anti-racism policy which incorporates anti-racism education in all curricula in Government schools. Many specific initiatives such as whole school anti-racism projects and the development of the prejudice project kit, which are now in schools, have been completed, but unfortunately some racist incidents or practices take place in our schools.

To ensure that complaints are handled fairly and speedily I have released a set of guidelines by which complaints can be laid and resolved. In simple terms the guidelines follow five steps. The first relates to the making of a complaint. Any person or group of people with a complaint should seek assistance from a specifically nominated anti-racism contact officer in the workplace. That applies to students, parents, families - or even a member of staff, if the complaint is staff-related. Those making the complaint should have either

directly experienced or observed the alleged racist behaviour or practice.

A parent or guardian may lodge a complaint on behalf of a child. Those accepting the complaint have an obligation to let the person or group know how the matter will be investigated and of the rights of the complainant to protection from victimisation. Second, we have examined the investigation of complaints. The contact officer will have to immediately refer the complaint to a member of the school executive for further action, so that it cannot be shelved or become bogged down.

That officer will interview the complainant, inform the complainant of the process of investigation that will be followed and of the person's rights, prepare a written report for the principal - which will be required within five working days - and, if appropriate, seek resolution through consultation. All honourable members will agree that it is better to have resolution through consultation than to take the matter further, if that can be avoided. Third, we have looked at making a decision. The principal must decide on appropriate action and notify all the parties. The action could range from dismissing the complaint, to an education program to correct inappropriate behaviour, or ultimately, in an extreme case, could lead to dismissal of a member of staff or to expulsion of a student.

The fourth area that has been examined is the right of appeal. The person making the complaint has the right to appeal if that person is unhappy with the decision. Any appeal must be lodged within 20 working days. In an appeal all available material will be reviewed within 10 days. The reason for emphasis being placed on limiting the time for investigating, reporting and replying is that in the past a common complaint has been that things have dragged on without being resolved and without there being any resolve to reach finality.

Finally, the principal will be responsible for regular monitoring of the situation to ensure that recommended actions to correct a problem have been implemented. The department is committed to the fair and speedy resolution of all racist complaints. Wherever possible they will be resolved at the local level and with the maximum of confidentiality. The guidelines set out procedures to be used to resolve complaints about racism. These follow the anti-racism policy, which sets out responsibilities for schools, principals, teachers and departmental personnel. Through education it is our hope that we

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can ensure that students realise that racism is totally unacceptable in our society and that we can imbue them with attitudes that will make our community a better place as those students become adults.

## **GOODS AND SERVICES TAX ON LEGAL SERVICES**

**The Hon. FRANCA ARENA:** I ask the Attorney General and Minister for Industrial Relations a question without notice. Will he advise the House of the financial implications, in the unlikely event of a Federal coalition victory, on the legal aid budget of the State? Will the 15 per cent goods and services tax apply to barristers' and solicitors' fees? If the answer is in the affirmative, will the Attorney General increase the State budget contribution to the Legal Aid Commission by 15 per cent?

**The Hon. Virginia Chadwick:** Fewer people will be living in poverty.

**The Hon. J. P. HANNAFORD:** The interjection by the Minister for Education and Youth Affairs was apt. Legal aid is aimed at providing assistance to those who fall within the financial guidelines. Those guidelines are dictated by the Henderson poverty line. One clear financial implication of a victory by the Hewson government is that fewer people will be living in poverty. Therefore, fewer people will require legal aid, and thus the budget available for legal aid will be able to be spread further.

To deal with the next part of the question, an agreement exists between the State and Federal governments in relation to the funding of legal aid. It is a periodic agreement. The new Attorney General is already on record as saying that the Federal Government will honour it, and that there will be consumer price increases in the allocation of funds. The level of funding for legal aid will be maintained. The next part of the question



asked by the honourable member was whether the GST will apply to legal services. The answer is that it will. However, it should be borne in mind that the Legal Aid Commission sets the amount that it will pay for services provided to it.

Honourable members will recall that recently barristers indicated they proposed to increase their fees. The Legal Aid Commission said that they may do so, but that the commission sets the rate at which it remunerates people for legal aid work done for it, and that if people did not want to do legal aid work for the commission at those fees, they did not have to; the commission would find others who would do so. The Government does not expect there to be any reduction in the service that is provided by legal aid to those in need of that service. The honourable member wants to peddle the furphy that legal aid services will be reduced by the Hewson government. More people are likely to benefit from the service and fewer people will be expected to turn to legal aid for assistance following the election of the Hewson government.

### **SYDNEY CITY COUNCIL FINANCES**

**The Hon. ELAINE NILE:** I direct my question without notice to the Minister for Planning and Minister for Housing, representing the Minister for Local Government. Is the Sydney City Council facing a massive deficit of \$17.3 million? Is it a fact that the cross-servicing required for the funding of South Sydney Council is a major factor in that deficit?

**The Hon. R. J. WEBSTER:** I shall seek an answer to the questions asked by the honourable member. There is cross-subsidising between the two councils, about which I shall ascertain the details and inform the honourable member as soon as possible.

### **RIVERGLADE SITE REZONING**

**The Hon. J. F. RYAN:** I ask the Minister for Planning and Minister for Housing whether he can advise of the progress made in the rezoning and eventual development of the significant Riverglade site in Gladesville Hospital.

**The Hon. R. J. WEBSTER:** I am pleased to advise the House of significant recent developments in this matter. A decision to vacate the Riverglade campus was made by the Department of Health in 1990, reflecting the Government's policy to de-institutionalise care whenever appropriate. A process of assessment for reuse has been managed by the Property Services Group within my administration, in close consultation with the Department of Health and the Department of Planning. That process has been exhaustive, with a full environmental planning study having been prepared by planning consultants Colston Budd Hunt and Twiney Pty Limited following extensive consultation with all parties over an extended period.

The environmental planning study examined a range of alternative land use options for the site, including commercial, retail, industrial, residential and open space. The study concluded that the site was best suited for a combination of medium-density residential and open space purposes. The study also identified a number of heritage items worthy of preservation, including the priory. These processes have culminated in the recent resolution by Hunters Hill Municipal Council to proceed with the adoption of a local environmental plan for the rezoning of the Riverglade campus site to allow for medium-density residential development.

When all proper procedures under the Environmental Planning and Assessment Act are completed, this will enable a sympathetic development on the site for up to 500 medium-density dwelling units. The outcome is in line with the Government's urban consolidation objectives and one towards which the Government has been working for some time. I emphasise that the proposed rezoning and associated planning controls will ensure the retention of the significant heritage items on the site and that nearby development is sympathetic. In addition, any development on the site will include substantial open space provisions, with more than half the total site area proposed as open space.

This decision will ensure a totally sympathetic development of the site and will provide an opportunity for the establishment of new standards in urban design and sensitive environmental treatment. I go on the record as saying that the way in which this project has been handled by all government departments involved - the Department of Health, Department of Community Services, Department of Planning and latterly the Property Services Group - indicates that with the co-operation of local government and local residents excellent urban planning and design solutions can be achieved to what in the past have been difficult problems. Once again I commend all relevant officers of the New South Wales public sector for the job they have done, and I hope all honourable members do likewise.

### **GOODS AND SERVICES TAX AND CONSULTANCY SERVICES**

**The Hon. Dr MEREDITH BURGMANN:** My question without notice is to the Minister for Planning and Minister for Housing. In the light of recently released reports on the negative budgetary impact of the GST in Victoria and New South Wales, have the Department of Housing and the Department of Planning analysed the impact of a possible GST upon the extensive use of consultants and outside contractors in these large departments? Is it the case that this figure will exceed \$68 million per annum? How do the two departments intend to recoup this extra impost on their budgets without increasing user costs and charges?

**The Hon. R. J. WEBSTER:** Obviously the Hon. Dr Meredith Burgmann likes plucking things out of the air and I am sure she plucked the figure of \$68 million out of the air. The Opposition is really scraping the bottom of the barrel. Today, in question time, the Premier said that the GST would mean a \$1 billion benefit to New South Wales.

*[Interruption]*

The Hon. Dr Meredith Burgmann asked the question and though she does not like the answer, she should listen to it. The truth is that the Premier said that the GST would be a \$1 billion benefit to New South Wales. I advise the honourable member to listen to question time in the lower House because occasionally it is quite entertaining - though not as entertaining as our question time. Obviously the honourable member does not understand the principles of GST and does not understand that business inputs are GST neutral.

**The Hon. Dorothy Isaksen:** Nor do you.

**The Hon. R. J. WEBSTER:** Well, I bet you do not because I do not know that you have said anything in this House in the last couple of months that would be worth listening to, to be quite honest. All you can do, like the rest of the Opposition, is be negative. Towards the end of last year I made an appeal to Opposition members about why they do not ask good news questions. Why can they not ask questions that are positive and that might elicit good news? Why are they so negative; why do they carp and complain all the time?

**The Hon. B. H. Vaughan:** On a point of order. I thought the reference of the Minister to the mother of the House was quite disrespectful.

**The PRESIDENT:** Order! I have not heard of the title "mother of the House". Traditionally "father of the House" is a form of compliment and term of respect. In the interests of sexual equality I suppose that must be extended to the longest serving female member. There is no point of order.

**The Hon. R. J. WEBSTER:** Why cannot the Opposition come in and ask good news questions? The Hon. Franca Arena is a pleasant and sparkling lady most of the time and one would think she would occasionally ask a good news question, but no, even she asks negative questions. It is such a shame that the Opposition has had to resort to being negative all day.

**The Hon. Dr Meredith Burgmann:** Answer the question.

**The Hon. R. J. WEBSTER:** I have answered the question. I said that the honourable member does not understand the GST. She has made that very obvious by her question.

**The Hon. Dr Meredith Burgmann:** Neither does 50 per cent of the Australian public.

**The Hon. R. J. WEBSTER:** Let us wait until Saturday's result because, as the Hon. I. M. Macdonald knows, I have great confidence in Saturday's result. I have no doubt that after Saturday there will be a Hewson-Fischer government in Canberra and within 18 months the Hon. Dr Meredith Burgmann will start to reap the benefits of the GST, as will the people of New South Wales.

#### **FINGAL PENINSULA RESERVE TRUST**

**The Hon. R. S. L. JONES:** I ask the Minister for Planning and Minister for Housing, representing the Minister for Conservation and Land Management and Minister for Energy, a question without notice. When the reserve trust is created for the Fingal Peninsula, as announced by the Minister a few days ago, will the Minister ensure that representatives of the Fingal Defenders, the Tweed-Byron Local Aboriginal Land Council, the Fingal Progress Association, the Dune Care Committee and the North Coast Environment Council are represented on this trust?

**The Hon. R. J. WEBSTER:** I am sure my colleague will appoint the right people to that trust and it may well be that representatives of some of those groups mentioned by the honourable member are appointed. However, I shall refer the question to the Minister for an answer.

#### **EVERGREEN TENNIS CENTRE SITE REZONING**

**The Hon. DOROTHY ISAKSEN:** I direct my question without notice to the Minister for Planning and Minister for Housing. In relation to a request by Miripac Pty Limited to rezone the Evergreen Tennis

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Centre at Dee Why West for townhouse development, is the Minister aware that council has rejected this application on four occasions as the land involved is part of a green corridor between the Narrabeen Lagoon and the Dee Why Lagoon? Will the Minister explain why he used his powers under State environmental planning policy 32 in an attempt to pressure the council into reaching a compromise with the developer?

**The Hon. R. J. WEBSTER:** I would be interested to explore the question further with the honourable member. I am unaware that I have used my powers under SEPP 32 to rezone that site.

**The Hon. Dorothy Isaksen:** I have a letter.

**The Hon. R. J. WEBSTER:** The honourable member ought to be careful about the way she phrases her question. It is not surprising that she stumbled a little towards the end because that site is not part of any SEPP 32 rezoning that I have instituted. It may well have been eligible to be included under SEPP 32 if I chose to do so, but I have not chosen to do so.

#### **MASTER BUILDERS ASSOCIATION APPRENTICESHIP GRANTS**

**The Hon. JUDITH WALKER:** My question without notice is directed to the Attorney General, Minister for Industrial Relations and Vice-President of the Executive Council. Does the Minister recall the building industry royal commission's findings in relation to the misappropriation of government grants by the Master Builders Association's group apprenticeship scheme? Will the Minister inform the House of the details

of the arrangements with the Master Builders Association regarding the repayment of the misappropriated grants? What criminal charges have been brought against officers of the Master Builders Association in relation to the misappropriated apprenticeship grants?

**The Hon. J. P. HANNAFORD:** The Hon. Judith Walker correctly adverts to the fact that matters were raised in the Gyles royal commission report about the misappropriation of government funds. The Government has discontinued formal relationships with the Master Builders Association. Negotiations are continuing in relation to the repayment of those funds and other moneys referred to in the Giles royal commission. However, it is my recollection that the negotiations are nearing finalisation; it is possible that some aspects of the negotiations have been concluded. I will ascertain what stage those negotiations have reached. I will find out if further grants have been made to the Master Builders Association or other organisations. The Government is seeking to recover the money which has not been appropriately applied. I will advise the House of the completion of the negotiations. I will obtain detailed advice also about whether there are any criminal proceedings regarding those particular matters. Investigations have been carried out regarding related criminal matters, and other matters have been before the Crime Commission. In order to give an accurate and informative answer I will obtain further details of the express matters raised.

In view of the hour, if there are any further interesting questions in relation to which honourable members want informative answers, I suggest they be placed on the Questions and Answers paper.

#### **Mr ELLENBOGEN AND INDUSTRIAL COMMISSION HEARING**

**The Hon. J. P. HANNAFORD:** Yesterday the Hon. J. W. Shaw asked me a question about money paid for proceedings concerning Mr Ellenbogen. I suggest the honourable member refer to question No. 377 on the Questions and Answers paper of the other place, asked last year by Mr A. S. Aquilina, M.P. The answer to that question provides a detailed response to the question raised by the Hon. J. W. Shaw. In answer to that part of the question where he asks whether I sought to withdraw the reference, I can inform the honourable member that I did not seek to withdraw the reference.

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#### **GOVERNOR'S SPEECH: ADDRESS IN REPLY**

##### **Fifth Day's Debate**

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

**The Hon. JENNIFER GARDINER [5.2]:** Before my contribution was interrupted for the taking of questions I was referring to the fact that the National Party has a particular interest in tertiary education in regional centres and to the Commonwealth Government's restriction on external students. This matter is of particular interest to those people in the country and metropolitan areas who cannot undertake full-time studies on campus and who have been restricted by Federal Labor Government policies from undertaking external studies. Under the Federal Labor Government 50,000 eligible university students and 150,000 TAFE students have been denied places, and regional students and their families who are already suffering severe economic hardship are denied assistance by Labor's unfair assets test.

Inequality of access to education and the pursuit of excellence exists between rural and metropolitan students, and severe cutbacks have been made to external study units of various universities such as the University of New England and Charles Sturt University which have traditionally been large providers of distance education - indeed, pioneers - causing the external or distance education programs at those institutions to operate at half pace. The Federal Labor Government has centralised the role of providing services to external students. Indeed, it is trying to move that role to Monash University in Melbourne. In so doing it has transferred external study programs to an already overstretched program system.

Unfunded Commonwealth places in universities are left vacant because the Federal Government will not give the go ahead to the universities to offer these places. Though the present system, which involves the lessons being relayed by ABC television, has some

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merit, experts in the field of tertiary education consider this presentation to be out of date and say that newer and cheaper technologies are available for distance learning. Regional universities have traditionally offered distance education students the opportunity to have some face-to-face teaching providing very important times for interaction between students and teachers on campus and in residential schools. But under the present Labor system that opportunity is limited.

Labor's present distance education program system is city based and is offered to its audience at unrealistic and irrelevant times - particularly for country students - and has not kept pace with modern technology. There are institutions that have built a tremendous tradition of excellence with respect to external degree courses, which are conducted on the same exam basis as internal courses. The National Party therefore believes that the infrastructure that is in place to provide external studies should be better targeted and organised to ensure that those courses are run at the same pace as internal studies. If external studies activities were expanded and better utilised, there would be the possibility of creating 40,000 additional part-time and even full-time places in the tertiary sector in Australia. This would open up more prospects for school-leavers who have qualified to enter tertiary education.

The National Party believes that when the incoming coalition Government takes office next week consideration should be given to providing funds directly to distance education programs so that more places can be offered for study. If direct funding were to be made available to the external units of those universities, it has been calculated that a minimum 35,000 extra students would be able to undertake external full-time and part-time courses. Those courses would operate not just out of the University of New England and Charles Sturt University but other universities such as the University of Southern Queensland, which operates from Toowoomba, the University of Central Queensland, which operates from Rockhampton, and the James Cook University, which operates out of Townsville and which will soon have a bigger and better campus at Cairns. I could address a number of other issues raised in the Governor's Speech. I reiterate that the members of the National Party appreciate the work of His Excellency the Governor, particularly in the country areas of New South Wales. The National Party looks forward to the dawning of a new Federal government next Sunday so that it cannot be said again that this country is cactus.

**The Hon. R. S. L. JONES** [5.8]: I support the motion for the adoption of the Address in Reply to the Governor's Speech. The United Nations has designated 1993 as the International Year for the World's Indigenous People. In support of this honourable members were grateful to receive booklets from the Hon. Helen Sham-Ho. We have treated our indigenous people in Australia very badly for the last 205 years. When the first European settlers came to this country they had no idea that the Aboriginal people were so diverse and possessed such a rich culture with many different languages and customs and laws of which they were not aware.

