

LEGISLATIVE COUNCIL

Wednesday, 15th September, 1993

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

The President offered the Prayers.

STANDING COMMITTEE ON STATE DEVELOPMENT

Motion by the Hon. J. P. Hannaford agreed to:

That the Hon. Beryl Evans be discharged from the Standing Committee on State Development and that the Hon. J. H. Jobling be appointed as a member of such Committee.

JOINT SELECT COMMITTEE UPON WASTE MANAGEMENT

Report

The Hon. J. F. RYAN [2.35]: On behalf of the Chairman I desire to lay upon the table of the House the report of the Joint Select Committee upon Waste Management, dated September 1993.

Ordered to be printed.

The Hon. J. F. RYAN, by leave: In tabling this report I should like to thank all members of the committee for their efforts in bringing the report together. I am sure the Chairman in another place would appreciate my thanking on his behalf the members of this House who served on the committee and the staff who helped in the production of the report. Most members agreed with the recommendations contained in the report. It was well worth investigating the many serious issues and I am sure all members appreciated the unique process by which not only members of Parliament but also a series of reference groups worked together to produce the report. That successful experiment allowed the community to have some input. However, there were two matters with which I was not pleased. Important details of the report were revealed to the press before the document was tabled, and I understand that regrettable action is not in accordance with the normal procedures of this House.

I understand also that a number of remarks have made this report controversial. The last recommendation of the report is that no legislative changes or policies be introduced that would make New South Wales industries uncompetitive with those in other States. I saw this as a recommendation that members of this Parliament would have supported. Regrettably, five members of the committee, some of whom are members of this House, voted against the recommendation - one that I regard as a motherhood statement - that we would do nothing in this State to disadvantage industries and jobs. I regret that members of this Parliament were not prepared to stand up for industry in New South Wales.

The Hon. R. S. L. JONES [2.40], by leave: I had very high hopes that the Joint Select Committee upon Waste Management would come up with some of the answers to our increasing waste problem. However, I regret to say that the committee was divided almost exactly down the middle - with the

Government members on one side and members of the Australian Labor Party, the Democrats, the Independents, including Peter Macdonald, the Nature Conservation Council and local government on the other. One section of the community was on one side and the Government was on the other. The committee disagreed on whether putrescible landfills should be privatised. Putrescible landfills should not be privately owned; that would create an economic incentive to take putrescible waste into the landfills. The Government should take control of landfills and implement a program of waste reduction, particularly of putrescible landfills. Waste should be composted and reused on the land.

The Government still supports incineration. Members of the committee saw the Waterloo incinerator at work. It is an utter disgrace. We saw truckload after truckload of aluminium cans, bottles, paper, food waste and garden waste - every possible piece of waste - going into that incinerator and 85 per cent of it was capable of being either reused or recycled. Peter Macdonald and I believe the incinerator should be closed down immediately. The Australian Labor Party will no doubt outline its position with respect to the incinerator.

The Local Government Association, the Nature Conservation Council, Peter Macdonald, the Australian Labor Party and I all support the introduction of container deposit legislation. Peter Macdonald and I and the non-government contributors to the report believe that such legislation should be introduced as soon as possible. Such legislation has been effective in South Australia, and particularly effective in North America and Europe. I have seen it. It works very well. It removes broken glass from beaches and it enables people who have a low income to make a little extra by picking up bottles, cans and other containers and taking them back, as we used to do in our childhood. That legislation should be introduced. It would remove a significant amount of the wastestream.

These are the three issues on which the committee disagreed. Even though some of the words between the recommendations are fine, the recommendations will not solve Sydney's waste crisis. We have to get serious about the waste crisis. We have to get serious about composting all garden waste and food waste - there is no reason why that cannot be done. We have to get serious about the reuse of materials that we can reuse. I do not see any inhibition upon that. We need to get serious about not

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allowing kerbside recycling to be cross-subsidised by aluminium cans, bottles or paper - each item should be self-funding.

Industry should take responsibility for its waste. Industry, the committee and the Government should be serious or we shall end up with a mountain of waste by the end of this century. We shall not meet the Australian and New Zealand Conservation Council target as proposed in this report. The majority report is a failure. It should have recommended the minority recommendation. That would have meant that we were serious about waste management. This report is not serious about waste management. The majority recommendations of the report will not be the answer to Sydney's waste crisis.

The Hon. JAN BURNSWOODS [2.44], by leave: I am shocked, to some extent, by the remarks of the Hon. J. F. Ryan about the members who dissented from this report. I am particularly shocked that the proper procedure for those sorts of remarks - the moving of a motion - was not followed by the honourable member. However, when I think about it, I am not all that shocked. I think Government members are so ashamed of this report that the kind of performance we just saw from the honourable member is not all that surprising.

I make it clear that the dissenting report contained within the report on waste management is not a minority report - it is a report of five out of the 10 members of the committee - and that the majority report, so-called, is in fact a report of the Government members, who have spent 12 months wasting the time and the money of the rest of the committee and of many other people by producing a report that does nothing to address the problems of waste management in New South Wales. The more pious and useless recommendations of the report have been adopted without dissent but of the 47

recommendations 20 have been dissented from. I emphasise in particular that the report reflects the Government's attempting to totally opt out of all responsibility for waste management in New South Wales. It basically continues the spitting-the-dummy practice that the Government adopted in the green paper last year.

It proposes that the State Government will no longer manage waste: it will be foisted on local government even though local government has made it very clear that it does not want to be handed that responsibility. Instead of the State taking responsibility for the ownership and management of landfill, the Government proposes to privatise it. Just as it is privatising water and privatising, or attempting to privatise, the school cleaning service, now the Government has decided to privatise garbage. In other words, through this committee the Government has recommended that the State Government cease to play any meaningful role and hand responsibility to local government and control of landfills to private enterprise.

The other major area in which the majority report, so-called, of the committee fails is that it does not address the overwhelming problem of reducing the quantity of waste created. The report should have come up with proper strategies to minimise the amount of waste and to reuse waste at the source. Instead it contains a series of pious statements on those subjects. It will do nothing to reduce the amount of waste. The only way that the majority report, so-called, suggests to minimise waste is to hit ratepayers and other people in New South Wales with higher and higher charges to pay for an essentially privatised waste management system. It adopts no sensible strategies to minimise waste. It is a cop-out. It is a way of getting the Government off the hook that it created for itself in late 1991 and throughout 1992 when, unable to proceed for political reasons with the proposals at Lucas Heights and Castlereagh, it decided that if it could not get what it wanted it would not do anything and would hand the problem over to someone else. If the Government gets its way, this important area is to be completely ignored. I predict that the report will end up where it deserves, and that is in the garbage bins of Sydney.

PETITIONS

Homosexual Vilification Legislation

Petitions praying that the House support those schedules of the proposed Anti-Discrimination (Amendment) Bill that will make homosexual vilification unlawful, received from the **Hon. Dr Meredith Burgmann, the Hon. Jan Burnswoods, the Hon. Elisabeth Kirkby, the Hon. P. F. O'Grady and the Hon. Ann Symonds.**

Homosexual Vilification Legislation

Petitions praying that the House reject all homosexual vilification legislation, received from the **the Hon. Dr Marlene Goldsmith, and the Hon. S. B. Mutch.**

Steel-jawed Leg Hold Traps

Petition praying that the House legislate to ban totally the manufacture, sale and use of steel-jawed leg hold traps in all areas of the State as they cause great suffering to all animals and birds, both target and non-target, caught in them, received from the **Hon. R. S. L. Jones.**

Container Deposit Legislation

Petition praying that because of the detrimental effect of throw-away packaging on the environment, legislation be introduced imposing a mandatory deposit on all containers sold in New South Wales, received from the **Hon. R. S. L. Jones.**

CRITICISM OF THE OMBUDSMAN

Matter of Public Interest

The Hon. Dr MEREDITH BURGMANN [2.55]: I move:

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

Criticism of the Ombudsman.

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I have sought to raise an important matter of public interest in this House today because of the extraordinary outburst the Chair of the joint Committee on the Office of the Ombudsman made in another place last Thursday, 9th September. On that day the honourable member for Myall Lakes tabled the committee's report on the adequacy of funds and resources available to the Ombudsman. However, after tabling the report he embarked on an intemperate and extraordinary attack on the Ombudsman and me.

The Hon. J. H. Jobling: On a point of order: Under the sessional orders an honourable member raising a matter of public interest has 10 minutes in which to establish urgency. The honourable member is now debating the substantive motion on the basis that urgency has been granted. The question has not been decided. The honourable member should establish urgency, or desist.

The Hon. R. D. Dyer: On the point of order: The Hon. Dr Meredith Burgmann has barely uttered a few sentences in support of bringing this matter of public interest on for discussion. I respectfully submit that the honourable member is entirely within her rights under the standing orders to sketch in the background that occasions her interest in the matter and her desire to have the House discuss the matter. She has made passing reference to intemperate remarks, to use her expression, used by the honourable member for Myall Lakes in another place. I submit that she is merely sketching in a background with a view to giving a preface, for the information of the House, why it ought to discuss this matter.

The PRESIDENT: Order! I have heard enough. There is a requirement for the honourable member to establish a degree of urgency sufficient for the House to agree to the motion. Though she has indeed only commenced, I ask her to bear that in mind.

The Hon. Dr MEREDITH BURGMANN: I am establishing urgency by outlining allegations made by the honourable member for Myall Lakes. I am establishing the amount of media attention this has attracted. I am establishing the amount of personal distress caused to the Ombudsman and to me. This is the first sitting day on which I have been able to raise the matter in this House so that such an important issue of public interest may be discussed by this House. The way in which the honourable member for Myall Lakes embarked on his extraordinary attack on the Ombudsman made many members question his stability. Given the extraordinary and unprecedented attack, one has to ask why the honourable member for Myall Lakes made those attacks and what were the grounds for the allegations, which have attracted massive media attention and give rise to the urgent need to discuss it in this House.

During the committee's deliberations no evidence of improper conduct was put to the Ombudsman at any time by the honourable member for Myall Lakes or by any other committee member. No evidence of improper conduct concerning the Ombudsman was given by any other witness during the committee's deliberations, and the honourable member for Myall Lakes himself failed to put to the Ombudsman any allegations of improper conduct at any time so as to enable the Ombudsman to respond prior to the finalisation of the committee's report. The report contains no allegations of improper conduct on the part of the Ombudsman, and the report was carried unanimously by the committee, without dissent from the

honourable member for Myall Lakes. Why did he make this outburst in the other place? Honourable members have to discuss urgently the way in which the honourable member for Myall Lakes made those comments. Why did the honourable member for Myall Lakes make these allegations? One explanation was that it was a desperate, last minute attempt to take some heat off what is now known as the Peter Collins affair.

The Hon. J. F. Ryan: On a point of order: "Why?" is a very important question, but it is "Why is this matter urgent?", not "Why is the issue to be debated?" The Hon. Dr Meredith Burgmann has not mentioned anything that is even vaguely related to the issue she wishes to bring before the House, let alone addressed anything critical to the issue of why the House needs to debate this motion today.

The Hon. Dr Meredith Burgmann: On the point of order: That is the most urgent aspect of the whole debate. If those serious and damaging allegations were made simply as a smokescreen to cover even more serious events, it is urgent that the House should discuss them now.

The PRESIDENT: Order! I am well aware that often in matters of this nature it is necessary for the honourable member to give some indication of the substance of the debate to follow in order to establish a degree of urgency necessary for the House to agree to debate the substance. I suggest to the Hon. Dr Meredith Burgmann that in putting her case for urgency she point out in statements she makes how that bears on the question of urgency rather than on the substantial issue.

The Hon. Dr MEREDITH BURGMANN: The media comment on the statement made by the honourable member for Myall Lakes is in itself the reason for urgency. The House cannot allow statements to be made under privilege in one place about a member in another place without allowing that member the right of reply. As it is, the allegations by the honourable member for Myall Lakes have been extensively covered in the media, but I have been unable to reply. If truth is what is sought, the truth has to be urgently presented to the public. Another explanation that could have occurred to the honourable member for Myall Lakes is that he was frustrated and bitter that he was unable to get the committee to accept his view of the funding arrangements for the Ombudsman. Why, however, did he choose to make a personal and damaging attack on the Ombudsman instead of working within the committee deliberations to get his viewpoint accepted?

One has to understand the way in which the committee operated under the honourable member's chairmanship to fully appreciate the scandalous way in

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which he has used his position. I believe now - though I did not think so until last week - that the House must urgently discuss the way in which the honourable member for Myall Lakes has been using his position on that committee. The Committee on the Office of the Ombudsman suffered a fundamental change in its complexion when its previous chair, the honourable member for Eastwood, resigned. The honourable member for Eastwood was an excellent chair. It is a great irony that in the past few days Labor members of Parliament have given the honourable member for Eastwood such good publicity and good public relations. The honourable member for Eastwood believed that the role of the committee was to help the Office of the Ombudsman to fulfil its statutory role in the most efficient and effective way possible. I shared that view.

However, it soon became evident that the new chair, the honourable member for Myall Lakes, did not share that view. Indeed, we clashed from the beginning of the inquiry into funding. The chair decided that the most important issue was to save the Government money. He took the view that the Ombudsman should not receive extra funding. I shall not go into the arguments that occurred in that committee; I will save that for my substantive speech. However, the fact that there was a difference of opinion between the members of the committee may be one of the reasons why the honourable member for Myall Lakes made that outburst. If that is the case, it needs to be discussed. At this stage I should comment on the extraordinary intervention of an erstwhile member of the committee, the honourable member for Blue Mountains. On 11th September the *Sydney Morning Herald* reported that the

honourable member for Blue Mountains had said he was happy to back wholeheartedly all the remarks made by John Turner. [Time expired.]

Motion agreed to.

The Hon. Dr MEREDITH BURGMANN [3.6]: I am glad that I have established urgency for this debate. Having been defamed for the first time in another place, I feel that I urgently need the right of reply. I called the honourable member for Blue Mountains the erstwhile member of the committee. On 11th September in the *Sydney Morning Herald* -

The Hon. Dr B. P. V. Pezzutti: The honourable member has established that. She should get on with the main topic now.

The Hon. Dr MEREDITH BURGMANN: My problem with the honourable member for Blue Mountains saying that he was happy to back all the remarks made by John Turner is how the honourable member for Blue Mountains would know. As honourable members know, and as the Hon. S. B. Mutch could verify - except that he was asleep during many of the committee hearings - the honourable member for Blue Mountains was the standing joke of the committee. He was never there. He was not even there asleep; he was simply never there. The honourable member attended one meeting in the 18 months that he was a member of the committee and, more importantly, was absent from the meeting when the witness Wilmshurst was questioned. I have the minutes of that meeting and nowhere does the name Mr Barry Morris appear. Yet, the honourable member was happy to say to the New South Wales media that he backed everything that the honourable member for Myall Lakes said in that committee meeting.

The final committee report was arrived at amicably and with consensus. The honourable member for Smithfield and I amended the draft report in a number of matters. The honourable member for Myall Lakes was obviously not happy about these changes but, because of a lack of preparation, he was unable to mount any sufficient argument against the changes. To some degree the report is a motherhood report. It makes a number of recommendations about management practice and suggests that an appropriate further inquiry for the Ombudsman's committee would be an examination of declines policy. I agree with that view because I am disturbed that lack of resources caused by this Government's poor funding of the Office of the Ombudsman forces that office to decline 68 per cent of all cases. The report did not refer to any of the statements made in the other place by the chair.

[Interruption]

I am not going into matters named in the report. The interesting thing is that neither did the honourable member for Myall Lakes. Nothing the honourable member for Myall Lakes mentioned in his speech was mentioned in the report. I have read what he said. Show me the page in the report. It is true that in the final report, my view, the so-called Burgmann line, prevailed because I did the hard yards and convinced the other members of the committee of the correctness of my arguments. The honourable member for Myall Lakes was an incompetent and lazy chair. It is ironic that I have been accused of asking questions from a prepared list. The only person in the room who had to read from prepared questions was the chair himself, who was entirely reliant on prepared matter from the committee office for every thought he had.

The media has undoubtedly treated the allegations of the member for Myall Lakes seriously. The headlines show how damaging these untrue statements have been. The *Daily Telegraph Mirror* said, "Landa used public money for trips". The *Sydney Morning Herald* said, "MP lashes out at Ombudsman". The *Australian* said, "MP slams watchdog over role in hearings". It is quite clear how damaging the attacks of the member for Myall Lakes have been and that he intended personal damage to the Ombudsman when he made them. Let me go through the allegations one by one. First, the Ombudsman is accused of claiming that he needed more money to visit country prisons and, at the same

time, of booking a trip to Vienna and other parts of Europe, as well as to the United States of America and Canada. Hence the damaging headline, "Landa used public money for trips". However, as the Ombudsman pointed out the next day, the trip to Vienna was made at his own expense.

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An international conference of Ombudsmen was being held in Vienna. Unfortunately, he was forced to cut short the trip and come back to Australia to start an inquiry into the Angus Rigg affair. The member for Myall Lakes was definitely aware that this trip was not paid for out of the funds of the Ombudsman's office, because the matter had been raised in committee hearings. However, as I say, he was so lazy and incompetent that he probably was not listening. In the wording he used in his speech he sought to imply that the Ombudsman had used office funds. When that was put to him, he was quoted in the *Sydney Morning Herald* as saying:

Read Hansard in that regard. I don't think I said he did pay for it, but I have got nothing to say on the matter at this stage.

This is the man who used the words "able to book a trip for himself to Vienna", knowing that the implication was that the Ombudsman used office funds, and knowing how damaging that could be. The second allegation was that somehow the Ombudsman had underspent his budget by \$1.2 million and was still whingeing for more money. The amount that was underspent was \$300,000. The Ombudsman supplied information to the committee, which the committee unanimously accepted, as to why that underspending had occurred. It was for normal management reasons, and the member for Myall Lakes did not dissent when that explanation was given.

Next the member for Myall Lakes accused the Ombudsman of doing a deal with Wang Computing. He sought to imply that the Ombudsman had personal use of a computer which he should not have had. The fact of the matter is that the Ombudsman's office had been testing the computer system for the public service. The committee was aware of the whole arrangement, which was all recorded and above board. Once again the problem with the chairman is that he was too lazy to read his own material and was not aware of what was happening in the Ombudsman's office. Finally the chairman of the committee accused the Ombudsman of denigrating a witness at a public hearing. He then referred to a conspiracy at the Office of the Ombudsman to undermine Mr Wilmshurst, the witness.

The chairman claimed that the Office of the Ombudsman constructed questions and had them faxed to a committee member, the Hon. Meredith Burgmann, who asked Mr Wilmshurst those questions with the design and intention of undermining his evidence and credibility before the committee. The member for Myall Lakes said, "The actions of the Office of the Ombudsman in attempting to manipulate my committee were sinister, conspiratorial and frightening for the administration of justice and for the Office of the Ombudsman in this State". If there was an ounce of truth in any of those statements, the member for Myall Lakes would have been right. However, he at no time had any evidence of any communication between the Ombudsman and me. He never mentioned any evidence. The matter was never mentioned in or out of committee.

The Hon. D. F. Moppett: Never mind the evidence. Was it true or not? That is more important.

The Hon. Dr MEREDITH BURGMANN: I never at any stage asked questions from a sheet of paper. I have never at any time had communication with the Ombudsman. In fact, when these allegations were made last Thursday I sought to ring the Ombudsman about them, and I had to look up his telephone number in the telephone book. I did not even have his number.

The Hon. Dr B. P. V. Pezzutti: On a point of order: The Hon. Dr Meredith Burgmann is straying from the topic under debate and is making a personal explanation. I ask that she be directed to desist.

The PRESIDENT: Order! No point of order is involved.

The Hon. Dr MEREDITH BURGMANN: I had no need to communicate with the Ombudsman's office about that witness. I have known him for 20 years and was perfectly aware of his circumstances. The member for Myall Lakes knew this. I am offended that he thinks I am so dumb that I need anyone to fax me questions to ask a witness. As I have said before, the only person on that committee who needed questions prepared for him was the chairman. At this stage I should like to refer the House to section 31H of the Ombudsman Act. Section 31H(3) refers to evidence taken in camera at the request of a witness. The questions I asked the witness were in camera. The questions referred to by the member for Myall Lakes were asked in camera. The section of the Act to which I wish to refer reads:

If, at the request of a witness, evidence is taken by the Joint Committee in private:

(a) the Committee must not, without the consent in writing of the witness; . . .

disclose or publish the whole or a part of that evidence.

By referring to the questioning and the "denigration" that arises from it, the member for Myall Lakes has purposely contravened section 31H(3) of the Ombudsman Act. Future witnesses will be reluctant to give evidence in camera if they know that any member can raise the matter in Parliament and that it will be on the public record the next day. In that way the behaviour of the member for Myall Lakes was reprehensible. I point out also that the penalty for contravening section 31H(3) is a fine of \$2,000 or imprisonment for three months, or both. The member for Myall Lakes has refused to justify or repeat any of his comments outside the House. He knows perfectly well that they are defamatory, unjustifiable and untrue. The Premier, Mr Fahey, and the Deputy Premier, Mr Armstrong, have refused to endorse the remarks of the member for Myall Lakes. It is a sorry situation indeed when the only politician who will support one's remarks is the mostly absent member for Blue Mountains.

A further reason for the extraordinarily intemperate outburst of the member for Myall Lakes is the way in which the Government has had it in for

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the Ombudsman personally for the past year. All honourable members will remember the disgusting situation when the Minister for Police, Mr Griffiths, raised allegations of misconduct against the Ombudsman in Parliament. I will not go into the intricacies of those allegations. Suffice it to say that the Ombudsman was totally vindicated by an ICAC inquiry following the attack on him by Mr Griffiths. It is extraordinary that the Government's campaign against the Ombudsman takes place under the privilege of Parliament so that the Ombudsman is unable to have his day in court, so to speak.

Why does the Government attack the Ombudsman in this manner? It is because the Ombudsman and his hard-working staff have issued a number of reports during the past few years which have been critical of the Government. To name just a few, I refer to the reports on Toomelah, HomeFund and the Department of Housing, Fingal Bay and, of course, the Angus Rigg affair. The findings made by the Ombudsman about Toomelah have been vindicated by the fact that the Government has altered legislation to bring about the changes sought by the Ombudsman. However, I still believe that the messenger is being shot. All honourable members know what happened to the participants in the Fingal Bay inquiry. I agree with my colleagues from the other place who believe that the member for Myall Lakes is no longer fit to hold the office of chairman of the joint committee. I request that he resign forthwith from that position. There have been a number of disturbing features about the way the committee has operated since he took over the chair. First, I was perturbed when the member for Myall Lakes made these allegations about me in the other place and I was contacted by journalists -

The Hon. J. P. Hannaford: On a point of order: The comments now being made by the Hon. Dr Meredith Burgmann constitute a personal reflection on a member of the other House. I draw the attention of the House to Standing Order 81. If the honourable member wishes to pursue matters which

constitute a personal reflection, they should be pursued by way of substantive motion and not by way of the comments she is now making.

The Hon. Dr Meredith Burgmann: On the point of order: The member for Myall Lakes called my behaviour sinister and reprehensible and claimed that I had received a fax from the Ombudsman's office, which is not true. Unless I have the right to state the way in which the member for Myall Lakes has conducted himself during this entire series of inquiries, I am being denied the proper right of parliamentary privilege.

The Hon. J. P. Hannaford: Further to the point of order: The comments of the honourable member only reinforce my point of order, that she is engaging in tit for tat, if I may use that term. If she believes that there have been personal reflections on her, the standing orders make it clear how she may seek to redress that in this House. If in another Chamber her colleagues were not prepared to use the standing orders to protect her, if that is what she believes occurred, she can take up that matter with her colleagues in the other place. The standing orders of this Chamber state clearly that members cannot reflect on a member of another Chamber unless it is done by way of substantive motion.

The PRESIDENT: Order! Standing Order 81 provides that no member shall digress from the subject-matter of any question under discussion, and that all imputations of improper motives and all personal reflections on members shall be deemed disorderly. Rulings of Presiding Officers have extended that standing order to include members of the other place. It is correct that, in accordance with presidential rulings, reflections against members of either this House or another place must be made by way of substantive motion. I therefore caution the honourable member to bear that standing order and those rulings in mind as she proceeds on this matter.

The Hon. Dr MEREDITH BURGMANN: Thank you, Mr President. [*Time expired.*]

The Hon. J. P. HANNAFORD (Attorney General, Minister for Justice, and Vice President of the Executive Council) [3.21]: I and the Government are strong supporters of the institution of the Ombudsman and the Office of the Ombudsman. It is important for the House to remember that the Office of the Ombudsman of New South Wales was established by a Liberal Party-Country Party coalition Government under the Ombudsman Act, which was assented to in October 1974, and that that Act was amended on various occasions by coalition governments in order to enhance the office. It was this Government that gave support to a number of amendments which have been made over the years in order to empower the Ombudsman to investigate complaints against additional authorities, such as local government authorities and other organisations so as to enhance the role of the Ombudsman.

The Police Regulation (Allegations of Misconduct) Act, which gave the Ombudsman a role in the investigation of complaints against police, came into force in 1978. A significant expansion of that role occurred in February 1984 when the Office of the Ombudsman was given the power of direct re-investigation of complaints about the conduct of police officers. At the time it established the Office of the Ombudsman, the then Government said, "There is a need for an independent official who will approach in a consistent way, having regard to the justice and merits of each individual case, complaints made to him on administrative decision". That was the position taken by the coalition then and is the position adhered to by us now.

The need for independence of the Office of the Ombudsman was recognised by the statutory appointment of the Ombudsman, his deputy and assistants, and was reinforced in February 1984 by the declaration of this office as an administrative office under the Public Service Act. After this Government came to office it introduced, in April 1989, the Ombudsman (Amendment) Bill, which proposed that

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approval for the appointment of the Deputy Ombudsman and assistant ombudsmen be removed from Cabinet to allow the Ombudsman control over those appointments. As well, a joint parliamentary committee was established by this Government in December 1990 to oversee the Ombudsman's office .

I shall refer later to the role of that particular committee, because it is the subject of comments today.

In November 1987 the Ombudsman was declared to be an inspecting authority in terms of the Telecommunications (Interception) (New South Wales) Act. As such, he is required to regularly inspect the records of those authorities that are able to seek warrants to intercept telephone calls. The Ombudsman is precluded by law from reporting the results of inspections in the annual report. On 1st July, 1989, the New South Wales Freedom of Information Act commenced - again, introduced by this Government. Changes to the Ombudsman Act in January 1991 meant that the Office of the Ombudsman was no longer subject to the Freedom of Information Act in relation to its complaint handling, investigative and reporting functions.

The primary function of the Office of the Ombudsman is to receive and investigate complaints about matters of administration, including determinations about the release of information under the Freedom of Information Act, within the New South Wales public sector, and about the conduct of police, and to report the findings of investigations to the authority concerned, to the responsible Minister and, if necessary, to Parliament. The office receives many oral and written complaints and employs assistant investigation officers who, among other things, deal with inquiries from the public. They assess inquiries and, if a matter falls within the jurisdiction of the Ombudsman, suggest that a written complaint be lodged. If the office is unable to help complainants, they are referred to other State or Federal government organisations or non-government organisations which might be able to assist.

A parliamentary joint committee was established by this Parliament to oversight the operations of the Ombudsman. That committee provides the people of this State, through their elected representatives in this Parliament, the ability to review the operation of the Office of the Ombudsman. The functions of that parliamentary committee are clearly set out in section 31B of the Act, which provides:

(1) The functions of the Joint Committee are as follows:

- (a) to monitor and to review the exercise by the Ombudsman of the Ombudsman's functions under this or any other Act;
- (b) to report to both Houses of Parliament, with such comments as it thinks fit, on any matter appertaining to the Ombudsman or connected with the exercise of the Ombudsman's functions to which, in the opinion of the Joint Committee, the attention of Parliament should be directed;
- (c) to examine each annual and other report made by the Ombudsman, and presented to Parliament, under this or any other Act and to report to both Houses of Parliament on any matter appearing in, or arising out of, any such report;
- (d) to report to both houses of Parliament any change that the Joint Committee considers desirable to the functions, structures and procedures of the Office of the Ombudsman;
- (e) to inquire into any question in connection with the Joint Committee's functions which is referred to it by both Houses of Parliament, and to report to both Houses on that question.

(2) Nothing in this part authorises the Joint Committee

- (a) to investigate a matter relating to particular conduct; or
- (b) to reconsider a decision to investigate, not to investigate or to discontinue investigation of a particular complaint; or
- (c) to exercise any function referred to in subsection (1) in relation to any report under section 27; or

- (d) to reconsider the findings, recommendations, determinations or other decisions of the Ombudsman, or of any other person, in relation to a particular investigation of complaint or in relation to any particular conduct the subject of a report under section 27; or
- (e) to exercise any function referred to in subsection (1) in relation to the Ombudsman's functions under the Telecommunications (Interception) (New South Wales) Act 1987.

Further, the parliamentary joint committee has wide-ranging powers to call evidence and take evidence with confidentiality. The Committee on the Office of the Ombudsman plays a vital role in assisting the Ombudsman. The findings and recommendations of the committee seek to extend the role of the Office of the Ombudsman. The role of the committee is essential in the minds of members of the community. The committee has the ability to report on matters with respect to the Office of the Ombudsman and public accountability in general, in response to concerns raised within the community. The committee is an essential instrument in ensuring that a mechanism exists for public debate and discussion on the Office of the Ombudsman. The Ombudsman recognises the important role of the committee because, in his 1991-92 report, the Ombudsman stated:

I believe the parliamentary committee is essential to bridge the gap between this office and members of parliament. While I hope the committee will disseminate issues to other parliamentarians, I recognise the need for my office to provide accessible information in a digestible format, particularly concerning the often complicated reports to Parliament.