The reason that they were unaware of this was that they felt at the time that the Aborigines were just savages who had no written word and very few buildings built along European lines, and therefore the local people were dismissed as being of no worth - in fact not even as human beings. Hence the country was declared to be terra nullius, when in fact it was not so - there were very many nations living here in harmony with the land.

Unfortunately over the past 205 years we have lost much of the richness of the Aboriginal culture. Many languages have now gone and in many cases the culture has been lost. Past customs have been lost and are not known to present-day Aborigines. It is fortunate that a number of customs and languages remain reasonably intact. In fact, some languages and customs are now being taught to young people. We must hope that some of the rich culture will be restored. It is regrettable that a number of languages are known only to one or two people but there are now moves, particularly in Queensland and also in New South Wales, to retain the

languages and to teach them to young people. Hopefully our own indigenous people will make a come-back and will be treated with the respect they deserve by white people and by the diverse multicultural society in Australia.

I am very much aware that I live on what is essentially Aboriginal land as the Aborigines never ceded their land to white people. Occasionally Aboriginal people come to visit me, and they are always welcome to visit at any time they choose. In fact, my place is a place where they cut their sticks for making fire with. They have also had meetings there. Many of my friends also regard their land as being essentially Aboriginal land, and the Aboriginal people are free to visit whenever they wish and to stay there whenever they wish. I think many people forget that the land they live on and they cultivate is Aboriginal land. I had the pleasure to attend the opening of the new office of the New South Wales Aboriginal Land Council the other day, having been invited to do so by Manuel Ritchie and Robert Jackson.

**The Hon. S. B. Mutch:** Can we come to visit as well?

**The Hon. R. S. L. JONES:** Are you Aboriginal?

**The Hon. S. B. Mutch:** No.

**The Hon. J. F. Ryan:** My land belongs to the Advance Bank, Richard.

**The PRESIDENT:** Order! On previous occasions I have commented that it is quite unparliamentary for members to refer to one another by their Christian names. It has happened twice in the last 10 minutes and it will stop.

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**The Hon. R. S. L. JONES:** As I was saying, I had the pleasure to attend the opening of the new offices of the New South Wales Aboriginal Land Council. It is an extremely valuable new building on which they are getting a good rate of return of 11 per cent. The money coming to the Aboriginal Land Council through land tax is being put to very good use. The council is buying other buildings - it is buying back its own land. At the same time it is receiving a good return because the property market is so depressed, particularly in Sydney, that the council is getting extremely good returns, and that augers well for the future. An article in the *Sydney Morning Herald* recently referred to bottom feeders, people buying at the bottom of the market and receiving extremely good returns, with property being sold off by those who had their fingers burnt on the property market. Those with the money, including the New South Wales Aboriginal Land Council which has much money available, are buying properties back in a sense and receiving an extremely good return for their investment.

The Australian Democrats have an extensive Aboriginal affairs policy and this was mentioned in an article by our candidate for Gilmore, Greg Butler. I will put a few points on the record for the edification of honourable members. The principles of this policy are based on the recognition that the spiritual attachment of the Aboriginal people to this land extends back in time over 40,000 years. To the Aboriginal people the land is their very life. The people and their land are indivisible. The land is the spirit of the people. The Aboriginal people have never surrendered this land to the British colonisers and their successors. The Australian Government should restore to the Aboriginal people, legally and irrevocably, their tribal land as well as areas they claim as sacred and significant sites, these lands to be held under inalienable title. Where it is agreed that it is inappropriate to restore the land to the Aboriginal people, they should be given land relevant to their needs or should receive compensation for dispossession. Aboriginal communities may completely disintegrate unless the control of their land by white people is halted.

The Australian Democrats also have policies of self-determination and will support the national Aboriginal commission if it decides to negotiate a treaty. We also support the establishment on Aboriginal terms of an autonomous national Aboriginal commission set up by a mechanism proposed by and acceptable to Aboriginal

people in relation to mining. As far as Aboriginal health is concerned, Aboriginal traditional doctors will be recognised, involved and consulted wherever possible in health matters relating to their communities. Those communities will be provided with health care in accordance with the needs and desires of the community. I will not go into the whole policy but the Australian Democrats have an extensive policy in consultation with the Aboriginal people. It is about time it was recognised that this is their land and that we are essentially guests.

In the past 205 years visitors to this land - people who have colonised it - have done an awful lot of damage to the country. We inherited from the Aboriginal people a pristine land, a very beautiful land with a rich diversity of species which had been isolated for many years when Gondwanaland broke away. The original European settlers did not realise the value of Australia's own wildlife and, as a result of that, imported into this country European wildlife such as cats, dogs, foxes and rabbits. They brought in European farming practices that have destroyed much of the country. Now 95 per cent of the Australian land area is destroyed or very badly damaged. We have lost untold species over the past 205 years. Australia has had the greatest rate of extinction of any country in the world, and that is not something of which we can be proud.

We have lost most of our forests, with about 80 per cent or 90 per cent of our rainforests now gone. We have lost a number of important species. For example, the Tasmanian tiger is now believed to be extinct, although it may still survive in some remote forests. We have lost the yallara, the pig-footed bandicoot, the crescent nail-tailed wallaby, the desert rat-kangaroo, the paradise parrot, the rufous bristle bird, and many others. Many of these beautiful and extraordinary creatures, that are native only to Australia, face extinction particularly as a result of predatory actions by cats and foxes, and destruction of their habitat. The white people who came to Australia trashed this country. They have done untold damage over the past 205 years.

It is interesting to note that last weekend we finally decided to get together as a community to clean up the country. About 400,000 volunteers cleaned up something like 11,000 tonnes of rubbish, according to an article that appeared a few days ago in the *Sydney Morning Herald*. That was rubbish that should never have been deposited in the first place. I organised the very first clean-up of Australia in February 1972. I formed an organisation called Citizens League for Environmental Action Now, CLEAN, and invited residents from around Curl Curl Lagoon to clean up their own lagoon. They had been complaining about it to the council for many years and said that the council had done nothing. One Saturday I announced in the *Manly Daily* that I was going to clean up the lagoon. I put a big sign on the side of the van to that effect.

It was comforting to see people coming from their houses to join in cleaning up the lagoon. They were walking up to their thighs in thick, black mud, pulling out rubber tyres, a safe, a gun, among the five tonnes of rubbish that we pulled out of the lagoon that day, 21 years ago. Perhaps that was the trigger - I do not know if it was - for a nationwide clean-up. I suspect it might have been. We had other clean-ups, including a clean-up of the beaches around Manly. At that time I wrote to all the manufacturers of containers asking them to set up recycling programs, that is, for aluminium containers and steel containers. Even today this recycling program is not working adequately, even after 21 years. That is one of the

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reasons, after such lack of action on litter, together with the problems associated with landfill and incinerators, that we are asking the Government to consider introducing container deposit legislation.

We are very much aware that industry is resisting the introduction of such legislation; one can understand that industry does not want to be lumbered with its own waste products. At least 90 per cent of the 11,000 tonnes of rubbish collected during the weekend clean-up would not have been discarded had a value been placed on those containers. If container deposit legislation were introduced, those containers would have been returned, through one route or another, to the manufacturers, the recycling centres, or the reuse centres. A built-in cost should be introduced so that the manufacturers will take a cradle-to-grave responsibility for their products.

Manufacturers can no longer produce products which end up on Australia's beaches as broken glass. I have with me a photograph published in the *Sydney Morning Herald* showing a woman standing up in a sea of waste - a sea of broken glass and plastic. The community is demanding action. The community is doing

something about the situation, and it is very good to see that happening. On Clean Up Australia Day I started in the very north of New South Wales and witnessed people right along the coastline cleaning up. I then came down to Sydney and again, from the north of the State to Sydney, I saw volunteers cleaning up other people's rubbish - rubbish that bore brand names such as McDonald's and Coca-Cola.

At the hearings of the Joint Select Committee on Waste Management I asked all the manufacturers, individually, whether they would assume a cradle-to-grave responsibility for their products. Only one company, that being Coca-Cola Amatil Limited, replied affirmatively. I will meet with representatives of that company and discuss the concept of cradle-to-grave responsibility. I believe that Coca-Cola will come to the party. It is obviously aware of the community outcry against rubbish, against landfill and against incineration. I believe the Coca-Cola company may lead the way, perhaps with a return to voluntary container deposits. Coca-Cola bottles are big enough and strong enough to be used a number of times. I do not believe the manufacturing process would need to be changed; bottles already in existence could be reused. I will not detail all the arguments now for the introduction of container deposit legislation, because I know that people on the Government side of the House are not at all happy with the prospect of its introduction. But there has to be some answer to the enormous amount of waste lying around the beaches and the bush, which volunteers pick up every year. Landfills are no longer acceptable, neither is incineration because of the problems it causes; it is a waste of resources and causes pollution.

Twenty-one years ago I organised the very first anti-pollution march across the Sydney Harbour Bridge. Hundreds of people cycled across the bridge. At that time it was requested that consideration be given to the removal of private transport from the city centre and for car parking stations to be set up at railways stations around the perimeter of the city so that people could leave their cars on the perimeter of the city and travel into the city on public transport. At that time I was also campaigning on the risks of damage to the ozone layer. Today the hole in the ozone layer is bigger than ever, adding to the risk of people developing skin cancer. Skin cancers have been found on cattle, a problem with which cattle were not afflicted previously. Horticulturalists report that plants and trees are being affected by the lack of ozone, and the community is also beginning to suffer.

The loss of native forests was also of concern 21 years ago as was public transport for the northern beaches. It was proposed that a monorail down the centre of the road link the city to the northern beaches and now, 21 years later, that proposal is being examined. It is interesting to note that, having been involved in the protection of the environment for so long, little seems to have been achieved with successive governments. Some years ago my son picked up his history book and it contained a photograph of him and me walking across the Sydney Harbour Bridge in the first ever anti-pollution march, but still nothing is happening.

In 1972 the Labor Party ran a campaign to elect the Whitlam Government with the slogan "It's Time". It was a very effective campaign and by that stage it was time. Conservative government had become very stale. In 1993 another "It's Time" campaign is being waged. I am quite certain, as I am sure members on both sides of the House would be certain, that but for the GST, and to a lesser extent the problems with the proposed industrial relations legislation and changes to Medicare, the coalition would be in government by a majority of 40 or 50 seats; it would win the election by an absolute landslide. In a sense Dr Hewson has been honest with the electorate, warning it in advance of what will occur if his party is elected. The Canadian conservative government was not as honest; it lumbered its people with a GST and is now suffering the consequences. If the Federal coalition is elected, it certainly will have done it the hard way.

Dr Hewson has been honest. He has told the people of Australia, as far as he can, the effect of the GST; and obviously it will have a significant effect on all our lives. If sales tax is increased by two and a half times from \$9 billion-odd to \$24 billion, obviously everyone will be affected. What is not taxed now will be taxed. I had a letter published in today's *Daily Telegraph Mirror* stating that the effect of the GST on some small Australian magazines and publications will be that they will be put out of circulation. I have no doubt that the magazine I used to own, *Simply Living*, will not survive a 15 per cent GST. The publishers of that magazine will gain little benefit from the taxation changes. I know full well that if one adds 15 per cent to a \$5 cover price, that is \$5.75 and, with no extra revenue, the magazine will simply go out of circulation. I know of a



number of other small magazines covering specialist interests which will also - and I am sure history will prove me right - not survive. It is an absolute tragedy.

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**The Hon. S. B. Mutch:** The wholesale sales tax on petrol will be abolished, petrol will be cheaper.

**The Hon. R. S. L. JONES:** Cheaper petrol will have no effect on these publications. I know all of the costings of this magazine. I have been in publishing for 28 years and I know -

**The Hon. S. B. Mutch:** The wholesale sales tax on petrol will be abolished.

**The Hon. R. S. L. JONES:** I know that petrol will be 19c per litre cheaper but that will have virtually zero impact on this magazine. I wish it were not so, believe me.

**The Hon. S. B. Mutch:** Major tax cuts will mean that people will have more disposable income.

**The Hon. R. S. L. JONES:** I do not believe that the coalition has really looked carefully at the ramifications of imposing suddenly a 15 per cent GST right across the board. There is no doubt that a number of small shopkeepers will go broke. I spoke to one the other day who has a laundry business. He told me that he will not survive. In a recession a lot of people are on the edge; they are just making it. There is no question that a number of small businesses, with the sudden imposition of a 15 per cent GST, will go broke. There is no question that people who are paying GST but who will not get benefits from the payroll tax because they do not employ enough people and who do not have a large petrol tax component will go out of business. It is an inevitable tragedy. It will happen. Honourable members opposite can protest as much as they like.

**The Hon. R. T. M. Bull:** The 20 per cent sales tax on paper and stationery will be abolished.

**The Hon. R. S. L. JONES:** The 20 per cent sales tax is not paid on the paper used to publish books. I know the costings; I have been through them. I can tell the honourable member that the introduction of a GST will send these small publishing companies broke. It is a fact. Surely there must be some merit for extending the wholesale sales tax and taxes generally to areas that are not now covered by taxation. Many people do not pay tax who should be paying tax and the tax burden unquestionably should be spread more evenly. I think all honourable members agree with that.

I am equally sure that all honourable members agree that the elimination of payroll tax is a good thing. The elimination of payroll tax has been the policy of the Australian Democrats for approximately 12 years; I have spoken about it in this House and I mentioned it in my speech during the budget debate. Payroll tax is a ridiculous impost which should go; I think all honourable members would agree with that. One can be reasonably sure that not all businesses will pass on the benefits achieved by the abolition of wholesale sale tax and payroll tax. A number of people are suffering because of the recession and those people will absorb any benefits. There is no question about it; I have been in business and I know how it works.

The abolition of wholesale sales tax and payroll tax will allow more people to be employed, and I refer to the cake shop man; he will probably employ one, two or three more people. Some businesses will employ more people, and some will unquestionably absorb the extra profit in order perhaps to save their businesses. We know, for example, that some businesses in country New South Wales - about which I have spoken - suffered badly when they had to pay payroll tax again, after having been exempted. Some of those business owners said to me, "We will go down the tubes". So those businesses in rural New South Wales - undoubtedly some are close to the edge because of the recession and because of competition from overseas products - will be saved by the abolition of payroll tax.

I do not have a problem with the concept of the GST, but I have a problem with its implementation. If the Government suddenly imposed a 15 per cent tax it would be difficult for people to absorb it immediately.

Rather than imposing the GST generally, the Government should look at the whole thing carefully to determine which areas can handle a GST. The Government should determine whether there should be an extra goods and services tax or whether the GST should be brought in gradually - perhaps initially 1 per cent, 2 per cent or 5 per cent GST. That might cause some problems, but it will cause grave disruption in the economy if the Government imposes a 15 per cent GST right away. If the Government removes the payroll tax it will disrupt the State's finances, but there are imaginative ways to make up any shortfall, such as increasing tobacco taxes by 25 per cent, or imposing an additional tax on petrol for metropolitan car users only. Who knows? It has been shown that evolution, rather than revolution, is the much better way to go.

If any change as dramatic as the GST were to be implemented in stages it might be able to be absorbed. I am sure that imposing a 15 per cent GST from day one will cause a lot of unemployment. A lot of businesses will go to the wall and a lot of people will experience great difficulties with it. It is true to say that a lot of people will benefit from the removal of other taxes. All in all, a GST would cause a major disruption. I have mentioned before in this House the question of immigration. I am glad to say that I am one of the beneficiaries of the immigration program. I am glad that the drawbridge was not pulled up before I arrived. An article in the *Sydney Morning Herald* of 8th March has drawn attention to what is happening to people who are coming to this country during this severe recession.

**The Hon. S. B. Mutch:** What category did you come out on?

**The Hon. R. S. L. JONES:** I came out on the £10 scheme but had to repay my fare because I returned home due to the death of my father. In those days immigrants were begged to come to Australia. Extraordinarily enough, here I am in Parliament. A few immigrants are now members of this Parliament. I have heard a few anecdotal stories of people who

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have come to Australia and have not been able to get work. A Columbian man, a reasonably wealthy man in his home town of Bogotá, sold his computer business there because he was worried about cocaine cartels blowing up the place. He wanted to come to Australia to protect his family. He was not involved in the cocaine cartels; he was just concerned about the safety of his family. When he came to Australia he could not get any computing work and ended up driving a taxi. He has now gone back to Colombia to try somehow to re-establish his business.

**The Hon. S. B. Mutch:** He would rather face the drug cartels than face Paul Keating.

**The Hon. R. S. L. JONES:** He would rather be able to feed his family. He is prepared to take the risk of being affected by the drug cartels. A few days ago the front page of the *Sydney Morning Herald* reflected the fact that Dr John Hewson has risen to this challenge. I believe the Liberal Party's policy on migration is correct. The unemployment rates for certain groups of immigrants are high. We told them to come to the land of milk and honey, but that is no longer true of Australia. Australia represents heartbreak for many people. The article in the *Sydney Morning Herald* showed that 50 per cent of people from the former Union of Soviet Socialist Republics and the Baltic states are unemployed, as are 86 per cent of Lebanese people, 41 per cent of people from the Philippines, 26 per cent of people from India, and 50 per cent of people from Poland. In some cases these people are escaping from a poor economy, but they are coming to an even worse economy and to no employment. That is a tragedy.

We have to be straight with people who come to this country. We have to let them know what is happening. The Columbian migrant to whom I referred earlier certainly would not have come to Australia if he had known that there was no work. Migrants who come to the land of milk and honey, as I did, are ending up heartbroken on the dole queues. I am sure many of them wish that they had never come to this country. So it is good to look at the immigration problem. As I have said before in this House, it is not just a matter of being unemployed. Unemployment is having a severe effect on the environment of this country. An organisation called Australians for an Ecologically Sustainable Population, which was formed in Canberra, has as its aims and objectives:

1. To contribute to public awareness of the limits of Australian population growth from ecological and social viewpoints.
2. To promote awareness that the survival of an ecologically sustainable population depends in the long term on its renewable resource base.
3. To promote policies that will initially lead to the stabilisation of Australia's population by encouraging near replacement fertility rates and low immigration rates.
4. To promote urban and rural lifestyles and practices that are in harmony with the realities of the Australian environment and its resource base.
5. To advocate low immigration rates while rejecting any selection of immigrants based on race.
6. To promote policies that will lead to the stabilisation of global population.

The high level of immigration to Sydney is causing a massive problem in providing accommodation. Investment is going into housing and into all the infrastructure associated with it, whether it be sewerage works or the provision of electricity. The economy of the country is being skewed towards the provision of housing. Capital gain on houses is not taxed, and that is having a grave impact on the economy as a whole. Investment is going into housing but not into other productive industries - export industries and import replacement industries. That will have a negative effect for Australia in the long term. The housing boom is also sucking in imports.

The impact of this population growth is seen in country areas, particularly the North Coast. Just the other day I was looking at a subdivision right next to the frontal dunes at Suffolk Park, about which 3,000 people had signed a petition. Council had approved a subdivision for 10 or 11 lots on land which had been an Aboriginal women's meeting place for thousands of years. Two burial sites had been disturbed and a few years ago, when there was sandmining in the area, a Portuguese wreck from the sixteenth century was discovered a few hundred metres from the site. The local people wanted the area, which had been recovering from sandmining, to be retained in its current state. Pressure for more housing as a result of the increased population was causing demand for those blocks. That area has now been bulldozed and approval has been given for housing blocks right behind the frontal dunes. I would have thought that would be against the Government's coastal policy. But apparently it is not. The same thing has happened in Byron Bay. A lot of the area at Byron Bay has been gobbled up by new housing. Ribbon development is taking place right along the coastline. This is ruining the environment for people who have been there for quite some time. In a sense, it is degrading that area for everyone.

At Bongil Bongil, which is just south of Coffs Harbour, a development was recently approved by the Minister for Planning and Minister for Housing in what was to have been the Bongil Bongil coastal park. It is fortunate that the company that bought the New South Wales Investment Corporation, together with land which had been bought by that corporation with the assistance of the previous Government, has gone into liquidation. An amount of \$5 million was given towards the acquisition of that land. That land should never have been developed. There is a chance for this Government to acquire the remains of Bongil Bongil coastal park, or those parts which have not been developed, for less than \$1 million. That amount is only about four times what it will cost to reroute the walking track past Reef Beach, which is a bit of a scandal.

I want to discuss a number of local problems. A letter from Veda Turner, a constituent, refers to unsuitable development of Crown land on the Byron ridge line by the Department of Conservation and Land Management. This land is known as Lot 439, DP729447, between Paterson and Browning streets,  
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Byron Bay. This development, which has been or is being approved by CALM, is an overdevelopment of this steep and highly visible site on the primary ridge line within Byron Bay. It is contrary to Byron Shire Council's draft development control plan No. 2 findings in respect of the site, which state that development should be limited to lower areas immediately adjacent to the end of Seaview Street and the south-east corner with frontage

to Paterson Street.

The development restricts and reduces the integrity of the wildlife greenbelt corridor which passes through the site, was supported by the Simpson planning hearings at Byron Bay in 1985-86, and was subsequently included in the council plans. The corridor has been the subject of submissions to council from various individuals and community groups in Byron Bay. The development of the ridge and bush remnants within Byron Bay is ill-considered, given the focus of the local tourism industry on the natural attraction of the local environment and eco-tourism. This is yet another of the environmental battles that are being waged up and down the coastline.

I have been asked for assistance from time to time by various community groups. Recently the people of Bateau Bay called on me, and about 400 people attended a meeting that I addressed about the Blue Lagoon caravan park at Bateau Bay, which is being developed. These people are concerned that they are losing access to their beach. Part of the beach is being developed by the caravan park owner. I pleaded with the Minister for Planning and the Minister for the Environment to take action on behalf of the local residents, but apparently the development has been approved by the Department of Planning. The Minister for Planning said he was not aware that its approval had been considered before it had reached him, although I had informed his office, and the Minister for the Environment had made representations on the matter.

This pressure on our coastline is caused by the increasing population. It is sad that we appear to have lost that fight, although the Minister told me that severe restrictions have been placed upon that development. Recently I looked at the Dunbogan canal estate proposed at Port Macquarie, where a battle has been going on for years. Two inquiries have been held, and both recommended against the development. Commissioner Woodward recommended in the 1987 inquiry that the canal residential development not proceed. The council ignored his recommendation and rezoned the area from rural to urban development.

Commissioner Woodward found that the new area would be comparable in scale to the existing areas of Camden Haven and Laurieton, which are very large developments, although it was on the opposite, undeveloped side of the river. The area was not included in the development strategy and residential release program prepared jointly by council and the Department of Environment and Planning in 1983. The strategy did not contemplate urbanisation across the river. It is likely to lead to further limited residential area expansion on that side of the river if sufficient flood-free land is available as an alternative site for development.

A direction by the Minister for Planning and Environment in 1987 stated that draft local environment plans shall not rezone flood-labile land from rural to residential. Ignoring the recommendation and findings of Commissioner Woodward, in its subsequent rezoning and consideration of the environmental impact statement the council acted against the New South Wales Government's coastal policy, the North Coast regional environment plan, the New South Wales Department of Planning canal estate guidelines, development planning guidelines, Department of Agriculture, Fisheries Division, guidelines for canal estate development, and the State flood plain development manual.

This had been turned down twice by the Government, yet I understand that the Minister for Planning has told the developer to resubmit yet another development application on this koala habitat. It is a koala habitat and is also flood prone and contains rare and vulnerable species. Yet again, without the population pressure there would be no need for these canals. Unfortunately, one million people are unemployed in this country and tomorrow we will know whether or not this figure has increased. Jobs that were available 20 years ago are no longer available. Twenty years ago people could walk into any job they chose, but the Australian economy has been fundamentally restructured since then. Very many jobs that existed 20 years ago simply do not exist today.

I had my own experience of restructuring when I was general manager of Hamlyn House 20 years ago. The staff was reduced from 133 to 89, and a productivity increase of about 20 per cent was achieved. In the Australian economy productivity has increased greatly and many jobs will never be replaced. There are simply not enough jobs to go around now. Technology will take over and replace human beings. It is unfortunate that

these people may be unemployed for a very long time unless ecologically sustainable jobs are found, and I doubt whether these will ever be available.

Another impact on the environment during the past 205 years has been the destruction of our forests. Approximately 500,000 hectares of forests are being cleared in Queensland every year. Destruction of forests in Australia equals that in the Amazon. Vast clearings are going ahead in western New South Wales. An article on page 9 of the *Colong Bulletin* of November 1992 refers to the Minister for Conservation and Land Management and Minister for Energy making strong anti-conservation remarks. He wrote to the National Parks Association, Armidale branch, on 7th July, 1992, to advise that clearing and cultivation will continue in the western division. Mr West said:

These forms of land use intensification allow leases to maintain, increase or diversify production and or income depending upon individual circumstances.

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Regrettably, the Minister for the Environment, Chris Hartcher, is acceding to this destruction of native vegetation in the Western Division. In a letter to the National Parks Association, Armidale branch, he advised that only in exceptional circumstances will an application for clearing and cultivation licences be refused as a result of objections by the National Parks and Wildlife Service. The fact that Western Division biodiversity is poorly known, has experienced a dramatic loss of its mammal fauna, contains critical habitat for the remaining mammals and is virtually unreserved in the national parks estate has not influenced the Government's policy.

The Government's policy in the Western Division reverses the 1985 Labor Party policy which placed a moratorium on land clearing. Dr Richard Ekersley, principal issue analyst with the Commonwealth Scientific and Industrial Research Organization, believes that 140,000 square kilometres of the Western Division should be replanted to combat erosion and salinity. Future generations will pay the price for this very short-term action today. It is very sad that we are losing so much of our habitat for a very short-term gain. The timber industry itself is in crisis. Yesterday, one of my constituents went to Duncan's Mill at Kyogle and was told that the mill had been bought out by Boral, which is now gaining a stranglehold on the hardwood of the North Coast. I spoke this morning to one of the owners of Sobel's timber yard at Ballina, who told me that the price of oregon has risen 100 per cent in the past month and that western red cedar is about to rise steeply.

He said that the Japanese were cornering the market in the United States. He told how an American company had recently bought a concession on the west coast and how a Japanese company had bought the concession for millions more than the American company paid for it. He said that the big companies were buying up timber supplies in New South Wales and that a lot of the little timber mills were going broke. As my constituent said, this is an example of how the world's resources are being locked up by the large multinational corporations. If the Government were truly interested in long-term jobs, it would ensure that small timber mills continued to receive their supplies. It would attempt also to convince the reluctant Forestry Commission to become involved in mixed hardwood plantations for long-term supplies. This has been the cry of the conservation movement for 20 years, but nothing has been done.

Recently the Forestry Commission said that it was a waste of resources to plant out plantations. But these resources will be extremely valuable in a few years. Fortunately, some landholders are taking things into their own hands and planting out their land. I have mentioned previously that one can make \$1 million an acre if one is patient enough. It is regrettable that some members of the Government, particularly National Party members, are very much opposed to the concept of wilderness. Very little wilderness remains in this country. As the Minister for Conservation told Ann Suskind, the *Sydney Morning Herald* environmental writer:

Only about 4 per cent of New South Wales is still in a wilderness state . . . 96 per cent has been developed and disturbed . . . I would say the State Government does remain committed to the concept of wilderness preservation in New South Wales. We all want proper air and proper water. We need a whole series of systems . . . we need farms, we need wilderness.

Only about 4 per cent of New South Wales is left in its wilderness state, yet Mr Bruce Jeffery has put forward a proposal to essentially gut the Wilderness Act. That may be debated at a later stage. He wants to exclude freehold and leasehold land from wilderness nominations without written consent of the owner and the lessee. He wants to prevent re-nomination of rejected wilderness proposals, to require a \$10,000 lodgment fee for wilderness nominations and make social and economic impact assessment part of the review process for wilderness nominations.

More than half of the wilderness areas outside national parks consist of poor grazing country. For example, in the case of the Guy Fawkes wilderness nearly all of the 60,000 hectares of Crown leasehold is mapped by the Soil Conservation Service as class VIII, land not suitable for agricultural or pastoral production. The land is more valuable as wilderness than as poor grazing country, as will be found later. Only about 2 per cent of the 0.75 million hectares of wilderness being considered by the National Parks and Wildlife Service is freehold land.

As the National Parks and Wildlife Service cannot forcibly acquire private land under the Wilderness Act, under the just terms legislation at present, landholders have nothing to fear and a lot to gain from being assessed. Bruce Jeffery is conducting a scare campaign to which no one should pay heed. Re-nomination of wilderness proposals provides the opportunity to revisit areas that have been rejected for unacceptable political reasons. The Labor Party should reject the amendment proposed by Mr Jeffery, because a future administration will probably want to receive nominations for these areas to dedicate them as wilderness national parks.

Many developers, like conservationists, will not take no for an answer. They frequently resubmit development applications - as happened in the case of the Dunbogan canal estate - sometimes with and sometimes without modifications. Undoubtedly the Government has no plans to amend the Environmental Planning and Assessment Act to prevent developers from lodging development applications for a second time. Why not allow wilderness proposals to be made more than once?

The \$10,000 lodgment fee is an impost on voluntary conservation groups, which could not afford to pay that amount. Obviously it is designed to prevent submissions from being made. There has been talk about the social and economic assessment on wilderness areas. The Greiner Government tried to introduce social and economic assessment of World Heritage proposals. That was rejected by the Parliament as being irrelevant to the assessment of World Heritage values. The proposed amendment is an attempt to dilute much-needed wilderness advocacy by the National Parks and Wildlife Service.

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Wilderness assessment has been underfunded by the Government. The social and economic assessment has nothing to do with identification or protection of wilderness values. Such factors are considered at other levels of the decision-making process. To claim that the last of the old growth and environmentally valuable native forests are essential for the maintenance of the forest industry ignores the fact that the 200,000 hectares of old growth in wilderness is only 4 per cent of the State forest estate. If that resource is essential to the industry, the industry will not last 10 years. The industry desperately needs to build a native hardwood plantation resource base.

Few jobs are lost through wilderness protection, compared to the hundreds of thousands of jobs lost through technology change, reduced tariffs, automation and other free market economic strategies. Virtually no-one questions those job losses and the export of labour opportunities to Third World countries. The Colong Foundation does not accept the Government's position that no jobs can be lost when conserving the very last of the old growth forests. What is required is a strategy for sustainable native forest plantations, not slogans about no job losses. The Government should move quickly into promoting a strategy that provides Australian plantation timber products for the future. It should not allow itself to be drawn into siding with the logging industry for a few short-term jobs.

The woodchip industry is also in crisis, though that is not yet apparent. Within two or three years the

plantations in Chile and Spain will come on stream. The Japanese buyers of woodchip will turn to those plantations, because their product will be much cheaper than logging our old growth forests in southeastern New South Wales, the mid coast of New South Wales and other parts of Australia. The woodchip industry, which is doing extremely well at the moment, will be in crisis within two or three years when these overseas forests come on stream, particularly if the recession continues. Jobs in the woodchip industry, which is destroying much of our forests, are short-term indeed.

I have previously mentioned a number of wilderness areas in this State. These are the most precious areas in the State and they have not yet been protected. Recently there has been activity in the Deua wilderness area, which protects more than 20 rare and endangered species, including the long-nosed potoroo and the Australian grayling. The Confederation of Bushwalking Clubs has nominated 80,000 hectares as the Deua wilderness. Approximately 30,000 hectares in the north of the nomination have been excluded from the National Parks and Wildlife Service recommended area. The service proposes to isolate the area from other parts of the wilderness by retaining the Merricumbene, Dampier Mountain, Mongamula, Oulla and Bendethera fire trails, which allow unrestricted off-road vehicle and horse riding use.

The wilderness area, made up of three fragments of wilderness, totals 50,865 hectares. No fragment is larger than 15,000 hectares. However, four small areas of State forest are recommended for protection, including Diamond Creek, the upper Deua catchment and Georges Creek, which are under stress at this very time. The Bindery or Mann wilderness is contained within the second most important biogeographic region in Australia for rare fauna and small mammal diversity. It contains a number of endangered species. The National Parks and Wildlife Service has identified 53,630 hectares of wilderness. Lost World wilderness is the largest tract of subtropical rainforest wilderness in Australia.

The recommended wilderness within the World Heritage Border Ranges National Park excludes 2,100 hectares of the nomination in Brindle, Little Brindle and Sheepstation creeks, because they are at present in a degraded condition. This area is under review. The Goodradigbee wilderness is one of only two substantial alpine wilderness areas in Australia. It protects the headwaters of the Murrumbidgee, Goodradigbee and Goobarragandra rivers and has been nominated by the Colong Foundation for wilderness.

Kanangra Boyd wilderness is another well-known wilderness area and is the cradle of the Australian bushwalking movement. It is one of the most scenic and geologically complex wilderness areas in the State. The area contains 1,000 flowering plant species in some 40 plant communities. These contain 45 rare or endangered plants and 46 mammal species, including 27 marsupials and both the monotremes. The Binghi Wilderness Area was recently covered by a 25,000 hectare Crown reserve, but this reserve provides little guarantee of wilderness values as rural uses are still allowed. It is well known for its rich flora. More than 430 plants, 36 of which are rare or endangered, have been recorded; some not usually found outside the Sydney sandstone district. It has a number of native mammals and birds.

The Nadgee wilderness is the State's only coastal wilderness extending from extensive sand dunes around Cape Howe. Its vegetation ranges from wetlands and heath on the coast to patches of rainforest on the Howe Range. About 800 plants, 47 mammals and 215 birds have been recorded in the wilderness. The Guy Fawkes River is the longest wild river in northern New South Wales. It is a central feature of the wilderness and home to the endangered freshwater cod. It also contains many endangered species. Washpool is well known in the Chamber and contains the only large rainforested wilderness area in New South Wales. The Demon fault bisects the wilderness and separates the Devonian geology of the western portion that supports dry forest types from the eastern Permian geology which nourishes the willowie scrub. This is another valuable area.

The Macleay Gorges in the Oxley electorate contain three extensive wild river systems, the Apsley-Yarrowitch, the Macleay-Chandler and the Styx. It contains more than 700 native plant species, 17 of which are rare or endangered and 30 botanically significant. There are 32 plant associations, including four dry rainforest types, found in the wilderness. A

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total of 268 species of vertebrates have been identified, of which 47 are mammals, 31 are reptiles, 173 birds and

17 amphibians. These are the key wilderness areas that we need to protect. The *Colong Bulletin* of January 1993 reported that Premier John Fahey had signed a national forest policy statement which stated:

The Governments have agreed to a strategy designed to conserve and manage areas of old-growth forests and wilderness as part of the reserve system. The strategy acknowledges the significance of these areas to the Australian community because of their very high aesthetic, cultural and nature conservation values and their freedom from disturbance. This strategy builds on the current management regime for such areas.