It is interesting to note the comments of the Hon. Dr Meredith Burgmann because yesterday the report to which she made reference was tabled in the Parliament. There is on the notice paper of this House a motion to debate that report. Obviously, the report was not a matter of any consequence to the honourable member, or to the Opposition, because they did not seek to use the forms of the House to debate that report, or any of the evidence before the committee -

[Interruption]

The report was tabled yesterday. You had your opportunity yesterday to bring the matter on but it was not of any interest to you to do so. The honourable

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member seeks in this House to raise the matter by way of personal explanation. She said in the House, "I am affronted by the remarks made by a member in the other place". There are forms of the House by which the honourable member is able to repudiate those comments, but she has not sought to use them. The honourable member seeks to generate a debate on a matter of public interest in order to seek to vindicate her position; and even in interjections in this House seeks to disseminate from the issues raised by way of interjection, and does not directly repudiate the challenge that was made to her. I wish to make it clear that this Government supports the Office of the Ombudsman. That office believes that the role of the parliamentary committee is an important one and that issues may arise within that committee upon which there may be differences of opinion. But parliamentarians must be big enough to take criticism and be able to address issues through the appropriate channels within the Parliament.

The Hon. Dr Meredith Burgmann: On a point of order: The Minister has claimed that I never refuted what the honourable member for Myall Lakes said.

The PRESIDENT: Order! What is the point of order?

The Hon. Dr Meredith Burgmann: I have been misrepresented.

Mr PRESIDENT: Order! The honourable member may seek leave to make a personal explanation in due course if she believes she has been misrepresented. There is no point of order.

The Hon. J. P. HANNAFORD: I thank the honourable member for raising the issue again by way of point of order. That indicates clearly that she understands neither the forms of the House nor the procedures by which she should address issues, rather than seek to berate this House through a matter of public interest. The Government was happy to allow the matter to be brought on for debate to make it clear to the House and to the public that we support the Office of the Ombudsman and will continue to do so. On many occasions I have made the same comment in this House, that the Government supports the Office of the Ombudsman. It must be recognised that the committee was established to oversee the Ombudsman and to make certain that the forms of the Parliament are available to ensure accountability in respect to various offices of Government. The Office of the Ombudsman is one of those, and the Independent Commission against Corruption is another.

Members of Parliament should be able to make comments and should be answerable for those comments. It is important that this House and the community recognise that there is an important role to be played by the Office of the Ombudsman, a role which is supported by this Government. The role of the committee is to ensure that that office is enhanced, that it is open to perusal and criticism, and where appropriate, for members of the Parliament - either through the parliamentary committee or through the forums of the Parliament - to pass comment in relation to those matters. Therefore the members who pass those comments should be subject to criticism for them if it is believed that criticism is necessary, or should be prepared to defend their comments. We in the Parliament must be big enough to be able to recognise that there is such a role and if there are matters at which we take personal umbrage, we should use the proper forums of the Parliament to deal with them. So far as the Office of the Ombudsman is concerned, the Government believes that the office performs an important role, but it must be recognised that where criticism is appropriate to be made, that criticism should be able to be made and to be worn appropriately.

The Hon. I. M. MACDONALD [3.35]: It was interesting to listen to the instructive speech by the Attorney General on the important topic of the Office of the Ombudsman. The most interesting point is that the Attorney General failed to defend any of the remarks made by the honourable member for Myall Lakes in another place. The Attorney General did not seek to raise the point that has become the substance of this discussion, that is, the tabling last week by the honourable member for Myall Lakes of the report relating to the Office of the Ombudsman. There is no doubt that the Attorney General is utterly embarrassed by Mr Turner's remarks. This afternoon the Attorney General abandoned Mr Turner. If honourable members read carefully between the lines of the speech of the Attorney General tomorrow, they will clearly see that he made a 12-minute attack on the honourable member for Myall Lakes for his indiscreet comments, for his attack on an office that the Government supports.

That came from the mouth of the Attorney General this afternoon. He has abandoned Mr Turner, the chairman of the committee. He has not bothered to defend one issue raised by Mr Turner or to say that the Hon. Dr Meredith Burgmann is mixed up on the issue. He has not chosen to take that approach. He has made it clear that he, as Attorney General, and the Government support the office and, by not dealing with the points made by Mr Turner in his intemperate outburst last Thursday, he has chosen to support the comments made by the Hon. Dr Meredith Burgmann. The Attorney General of this State forthrightly defended the Office of the Ombudsman in his fine speech defending the office. In doing so he effectively defended the Hon. Dr Meredith Burgmann, who criticised the statements of the chairman last week.

It was embarrassing for the Attorney General to have to defend the remarks made by Mr Turner. Members on the Government benches get a little precious occasionally, but I have never seen them more precious than today. If any of them heard a member in another place make comments about them similar to those made by Mr Turner I imagine they would jump up and down to defend themselves, and seek to clear the record in their favour. Mr Turner, without one shred of evidence, last Thursday said that by faxing documents to the Hon. Dr Meredith

Burgmann - he produced no evidence of that - "The actions of the Office of the Ombudsman, in attempting to manipulate my committee, were sinister, conspiratorial and frightening for the administration of justice and for the Office of the Ombudsman in this State".

It is fine for the Treasurer to run around the courts, getting upset about words such as integrity and to take out a rather sad defamation case against a senior public servant, which has got the Government into a terrible mess, but Government members are of the view that the comments made by an Opposition member are overreactive. In that sense the Government is not really serious, and that is why the Attorney General has chosen not to defend the statements made by the chairman of the committee and has avoided all the substantive issues raised by the Hon. Dr Meredith Burgmann. The report is innocuous. Page after page of it is straightforward, and I would have little disagreement with any of its major points. The recommendations appear fine. The real reason for this debate today is the honourable member's comments. The Attorney General has run away from the issue. He appeared to be embarrassed before, during and after his speech. He has not dealt with what is a serious attack on a member. To say that the Office of the Ombudsman was acting with a member of this Chamber -

The Hon. Dr B. P. V. Pezzutti: On a point of order: I have been listening carefully to the Hon. I. M. Macdonald. My point of order is that the honourable member continues to slaughter the English language by his pronunciation of the word ombudsman. The "Concise Macquarie Dictionary" explains how the word is to be pronounced. His pronunciation of the word is offending me.

The PRESIDENT: Order! There is no point of order. If there were, this House would never get anywhere.

The Hon. I. M. MACDONALD: My guess is that if the Hon. Dr B. P. V. Pezzutti is so concerned with the English language that he should have taken his dictionary to lunch recently to help work out a better agreement. These actions have been described by Mr Turner as "sinister, conspiratorial and frightening for the administration of justice". If that is not a serious attack on a member of this Chamber, I do not know what is. It is clear that the honourable member for Myall Lakes in another place has shown unequivocally his unfitness to be chairman of that committee. If he does not resign, he should be sacked by the Premier. The Premier should show a bit of leadership for once and sack the honourable member for a disgraceful attack on a member of this House. Today the Attorney General and Minister for Justice has backed up everything we have said by his failure to show an interest in defending the chairman of the committee. Even more serious is the damage caused by the speech of the honourable member for Myall Lakes. The following day Alan Jones, on radio station 2UE, taking up the running on this issue, made the following statement:

There's been a scathing attack by the Chairman of a State Parliamentary Committee on the Office of the Ombudsman and it's about the Ombudsman, David Landa. The charges are such that they have to be publicly answered. Mr Landa is accused of faxing questions to a Committee member. This ALP person, Meredith Burgmann, they both need to answer "yes" or "no" as to whether faxes were exchanged; that's during the course of the Inquiry. There's an allegation that funds were improperly used by the Ombudsman, or his Office, to travel to Europe and the United States, and that the Office negotiated free Wang computers. Mr Landa is right when he says it is an unprecedented personal attack on him. He is the Ombudsman. There is only one thing he can do: answer the attack.

This is the consequence of an intemperate, nasty attack by Mr Turner on a member of the committee, without one shred of evidence to back up any point he made about a so-called conspiracy between the Ombudsman and the Hon. Dr Meredith Burgmann. The statements of Alan Jones have not been answered. Alan Jones, after making these sorts of statements, runs away from the issue as quickly as possible. He is often reluctant to give an even-handed approach to some of his editorials on the radio. It is, of course, difficult to reply to this sort of statement, given the authority of Alan Jones, for what it is worth, over the airwaves on a Friday morning. That is precisely why Mr Turner is unfit to be the

chairman of this committee.

As the Hon. Dr Meredith Burgmann pointed out, the rest of Mr Turner's speech was a litany of lies as well; and not only that, but lies that he knew to be lies. Those lies were not told because of a lack of knowledge; they were told deliberately in his statement. He claimed that the Ombudsman took a trip to Vienna, he referred to the Wang computer issue and he referred to maladministration. Mr Turner knew all the way through the speech he made last week that he was engaging in a litany of lies about the Ombudsman and about the Hon. Dr Meredith Burgmann. The Attorney General and Minister for Justice abandoned the honourable member for Myall Lakes and refused to defend him in this Chamber. The Attorney General refused to give any weight to anything the honourable member said. [*Time expired.*]

The Hon. E. P. PICKERING [3.45]: I wish to speak briefly on this matter. It is fair to suggest that most members on both sides of both Houses would be concerned at the statements that have been directed at Mr Landa. I guess as a long-serving Minister for Police in this State I would have had more to do with the Office of the Ombudsman than any other Minister of the Crown. I can only say to Mr Landa that I well recall that one of the most hurtful things that ever happened to me in this Parliament was an ill-considered attack from the honourable member for Myall Lakes in another place. He virtually accused me of being responsible for killing someone who had been in an accident in a powerboat on the Myall Lakes. It was many months before I was able to clear the public record because of the sub judice matters involved. If it is any consolation to the Ombudsman, he is not the only one who has been attacked by Mr Turner.

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When I came to the police ministry, I went through New South Wales talking to police. The antagonism which existed between the police generally and the Ombudsman's office had to be seen to be believed. That antagonism had developed for a variety of reasons, not the least of which was the personality of the previous Ombudsman. It is a matter of fact - and I would like to put it on the record - that David Landa, as Ombudsman in New South Wales, has done more to repair that very serious damage than any other man in this State. He has a proud record for having, at great personal expense in terms of the time spent, travelled broadly throughout New South Wales talking to police and trying to explain to them the legitimate role of the Ombudsman's office and how it interfaces with them. It is a matter of some pride for David Landa that at the time I left my ministry I could travel around the State and virtually never hear a complaint directed against the Ombudsman's office from officers in the Police Service. That dramatic change of attitude was achieved by David Landa. It was a most useful service to the people of New South Wales. I would be negligent if I did not put on the public record the very great service he has done.

It is inevitable in a modern and complex society that a person who is appointed to the Ombudsman's office will at times find himself at loggerheads with the Government. If that were not the case, we would not be in a healthy society. The Ombudsman certainly would not be doing his job and the Government would not be doing its job. That is a perfectly proper and healthy thing to do, provided both sides keep things in perspective. On this occasion, I think some injudicious comments have been made which tend to detract from the nature of the ball game. I am sure both Houses recognise that in the cut and thrust of parliamentary debate there are occasions when all of us say things in a more intemperate way than might have been done on more mature consideration.

There is no doubt that David Landa brings significant prestige to his office. When I was a Minister I copped more than my fair share from the Ombudsman's office - there is no doubt about that. Police Ministers have to accept that. I remember on one very celebrated occasion David Landa's comments caused me personal alarm because they were utterly wrong; wrong enough to cost me my job were they right. Fortunately, those comments were publicly corrected and my job was retained. I was facing a no-confidence motion in this House based upon injudicious and incorrect statements made by the Ombudsman. Those things happen; we are all human. I have well and truly forgiven him for that

indiscretion. I trust that he will have the same attitude towards my colleague in another place.

The Hon. S. B. MUTCH [3.48]: The Hon. Dr Meredith Burgmann has moved this matter of public importance in an attempt to capitalise on a contretemps between the honourable member for Myall Lakes in another place and the New South Wales Ombudsman. The honourable member, who is Chairman of the Joint Committee on the Office of the Ombudsman, made some comments in tabling the report of the committee - being an inquiry into the adequacy of funds and resources available to the Ombudsman. To the extent that the Hon. Dr Meredith Burgmann wishes to give her own account of what transpired or did not transpire between her and the Office of the Ombudsman, she is perfectly entitled to use the forum of this House to make a personal explanation. After all, the Chairman of the Joint Committee on the Office of the Ombudsman mentioned the honourable member's name. The honourable member claims that her name was mentioned in vain. However, I think the New South Wales Ombudsman is quite capable of looking after him in any robust exchange between himself and the chairman of the committee.

The Hon. Dr Meredith Burgmann: He cannot. It was all said under privilege.

The Hon. S. B. MUTCH: That is an extraordinary claim. In fact, the Ombudsman has already done so. In a letter to the *Sydney Morning Herald* dated 10th September which I read yesterday - I am not sure whether the Hon. Dr Meredith Burgmann noticed it - under the title "Low attack", David Landa, the New South Wales Ombudsman, began by stating, "The personal vindictive attack in Parliament last Thursday by the Chairman of the Parliamentary Committee of the Ombudsman, John Turner, was outrageous . . ." He then went on to compare the chairmanship of John Turner with the chairmanship of Andrew Tink, whom he praised. It is a very strongly worded letter and I thought that the Hon. Dr Meredith Burgmann might have made use of it in the Parliament today. The Ombudsman has never been loath to put forward his position and to use very strong language in doing so. One has come to accept that from him. If we have a watchdog such as the Ombudsman, people's ankles will be bitten every so often. That is part of the process. I asked the library to get me a few clippings from the times when the Ombudsman was very vocal about -

The PRESIDENT: Order! If the Hon. Dr B. P. V. Pezzutti cannot tolerate the pronunciation of the Hon. S. B. Mutch, I suggest he remove himself from within hearing of him.

The Hon. S. B. MUTCH: I heartily endorse those remarks. Some of the headings I was able to obtain from the library are fascinating. One from the *Daily Telegraph Mirror* was "Landa plea for more money". One from the *Sun-Herald* of 29th March was "Landa slams funding cut". On 17th October the *Australian* carried an article headed "Australian watchdog underfunded, Landa". On 20th July there was an article headed "Landa's crisis of funding". On 21st July in the *Sydney Morning Herald* there was an article headed "Landa warns of funding cuts". One which I really liked was "Ombudsman has a whinge of his own". That did not relate to funding cuts but it was a good headline.

The point I am trying to make is that the Ombudsman is quite capable of looking after himself in the forums of public debate. Likewise, the
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honourable member for Myall Lakes, operating in the infamous New South Wales parliamentary bear pit, that other place - it is certainly not the more refined and decorous Chamber in which we operate - is also wont to use quite colourful language to make his point. What I am really interested in is the substance of the tabled report. The inquiry just undertaken by the committee was instituted as a result of complaints by the Ombudsman that he had insufficient funds, in his view, to carry out country visits and visits to detention centres and gaols.

The joint committee thought that a more general inquiry into the adequacy of funding for the Office of the Ombudsman was warranted. The Office of the Ombudsman was established in New South Wales in 1974. The Government is proud that the legislation introducing the Office of the Ombudsman was brought in by a Liberal-Country Party government. The second reading speech was delivered by the

Hon. John Maddison, a well-respected parliamentarian who was then Minister for Justice. It was amusing that the Hon. Dr Meredith Burgmann had the temerity to suggest that I might have been asleep on one occasion during the committee's hearings. I cannot remember even drifting off in that direction. It could well be that during one of the interminable lines of questioning by the honourable member I might have been tempted to shade my eyes with my hands and -

The Hon. Dr Meredith Burgmann: And look at the insides of your eyelids.

The Hon. S. B. MUTCH: Yes. Members of the committee put in a lot of time on the inquiry. A management review team, KPMG Peat Marwick, was engaged for the review. A steering committee including the joint committee chairman, two other members and the Deputy Ombudsman was set up. I was a member of that subcommittee. The committee's extensive report makes a number of recommendations of substance which we should address. They should not be overlooked in all the rhetoric and flourish of debate. Recommendations of the committee include the implementation of activity program budgeting. The Office of the Ombudsman is staffed by people who are legalistic in nature. They are not the type of people with master of business administration qualifications who would do efficiency reviews on themselves all the time. The committee's inquiry in that sense was the first efficiency review of the office, and it was about time.

Another recommendation of the committee was an appraisal by the Cabinet Office and the Opposition, including the Independents, of any proposed legislation affecting the Office of the Ombudsman or its jurisdiction. The adoption of structural reforms was recommended in the KPMG Peat Marwick management review report. Other recommendations were: promotion of secondments to the office and some form of contribution by the department of origin to the cost of the secondment; improving the leasing arrangements entered into by the Ombudsman's office; implementation of a program of integrated information technology in the office; reintroduction of five-year program performance reviews; a review of the office's performance measures as part of its regular external audit; full costing of public interest and direct investigations plus random sample costings of other investigations and declines; and a formal monthly management report.

Ultimately, the committee did not recommend an increase in the funds and resources currently available to the Ombudsman, because of the scope for further efficiencies in the office's operations, improvements to the office's information technology, and possible renegotiation by the Ombudsman of his office's lease. However, as part of the review functions under the Act the joint committee recommended that the Ombudsman should report to it concerning the following funding management subjects: the office's procedures manual in an annual review; the office's corporate or strategic plan in another annual review; management issues including performance measures and discussion at six-monthly general meetings; the Ombudsman's budgetary requirements and previous year's budget performance; discussion prior to sittings of the Premier and Treasurer estimates committee; and formal management reports on a six-monthly basis.

These recommendations are a combination of an extensive and intensive report by members of the Ombudsman committee. Well may we talk about the way in which members attend committees. It was alleged that some members do not attend committees as often as they should. We have to remember that some of our colleagues in the lower House put their electorates first. I do not have any problems with lower House members not attending committee meetings because they are attending to the needs and aspirations of people in their electorates. It is a little churlish for the Hon. Dr Meredith Burgmann to refer constantly to - *[Time expired.]*

The Hon. ELISABETH KIRKBY [3.58]: I support the motion before the House. Like other members I was extremely surprised to hear, live on the internal broadcasting system, the allegations made by the honourable member for Myall Lakes when he tabled the report of the Joint Committee on the Office of the Ombudsman on its inquiry into the adequacy of the funds and resources available to the Ombudsman. I was even more alarmed when I learnt that the allegations that Mr Turner had made

against the Ombudsman were either untrue or had been grossly distorted.

I do not think there is any need for me to outline the lack of truth behind the allegations of the honourable member for Myall Lakes because other honourable members who have spoken in the debate have done so already. However, I wish to comment on the broader issues raised by the incident. I am most disturbed that the honourable member for Myall Lakes has failed to provide a satisfactory explanation for his attack. All he has done is to suggest that some of his remarks may have been misinterpreted. I have read the complete speech in *Hansard*, and it cannot be denied that those allegations were made against the

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Ombudsman. They were untrue and they cast aspersions on the character and professional conduct of Mr Landa. Certainly, the criticisms the honourable member for Myall Lakes made of the Ombudsman did not reflect the primary findings.

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

QUESTIONS WITHOUT NOTICE

TREASURER AND MINISTER FOR THE ARTS DEFAMATION ACTION

The Hon. M. R. EGAN: My question without notice is directed to the Attorney General. Why did he last September, as Attorney General, meet with a member of the personal staff of the Minister for Health and a senior legal officer from the Department of Health? Did the Attorney General discuss the Collins defamation case, and did he discuss the case with the Minister for Health, as he told the meeting he would?

The Hon. J. P. HANNAFORD: I have no recollection of a meeting to which the Leader of the Opposition refers. If he has further details, he might make them available to me.

TREASURER AND MINISTER FOR THE ARTS DEFAMATION ACTION

The Hon. M. R. EGAN: I ask a supplementary question. The meeting to which I referred was a meeting with Mr Paul Fitzgerald and Ms Caroline Marsh, I believe, on 30th September last year. That meeting was in relation to the Collins-Ryan defamation case. The Minister, as I suggested in my first question, indicated that he would raise the matter with the Minister for Health.

The Hon. J. P. HANNAFORD: I have no recollection of the particular meeting, and if there is anything of any relevance out of that meeting which needs to be addressed in relation to the question that was asked, I will provide information to the House.

SCHOOL CAREERS ADVISERS

The Hon. D. F. MOPPETT: My question without notice is to the Minister for Education, Training and Youth Affairs. Would the Minister inform the House about a review of training for careers advisers in schools? What is the aim of the review, and how will it assist students?

The Hon. VIRGINIA CHADWICK: I thank the Hon. D. F. Moppett for his important question, coming, as it does, in the middle of Education Week. Given also that the theme of Education Week this

year is "Facing Tomorrow Today", it is important, as we try to shape tomorrow today, to ensure that the careers advice provided to students in schools gives them the most relevant and up-to-date advice possible as they make difficult choices on taking their place in a complex and challenging world. Careers advisers in our public school system are doing a remarkable job. In New South Wales every high school has careers advisers and special schools have part-time careers advisers.

The department has noted two things. The first is that the seven-week training course given to careers advisers needs review to ensure that it is as relevant as possible and equips careers advisers as well as possible. However, in an attempt to provide articulated educational pathways for all staff, as well as for students, it would be beneficial to review the structure of their training course in association with the universities, in the hope that the training undertaken by careers advisers is capable of counting towards post-graduate study, should they wish to pursue that path. I mentioned that initiative at the opening on Monday of Education Week.

It is imperative that careers advisers are resourced as well as possible, because they are the lifeline for students facing choices that will take them on into adult life. The revised training course will emphasise the world of work and the alternative pathways available, including the TAFE higher school certificate pathway that has been outlined in our recent "Directions" document. Given that the Hon. D. F. Moppett is such a staunch advocate of education in rural New South Wales, he and other honourable members will be interested to learn what we are doing for part-time careers advisers in rural schools. I have been concerned that those teachers, though not full-time careers advisers, should also have the opportunity to be trained. To date they have basically picked up information on the ground, in their own leisure time or when working part-time.

The Hon. D. F. Moppett: Or on the run.

The Hon. VIRGINIA CHADWICK: Or, as the Hon. D. F. Moppett suggests, they have picked it up through experience on the run. We intend to ensure, as part of the careers advisers package, that the training to be made available to full-time careers advisers is developed as a long-distance educational module so they can access that training. In addition, we hope to be able to bring those careers advisers to Sydney for a full week to back up the training they have received through the distance education module. Our costing at the moment on bringing them to Sydney for a week is between \$50,000 and \$60,000. However, the cost of that initiative and of development of the distance education module is money well spent in training these people so that they in turn will be able to provide valuable advice that is so much needed by the students.

SCHOOL COUNSELLORS

The Hon. ELISABETH KIRKBY: I ask the Minister for Education, Training and Youth Affairs, Minister for Tourism and Minister Assisting the Premier the following question without notice. In view of the Minister's written answer to my question
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on school counsellors, is it a fact that no high school in New South Wales has a full-time school counsellor? Is it also a fact that school counsellors are allocated on the basis of one day per week of service for every 400 students? In view of the Minister's concern over the rising incidence of youth violence, will the Minister increase counsellor staffing levels and thus employ the current surplus of fully trained school counsellors seeking permanent employment to schools? If not, why not?

The Hon. VIRGINIA CHADWICK: I commend the honourable member's assiduity in pursuing the question of school counsellors. The honourable member has taken a particular interest in that matter and has developed a significant level of knowledge about issues affecting school counsellors and some of the pressures they experience through the nature of the work. The honourable member has made special note, as I have done, of the real need for appointment of more trained counsellors or, if not trained

counsellors, more support staff. Counsellors experience pressure when assisting students who may be suffering from the effects of violence, family breakdown or other personal trauma. A range of issues can be addressed by school counsellors, especially those affecting students who come from dysfunctional families. A counsellor in those circumstances is a sort of parent to a student. At the moment 457 school counsellors and 67 guidance officers are working in our schools. Though I agree with the honourable member on the need for more school counsellors, part of the difficulty may be highlighted by the fact that from 1983 onwards the number of counsellors in New South Wales has not increased.

I hasten to add that it is not that there has been a diminution in effort. Clearly the needs of students are increasing, and I agree with that assessment. In June I appointed an additional school counsellor in a special circumstance. The total salary bill for school counsellors is of the order of \$24 million, so there is significant investment in counselling. A perusal of the Budget Papers would show the honourable member that an additional \$5 million has been allocated to student welfare. An additional 20 school counsellors will be appointed to schools to work directly on programs related to student welfare and, in particular, on any violent activity in schools. Every government school has access to a school counsellor. As the honourable member would be aware, school counsellors usually service a number of schools.

In addition to the appointment of 20 school counsellors, a number of community liaison officers will be appointed. My observation is that community liaison officers have been most effective in the Aboriginal community and the non-English speaking community. Liaison officers are effective in communities with a low level of English or where people have gone through traumatic experiences in their former country that have made them reluctant to deal with those they see to be in authority. Therefore they are less likely to question, less likely to be involved and less likely to demand their rights. A number of community liaison officers will be appointed as part of this package. I know the honourable member's interest in school counselling and should be happy to provide her with a breakdown of the allocation of the \$5 million into these programs.

TREASURER AND MINISTER FOR THE ARTS DEFAMATION ACTION

The Hon. B. H. VAUGHAN: I address my question without notice to the Attorney General and Leader of the Government in this House. As Acting Minister for Health, which he was at the time, what knowledge did he have of what can only be described as the intense involvement of Mr Paul Fitzgerald of the private office of the Minister for Health in the settlement of the *Collins v. Ryan* litigation? I should like to know why he did not stop what I would consider to be blatant political interference.

The Hon. J. P. HANNAFORD: I am pleased that the Deputy Leader of the Opposition used the phrase "intense political interference".

The Hon. B. H. Vaughan: "Blatant".

The Hon. J. P. HANNAFORD: It raises the whole direction of the issues that we are about. The House ought to start putting into some context what this issue is all about. It is an issue that started in 1987 when a person, for whom all of us would now have great sympathies because of his physical condition, wrote an article in the *Illawarra Mercury*. Dr Ryan wrote an article, and it is interesting to look at what Dr Ryan has to say about the article that he wrote.

The Hon. Dr Meredith Burgmann: It was a letter.

The Hon. J. P. HANNAFORD: The letter. In evidence at the court proceedings, he made it very, very clear that he had received a phone call from a Miss Joy Woodhouse. He also spoke to Miss Woodhouse. I quote from the transcript of the proceedings:

Q. Who rang whom, did you ring Miss Woodhouse or did she ring you?

A. She rang me and, as I understand it, she had a directive from Minister Anderson's office directly. They rang her, then she rang me . . .

Q. It was your belief, therefore, that the Minister had asked Miss Woodhouse to ask you to make a further response to the McNicoll article?

A. I didn't know at the time that the Minister's office had directed Miss Woodhouse. All I knew at the time was Miss Woodhouse had rang me. I found out about the directive from the Minister's office later.

Talk about political interference. The whole of this issue arises because poor Dr Ryan - who, I might add, as it became clear in the evidence, was at the time the Labor Party's campaign manager out of the Coniston branch of the ALP in the Illawarra - unfortunately was used by Minister Anderson, who gave a direction to

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Miss Woodhouse - who also is well-known for her ALP associations - to give a direction to Dr Ryan to write a letter attacking Peter Collins. As a result of acting on a ministerial directive Dr Ryan got himself into litigation. Someone in the ALP ought to look at his conscience when a Minister of the Crown sought to use a public servant for blatant political purposes - writing a letter to the *Illawarra Mercury* in response to a McNicoll article. Political interference with the public service. Then Dr Ryan is sued. The department provided an indemnity for Dr Ryan. Why is the indemnity given? The indemnity is given because Dr Ryan wrote a letter on departmental letterhead in accordance with a direction given by the department. The department decided to accept responsibility for having given a direction to an employee of the Government to write an article that was potentially defamatory.

Yesterday the disgraced Leader of the Opposition in this House attacked the granting of an indemnity to a government employee who acted as a result of political interference by the Minister for Health. The Labor Party has crawled to an all time low in relation to this particular issue. In 1987 it tried, through political manipulation, to abuse the independence of a public servant into writing a letter; abused that process at that time to attack Peter Collins and now unfortunately is using Dr Ryan to pursue a further attack on Peter Collins. Today Dr Ryan, who is a very ill person, still acknowledges that he is a member of the ALP but now feels that he has been used - properly members of this House might take the view he has been abused - by the ALP. It is about time that the backbench members of the ALP looked at what is going on among their leadership because people in the ALP will start asking to what extent, and how low, is the ALP leadership prepared to go to abuse the role of members of the ALP.

A person who now acknowledges that he has Parkinson's disease, which was triggered by having to act on the direction of Minister Anderson, is being abused by other members of the ALP. Talk about political interference. The Opposition has sunk to an all time low. In relation to Paul Fitzgerald, I had no involvement in these particular matters when I was acting Minister. As I indicated yesterday, the Leader of the Opposition is prepared to prostitute himself on almost any issue. Had I sought to provide advice in relation to the matter, I would have been accused of political interference. I did not become involved in the matter so I will now be accused of not getting involved.

The Hon. M. R. Egan: Why did you go to a meeting on the matter?

The Hon. J. P. HANNAFORD: You are the one who raises that particular issue.

The Hon. M. R. Egan: Tell us why you went to a meeting on the matter with Paul Fitzgerald and tell us why you undertook to raise the matter with Phillips.

The Hon. J. P. HANNAFORD: Don't get red. I would get red if I were you. I would be embarrassed by being the whoremaster over all of these things. You can prostitute yourself and behave

like a whoremaster, but you will be seen for what you are.

TREASURER AND MINISTER FOR THE ARTS DEFAMATION ACTION

The Hon. B. H. VAUGHAN: I ask a supplementary question. Did the Attorney General attend or did he not attend a meeting with Paul Fitzgerald at the private office of the Minister for Health in relation to the Collins-Ryan litigation?

The Hon. J. P. HANNAFORD: I notice that the question of the Deputy Leader of the Opposition reiterates the earlier question of the whoremaster. As I said in relation to that matter, I have no recollection of such a meeting, but if I look at it and find that there is anything relevant, I will respond.

PIONEER CONCRETE MEDIATION

Reverend the Hon. F. J. NILE: I wish to ask the Minister for Education, Training and Youth Affairs, representing the Minister for Industrial Relations and Employment a question without notice. Is it a fact that Sir Laurence Street recently successfully concluded a three-day mediation involving Pioneer Concrete? Is the Minister able to give any details of the successful settlement of this long drawn out dispute?

The Hon. VIRGINIA CHADWICK: Although I am aware of the dispute, which many thought would never be resolved, I do not have to hand the details of the settlement. However, I will obtain those details from my colleague and provide the honourable member with a response.

SCHOOL NEWSPAPER AWARDS

The Hon. HELEN SHAM-HO: I direct my question to the Minister for Education, Training and Youth Affairs, Minister for Tourism and Minister Assisting the Premier. Will the Minister inform the House of the results of the school newspaper of the year awards? What is the purpose of these awards and how do they benefit students?

The Hon. VIRGINIA CHADWICK: It was a pleasure today to have the opportunity to join with the management of the *Daily Telegraph Mirror*, who have sponsored the important school newspaper of the year initiative for New South Wales schools. As many honourable members will recall, the initiative began last year and has been an outstanding success. Many more schools have joined the competition and today the *Daily Telegraph Mirror* brought together representatives of the 19 schools that were finalists. I had the pleasure of announcing the winners in the various categories. Honourable members may be interested to learn that this project involves the scanning of school newspapers, and representatives of

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the schools that produce newspapers considered to be of high quality are invited to work alongside the professional team at the *Daily Telegraph Mirror* to produce their school newspapers.

I am sure all members will have noted and, I hope, read thoroughly the school newspapers appearing every week in the *Daily Telegraph Mirror*. This is a most useful and important initiative for those students who develop communications skills. Many of them are interested in working in the journalism profession when they leave school. I am grateful to the *Daily Telegraph Mirror* for this initiative. As I have said, representatives of 19 schools attended the presentation of three awards today. Those awards were best illustration or photograph, best article and school newspaper of the year. In the category of best illustration or photograph, St Spyridon College and Nelson Bay High School were highly commended, and the winner was Hunters Hill High School. In the category of best article, Cumberland

High School, St Marys Catholic Secondary School and Lake Illawarra High School were highly commended. The winner was the Nowra Technology High School. In the category of school newspaper of the year, the highest overall award, Queenwood school, Homebush Boys High School and Hunters Hill High School were highly commended. Given that the Hon. Helen Sham-Ho asked the question, I am sure she will join with me in congratulating Sydney Girls High School, this year's winner.

POLICE DETENTION OF SUSPECTS

The Hon. R. D. DYER: I ask the Attorney General and Minister for Justice a question without notice. Is it the Government's intention to introduce during the current sittings legislation permitting police to detain suspects for what has been described as a reasonable period of time? Has the Government rejected the option of specifying a fixed maximum period of time for police questioning? Will the legislation contain any safeguards, such as the right of suspects to have a legal representative present at the time of questioning by the police?

The Hon. J. P. HANNAFORD: The Hon. R. D. Dyer has obviously been reading some of the press releases I have issued in relation to this matter. The issue to which he refers arises from the well-known Williams case, in which the High Court outlined guidelines for the questioning of suspects. The Williams case has been the subject of law reform examination. The first legislative reform was in Victoria, where, as honourable members may recall, in the early 1980s, if my recollection is correct, legislation was introduced under which a suspect could be detained for only six hours for questioning, subject to a right to extend. That legislation operated in Victoria for some years before other jurisdictions moved in a similar direction. As a result of the Victorian experience, the law was reformed. The fixed period was taken away and the reasonable period of time concept was introduced. That concept operates in Western Australia, South Australia and the Northern Territory. If my recollection is correct, the Law Reform Commission report was issued after the Victorian experience. That report recommended that there should be a four-hour detention with a right to extend for another four hours.

The Australian Capital Territory introduced the recommendations made by the Law Reform Commission, despite severe opposition and criticism from all law enforcement agencies. The Australian Capital Territory ignored the Victorian experience. For some time the Government has been examining the concept of a reasonable or fixed period of time. It has decided to recognise the merits of the Victorian reform, because Victoria realised that a fixed period of time was unworkable and that a concept of reasonable time with clear guidelines was needed. The legislation, which is being finalised and will be introduced into Parliament, will adopt that concept of reasonable time, but with clear guidelines so that police, suspects and lawyers will know the rules. Everyone wants clear safeguards. The Hon. R. D. Dyer asked whether the legislation will contain a safeguard concerning the right of legal representation.

I have distributed for public comment a draft evidence bill - in fact, I have circulated a copy to every member of Parliament - which will be consistent as between the Commonwealth and New South Wales so that we can attempt to move towards some comity, if not consistency, in regard to the rules of evidence. The right to a lawyer, the right to an interpreter and the right to be informed are all provided in that bill or its associated legislation, which will be introduced in this House. I have indicated that I desire to improve access to the law, and to increase certainty in these areas so that there is greater clarity not only for the administrators of the law but also for those who are brought to the attention of the courts under the law. That is certainly my intention.

SHELLHARBOUR MARINA PROPOSAL

The Hon. R. S. L. JONES: I ask the Minister for Planning and Minister for Housing: Is it the Minister's intention to allow consideration of the destruction of State Environmental Planning Policy 14 wetland 376, plus 200 metres of Shellharbour Beach, the offshore soft coral and sponge reef, and the

municipal golf course to facilitate the building of a marina for which there is no known demand? Would the marina clearly violate the Government's coastal policy? Would it also cost the people of Shellharbour \$25 million in public land given to the developer? Will the Minister once and for all indicate to Shellharbour council that he will not allow this ridiculous Public Works Department inspired marina to go ahead, because of its excessive cost to the community and the damage it would do to the coast?

The Hon. R. J. WEBSTER: The Hon. R. S. L. Jones can always be relied upon to ask a long and colourful question. It cannot be said of any government in Australia, other than the New South
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Wales Government, that it has initiated a coastal policy. This Government was the first in Australia of any political persuasion to introduce a coastal policy.

The Hon. R. S. L. Jones: Does it work?

The Hon. R. J. WEBSTER: Does it work? The honourable member should know that no council and no government department will allow the coastal policy to be breached. If, as the honourable member alleges in his long and colourful question, the coastal policy is being breached at Shellharbour, I give him an undertaking, as Minister for Planning, that I will not allow it to be breached. But equally so, it is fair to say that local planning matters are the province of local councils and, unless they are breaching the Planning Act or breaching statewide planning guidelines or codes, it is my custom as Minister for Planning to make their local environmental plans, if they comply with those matters.

I believe the honourable member - whom I have heard speak in defence of local government on many occasions in this Chamber - would agree with me, even when it does not always suit his purposes. I suppose the short answer to the honourable member's question is: If Port Stephens council complies with those planning codes, if it makes a decision that is in compliance with the coastal policy, naturally - as I have indicated in the way in which I have tried to operate my portfolio, which is to try to do things consistently rather than inconsistently, as planning Ministers were wont to do in previous administrations - I would no doubt make the local environmental plan.

I am not familiar with wetland 376 to which the honourable member alluded. I do not know every wetland in the State - there are thousands of them - but I will seek further information on the matters he has raised. When I have that information, I will convey it to the honourable member.

DEPARTMENT OF HOUSING MANT RECOMMENDATIONS

The Hon. J. H. JOBLING: My question is directed to the Minister for Planning and Minister for Housing. What steps has the Government taken towards implementing the recommendations of the Mant inquiry into the Department of Housing? In particular, how has the Government addressed the regionalisation of the department's activities?

The Hon. R. J. WEBSTER: In November 1992 the Government received the report of Commissioner John Mant into the Department of Housing. Mr Mant's report raised some fundamental issues about the nature of public housing in New South Wales. I would like to outline to the House some of the key changes which have taken place or are taking place in the housing administration. Specifically, Mr Mant recommended that:

A ministry of housing be created to provide high level policy advice.

I will be making an announcement about that later this week:

The land banking and land retail activities (LANDCOM) be placed on a separate commercial footing by 1st July, 1993.

That has been completed with the transfer to Property Services Group:

The establishment of semi-autonomous regional housing offices for the delivery of public rental housing.

Interviews for these positions were completed last week and announcements will be made shortly:

The establishment of a separate production services business unit for the acquisition and construction of housing on a contractual fee for service basis to regional housing offices.

The Department of Housing has now refocused its core business on effectively and efficiently managing public rental housing. The key to the restructure is the creation of new semi-autonomous accountable regional housing offices. Regions will now have total control over the planning and allocation of housing resources, asset management and the allocation and expenditure of regional budgets.

I am committed to the creation of a new Department of Housing where the regional offices of the organisation are responsible for making the decisions which directly affect their clients. For this reason, the relationship between regions and the central office of the Department of Housing will be a dramatically different one. The central office of the department will perform co-ordinating and monitoring functions only, and will be responsible for providing a service to regions to enhance the service they provide to their clients.

On 12th July I announced the variation to regional operating boundaries. I have approved the establishment of eight regional housing offices. This has involved the creation of an additional metropolitan region and the amalgamation of two country regions. The new metropolitan region will operate in the Bankstown, Canterbury, St George and Sutherland areas. This will ensure that the department is positioned to respond to anticipated growth in metropolitan Sydney, and to take advantage of the significant redevelopment opportunities which exist in the inner Sydney and the Canterbury-Bankstown local government areas.

In non-metropolitan regions, I have reduced the number of regions from five to four. Regions will cover the Orana, Riverina and Far West, the North Coast and New England, the Hunter and Central Coast, and the Illawarra and south east areas. The reduction in the number of non-metropolitan regions will expand their asset base and ensure that they have greater viability and autonomy. A major component of the changes to boundaries is a change to the regional headquarters in the Illawarra and Hunter regions.

I have decided to establish new high level regional management teams in Queanbeyan and Maitland. My objective here has been to ensure

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greater decentralisation - something I am sure all honourable members would support - of the department's operations and to provide greater access to regional management teams to the region as a whole, not only to the major population centres - something that those opposite did the reverse of when in government. This change will affect a relatively small number of staff and will be managed in such a way as to minimise disruption to staff and client services and housing management issues.

Finally, and most importantly, the cornerstone to regional operations will be the establishment of locally based client service teams for the delivery of all public housing rental services. These teams, which will be operational from March 1994, are the best way forward for the effective delivery of services to clients. Clients will now be able to access the full range of services from one team which will be made up of multi-skilled officers with substantially increased powers of decision-making. This will be supported by the enhancement of customer appeals mechanisms and the establishment of regional customer service councils, which will provide advice to the regional director on the targeting of housing resources.

[Interruption]

The Hon. Ann Symonds is interjecting with inanities, but I will continue. It is interesting to note that many of the criticisms of the ways in which governments in Australia deliver housing assistance, highlighted in the Industry Commission's draft report on public housing released on Monday, 2nd August, have been or are being dealt with by the department's restructure. In other words, New South Wales once again is leading Australia in this type of reform. Much of the credit for this reform obviously can be given to Commissioner Mant, but I should like to go on record in praise of the Acting Director of Housing, Gabrielle Kibble, for the role she has played in this restructure; and of the new team of managers that has emerged from the rubble of the former Department of Housing. The young team of men and women who are now leading the Department of Housing are a credit to themselves. I am very confident that the direction set for the New South Wales housing administration will lead to a significant improvement in the delivery of services to its clients who, after all, are the most important people.

DATA PROTECTION LEGISLATION

The Hon. I. M. MACDONALD: I direct my question without notice to the Attorney General and Minister for Justice. Is the Minister aware that a number of major corporations that provide phone-based services, such as McDonalds, Pizza Hut and Ticketek, keep records of the names, addresses and telephone numbers of those seeking various services, without their consent? Is the Minister satisfied that this private information, collected by these and other corporations, is adequately controlled under Privacy Committee recommended procedures for storage, access and disposal of personal information? In the light of Commissioner Roden's urgent call in August 1992 for more adequate data protection, will the Minister confirm that he will introduce the long awaited data protection bill in this session? Will the Minister ensure the House that adequate codes of practice will apply to the collection, access, storage and disposal of personal data through new invasive technologies and marketing strategies practised by corporations?

The Hon. J. P. HANNAFORD: To the best of my knowledge I have not received any complaints concerning the retention of any information by major corporations that provide phone-based services. However, I shall make inquiries of the Privacy Committee to see whether it has received any such complaints. As the honourable member is a member of the Privacy Committee, doubtless if the matter has been raised with that committee he will be aware of its deliberations. As to the Government's actions in relation to the Roden committee report, Cabinet has approved the preparation of a data protection bill. That legislation is being prepared and I am confident that it will be introduced before the end of this session and that it will be supported by all members. The bill will no doubt provide for the establishment of codes of practice, and I have every confidence that the privacy commissioner will ensure that appropriate codes of practice are put in place and observed.

SCHOOL COUNCILS

The Hon. PATRICIA FORSYTHE: I direct my question without notice to the Minister for Education, Training and Youth Affairs, Minister for Tourism and Minister Assisting the Premier. Will the Minister inform the House how many government schools have established school councils and what is the role of these councils?

The Hon. VIRGINIA CHADWICK: I thank the honourable member for her important question, because we are now over the halfway mark - 55 per cent of all government schools now have school councils. Of the 2,213 schools in New South Wales, 1,227 have councils. The number of councils has doubled in the past 12 months. Clearly we can look forward with some confidence to the day in the near future -

Mr Hannaford: The proposal was opposed by the Labor Party.

The Hon. VIRGINIA CHADWICK: The Labor Party was absolutely opposed to bringing the community into partnership with schools. They said school councils would never work, yet the numbers have doubled in the past 12 months and are now over the 50 per cent mark. The councils that have been established - after perhaps some tentative beginnings, which is only to be expected - are now working extremely hard. They are popular within schools and they have provided a great mechanism for the broad community to feel that they are involved in and in partnership with schools. The percentages in each of our 10 regions show a mixed result, but the Riverina is leading the State with the highest percentage of

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schools establishing school councils. Though in some people's minds it might be an unlucky number, only 13 schools in the Riverina region do not have a school council.

The Hon. D. F. Moppett: The Riverina region has great local members.

The Hon. VIRGINIA CHADWICK: The success of school councils is no doubt due to the interest that local members take in education and the support they offer their schools. They have been most helpful to schools by supporting them in every way, including the establishment of school councils. In metropolitan east region, 30 per cent of schools have school councils, metropolitan north has 49 per cent, metropolitan west has 41 per cent, and 67 per cent of schools in metropolitan southwest - and this gives me particular joy, considering some of the societal and economic pressures that face those communities - have school councils. On the South Coast, 36 per cent have school councils, and the North Coast has 1 per cent.

The Hon. Jan Burnswoods: The cluster directors have been working hard. Did you give them a bonus? Cluster directors do little else but force people to have school councils.

The Hon. VIRGINIA CHADWICK: I should like to comment on that untimely and ill-considered insult to cluster directors and the implication that cluster directors do little other than badger people about councils. Cluster directors perform a variety of tasks and a most valuable role that is appreciated by schools within their own cluster and local region. I intend to ensure that cluster directors in the public education system are aware of the low regard in which members opposite hold them. I refute what the honourable member has said. To imply that cluster directors have only one aim in life, and that is to form school councils, is bad enough, but to say that some sort of scalp fee or bonus is provided to them for so doing is a gross insult. It shows that what passes for an Opposition education policy has changed little since the last election. I will take no joy in it but I will force myself to advise cluster directors that it is still ALP policy to abolish their positions in the unlikely circumstance that Opposition members find themselves in government.

On a more positive and constructive note, Government members promote and speak positively about the public education system, which is in contrast to the knockers opposite who take every opportunity to knock teachers, schools, and cluster directors. We place great importance on the prestige and stature of the public education system, unlike members opposite who do nothing but knock it. In the past 12 months there has been a 100 per cent increase in the number of school councils, and I am quite confident that by this time in 1994 something of the order of 75 per cent of our schools will be supported and assisted by school councils. I thank the honourable member for her support for public education, which is in such stark contrast to the knocking and carping of members opposite.

RAILWAY CARRIAGE LIGHT REFLECTORS

The Hon. R. S. L. JONES: I ask the Minister for Education, Training and Youth Affairs, Minister for Tourism and Minister Assisting the Premier, representing the Minister for Transport and Minister for

Roads, what progress is being made to place light reflectors on the side of railway carriages to assist country drivers to see trains at unmarked crossings?

The Hon. VIRGINIA CHADWICK: I thank the Hon. R. S. L. Jones for that very good question. I regret that I do not have an up-to-date report on what progress has been made. It is a sensible proposal. The question deserves an answer, which I will get from the responsible Minister.

FAMILY WEEK

The Hon. ELAINE NILE: I address my question without notice to the Attorney General and Minister for Justice, representing the Premier. Is it a fact that the Government originally planned to hold Family Week from 8th to 14th August, 1993? When will the Government hold this most important Family Week? Is the Government planning to promote the traditional family as the basic and natural God-given unit of our Australian society?

The Hon. J. P. HANNAFORD: The Hon. Elaine Nile has asked an important question. I am pleased that today the Premier announced that Family Week will be established in New South Wales, and will be held from 2nd to 8th October. Families, in all their varied forms, remain the cornerstone of our society. They provide individual members with a sense of belonging and an environment in which they can feel secure and loved. Families are the framework within which our children grow and learn how to become valued members of our community. Anyone who is concerned about our society must also be concerned about the family. It is the vital link in creating a stronger and more caring community. Families instil a sense of responsibility in their members - to treat others with respect, to acknowledge the needs of other people and to recognise that individuals can contribute to the greater good. In our rapidly changing world these traditional roles of families remain constant and valued within the broader community. Fostering and supporting families in these roles is therefore a matter of the greatest importance. Families face many challenges in today's society, which makes fulfilling their goals more difficult than ever. They need our recognition and our support.

For this reason the Government has developed Family Week, the first of its kind in Australia. It will be held from 2nd to 8th October. Family Week is, in short, a celebration of the family, but it is also about providing practical advice and resources to help families manage common issues and problems. The Government recognises the valuable work carried out by families in all of their diversity. The Government wants to demonstrate its commitment to supporting families by instituting a special week to mark their

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roles and needs. While the co-ordination of Family Week will be undertaken by the Minister for Community Services, it will be a priority for the Government as a whole. Government agencies across the board will be involved to reinforce their commitment to families and to ensure that services to them are well targeted. The Premier has written to all local councils to suggest ways in which they can participate in Family Week. There will also be involvement from non-government sectors. I am aware that honourable members will be encouraging organisations with which they are associated to provide their significant support to Family Week. The co-operation of those organisations is essential, if the needs of today's families are to be met.

There is a diverse range of activities and projects for Family Week. They were outlined by the Premier in his announcement today. Those activities and projects will be aimed at supporting children and families within all their ranges in the community, as well as at extended families. An integral part of Family Week will be the staging of celebratory events to provide opportunities for families to simply have fun together. All honourable members with young families would appreciate the need for such time. Our modern lifestyle has created many expectations and demands. Many families experience tensions and conflicts as they are expected to take on new roles within the modern community, particularly in relation to their participation in the work force while, at the same time, trying to balance existing traditional

family roles. These things impact on the chances for families to spend quality time together.

Today's economic problems mean that family life is often accompanied by constant worry, with few opportunities to try leisure activities which many in the community, and perhaps some honourable members, take for granted. As part of Family Week we will try to provide an opportunity for families to enjoy quality time. There will be functions in Parramatta Park, the Domain and Centennial Park to allow for community-based family activities. However, there are obvious limits to what the Government can do within a single week to promote the family. For that reason, many of the directions to be initiated during Family Week will be reinforced and further developed during the United Nations International Year of the Family in 1994.

In planning Family Week the Government has found it important that we offer the community measures of substance as well as events to mark the importance of families. Many people have contributed to the establishment of Family Week. People such as "Doc" Cunningham, who is better known as the "Black Santa", and the Noffs family have worked to assist us in the development of this concept. I have absolutely no doubt that many in the community will take up this opportunity to refocus at a time when all communities are feeling great stress as a result of our economic conditions. Those stresses are putting great strains on the family. We are seeing that stress manifest itself in the significant number of reported family abuse cases and violence within the community. I am sure that everyone will welcome this opportunity to refocus on what is an important unit within the community: the family. I thank the Hon. Elaine Nile for her question on what is a most important issue.

CLEAN WATERWAYS PROGRAM

The Hon. BERYL EVANS: Can the Minister for Planning and Minister for Housing tell the House what the real benefits of the clean waterways program have been for the people of Sydney, and what they can expect from the program in the future?

The Hon. R. J. WEBSTER: Indeed I can.

The Hon. Jan Burnswoods: You really must be terrified of questions on Collins. You are terrified. You are filling up question time with absolute garbage.

The Hon. R. J. WEBSTER: Why is the Hon. Jan Burnswoods so sour? That is the question which needs to be asked. She should smile; this is a very happy story. In December 1989, in response to public demand, this Government took the initiative and launched the clean waterways program, incorporating the special environmental levy, to help clean up the beaches, harbours and rivers throughout the Water Board's area of operation. The clean waterways program is a 20-year program, currently estimated at \$7 billion. The SEL was designed as a kick start to get the clean waterways program into immediate action. As a strategy to improve the regions' waterways, the board, following community consultation, implemented numerous projects funded by the SEL.

Approximately \$817 million has been invested in cleaner waterways since the CWP began. About \$674 million has been invested in capital works infrastructure to further improve our waterways. The SEL has contributed some \$206 million to those capital works, and a further \$139 million towards operating costs. Benefits of the clean waterways program projects, funded by the SEL, are clearly evident. Odour complaints from North Head and Malabar sewage treatment plants have reduced by approximately 91 per cent since 1990. Bypasses have also drastically decreased. In the late 1980s North Head plant failed to operate for more than 1,000 hours a year - that was when those opposite were in government - while in 1992-93 this was reduced to only 13 minutes.

Solids capture also has increased, from 9 per cent in 1989 to 35 per cent now. Sydney Electricity funds have helped to increase the number of trade waste agreements threefold to more than 5,000 and

inspections of premises twentyfold to more than 10,000. Stricter standards will apply by July 1994, keeping an extra 400 tonnes of waste a day out of Sydney's sewerage system. Total grease in the sewers has decreased by 45 per cent in the past three years and will be reduced further under the board's wastesafe program. CWP and Sydney Electricity funds have allowed approximately 74 per cent of

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sludge to be beneficially recycled into biosolids. More than 100,000 tonnes of the sludge product is used for composting and soil structure improvement in agriculture, forestry and mine site rehabilitation.

Nutrient levels have been dramatically reduced at inland sewage treatment plants. Ammonia levels have been cut by half, while nitrogen and phosphorous levels have been reduced by 30 per cent. Stormwater pollution is being addressed through the installation of gross pollutant traps and floating booms on a number of the board's drains. Analysis of the polluting materials caught in these traps and booms is enabling the board to determine the source of the stormwater pollution and ultimately it will be possible to institute source control programs for stormwater pollution. After all, prevention is always better than cure.

As a result of the New South Wales Independent Pricing Tribunal's determination for the Water Board's 1993-94 pricing package, the special environmental levy will cease from 1st January, 1994. However, the Government is committed to ensuring that all works targeted under the SEL program will be completed. Environmental works funded by the SEL will be audited by the New South Wales Auditor-General and a community based audit committee. Before the end of 1993 a draft wastewater strategy based on what has been learnt through the program's comprehensive investigation work will be available. The draft will be discussed in detail with the community and environmental groups to ensure it has the right focus.

In its final form, at the end of 1994, the plan will support the Government's overall strategy for cleaner waterways and in this regard the Water Board will work closely with all other parties to deliver the goal of waterways for the Sydney region. It will also provide valuable input to other agencies, councils and the community to ensure Sydney's environmental heritage is protected. Mr President, the knowledge we now have by virtue of the clean waterways program is a down payment on the environmental future of Sydney, ensuring that the city will continue to attract people and investment, both domestically and internationally. Sydney's Olympic bid is further assured because we can demonstrate that we are developing a planned series of investments that are protecting our waterways. This Government's commitment to the environment has not faltered. The commitment is ongoing and we are putting dollars where our mouth is.

INTERSTATE APPREHENDED DOMESTIC VIOLENCE ORDERS

The Hon. JAN BURNSWOODS: Is the Attorney General and Minister for Justice aware that interstate apprehended domestic violence orders cannot be quickly registered in New South Wales, despite the legislation passed last year, because the Government failed to set up the necessary computer links? Does the Minister agree that had a registered record of the apprehended violence order taken out in another State by Andrea Patrick, and serious breaches of that order, been available to the court in Manly, the magistrate would almost certainly have refused bail for her former de facto? Will the Minister admit that his Government's failure to allocate funds for the computer links contributed to Ms Patrick's murder?

The Hon. J. P. HANNAFORD: The answer to the last part of the question is no. The question reflects only on the member who asked it. We are used to the types of inane questions she asks. They reflect poorly on her, and the last part of the question reflects poorly on the rest of the question.

TREASURER AND MINISTER FOR THE ARTS DEFAMATION ACTION

The Hon. J. P. HANNAFORD: Yesterday the Leader of the Opposition asked the following question:

Was the Attorney General's Department or the Crown Solicitor consulted on an approach by Mr Collins in late 1992 to settle his defamation case against Dr Ryan in return for the payment of \$50,000? If so, what advice was given by the department or the Crown Solicitor?

My response was:

I know of no such approach, but I will check with the Attorney General's Department.

I advise the House that a thorough search of the records of the Attorney General's Department and the Crown Solicitor's Office indicates that there is no record of any consultation on that issue. Similarly, there is no record of any advice being given by the department or the Crown Solicitor's Office on that matter. Again, the nature of the questions asked reflects only on the quality of the person who asked them.

In view of the time, I suggest that any other questions be placed on notice.

CRITICISM OF THE OMBUDSMAN

Matter of Public Interest

Debate resumed from an earlier hour.

The Hon. ELISABETH KIRKBY [5.5]: When debate was interrupted for question time I was explaining to the House that I had read Mr Turner's complete speech in *Hansard* and it cannot be denied that the allegations were made by him about the Ombudsman. I am surprised that Mr Turner's criticisms of the Ombudsman did not reflect the findings of the report that he was tabling. Also, Mr Turner has refused to repeat his comments outside Parliament. I believe that such behaviour is quite indefensible, even more so considering the position of responsibility in which Mr Turner was placed. In my opinion the present Ombudsman is a person of integrity and the work of the Office of the Ombudsman over the years has done a great deal to expose injustice and maladministration by public officials.

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The Ombudsman's independence and fearless speaking out on matters in his professional capacity have meant that he has often been attacked by members of the government of the day. Attempts have been made to limit what he could investigate. This was demonstrated by the Government's attempts to remove "minor" complaints against police from his jurisdiction. There was also criticism of the findings of the Ombudsman's report on Toomelah by the Premier last year when he claimed that the Ombudsman "had got it wrong". Ombudsmen all over the world face a real challenge to maintain a good working relationship with the government, as a former Saskatchewan Ombudsman made clear in these remarks made in 1985 shortly before his retirement:

To some extent, it may be inevitable that an Ombudsman who works up to his mandate will have something other than a smooth working relationship with the executive branch of government. The cumulative effect of appearing to be constantly in search of change and remedies for the public, and finding it necessary to air differences with the government in public several times each year, must put this relationship in some jeopardy. Sooner or later, there is a tendency to shoot the messenger when

governments don't like the message. It may be because governments, once they settle in, wish to appear infallible and become less tolerant of differing views. It may also be because the Ombudsman is the recipient of only bad news and runs the risk of developing a jaundiced attitude towards government systems. In any event, there is no greater challenge for an Ombudsman than to attempt to maintain a good working relationship with government.

The Office of the Ombudsman has often made comments and exposed matters which the Government would rather not know about. Its reports on Toomelah, HomeFund and the Department of Housing, and Fingal Bay are just a few examples of matters that have caused the Government heartache. However, it is clear that matters of great importance about the quality of public administration have been raised in all the reports. If the Ombudsman investigated the complaints from the public in the cases mentioned and did not bring them to the attention of the Parliament and the public, who would have? Without the various watchdog bodies that we have - such as the Office of the Ombudsman, the Office of the Auditor-General and the Independent Commission Against Corruption - government and public officials would be far less accountable to the public.

Of course, it is necessary for the Office of the Ombudsman to remain accountable to the people. As the former New South Wales Ombudsman said in 1987 in a special report to Parliament, "No body, however lofty its aims and objectives, should be placed in a position where it is accountable to no one". The importance of the direct accountability of the Ombudsman to Parliament cannot be overemphasised. This unjustified attack by the chairman of the committee on the Ombudsman is most serious indeed; it casts aspersions on the integrity of the parliamentary oversight of the Ombudsman.

Mr Turner has done a grave disservice to his colleagues on the committee. This committee report investigated the resourcing of the Ombudsman in view of his office's increased workload. From what I can see, the report was constructive in that a system of performance measures for the Office of the Ombudsman was formulated, as well as a funding model. The objective was to ensure that the New South Wales Ombudsman's office operates at a standard comparable to that of other Ombudsman institutions around the world. I note also that the Ombudsman has responded well to the suggestions and that he has already moved towards introducing several management reforms either in response to the committee's inquiries or as part of the ongoing management of his office. To date, the Committee on the Office of the Ombudsman and the Ombudsman have interacted in a constructive manner which, as Mr Landa said in his letter in the *Sydney Morning Herald* of 14th September, "will produce dividends for the public for years to come". It is a pity that the tabling of the report in this Chamber and in another place has been blotted by Mr Turner's remarks. I believe he should apologise to the Ombudsman and to the members of the committee.

The Hon. ANN SYMONDS [5.11]: I am delighted that my colleague the Hon. Dr Meredith Burgmann has convinced the House of the need to debate this urgent matter of public importance. I remind honourable members that the matter we are debating is criticism of the Ombudsman. In fact, all those who have spoken in this debate so far have referred in large part to the criticism of the Hon. Dr Meredith Burgmann, which tends to lose sight somewhat of the seriousness of the topic of this debate. I believe that the period of the Wran Labor Government was one of the most creative reformist periods in recent memory in New South Wales, and there is clear documentation of the extent of that reform. Another significant reform was the establishment of the Office of the Ombudsman in 1974 under Premier Lewis. On reading the 1991-92 Ombudsman's annual report I was surprised to find that it was the seventeenth annual report of that office.

[Interruption]

I hope that Reverend the Hon. F. J. Nile, by his interjection, is not giving us to understand that he does not approve of the Office of the Ombudsman, when all the citizens of New South Wales have benefited enormously from that office. At the time the Wran Labor Government introduced the Act establishing the Office of the Ombudsman that Government said, "There is a need for an independent

official who will approach in a consistent way, having regard to the justice and merits of each individual case, complaints made to him on administrative decisions". What has occurred lately in the other House has been a massively serious criticism of the Office of the Ombudsman that could undermine public confidence in the Office of the Ombudsman and in his independent status. In order to increase the evident independence of the Office of the Ombudsman, the present Government established the parliamentary Joint Committee on the Office of the Ombudsman in 1990. Criticism by the chairman of that committee has given rise to the matter of public importance now being debated.