There appears to be movement within the Fahey Government of acknowledgment of the value of our forests for uses other than logging, which is certainly heartening. Unfortunately, this view is not shared by certain Ministers. Mr Chris Hartcher spoke about the value of wilderness in an interview with Ann Suskind. However, regrettably people such as the Minister for Natural Resources, Ian Causley, have little knowledge or understanding of the value of wilderness areas. I shall not quote the Minister but I suspect he will not be staying in this Parliament for much longer. A couple of days ago I received information from the Total Environment Centre. I have part of the Glen Innes forest management area environmental impact statement on fauna, which makes fascinating reading. This is a Forestry Commission EIS, and it affects dingoes. It states:

There is some evidence that small macropods in the critical body weight range of 200-5000 grams, such as the Parma Wallaby, have declined in range since European settlement as a result of predation by introduced foxes (Johnson et al, 1989). Critical body weight range species appear to persist in moist high quality forests (Burbidge et al, 1990) and other areas from which foxes are absent, and in which other predators such as dingoes and quolls are abundant. The nature of the relationship between foxes, dingoes, quolls and critical body weight range mammals is poorly understood, but may be critical to the long term future of many small macropods and native mammals. One theory suggests that critical body weight range species persist where dingoes are common and actively exclude foxes. Although dingoes prey upon many macropod species, predation has not been shown to have a regulatory effect on these populations (Robertshaw and Harden, 1989). It is noteworthy that foxes appear to be absent and quolls and dingoes moderately abundant in the Gibraltar Range region where Parma Wallaby and Red-necked Pademelon were found to be common. 1080 baiting for dingo control has not occurred in this region for 4-5 years. The grazier who manages the Cooraldooral Creek lease prefers to retain dingoes because he believes that they control the number of kangaroos and wallabies, leaving more food for cattle.

By contrast, foxes have been reported on the fire trails in the Glen Nevis, Oakwood, London Bridge and Torrington State Forests (Smith and Smith 1991, Flemming, 1991). The relative density of foxes, dingoes, quolls and small macropods in the forests of the Management Area would be surveyed in greater detail and monitored in association with changes in the distribution and abundance of critical body weight range species.

The EIS recommends that:

A moratorium on 1080 baiting for dingo control would be established in the east Gibraltar Range, London Bridge, and Glen Nevis State Forests until the indirect impact of this practice on critical body weight range species has been properly evaluated.

To cut a long story short, it has been said that dingoes have developed a relationship with native species and that the dingoes keep the foxes and cats down. Where dingoes are present other species which could have been endangered, such as the parma wallaby, can survive. Small marsupials, which would not survive without dingoes because they would be hunted by foxes and cats, can now survive. Extraordinarily it has now been discovered that dingoes protect our native wildlife and are becoming a friend to the forest and the farmers. Perhaps the dingo situation will be reviewed and appreciation of these magnificent animals will be enhanced.

Unfortunately, the loss of species on land in Australia is equalled by the loss in the seas and rivers. I have mentioned in the House on other occasions the overfishing of gemfish and orange roughy. Even sharks are now becoming endangered - something not thought possible a few years ago. It is regrettable that fish do not have the same wildlife status as other native species and are not protected in any way at all. Development is having an impact also on fish breeding grounds. Wetlands are being lost throughout New South Wales and were being lost in Queensland under the former regime. At last, the fishing community is becoming more active in the protection of wetlands. This is beneficial for the environment as a whole. Under this Government we have lost wetlands in Ballina, in the Tweed shire at Iron Gates and the development at Micalo



Island, which will cause fish breeding loss. Damage has been caused to wetlands in Bongil Bongil.

Various councils are constantly pushing for ocean outfalls and a court case is proceeding on the proposed Ballina Shire Council's enlargement of the Skenners Head ocean outfall. There is tremendous opposition to this from local people, not the least from the surfers. Recently at Coffs Harbour thousands of people turned up to oppose the proposed ocean outfall. It is clear that ocean outfalls are no longer acceptable to local communities yet the Government - and in particular the Public Works Department - persists with pushing ahead with them. There is a proposed outfall at Jervis Bay, of all places, where there was recently an algal outbreak.

The community is aligned essentially against ocean outfalls and wants other means of treating pollution. In Port Macquarie and Byron Bay there is a wetlands system that is not working perfectly at present but no doubt if it were properly engineered it could work extremely well, with essentially clean waters going into the ocean. It would still be outfall but it would be properly cleaned. If the Club Med development goes ahead at Byron Bay - and it seems it will go ahead - I am sure that it would contribute to the cleaning up of the wetlands system. After all, the effluent, if any, would go straight past the Club Med site. I have spoken to members of Club Med who have a vested interest in making sure their residents do not suffer from their own pollution. That would be an irony.

Pollution of our rivers and waterways by

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industrial waste is still continuing. I recently visited the liquid waste treatment plant at Lidcombe and learned that its management is concerned that much of the liquid toxic waste is being inadequately treated by other private organisations and the pollution is going into our waterways again. For the first time in the United Kingdom a list has been issued of the top 10 polluters permitted to dump toxic metals into the sewerage system. I regret to say that some local companies which operate in New South Wales are mentioned in that list - ICI Australia Limited, BP Australia Limited and the Ford Motor Company. These companies are dumping huge amounts of toxic metals into the system in the UK and, of course, regrettably it still occurs here.

The value of water - whether it is for drinking, swimming or fish breeding - is not appreciated by the community. I have mentioned in this House the proposal to build the Welcome Reef Dam. I believe that dam will not be built but the pricing of water will be adjusted so that people will not waste water as they do now, watering grass and pavements. When we pay the proper price for water we will fully appreciate its value. For some years I and other people have been campaigning about the problem of air pollution, so I find it regrettable that the Federal coalition proposes a 19c reduction in fuel excise, though I accept that this reduction will be valuable for country people.

I know people who live many kilometres away from shops and schools and have enormous fuel bills. I wish it were possible to find a way to remove the excise from country users and keep it for the city users. That would be unfair, but there should be a means of providing a two-tier system by which country people would be able to reduce their travel costs. There is no public transport for the country people, many of whom are forced to use their own cars. Though they have cars with good fuel economy, they still have enormous fuel bills and this severely restricts them. Just as there is cross-subsidisation for the telephone, a cross-subsidisation system might be developed for petrol tax.

The difference in fuel prices is extraordinary. In western New South Wales the other day I paid 76c per litre and in northern New South Wales I paid 52c per litre. One of the consequences of the GST is that LPG will be more expensive. That is a pity because it will affect many taxi drivers who switched over to LPG, spending a lot of money on the conversion in the belief that they were polluting the air less - though there is not that much less pollution - and that it was economic. Public transport will be used less because it will be taxed and the use of private vehicles will be cheaper. Jim Carlton was quoted as saying that motor vehicles produce 7 per cent of greenhouse gases, whereas the CSIRO states that motor vehicles produce 25 per cent.

A reduction in fuel tax is good for country areas but in total will be a retrograde step. It would not surprise me, if the 19c fuel excise reduction was to be a reality, that the State Government might find a system

for further taxing city people. For the past 21 years I have been pressing the Government to consider taking action to reduce the use of private vehicles, particularly internal combustion engine vehicles, in the city of Sydney because in my mind there is no doubt that vehicle pollution is causing terrible health problems for people throughout the city region. I receive regularly the fascinating publication *Electric Vehicle News*. An American researcher stated that Australia could become the world leader in clean energy by developing its huge solar resources and is at the forefront of developing new solar technologies which have the potential of saving our planet from the pollution and greenhouse gases produced by fossil fuel power stations and also from the dubious benefits of nuclear power which is fraught with long-term risks.

Direct solar thermal electricity - STE - is a potentially huge, clean, low-cost resource and is currently much cheaper than photovoltaic power. Nearly 400 megawatts of commercial STE plant has been installed in southern California by LUZ International. While these systems track the sun using systems which represent a tremendous technological advance, there are now ways in which the cost and performance could be significantly improved. It is important to note that Australia is very prominent in these areas. Research currently being undertaken at some of our universities is paving the way for more efficient and more economical collection and storage of solar power. Three examples of this work are being undertaken. At the Australian National University's energy research centre two-axis tracking or point focus collectors, such as the 400 metre squared paraboloidal dishes, are being developed which could collect 28 per cent more energy per unit of collector area than the LUZ technology at a similar generating cost of around \$0.07 per kilowatt hour.

New selective surfaces for solar evacuated tubes have recently been developed at the University of Sydney. Though solar collectors utilising these new selective surfaces will not be available in demonstration quantities for two to four years, it is nonetheless possible to estimate that the radiative losses of this surface at 350 degrees centigrade are four to five times less than that of the LUZ selective surface. Also it allows use of a concentration of only five to eight times, rather than the much higher 25 times. This means that the parabolic-trough mirrors can be mass-produced and made considerably smaller, thereby reducing costs. Meanwhile, at the universities of Sydney and New South Wales some very interesting research has been undertaken for the utilisation of rock beds for solar thermal storage. Early American studies by the then Solar Energy Research Institute in 1981 and 1983 suggested that rock beds would be the most economical method for large-scale high-temperature storage of durations longer than a few hours. A currently confidential engineering study suggests that an extremely simple high temperature rock bed sensible heat storage system would be cost-effective. It is also now expected that the European Phoebus solar plant

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consortium will build a plant using such a rock bed system in Jordan. The following conclusion was noted in the summer 1992-93 edition of *Solar Progress*:

The solar resource is probably the largest we have and is geographically widely exploitable. The capital equipment is relatively quick to install, typically in about one year as LUZ have shown. International Greenhouse pollution reduction targets may be realisable in this sector at little or no net cost, using this technology as a foundation for a comprehensive energy supply strategy, including other renewable energy technologies and a commitment to much improved end use energy efficiency.

Unfortunately, the advice the energy community gives to governments is clearly not addressed to current public and global needs, but to the immediate desires of a narrow engineering and scientific group. A recent ESAA/ERDC study - which suggests that STE is not a near term option - is an example of this self-interested approach, using every means imaginable to bias its argument against STE. It is a report whose logical faults are very easily exposed, but it can easily sway the opinions of decision-makers who are not familiar with such technology. This is in spite of the fact that the electric utilities are beginning to support local STE development in a significant way. The fact that the most reactionary utilities own coal mines and that coal interests have a significant representation in the ESAA is significant.

Governments must access a range of opinion to be able to see past such narrow self-interest and provide the financial environment and pollution regulations which will ensure that industry reinvests in technology which can do the job. Benefits - jobs, clean air, clean water, reduced fuel imports - will be as much local as global.

The *Electric Vehicle News* which honourable members receive shows a series of exciting things that are

happening around the world with electric vehicles, including solar-assisted vehicles. I note that Strasbourg, in France, has decided to ban the internal combustion engine from the downtown area as a way of reducing the level of air pollution. In Trento, Italy, a battery-powered bus system was introduced about three years ago and the goal is to ban all internal combustion engines from the city area. There are similar moves around the world. Internal combustion engines are restricted in the city areas of Los Angeles. However, in order to achieve this we need a vehicle that does not have an internal combustion engine. Research is occurring all around the world on various batteries and other means of powering cars. The article to which I am referring is extensive and I shall not read it now. Reference is made to cars that are being developed to replace the internal combustion engine. The Sanyo Electric Company is developing a solar hybrid car, powered entirely by environmentally safe oxides and solar energy. The French Government is involved in the search for a replacement engine. This article contains a photograph of a Renault Zoom electric car.

The electric car is finally becoming a reality. In Detroit they estimate that production of electric cars will commence this year. In Sacramento, the city with the seventh worst air pollution in the United States, they have opened the first electric car dealership and service centre. They are also opening places in the city where one can recharge batteries. As I say, this is happening all around the world. We are finally seeing the commercial development of electric cars, whether they are hybrids or solar assisted. There is no doubt in my mind that within 10 to 15 years half or more of all cars sold will be electric cars. I expect the figure will be less in developing countries initially, but certainly it will be so in the United States of America, Germany, France, Switzerland and, one hopes, in Australia.

The internal combustion engine will be a thing of the past within our lifetime. It will be obsolete; it will be a museum piece. Electric cars are far cheaper to run than those powered by internal combustion engines. The new battery technology being developed in Japan, Australia and America is exciting and advanced. There is no doubt in my mind that the economics alone will militate against having a car burning petroleum. I am very pleased to note these advances in technology. There was a comment in the *Australian* on 9th March by the chairman of the Australian and New Zealand Solar Energy Society, Dr Steve Szokolay, complaining about the possibility of the imposition of a goods and services tax. He said that:

A GST would add hundreds of dollars to the cost of a solar water heater and make the introduction of solar technology for power generation in the rural market "economically difficult" . . .

Australia is at the forefront of many solar technologies, including solar water heating and solar cells . . .

However, the use of these ecologically sustainable technologies is being hampered by institutional barriers and historically low levels of government funding compared to fossil fuel technologies.

It is about time this Government looked to the future, rather than staying in the present or back in the past. We must look to what will be the future for New South Wales because, after all, that is where we live. I am absolutely certain that if we support university research we can maintain the world lead in solar technology, whether that relates to solar cars, solar heating or solar electricity production. I wish the Government would realise that this is the future for Australia and New South Wales - after all, we have abundant solar energy. A letter appeared in the *Daily Telegraph Mirror* on 4th March about the decision by the Deputy Premier, Mr Murray, to crack down on window tinting in cars. This issue is barely related to the Address-in-Reply debate, but I shall refer to it briefly. The letter states that window tinting reduces the possibility of ultraviolet light entering cars and that it possibly makes cars safer.

**The Hon. Elaine Nile:** Window tinting might reduce the incidence of skin cancer on the arms.

**The Hon. R. S. L. JONES:** Yes, it might. I note that the Premier, John Fahey, jumped on Wal Murray from a great height. There is abundant evidence to show that having window tinting is probably safer than not having it. However, that is another subject that I shall not elaborate on now. Another effect of the reduction of the 19c fuel excise is that more use will be made of the roads. Recently there was some discussion about the economics of a Pacific tollway. There is a proposal to look at the possibility of having a 700-kilometre tollway

from

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Hexham to the Queensland border. I do not believe that the cost to the community of such a scheme is fully appreciated. Something like 14,000 hectares of farmland and forest land would be gobbled up by the proposed tollway. It would cost at least \$5.5 billion, but I believe the cost will blow out way beyond that, as traditionally happens, and would probably be more like \$8 billion. I travel the Pacific Highway frequently, and also fly to the North Coast frequently. From my observations there cannot possibly be enough traffic to warrant the building of a tollway, certainly in the short term and possibly never in the long term, or to justify an investment of between \$5.5 billion and \$8 billion.

**The Hon. R. T. M. Bull:** One day you will be a driver. You will not be able to afford to fly. When you have finished being a member of Parliament you will be a driver.

**The Hon. R. S. L. JONES:** I am a driver. I drive up and down the Pacific Highway quite often. The point is that you can virtually fall asleep in the middle of the road at night because there is so little traffic. There is not sufficient traffic along the whole of the present Pacific Highway to justify the building of a motorway. Apart from that, honourable members might recall that the legislation we passed in this House allows for a parallel Pacific Highway as well as for a tollway. There is no doubt that many people would avoid the tollway and that in itself would reduce the economic viability of it. I do not believe it would ever be economically viable. Any people who put money into that project would need their heads examined. A friend of mine has carried out an examination of accidents on the Pacific Highway. In almost every case the accidents were due not to the road itself but to driver error or tiredness. In almost every case the accident was not caused by fault in the road or the vehicle, but was due to driver error, if one can call falling asleep at the wheel driver error. All this hysteria about the Pacific Highway is not warranted.

**The Hon. Patricia Forsythe:** It is not?

**The Hon. R. S. L. JONES:** It is not warranted.

**The Hon. J. F. Ryan:** What about the bus crashes?

**The Hon. R. S. L. JONES:** The bus crashes were not caused by the roadway. I have passed those sites a dozen times. I know exactly the sites where the accidents took place. It is a good piece of road. The tragedies were not caused by the road. The road is flat, vibration free, with plenty of visibility. The drivers fell asleep. Perhaps we should be stopping drivers occasionally, by some form of compulsion, to test them for tiredness, if that were possible. Of course, it is not possible and I am not suggesting that we have tiredness meters. The real problem is that drivers are not stopping and resting enough. They are being pushed beyond their limits. Of course, some drivers have an economic incentive - or an economic imperative, if you like - to drive far longer hours than they should because they need to deliver their load. Essentially an investment of between \$5.5 billion and \$8 billion, or whatever it would cost to build a Pacific tollway, is simply not viable and simply not worth it, particularly as more and more people now fly.

**The Hon. Patricia Forsythe:** Freight does not fly.

**The Hon. R. S. L. JONES:** Air travel is becoming much much cheaper. Over the past 25 to 30 years air travel has become progressively cheaper. If one adds a \$70 toll to the cost of petrol, as well as 10 or 12 hours' driving, people will not pay that. They will take the cheap flights to Lismore, or wherever. Conservative governments have pushed for roads, for tollways and freeways, though I do not really understand why a conservative government would do this. Perhaps they are opposed to public transport. Surely enough of us have travelled the world to know the effects of tollways, freeways and motorways. Recently I was reading how my own home town is being severely disadvantaged by a proposal to extend a tollway through it. The local people are up in arms about it. This is in Epsom and Ashted in Surrey, England.

The local conservative members of Parliament say they do not want their local woods and fields destroyed

by a motorway, and that sentiment is understandable. The same thing is happening here in the leafy suburbs of the North Shore. There has been opposition to the proposed extension of the F2 Freeway and a number of people risk losing their homes if the extension goes ahead. They are up in arms. Others say it is a good idea and it will help, but many people do not want it. It has been shown both here and overseas that freeways simply do not work.

*The Deputy-President (The Hon. Dr Marlene Goldsmith) left the chair at 6.31 p.m. The House resumed at 8.30 p.m.]*

**The Hon. R. S. L. JONES** [8.30]: As I was saying before the break, motorways and tollways simply do not work, and have been shown not to work, particularly in such places as Los Angeles. They effectively draw the population living outside the city closer to the city, making it easier for people to travel to the city, and creating more jams. The new harbour tunnel works fairly well, but traffic jams now occur in Woolloomooloo; the problem has shifted elsewhere. The F2 will have exactly the same effect. A taxpayer subsidy of about \$400 million or \$500 million will be applied to the F2, even when it is a tollway. I do not believe we can afford to spend this kind of money in the city at a time when country roads need funding much more urgently. I am sure some of my country cousins will agree with that.

The F5 is also a serious problem. The previous Premier, Mr Greiner, together with Tim Moore and Bruce Baird - when he was the Minister with responsibility for roads as well as Minister for Transport and Minister for Tourism - all promised to lift the roadway reservation along Wolli Creek. The

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present Minister for Roads, the colossus of roads, Mr Murray, is now apparently going ahead with a second environmental impact statement. He announced on radio that plans for the road through the reservation would go ahead regardless of the EIS. Some members of the consultative committee have withdrawn from the committee because of the arrogant attitude of the Roads and Traffic Authority.

The bridge tollway now has a subsidy of about \$17 million a year because the traffic numbers are lower than expected. I believe this will occur with other tollways, especially when parallel roads are available. The tollways will not cover their costs, and the taxpayers will carry the tab. With regard to tourism, and particularly the Olympic bid, I am pleased that the RTA reacted very quickly to suggestions I made in September last year to improve the tatty approaches to the airport. I raised this matter again during the Estimates Committee hearings, and it has now been announced that 50,000 trees will be planted along the approaches to the airport. That will be very nice, particularly for tourists. After all, we are depending more and more on tourists to bring in dollars.

What will be the effect of the GST upon tourists? The GST will affect tourists in this country, as it has affected New Zealand's tourism. But it might be said that we are not taking any money from some of the Japanese tourists because all their package tours are paid for in Japan, the aircraft are Japanese, the hotels are Japanese, and the tourists shop in the Japanese hotels. With a GST the State might receive 15 per cent from their holidays, if nothing else. Nevertheless, it will have a major impact.

Essentially, the money being spent on roads will not be productive or cost-effective and will not be in the interests of the taxpayer. On the other hand, money spent on country roads is effective and is necessary. Two or three years ago I urged the Minister for Roads and the Minister for Transport to spend a much greater proportion of taxpayers' roads money on country roads and not on city roads - to spend money in the city on public transport, on light rail and on improving other areas of public transport; and to spend roads money on roads in the country. I am a very strong supporter of the 3 x 3 levy. I think it should be a 5 x 5 levy. If the GST comes in and we lose the 19c fuel excise, it might go to 10 x 10 or even 20 x 20.

I have many friends in the country, as do some of the members on the Government side. I drive around the country a fair bit. There is a big move to the country, where there is fresh air and wide open spaces. It is a wonderful place to be. Who wants to live in a polluted city if they can afford to live in the country and if there are jobs in the country? I am a firm believer that country roads need priority, particularly some of those major roads which still have not been sealed.

**The Hon. D. J. Gay:** Will you support me on the Crookwell-Booroowa road?

**The Hon. R. S. L. JONES:** Absolutely. If you want a road I will support you, as long as it is in the country; but not in the city. Air pollution is a matter that is dear to my heart, and I am concerned about the air pollution in this building that results from people smoking. I saw on television tonight that the tobacco industry has lost its appeal in the Federal Court in its claim that passive smoking does not cause any harm, that there is no proven cause. It lost the appeal even though it engaged the firm of Clayton Utz and some of the best lawyers in town. Even they could not win for the Tobacco Institute.

The effect of that decision is that the Parliament is now liable to be sued by almost anyone who can prove a case. The Parliament should be smoke-free - we should lead the way. There are problems, however. Some people in this Chamber have a problem with cigarette smoking, and others have given up in the past year, particularly one member on the Government side who had a slight health problem, one might say. Others cannot give it up, but we all have to suffer as a result, particularly those who have problems with their chests. The Hon. Elaine Nile sometimes has problems with her breathing, as does the Hon. Judith Walker.

Some people in this building suffer as a result of cigarette smoking. We cannot escape it because the cigarette smoke is recycled through the air conditioning system. After a few days in Parliament my lungs hurt. I go to the country to breathe some fresh air and try to clean them out. My campaign dates back to 1965, when I was the first person to put health warnings on cigarette advertisements around the city of Sydney. I went around myself; I had my own advertising campaign in 1965-66. I was followed by Fred Cole, who founded BUGAUP - Billboard Utilising Graffiti Against Unhealthy Promotions. I am sure honourable members are aware of a publication called the *Clean Air Clarion*, which I receive regularly.

**The Hon. D. J. Gay:** You wrote it?

**The Hon. R. S. L. JONES:** No, I did not write it but I support it. It is interesting that the British Consul in New South Wales, Roy Peeve, protested to the Acting Director-General of the Department of Health, Ross Wraight, about the new cigarette packet warnings which will supposedly come into force in July and about which I asked a question earlier today. There was unanimous support for this in the Ministerial Council on Drug Strategy. Unfortunately, the Hon. E. P. Pickering missed that meeting, but the other Ministers unanimously supported the new health warnings. The British Consul is putting pressure on the Department of Health. Perhaps that is because Margaret Thatcher has now become an international political hired gun for Philip Morris.

The United Kingdom Government has been slow to act. It refuses to accept that tobacco and alcohol are drugs or that they cause health problems. It is now putting pressure on the New South Wales Department of Health. It will be interesting to see whether the 80 cigarettes a day smoker, John Fahey,

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will allow the Minister for Health to do what he wants to do, to put warnings on cigarette packets. We all know that 90 per cent of cigarette addicts start before the age of 18. Anyone over the age of 18 is probably too sensible to start. Cigarette companies have to target the teenagers.

In a recent experiment undertaken by Dr Simon Chapman and others, young children were sent to 340 Sydney tobacconist stores to find out whether the stores would sell cigarettes to people obviously under the age of 18. I am pleased to note that the Government made it illegal to sell cigarettes to children under the age of 18. The experiment involved six children - some of whom were sons and daughters of those conducting the experiment - between the ages of 11 and 14; and 44 per cent of the shops sold cigarettes to children no more than 14 years of age. That is a terrible indictment of those shopkeepers.

The Executive Director of the New South Wales Retail Tobacco Traders Association, commenting on the study, said, "The association has no sympathy for these retailers who are not observing their responsibilities, and the Health Department should immediately prosecute any retailer who sells tobacco to children". Ironically,

people do not know the departmental procedures for prosecutions. The Drug and Alcohol Directorate published a memorandum recently about procedures for the public health unit to act on complaints about tobacco sales to people under the age of 18. It is virtually impossible for action to be taken against tobacco retailers.

The guidelines are along these lines: decisions to initiate prosecutions should be made by the director of the relevant public health unit; the recommendations of the director must be ratified by the deputy chief health officer; a recommendation to prosecute should be made to the Director-General of the Department of Health; the director-general or his or her nominee will be required to approve the initiation of prosecution proceedings. If that is approved, the matter will be referred to the director-general or a nominee of the prosecution branch of the Office of the Crown Solicitor.

That is a five-stage protocol that is almost impossible to get around, because I would not be surprised if at least one of those people has been got at by Margaret Thatcher's allies. That is a terrible thing to say; of course they have not. Nevertheless, pressure has been put on the Department of Health, and who knows what goes on behind the scenes. There have been few prosecutions. I note that the Opposition has given notice of a bill that would introduce a fine of \$10,000 for retailers who sell tobacco to children. I have not read the proposed legislation but I understand that it is proposed to take away the licences of tobacconists who sell cigarettes to people under 18 years of age.

It is clear that if sales of cigarettes to people under the age of 18 can be eliminated, it will have a significant impact on the incidence of smoking among teenagers. There would then be a good chance that those young people would not become addicted to smoking. If they choose to smoke after they reach 18, that will be because of their stupidity; but the chances are that they will not. As I said, 90 per cent of people become addicted before the age of 18. If we can eliminate that 90 per cent, we will go some way towards solving our health problems.

I am pleased that the Federal coalition regards tobacco as a social and health problem and will not bend to the tobacco industry, or even to smokers. Before the last Queensland State election Wayne Goss increased tobacco tax from 30 per cent to 75 per cent. I wrote to him on two occasions before the election telling him about the black market, and I received back a ratty letter. Nevertheless, when he increased the tax it had no impact on his re-election. That is an interesting commentary: people accept that tobacco is a problem. One tobacco smoker told me that if tobacco smoking were made illegal, he would have to give it up.

In 1990 the New South Wales Cancer Council carried out a survey which showed that 23,480 girls and 20,220 boys between the ages of 12 and 15 smoke regularly. People who start smoking before they are 14 years of age are 20 times more likely to develop lung cancer than those who have never smoked. An interesting survey was conducted in central western New South Wales where juveniles were successful in 61 per cent of their attempts to purchase cigarettes from 77 retailers. It seems that some country retailers are completely unaware of the problems of smoking among children.

An issue of the *Clean Air Clarion* has a chart which shows that Australians are not giving up smoking at as fast a rate as people overseas. Honourable members will know that since Canada passed stringent legislation regarding tobacco advertising there has been a considerable reduction in the incidence of smoking in that country. Between 1987 and 1990 the reduction was 19 per cent, whereas in the same period in Australia no reduction occurred. Australia is getting higher on the international scale of per capita consumption of cigarettes. That is a pity.

Fortunately, worldwide tobacco consumption is declining, particularly in the countries that have the greatest consumption rates. The tobacco companies are now moving to the Third World countries in an effort to get them to increase consumption. That is having an effect, and consumption in some Third World countries is increasing rapidly. One of my hobbyhorses is cannabis. I do not believe that anyone should smoke anything, whether it be cannabis, tobacco or any drug. It is best to keep one's lungs clear; after all lungs are not meant to inhale smoke.

I shall not speak about the legalisation or decriminalisation of cannabis, as I have spoken about that matter before. I know that one member of this House has almost an obsession about cannabis, but that is being a bit too heavy. He was beaten by the drugs; he tried to close the drug room and failed for three or four years in succession, but finally it was secured. The Hon. E. P. Pickering deprived people of their supermarket. It has closed now, so I wonder

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where they get their money from.

**The Hon. E. P. Pickering:** It has not been closed.

**The Hon. R. S. L. JONES:** The Hon. E. P. Pickering says that it has not been closed. I ask when will it happen. I guess it is another form of recycling. Various people, including the Australian Democrats Senate candidate in Tasmania, are keen on growing cannabis, not for its hallucinogenic or relaxant effects but as a fibre. Many members will know that until cannabis got a bad name during the late 1930s for its hallucinogenic effects it was used extensively. Most early jeans were made from hemp. Recently I bought a pair of jeans made entirely from hemp. The retailer said he would give me a lifetime guarantee for them and that if they ever wore out he would replace them. I also bought a suit that, apart from the lining in the jacket, is made entirely from cannabis.

I was going to wear the suit when I came to the House but I might wait until the next session. It is a fine looking 1930s style suit. It does not look incredibly modern but it has a lifetime guarantee and I will never have to buy another suit. I will not be able to smoke the suit. The other day the Hon. Brian Pezzutti thought I was wearing a smoking jacket and he tried to light it. It had no effect apart from producing a nasty singe. This suit does not have any tetrahydrocannabinol; it is completely drug-free. The seeds and leaf from the crop that is being harvested in Tasmania, a legal cannabis crop, have been taken away by the police for burning - in the privacy of their own homes perhaps.

**The Hon. J. R. Johnson:** What did the honourable member say?

**The Hon. R. S. L. JONES:** The leaf and seeds from the crop currently being harvested in Tasmania have been taken away by the police for burning, in the privacy of their own homes. On the other hand, the fibre is being sent to Holland to be turned into material. Part is being sent to the local paper company for paper production. This country has the beginning of the germ of a cannabis crop. Recently, John Major, that ultraconservative Prime Minister of Great Britain, approved the growing of cannabis in the United Kingdom. I cannot believe that Australia is so behind the times.

**The Hon. Franca Arena:** What about opium?

**The Hon. R. S. L. JONES:** The Hon. Franca Arena asks about opium. She would know that Australia is the third largest grower of opium in the world. In fact, I had some this very evening in the form of codeine - codeine grown in Tasmania. Occasionally people might try to pinch the poppyheads, but basically it is very well protected. I have actually seen this large cash crop in Tasmania and met Mr Allright, who is a poppy grower. He seemed to be quite a sensible man for a poppy grower. Australia could have a \$1 billion crop of cannabis. We have the third largest crop of opium for codeine - for medicinal purposes only, of course - and we could do exactly the same with cannabis.

According to a leaflet entitled "Help End Marijuana Prohibition", distributed by the Cannabis Clothing Company of Potts Point, cannabis has apparently been used for 12,000 years. It talks about the use of cannabis hemp for fibre. At one time it was the most traded commodity on earth. It is the strongest natural fibre known to man and was produced to supply the world with all its sailcloth and rigging needs as well as much of the world's paper and clothing industry. The seed provided fuel, oil and a non-toxic base for lacquers, paints and varnishes. I am interested in providing an alternative crop for woodchipping and the production of paper. Cannabis is a fast-growing, extremely valuable crop and the actual yield can be far greater than even sugar.



**The Hon. J. H. Jobling:** Why not kenaf?

**The Hon. R. S. L. JONES:** Kenaf, too. Kenaf is *hibiscus cannabinus*. It is a very similar plant. The Australian company Ankal Pty Limited has opened up a plant in Texas. Australian technology is being used there but unfortunately no-one here put up the money for it. It is a similar, fast-growing crop with a high yield. Australians are so conservative about these things - that is the real problem. If we were less conservative we might be able to venture into some of these new crops. The North Coast is fortunate because it has an enlightened farming community and the ti tree crop is doing very well. More of the crop is being planted because it is an excellent crop. Herbs are also extremely valuable. Recently I spoke to a person with a \$100,000 order for a herb used for boosting the immune system.

I have some information on the kenaf industry and I have a paper by Ankal entitled "Progress Towards Developing a Kenaf Industry in Australia". Australia is lagging behind; Texas is beating us. The Commonwealth Scientific and Industrial Research Organization commenced research on kenaf in 1972 following work in the United States of America, but in 1981 had to discontinue the kenaf program because of lack of support and interest from the far too conservative industry in Australia. During that period the concept of separating bast and core fibres of the kenaf plant was examined on a laboratory scale by Dr G. Gartside, CSRIO Division of Chemical Technology. This effort was concentrated on the utilisation of an existing sugar mill for the processing and crushing of kenaf fibre before pulping.

The agricultural work was conducted in the Ord River Irrigation Area, and it was generally accepted by the CSIRO research workers that the commercial development of kenaf in Australia should be in the northern parts of the country, so perhaps it would not work in New South Wales. I think it would probably work in the sugar areas. It might well be that if there is a sugar slump it will be useful to examine that option. The Bureau of Rural Resources put out a paper called the "Development of a Kenaf Industry in Australia; BRR Workshop - 1991" by Miko U. F. Kirschbaum, of the Bureau of Rural Resources,

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Department of Primary Industries and Energy. That paper states:

Kenaf (*Hibiscus cannabinus* L.) is a fast growing annual plant related to cotton that can grow to a height of 6 metres in a single season. Its stem produces a valuable fibre that can be used for pulp and paper making. The plant originated in southern Africa, but is now grown for the production of cordage throughout Africa, Asia and South America.

It was first used for paper making in India in the late 19th century. A pulp mill constructed in Thailand in 1984 is successfully using roselle, a species closely related to kenaf. A number of other Asian countries are also using small amounts of kenaf for special applications or in mixtures with other fibres. In the USA there are now a few projects under way that aim to utilise kenaf as a partial or complete feedstock, with the first two projects expected to commence operations during 1991. [they have already commenced] In Australia research on kenaf has been conducted since 1972 but as yet there are no commercial developments.

These may seem to some to be odd crops which are not worth talking about but in fact they are valuable crops. In the northern part of New South Wales one of the most useful crops is cotton, as we all know. It is one of the few crops that is withstanding the vicissitudes of the rural recession. There is another side to cotton, and the cotton industry is concerned and is looking at problems that have been brought to our attention. I refer to the heavy use of insecticides. I have the December 1992 edition of a publication called "Newsletter of the Australian Network of Environment Watch - People Affected by Chemicals" or ANEWPAC. The founder of the organisation is Pat Jackson - well known to some honourable members - who investigates the results of chemicals, and particularly pesticides.

The facts stated are interesting. More insecticides are used on cotton than any other single crop in the world. That is a serious problem. Though cotton is grown on less than 3 per cent of the world's arable land, at least 25 per cent of all insecticides sold worldwide in the late 1980s were used on cotton. In Australia almost 6,500 tonnes of two pesticides - endosulphan and synthetic pyrethroids - were used on cotton in 1991 and 1992. Endosulphan is severely restricted or banned in Britain, Bulgaria, Canada, Denmark, Finland, Hungary, India,

Israel, the Philippines, Sweden and Thailand, but is still used in Australia in large quantities.

Cotton accounts for more than half of all pesticides used in India, but it is grown on only five per cent of the arable land. In Pakistan 95 per cent of all the insecticides sold are applied to cotton, yet it is grown on only 12 per cent of the arable land. Honourable members would remember the terrible Union Carbide plant disaster in Bhopal in central India when 70 people were blinded. That Union Carbide plant was producing carbamate pesticides which are largely used for the cotton crop. When the gas escaped approximately 2,500 people died and to this day their families have not received any compensation.