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I commend the Government for establishing the committee. The problem seems to arise from the fact that the Ombudsman, Mr Landa, produced a report in 1990 for Mr Greiner on the issue of his inability or fear that he would be unable to pursue all the complaints made to his office. In 1988-89 complaints to the Office of the Ombudsman decreased; they increased in 1989-90 and increased massively in 1990-91. Although Mr Landa has endeavoured to deal with those complaints in the most independent, highly moral and thorough fashion, he was moved to make a special report in 1990 to Premier Greiner about insufficient funds hampering his work. The Hon. D. F. Moppett mentioned funds. An enormous amount of juxtaposition of figures has occurred, leading to misapprehension of the real situation. In one year underspending of \$43,504 occurred. In the period 1986-87 through to 1992-93 underspending was \$1.247 million. Compare that with the underspending in the Department of Youth and Community Services, which during the same period underspent about \$114 million recurrent and about \$29 million capital.

If that man was judiciously managing his funds and such a huge budget, as he was, a complaint about underspending of \$40,000 cannot be justified. The observations by Mr Turner about the inquiry, allowing himself such licence under the privilege of the House, are a disgrace. The Attorney General made no attempt to defend him. Mr Fahey and Mr Armstrong will not defend him, and refused to support him when asked that question, as reported in the press. Mr Pickering has supported Landa, and we need to demonstrate our support for Landa and his office. Just as Mr Fahey and Mr Armstrong refused to support Mr Turner and his criticisms, so should this House. I am concerned that most important issues have been trivialised in their treatment by members of this House. The substance of this debate has to be the attack on the Ombudsman, the attack on the issue of funding, which has been dealt with in a cavalier fashion, leading to misunderstanding. Above all, I am particularly concerned about the breach of the provisions dealing with evidence in camera.

I value the operation of our committee practices in the Standing Committee on Social Issues, but we need to be able to convince the public of the absolute confidentiality about the information they give to our parliamentary committee. This man, however, has gone into the House and quoted in camera evidence. I believe that is one of the most serious breaches undermining the Office of the Ombudsman. I am also incensed that, in addition, he made a personal attack on my colleague the Hon. Dr Meredith Burgmann. His use of such verbiage is disgraceful. On a lighter note, it must be noted that misinformation abounds these days. The *Australian* refers to Mr Turner as the "Liberal Chairman of the Parliamentary Committee on the Office of the Ombudsman". That article also refers - and I do not know whether my colleague will be offended by this - to Dr Burgmann as an Independent member of the committee. That is a subject the honourable member ought to take up with the *Australian*.

I note that the chairman of the committee has the good grace to acknowledge his ineptitude in these matters and will resign. That is to be commended. When approached by the media for further comment, he said, "I've got nothing further to say". The fact is that he has said too much already. I confirm to the House that I have the utmost admiration for the present Ombudsman, Mr Landa. I am concerned that the reputation of the Office of the Ombudsman must be maintained at the highest level. Honourable members must by this debate indicate to the public and to Mr Landa himself that the House supports his continued operation. [Time expired.]

The Hon. D. F. MOPPETT [5.21]: I have come to the conclusion that the benefit of the doubt that the House extended to the mover of this motion - hoping to hear later something of substance to back up the idea that the matter was of great public interest and a matter of urgency - was misplaced. A diaphanous veil has been drawn across the fact that the Hon. Dr Meredith Burgmann could not think of the appropriate form and was not advised that the proper course for her, in the circumstances of the material she wanted to put before the House, was to seek leave to make a personal explanation. I am staggered at the incongruous contributions from the other side of the Chamber and from the Hon. Elisabeth Kirkby, coming from people whose political traditions are to challenge the institutions of society and place them under scrutiny. Those contributions suggested that in matters concerning the Ombudsman the House should remain mute and not utilise the other institution of society which protects their freedom; that is, open and vigorous criticism when it is appropriate.

I will not argue the merits and demerits of the report. I was not a member of the committee. I have done some background research in relation to this matter of public interest. The Hon. Ann Symonds pointed out that the Office of the Ombudsman was set up in 1974 as part of the systems which have developed to safeguard our liberty and freedom. That office was joined recently by the Independent Commission Against Corruption and before that, in a parliamentary sense, the Auditor-General carried out those functions. We are now in a state, figuratively speaking, where we have set up the pretorian guard to look after us. The eternal question comes up again: Who guards the guards? The Hon. Ann Symonds was good enough to concede that it was an advance in the execution in the Office of the Ombudsman to have a parliamentary committee there to scrutinise it; someone from within the Ombudsman's office could come forward and make complaints about the operation of that office. The situation has developed where a member of that committee - and a member of Parliament, and I will get on to the rights in this matter - happens to make a comment which he made in good faith.

The Hon. Dr Meredith Burgmann: What?

The Hon. D. F. MOPPETT: The member made the comment in good faith in Parliament in tabling the report.

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The Hon. Dr Meredith Burgmann: About what?

The Hon. D. F. MOPPETT: I will get on to what he said in a moment.

The Hon. Dr Meredith Burgmann: He is afraid to repeat them outside the Parliament.

The Hon. D. F. MOPPETT: The honourable member made those comments in good faith within Parliament; Parliament provides a forum in which to make remarks that may be inadvisable in the public arena. That would happen on many occasions to members of the Opposition as well as other members of Parliament who believe that they are pursuing their duty. I do not believe a case can be made against the right of a member of Parliament to speak out when he feels so motivated in a cause in which he believes.

The Hon. Dr Meredith Burgmann: Even if it is all untrue and he has no evidence at all?

The Hon. D. F. MOPPETT: That does not bear on it, but it is interesting in relation to the veracity of the matter brought forward. I noticed other speakers observed the challenge I made about the honourable member's particular allegation that the Hon. Dr Meredith Burgmann asked questions which were on a sheet of paper. The honourable member went on to say he believed that that sheet of paper had been faxed from the Ombudsman's office.

The Hon. Dr Meredith Burgmann: He did not say that.

The Hon. D. F. MOPPETT: That is in the transcript I have here and I will not waste time responding to the honourable member.

The Hon. Dr Meredith Burgmann: Then read *Hansard*.

The Hon. D. F. MOPPETT: I have read *Hansard*. In my view the reply which was given this afternoon by the Hon. Dr Meredith Burgmann was most unconvincing in denying that she did ask questions from this sheet of paper.

The Hon. Dr Meredith Burgmann: Exactly.

The Hon. D. F. MOPPETT: The honourable member said she was not so ignorant as to need to ask questions from a sheet of paper. I have made independent inquiries of members of that committee, who have confirmed my belief. I do not say it is any aspersion on the honourable member that she asked questions from a sheet of paper. As to whether it came from the Ombudsman or not -

The Hon. Dr Meredith Burgmann: The honourable member for Blue Mountains was not there.

The Hon. D. F. MOPPETT: I shall not reply to that. I simply say that it is quite proper for a member of Parliament, who was a member of that committee, to make that allegation in those circumstances. The honourable member was particularly disturbed by what he believed was the connection and the improper line of questioning that had been produced.

The Hon. Dr Meredith Burgmann: Why did he not raise it at the time?

The Hon. D. F. MOPPETT: Because he believed it was an important adjunct to the tabling of the report which he made at that time. The House ought to be reminded of some of the lessons of the past. This reminds me of Shakespeare's great play "Much Ado About Nothing". I have never heard a debate so beat up and completely out of all proportion as this issue has been this afternoon.

The Hon. Ann Symonds: It reminds me of "Titus Andronicus".

The Hon. D. F. MOPPETT: It reminds me of "Hamlet", and it was the queen who used those words which we so often repeat, "The lady doth protest too much, methinks". That summarises the whole atmosphere of this debate this afternoon. The time of the House has been wasted for a number of hours when it could have been getting on with important matters, because the Hon. Dr Meredith Burgmann took exception to remarks made in another place. The honourable member gives twice as good whenever she feels like it without the slightest reference, on occasions, to the precise truth, because she is a parliamentarian. The honourable member believes in exercising a certain amount of licence to get a point across. I am not suggesting that the honourable member for Myall Lakes exercised any licence in this case. The right of members of Parliament to come into the House and criticise the institutions of the Ombudsman, the Independent Commission Against Corruption and the Auditor-General are important and fundamental safeguards. The ultimate test is the courage of the individual to say it outside.

In many of these civil liberty issues members opposite have been stunningly silent on issues of major importance in which one would have expected the Labor Party, with its tradition, to speak up for free speech and the right of people to criticise the institutions of Government. But we hear nothing from members opposite; only a little bit of embarrassment generated when criticism landed on one of their members. This whole debate has been a complete charade, a spurious exercise to try to impinge on the right of the honourable member for Myall Lakes to make well-founded criticisms, which I believe will be expanded upon in the future.

The Hon. I. M. Macdonald: Who will expand on them in the future?

The Hon. D. F. MOPPETT: We will wait and see. I do not need to name anyone. Once again, I challenge members of the Opposition to ensure that the functions of independent bodies are subject to the rigorous scrutiny that can be given only by members of Parliament. I repeat that the whole debate has been a total waste of time. The Chamber has been misled

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by the claim that this matter was urgent and of public importance. The debate has simply been an exercise in the misuse of the forms of the House when a simple political statement would have been appropriate. The motion is a disgrace to the member who moved it and should not be supported by any other members of the Chamber.

The Hon. Dr MEREDITH BURGMANN [5.30], in reply: It is difficult to respond to the remarks of the three Government speakers, mainly because they did not even mention the comments made by the member for Myall Lakes. For 15 minutes honourable members witnessed the unedifying spectacle of the Leader of the House, with a wan expression on his face, giving a reasonably boring and not terribly accurate history of the Office of the Ombudsman and the establishment of the Committee on the Office of the Ombudsman. Unfortunately, the matter being debated is not a school history of the Office of the Ombudsman. The matter being debated is the remarks made by the member for Myall Lakes in the other place last week. Perhaps because he has a legal background, the Attorney General found himself unable to comment in any way upon the remarks of the member for Myall Lakes. In his reply to my contribution, in which I made a number of allegations about the member for Myall Lakes, the Leader of the House hung the member for Myall Lakes out to dry. He left him on his own. Like the Premier and the Deputy Premier, the Leader of the House refused to defend the member for Myall Lakes. The second Government speaker was the Hon. E. P. Pickering. The first thing he told the House was, "Well, Mr Turner is like that. He once accused me of killing someone". If that is the Hon E. P. Pickering's defence of the member for Myall Lakes, I would hate to have him appearing for me in a trial.

The Hon. E. P. Pickering then referred to the comments of the member for Myall Lakes as injudicious. Is that his defence of what the member said? Does that show that the Government is rallying to the support of the chairman of the committee? No. The former Leader of the Government in this House is running away from the comments as quickly as he can. The Hon. E. P. Pickering then defended the Ombudsman and described the way in which the Ombudsman has worked to raise the standing of the Office of the Ombudsman in the eyes of the people. The third Government speaker was the Hon. S. B. Mutch. Once again, he made no comment on the specific allegations. Yet another member of the Government hangs the member for Myall Lakes out to dry. The only interesting part of the contribution of the Hon. S. B. Mutch was that he admitted that he had fallen asleep.

So, on the Government side there is the member for Myall Lakes, who is so bitter and twisted that he cannot prepare a proper report, the Hon. S. B. Mutch, who is asleep most of the time, and the member for Blue Mountains, who is not there. The final speaker for the Government was the Hon. D. F. Moppett. I did not follow his contribution very well; it was extremely scrambled. At one stage he referred to the comments of the member for Myall Lakes as inadvisable. He also made the extraordinary statement that members of Parliament have a certain amount of licence. Does he mean that whatever the member for Myall Lakes chooses to say is okay, or that he can accuse the Hon. E. P. Pickering of killing someone whenever he wants? To claim that members of Parliament have a certain amount of licence about what they want to say is extraordinary.

I will remember that in future. I will quote the Hon. D. F. Moppett whenever I want a bit of licence to say something about someone that I want to denigrate in public. Finally, the Hon. D. F. Moppett said that members of Parliament should have the courage to say these things outside. It is obvious that he has gone to dinner. If he had not, I would have pointed out to him that the whole thrust of this debate is that the member for Myall Lakes made his comments under the privilege of Parliament. He made a series of allegations about the Ombudsman. He called him sinister and reprehensible. Yet he refused to repeat those comments outside the House when he was challenged to do so. That is the point the Opposition is

seeking to make.

The Hon. D. F. Moppett: What is parliamentary privilege for? Does the honourable member repeat outside everything she says?

The Hon. Dr MEREDITH BURGMANN: I have just reminded the House that the Hon. D. F. Moppett said that members of Parliament need to exercise a certain amount of licence, so they can make up anything they want to about members of the public and refuse to repeat it outside.

The Hon. D. F. Moppett: That is not what I said. That is the construction the honourable member places on it.

The Hon. Dr MEREDITH BURGMANN: The Hon. D. F. Moppett has defended the comments of the member for Myall Lakes without in any way trying to justify them. No one on the Government side of the House has sought to prove any of the four allegations made by the member for Myall Lakes. He has been successful. He has told four lies and the Ombudsman has not been able to take him to court for defamation because the member for Myall Lakes has been cowardly enough to make the allegations under the privilege of Parliament. Because the Hon. D. F. Moppett is obviously hard of hearing, I will repeat yet again, for the thirtieth or fortieth time, that none of the allegations made about me by the member for Myall Lakes is true. I have had no contact with the Office of the Ombudsman. I have received no fax. I have received no telephone call. I have had no contact with the staff at all.

I thought I had made that statement several times during my initial contribution. Unlike other members of the House, I try not to be boring, but I will say it yet again: the comments made by the member for Myall Lakes are untrue. I should like to touch briefly on the way in which the member for Myall Lakes conducted the committee hearings and the way in

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which the committee has operated. When I was contacted by journalists and asked for my response to the extraordinary allegations made in the other place, I had to ask, "What report?" I had not received a copy of the report before the member for Myall Lakes tabled it in the other place and made these defamatory and damaging allegations. Why did I not have a copy of the report? I did not receive a copy of the report until well after it was tabled in the other place.

The Hon. D. F. Moppett: What has that got to do with it?

The Hon. Dr MEREDITH BURGMANN: How was I able to comment on what was in the report? Journalists telephoned me and said, "Are any of these statements in the report true?" I had to say, "I have not seen the final report. How do I know?"

The Hon. Patricia Forsythe: The honourable member must have known when it was being tabled.

The Hon. Dr MEREDITH BURGMANN: How on earth is one supposed to know what is in the final report when the chairman of the committee is prepared to lie in Parliament? How can one possibly believe that what was agreed on at the final meeting will actually appear in the report? I have been disturbed by the sexist manner of the honourable member for Myall Lakes in his treatment of witnesses and members of the committee, and I have to give this example. When the senior investigation officer from the Office of the Ombudsman - a highly qualified, not young person - gave evidence before the committee, the honourable member for Myall Lakes referred to her as "the little girl from the Ombudsman's office". That might be all right for those on the Government side of the House but this little girl is infuriated by it.

The Hon. Virginia Chadwick: But you should not verbal people.

The Hon. Dr MEREDITH BURGMANN: Exactly. The Hon. Virginia Chadwick said I should not

verbal people. What do honourable members think the honourable member for Myall Lakes has done to me - and, not only to me? What do they think he has done to the Ombudsman? He has accused him of sinister and reprehensible behaviour; he has verbally abused him; he has told lies about him and has refused to repeat them outside the Parliament.

The Hon. Virginia Chadwick: The honourable member is making allegations about what he said to a public servant.

The Hon. Dr MEREDITH BURGMANN: I am doing exactly what he has done in the other place.

The Hon. Virginia Chadwick: Which the honourable member is condemning.

The Hon. Dr MEREDITH BURGMANN: I absolutely condemn people telling lies. I, in fact, am telling the truth. I was also appalled at the way he editorialised from the chair and yet, on many occasions, stopped me from asking questions that were making perfect sense to the witness. I have had a number of letters from witnesses objecting to the way the honourable member conducted the proceedings and thanking me for my polite response. I also found reprehensible his desire to believe anything and everything bad about the Ombudsman. That is why, in respect of the incident to which he refers, I felt I had to put in context what the particular witness had to say.

It is true that I knew the witness. If I am meant to withdraw from questioning witnesses whenever I know them, I will be absent from the committee almost as often as the honourable member for Blue Mountains; I would never be present. Of the 48 witnesses who gave evidence, I knew 32 personally. I know a lot of people in Sydney.

The Hon. Virginia Chadwick: You have had a go at John Turner and a go at Barry Morris.

The Hon. Dr MEREDITH BURGMANN: I am sorry, but they have had a go at me and I am putting their remarks into context. In summary, none of the four allegations made by the honourable member for Myall Lakes was right. One would think he would get a better strike rate than nought from four. This is how he has ended up. In particular, honourable members should look at the wording of his allegations about the trip to Vienna. I believe there was deliberate malice in the way he worded that statement. The most serious allegation - that is, of collusion between the Office of the Ombudsman and myself - is absolutely untrue, but once a member in the other place stands up and says it is true, it is obviously very difficult to convince anyone otherwise. The Hon. D. F. Moppett will believe, for the rest of his life, that I have lied. Members of Parliament, when they make allegations under privilege, have to be very careful that they are not attacking people who cannot reply, such as the Ombudsman.

Once again, the problem is that the honourable member for Myall Lakes did not state outside the House what he had said inside; he was not supported by the Premier or the Deputy Premier; and he was not supported by three of the four speakers in this House, including the Leader of the Government and the former leader. Of the allegations the honourable member for Myall Lakes made, not one was raised in the committee. The report of the committee was adopted unanimously. Not once did he raise any of the allegations that he has made about me. They have come totally out of the blue - and, I might add, out of his rather fertile mind.

I believe that the allegation was fabricated to discredit me because of my success in having my view of the Office of the Ombudsman accepted by the committee - and my view was accepted. It is also my belief that the honourable member for Myall Lakes is guilty of contravening section 31H(3) of the Ombudsman Act, in that he divulged what had transpired during in camera proceedings, without the permission of the witness. As I said in my previous speech, that type of behaviour means that, in future, witnesses will be reluctant to give evidence because of their fear that it will be spattered all over the next

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day's newspapers. The penalty for contravening section 31H(3) of the Ombudsman Act is a \$2,000 fine

or three months' gaol, and I believe we are looking at that penalty for the honourable member for Myall Lakes.

I believe that the attacks on the Ombudsman have come because of his success in bringing changes to government procedures and because of his inquiries into Toomelah, HomeFund, Fingal Bay and the Angus Rigg affair. I believe that, unless the Ombudsman is allowed to continue to make adverse reports on governments, we will end up with the tame cat situation that exists in New Zealand, where they have a very nice Ombudsman, everyone loves him, and he never makes an adverse report. He is also totally useless. I am glad that the House has had an opportunity to discuss this matter. [*Time expired.*]

The DEPUTY-PRESIDENT (The Hon. Dr Marlene Goldsmith): Order! The time for debate on this matter has now expired.

TOTALIZATOR LEGISLATION (AMENDMENT) BILL

Second reading

The Hon. VIRGINIA CHADWICK (Minister for Education, Training and Youth Affairs, Minister for Tourism, and Minister Assisting the Premier) [5.46]: I move:

That this bill be now read a second time.

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

Leave granted.

The purpose of the proposal before the House is to amend the Totalizator Act, 1916 and the Totalizator (Off-course Betting) Act, 1964 to provide that certain moneys from the operation of totalizators which are now being credited direct to the Racecourse Development Fund or the Racing Assistance Fund are to be paid into the Consolidated Fund and appropriated by Parliament.

At present the legislation provides that in respect of betting on totalizators, one half of one per cent of investments on doubles and multiple selection totalizators is to be deducted from the investment pool for payment to the Racecourse Development Fund.

For the information of members, moneys paid into the Racecourse Development Fund are used primarily to provide finance towards the cost of permanent improvements to racecourses and training facilities throughout the State.

Similarly, the legislation provides that a small percentage of investments on superfecta totalizators is to be paid to the Racing Assistance Fund. Racing Assistance Fund moneys are used to help racing clubs remain viable and to fund scientific research into racing animals.

A recent study of the value of the racing industry to the economy of New South Wales shows that the industry contributes approximately \$930 million to the New South Wales gross domestic product and provides direct employment for about 50,000 people, representing the equivalent of approximately 16,500 full-time jobs. In the current financial year the contribution from the racing industry to consolidated revenue is expected to be approximately \$322.5 million.

With this in mind I am sure that members will appreciate the importance of maintaining a viable racing industry in the State.

At present the moneys paid to the Racecourse Development Fund or the Racing Assistance Fund as a

result of totalizator operations are credited direct to the respective funds. However, under policies developed with the introduction of accrual accounting and net appropriations to departments, receipts of the nature of these collections should be paid into the Consolidated Fund and be appropriated by Parliament. The legislation will provide for amounts equal to those paid to the Consolidated Fund to be credited to the respective funds.

I commend the bill to the House.

The Hon. B. H. VAUGHAN (Deputy Leader of the Opposition) [5.47]: The alternative Government supports the Totalizator Legislation (Amendment) Bill. The main purpose of the bill is to alter the manner in which funds for the operation of totalisators are credited to the Racecourse Development Fund and the Racing Assistance Fund. As honourable members may be aware, moneys paid into the Racecourse Development Fund are used primarily for the making of permanent improvements to racecourses, and moneys paid into the Racing Assistance Fund are used to maintain the viability of race clubs and for specific research into racing animals. Under the bill, current practice, whereby moneys are paid directly to the funds that I mentioned above, will cease. Instead, moneys will be paid into the Consolidated Fund and moneys appropriated from that fund by Parliament for the purpose undertaken by the current funds. The Opposition recommends the bill.

The Hon. R. B. ROWLAND SMITH [5.48]: This bill was originally introduced in the other place on 20th May, but, because of time constraints, was only finalised in the Legislative Assembly on 8th September. The purpose of the proposal is to amend the Totalizator Act 1916 and the Totalizator (Off-course Betting) Act 1964 to provide for certain moneys from the operation of totalisators, which are now being credited direct to the Racecourse Development Fund or the Racing Assistance Fund, to be paid into the Consolidated Fund and appropriated by Parliament. The bill only affects the manner in which the commission is accounted through the Consolidated Fund and does not, in respect of commission payable into the Racecourse Development Fund, alter an existing arrangement for it to be paid into the Consolidated Fund. I will comment further on that later.

At present the legislation provides that in respect of betting on totalisators, one half of 1 per cent of investments on doubles and multiple selection totalisators is to be deducted from the investment pool for payment to the Racecourse Development Fund. This fund has been a godsend to the racing industry and has been particularly effective in country New South Wales. Soon after I became Minister for Racing I inspected some of the available facilities at principal courses, particularly in the country, and at times found them to be quite unsuitable. For instance, when I presented the Wagga Wagga Gold Cup in 1989, I noted that the main grandstand was

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falling to pieces, and I said to the chairman, Mr Lamont, "It is time you had a new stand". I was able to allocate a considerable sum of money from the fund to build what I think is one of the finest grandstands in country New South Wales. I also decided to upgrade the training facilities at eight country racetracks. The sum of money involved amounted to between \$1 million and \$2 million a course.

As a result, the training tracks at Tamworth, Taree, Ballina, Muswellbrook and Bathurst have been upgraded and are quite outstanding for the horses that are trained in these areas. Wagga Wagga Murrumbidgee Turf Club is progressing well. This is a great boost to country racing. In addition, we were able to finance the grandstands at Kembla and Wyong, with upgrades at Hawkesbury and, of course, the major one that the Queen opened, the Paddock Stand at Randwick. This beautiful building has first-class facilities. Patrons have been full of praise for the grandstand, which offers facilities for a wide range of functions that are available at Randwick, and have resulted in a pleasing financial return from the club's catering activities. A part of the bill that concerns me is the crediting of commission to the Racecourse Development Fund over the next four years. The explanatory note states:

A transitional arrangement under both Acts currently provides, however, that any such commission on doubles and multiple selection totalizators payable into the Racecourse Development

Fund in respect of events or contingencies occurring between 1 July 1992 and 1 July 1997 must be paid instead into the Consolidated Fund . . .

- (b) to restate the existing transitional arrangement described above in respect of commission credited to the Racecourse Development Fund. The new provisions require the relevant commission to be separately credited to the Consolidated Fund and provide for the payment out of that Fund into the Racecourse Development Fund, in the year commencing 1 July 1997 and in each succeeding year, of an amount equal to the commission credited to the Consolidated Fund in respect of events or contingencies occurring on or after 1 July 1997.

This means that the commission, which has always been paid from doubles and multiple selection totalisators, will be lost to the Racecourse Development Fund from 1st July, 1992, to 1st July, 1997 - a period of five years. The Racecourse Development Fund will lose more than \$20 million. One could say that this is a bill to rob Peter to pay Paul. I understand that the reason for this is that when the statutory deductions on win and place wagering were reduced from 15 per cent to 14.25 per cent, there was a loss to the Consolidated Fund. It would appear that this is being replenished over the next five years from the commission that would normally have gone to the Racecourse Development Fund. This is a retrograde step because we have to continue to support racing in this State. The best way to do that is to provide more funds for development of training tracks and upgrading of facilities on courses, particularly country racecourses. I understand that the funds that come from the Totalizator Agency Board - that is 20 per cent of the TAB surplus - will still go to the Racecourse Development Fund but there will be this loss, which is most unfortunate, in my opinion.

The annual report to 30th June, 1992, of the Racecourse Development Committee of New South Wales reveals that \$4.43 million was received from investments on doubles and multiple selection totalisators. In addition, \$19 million was received from the surplus of the TAB available for distribution. Interest and principal repayments were \$4.3 million, making a total of just on \$28 million. The drop in the overall commission from 15 per cent to 14.25 per cent was a step in the right direction, though this commission should never have been changed from 14 per cent to 15 per cent. Moneys paid to the Racing Assistance Fund have been used to help racing clubs, particularly country clubs, to remain viable and to fund scientific research into racing animals. A recent study of the value of the racing industry to the economy of New South Wales shows that the industry contributes approximately \$930 million to the New South Wales gross domestic product and provides direct employment for about 50,000 people.

In the current financial year the contribution from the racing industry to consolidated revenue is expected to be approximately \$325 million. At present moneys paid to the Racecourse Development Fund and the Racing Assistance Fund as a result of totalisator operations are credited direct to the respective funds. However, under policies developed with the introduction of accrual accounting and net appropriations to departments, receipts of the nature of these collections should be paid into the Consolidated Fund and appropriated back to the Racecourse Development Fund and Racing Assistance Fund by Parliament. With those few comments and some criticism, I support the bill.

The Hon. R. S. L. JONES [5.56]: The Australian Democrats also support the Totalizator Legislation (Amendment) Bill. Though the racing industry provides thousands of jobs and about \$930 million to the economy of New South Wales, it is struggling. I question how some of the money is being spent. Grandstands and boxes are being built, but I believe that people are being isolated in those boxes and stands. They are losing the excitement of racing. I was born in the town of Epsom, where the Epsom Derby is held. I spent 23 years of my life in Epsom. I was brought up with racing, so I am familiar with it. The racing industry has lost its excitement of the old days. People do not attend the races as often as they used to. It receives less television coverage, and young people are not attending race-meetings; the majority of racing patrons are in the older age bracket. More money should be spent on selling the excitement of attending race-meetings than on racing facilities. That might help to revitalise the industry.

I remember in 1954 when my parents were delayed by a funeral they backed a horse called Never

Say Die, the first of Lester Piggott's eight wins in the Epsom Derby. I used to bet frequently in the old days, but I gave it up when I backed two or three horses in the Melbourne Cup and lost everything.
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Many people obtain a lot of enjoyment from racing. The racing industry is a large contributor to the economy of New South Wales, and the horses that compete are treated well. They are much loved by their owners and trainers.

The Hon. K. J. Enderbury: They are the best kept animals in Australia.

The Hon. R. S. L. JONES: Yes, they are the most cosseted animals in Australia, more so than Paul Keating's pigs in his piggery. I believe the fears raised by the Hon. R. B. Rowland Smith that money is being siphoned off have no foundation. I hope that the industry can find some way to revitalise itself and attract younger people to attend race-meetings.

The Hon. VIRGINIA CHADWICK (Minister for Education, Training and Youth Affairs, Minister for Tourism, and Minister Assisting the Premier) [5.58], in reply: I thank honourable members for their support of the bill, which I commend to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

LIQUOR (TAXATION) AMENDMENT BILL

REGISTERED CLUBS (TAXATION) AMENDMENT BILL

Second Reading

The Hon. VIRGINIA CHADWICK (Minister for Education, Training and Youth Affairs, Minister for Tourism, and Minister Assisting the Premier) [6.0]: I move:

That these bills be now read a second time.

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

Leave granted.

The principal aim of the bills now before the House is to insert into the Liquor and Registered Clubs Acts provisions relating to the taxation of gaming devices in hotels and clubs. At present, those provisions are prescribed by regulation.

The bills will also see other provisions relating to the cancellation of licences and certificates of registration for non-payment of fees transferred to the Acts, and provide for a more efficient system for the payment of those fees.

Honourable members will be aware that the Government, during its first term, introduced a new duty scheme for gaming devices in hotels, and amended the scheme for registered clubs. The aim in both cases was to introduce a simple and fair duty system.

The new schemes were placed in the liquor and registered clubs regulations. This was appropriate as it allowed for the schemes to be monitored, with any fine-tuning required to be undertaken quickly and efficiently.

Clubs and hotels have adapted well to the new schemes.

It is now appropriate that these taxation provisions be transferred to their respective Acts. This is in line with the longstanding tradition that taxation matters be contained in principal statutes - not regulations.

The bills now before the House will achieve that.

As I have already mentioned, the bills will also transfer certain provisions concerning the cancellation of liquor licences and club certificates for non-payment of fees into the respective Acts.

Honourable members may be aware that liquor licence and club registration fees may be paid in two equal instalments. The first is due on 15th January each year, and the second is due on 15th May. As a one-off exception, the May 1993 instalment could be paid in two equal parts due on 1st May and 1st June. If those instalments are not paid on time, penalties for late payment accrue for two months.

In January 1988, the then Government placed in the regulations a provision which had the clear intention and effect of automatically cancelling a licence or certificate if an instalment remained unpaid after two months from the due date.

In November last year, the Supreme Court held that this provision was outside the regulation making powers contained in the Liquor Act. A subsequent appeal against the court's decision was dismissed.

The bills now before the House will resolve this issue by lifting the existing cancellation provisions for non-payment of liquor licence fees, along with those relating to club registration fees, from the regulations into the substantive Acts.

The bills also transfer similar provisions relating to gaming device industry licences.

On the advice of the Solicitor General, the bills contain provisions which will validate licence cancellations made under the existing regulations. These provisions serve only to validate events which have already occurred - they do not attempt to change the rules which have applied since 1988.

The bills have been drafted so these provisions do not apply to any licence or certificate where Supreme Court proceedings challenging the validity of the regulations have commenced.

The Government is aware that the liquor industry, like other elements of our community, is feeling the strain of these difficult times. To assist the industry, the Government has implemented a range of concessions.

For example, in its first term, the regulation which suspended licences and certificates if fees were not paid by the due date was repealed. This enabled licensees and clubs to continue to trade for a further two months after the due date so that they may meet their fee obligations.

Further assistance to the liquor and club industries will be provided through these bills. They contain provisions which allow licensees and clubs who have had their licence or certificate of registration cancelled for non-payment of fees to apply for re-instatement of the licence or certificate.

Of course, applications will only be approved where there is a reasonable explanation for non-payment. The outstanding fee and any other monies due must also be paid.

That is clearly a less punitive measure than the previous automatic cancellation without the possibility of re-instatement.

The bills also provide for the efficient operation of the direct deposit system used for paying fees to the Liquor Administration Board. Where a licensee or club pays fees to a bank using that system, the date the bank receives that payment will be considered to be the date that payment is received by the board.

Honourable members may wish to note that the peak liquor industry associations have been consulted, and their comments have been addressed.

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The bills do not represent major changes to the liquor laws. They merely transfer certain taxation provisions from the regulations to the respective Acts.

They also provide licensees and clubs with a second chance where their licence or certificate has been cancelled for non-payment of fees, and protect the industry from late payments caused by delays in the banking system. Those provisions are important ones for the liquor and club industries.

I commend the bills.

The Hon. B. H. VAUGHAN (Deputy Leader of the Opposition) [6.1]: The alternative Government supports the Liquor Taxation (Amendment) Bill and the Registered Clubs (Taxation) Amendment Bill. The bills seek to amend the Liquor Act 1992 and the Registered Clubs Act 1976 respectively for the purpose of amending regulations relating to the duty payable on gaming devices operated in hotels and clubs. The bills represent solutions to problems that have emerged concerning the payment of duty, and will go a long way towards overcoming them. It is our view that the proposed visions ought to have been implemented previously.

The Hon. R. B. ROWLAND SMITH [6.2]: The objects of the bills are to place in the relevant Acts provisions now contained in regulations relating to taxation of gaming devices in hotels and clubs; to place in the relevant Act similar provisions to those now contained in regulations concerning the cancellation of liquor licences or certificates of registration for non-payment of licence or registration fees; and to facilitate the efficient operation of the direct deposit system for the payment of fees and duties. During the Government's first term of office it introduced a new duty scheme for gaming devices in hotels and amended the scheme for registered clubs. The aim in both cases was to introduce a simple and fair duty system. The new schemes were placed in the liquor and registered clubs regulations. This was appropriate as it allowed for the schemes to be monitored, with any fine-tuning required to be undertaken quickly and efficiently. Clubs and hotels have adapted well to the schemes.

It is now appropriate that these taxations be transferred to their respective Acts. This is in line with a longstanding tradition that taxation matters be contained in principal statutes and not in regulations. These two bills will achieve just that. The bills will also transfer certain provisions concerning the cancellation of liquor licences and club certificates for non-payment of fees into the respective Acts. At the moment liquor licence and club registration fees may be paid in two equal instalments. The first instalment is due on 15th January each year and the second is due on 15th May each year. As a one-off exception, the May 1993 instalment may be paid in two equal parts, due on 1st May and 1st June. If those instalments are not paid on time, penalties for late payment accrue for two months.

In January 1988 the Government placed in the regulations a provision which had the clear intention and effect of automatically cancelling a licence or certificate if an instalment remained unpaid after two months from the due date. In November last year the Supreme Court held that that was outside the regulation-making powers contained in the Liquor Act. A subsequent appeal against the court's decision was dismissed. This bill will resolve this issue by lifting the existing cancellation provisions for non-payment of liquor licence fees, along with those relating to club registration fees, from the regulations into the substantive Acts. The bill also transfers similar provisions relating to gaming device industry

licensees.

The liquor industry, like so many other industries, is feeling the strain of the recession. To assist the industry the Government has implemented a range of concessions. For example, in its first term the regulation which suspended licences and certificates if fees were not paid by the due date was repealed. This enabled licensees and clubs to continue to trade for a further two months after the due date so they could meet their fee obligations. Further assistance to the liquor and clubs industries will be provided through these bills. They contain provisions which allow licensees and clubs who had their licence or certificate of registration cancelled for non-payment of fees to apply for reinstatement of the licence or certificate. Applications will be approved only where there is a reasonable explanation for non-payment. The outstanding fee and any other moneys due must also be paid.

The bills also provide for the efficient operation of the direct deposit system used for paying fees to the Liquor Administration Board. Where a licensee or club pays fees to a bank using that system the date the bank receives that payment will be considered to be the date that payment is received by the board. This is good legislation and will certainly assist both clubs and pubs during this recessionary period. I support the bills.

The Hon. R. S. L. JONES [6.7]: The Australian Democrats support the Liquor (Taxation) Amendment Bill and the Registered Clubs (Taxation) Amendment Bill.

The Hon. VIRGINIA CHADWICK (Minister for Education, Training and Youth Affairs, Minister for Tourism, and Minister Assisting the Premier) [6.7], in reply: I thank all members for their thoughtful contributions and for their support for the bills. I commend the bills to the House.

Motion agreed to.

Bills read a second time and passed through remaining stages.

BUDGET ESTIMATES AND RELATED PAPERS

Financial Year 1993-94

Debate resumed from 14th September.

The Hon. R. B. ROWLAND SMITH [6.8]: At least it can be said that New South Wales has brought down a budget which has been accepted by the people in the interests of the people. This is a budget of
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common sense and compassion. It has been well thought out and has given great consideration to all sections of our community. However, one cannot say the same in respect of the Federal Government's absurd, ridiculous and out-of-touch Budget. Even now the Federal Budget has not been finalised, as the Treasurer has to come to grips with the demands of the Greens. Thank the Lord that we do not have a situation like that in New South Wales. The New South Wales 1993-94 Budget has two key objectives: to contain debt and other liabilities, and to maintain core government services.

The budget strategy to achieve these ends is fivefold: first, to further reduce the public sector deficit and continue improvement of debt management practices; second, to avoid increases in the State tax burden; third, to achieve further savings by making the bureaucracy more efficient and to maintain tight cost controls while continuing to deliver quality government services; fourth, to further reform government trading enterprises; and, finally, to establish funding priorities for the provision of core government services. The Budget aims for a deficit of some \$800 million, \$100 million less than it was first anticipated. This is indeed a real achievement, bearing in mind the continuing cuts in Commonwealth general purpose payments to New South Wales. Those payments have been cut in real terms by more

than \$700 million per annum relative to 1987-1988. That is equivalent to the cost of running 140 State high schools.

Further to that, New South Wales continues to subsidise the smaller States and Territories, by \$1.2 billion a year, through fiscal equalisation. That subsidy costs every New South Wales citizen around \$200 a year, even after allowing for the recent favourable adjustments following the 1993 Commonwealth Grants Commission report. The recession and the downturn in the property market are continuing to hit hard at State revenue. Property based revenues, real estate duties and land tax, are down by \$1,127 million in real terms in 1993-94 relative to peak year values. In 1993-94 land tax will be down by \$385 million in real terms from its peak in 1991-92.

For a short while I shall dwell on the overall economic situation which exists in this country at present. One can only describe it as drastic, and it is due to the economic mismanagement by the Federal Labor Government. All the States are suffering, particularly New South Wales. As I said, the Budget that was brought down by the Federal Treasurer in Canberra recently contains so many broken promises that it is, to say the least, incredible. Mr Keating regained government at the last election by promising many things, and he has not been able to fulfil those promises. The proposed indirect tax increases are economically and socially irresponsible. As I said, the Prime Minister has broken several important election promises, including that there would be no new taxes or tax increases and that the income tax cuts would be fully funded.

The tax increases which will be opposed by the coalition total \$1.4 billion, less than 1.5 per cent of the \$99 billion of measures contained in the 1993-94 Budget. Similar tax measures have been rejected by the Parliament in the past. In 1981 the then Labor Opposition successfully opposed certain budget sales tax changes. The proportion of budget revenue being opposed by the coalition is now about the same as the proportion rejected by Labor in 1981. The sales tax increases are operative from budget night, 17th August. The coalition cannot see any reason why the Government should collect the taxes we strongly oppose until the status of the budget legislation is finally determined by the Parliament. Measures which the coalition will oppose are the Taxation (Deficit Reduction) Bill; general increases in sales tax by one percentage point now and by another one percentage point on 1st July 1995; the increase in sales tax on wine from 20 per cent to 31 per cent; and duty on petrol products including leaded and unleaded petrols. These increases will have a tremendously adverse effect on the rural communities of this State and other States.

The real malaise with which we have to contend is the unacceptably high level of unemployment. On Thursday 9th September the latest unemployment figures were issued. The number stands at approximately 968,000 or close enough to one million people. In New South Wales unemployment is around 10.7 per cent - again far too high. However, in this State we try to create jobs, and we have been successful in that regard. We are confident about where we are going, but the policies of the Federal Labor Government show that it does not know where it is going and how it will change the present economic situation. Mr Keating lied before the last election to catch the votes of so many people purely on the basis of the coalition's Fightback package. The situation at present is that Labor's scare tactic predictions about the goods and services tax have been realised under a nightmare Labor budget. A few people in particular will be further treated like second-class citizens by having to fork out extra fuel tax. The goods and services tax, which was rubbished by Mr Keating, would have reduced fuel prices. Labor has increased prices and the ordinary motorist will be \$1.80 worse off every time he fills his tank. Everything that is transported by road - including basic commodities of bread and milk - will be taxed, striking at the pockets of low income earners who can least afford it.

Harking back to the situation of the unemployed, the huge amount of money which is paid to the unemployed by way of the dole has risen dramatically. I cannot understand why the Federal Government does not insist that those who are on the dole, particularly very young people, ought to be made to work a certain number of hours a week on community projects. Only the other night I saw on television a program on Channel 10 dealing with jobs available. A group of young people who are

currently on the dole are working at Jenolan Caves being taught certain skills which they hope will lead them into

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jobs. This is an important issue. The mere fact that the country is in such economic chaos has lessened the desire of overseas people to invest here. Because of this, jobs cannot be created. Investment would undoubtedly create employment.

My other criticism of the Federal Government is its lack of support for small business, particularly small business with a potential for export. When the coalition was in Government federally it introduced an export market development grants scheme, which was particularly useful for small businesses to establish overseas markets for their business. However, Mr Hawke, in his wisdom, decided to alter the scheme to its present form, which is most disadvantageous to small business. In order for a business to be eligible for a grant, a minimum of \$30,000 has to be spent in travel, promotion, et cetera. In all probability, small businesses would send one or maybe two people overseas and the amount of money they would expend would be less than the \$30,000 required to qualify for a grant. This has a deleterious effect on small business.

The effect of indirect taxes on production costs puts exporters at a \$2 billion disadvantage annually according to a paper published in the latest bulletin of the Business Council of Australia. The paper's authors, Canberra consultant Dr Dwyer and Mr Larkins, say that the embedded cost of taxes on inputs for the production of goods and services are a significant competitive disadvantage for exports. They propose that the Federal Government compensate exporters for the disadvantage by paying a direct income tax rebate of 4 per cent or 5 per cent of export revenue. Such a rebate applies in other countries and I cannot understand why it is not paid here. The paper further states that under the present system Australia may be pricing itself out of world markets and favouring the growth of imports, which bear less indirect tax. The particular disadvantage for Australian exporters is that most of their competitors operate under value added tax systems of the goods and services type which was rejected at the last election. I call upon the Federal Government to be more realistic about the export market development grants scheme in order to assist smaller businesses to establish overseas markets for themselves.

Debate adjourned on motion by the Hon. R. B. Rowland Smith.

HOME BUSH BAY MINISTERIAL CORPORATION (DISSOLUTION) BILL

Second Reading

The Hon. VIRGINIA CHADWICK (Minister for Education, Training and Youth Affairs, Minister for Tourism, and Minister Assisting the Premier), on behalf of the Hon. R. J. Webster [6.18]: I move:

That this bill be now read a second time.

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

Leave granted.

The main purposes for this bill are:

- (i) to dissolve the Homebush Bay Ministerial Corporation; and
- (ii) to transfer the assets rights and liabilities of the dissolved corporation to the Homebush Bay Development Corporation with effect from 1st November 1992; and
- (iii) to amend various Acts consequentially.

The Homebush Bay Ministerial Corporation came into existence by virtue of the Homebush Abattoir Corporation (Dissolution and Transfer) Act, 1991. This Act achieved the following objectives:

- (i) it dissolved the Homebush Abattoir Corporation; and
- (ii) it transferred all the assets rights and liabilities of the dissolved Homebush Abattoir Corporation to the Homebush Bay Ministerial Corporation.

With the closure of the abattoir and the decision to utilise land at Homebush Bay as a major sporting and recreational area, it was decided that a different corporate vehicle was required to manage the site.

On 4th September, 1992, the Homebush Bay Development Corporation was established by virtue of the provisions of the Growth Centres (Development Corporations) Act, 1974. The Homebush Bay Development Corporation was constituted in order to co-ordinate, promote, manage and secure the orderly and economic development of the growth centre known as Homebush Bay.

The purpose of the Homebush Bay Development Corporation is to act as the co-ordinating body for the whole of the Homebush Bay site, particularly in areas of common interest such as planning and development and co-ordination of major events. As honourable members of the House will know, the redevelopment of Homebush Bay is one of the largest urban redevelopment projects undertaken in Australia and forms an integral part of Sydney's bid for the Year 2000 Olympics.

There are thus two separate and distinct statutory corporations, the Homebush Bay Ministerial Corporation and the Homebush Bay Development Corporation, with almost identical powers and responsibilities in relation to the same area of land, a situation which is unnecessary and can only lead to confusion.

As the Homebush Bay Ministerial Corporation was created by statute, the Homebush Abattoir Corporation (Dissolution and Transfer) Act, 1991, its existence can only be terminated by statute in the form of this bill.

The bill will take effect from 1st November, 1992, and will act as confirmation of an instrument signed by the Minister for Planning on 1st November, 1992, to transfer the assets, rights and liabilities of the Homebush Bay Ministerial Corporation to the Homebush Bay Development Corporation, furthermore, the bill will take effect from 1st November, 1992, to coincide with the date upon which all accounting records have been based.

The objectives contained in the bill provide a cleansing mechanism to tidy up an area of statute law which at present is characterised by unnecessary duplication of statutory corporations. The bill does not confer any new rights, assets or liabilities in the Homebush Bay Development Corporation. The rights, obligations and duties of the Homebush Bay Development Corporation are as contained in the Growth Centres (Development Corporations) Act, 1974.

The Government is confident that the objectives provided in the bill will assist ease of understanding and certainty.

I commend the bill.

The Hon. DOROTHY ISAKSEN [6.18]: The Opposition supports the bill.

The Hon. R. S. L. JONES [6.18]: The Australian Democrats support the legislation.

The Hon. VIRGINIA CHADWICK (Minister for Education, Training and Youth Affairs, Minister for Tourism, and Minister Assisting the Premier) [6.19], in reply: I thank honourable members for their support of the bill and I commend it to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

CRIMES (COMMON NIGHTWALKERS) AMENDMENT BILL

Second Reading

The Hon. VIRGINIA CHADWICK (Minister for Education, Training and Youth Affairs, Minister for Tourism, and Minister Assisting the Premier), on behalf of the Hon. J. P. Hannaford [6.20]: I move:

That this bill be now read a second time.

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

Leave granted.

The object of this bill is to amend the Crimes Act 1900 to abolish the common law offence of being a common nightwalker.

"Common nightwalkers" are persons who sleep by day and walk by night when reasonable persons are in bed. This offence does not relate to prostitution and seems to have been concerned with providing a power to arrest strangers passing in the night during a curfew.

This offence originated in England in the Middle Ages. By virtue of section 24 of the Imperial Statute 9 George IV Chapter 83, all laws and statutes in force in England as at 25 July, 1828 were inherited by New South Wales.

There is some uncertainty as to whether the common law offence of being a common nightwalker existed in England in 1828. However, it does appear probable that this offence was also inherited by New South Wales in that year.

The offence of being a common nightwalker was abolished in England by the Criminal Law Act 1967.

The criminal offence of being a common nightwalker is clearly obsolete in New South Wales. There is no record of any prosecution for this offence in New South Wales this century. Neither is there any need for this offence.

The offence of being a common nightwalker is, like many common law offences, nebulous and unclear as to the conduct necessary for commission of the offence. It appears to have been based mainly on suspicion that the person arrested may have had evil in mind. The only conduct required to found the suspicion appears to have been that the accused was out and about at night.

Such an offence is out of step with present day lifestyles in which shift workers, late night chemists, supermarket customers, moviegoers and all manner of persons legitimately pursue interests of business or pleasure at night.

One of the tasks of the legislature should be to remove obsolete laws and ensure certainty as to the

law wherever possible. By abolishing the ancient offence of being a common nightwalker, this bill helps to achieve that task.

I commend the bill to the House.

The Hon. K. J. ENDERBURY [6.22]: The Opposition has pleasure in supporting the bill.

The Hon. R. S. L. JONES [6.23]: I believe that the proposed legislation is probably frivolous, for not a single prosecution for the offence of being a common nightwalker has been recorded in the past 93 years. The Hon. Malcolm Kerr, by introducing this measure, is trivialising the work of both Chambers - just because he wants to achieve one success. The object of the bill seems to be to remove the criminal offence of being a common nightwalker, a common law provision under which a person walking around at night could be arrested and charged. That provision probably has not been used since the Middle Ages.

The Hon. VIRGINIA CHADWICK (Minister for Education, Training and Youth Affairs, Minister for Tourism, and Minister Assisting the Premier) [6.24], in reply: I thank honourable members for their contributions, and I commend the bill.

Motion agreed to.

Bill read a second time and passed through remaining stages.

[The President left the chair at 6.25 p.m. The House resumed at 8.30 p.m.]

BUDGET ESTIMATES AND RELATED PAPERS

Financial Year 1993-94

Debate resumed from an earlier hour.

The Hon. R. B. ROWLAND SMITH [8.30]: Prior to the adjournment I was discussing the present economic situation of this country and the effect that has had on New South Wales. The State Budget focuses principally on health, education and training in the social and community services. Seventy-five per cent of the Budget is allocated to the key areas of health, education and training, community services, law and order and the mandatory costs of debt and superannuation. The Budget Papers include a very comprehensive document dealing with the rural sector. The Minister for Agriculture and Fisheries, Ian Causley, pointed out in the foreword that agriculture has always been and will continue to be a major contributor to the economy of New South Wales, using about 84 per cent of the land area, injecting about \$6 billion into the State economy, and generating in excess of \$3 billion in export income in 1992-93, a year recognised for low commodity prices, the devastating effects of drought and the general recession.

I want for a moment to dwell on the question of low commodity prices, and particularly as they apply to wool. This last year has seen wool prices slip to their lowest level for a very long time. The reason is due mainly to a worldwide recession in which consumable goods have taken one hell of a beating. That is to say that in a time of recession people are not interested in buying to replace their clothing, and thus this comes back down the pipeline to the producer. Second, of course, we have a massive stockpile, which is hanging over our heads like the sword of Damocles, and the wool industry is

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concerned that the stockpile could be sold off at fire sale prices. I do not believe this will happen, because of the recent wool industry review committee's report and the manner in which they have recommended that the stockpile be disposed of gradually over the next four or five years. I do not necessarily agree with that recommendation, but nevertheless the committee put forward that proposition.

The drought, of course, has taken its toll not only on sheep numbers but on the quality of the wool. In Queensland, for example, much of the wool that has been on offer has been tender, and is heavily discounted in price. The same applies to drought areas of this State, but certainly not to the extent it has applied in Queensland. Cereal prices have also been affected by the subsidisation of cereals from other countries, particularly the United States. In respect to wool I want to issue a caution to those who are hellbent on establishing value-added processing mills in this State. I spoke some 30 years ago about the importance of part processing our clip. Indeed, in 1972 it was I who with a Japanese company started the Canobolas Wool Topmaking Plant in Orange. This was the first decentralised wool processing plant in Australia. Others followed suit in Cowra, Wagga Wagga and Goulburn.

At this point in time there is an overcapacity in New South Wales. Fortunately for us in Orange we are able to work 17 shifts on both scouring and combing. However, we could still fit in more wool by working several more shifts. I know that the plant in Wagga Wagga is doing extremely well and is undertaking a big expansion program. This is something we are currently looking at in Orange. On the other hand, down south in Geelong and Melbourne there are plants that have overcapacity and can take a lot more wool. To establish a scouring-combing plant costs a great deal of money. It is important to say to those who are keen to see more of these plants established in New South Wales, particularly out in the Central West, that they should be careful that they do not go it alone and that they have an assured market outlet from having a partner who is an overseas manufacturer.

This has been the success story of Orange because the parent company is Toyobo Company Limited of Osaka, Japan, which has been able to support this plant through thick and thin - but particularly through thin, and I mean that. Had it not been for the parent company giving more and more wool for the plant to process, it is possible that we may have had to shut down some time last year for a short period or, indeed, had it continued, the number of shifts to be worked would have been half, at least, of current production. Therefore, I just want to make it clear that this is very important. I am optimistic about the future of wool. The industry has had its ups and downs. We have gone through this experience, and I have indeed seen the huge rise in prices brought about by the Korean War and then the collapse of the market in 1969-70. But it regained its strength again, and this will happen in the future - when, I am not sure, but hopefully the sooner the better.

Wool makes up only 5 per cent of consumable fibres throughout the world and it is a luxury fibre. The trouble in the industry today in Australia is that we are not organised as well as we ought to be. The International Wool Secretariat does not promote wool the way it should and we have to go and look for more markets, particularly in Asia, and also get back into the United States of America, which is a huge market. Following the Wool Industry Review Committee Report I hope this will happen.

Other matters in the Budget that I wish to touch on have to do with my old portfolio of sport, recreation and racing. I am pleased to note that in the Budget Papers there has been an increase in expenditure of over \$9 million, or 12 per cent, on sport, recreation and racing facilities and programs. The department's total expenditure has increased this year from \$75.3 million to \$85.6 million. I note also that a major budget initiative is to be launched, called the developing area assistance scheme. In his foreword to the Budget allocations, the Minister stated that the developing area assistance scheme is a \$2.5 million capital works program which shifts the focus of regional sports planning to give top priority to the State's population growth centres. With that aim the scheme can be expected to concentrate on fast growing areas in Sydney, the South Coast, the Central Coast and the North Coast. I think this is a very good scheme, but I urge the Government to continue with its regional sporting facilities program because it has achieved a tremendous amount of good, right throughout the whole of the State, rather than just concentrating on population growth centres.

I am disappointed, however, that we are not spending more money on sport generally. I appreciate that we are spending a good deal of money on the facilities at Homebush in anticipation of Sydney winning the bid for the Olympic Games for the year 2000. We need to remember, however, that we have athletes in this country who are struggling to make ends meet and to compete successfully against

athletes in countries where they are very heavily subsidised. We also want to remember that we need to be able to assist the very young to become more conscious of sport and participation in sport, particularly in government schools, where the facilities are not nearly as good as those in private schools.

The Hon. Virginia Chadwick: Is that correct?

The Hon. R. B. ROWLAND SMITH: I am afraid it is. I have stated for a number of years that if we could build more all-purpose gymnasiums, particularly in the more heavily populated areas, and encourage the young to use them, we would steer children clear of the insidious problems of drugs that are being flogged around the place and keep them away from alcohol as well. There is no doubt that a healthy body creates a healthy attitude towards life, and I will continue to press the Government to spend more money to assist the young in our community wherever possible. Racing is suffering somewhat because of the downturn in the economy, although the racing industry still provides the Government with
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revenue of well over \$300 million. Attendances at race meetings, with the exception of the principal races in the autumn and spring, continue to decline. I believe this is due very much to improved facilities at the TAB outlets, the ClubTABs and PubTABs throughout the State.

The principal clubs have to sell themselves to the racing public. By that I mean they have to enter into a worthwhile promotional campaign to attract people back to the courses. I have drawn their attention to this for a number of years. It seems to me that they have failed to let the public know that by going to the course one has the choice of betting with a bookmaker or the totalisator, whereas if one uses the Totalizator Agency Board facility there is no alternative source such as the bookmakers. The atmosphere is infinitely better at the racecourse than at the TAB. I am not knocking the Totalizator Agency Board; it is a very important money-spinner for the Government and also for the punter. As I have said, the atmosphere at the racecourse is electrifying, particularly if one is winning. I would always go to the races in preference to going to the TAB.

I touch lightly on the Chief Secretary's office. The Chief Secretary stated recently that measures will be brought in to get rid of illegal gambling in this State. I support what she says in theory, but there is no way this could be achieved in practice. Illegal gambling has gone on from time immemorial and it will continue because that is the nature of the person who bets in this fashion. Starting price betting can be controlled to a degree, but it can never be eradicated. That is why I moved, though unsuccessfully, to have sports betting at racecourses. I wanted very much to allow the public to bet on rugby league until I was told, forcefully, by the New South Wales Rugby Football League - and a few other interested parties who, I might add, were into illegal SP betting - that this could create a situation where games could be thrown. If that is the case, I believe in Father Christmas!

Professional footballers earn good money and to them winning is infinitely better than losing. Therefore, I urge the Government to bring down legislation to allow bookmakers to bet on rugby league. I am sure my colleagues opposite would support that. I would say to the rugby league administrators, "Forget it; it goes on throughout the world. There is no way that players are going to be bribed to throw a match". I will admit that recently in Europe a soccer team from Marseilles was accused of having bribed some players in another team to lose a game. That was an isolated incident. I congratulate the Government on its initiatives in this Budget. Transport will improve, but I am sorry that more money cannot be spent on roads, particularly in country areas. However, if more people can be encouraged to use public transport, perhaps we can preserve our roads a little longer than has been the case in the past. This is a Budget of care and compassion. Though I would like to have seen more money spent in other areas, I know this is not possible if the deficit is to be contained. I support the Budget.

The Hon. J. KALDIS [8.42]: It is impossible for me to speak about the State Budget without referring to the Federal Budget. The latter was tough and the former not so tough. If one is in good form, in times of generosity one can say in comparison that the State Budget is mild. Above everything else the Budget presented by the State Treasurer, Peter Collins, was clever. Willingly the Government

allowed leaks of all the contents of the Budget. For two weeks prior to the State Budget being delivered the Premier and Ministers were saying and repeating that it would be free of new taxes. Many taxes were imposed by the Federal Treasurer. It would have been intolerable if the State Budget contained more taxes. As it turned out, the Budget was not completely free from charges. On 1st September, a week prior to the tabling of the Budget, the burdens were announced. When the Government was reminded, "You promised no taxes", it replied that the burdens are not taxes.

A spokesman for the Premier explained that the rises were charges, not taxes. For many years I have been asking the difference between taxes and charges, but have not received a satisfactory answer. In my opinion both taxes and charges are burdens. I stress the difference between the two Budgets. The Federal Budget is the first Budget delivered after the election. The State Budget is the second last, or probably the last, before it goes to the polls. It is customary for governments at the beginning of their terms to table a tough budget and before going to the polls to table a mild budget. Another thing one should not be silent about this - and the press underlined this - is that the money that enabled the State Government to be generous in the area of health was from the Federal Government.

Mr Keating had to find tax revenues to give Mr Fahey \$222 million to make him look good. Even in the area of health, and with the help of the public relations firm which made it look good and stand out in the Budget, in reality things were different. Despite the extra \$222 million of Commonwealth funding, the health budget fell by \$10 million. In real terms the value of the health budget fell by \$143 million, equal to a fall in the value of health services of \$130 for every inpatient. In hospitals, aged, psychiatric, dental and other services, 993 jobs will go. User charges will rise by 50 per cent, and ambulance users will pay \$2.7 million extra. Area health service patients will pay \$209.4 million extra and dental patients \$51,000 extra. The \$212 million to be paid by hospital and ambulance patients means an extra \$190 for every hospital inpatient.

Total spending in greater western Sydney fell by \$10 million. Communities in the Illawarra and the Blue Mountains missed out on new capital works. Port Macquarie and Hawkesbury hospitals will be privatised. Delays in capital works were confirmed or extended: at Lismore hospital, by three years; at Parramatta Hospitals, by three years; at King George V, by a further year, and it is now two years behind; at Nepean Hospital, by two years; at Liverpool Hospital, by one year; at St George Hospital, by one year; at Tweed Heads hospital, by one year.

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The Hon. D. F. Moppett: That is not true.

The Hon. J. KALDIS: Yes it is. It is in the Budget. Wagga Wagga hospital will be delayed one year and Albury hospital will be delayed one year. Following a \$32 million cut in capital works spending over the previous two years the budget for new public hospital building fell by more than \$7 million. The biggest problem which faces the State and the country is unemployment, but the Budget does nothing to address this issue. On the contrary the Budget creates the possibility of worsening the problem. The Leader of the Opposition, Mr Carr, claimed that 10,000 jobs will be lost because of the Budget. The Labor Council put the number at 15,000. The warning of the Treasurer and the Premier is that if public servants win a significant pay rise, the Government will increase taxes and make further cuts and more people will lose their jobs.