But there is hope from the growers of organic cotton. In California 2.5 to 2.7 bales of cotton per acre are produced, comparable to yields of chemical intensive crop. Certified organic cotton is now being grown in California, Arizona, Texas, Tennessee and North Carolina, with good yields. Cotton can be grown without pesticides. In Mexico a few years ago approximately 300,000 hectares of crop had to be abandoned because when it was sprayed it killed not only the pest but the predator of the pest. Demand for organically grown cotton is increasing. A number of retailers are now moving towards using organically grown cotton. Esprit International is one such company very much in the forefront in understanding the wants of young people. This company will be big in the next century because it is so far ahead of its time in this century.

Esprit also supports a number of organisations like YES - Youth for Environmental Sanity - an organisation founded in America by teenagers. I recently met a number of teenagers from this organisation when they visited Australia. The group travels to schools across the United States advising people on how they can take action in relation to environmental problems - not direct action, but just being aware of problems. These teenagers are non-political and non-ideological. The group is starting in Australia working through the world renowned Rainforest Information Centre in Lismore - at least in the world of rainforest protection, which is unknown to many members of this Chamber. The YES group will become well-known. Other organisations and manufacturers are Seventh Generation, Patagonia, Natural Cotton Colours, and of course, Greenpeace. Levi Straus, Vanity Fair and Fieldcrest-Cannon are now pursuing these organically grown cotton lines - an industry of the future.

Faith Popcorn, whose name was Plotkin, is America's best known futurist and works for IBM and many other large corporations. She has what is termed Brainreserve; her job is to plot what will happen in the next century. She is extremely successful and honourable members should obtain a copy of her book to read where we are supposed to be going. I have a copy of it. Faith Popcorn earns millions of dollars per year predicting trends and has predicted some of the trends we are experiencing in Australia. A radical change will be seen in the next century and if Australia is to survive, we have to look to the next century and not just wallow in the twentieth century, in debt and following old ways. Our industries - particularly our primary industries - have to be rejuvenated and should look for new products and methods. Members of whichever Federal government is in office should find someone like Faith Popcorn.

**The Hon. J. F. Ryan:** Who?

**The Hon. R. S. L. JONES:** Faith Popcorn - her real name was Plotkin. It is amazing that no one here has ever heard of her. She is well known in America but she is little known here. She is one of the best known futurists in America. This Chamber is like a backwater - it seems to me no one has ever heard of anything! We hear of everything 25 years after everyone else. No wonder we are behind the

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times and have to follow everyone. No wonder we have a \$165 billion national debt and are so far behind other countries.

**The DEPUTY-PRESIDENT (The Hon. Beryl Evans):** Order! It is difficult for Hansard to hear over the excessive chatter.

**The Hon. R. S. L. JONES:** I am astounded by the ultraconservatism and lack of knowledge of the Government members who have not heard of these people and the things they are doing. It is quite

extraordinary! These new approaches amount to billions of dollars worth of new crops for Australia. It astounds me that Australia is so far behind the times.

**The Hon. D. J. Gay:** Half the crops you have been talking about are illegal.

**The Hon. J. F. Ryan:** Marijuana is illegal.

**The Hon. R. S. L. JONES:** Marijuana is legal in Tasmania. One can obtain a permit to grow it. It is legal in Europe, Russia, Italy and throughout the EC. It is legal in China. Australia might make it legal in 25 years time when we have a debt of \$500 billion. It might be a good idea to talk about Paul Keating's pig farm. Suddenly the eyes light up on the Government side! Some friends of mine visited this pig farm recently and they were not impressed at all by what they saw. Legal action is being threatened against them for talking out in the press about what they saw. Paul Keating, who is half-owner of this pig farm, is suing people like the well-known actress Lynda Stoner who is a very sincere and amazing woman. Peter Singer, who wrote *Animal Liberation*, is not a prophet in his own country but is well-known internationally for his views. He is hardly known in Australia but is famous in America and Europe. Of course, being so utterly conservative, Australia will catch up with Peter Singer when he receives a Nobel Prize in a few years time. A number of articles have been published about Paul Keating's horror pig pen. Paul Keating was wallowing in the mud.

**The Hon. J. R. Johnson:** Peter Singer is the only man who was barred from speaking in Germany.

**The Hon. R. S. L. JONES:** Do not talk nonsense! You mean East Germany.

**The DEPUTY-PRESIDENT:** Order! The Hon. R. S. L. Jones has the call.

**The Hon. R. S. L. JONES:** I cannot stand that sort of nonsense.

**The Hon. J. R. Johnson:** Peter Singer believes you should be able to kill children up to three years of age.

**The DEPUTY-PRESIDENT:** Order! The Hon. J. R. Johnson will have an opportunity to participate in the debate later.

**The Hon. R. S. L. JONES:** That comment should be eliminated from *Hansard* because it is not worth recording. The Brown and Hatton group suddenly increased enormously in value. An article in the *Weekend Australian* in early January talks about how the incredible investment by Paul Keating in Euphron Pty Limited, the holding company of Brown and Hatton - the pig pen - increased from \$430,000 in May 1991 to \$4 million within six weeks of the purchase.

**The Hon. J. R. Johnson:** That is nonsense!

**The Hon. R. S. L. JONES:** It is all here in the *Australian*. Surely the *Australian* would check its facts and not print nonsense. It has reported an accumulated profit of \$4 million without paying any income tax. How can this be? The article states:

Quoting the companies' annual reports, Alexander Downer said the company tax not paid totalled \$1.6 million over two years. This arrangement, he said, was perfectly legal under Section 80G of the Tax act.

We are not talking about illegal activities by the company. The article continues:

This section allows two different companies which are wholly owned to offset losses against the profits of the other for tax purposes.

That has been done before. The article further continues:

This anomaly now appears to be a function of lacklustre accounting. According to Baume, the company has now had three goes at getting it right, filing significantly different annual returns to the Australian Securities Commission for the same financial year within a matter of weeks. Each revised the group's net worth before a final audited version was filed just before Christmas.

This final version now shows the company to be worth \$8 million less than stated in the original unaudited accounts lodged six months previously. The unaudited accounts put total shareholders' equity at the end of 1990-91 at \$7.5 million. The audited accounts put it at a deficiency of \$528,000. The company now has accumulated losses of \$7.3 million.

If the Prime Minister owns half of that company, how is it that the accounts had to be written three times, and differently, and went from \$7.5 million plus to \$7.3 million minus? I should like to know how that happened. If he is running his own company like that, how is he running this country? How can one run a company like that? How can one invest in something like that with such shonky accounts? It is absolutely ridiculous. Now someone has spoken out about what is happening on that farm. Even the farmers complain about this pig farm. A retired pig farmer was outraged by the practice of the Parkville piggery in chaining the sows. The farmer explained that he had run 3,000 sows at Bathurst - 500 more than at Parkville. The only time he brought his sows in was for farrowing. They farrowed down in 10 feet x 22 feet stalls, with straw bedding and hot water pipes underneath for heating. That is a far cry from farrowing down on a cold, steel grate after being chained at the neck for months. On Paul Keating's pig farm they chained their pigs.

Mr Constantinidis was not very happy when all of this came to light through the media. This farm has pollution pouring out of it. It is a concentration

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camp. Mr Keating is part owner of a concentration camp where the animals are treated in the most appalling way. Now he wants to sue people for telling the public that he half owns a concentration camp. His animals are treated in the most appalling way by being tethered. Other farmers would not do that, though some still do. It is absolutely outrageous. But there is some good news for animals - there are glimmers of light. One such glimmer was seen in Tasmania a few weeks ago when finally it was determined, in a prosecution brought by a Mrs Pam Clarke of Hobart, with the backing of Professor Peter Singer of Monash University, that it is cruel to keep hens in battery cages. Finally, finally, it has been proved in a court of law that keeping hens in battery cages is cruel.

About 95 per cent of this nation's \$320 million annual egg production comes from caged hens. Honourable members might know that a referendum held not so long ago in Switzerland resolved that hens should be removed from batteries. Before long, all hens in Switzerland will be able to run free. Honourable members would have no idea that hens have feelings, quite apart from the fact that it is cruel to keep them locked up in such tiny cages. Mr Phillip Wright, the magistrate, found for Mrs Clarke on the basis that in six of the counts unnecessary suffering was caused to the hens by keeping them two or three to a cage, in wire cages 45 centimetres by 46 centimetres by 41 centimetres. A fine of \$100 was imposed on each count. The Royal Society for the Prevention of Cruelty to Animals had been too cautious and too conservative to act on this issue, but this woman has been fighting this cause for some time and has proved the point. But, of course, Australia is way behind the times. Switzerland and Sweden are phasing out battery hen production and I am sure that other countries will follow, but we will be the last to do it.

We still have steel-jaw traps in this country, although they have been banned by most countries. The European Community has passed legislation to ban all steel-jaw traps by 1995. I suppose that honourable members would not know that. Such traps will be banned totally in the European Community by 1995. A report of a ministerial review of the Prevention of Cruelty to Animals Act 1979 was published in November 1992. The recommendation at page 72 is that the use of springs - that is, steel-jaw traps - should be completely prohibited in New South Wales for any purpose from 1st January, 1996. That would be falling in line with more civilised countries. These traps are now banned in about 65 countries. We will be among the last to ban them.

**The Hon. R. J. Webster:** Is the honourable member saying that Australia is uncivilised?

**The Hon. R. S. L. JONES:** I said the people who use steel-jaw traps, and perhaps some of the people the Minister knows, are uncivilised.

**The Hon. R. J. Webster:** I have trapped many, many live animals.

**The Hon. R. S. L. JONES:** Does the Minister regret it?

**The Hon. R. J. Webster:** No, I do not.

**The Hon. R. S. L. JONES:** Then you are uncivilised. The review of the Act states that the Act should prohibit any person allowing any trap to remain set for more than 24 hours without checking that trap for animals which may have been caught, unless the trap is specifically designed to kill animals at the time they are trapped. Though I do not have supporting statistics with me to prove this, it has been shown that very many animals caught in traps are non-target animals. All sorts of animals and birds are caught and 60 to 70 per cent of those trapped are non-target animals. I wish we were more up with the times. This country is failing because of its deep-rooted conservatism. Some of our country cousins are very conservative. They could do much more with the land than they are doing. It is distressing to see them throwing it all away.

Up my way in the north of the State, half of us are new settlers and half are old settlers. The new settlers have planted high value crops. Immediately the Hon. Robert Webster's eyes lit up, but I am not talking about marijuana. The first thing he thinks new settlers would plant is marijuana. I wonder if he has ever tried it, but not inhaled it, as President Clinton has. The old farmers where I live refer to rainforest remnant as rubbish. Recently some friends of mine put an electric fence around some of their property and allowed the neighbour's cattle on to the property, to assist the neighbour during the drought. The neighbour complained that the cattle had escaped into what he called rubbish, but he was referring to rainforest remnant. Up that way they still shoot eagles, hawks and bats - but all illegally, of course.

**The Hon. D. J. Gay:** No, they do not.

**The Hon. R. S. L. JONES:** Oh, yes they do. We have proof of it and recently I went to the National Parks and Wildlife Service office in Lismore and gave them evidence of it. As I say, they still shoot hawks, eagles and bats just a few hundred yards from where I live. Every time the bats go over, they shoot them.

**The Hon. R. J. Webster:** The bats eat their fruit and destroy their livelihood.

**The Hon. R. S. L. JONES:** They shoot them just for the fun of it. I guess they are used to doing so.

**The Hon. B. H. Vaughan:** What about the duck shoot?

**The Hon. R. S. L. JONES:** I heard the word duck. If you are a duck, duck; in 10 days' time the ducks will have to duck. I thank the honourable member for the reminder. The Hon. Bryan Vaughan reminded me that duck season is just around the corner. Duck shooting has been banned in Western Australia, but not here in New South Wales. It is interesting to note some legal advice we have received

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on this matter. Sometimes the law works, particularly in this State. It seems very likely that the declaration of the open season by the Hon. Chris Hartcher, Minister for the Environment, is probably illegal. That declaration could well be breaching five Acts: namely, the Prevention of Cruelty to Animals Act, the Environmental Offences and Penalties Act, the Environmental Planning and Assessment Act, the Endangered Fauna (Interim Protection) Act, and the National Parks and Wildlife Act. No doubt one of those Acts will stop the duck shooting season, unless all those Acts are changed before the season is opened. However, it seems certain that one of those Acts will stop the duck slaughter in this State.

Duck shooting is impossible to control. There is a thing called the wit test - the wildlife identification test

- but it does not work. Last year they killed an even greater percentage of endangered birds than they did in the previous year, even though they are supposed to identify the birds they shoot. The trouble is that when duck hunters go shooting at the beginning of the season it is like Christmas to them. They shoot before light, at 5 a.m. or thereabouts, and they shoot anything that moves. They shoot pelicans and other species; I have seen pelicans shot. They shoot turtles and they shoot every bird one could possibly imagine. Many birds are shot in the water; they do not have to be flying to be shot. The Minister for Agriculture and Rural Affairs is supposed to be in charge of the Prevention of Cruelty to Animals Act. He received a letter containing legal advice but has not yet replied to that letter, and I am sure he will regret that later. I shall read to the House one paragraph from the letter that was drawn to his attention concerning the duck season. It states:

As you are the Minister responsible for animal welfare related aspects of this issue we draw your attention to the advice we received from our legal counsel. Authorisation is given by way of the Environment Minister declaring an Open Season for game species pursuant to Section 95(1) of the National Parks & Wildlife Act, 1974. Hence, we believe that the inevitable result of declaring an open season and consequent issue of game licences is as stated under the Prevention of Cruelty to Animals Act 1979 . . . unreasonable, unnecessary and unjustifiable, maiming, terrifying or inflicting with pain of both game and non-game species of duck. Such maiming, terrifying or inflicting with pain is a breach of Section 5(1) of the Prevention of Cruelty to Animals Act, 1979.

That is just one of the many Acts. I have a copy of "An Aerial Survey of the Wetland Birds in Eastern Australia" - October 1991, published by the National Parks and Wildlife Service. As yet I have not obtained a copy of the latest survey. It is interesting to note that the various game species are not so abundant as one would imagine. The freckled duck population is 3,866; the Australian shelduck, 5,262 - not many more than the freckled duck; the Australasian shoveler, which has been taken off the list, 5,863. The shelduck was kept on the list with a smaller population than the shoveler because hunters do not like the taste of them so they do not shoot them. Pacific black duck, 30,479; chestnut teal, 20,887; grey teal, 193,315; hardhead duck, 25,108; pink-eared duck, 92,267; and, maned duck, 27,838.

I have quoted those figures because duck hunters' licences have been issued to kill more ducks than the entire population of Australian shelducks. Therefore, if every shooter shot one shelduck the entire population of shelduck in eastern New South Wales would be wiped out, regardless of the number of duck hunters' licences issued in Victoria. It is all hit-and-miss as to whether the species are wiped out in one season; it is all in the lap of the gods. More duck hunters' licences than the total duck population in eastern New South Wales - it seems an extraordinary anomaly that that can be done with impunity.

I should like to quote from the newsletter of the Australasian Association for Humane Research Incorporated, published by Elizabeth Aniston who has been working on these issues for many years. Her organisation aims: to promote by every means possible all viable methods of healing which do not at any stage involve the use of animals; to promote the use of scientific alternatives in all forms of medical, scientific and commercial research; to help disseminate evidence, as it becomes available, that the use of alternatives is less costly, more accurate and more humane than the use of animals in experiments; to work for the abolition of all experiments using animals. The newsletter contains two historical quotes which, I am sure, will interest all honourable members. One is by Henry Beston, 1888-1968, *The Outermost House* in Jon Wynne-Tyson's *The Extended Circle*, which says:

We need another and a wiser and perhaps a more mystical concept of animals . . . We patronise them for their incompleteness, for their tragic fate of having taken form so far below ourselves. And therein we err and err greatly. For the animals shall not be measured by man. In a world older and more complete than ours, they move finished and complete, gifted with extensions of the senses we have lost or never attained, living by voices we shall never hear. They are not brethren, they are not underlings; they are other nations, caught with ourselves in the net of life and time, fellow prisoners of the splendour and travail of the earth.

The second quote is by Edward Carpenter, the Dean of Westminster, 1910, who said:

It may well be that man's attitude to the animal world spills over into his attitude to his own fellows. The exploitation of one springs from the same temper of mind that exploits the other.

About half an hour ago I was faxed the latest Morgan opinion poll from Melbourne and the figures are as follows: Australian Labor Party 45.5 per cent; Liberal-National Party 45 per cent; Australian Democrats 4 per cent; Greens 1 per cent; and, others 4.5 per cent. But in New South Wales it is more interesting: the Australian Labor Party 46 per cent; Liberal-National Party 40 per cent - Liberals 36 per cent and Nationals 4 per cent; Australian Democrats 4 per cent; Greens 3 per cent; and, others 7 per cent. Call to Australia is not listed.

Essentially it is neck-and-neck and it seems that the election will be very close indeed. It may be that from next weekend Australia will take a radical change of direction. It is regrettable that this election has been fought almost entirely on economic terms. About half the population wishes to see Paul Keating thrown out because he single-handedly brought about

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the recession which has caused the number of unemployed to rise to one million. He kept the interest rates too high, too long despite the protestations of many in business who were more aware than he of his draconian policies.

If he had listened to the community he would have brought interest rates down much sooner. He had to take action because the economy was booming out of control. He took action which was too hard and for too long. Australia was sucking in imports at an unsustainable rate and consuming at a greater rate than it was producing. At some point the bubble had to burst as it did in the United Kingdom, the United States of America, Japan and Germany. It was inevitable that Australia would go into recession, the difference being that its recession was deliberately engineered.