The Labor Council described the warning as an attempt to blackmail the Industrial Relations Commission to contain the increase to 3 per cent. The Premier said that job cuts will be unavoidable if the Public Service Association wins a 10 per cent wage rise because the Government has budgeted for a maximum increase of only 3 per cent. That means New South Wales may have a budget mark II full of tax increases. However, I agree with certain aspects of the Government's policies. One of these is the bid to stage the 2000 Olympics in Sydney. I wholeheartedly support the bid and believe Sydney will succeed. However, I have noticed that the Premier has cut the promised amount of \$4.3 million to fund

the Sydney Olympic bid to \$1.229 million. Funding for the Sydney Olympic Park has been increased from \$83.86 million in 1992-93 to an estimated \$100 million in 1993-94.

Sunday racing has been introduced and the proceeds will go towards the Olympic bid. I agree also with the Government's ethnic affairs policy. I am pleased by the large increase in the appropriation to the Ethnic Affairs Commission - \$3.5 million. I am pleased also that the Ethnic Affairs Commission took up the proposal of my colleague the Hon. Franca Arena to build an immigration museum. Those who have visited the Ellis Island Museum in New York will agree about the value the immigration museum will have to multicultural Australia.

The Hon. Dr B. P. V. Pezzutti: The multicultural or immigration museum was not in Bob Carr's budget, was it?

The Hon. J. KALDIS: No. It was a proposal of my colleague the Hon. Franca Arena. It is about time the Ethnic Affairs Commission, which was established by the Wran Labor Government 15 years ago, faced a review of its work. Any commission should be reviewed after a number of years so that its work can be evaluated. Another issue that is of great concern to ethnic communities in Sydney is the proposed privatisation of the Government Cleaning Service. It employs 7,500 cleaners, 6,000 of whom are women. Most of them are from non-English speaking backgrounds, live close to their places of work and are middle-aged. They are afraid they will lose their jobs and have not been consoled by the continual statements of the Chief Secretary, Anne Cohen. She has said that the Government wants to privatise the service to guarantee the jobs of its employees. In March 1992 the Chief Secretary in a press release promised that the cleaners would not lose their jobs. She said:

The Government Cleaning Service has been extended for another two years until mid-1994. The cleaners should be congratulated on their performance. I hope today's news puts to rest any fears they may have had for their job safety.

But it turned out that the Government had in mind to guarantee the cleaners' jobs for only 12 months after 13th December, 1993. Unemployment in ethnic communities is of great concern. Ministers of the Fahey Government agree with that statement. On 11th March the then Minister for Ethnic Affairs, George Souris, said:

Unemployment has taken its toll within the ethnic communities of New South Wales. I am very concerned about the desperate situation in which many job seekers of non-English speaking backgrounds find themselves.

In May Jim Longley, the Minister for Community Services, said, "This Government has led the nation in reducing mature-age unemployment". In August Michael Photios, the Minister for Multicultural and Ethnic Affairs, said, "A task force will be set up to address the underemployment of migrants in the public service". I am surprised that the Minister did not realise the concerns of ethnic communities regarding the privatisation of the Government Cleaning Service. Privatisation will mean a drastic cut in wages and all cleaning workers will lose superannuation, sick leave and long service leave entitlements. Privatisation will mean the loss of employment for many. This issue is of great concern to the ethnic community.

In his Budget Speech the Treasurer outlined the strategy to further reform government trading enterprises. Reading that in the Treasurer's speech one would think one was reading an accountant's document. The Treasurer concentrates on profits and states that the Government wants from its enterprises a 7 per cent return of at least \$5 billion. Another issue that concerns me is the sale of the Sydney Fish Market. Hundreds upon hundreds of migrants depend upon the orderly function of the market.

The Hon. Dr B. P. V. Pezzutti: That is not true. They are Australians; they are not immigrants.

The Hon. J. KALDIS: I have visited the Sydney Fish Market many, many times and I know the composition of the work force.

The Hon. Dr B. P. V. Pezzutti: When were you last there? When was the last time you saw an immigrant there?

The Hon. J. KALDIS: Last month I saw hundreds and hundreds of migrants there. I have been trying to find more information about the privatisation of the Sydney Fish Market but I have found little. I have been told by those on my side of politics that the
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New South Wales Fish Marketing Authority will continue to have overall responsibility for the marketing of seafood in New South Wales. This important aspect of the fishing industry deserves greater commitment and support. The identification of consumer needs and wants, the extension of the existing market and the development of new markets, both domestic and export, will be addressed by Labor with vigour.

The Hon. D. F. Moppett: Where do you get the idea that the market will be sold?

The Hon. J. KALDIS: In the Budget. The Hon. D. F. Moppett should have a look at the Budget Speech. The market will be sold. The Fahey-Armstrong Government is committed to privatising the New South Wales Fish Marketing Authority and its fish markets at Pyrmont in Sydney. I have been told that Labor will oppose this and, in government, will be committed to orderly marketing based on the support of the co-operative system. Above all else, the objective of fair and sustainable returns to the fishing industry and high quality, reasonably priced seafood to customers will be paramount. Privatising the fish markets may be a bureaucratic solution, but will it enable fisheries to get a fair return for their product? Is it going to ensure that the people of New South Wales can buy the product at a reasonable price or is it going to encourage the importation of foreign fish? Labor is committed to orderly fish marketing, based on the co-operative system. Every effort will be made to assist co-operatives to expand markets to ensure the best distribution of fish products to the people of New South Wales and for export.

Our leader in this House described the Budget as an attack on jobs. The Government has cut capital works. In last year's Budget, the Government increased capital works and the Premier said, with great joy, that the increases would create jobs. I wonder what the Premier says about this year's cuts? There has been a reduction of between \$130 million and \$140 million in funding for roads. That is an actual decrease of 12 per cent. What happened to the 3 x 3 levy which now provides the bulk of the road funding contributed by the State. Honourable members will recall that Premier Greiner and Prime Minister Hawke ended the tied grants for roads. This year \$52 million of Commonwealth road funding has been diverted by the Fahey Government into consolidated revenue.

Also, I noticed \$13 million in cuts in rural assistance, and cuts in the allocation for the Department of Conservation and Land Management and almost every other department. I would have thought that this year's capital works budget, more than any budget in the past, would have concentrated on creating jobs, because the greatest problem in our State today is lack of jobs.

The Hon. J. F. RYAN [9.2]: Listening to the speeches of honourable members opposite, I cannot help thinking of that poem by Banjo Patterson, "Johnson's Antidote":

Half a tumbler killed an emu
Half a spoonful killed a goat
All the snakes on earth were harmless
To that awful antidote.

I feel that that is a good summation of many of the comments we have heard from honourable members opposite. It is snake oil, snake oil, snake oil and little substance; little attempt to address the really

important issues facing our State; little attempt to do anything about the real problems that are facing all of us in the midst of trying to recover from the worst recession in 60 years. Those opposite have no vision for New South Wales; they have no plan for its people; and they have absolutely no idea what to do about governing it. They play politics with almost every issue. They resolutely refuse to make and announce to the electorate workable policies that have any economic merit.

The Hon. Franca Arena: Have you heard Bob Carr's speech?

The Hon. J. F. RYAN: I have heard plenty of Bob Carr's speeches. I shall be examining his speech in some detail later in this address.

The Hon. Franca Arena: You heard it but you did not listen.

The Hon. J. F. RYAN: Members of the Labor Party want to be seen to be mouthing the correct platitudes about economic responsibility, containing the deficit and maintaining our triple-A rating, but then they promise to spend billions of dollars that would jeopardise every one of those objectives. They have absolutely no plan by which they can fund the promised projects. Sometimes history gets a little beyond us and we forget what we have heard before. We lose track of the fact that, on odd occasions, the Leader of the Opposition in another place has made such remarkable comments that one would almost think he was the absolute epitome of economic responsibility. Remember this comment in October, 1992 - nearly 12 months ago - when Bob Carr went to the business leaders of New South Wales and told the Institute of Company Directors:

"I see my role as Premier as being to keep the pace of micro-economic reform cracking throughout the NSW public sector - in water, in rail, in electricity and all the other areas relevant to the State's economic performance.

I also see my role as going into those public sector undertakings and saying to the power workers or the workforce of the Water Board . . . we've got to get improved productivity out of your undertaking so we can offer lower charges to private sector operations throughout the NSW economy . . ."

The Hon. Virginia Chadwick: It is even more astonishing when you realise that is plagiarising.

The Hon. J. F. RYAN: Is that right? I would not be at all surprised. He went to those workers and said, "I can't guarantee jobs for your sons and daughters out in the private sector unless you're giving us savings in the railways, power industry and water supply . . ." - I repeat that, savings in water supply, while the Hon. Jan Burnswoods is entering the Chamber. She serves with me on the Water Board committee.

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The Hon. Jan Burnswoods: I think I should take a point of order. I am not on the Water Board committee. The Hon. J. F. Ryan has obviously had too many drinks tonight. I am not on the Water Board committee.

The Hon. J. F. RYAN: When the honourable member is debating the issues of that report, undoubtedly we shall have great pleasure in debating the waste committee and I hope the Hon. Jan Burnswoods will remember that water was one of the issues on which her leader wanted to score points for the people of New South Wales. He wants it to be more efficient. I sincerely hope that that ambition is shared by honourable members opposite. Mr Carr said, "I can't guarantee jobs for your sons and daughters out in the private sector unless you're giving us savings in the railways, power industry and water supply that can be translated into lower charges that mean private sector investment for NSW".

Who would disagree with those objectives? But, when Bob Carr is asked which privatisation he will

support, which contracting out project he will support, which level of efficiency he will put his name under and own, he says, "Oh, no. We cannot contract out cleaning; we cannot privatise the State Bank; we cannot make the railways more efficient". Mr Carr opposed the closure of the Chullora workshops, but he says here that he wants the railways to be more efficient. Talk about snake oil. The guy goes to one place and says one thing and says something else in another place. He is full of snake oil and it has absolutely no substance at all.

Mr Carr and Mr Egan talked in the past couple of days about jobs. They want to talk about jobs. In a press release Mr Carr talked about Letona and about cleaners. I am going to speak up on this issue because I think it is particularly relevant to the honourable member asking me to be quiet. Members of the Labor Party were asked to put their names on a report which, above all things, while addressing the issue of waste management, asked all members of the New South Wales Parliament to commit themselves to jobs and the private sector in this State by agreeing to a recommendation. Recommendation 47 of the Joint Select Committee on Waste Management says, "No legislative changes or policies should be introduced that would make New South Wales industries uncompetitive with those in other states", and all three Labor members on the committee voted against the recommendation. One would have thought that the foremost responsibility of any member of the New South Wales Parliament would have been to be totally committed to defending New South Wales companies and New South Wales jobs.

Honourable members opposite are so full of hogwash that they commit themselves with platitudes about wanting to preserve jobs but, when the time comes to put their names to a single recommendation which says, above all things, "New South Wales comes first and our industry comes first," where is the Labor Party? It is somewhere else. I have every intention of reminding those opposite that when asked to show their commitment on the issue of jobs, the most critical issue in this State, they were elsewhere.

In speaking about the Joint Select Committee upon Waste Management, elsewhere is an excellent way to describe where the alternative environment minister was. Of the 12 meetings of the Joint Select Committee upon Waste Management, the person who portrays herself as the alternative Minister for the Environment attended six, of which three were deliberative and procedural. The committee heard evidence from the people of New South Wales at six meetings and made three field trips, but the alternative Minister for the Environment was present at only two of those meetings. She barely heard a line from the industry representatives who gave evidence to the committee. It is no wonder that she abrogated totally her responsibility with regard to jobs.

The alternative Minister for the Environment was present for two meetings only to hear evidence on what she has stated to be one of the most important issues facing New South Wales. Should the honourable member for Blacktown decide to give a personal explanation why she was shown as present at three meetings, every member of committee will testify that she entered the committee hearing room, put her books on the table, left the room for the remainder of the day and one of her colleagues collected her gear at the end of the day. She heard no evidence, and yet this lady will, over the next few days, indicate that she knows all about waste management and that she has the answers for New South Wales. She did not do the work required by the Joint Select Committee upon Waste Management.

The Hon. Jan Burnswoods: Does the honourable member want me to name Government members who were not present at those committee meetings as well?

The Hon. J. F. RYAN: If the honourable member wants to talk about Government members attending committee meetings, let me tell her that a meeting of the Joint Select Committee upon the Water Board held in this Parliament today -

The DEPUTY-PRESIDENT (The Hon. Beryl Evans): Order! Members will address the Chair. I will not tolerate them conversing across the floor.

The Hon. J. F. RYAN: I remember stating that it was inconvenient for all members of this House to try to attend a one-hour hearing of the Joint Select Committee upon the Water Board today, but Opposition members of the committee insisted that a hearing be held tonight to interview witnesses from Treasury. The quorum for that meeting was not met by members of the Opposition attending; it was met because members of the Government attended the meeting so that the two members of the Labor Party could ask questions. I might add that the alternative minister for the environment was not present.

The Hon. Jan Burnswoods: Does the honourable member know which country she is in today? She is in Japan.

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The Hon. J. F. RYAN: If the alternative minister for the environment believes that she should be overseas on a day when the New South Wales Parliament is debating endangered species legislation the joint select committee returned for her benefit, she is wrong.

[Interruption]

The DEPUTY-PRESIDENT (The Hon. Beryl Evans): Order! I will say it again. Members will not converse across the floor. The Hon. Jan Burnswoods is the next speaker on the program, and she will have an opportunity to say whatever she likes then.

The Hon. Virginia Chadwick: Within reason.

The DEPUTY-PRESIDENT: Order! I will be the judge of that.

The Hon. J. F. RYAN: Not only do those actions demonstrate the hollow empty rhetoric of members opposite; they make everything that honourable members have heard about jobs from the Leader of the Opposition in another place and the Leader of the Opposition in this Chamber utterly hollow. The only jobs they are interested in are their own. They have been caught out time after time. Let me read to honourable members an extract of a press release from the Leader of the Opposition in the other place. Of the Budget he said that he had put forward an economic revival to boost jobs in New South Wales:

Our alternative is based on a commitment to fiscal restraint to protect New South Wales' triple A rating. As part of that commitment we again guarantee our new funding commitments will be fully funded by cuts elsewhere. Our budgetary approach is one aspect of our broader economic policy, which has as its core the need to boost job creation in the private sector.

It does not surprise me that the Leader of the Opposition in another place borrows Nick Greiner's words in order to market his own policies. Page 2 of his press release outlines his vision of splendour for New South Wales. The 10 or so dot points are: accelerated capital works, especially for hospitals - that will cost more, and I will detail how much more shortly; business exemption from regulations on merit - that will cost the State more; the South Sydney urban renewal project; revamping the State's tourism marketing policy - he will spend more; extra funding for schools to boost the State's skills base for our developing and internationalised economy - spending more; and boosting TAFE by streamlining training programs - that will probably cost more. About two of the 10 points show any consideration for fiscal responsibility.

The Leader of the Opposition tells us that he will have an efficiency thrust in government trading enterprises to hold down costs and charges after the Water Board fiasco. Does this mean that Bob Carr will hold down costs in the Water Board so that he can take a dividend? How else will he fund his budget sector promises? Money cannot be taken out of the non-budget sector and used to fund budget sector programs, if that is what he has in mind, unless dividends are paid. Does it mean that Bob Carr will take

dividends also? He will support the national grid corporation to drive competition in electricity bodies to keep charges down. There is no reference to taking dividends, but one presumes again that he is intending efficiencies so that he too can take dividends from our profitable electricity organisations. Bob Carr is a huckster. He says he can do things that he cannot. Let us put dollar figures on some of the promises made by Bob Carr. Let us put our guns on the table to assess what Bob Carr has in mind in his vision splendid for New South Wales and assess how much it will cost him, given that he has committed himself to efficiencies.

The Hon. Dr B. P. V. Pezzutti: Are they smoking guns?

The Hon. J. F. RYAN: They may be. Let us assess how the Leader of the Opposition would cost his promises and fund them with efficiencies. How many efficiencies does he think New South Wales can take? Since the last election Mr Carr and Dr Refshauge have gone all over this State promising to anyone who will listen new hospitals, new schools, extra teachers and new roads. Some of his more outrageous promises include scrapping the toll on the M4 and M5 tollways at a cost of \$700 million; boosting day surgery and adding 30,000 bed days to the public hospital system at a cost of \$180 million; adding 2,500 teaching positions to the education system at a cost of \$50 million, and scrapping privatisation of the Government Cleaning Service at a cost of \$40 million. Added together, the total promises that Bob Carr has made to the electorate will cost \$5.8 billion. That is equivalent to the moneys the State collects in payroll tax, stamp duty and land tax. In order to find \$5 billion to pay for his promises will Bob Carr be fiscally responsible and double payroll tax, stamp duty and land tax?

If he did that he would have only \$5.2 billion, and he would still have to find another half a billion dollars to fund his promises. When is Bob Carr going to tell the truth to the electorate? The truth is that Bob Carr, like Paul Keating - his Federal counterpart - has no intention of telling the truth to the electorate. People cannot believe anything the Labor Party says. The Labor Party says things to target its audience at the time: if it is talking to business, it is all for efficiency; if it is talking to nurses, it is all for them; if it is talking to teachers, money will be spent there. The truth is that the Labor Party is yet to name a single instance where it will save a substantial amount of money to finance the \$5.8 billion worth of funding.

Bob Carr says that he believes in contracting out, but I cannot think of a single instance where he has supported contracting out. Bob Carr says that he wants to achieve productivity savings, such as those the Government has achieved in hospitals, yet he opposes the contracting out of cleaning of hospitals and schools. Where will he get the money? What services will Bob Carr contract out? The nervous nellys of the Labor Party who are on the Joint Select Committee upon the Sydney Water Board -

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The Hon. Jan Burnswoods: Are you talking about water or waste?

The Hon. J. F. RYAN: I know which committee I am talking about. The honourable member is just a little confused. The nervous nellys who represent the Labor Party on the Water Board committee have been looking intensely at whether the Government should contract out a number of Water Board services. They should listen to their leader. He has allegedly committed the Labor Party to finding savings in the Water Board. He will need to pass that message on. Bob Carr says that he believes in forms of privatisation, but he harassed the Government over the sale of the Government Insurance Office.

The Labor Party is on record as saying that it opposes the sale of the State Bank. It fails to remember that Paul Keating is in the process of selling 20 per cent of the Commonwealth Bank. If it is such a bad time to sell a bank in Australia, what on earth is Paul Keating - who is supposed to be an economic guru; he is a former Treasurer of this country - doing selling the Commonwealth Bank? I put on record that the New South Wales Government has not committed itself to selling the State Bank this year or next year - it will sell it when it is right. I will enjoy seeing the Labor Party put its guns on the table

when it is time and support the Government in a measure that will be for the benefit of everyone in New South Wales.

Bob Carr opposes taking dividends from government trading enterprises. He will have to get the money from somewhere, but he opposes that. The Labor Party has argued that the Government should not have taken dividends from the Water Board and Prospect Electricity. The Labor Party has a bill listed for debate in the other House to limit the amount of dividends the Government can take from its government trading enterprises. The Opposition has to find \$5.8 billion to fund its spending promises. If the Labor Party does not intend to contract out, to privatise or to take dividends, the only thing it can do is raise taxes. As I have explained to colleagues, that means doubling payroll tax, land tax and stamp duty charged in this State. The Labor Party cannot say that it will be fiscally responsible.

Jobs are the most important issue facing this State. The Labor Party has been telling us that alleged cuts in capital spending in this State will somehow cost lots of jobs. It has attempted to collate information in this regard. The Hon. J. Kaldis, who spoke before me, referred to the spurious calculations of the Labor Party with respect to how many people will lose jobs because of the modest reduction in capital works in the Budget this year. The reduction is roughly equal to the amount of money the Federal Government has taken away from New South Wales that would have been put towards the better cities program. Had the better cities program continued, we would probably have had a capital works program equal in dollars to what was spent last year.

The Leader of the Opposition has enjoyed comparing the statistics of New South Wales with the statistics of the other States. He has generally run down the reputation of New South Wales in this Parliament. I would like to compare the capital works budget of New South Wales with that of just about every other State in this country. The truth is that New South Wales has the largest capital works program of any State in the Commonwealth. The Government's commitment to capital works is 40 per cent higher than that of Victoria and 60 per cent higher than that of Queensland.

The Hon. M. R. Egan: New South Wales has twice the population of Queensland.

The Hon. J. F. RYAN: We are still spending more. The other thing that needs to be remembered is that, though the Government is spending almost the same amount on capital works this year as it did last year, because of the Government's skill in the tendering process and its efficiency in the spending of the money it has achieved an 18 per cent fall in the tender price for building projects and a 14 per cent reduction in civil engineering project tender prices. The Government is spending a little less money, but it is getting 20 per cent more clout for the dollars spent. In all probability, the Government is employing as many people this year with its capital works budget as it did last year.

Members opposite should look at the figures that I have just mentioned for capital works in this State, which will probably impress the Leader of the Opposition who wants to compare New South Wales with Queensland. Honourable members should remember that the figures I have just referred to for on-budget and off-budget expenditure on capital works do not include the private sector work sponsored by the Government, such as the M2 tollway, the extension to the M5 tollway, the three Sydney water filtration plants and the Blue Mountains sewerage project. Those projects add to the amount of money the Government is spending and commissioning in capital works. That money is coming from the private sector. The coalition Government is doing something that the Labor Party would not even attempt: trying to develop this State in partnership with the private sector, rather than trying to do it on the State's Bankcard.

Honourable members will know that since becoming a member of Parliament I have been a longtime, unashamed and unabashed supporter of western Sydney. It will come as no surprise to honourable members that one of the first things I did when the Budget was produced was look at the budget papers to assess how much money the Government I support is spending on capital works in the area in which I live, western Sydney. I added together all the money being spent in the local government

areas of Blacktown, Penrith, Parramatta, Campbelltown, Camden, Fairfield and Liverpool. It adds up to \$346 million worth of capital works that can be located in some geographic space in those areas. It does not include the capital works expenditure on things such as the new Tangara trains the Government is buying, which no doubt will run through western Sydney. I

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am talking about funds used to build roads, schools and things which have a geographic address in the local government areas I have just mentioned.

I was not able to find figures for the Baulkham Hills and Holroyd councils, but I have little doubt that were I to add the expenditure for those councils to the \$346 million, I would probably come up with a figure that is close to \$400 million for capital works for western Sydney. I am very proud of that. The Government I support is doing that for the area in which I live. It is developing jobs. One would have thought that western Sydney was the heartland of the Fahey Government. I hope that during my political career western Sydney becomes the heartland of the Liberal Party. There is little doubt that the Government has been very generous with respect to capital works in western Sydney.

The Hon. Virginia Chadwick: The dollars are following the needs.

The Hon. J. F. RYAN: Indeed, they are. More than \$20 million has been allocated for capital works for education. There will be five new schools in the Blacktown-Riverstone area, such as Parklea, Glendenning, Hassall Grove, Barnier Public School - which is in Quakers Hill - and new TAFE facilities at Campbelltown. I could go on to name dozens of schools that are benefiting from cyclic maintenance, schools that were totally neglected when the Labor Party was in office. Not one member of the Labor Party is on record as having thanked the Minister for Education, Training and Youth Affairs for having achieved that result from the Treasury. I have little doubt that the people who live in western Sydney who send their kids to those great public schools will thank the Fahey Government for the effort it is making.

What about the \$32 million the Government is spending this year to develop Liverpool Hospital to teaching hospital status? What about the \$25 million it is spending to get the same result at Nepean Hospital or the \$85 million it is spending to develop the Children's Hospital at Westmead to actually have a children's hospital situated where most children are? What about the \$3.5 million to relocate the blood bank at Parramatta? In fact, \$146 million is being spent on hospitals in western Sydney in the Budget. Similar amounts were provided last year.

The Hon. Jan Burnswoods: It would not have happened with State money. It all came from the Commonwealth. You are good at ignoring how much the Commonwealth handed over.

The Hon. J. F. RYAN: I am so pleased the honourable member mentioned the efforts of the Commonwealth. We remember when the New South Wales health Minister was at the peak of negotiations banging the table in Canberra.

The Hon. Jan Burnswoods: Which health Minister was that? Peter Collins?

The Hon. J. F. RYAN: It was the Hon. Ron Phillips. He was bargaining with Paul Keating just prior to the election. Ron Phillips would not accept the figure Paul Keating offered for health. He said, "No, that is not good enough". The people opposite gave a gutless performance. What did they want us to do? Sign on the dotted line and accept something less. Fortunately, our health Minister did not cave in. He fought to the bitter end and got New South Wales an extra \$150 million.

The Hon. Jan Burnswoods: So you are agreeing that the extra money came from the Commonwealth?

The Hon. J. F. RYAN: I will agree that some of the extra money came from the Commonwealth. It

came not because the Government had any support from honourable members opposite but because of the tenacity and bargaining ability of the current health Minister. He is to be congratulated for that because if it had not happened we would not have hospital developments at Liverpool, Nepean, Westmead and Parramatta. I turn to the rail link the Government is developing between Liverpool and Blacktown in western Sydney and the developments at Blacktown station. Easy access is being provided for people with disabilities at Campbelltown. Better signalling and communications lines are being installed on the Blacktown line. Almost three-quarters of the \$40 million being spent on water projects will be for sewage treatment projects to improve the quality of water going from the plants into the Hawkesbury-Nepean. It will not be good enough to drink but it will be a great deal better than the stormwater runoff from roads and local government areas.

Most local councils in western Sydney are controlled by the Australian Labor Party. They are doing nothing about their responsibility for stormwater, but the Fahey Government has found at least \$30 million to improve sewage treatment works at Picton, Quakers Hill, Richmond, Penrith and St Marys. I am pleased that at least some of the money is being spent on taking phosphorous out in the sewage treatment process. The Fahey Government is providing money to support its commitment to the environment. To fund such works it has been necessary to have a user-pays charge for water. When that was introduced the environmental groups congratulated the Government on its introduction. What did the alternative environment minister say about that? She is still criticising the Government in the local press of western Sydney, where she hopes the conservation groups will not notice, for introducing the user-payers principle for water.

Environmental groups such as the Australian Conservation Foundation and Friends of the Earth are totally supportive of the responsible policies of the Government in reflecting the cost of providing water in the prices customers pay so that the very valuable resource will be conserved. I could go on to list hundreds of millions of dollars worth of road projects for western Sydney but I do not want to bore honourable members opposite too much. However, I

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think I have at least painted the picture of the commitment the Fahey Government has to western Sydney. Let me quote the Hon. Bob Carr on what he would do to western Sydney if he were Premier:

A Carr Labor Government will divert Government subsidies of urban sprawl into new housing opportunities in provincial inland cities . . . The Fahey Government is degrading this precious waterway by subsidising urban sprawl.

According to Mr Carr some of the ways in which we subsidise urban sprawl are by spending money on water, sewerage, roads, child care and education. Apparently we should not be spending this money on western Sydney schools, water improvement and hospitals; it is all wasted. What a great way to treat Labor's heartland! Bob Carr would take the money out of the west and move it somewhere else. I promise honourable members opposite to do my level best to help the residents of western Sydney understand where Bob Carr stands on their livelihood. He would take away child care and schools. He says that "for each new lot developed the Government bears a new net cost of \$40,000 for services, including water and sewerage, roads, child care and education". Bob Carr does not believe in spending money in western Sydney to provide those services. I have news for him: so long as the Fahey Government is in office the people of western Sydney will get their fair share.

The Hon. Jan Burnswoods: Tell us how long the Treasurer is going to last.

The Hon. J. F. RYAN: I sincerely hope that the Treasurer we have lasts for a very long time. We have a lot to thank him for in the formulation of this Budget. I want to go on record as complimenting the Treasurer on the manner in which he carried out the budget process. He was prepared to open his door to listen to people who wanted to make submissions to the Government. I am glad that he listened to the honourable member for Camden, the honourable member for Badgerys Creek and me - members of the Liberal Party who represent and care for the people who live in western Sydney.

The Hon. Franca Arena: Oh, get your violin out.

The Hon. J. F. RYAN: I want that to go on the record. The Hon. Franca Arena says "get your violin out" when I talk about the needs of the people of western Sydney. I remind the Hon. Franca Arena that a great proportion of the people who live in western Sydney - I am proud to say this - are of non-English speaking background. Many of them have the greatest need to access things such as hospitals, education and child care. But Bob Carr would take such services away, just given a chance.

[Interruption]

The DEPUTY-PRESIDENT (The Hon. Beryl Evans): Order! We expect Hansard to record what is being said by the Hon. J. F. Ryan.

The Hon. J. F. RYAN: Honourable members opposite will know that one of the most pleasurable jobs I have had in the past 12 months has been to act as chairman of the ministerial advisory committee to the Minister for Community Services. I have taken enormous pleasure in doing that job. It has thrilled me to go from service to service, whether it be a supported accommodation assistance program service, a home and community care program service, a community services funded program or a program provided by the people who work in the Department of Community Services, and to see the wonderful commitment the staff have. It has been an inspiration. To some extent I agree with honourable members opposite that it is regrettable that the funding available to those people is not as much as it could be. It ought to be more because we should give people who are disadvantaged, people with disabilities and particularly people who need assistance for child protection and so on as much as this community can possibly give them. It thrills me no end to know that the budget that Mr Longley produced for the Department of Community Services includes a 14 per cent increase, which means that we will be able to spend \$113 million more on community services this year. That spending will include an additional \$6 million to meet the increasing costs of accommodation and support services for homeless people and those in crisis. The Government will now fund 403 services for homeless people throughout New South Wales.

Almost \$500,000 will be provided as part of a brain injury action plan to improve community services and to support those with brain injuries, and their families and carers. The frail aged and people with disabilities will be supported by an increased allocation of \$86.4 million to the home and community care program, up \$6.8 million this year, bringing to \$214.5 million the total joint government commitment to the HACC Program in New South Wales. I am pleased that the Government has been able to announce those improvements. I have taken on board the remarks made yesterday by my colleague opposite, the Hon. R. D. Dyer, about child protection. I believe that is an area where we need to do better. I am pleased that this Budget includes an additional \$2 million for child protection. It is not exactly true to say that the Government is spending money this year that it did not spend last year. The money being spent this year in that area is to create permanent jobs which will last into the future. That \$2 million is recurrent expenditure that will be allocated this year, next year and the year after.

I will be badgering and lobbying both the Minister for Community Services and the Premier to increase funding for child protection. The stories heard recently are all too common and frequent. Without going into detail, I know from personal experience something of what it is like to experience that sort of trauma. We owe the young people of New South Wales as much protection from that social evil as we can possibly give them. I know that all members will support those efforts. However, I remind honourable members opposite that we will not

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be able to do that unless we can contract out and get the greatest efficiency from government services. That will not be possible unless efficiencies can be achieved in other areas of government.

I am proud and pleased to be associated with this Budget, which is a win for common sense and

compassion. I congratulate the Treasurer on bringing forward a realistic, fundable, responsible and fiscally well-balanced Budget, and I ask this House to endorse it. I must say that nowhere have I heard - other than in this Chamber, listening to members opposite - this Budget actively criticised. The people of New South Wales understand the difficulty of the financial problems this State is facing. They understand that the Government is trying to do its best. They understand also that the Government has made resources available for the areas of highest need such as community services, such as Western Sydney and others I have mentioned. I am proud to be associated with the Budget, which I support.

The Hon. JAN BURNSWOODS [9.43]: It is appropriate that I should speak after the Hon. J. F. Ryan, particularly given the latter part of his speech in which he referred to children's issues. The honourable member was extremely sincere in that part of his speech, unlike in some of his earlier comments when he seemed to be confused about the difference between water and waste. Undoubtedly his confusion arose from his being a member of various joint select committees. I sympathise with him in that regard. As a fellow member of the Joint Select Committee upon Waste Management, I sympathise with his sense of overload and confusion. Nevertheless, I remind him again that when he accused me of I am not quite sure what as a member of the Water Board he really did have it wrong. I am not a member of the Water Board.

Leaving aside his rather frequent remarks in that vein, towards the end of his speech the honourable member seemed fairly sincere about the needs of children in this State. Unfortunately for him and the Government, the sincerity of that concern is not reflected in the Budget or in what the Government has been doing for children. For instance, the honourable member referred to a 14 per cent increase in the budget allocation to the Department of Community Services and said that an additional \$113 million is to be spent this year. If that is so, I am only too happy to hear it. It is well known that the Department of Community Services has been in such a state of chronic indecision, restructuring and incompetence, with a general lack of staff morale, that over the past several years it has failed to spend its allocation.

As the Hon. R. D. Dyer has outlined, children are in great need and State wards cannot be housed. The department provides services to assist families, homeless youth and other members of our society whose needs have to be met. However, after a series of Ministers the department is so mismanaged and so inefficient in delivering the services promised by the Government that it has not been able to spend the money that has been allocated and which so desperately needs to be spent. It ill behoves any Government member to talk about advances in service delivery when over the past few years the department has been lurching from crisis to crisis. A number of measures, summed up in the celebratory weeks announced lately, have as their common theme the needs of children in New South Wales. This week is Education Week, last week was Child Protection Week, and Family Week, a brand new invention, will shortly be upon us.

The Hon. R. B. Rowland Smith: Family Week was launched today.

The Hon. JAN BURNSWOODS: Family Week may have been announced today, but it is yet another example of the Government believing that if it announces something often enough it will attract three or four news stories rather than one. Family Week will run from 2nd to 8th October. I was one of those members who in February sat in this Chamber listening to the Governor's Speech, in which he announced the incredibly onerous program of the Government for 1993 - a program that has been reflected in the very short sittings of Parliament, both in the first half of the year and now in the second half of the year. At that time all members were amazed to hear that one of the major activities the Government intended to conduct was Family Week.

The Government announced first that Family Week was to be held in August, and later that it was to be held in September. Now, however, Family Week is to be held from 2nd to 8th October. The Government says it is going to be a really major event and that it will do a lot for the children that the Hon. J. F. Ryan spoke about. One of the things it will achieve - and in fact has already achieved over a couple of months - is the withdrawal of three full-time staff from the Department of Community Services, who

have been taken away from all those works that the honourable member spoke about so eloquently, so that they can participate in the public relations exercise of running Family Week. I would much rather have those staff members remain in the Department of Community Services looking after the people they are supposed to serve, rather than have them engaged in a piece of flummery designed to show that the New South Wales Government cares about children and families. In that context I refer to an excellent article by Adele Horin in the *Sydney Morning Herald* this morning under the heading "No refuge in Family Week PR". What an appropriate headline that is. That article begins by reflecting what I said to those members opposite who cannot quite work out whether Family Week is this week, next week or some other week. It says:

Today the Premier, Mr Fahey announces Family Week, to be held between October 2 and 8. Forgive me if I am a little cynical about this \$1 million exercise . . .

The article continues at some length on that topic. I fully endorse Adele Horin's comments about the plight of family support services in New South Wales. She gives a number of examples of the plight of family support services in Newcastle, which scraped

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through a budgetary crisis by sending a co-ordinator on long service leave, sending a family worker on maternity leave, and not replacing a third worker. They kept within their budget by not replacing three of their workers. Perhaps Newcastle could have been allocated the three workers seconded to look after the public relations exercise for Family Week.

The article, of course, correctly identifies the origins of Family Week with those wonderful remarks made by Mr Fahey last year. I am sure all honourable members will remember that Mr Fahey showed his real grasp of the current problems facing so many people in New South Wales by suggesting that the existence of hostels and refuges encourage women and children to leave their families. I am sure all honourable members will remember the great understanding of the welfare problems that the Premier showed. Perhaps I should quote what Mr Fahey said, in case some honourable members have forgotten. He said, "We encourage people", to leave the family, that is, "by simply providing money to welfare areas with refuges, hostels, departmental officers and counsellors and everything else". Perhaps we now know why the Department of Community Services is failing to meet all those needs. Perhaps we now know why the department underspends its budget: We have a Premier who thinks that if the departments actually spend the money on hostels, departmental officers, counsellors and everything else, it might actually encourage wives who have been bashed and children who have been assaulted or sexually abused to leave their homes.

This is what the Premier was saying last December when he decided that maybe one way to show how much he really cared was to celebrate Family Week. The Premier did admit, a little later, that there were good reasons to have women's refuges and youth refuges. I am glad we have a Premier who actually thinks there are good reasons to have those refuges. The Premier went on to say that he did not think they should be so readily accessible, with the support of government agencies. We have a Premier of New South Wales who does not think that refuges for women and youths should be so readily accessible. The Hon. J. F. Ryan was sincere in everything he said, but I would really like him to say whether he agrees with his Premier about the provision of these kinds of services.

It is hypocritical of the Government and of Government members to pretend to care about children and families and to pretend that by instituting Family Week they show their concern. The remarks of the Premier that are on the record and the consistent underspending and consistent misdirection of spending by the Department of Community Services would make any of us totally cynical about their bona fides. I am sure I do not need to say any more about that to display my concern about what this Government really believes. I refer to the latter part of this morning's article, where the point was made very clearly that during Family Week the Government will announce a scheme for volunteers. Certainly the women in this Chamber know that when the Government talks about allocating work, not by the Government providing services, not to paid workers but to volunteers, it is really talking about using women, once

again, to act as carers. It is talking about getting women to stay at home, expecting women to look after elderly people and to hold households together. It is talking about a complete retreat to the nineteenth century, which is just about where this Premier, with his views on women's refuges and youth refuges and the whole area of community services funding, belongs. That was the last point I wanted to make about Family Week.

I now make some brief comments about Education Week as it relates to children. Today I was interested to hear the Minister refer to the fact that in her opinion education spending has kept pace with inflation, or indeed has improved in real terms. I point out to the Minister that, despite those statements, if one looks at the budget spending on education, particularly for primary and secondary education, the nominal increase is 3.7 per cent - of which I am sure she is so proud - but what the figures really mean is that with inflation predicted to increase by over 3 per cent and with the student population estimated to increase by 1 per cent, the school education budget will end up being less than that increase in real terms. It will in fact be a slight decrease.

The Minister's statement today was a throwaway line, as she was too busy talking about school counsellors and the wonderful job those poor cluster directors have done all over the State in harassing and haranguing parents and citizens associations and school communities to form school councils. Many people I know who are active either on the teacher or parent side of education are convinced that teachers should receive a salary increase or medal or a guarantee of reappointment because their lives are made an absolute misery by frequent visits from cluster directors seeking to persuade them, cajole them, or force them to set up school councils. What can school councils do that active parents and citizens associations are not doing at the moment? That question cannot easily be answered, but somehow or other from on high - whether from the Minister, the director-general, the department or whomever - the words come down, "We want school councils. We want the Minister to be able to stand up here month after month and tell us what the percentage of school councils is now". The schools want to be able to boast about that now, and therefore the cluster directors, instead of spending their time doing useful work, are wandering around schools trying to persuade them to set up school councils.

The final matter I want to address relates specifically to the children most in need in our State. I refer to the Department of Community Services and juvenile justice. As I mentioned earlier, much of the money allegedly allocated to these areas is spent not on the children who are in most need but on restructuring after restructuring and on various other departmental activities. Recently I heard of some quite shocking junkets where large numbers of staff

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from departments go on seminars and use training budgets on travel and accommodation, while the needs of the children we are talking about are so grave. The latest example of this passion for restructuring, renaming and any other frippery that this Government can indulge in is to be seen in last week's *Government Gazette*, where one reads that masses of money is to be spent on changing all the stationery of the Office of Juvenile Justice to its new name of the Department of Juvenile Justice. Not content with changing Ministers and moving things from one department to another, the Government has renamed the office as the Department of Juvenile Justice, and all the stationery will need to be changed.

The Hon. M. R. Egan: Next year it will be the Ministry of Juvenile Justice.

The Hon. JAN BURNSWOODS: Yes, as the Leader of the Opposition says, next year it may be the Ministry of Juvenile Justice, or perhaps it will be back under the control of the gaols in general or back in the Department of Community Services or somewhere else. We have had five years of restructuring, but we certainly have not had five years of achievement.

The Hon. Franca Arena: They must be seen to be doing things.

The Hon. JAN BURNSWOODS: As the Hon. Franca Arena points out, they have had five years of being seen to do things, just like Family Week, but we have not had five years of really doing things.

Specifically I will make some comments about institutions in this State. The first relates to Minali, which is the Department of Community Services - DOCS - assessment centre for State wards and children in need of care. Budget Paper No. 4, dealing with State capital projects, shows the Minali assessment centre, within DOCS, is now named the Minali Juvenile Justice Centre. For some time there have been plans for the neighbouring centre of Minda to take over the premises of Minali and use them for juvenile justice purposes, that is, of course, unless they are to be renamed the office of juvenile justice, or the department of juvenile justice. That is what the plan is.

What will happen to the role of Minali as a statewide assessment centre and to the 45 children currently housed there? In the Budget Papers Minali is not listed as a centre where children in the greatest need are assessed so that their most appropriate care placement can be worked out; it is now listed in the Budget Papers as a juvenile justice centre. Is the Government able to explain what will happen to the State wards and the other children in need of care, who are currently in Minali or on the waiting list, when that facility is closed, as is expected next year? It is clear that no other assessment program is in place. If the Minister for Community Services thinks that in less than one year the non-government sector will be ready to take on the added responsibility for children such as those currently in Minali, it is clear that he still has his head completely in the sand. It is another example of the total shemuzzle in the Department of Community Services.

It is a pity that the Attorney General, the Leader of the Government, is not in the House. It would be interesting to have him enlighten honourable members on what he plans to do with the young female offenders who were promised they would return to the girls detention centre at Reiby but who are currently at Minda, and have been there for some considerable time. The renovation of Reiby, which was supposed to have already been carried out, has now been stopped. More money has been wasted because a large amount has already been spent on the renovation program. The girls are still at Minda in a small unit consisting of rows of cells, a small dining room and a courtyard with a little grass in it. Minda has few programs for the girls and, if it is still believed that rehabilitation is the goal for offenders, it falls far short of what is needed. I do not believe that is any longer the goal under this Government, despite the lip-service that is paid to it.

I hope that the Attorney General has taken notice of concerns I raised in this House earlier this year, which have been raised in the community, about proposals to close the juvenile remand centre at Yasmar. Yasmar, a historic building in lovely grounds at Haberfield, is about to be closed and sold. As the Minister for Education, Training and Youth Affairs is well aware, the school at Yasmar has been cut back considerably. Indeed, I am not sure whether it is still operating. The last I heard was that although the centre was still operating, many experienced teachers had been removed and the school was hardly functioning at all. Perhaps the Minister will enlighten honourable members as to whether the school is still functioning. If the Government believes in rehabilitation for these young people, I am sure the Minister will agree that they need education services.

The Hon. Virginia Chadwick: The school is either functioning or it is not. The phrase "hardly functioning" is an insult to the staff.

The Hon. JAN BURNSWOODS: The Minister says that the school is or is not functioning, and that the phrase "hardly functioning" is an insult to the staff. I assure her that if she talks to the staff still at Yasmar and to those teachers who were advised by officers of her department to seek transfers from Yasmar because the institution was about to be closed, and who in fact moved elsewhere, leaving a magnificently equipped school at Yasmar almost empty, she will agree with me that the school at Yasmar is hardly functioning. I urge the Minister to examine the situation at Yasmar. Perhaps she could then have a look at the conditions at the so-called school at Minda - the noise, the bad facilities, the scattered nature of the rooms, and the buildings that have been closed for safety reasons.

Returning to the points I was making, I hope that the Government will retain Yasmar and perhaps reopen it as a detention centre for girls. The Office of Juvenile Justice and the Department of

Community Services are full of rumours. No-one knows what is going to happen. Morale is at rock bottom, but those organisations are certainly very big on rumours. The
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rumours are fed by the fact that the departments change their minds about everything they are doing. As I said, renovation started at the Reiby premises. The girls were moved to Minda. They were told they would return to Reiby when the renovations were completed. The renovation of Reiby has been stopped, so the latest rumour is, "Well, we will finish moving everyone out of Yasmar and move the girls who are supposed to be in Reiby, but are temporarily at Minda, back to Yasmar".

[Interruption]

I do not understand why honourable members opposite are attempting to make rude comments about rumours. I assure them that the only way anyone in the Office of Juvenile Justice knows what is going on is by listening to the rumours. It may well be that the rumours are desirable, because the solution for the girls at Yasmar may be for the Government to maintain Yasmar and reopen it as a detention centre for girls. Although the Government will not admit it, it has obviously abandoned the idea of renovating Reiby. I could refer to a number of similar detailed cases relating to the Office of Juvenile Justice. It is clear, although I do not want to talk about this in great detail, that more and more young people are finding themselves in juvenile gaols for minor offences. They often find themselves there because the other department with the responsibility for children and young people, the Department of Community Services, cannot look after them. In many cases magistrates, out of good and kind motives, send young people to juvenile gaols because the alternative is to return them to the streets. The Department of Community Services is not looking after State wards and other young children. There are numerous examples of Children's Court magistrates finding they have few alternatives.

The Hon. J. F. Ryan: If magistrates are doing that, they are breaking the law.

The Hon. JAN BURNSWOODS: Of course the magistrates are breaking the law, but, as I said, they are doing it with the kindest of motives. The Hon. J. F. Ryan would be very hard-hearted indeed to criticise magistrates who have before them 15-year-old girls with absolutely nowhere to go, refuse them bail, and send them to a place where they can actually get a bed for a few weeks, where they will be cared for, and perhaps will be able to look forward to some sort of future rather than being on the streets. If Government members who are seeking to interject do not know the truth of some of the matters to which I am referring, they certainly have not been well informed by the Government. They do not know what is going on in the real world; they are only interested in reading glossy public relations documents.

Finally on this subject I should like to refer to the comments made by the senior Children's Court magistrate, Mr Rod Blackmore, and other Children's Courts magistrates, who have of course expressed their concern at the failure of the Department of Community Services to accept responsibility for young people. Indeed, that expression of concern backs up the point I made about the failure of the Department of Community Services to provide for these young people. Sometimes the Office of Juvenile Justice, or whatever the name is on its new fancy letterhead, ends up looking after these children instead. The present situation in the twin areas of the Department of Community Services and the Office of Juvenile Justice is nothing short of a disgrace for the Government. I will conclude by simply referring to Budget Paper No. 2, in which it is claimed that improvements to family support programs have decreased the number of children requiring accommodation in departmental facilities.

I hope some of the details I have included tonight will show what absolute rubbish that is. The truth is that this Government has sold off departmental homes, slashed services and reduced funding for substitute care every year since 1988. In 1988 there were approximately 780 beds in departmental units for young people, many of them State wards. Today there are fewer than 150 places. The Government has not done anything to help State wards or other children in need of care. The answer is purely and simply that this Government's policy of slashing the welfare program means that there are very few Government places left for any of those children. The Government, instead of looking after any of those

things in the three weeks I referred to - Child Protection Week, Education Week and Family Week - has a disgraceful record in respect of children, education and families.

The Hon. PATRICIA FORSYTHE [10.10]: It is with the greatest pleasure that I speak in support of the 1993-94 New South Wales Budget, a budget that we can all look to with pride. What a contrast this Budget represents when compared with the Federal Budget, be it mark I or mark V. Not only has the great deceiver let down the true believers; he has let down all Australians. By contrast, the New South Wales Budget is based on clear policies and is the result of a vision set out in 1988. One need only compare some of the headlines from the media in the days after each budget was presented to know that the people of New South Wales are on a winner with this Budget. Let me contrast the two budgets. How was the Federal Budget greeted? Here are some of the newspaper headlines: "Growth To Stay Sluggish", "Heavy Tax Slugs For Motorists", "The Sting In Your Tax Cut", "Leaders Of Industry Give Thumbs Down", "Push For Cost Recovery A Blow To Aviation Sector", "Slap For The True Believers", "Reluctant Government Takes Wimp Option", "Defence Cut Slashes Jobs, Closes Bases" "Students Must Fork Out Sooner".

By contrast let me remind honourable members of some of the headlines that greeted the New South Wales Budget: "Health, Education The Big Winners", "Package Aims To Balance Common Sense And Compassion", "Mr Fahey's Modest Budget", "Boost For Films, Artists, Museums", "Additional Welfare Funds To Help Families", "Sport Benefits, Olympics

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Or Not", "Women's Programs Rise 65%", "\$44 Million To Keep Youth Out Of Prison" and "State Budget's Health Focus Deserves Praise".

Those headlines say it all. The Federal Budget is electorally unpopular, unsaleable and economically irresponsible. At a time of massive social dislocation because of the recession we had to have, Federal Labor slugs the very people it should protect because, above all, the Budget is a disaster for families and jobs. To compare the two budgets I refer to the *Daily Telegraph Mirror* in the days after each of them was presented. On Thursday, 19th August, on page 5 under the heading, "Budget '93: The verdict" is a photograph of a forlorn couple. The article describes the 25-year-old couple from Merrylands - who had recently taken out a \$5,000 personal loan to equip their new cottage with electrical goods and furniture but were worried that it would not cover the bills - as, "the first people to feel the brunt of the across-the-board increases to the wholesale sales tax system". The young couple felt let down by the Federal Budget.

The *Daily Telegraph Mirror* of Wednesday, 8th September, chose a family of five from Agnes Banks in Sydney's outer west. The article says the family, "applauded the Budget as one of the fairest handed down in years". The article goes on to say that they believed that the Budget had its priorities right by spending most money on health and education. The article continued, "Health, Education and our roads are the main priorities, because our health system in particular needs a major boost. The more they spend on these top priorities the better, but I think the money has been fairly dealt out in this Budget with a little bit for everybody". Cassandra of the *Financial Review* - Peter Walsh, that former great Labor Senator - summed up the Federal Budget in his column on 18th August:

As the Treasurer stated, this Budget takes action on election campaign programs. Unfortunately, that is true. Most of what is wrong with the Budget is a legacy of One Nation and the election campaign. Dawkins inherited these albatrosses.

Poor old John Dawkins. He should have known what was coming. Charles Dickens in *Oliver Twist* knew. He would have said:

The receding footsteps of the speaker were heard; and, in another minute, the form of Mr John Dawkins, otherwise the artful dodger, appeared. He bore in his right hand a tallow candle stuck in the end of a cleft stick.

Poor old John Dawkins has been carrying that cleft stick ever since. The difficult situation, as we know, is that the Federal Government is a government without policies, whereas we are a Government with a vision, and with policies that have been consistent since our election in 1988 and our re-election in 1991. Of course, in this assessment, in this comparison of the budgets, who could forget the comments from Martin Ferguson, president of the ACTU, that to try and defend the Budget is to defend the indefensible?

Robert Gottliebsen in the *Business Review Weekly*, however, draws all that criticism together in one damning, pithy question. He notes, "Around the country, people are asking, almost in hushed tones, is Paul Keating up to the task of being Prime Minister?" To that I could add, "People know that Labor is not up to the task of government".

The Hon. Franca Arena: Only last March the people voted Labor in for three years.

The Hon. PATRICIA FORSYTHE: And they are regretting it now. I want to highlight past Federal budgets because they show what happens when you have a government that does not have a vision, a government that does not have clear policies.

The Hon. Judith Walker: I sincerely hope it is not as stultified as the vision you have just shown us on behalf of your Government.

The Hon. PATRICIA FORSYTHE: This year Mr Dawkins, otherwise known as the artful dodger, began his Budget Speech by saying, "The greatest issue facing our nation is how to provide jobs for our fellow Australians . . . Too many have been out of work for too long". Who could disagree with that statement? He said, "The primary objective of this budget is jobs . . . This is a budget to strengthen the recovery and make it sustainable". Most of us are saying, "First let us have the recovery, and then work to make it sustainable". Mr Dawkins said, "This budget sets us on a prudent path, leading to lower Government deficits and higher national saving".

Last year the Federal Government had the same theme in mind. Mr Dawkins said, "This Budget has three fundamental objectives. The first two are about jobs: jobs now, and more jobs in the years ahead". At least in that regard it has been consistent. He then said, "When, as is the situation now, there are not enough jobs, it is up to the Government to take action; to do everything in its power to provide jobs for those Australians without work". Who could disagree with that statement?

In 1992 he went on to state boldly, if somewhat prematurely, "Recovery started during the year, but failed to gather strength in the way expected" - an understatement. "We all deeply regret that the growth achieved was not sufficient to prevent rising unemployment". One can see why the State must have such a strong and clear vision and why we have stuck to it. In 1991, the Treasurer at that time, Mr Kerin, said of that Budget, "It was a disappointing year for all Australians; a year of lost jobs, squeezed profits and dashed hopes". He went on to say, "but the Australian economy is set for recovery in 1991-92. The recovery will be slow." It has been so slow we are still waiting for it, which is why it is important that the New South Wales Government maintains a strong, fiscally responsible position.

Let me take it a little further. In 1990 Mr Keating, who was then the Treasurer, said to the people of New South Wales, "Tonight I am able to report that we are emerging from this phase in fundamentally better shape having succeeded in this transition". They were nice words but he did not live up to them. He said, "The current account deficit is

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falling and inflation is abating. This year inflation will fall further, the current account deficit will markedly improve and employment will pick up". In 1990, he noted that there was a surplus of more than \$8 billion - the fourth successive surplus. He lost that surplus a year later. To give the whole picture so that honourable members will understand what this Government had to deal with as it faced the economic situation in New South Wales, in 1989, after our first full year in office, Mr Keating said that Australia was

on the way to a systematic restructuring of its economy. He said that the previous year he forecast a budget surplus of \$5.5 billion but in fact it was going to be closer to \$6 billion, and that night he was going to deliver a surplus of \$9.1 billion. If all those comments were put together, honourable members would have to agree that the Federal Government does not know where it has been, it does not know where it is, and it does not have a clue where it is going. Federal Labor's Budget was damned because it forgot the needs of families, low-income earners and business.

The Hon. J. F. Ryan: It forgot the needs of Labor voters.

The Hon. PATRICIA FORSYTHE: It forgot the needs of the true believers. In contrast, the New South Wales Budget is fiscally responsible and responsive, without putting aside the needs of the people of New South Wales. A few lines from the Budget Speech state, "This is a Budget to contain debt, maintain services and give a helping hand to people and families in need". In other words, it lives up to the responsibilities of government. It is about helping people and families in need. "It is a Budget of common sense and compassion. Above all, it is a Budget for responsible economic management". It is a Budget that is concerned with priorities, and a Budget that acknowledges the importance of reining in the debt. The Treasurer deserves considerable praise for this Budget. The actions of the Opposition in recent days are testimony to its real attitude to this Budget. Yesterday honourable members heard the pathetic response of the Leader of the Opposition. Opposition members turned their attack from the Budget to the deliverer of the Budget, the Treasurer. The attack on the Treasurer has been nothing more than a cynical abuse of power and a sure sign of an Opposition embarrassed by the Budget and its reception.

The true attitude of the Opposition can be summed up in the media story of the past weekend: senior ALP figures, we were told in the media, were reported as saying that an early election was in the air, because the Budget had been an election budget. Translated that means the Budget was a good budget and the faces of Opposition members said it all when the Budget was delivered. They knew that the Government was delivering an economically and electorally correct budget. They knew that all the hard decisions of the previous five years were bearing fruit, and that containment of debt was being achieved without compromising on a clear commitment to deliver services in the key areas, the core areas of government - health, education and transport - and also in other areas such as the commitment to women.

I turn now to some of the positive features of the Budget. First, I shall detail some of the commitments for the Central Coast and lower Hunter for which I am the duty member in the Legislative Council. These commitments give me particular pride, especially when coupled with the commitments for other Newcastle seats and the Hunter. They show that the Government has a real commitment to the people of the Central Coast and Newcastle. Gone are the days when governments ignored these areas. This Government, more than any other, is about fairness and equity to all. I am proud of what it has done for the Central Coast and the Hunter. I shall quote from some randomly selected press releases that I issued in my duty electorates on the Central Coast after the Budget was delivered. The first is entitled "Road Funding for Wyong", and in part reads:

Funding of \$11.1 million has been allocated to the Wyong electorate. Highlights of the actual road budget for this area focus on the F3 Freeway. They include its widening to four lanes at Tuggerah to The Entrance Road, Long Jetty and the construction of dual carriageways from Ourimbah Creek to Kangy Angy Creek including the Ourimbah Interchange.

The next extract is entitled "Road Funding for Peats and The Entrance", and reads, "Funding of almost \$17 million has been allocated to Peats and The Entrance". Works to be completed and works under way include the construction of dual carriageways on the Pacific Highway from Hely Street to Dane Drive, Gosford; improved access to Kariong village from the Pacific Highway; widening of Wyong Road to four lanes from the F3 at Tuggerah to The Entrance Road at Long Jetty; and completion of roundabouts on The Entrance Road and Ocean View Road and Tumby Road, Wamberal. Another extract, headed

"Waterways Improvements for Wyong", reads:

The New South Wales Government will invest \$56,000 on improvements to recreational boating facilities in the Wyong electorate. The MSB Waterways Authority will upgrade navigation lights on Tuggerah Lake and provide new waterways advisory signs. New outboard motors will be purchased for use on the local patrol boats.

In the press release headed "\$2.4 million Rail Upgrade for Peats and The Entrance", it is noted that in addition to the new Tangara carriages to assist in the service from the Sydney central business district to Wyong, \$500,000 will be spent on bridge works at Narara and culvert works between Gosford and the Hawkesbury River, as well as \$330,000 on improvement works to the electrical supply system between the Hawkesbury River and Gosford, \$350,000 on embankment works at Gosford, and \$36,000 for platform resurfacing and fencing at Ourimbah railway station. Another extract is headed "Waterways Improvements for Lake Macquarie". It notes that \$80,000 will be invested in improvements to the Lake Macquarie electorate to provide new boat storage tender racks and a fuel depot as well as further navigational aids and an overall upgrade of

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moorings at the entrance to the lake. The next, entitled "Swansea, a Winner in the 93/94 Education Budget", states:

Funding in the 93/94 State Budget will cover repairs and painting at Belmont High School at a cost of \$300,000, repairs and painting at Swansea High School at a cost of \$150,000, and maintenance at Gwandalan Public School at a cost of \$10,000. The electorate will also benefit from the \$1.842 million allocated in maintenance funding to the Hunter Institute of Technology.

The Hon. D. F. Moppett: It is remarkable what this Government has done for Newcastle and the Hunter regions.

The Hon. PATRICIA FORSYTHE: Absolutely. We will go down in history as the best Government for the Hunter and the Central Coast. I have not finished with the good news yet. A further extract headed "Lake Macquarie Winner in 93/94 Education Budget" notes that \$290,000 will be allocated towards a replacement school at Barnsley Public School. Funding in the Budget includes repairs and painting to four schools: Biddabah Public School, Morisset High School, Wangi Wangi Public School and West Wallsend High School. The press release headed "\$300,000 Rail Upgrade for Lake Macquarie Electorate" reads:

As part of the City-Rail's station upgrading program, \$246,000 is being spent this year at Cockle Creek, Awaba and Fassifern. At Cockle Creek work will involve platform raising and resurfacing, while at Awaba platform resurfacing and fencing work will be conducted. At Fassifern, work will be carried out at the car park. Another \$80,000 has been allocated for culvert works at Cockle Creek and cutting stabilisation at Fassifern.

Funding of almost \$20 million has been allocated to the Swansea and Lake Macquarie electorates for roads, particularly for work on the F3 Freeway. Divided carriageways from Wakefield to Leneghans Drive, Minmi, and an interchange of the F3 with the Newcastle link road will be constructed. The electorate of Charlestown is a winner in the 1993-94 education budget. More than \$2.2 million will be spent on capital works and maintenance for both school and TAFE facilities in the Charlestown electorate. This includes \$850,000 for internal and external repairs and painting at Warners Bay High School, while Whitebridge High School has been allocated \$500,000 for repairs and painting. Funds have also been allocated in this Budget to Charlestown East Public School and Gateshead Public School for repairs and maintenance. The Charlestown campus of the Hunter Institute of Technology has been allocated \$140,000 for a double modular lightweight building. There are also to be rail upgrades for the Charlestown electorate. An amount of \$70,000 has been allocated to resurface the platform at Kotara station. A further \$10,000 will be spent on embankment works at Kotara. Almost \$1 million has been

allocated to the Charlestown electorate for roads.

The electorates of Peats and The Entrance are winners in the 1993-94 education budget. More than \$1.23 million will be spent this financial year on capital works and maintenance for schools in The Entrance and Peats electorates. Funding includes \$430,000 for major maintenance projects at Umina High School, including \$400,000 for reroofing and \$30,000 for cyclic maintenance. An amount of \$110,000 will be provided towards stage one of the construction of a new Tumby Umbi High School. Funding in The Entrance for maintenance work will be spent at Lisarow High School, Bateau Bay Public School and Brooke Avenue Public School.