It is a tragedy that so many capable and highly qualified men and women are unable to find employment, particularly the young people. I am sure that many honourable members have come across taxi drivers who used to have their own business or are experts in other fields such as computing or engineering but have to drive taxis to survive. There is talk of how, 20 years ago, Australians were able to take their choice of jobs. Then it was just a matter of deciding which job one wanted. Many of those jobs have now simply disappeared.

A fundamental restructuring of the Australian economy has occurred and a vast increase in productivity as it faces the chill winds of competition while the tariff walls have come down. Many of the jobs that now exist will not exist within a few years. As I mentioned previously our woodchip industry, which is so destructive of our native forests, will no longer be viable within three or four years. How will the loggers be employed then? If Telecom is privatised, more than 50,000 jobs will be lost. The Kennett Government has announced massive reductions in the public service. The New South Wales public sector has already lost 30,000 jobs because of productivity increases and the efficiency drive of the Greiner Government.

It is almost certain that Dr Hewson will reduce the public sector by up to 200,000 people. How will they be employed? The fact is that full employment may now be impossible. The technological revolution has eliminated hundreds of thousands of jobs and will continue to do so. The United Kingdom, the United States of America and New Zealand have been divided into two - the rich and the underclasses. There are two Britains, two Americas and two New Zealands. Under either a Hewson Government or a Keating Government there will be two Australias. Australia is entering an era of neofeudalism.

Last century there was a huge gulf between the rich and poor as there is today in India and in the United States of America. Last century members of Parliament were able to afford servants. Each wealthy household had several servants: perhaps a maid, a butler, a cook, a gardener, a coachman, and a stablehand. It is possible that Australia is entering an age where it will be impossible for many people to find work except in the service industry. It will not be possible to employ future school leavers in the manufacturing industry because, as Australia will have a level playing field, unskilled or semiskilled workers will receive only the same as their counterparts in Indonesia or Thailand - in other words, a few dollars a day.

The only way in which a manufacturing industry will survive in Australia is if it is highly capital intensive with a small labour component. Australia can only compete on a level playing field if highly sophisticated machines do the work. The quantity of products which can be produced and consumed is limited. One tends

to forget that the world is finite, with strictly limited resources. For the past 200 years Australia has been mining its resources and selling them fairly cheaply and it has been using its capital, whether it be the forests, the soils or the minerals. Australia cannot search for ever for new mineral deposits to maintain its standard of living.

We cannot hope to live off our ever-degrading farmland. The only way we will survive economically in competition with Japan, Germany, Singapore, Thailand and the other tigers of the Pacific region is by truly becoming a clever country and finding ingenious new ways to add value to the products we produce. It is imperative that we learn to live in an ecologically sustainable way. We cannot allow further degradation to occur either on our farmland or on our precious coastline. We must learn to live within the constraints placed upon us by nature. We cannot destroy this country and pollute the waters and the air in a desperate attempt to maintain a standard of living we cannot afford. We must look to values other than just the gross national product to judge our standard of living. We must look at our quality of life first and foremost.

Honourable members may have read the other day how the people of Kerala in southern India, who have an annual income of no more than \$US180 per person, have a higher average quality of life than Americans with an average income 40 times that. The fact is that we can have an extremely high quality of life without it costing the earth. We can have products which last a lifetime. We do not have to have products that are designed to break down within two or three years, or even a day or two. We do not have to live in a wasteful, throwaway society. For example, the average age of the furniture in my house is approximately 250 years. This morning I had breakfast off a table that was made in 1600. The chair I sat on was made in 1670. The spoon I used to eat my breakfast was made in 1680. My clock was made in 1760, my wardrobe in 1640, my chest of drawers in 1680 and my armchair in 1670. These products were made to last. That is what one would call real recycling.

That is not the case today. Today manufacturers have to produce products that will break down and be used up. Their turnovers and profits would suffer if they did not have products that could be thrown away. Our society is dominated by the needs of the large corporations that have to have a continual turnover of products, consumption and waste in order to make ever-increasing profits. These corporations control government decisions. There is no reason, for example, why Coca-Cola bottles cannot be used 20 or 30 times instead of being smashed on our beaches or in our bush. That practice generates increased sandmining for glass production, causing further destruction of our environment and a waste of energy. There is no question that many individuals are now becoming aware of the need for conserving resources and repairing items rather than throwing them away and buying new ones. A consumer revolt is occurring in spite of the manufacturers and in spite of the Government.

The wasteful, throwaway consumer age is dying. I am certain there will be a return to quality and long-lasting products. Jobs will no longer be available in the throwaway industries; they may be available in the lifestyle and service industries. I hope that the Government can keep up with the public. So far that has not happened. Government - and this Government in particular - listens far more to industry than to people. It is time for the Government to find out what the people want. The Government should not try to impose upon people what it and industry want. The Government is supposed to be the servant of the people. It is about time that it fulfilled that role. I wish to conclude by quoting from *Silent Spring*, which was written by Rachel Carson. I just happen to have a first edition of this famous book, which essentially began the environment movement in the world. At the beginning of chapter 17 Rachel Carson says:

We stand now where two roads diverge. But unlike the roads in Robert Frost's familiar poem, they are not equally fair. The road we have long been traveling is deceptively easy, a smooth superhighway in which we progress with great speed, but at its end lies disaster. The other fork of the road - the one "less traveled by" - offers our last, our only chance to reach a destination that assures the preservation of our earth.

The choice, after all, is ours to make.



**The Hon. J. F. RYAN** [9.34]: The speech we have just heard from the Hon. R. S. L. Jones is a hard act to follow. I wish to congratulate the Governor for the service he has given to the people of New South Wales. As a member of Parliament I have been most impressed when I have had an opportunity to observe the work done by His Excellency, Peter Sinclair, and his wife. From time to time I have heard the Governor address groups of people. One of the familiar themes of his addresses is the need for our community to find a level of integrity and spiritual strength amidst the materialism and other competing demands in our society. I endorse entirely the Governor's message and I hope he will be able to serve the people of New South Wales for a long time.

I agree with the motion that was moved by my colleague the Hon. Dr Marlene Goldsmith. However, I was disappointed that, during the time the Governor read his Speech, some Opposition members behaved in a manner which could only be described as discourteous. They refused to enter into the spirit of the day under the guise of some sort of republican sentiment. It was a tragedy that some honourable members thought that their bad manners would somehow impress people. It did the opposite. It was embarrassing for me to be reminded of their antics by members of the public during the function which took place afterwards in the dining room. I only wish that some honourable members would learn that the public have high expectations as to how we should conduct ourselves when the Houses are in session. Behaviour which members of the public may believe to be appropriate at a protest meeting is interpreted by them as disrespect for our much valued institution of parliamentary democracy.

I also viewed with great concern the remarks made by the Hon. Jan Burnswoods and the honourable member for Smithfield in another place. Those members sought to mock the traditions of the House, again under the guise of support for the formation of a republic in Australia. Whatever the merits of Australia becoming a republic, I am sure that one of them is not that it would sever us from our heritage. The so-called dressing up and ceremony has great significance. Far from being a display of militarism, as was falsely claimed by the Hon. Jan Burnswoods, the ceremony is a celebration of how the military is subject to the supreme will of the Parliament. It is a celebration of the freedom and privileges we have as members of the Parliament, such as our freedom to deliberate on the Government's proposals without fear of arrest or legal retribution. This is signified by the Crown's representative not being able to enter the Chamber of the lower House; the role, illustrated by the dress and actions, of the Black Rod and the Serjeant-at-Arms; and the fact that the representative of the Crown reads a speech which has been prepared by the people's elected government.

It is said frequently that those who forget the lessons of history are condemned to repeat them. The opening of the Parliament was for me and for the guests I invited an important reminder of history and our valuable freedoms. In my view, the difference between those who observe, or at least respect, the traditions of the Parliament and those who do not is similar to the difference between a parliamentarian and just a politician. Since I was elected as a member of Parliament I have become disturbed by the declining level of respect which is being accorded to people in public life generally. Naturally, we are not beyond criticism. In fact, we should be subjected to full and open scrutiny. My concern is that this scrutiny is all too frequently declining into expressions of outright contempt. Often our presence at public gatherings is regarded as a necessary evil rather than a valued contribution to the community. For example, it was most disturbing to hear our profession being openly vilified in the media, quite in excess of what I would regard as reasonable scrutiny, or even within the bounds of good humour and fun.

At the outset of the current Federal election

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campaign I heard on the radio a conversation between two Australian Broadcasting Corporation radio journalists, Andrew Olle and Paul Lyneham, in which they castigated all of us as liars and openly challenged members of the public to treat us with outright contempt. They said, "Slam your doors in their faces if they try to visit you". Even at church this week I was handed a newsletter from a commendable charitable organisation which contained the gratuitous insult that politicians were dangerous enough on their own but they were diabolical when teamed with advertisers. It seems that the public is losing confidence at an alarming rate in politicians as a collective group, in our political parties and in this institution. This is despite the fact that almost all of us believe that we are doing our best to serve the community.

**The DEPUTY-PRESIDENT (The Hon. D. J. Gay):** Order! If honourable members wish to converse they should do so outside the Chamber. The Hon. J. F. Ryan has the call.

**The Hon. J. F. RYAN:** This is despite the fact that we all know that most of us believe we are doing our very best to serve the community. We put in endless hours of effort and sometimes not a small amount of our financial resources to please our constituents. It is ironic that public esteem for politicians is declining at the same time as the modern politician has become more professional, more open and subject to greater levels of accountability.

**The Hon. Ann Symonds:** Who told you that?

**The Hon. J. F. RYAN:** I have no answers and cannot offer myself as any special example of the model parliamentarian, but I feel compelled to make the observation as a result of observing my fellow colleagues - not on this side of the House, I must confess, on this occasion - carrying out actions which I believe are yet further examples of politicians sawing off the branch on which we are all sitting. On a more positive note, it was a pleasure to invite my mother and two representatives of the Holroyd Arthritis Foundation, Mrs Grace Schofield and Mrs Kath Lee, to the Parliament to enjoy the opening. The pleasure they experienced more than justified the effort that was put into organising the day. I compliment the President, the Speaker and the Parliament House staff for their efforts in catering for our guests and the presentation of this building on the day.

I wish to respond to some of the themes developed by the Opposition over the past few days in its critique of the Government's program. The complaints of the Leader of the Opposition about the capital works budget being underspent are getting a little tired. He makes these claims on the basis of progressive monthly expenditure figures released by the Government - they were never released by the previous Labor Government at any time - which contain, on the same page, the warning that month by month comparisons are extremely unreliable. This is particularly so in the case of capital works, because the progress of capital works payments is subject to many variables, such as the size of the project, the weather, the stage at which the work is completed, and the stages at which progress payments are made.

The Leader of the Opposition has made claims in the news media that the Government is behind schedule with capital works, without being able to nominate one single project that is not being proceeded with. This is despite the fact that every project is listed in detail in the Budget Papers. Frankly, I am not at all embarrassed by the fact that the various project managers of the capital works projects nominated in the Budget have made a priority of ensuring that these very expensive investments on behalf of the public are completed properly, rather than being concerned that the funds which pay for them are allocated in even monthly instalments to satisfy the Opposition.

Equally laughable are the claims made by the Opposition that it has a program of legislation which is more impressive than that of the Government, because it has more bills to put before the House. It is simply a case of saying never mind the quality, feel the weight; we have got 20 bills and you have only got 16. Let us compare the two programs. The centrepiece of the Australian Labor Party program is an amendment to the Oaths Act, a bill which would relocate the proposed casino five minute walk closer to the city and declare certain categories of cats and foxes to be noxious animals.

By comparison, the program outlined for the Government by the Governor includes a complete review of the Local Government Act, an endangered species bill, a bill to establish a river catchment trust to protect the Hawkesbury-Nepean river system, two bills to reform the Parliament and the conduct of elections, a bill to establish a new health complaints unit, landmark legislation for a complaints system to address the concerns of people with disabilities, and plans for a new State environmental planning policy to cut unnecessary red tape in the approval and development process for major employment-generating projects. The only creativity demonstrated by members opposite is the manner in which they flog a variety of issues for base political purposes, such as their campaign of deception about the special environment levy by the Water Board.

Members opposite choose to confuse the fact that the Water Board has, since the election of the Liberal Party-National Party Government, made massive strides in improving productivity. In 1988 productivity for each employee in the Water Board was about 61 megalitres of water a year; now it approaches 80 megalitres. The number of staff in the Water Board has been reduced by 600, and there has been an improvement in productivity of 26 per cent. The Government has the opportunity of returning the savings generated by the productivity of the Water Board to its customers by reducing costs. However, because of Paul Keating's recession and Commonwealth budget cuts of more than \$800 million a year, it has been necessary to call on those resources to fund core services of the Government.

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The people of New South Wales can be grateful that the good management of New South Wales has left the Government with this option, otherwise massive increases in government charges, massive increases in the State deficit or large cuts in services would become necessary.

The ALP is quick to criticise the payment of dividends from government trading enterprises, but it has yet to nominate where it would respond to the ravages of the recession - whether it would increase charges, increase debts or decide which school or hospital it would strike down from the capital works budget. The special environment levy has raised, or will raise, \$490 million over five years, all of which will have been spent on environmental protection, despite Australian Labor Party claims to the contrary. The Government has funded a far-reaching and effective environmental program and has saved the services of the people of New South Wales from the onslaught of the recession. To back up those claims, I refer to statements made by the very respected economic commentator Ross Gittins. He said:

... I must say I have more sympathy for Mr Webster than I do for Mr Egan and I really think that Mr Egan's ability to score political points far out-strips the public's ability to understand the ins and outs of public finance.

Mr Gittins went on to say that the Leader of the Opposition believes in:

... a conspiracy theory just built on the slender fact that the amount of money raised by the environmental levy is the same size, \$100 million, as the amount of the special dividend that the Water Board's paying.

If Government members have been remiss in any way, they have been remiss in communicating to the community what a disaster the Labor Party would be if it were ever to gain the treasury benches. It makes outrageous promises which it can never deliver. It would remove the tolls on roadways, employ 2,000 more teachers, build Liverpool Hospital faster, build a new hospital in Port Macquarie, build another hospital to replace the Hawkesbury Hospital, provide a new Y-link in the railway line in the western suburbs of Sydney, and so on. In his speech to the House the Leader of the Opposition announced even more goodies. He claimed that the Labor Party will legislate to upgrade Warragamba Dam, carry out more flood mitigation works at Cabramatta, and upgrade roads on the North Coast. Where would Labor find the funds?

**The Hon. M. R. Egan:** You have read my budget.

**The Hon. J. F. RYAN:** Exactly. I also read your borrowed speech in reply. All these projects would be racked up on the State Bankcard. The funds derived from the sale of the GIO were hardly in the bank when the Leader of the Opposition in the other place was on the doorstep saying the lot should be blown on new capital works projects. I attended a public meeting in the Liverpool area regarding the privatisation of the Liverpool Hospital. Two Labor Party politicians suggested that the Government should ignore the fact that they had been offered financial assistance from the private sector to upgrade Liverpool Hospital to teaching status and borrow the \$200 million required.

Let me return to the sale of GIO. Imagine for a moment that the Government had taken the advice of the Leader of the Opposition about the asset derived from the sale of the GIO. Let us see what the people of New South Wales would have missed out on. The sale of the GIO generated \$1,811 million in gross proceeds, consisting of \$1,200 million from its sale and \$611 million in tax compensations and tax equivalents. These funds have been used to lower our State debt and save us interest payments of up to \$150 million a year. That

is an improvement of \$50 million a year on the dividends that would normally be paid to the State Budget through the GIO.

The action also protects our triple-A credit rating and has saved the State Government the need to provide capital injection for the expansion of GIO Australia. The sale would never have proceeded under Labor. If it had, the benefits would have been either lost or squandered. Our national debt is a large problem. Those of us who represent constituencies in the western suburbs of Sydney where many people are paying off mortgages will know that the national debt contributes approximately 3 per cent to interest rates. Honourable members should be aware of the burden that places on families and people paying off mortgages. If governments continue to spend more than they have, the burden on families in places like western Sydney will be increased. The Government must reduce its costs and live within its means. The sale of the assets of the GIO has enabled the Government to deal with the budgetary problems that have arisen as a result of the recession and to protect the people of New South Wales. Another matter referred to in the Governor's Speech is reform of the Local Government Act. The Government has every reason to be proud of this reform.

**The Hon. Dr Meredith Burgmann:** The Government is not doing anything to change the situation at Toomelah.

**The Hon. J. F. RYAN:** I am happy to talk about Toomelah, but let it be remembered that it was former Premier Nick Greiner who visited Toomelah, came back and began to deal with that matter. Though the conditions of the people at Toomelah are not up to scratch and no one could be proud of them, undoubtedly their conditions are infinitely better under a coalition government than they ever were under Labor. To return to the reform of the Local Government Act, I recall going down to the Parliamentary Library to find an ordinance relating to fire safety. The librarian took me over to the three shelves on which the Local Government Act was stored. Through a process of consultation the Government will reduce all of that legislation to a document that is easy to read and is easily understood by anyone able to read it. I understand that every ordinance under the Local Government Act, except ordinance 70, is to be abolished. This is landmark legislation that will slash red tape. I know that it will assist ordinary business people and will create jobs.

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Over the Christmas period I was approached by two companies that had real problems getting approvals from local government. I shall recount the details of the two matters for the information of honourable members so that they will understand the types of problems endured by those who must wait for approvals from local government. The first matter involves a trucking company in Moorebank that was organising the relocation of its business to better premises. The company had purchased land and was paying off a mortgage. The building was complete, but Liverpool Council was stuffing around with the approval, because of the colour of the buildings or some similar trivial matter. The company had to meet mortgage payments and pay rent at the same time - costing the business \$4,000 every week for more than a month - while the council dithered with the approval. When councils delay approvals and do not provide the necessary services for their customers, they do not necessarily protect people but frequently cost them hard-earned money and possibly jobs.

The other issue relates to a pre-school at Camden. The school was gearing itself up to serve the people of the Camden municipality. It wanted to open the doors of the pre-school in the last week of January. It had a waiting list of about 50 per cent of the children enrolled. Again there was a fight over the colour of the roof and whether the car park should be gravel or asphalt. The dispute prevented the pre-school from becoming licensed, despite the fact that parents were actually delivering their children to the place and commencing to pay fees. The delay by the council in granting that licence cost ordinary men and women the benefit of Federal government fee relief and put that pre-school at risk.

It was revealed to me that one of the officers of the council is being investigated because he refused to give approval for a concrete floor unless he was given a bottle of Chivas Regal before signing the appropriate papers. I acknowledge that his actions are not typical of what one expects of local government. However, dithering and delay not only hinder the council but affect the lives of ordinary men and women. Members would do well to

keep that in mind when the House deals with the landmark local government legislation. Honourable members may recall one of the best speeches delivered by a former Premier entitled "New South Wales Facing the World". One of the important matters to come out of that speech - and it was referred to in the Governor's Speech when he opened the Parliament - was the need to make sure first and foremost that the Government of New South Wales serves the people as customers, treating its clients as businesses would treat customers, which I believe to be one of the most important roles I have carried out as a member of Parliament. The former Premier said:

The public sector is still preoccupied with delivering services (albeit in a more efficient way) rather than trying to solve people's problems. The public service is still dominated by large bureaucratic empires, rather than small, responsive people-oriented agencies.

It will be a continuing challenge for this Government to ensure that each agency gives a guarantee regarding its standards of service; but even more significantly, the Government must make a commitment to listen to and respond to consumer needs. In the vein in which I spoke about the Local Government Act I should refer to a couple of problems I have had in helping people to deal with the Department of Housing. Though the issues are serious - and I am not proud of them - they are no indictment of the work of the Minister or of the Government. They demonstrate how sometimes public servants fail to carry out government policy or give consideration to customers' needs. It gives me no joy to recount these matters, but they are so serious they should be placed on the public record.

In November I received from a colleague in the lower House a file outlining the actions his office had taken to resolve difficulties faced by a single mother living in a Department of Housing home in Seven Hills. The lady contacted his office on 2nd July last year and essentially raised two issues. First, she needed to relocate from her home because of extreme harassment by an estranged partner. This lady had four children, all of whom were asthmatics. The youngest child, who was 10 months old, suffered from apnoea and epilepsy and was monitored 24 hours a day by equipment attached to the telephone. On one occasion one of the children was kidnapped by the estranged partner and the perpetrator of domestic violence was subject to an apprehended violence order. However, he frequently visited the home and stared at her, banged on the door or harassed her in other ways.

Obviously this lady wanted to move. It is the Government's policy that when people need to move for that type of reason their applications for relocation should be speedily processed. The police acted on many of her complaints and were also urging the Department of Housing to help the lady to move. They were tired of wasting their resources, having to continually come and deal with the domestic situation. It seems that those who have one piece of bad luck often have more bad luck arrive. This lady had the misfortune of having her motor vehicle flattened by a garage door that blew off a Department of Housing building; it caused \$2,500 worth of damage to her motor vehicle.

She approached her member of Parliament on 1st July last year and raised these urgent issues. The file was passed to me in November. The member had written on it, "I think I have taken this as far as I can go. Can you take it along further, because this lady does not live in my electorate". I took the view that it would be best to approach the department direct and ask the people responsible to deal with the issues. I commenced dealing with the local officials of the Department of Housing, believing that once the desperate needs of this lady were made known, the department would act quickly.

For four weeks I made five telephone calls a week, and was given endless promises about how quickly the issue would be looked at. Documents became lost and finally in absolute frustration I

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contacted the Minister's office. The Minister and his staff needed to acquaint themselves with the problem and began to go through a similar process with the same public servants. Finally the lady's needs were met six months after she had sought assistance and two weeks after my referring the matter to the Minister's office. I believe that was spectacularly successful, given that three other members of Parliament had been trying to obtain results from the department.

This is an example of how important it is for public servants to treat clients as customers. I shall relate another unpleasant incident involving the Department of Housing, but relating to a different area. I was approached by a lady who had become eligible for relocation through application for a transfer into a Department of Housing residence. She was taken to the prospective home by an official of the Department of Housing at Glenquarie. As he opened the door he told her, "We had better walk around the backyard because the house stinks something terrible". They then walked into this stinking house. It had carpet stained with faeces; the cupboards were badly painted and covered with mould; cockroaches were running all over the place; and the stove had maggots in it.

Clearly, the family that had been living in this house previously had not exercised proper responsibility in maintaining it; though in no way could the department be blamed for that. Of course, the Department of Housing was not going to hand the house over in that condition, and the lady asked me to inspect the house after it had been serviced. Though the carpet had been replaced in one room, the rest of it was still stained and it still stank. The stove was still extremely greasy; the cupboards had been painted but the paint had just been slapped over previous paint marks and scratches, and cockroaches were still in the cupboards.

We returned to the office to meet the official and I handed over my business card, expecting that he would be somewhat impressed that a member of Parliament had arrived with a constituent to discuss the problem. Rather than ushering me into his office to discuss this important issue, he attempted to deal with me at the counter by dragging out the public service guidelines. He began to read to me how the house had been repaired to the minimum standard required to make it habitable. I challenged him on whether he would be prepared to eat a meal cooked on the stove or would like his children to crawl over carpet in that condition. He said that he had looked at the condition of the carpet and was quite satisfied with it.

In frustration I went to a higher level in the Department of Housing and spoke to Mr Kevin Moody, the acting assistant regional manager, technical, from the Liverpool office, who was extremely helpful. I was told that he was in a meeting. However, on being informed that it was an internal meeting and because I was on vacation at the time, I pressed my inquiry, and he answered my phone call. Within two hours the place had been inspected and I was given a complete and comprehensive list of how the house would be extensively renovated, to the point that I would have been proud to hand it to the customer. It was unfortunate that although this house was restored to pristine condition it was wrecked and vandalised the following week - and that highlights another problem.

I am pleased that the Department of Housing has employees such as Mr Moody who share the Government's view about serving its customers. It will be the challenge of members of Parliament and the Government to ensure that all government departments serve the people of New South Wales. If indeed the legislative program is a little light, and honourable members are given the opportunity to work in our constituencies on problems such as making government responsive to the needs of the public, that will be worth while. I commend the Government for its program, which I believe is comprehensive. I look forward to yet another progressive term for the Fahey Government.

**Debate adjourned on motion by Reverend the Hon. F. J. Nile.**

## **ADJOURNMENT**

**The Hon. R. J. WEBSTER** (Minister for Planning, and Minister for Housing) [10.6]: I move:

That this House do now adjourn.

## **LEGAL AID FUNDING**

**The Hon. JAN BURNSWOODS** [10.6]: I am concerned about the remarks of the Attorney General

when he claimed in this House yesterday that a document distributed at the demonstration against legal aid cutbacks was incorrect when it stated that, "Cuts to legal aid have already disadvantaged women who cannot afford to obtain legal advice and representation for family law". Who is the Minister trying to kid? Certainly not the women in our society who are unable to pursue their rights because of the legal costs involved. The Attorney General is well aware that the Legal Aid Commission does not provide aid in divorce or property matters, nor in custody disputes where the woman initiates the action. If he is not aware, he should resign immediately. He is - or should be - aware because the Government cut legal assistance. Since the Greiner-Fahey Government has been in office it has been systematically attacking legal aid.

For instance, before this Government was elected women were entitled to receive legal aid in family law property matters if they met the means and merit test. There was a ceiling on the amount of aid that would be paid and women would repay that amount once the settlement was completed. That system allowed women to pursue their legal interests; but under this Government far too many women are unable to do so. Under this Government these women are supposed to mediate with their former husbands to get their share

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of the property. What an insult! A woman who has been a victim of domestic violence is not going to be able to sit down with the man who bashed her and ask politely for the return of her share.

Last July the *Sydney Morning Herald* reported that the Government had ordered the Legal Aid Commission to cut \$2.9 million from its programs in each of the financial years between 1991 and 1994. Now the Attorney General has the nerve to attack the Legal Aid Commission over its financial situation. The Government's policies on legal aid will affect women most. The banning of aid in civil cases means that a victim of a sexual assault who cannot afford a private solicitor will not be able to make a claim to the Victims Compensation Tribunal. A sexual assault victim making a compensation claim must provide a report from a social worker. However, public hospital social workers are now forced to charge \$400 for these reports and must obtain that money up-front. The silver spoons in the Government obviously think everyone has a spare \$400 sitting in the bank. Unfortunately many women do not.

The Government's policies on legal aid will encourage rip-offs by unscrupulous landlords and financiers because they know that their victims simply will not be able to afford legal action against them. Community legal centres are doing their best to assist people in need who cannot obtain legal aid, but if the Federal coalition were to attain office, they would find themselves decimated. The coalition has promised to cut \$10 million from the legal aid budget and half the funding for community legal centres. The current budget for community legal centres is now only \$5.7 million. Many courts now refer people to community legal centres; but if the budget is cut by 50 per cent they will disappear.

People who cannot afford private legal fees will have nowhere to go to receive help. They will be denied any access to justice. Add the effect of a GST to the Legal Aid Commission and legal aid in New South Wales will virtually disappear. For women it means that they may have to sell their homes to pay legal costs. Why the women members of the New South Wales Government have not revolted against these anti-women policies is beyond me. As this week we celebrated International Women's Day, I would have hoped for a better performance from them. Still talking about women but on a different subject, I was disturbed this week at the sexist comments we have had to endure about the shadow minister for planning, environment and the Water Board, Pam Allan. Alan Jones, the queen of morning radio, was absolutely disgusting this morning -

**The Hon. Patricia Forsythe:** On a point of order. The honourable member was referring to legal aid, and she has now moved on to a second subject. I understood that in the adjournment debate honourable members can speak on only one subject.

**The Hon. Jan Burnswoods:** On the point of order. I was actually talking about several issues relating to women, in that I said that 8th March was International Women's Day. That was certainly my intention.

**The DEPUTY-PRESIDENT (The Hon. D. J. Gay):** No point of order is involved. The honourable member may proceed.

**The Hon. JAN BURNSWOODS:** I have been concerned about the sexist comments directed against one woman in particular this week, the shadow minister for planning and environment, women's affairs, and the Water Board - Pam Allan. Alan Jones, the queen of morning radio, was absolutely disgusting this morning -

**The Hon. R. J. Webster:** On a point of order. I do not believe this debate should be used by the honourable member to slander a leading member of the public. She should be required to move a substantive motion. I ask that you rule that the Hon. Jan Burnswoods is contravening the rules for adjournment debate. It is typical of the way in which she carries on here day after day, standing up and vilifying individuals who cannot defend themselves.

**The DEPUTY-PRESIDENT (The Hon. D. J. Gay):** Order! There is no point of order. [*Time expired.*]

### SPECTACLES FOR PENSIONERS

**The Hon. ELISABETH KIRKBY [10.11]:** Today I received a letter drawing my attention to a problem faced by a constituent's mother who is living in a home. The letter refers to her obtaining spectacles prescribed by Professor Billson's clinic at the Sydney Eye Hospital, Woolloomooloo, on Thursday, 15th October, 1992. The letter states:

Prior to the October date, over the past years, I have presented . . . prescriptions to local Departmental Officers, who, in turn, issued order forms on local dispensers, whereby she (my mother) was catered for, without any trouble.

On 16/10/92 I rang the Sutherland Department and was informed that I would have to contact OPSM, and "they" would make application to VisionCare, who, I have learned, is now the controlling body of the NSW Government Spectacle Programme . . . OPSM is their sole supplier.

He sent a copy of the application form to me which shows his mother's date of birth as May 1908, where she lives, and her pension number. On applying he discovered that as his mother has more than \$500 in the bank she must pay the full amount for her spectacles. The letter continues:

Despite my enquiries, and searching, I have been unable to find any documentation whereby the VisionCare/OPSM privatisation scheme was EVER put out to tender.

In view of the aforesaid, I ask of you the following; which may, perhaps, raise a few eyebrows . . . (1) Why is it necessary for an aged pensioner to pay for spectacles, because she owns more than \$500? . . .

(3) Because the pensioner has a fixed deposit in an account to cover her funeral, is she deprived of said funeral fund savings to buy a pair of spectacles? (4) Does this (optical) scheme also apply to dental and other services to aged pensioners?

He has asked for my help. In the past it has been possible for this aged pensioner to obtain her spectacles after visiting the Sydney Eye Hospital and

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receiving a prescription, and then taking it to a local supplier with the assistance of the Department of Community Services. I cannot understand why she is now expected to pay for them, particularly as it must have been well known to the Government when it entered into the arrangement that from 1st April, 1993, all pensioners would be allowed to receive the fringe benefits and that the previous income and assets test would be abolished. It is wrong to set up a new scheme which creates a monopoly for OPSM.

Privatisation is one matter, but my belief was that the whole purpose of privatisation was to allow for market competition. What has happened in this case is not only that my constituent's mother had to pay for her spectacles, but also that she had to pay for a further eye examination even though she had a current prescription



from the Sydney Eye Hospital - again an added expense. The whole situation is ridiculous and I ask that the matter be considered by the Minister for Health. When the Government introduced the scheme, it knew that it would be abolished on 1st April because the announcement about social security changes was part of the 1992-93 Budget announced last September. Yet, by October the Government had set up for New South Wales pensioners an entirely different scheme which is totally unsatisfactory. Without revealing any confidences, this elderly lady, who was born in 1908, receives a pension of approximately \$150 a week and her total income received from all other sources is \$7.20 per week. It is ridiculous that at her age she is expected to pay for her spectacles. [*Time expired.*]

## **MEDICAL PRACTITIONERS FEES**

**The Hon. Dr MARLENE GOLDSMITH** [10.16]: The *Sydney Morning Herald* has apparently become the publicist for a Labor lobby group. The Doctors Reform Society, that well-known alma mater of the Deputy Leader of the Opposition, Dr Refshauge, has claimed that 78 per cent of doctors will raise their fees under a Federal coalition Government. The source of this allegation was not a reputable poll but a survey by the Doctors Reform Society. That society, as we know, invariably pushes the Labor Party line and is widely considered to be nothing more than the medical wing of the Labor Party.

**The Hon. I. M. Macdonald:** On a point of order. The honourable member is using extensive notes in this dissertation. According to the standing orders she should be confined to making her points without notes.

**The DEPUTY-PRESIDENT (The Hon. D. J. Gay):** Order! There is no point of order.

**The Hon. Dr MARLENE GOLDSMITH:** The number of doctors in this so-called poll -

**The Hon. I. M. Macdonald:** On a point of order. The honourable member is dealing with matters that are already extraneous to the first point she made in her dissertation. The Hon. Patricia Forsythe has just interjected -

**The Hon. Dr Marlene Goldsmith:** What is the point of order?

**The DEPUTY-PRESIDENT:** Order! The Hon. Dr Marlene Goldsmith will allow the Hon. I. M. Macdonald to make his point of order. The Hon. I. M. Macdonald should state his point of order.

**The Hon. I. M. Macdonald:** I am desperately trying to make my point of order but when I get interjections from the Hon. Patricia Forsythe and the Hon. Dr Marlene Goldsmith it is very difficult.

**The DEPUTY-PRESIDENT:** Order! The Hon. I. M. Macdonald will come to the point of order or he will be asked to resume his seat.

**The Hon. I. M. Macdonald:** The point I make is that the dissertation now being made by the Hon. Dr Marlene Goldsmith is extraneous to the point that she was originally making - a vicious statement - and should be ruled out of order.

**The DEPUTY-PRESIDENT:** Order! There is no point of order.

**The Hon. Dr MARLENE GOLDSMITH:** Compare that poll of 42 doctors with the 20,000 doctors of the Australian Medical Association who said, by letter last week, that fees would not go up under a coalition Government. The whole matter is obviously and clearly a nonsense. The story about the 20,000 doctors received a few paragraphs in the media. The story of the 42 doctors, carefully selected by the Doctors Reform Society, was splashed across the front page of today's *Sydney Morning Herald*, with the scare headline, "Doctors say they will raise fees if Hewson wins". What is one to believe of the *Sydney Morning Herald*? Was this carelessness, or incompetence in not checking facts, or was it a desperate, last-minute attempt to help the Labor

Party win the election?

The only changes under a Federal coalition Government will be the availability of gap insurance; so claims that patients who are insured will be charged higher fees are negated by the fact that demand for gap insurance is for big ticket items such as heart surgery, and not for visits to the general practitioner where, at worst, patients will be only a few dollars out of pocket. Gap insurance would have no impact on the fees of general practitioners. The other change would be the abolition of bulk billing for all but health care cardholders. Bulk billing does not per se keep fees down. It is the competition between doctors that forces them to offer bulk billing and keeps fees down. That competition will still be there under a coalition government. After all, doctors do not offer bulk billing now out of altruism. Remember, they accept only 85 per cent of the bill in full payment of the account. They offer bulk billing because they are pressured into offering it by

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competition. A large number of doctors have been telephoned in the electorate of Lowe and among that large number -

**The Hon. I. M. Macdonald:** On a point of order. In my view the honourable member is contravening Standing Order 69. As a consequence of that the honourable member is in contravention of Standing Orders 71, 72, 73 and 74.

**The DEPUTY-PRESIDENT:** Order! No point of order is involved. [*Time expired.*]

**Motion agreed to.**

**House adjourned at 10.21 p.m.**

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