Wyang is a winner in the education budget. More than \$4.42 million will be spent on capital works and maintenance for both school and TAFE facilities in that electorate. Funding is being provided for a new TAFE college at Ourimbah, which is being built in conjunction with the University of Newcastle. The Budget also provides \$23,000 for maintenance at Dooralong Public School. An amount of \$5 million has been allocated for a rail upgrade in the Wyong electorate. There are to be waterways improvements for Peats. An amount of \$60,000 is being spent at Peats to provide a new twin-hulled patrol boat for use by the boating service of the Maritime Services Board. With respect to health, \$3.4 million for new services has been allocated on the Central Coast, including further new hospital services at Gosford and Wyong. An additional \$2.2 million has been allocated in the Hunter for work at the Newcastle Mater Misericordiae Hospital and the John Hunter cardiac unit. There is a major commitment to health in the Hunter region.

I have particularly chosen to highlight these commitments in the Budget because they sum up much about this Government and this Budget. I could have chosen any electorate in the State and the story would have been the same because this Government has given a commitment to all the people of New South Wales, regardless of the electorate in which they live and the party to which their local member belongs. That is a far cry from the attitude of governments in past years - I include past coalition governments as well. Never have the Hunter and the Central Coast been so well looked after as they have been looked after by this Government. These statistics show that the Government has a commitment to the core areas of government, be it health, education or transport. I could have added other fundamental areas of government, such as law and order, and the story would have been the same. I refer to the speech the Leader of the Opposition made yesterday. He stated:

The Opposition agrees with the need to reduce this State's deficit, but rejects entirely the Government's misplaced priorities.

What are our priorities? Health, education and transport. Who could possibly disagree with those priorities? He continued:

. . . the Government's entrenchment of wrong spending priorities and high taxes by continued waste; the sacking of workers . . .

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He continued:

Our approach will mean that for every extra dollar we spend on our election commitments, either recurrent or capital, an equivalent dollar will be cut elsewhere to pay for them.

I can just imagine where the Leader of the Opposition will cut the dollars from. The Leader of the Opposition stated:

. . . Labor will not increase taxes or introduce new taxes.

I wonder whether the Leader of the Opposition has been to the same school as Paul Keating to give us

that little promise. Since 1988 this Government has given the highest priority to spending on key areas of government, to the delivery of services efficiently and effectively and to giving value for the dollars spent, but it has done so responsibly, ever conscious of the need to control debt. That is, after all, the central plank of the Budget strategy. It gives me the greatest pleasure to endorse this Budget.

Debate adjourned on motion by the Hon. Franca Arena.

TREASURER AND MINISTER FOR THE ARTS DEFAMATION ACTION

The Deputy-President (The Hon. Beryl Evans) reported the receipt of the following message from the Legislative Assembly:

Mr President

The Legislative Assembly desires to acquaint the Legislative Council that it has this day agreed to the following resolution:

That this House requests the Independent Commission Against Corruption:

To investigate and report to the Parliament as to whether the procedures relating to the case of *Collins v Ryan & Ors.* and its settlement were acceptable having regard, amongst other things, to practices and procedures in the public sector and whether any improper influence was exercised by any person or persons in this process.

Legislative Assembly

K.

R. Rozzoli

15

September

1993

Speaker

ENDANGERED FAUNA (INTERIM PROTECTION) AMENDMENT BILL

REGISTERED CLUBS (MANAGEMENT) AMENDMENT BILL

Suspension of certain standing orders, by leave, agreed to.

Formal stages and first readings agreed to.

TREASURER AND MINISTER FOR THE ARTS DEFAMATION ACTION

Suspension of certain standing orders, by leave, agreed to.

The Hon. J. P. HANNAFORD (Attorney General, Minister for Justice, and Vice President of the Executive Council) [10.40]: I move:

That this House requests the Independent Commission Against Corruption:

To investigate and report to the Parliament as to whether the procedures relating to the case of *Collins v Ryan & Ors.* and its settlement were acceptable having regard, amongst other things, to practices and procedures in the public sector and whether any improper influence was exercised by any person or persons in this process.

Over the past several days the Opposition has raised a large number of questions within the Parliament and within the press by which it has sought to engender by innuendo allegations against the Treasurer and member for Willoughby, the Hon. Peter Collins, M.P. The suggestions generated by innuendo by the Opposition are that improper practices have been followed by the member for Willoughby. I make it very clear in this House that the Opposition has not raised any allegation against the member for Willoughby, or any officers of the health department, any officers of the Attorney General's Department or any officers of any other department, of improper or inappropriate practices in relation to the settlement of litigation between Mr Collins and Dr Ryan. However, what there has been is a sordid attempt to cast doubt upon the integrity and character of officers of agencies of the Government and of the member for Willoughby.

I have to say that it has been one of the most scurrilous attacks orchestrated by an Opposition without the Opposition having the intestinal fortitude to come forward with any specific allegation against any person. It has been an orchestrated campaign by the Opposition. In this House I have suggested that members of the Opposition have prostituted themselves in this campaign, and I do not resile from that. There has been a deliberate campaign by members of the Opposition to undermine the integrity of a member of the Parliament, a campaign that has been orchestrated without the making of any specific allegation against any person. There has been an attempt to undermine the integrity of officers of departments of government, again without making any allegation against them.

The Independent Commission Against Corruption was put in place to make certain that the propriety of the administration of government could be the subject of examination if allegations were to be made. No members of the Opposition have sought to avail themselves of the opportunity to take matters before the ICAC in order to test whether or not there has been any improper or inappropriate conduct by any officer of government or any member of government. Opposition members have deliberately maintained their campaign of undermining the integrity of the processes of government and of court procedures. The Government therefore, through the Minister for Health, last night determined that this matter should be appropriately investigated by the appropriate authority. No longer was the Minister for Health prepared to have, by innuendo from a cowardly Opposition, this continuing program of undermining and besmirching of the integrity of the officers of his department, going right through to the most senior officer, the director-general.

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Therefore the reference was made to the Independent Commission Against Corruption. However, the commissioner today indicated that he did not believe that the reference was within his legal authority because no allegations of any criminal conduct involving a Minister had been made. This indicates the extent to which the Opposition has been prepared to be totally cowardly in relation to these matters. It has not been prepared to make allegations against people in government.

The Hon. M. R. Egan: No, he rejected your purported reference.

The Hon. J. P. HANNAFORD: Because he did not have the power to deal with it, because you people have not been prepared to make the allegations. Therefore, the Government brought before the other Chamber a motion to refer to the ICAC a parliamentary reference for inquiry. I shall indicate to the House the extent to which the Opposition is prepared to undermine, for political purposes, the institutions of government. Absolutely no allegation has been made against Dr Ryan. No allegation has been made against Illawarra newspapers. No allegation has been made against the Fairfax newspapers. The two corporations involved at least have not been the subject of any innuendo or any attack in the Parliament. The Opposition has been prepared to use Dr Ryan to the point where we saw today in the newspapers that Dr Ryan was feeling he had been used and abused by the Opposition in its campaign. But today in the other Chamber the Opposition moved an amendment to the motion before the House. It extended the inquiry by expanding the reference to include those other parties to the proceedings - the Fairfax corporation and the *Illawarra Mercury* newspaper. They are to be the subject of the reference

from the Parliament to the ICAC.

Let us make quite clear what we refer normally to the ICAC: allegations relating to the conduct of parties in relation to an agency of government or of an agency of government. The Opposition, for its own base political reasons, has said through a resolution of the lower House that there should be referred for investigation to the ICAC whatever might have been done by two parties that had not been alleged by anyone to have had any associations with an agency of government. What we have is a total abuse of the Parliament by the Opposition and the Independents in another Chamber in referring for inquiry by the ICAC two persons against whom absolutely no allegation has been made by any party in any public forum.

It is absolutely clear that there has been a complete abuse of the parliamentary process, a complete abuse of the Independent Commission Against Corruption Act by the Opposition, supported by the Independents, by now referring for inquiry - remembering that under the Act this must now be a public inquiry - two persons, two organisations, two corporations against whom nothing has been alleged. That is a total prostitution by the Opposition of the parliamentary process. I put it clearly on the record that we have made no allegations. No other person has made any allegations against those two corporations, but the Opposition and the Independents wish to bring before the ICAC in public inquiry those two organisations so that it will now be said by the community that there must be something that has to be investigated against those two corporations.

We recognise the role of the Opposition and the Independents with the numbers in the other House. But we condemn the Opposition and the Independents for making the amendment to the motion. We make it quite clear that it is our belief that, even though the amendment was made, because there are no allegations against those organisations it would not be within the intent of the legislation that there should be any investigation by the ICAC against those particular corporations, because there has not been made in any public forum any allegation that would fall within the terms of reference of the legislation or within the intent of the legislation. We condemn the Opposition for subjecting those organisations to such an examination. It sends a message to the community that the Opposition, for its own base political reasons, when it has control with the Independents is prepared to abuse that power in the other Chamber and to subject any organisation within this community to a reference before the ICAC, a reference to the ICAC without there being any allegation at all against such people.

That is a message that is now being sent by the Opposition and by the Independents in the other Chamber. I say to the members on the crossbenches that they must now remember what happened in the other Chamber. The Government is intent that there should be an investigation of these comments that have been made in the community. I do not say allegations, because there have not been allegations; and I do not say charges, because there have not been any charges. But we are not prepared to have the integrity of agencies of government undermined by way of innuendo. We are not prepared to tolerate a situation where the Opposition is prepared to abuse the forums of the Parliament by making use of those forums to scurrilously spread innuendo.

We therefore believe it is appropriate that this reference be made to the Independent Commission Against Corruption, but with the quite clear qualifications I have made about amendments that have been forced through by the Opposition in the other Chamber, and with the quite clear proviso that we believe that even though they were forced through, that was done in a manner that extends the operation of the Act in a way that was not intended by the Act. Therefore it would not be inappropriate, in the Government's view, for the ICAC to indicate that it would not be appropriate to investigate, or to include in its investigations, those additional corporations.

The Hon. M. R. EGAN (Leader of the Opposition) [10.52]: The Opposition supports the motion to refer to the Independent Commission Against Corruption the matter concerning the
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settlement of the case of *Collins v. Ryan*. The Attorney General pretends not to understand what is

wrong in this matter. What is wrong basically is that the Treasurer of New South Wales, the custodian of the public purse in this State, has ended up with \$70,000 of taxpayers' money, that is the costs awarded against him by the Supreme Court, which, unless he took the matter to appeal and won, he would have had to pay to cover the costs that Dr Ryan incurred in his defence. What has happened is that the Treasurer of New South Wales, the custodian of the public purse in New South Wales, by a deal, in other words the settlement of this matter before it went to appeal, has effectively transferred that debt, which he was liable to pay, to the taxpayers of New South Wales.

He has done it by effectively transferring an indemnity, which the Department of Health gave to one of its employees, to himself; an indemnity that was meant to cover Dr Ryan has ended up covering Mr Collins. Of course, if Mr Collins were a private citizen he would have every entitlement to settle the matter, as he has, provided that the Department of Health, or whichever authority, gave the defendant the go ahead to settle the matter. But Mr Collins is not an ordinary citizen. He is Treasurer of New South Wales and therefore has a clear conflict of interest when he attempts to make, or makes, a deal that transfers costs awarded against him by the court to the taxpayers. Because of his role as Treasurer, because of his role as custodian of the public purse, because of the obligation on him to avoid any conflict of interest, Mr Collins should have paid the costs the court awarded against him or taken his chances on appeal.

To transfer that debt to the taxpayers of New South Wales was immoral and improper. That is clear cut, whatever else might transpire before the Independent Commission Against Corruption and whatever conclusion the commission might arrive at. There are two issues at stake. The first is the immorality and impropriety of the Treasurer, a member of the Executive Government, benefiting by a decision of the Executive Government, which effectively freed him of a debt and transferred it to the taxpayers. The second is the possibility of corruption in the way in which the decision of the health department to give its approval to the settlement of this case was arrived at. It is fascinating to go through the documents. Do members remember that they were told that documents did not exist? We were told last Wednesday and Thursday that the documents that were delivered to Parliament were all there were. Then yesterday the Legislative Assembly insisted on its right to have all the relevant documents tabled.

Consequently we saw not just a little bundle like this one I am holding, we saw two big bundles, each of them feet high. When we went through those documents, a very curious chronology of events unfolded. We found that on 21st July the senior legal officer of the Department of Health had this to say in a memorandum to the director of the department's legal branch with regard to the Director-General of the Department of Health, Dr Amos:

The DG's view was that the matter should not be settled. I consider that the issue now needs to be raised formally with the DG as a matter of urgency and recommend that the previous decision not to settle be maintained.

What is more, Caroline Marsh, the senior legal officer, said:

It is further noted that none of the counsel who have supported the appeal's likely success actually appeared in the case, whereas all of those of the view that the appeal will fail were so involved.

The Minister at the time was Mr Phillips, the honourable member for Miranda - this was 21st July, 1993 - though I understand he was out of the country and that the Attorney General was the acting Minister for Health. Caroline Marsh continued:

In my view this is a significant point in their appreciation of the complexities of the arguments presented.

I submit that is a very significant point as well. The department's legal advisers were saying, "Don't settle". We have also heard all of the legal advice upon which the Government now claims the decision

to settle was based, and we are told by the legal advisers of the Department of Health that all of those barristers who suggested that Mr Collins was likely to win his appeal had nothing to do with the first case, whereas all of those who were involved in the first case suggested that Mr Collins had no chance of success in his appeal. On 21st July a very clear view came from the Department of Health, not only from its legal advisers but, according to its legal advisers, also from the Director-General of the Department of Health. Also, on 21st July, a file note by Caroline Marsh, the same senior legal officer states, talking of a conversation she had with Dr Ryan's solicitor:

We agreed that as inadequate material was available at the time with which to brief Mr Rares, then the conclusions reached were open to criticism. Advice from John Kelly noted. No clear basis on which to settle.

Here is the department's legal adviser saying that yes, they had some advice from Mr Rares, but not all the material. He was asked to give an opinion without us giving him all the relevant information. The following day, 22nd July - honourable members will remember that the day before, the department's legal officers were saying that there was not enough information on which to conclude that Mr Collins' appeal would succeed and recommending that there be no settlement - the Director-General of the Department of Health agreed with that view. The day after that the Hon. Dr B. P. V. Pezzutti and the Treasurer, Mr Collins, got Dr Ryan in to lunch here.

The Hon. Dr B. P. V. Pezzutti: Hang on. What do you mean by "got Dr Ryan in to lunch"? Me?

The Hon. M. R. EGAN: Yes, you.

The Hon. Dr B. P. V. Pezzutti: I was invited in to lunch. It is not the same thing.

The Hon. M. R. EGAN: That is right, and you rang Dr Ryan the night before, did you not?

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The Hon. Dr B. P. V. Pezzutti: Only to put him in touch with Mr Collins.

The DEPUTY-PRESIDENT (The Hon. Beryl Evans): Order! I will not allow an inquisition across the table. Members will address the Chair.

The Hon. M. R. EGAN: You were the person who set up the lunch.

The DEPUTY-PRESIDENT: Order! I directed the Leader of the Opposition to address the Chair.

The Hon. M. R. EGAN: Thank you. I am pleased to inform the House that it was the Hon. Dr B. P. V. Pezzutti who set up the lunch. At that lunch on 22nd July, Dr Ryan was persuaded to sign a settlement that he thought had been okayed by his solicitors. In fact no such thing had happened. Then, of course, all hell obviously broke loose. Mr Collins got a settlement signed by Dr Ryan without the advice of his legal advisers, thinking that they had already given it. Mr Collins then had the weapon to put the pressure on the Department of Health to get it to approve the settlement that had already been signed so that he could transfer the debt from himself to the taxpayers of New South Wales. Then on 23rd July the Director-General of the Premier's Department, Mr Humphry, recalled that Dr Amos by that stage had indicated a personal preference to agree to settlement that saw the need for independent legal advice before the Department of Health could properly take decisions, and concurred.

That is interesting. That is on 23rd July, the day after the settlement had been signed at lunch in Parliament House. The directors-general of the Premier's Department and the Department of Health both agreed that independent legal advice was needed - 23rd July - but when did they start seeking this independent legal advice? On the 23rd? No, they waited for two days before the matter was due to go to

appeal; they waited until the 26th. They did not even take it up with the Attorney General's Department or the Crown Solicitor until 27th July, four days after they had agreed that there had to be independent legal advice and two days before it was due to go to appeal. Then, on 26th July, a file note by Greg Booth, the Assistant Crown Solicitor, said in part:

An appeal is to be heard on Thursday and Collins has been putting pressure on the DG of the Premier's Department and the DG of the Department of Health to accept his offer of settlement on the terms that each party pay its own costs.

In other words, the Department of Health, the taxpayers of New South Wales, paid for Dr Ryan's costs, which the court had previously awarded against Mr Collins. Here we have the Treasurer, who said the settlement was all above board and no undue pressure had been put on anyone. Here we have the Assistant Crown Solicitor saying, "Collins has been putting pressure on the DG of the Premier's Department and the DG of the Health Department". Indeed, this morning on the Andrew Olle radio program, the Treasurer denied that. He said that he did not put any pressure on anyone. Mr Collins said it was all hearsay. At 9 o'clock this morning in the Domain, the Premier was tipping the bucket on his colleague the Treasurer because the Premier released the Humphry file note in which the Director-General of the Premier's Department, Mr Humphry, noted - and I quote from the director-general's memorandum of today:

You will note that I became aware of the matter through a request by Mr Collins to enquire if the Department of Health was giving attention to a proposal by his counsel for settlement, given that the Appeal hearing was imminent and any consideration of settlement had to be resolved quickly.

Why did the Treasurer approach the Director-General of the Premier's Department, who presumably, in the normal course of affairs, would have absolutely nothing to do with a decision by the Department of Health as to whether the settlement was to be approved or not? Why did the Treasurer approach the Director-General of the Premier's Department? Obviously he was putting pressure on the Director-General of the Premier's Department to get the settlement approved by the Department of Health. Then on 27th July Dr Amos, the Director-General of the Department of Health, finally wrote to the Director-General of the Attorney General's Department, Mr Glanfield. That is four days after they had decided they had to get independent legal advice and should do so through the Attorney General's Department. It took them four days to do that.

The following day, 28th July, a draft was sent for the attention of Mr Glanfield, Director-General of the Attorney General's Department. It is very interesting to read that in Mr Booth's covering letter he concluded by saying, "In order to save time, I shall content myself with offering a draft reply to the Director General. Its terms indicate my views. The draft is attached to this letter". In the draft that the Assistant Crown Solicitor prepared for the Director-General of the Attorney General's Department, the Assistant Crown Solicitor said that there were twelve factors that must be taken into consideration by the Department of Health in arriving at a decision. Those twelve factors include: conflicting legal opinions as to the prospects of the appeal; the fact that Dr Ryan was successful at trial; the possibilities for some other basis of compromise; the fact that at 24th June, 1993, counsel for Dr Ryan was advising his solicitors that there were very real prospects that the plaintiff, despite encouraging legal opinions, would simply abandon the appeal and wear the order for costs.

Those factors are significant because none of them was mentioned in the recommendations of the Department of Health upon which the decision was made to approve the settlement or the briefings of the Department of Health that the Minister for Health tabled in the Legislative Assembly last week. Five factors are specified in the Department of Health's documents upon which it made the decision to approve the settlement and which were tabled in the

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Parliament. Those factors were included by the Assistant Crown Solicitor in his draft reply for Mr Glanfield and subsequently appeared in Mr Glanfield's reply to the director-general of health, but none of

them appears. In fact, the letter from Mr Glanfield to the director-general of health says they are factors that must be considered. They do not appear anywhere in the Health Commission documents or the Department of Health documents. The other factor of concern is in the draft reply prepared by the Assistant Crown Solicitor for Mr Glanfield's signature. He stated:

Dr Ryan may have been unduly influenced by Mr Collins' standing, with the result that his own wishes -

That is, Dr Ryan's wishes:

- a factor which I have adverted to above, may need to be discounted to some extent.

I would have thought that as it was advice from the Assistant Crown Solicitor it was fairly significant. However, in the final letter from the Director-General of the Attorney General's Department to the Director-General of the Department of Health that passage is just not there. It has been deleted altogether -

The Hon. Judith Walker: By the director-general.

The Hon. M. R. EGAN: - it would seem by the Director-General of the Attorney General's Department. On 27th July, in a file note, the senior legal officer of the health department, Caroline Marsh, prepared details of her discussions with a Paul Fitzgerald, an adviser in Mr Phillips' office. That file note includes reference to the fact that a Mr Brimaud, Mr Collins' solicitor, "has made many phone calls to Fitzgerald". Why was the Treasurer's solicitor making many telephone calls to a member of the staff of the Minister for Health? Honourable members are told the Minister for Health had nothing to do with this. They are told that no Minister was involved; this was a decision that was made purely by the officials of the Department of Health. Yet in fact there have been many dealings between the solicitors for Mr Collins and an officer in Mr Phillips' private office.

It is clear that by the time the final decision was taken to support the settlement - a decision arrived at on 22nd September - some very curious things had happened. It is also worth mentioning that, from recollection, the opinion of Mr Nicholas, Q.C., was also sought only on 27th July, two days before the appeal was due to be heard. That is, of course, unsatisfactory. It is also interesting that the Crown Solicitor's office was concerned that it was consulted right at the death knock. Greg Booth, the Assistant Crown Solicitor, in a note dated 26th July, said there was no opportunity for meaningful consideration by the Crown Solicitor or the Solicitor General and that they had no involvement in the matter.

The Assistant Crown Solicitor complained that his office was consulted only on 26th July. Of course at that stage the department was insisting on urgent advice. The message throughout is clear: there was an awful lot of pressure coming from an awful lot of sources for a decision from the Department of Health that would be favourable to Mr Collins, would absolve him of a debt worth \$70,000 and would put that debt on to the taxpayers of New South Wales. Let us hope that this inquiry by the Independent Commission Against Corruption gets to the bottom of this murky affair. Let us insist, before anything else happens, that the Treasurer of New South Wales pays back the money that he owes to the taxpayers of New South Wales. The Opposition supports the motion.

The Hon. R. S. L. JONES [11.15]: This matter has been hitting the headlines and the airwaves for the past several days. It has overshadowed the State Budget and the response of the Australian Labor Party to the State Budget. Today's headline in the *Sydney Morning Herald*, which read, "Collins payout: ICAC called in", and the headline in the *Daily Telegraph Mirror*, which read, "ICAC called in on Collins case", were somewhat unfortunate because they seem to imply that Peter Collins is guilty. Everyone in the community who reads only the headlines and does not go too much further will believe that Mr Collins is corrupt. I do not intend to canvass the merits or demerits of the case now. That is up to the ICAC. I hope it will do the job swiftly and that honourable members can get on with the job of running the State.

Reverend the Hon. F. J. NILE [11.17]: The Call to Australia group strongly supports the motion before the House. In view of what has occurred in the other place and in the media, we agree that the only way the matter can be cleared up is to refer it to the ICAC. It must be noted that the matter has been referred to the ICAC by the Government. We accept the terms of the motion and support it.

The Hon. J. P. HANNAFORD (Attorney General, Minister for Justice, and Vice President of the Executive Council) [11.17], in reply: I thank honourable members for their support of the motion. I draw the attention of the crossbenchers to the fact that during the contribution of the Leader of the Opposition in this House the Opposition for the first time outlined in explicit terms two serious allegations. They are allegations made by the Leader of the Opposition. One of those allegations is directly against the Treasurer of this State, a member of Parliament, and the other is an allegation against unnamed officers of the Department of Health. I make no further comment about that at this stage. I merely draw the attention of the members on the crossbenches to the fact that a member of this House has made very serious allegations, one of corruptly receiving money and the other of effectively transferring a debt to the taxpayers of New South Wales. They are serious allegations about which honourable members will perhaps hear more. I make no further comment other than to make that observation.

Motion agreed to.

Message forwarded to the Legislative Assembly advising it of the resolution.

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ADJOURNMENT

The Hon. J. P. HANNAFORD (Attorney General, Minister for Justice, and Vice President of the Executive Council) [11.20]: I move:

That this House do now adjourn.

AUSTCARE APPEAL FOR FORMER STATE OF YUGOSLAVIA

The Hon. FRANCA ARENA [11.20]: It is now autumn in Europe, and a cold winter is expected. In the former State of Yugoslavia the fate of more than 2.5 million refugees, victims of the terrible war, hangs in the balance. I bring this matter to the attention of the House because recently I received a visit from officers of Austcare who asked for support for the Austcare Appeal for Former Yugoslavia-Phase Two. Austcare's initial appeal for the victims of aggression in the former Yugoslavia was very successful. Phase one of this appeal has already been implemented. It included the establishment of the Tresnjevka Women's Crisis Centre, providing much needed services to displaced women who have suffered rape, torture and severe trauma. The children who accompany them and the babies born as a result of rape are also helped with specific programs at the centre.

I am happy to report that the centre has helped and counselled 600 women and children living in Spansko camp outside Zagreb, as well as many other women living in and around Zagreb. Psychological and medical help is provided at the centre, as well as practical things like soap, sanitary requisites and nappies for babies - all those things that we lucky Australians take for granted. Austcare has been able to undertake these initiatives thanks to the generosity of our fellow Australians.

Unfortunately, the need for outside assistance to former Yugoslavia grows greater each day. Media exposure has highlighted a wide variety of needs, and graphic reports by international organisations have focused attention on many dreadful war crimes. These include the existence of more than 61 rape-death camps and the sexual torture of up to 100,000 women, many of whom have died as a result. Not one of

the many calls for intervention or a peaceful settlement has succeeded in bringing the war to an end.

Austcare will send specialist staff to the area, set up medical and gynaecological clinics, send large quantities of medical requisites and equipment such as oxygen masks, cylinders, disposable needles, sterilising gases and chemicals, bandages, medical tables and so on. Austcare needs our help. \$30 will provide immunisation against childhood illnesses for three children. \$50 will provide surgical equipment for use in performing operations. \$120 will provide a package of emergency rations and materials for a woman for one month.

It is true that Australia is going through a difficult period but it is still a very lucky and rich country. The women and children of former Yugoslavia, the victims of this senseless war, the victims of ethnic cleansing, need our help. Today I have written to all women members of Parliament to ask for a donation to Austcare so that women and children in former Yugoslavia can be sent a basic Austcare intimate care package containing necessities such as soap, analgesics, vitamins, cloth nappies and so on. I am sure my parliamentary colleagues will respond generously to this appeal. I hope the male members of Parliament will also be generous. I know that Austcare will launch its appeal for former Yugoslavia in the very near future. Let us help Austcare to assist these people in desperate need.

I ask all members of the House to make this appeal as widely known as possible within their electorates. We must always remember what we would feel if these tragedies had happened to us and no one cared. How would we feel if it was our children who had no food, no water, no education, no future? How would we feel if it was our sisters, our mother, our aunts who had been raped? We as Australians have a responsibility to the world community. We are generous as individuals and as a community. I am sure that this House will support wholeheartedly this important Austcare appeal for former Yugoslavia.

HOMOSEXUAL VILIFICATION KIT

Reverend the Hon. F. J. NILE [11.24]: I refer to a article in the *Sydney Morning Herald* of 10th September headed, "Fred Nile accused of _deceitful behaviour'." The article referred to accusations by Mr Steve Mark, President of the Anti-Discrimination Board, and Mr Herbert of the Uniting Church Board for Social Responsibility that I was guilty of planning a deliberate deception or conspiracy - which in their opinion was deceitful behaviour - in respect of the production of a Call to Australia kit dealing with the homosexual vilification issue.

I am concerned that neither gentleman bothered to research the facts before making those false accusations. It confirms my belief that the board has railroaded me and found me guilty before checking the evidence and the facts. The accusation reminds me of what our Lord said. This attack is designed to destroy my credibility as a member of this House and to undermine my reputation, particularly in the eyes of the churches. It fits exactly the warning of our Lord Jesus Christ, who said in Matthew 5:11 and 12:

Blessed are you when men shall revile you, and persecute you, and shall say all manner of evil against you falsely, for my sake. Rejoice, and be exceeding glad: for great is your reward in heaven: for so persecuted they the prophets which were before you.

The facts are simple. As stated on the cover page, the homosexual vilification kits issued on 12th and 31st May were prepared by my research assistant, Mr Bruce Coleman. I did not produce the kits. Most of the homosexual vilification kits were issued on 12th May. The kit contained a copy of the board's letter dated 24th November, 1992, but did not contain a copy of my Call to Australia media release that

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related to homosexuals in the army. The updated kit issued on 31st May, following the defeat of Clover Moore's bill, contained a copy of the board's letter dated 24th November, 1992, and a copy of the Call to Australia media release dated 22nd September, headed, "Australia's Future Army - an Army of ANZACS

or an Army of Queens?"

My staff mistakenly thought that the media release supplied by the Parliamentary Library was under attack by the board as the copy in the kit had the Parliamentary Library stamp on it. As it now appears, I issued two media releases and the board was referring to the media release of the latter date and not the one included in the kit initially. The one they were referring to was, "Rev. Fred Nile announces a Federal Referendum on Homosexuals in the Army". There was certainly no conspiracy and no attempt to conceal the second media release. Obviously I stand 100 per cent behind the statements in that media release. We are quite happy that all future kits will contain a copy of both the Call to Australia media releases - the one dated 22nd September, referring to the Federal referendum on homosexuals in the army, and the one dated 24th November, 1992, which is headed, "Australia's Future Army - an Army of ANZACS or an Army of Queens?"

We are dealing with the whole issue of vilification, and I am amazed that persons such as Mr Steve Mark, the President of the Anti-Discrimination Board, and Mr Herbert of the Uniting Church could vilify my reputation before they knew the facts and use such un-Christian, uncharitable and emotional descriptions as, "deceitful, unconscionable behaviour, deliberately misled, deceitful behaviour, dishonest", et cetera. I do not think there have ever been so many negative, vicious adjectives in one small article in the *Sydney Morning Herald*. If there was a Christian anti-vilification law, I would make a formal complaint to the Anti-Discrimination Board about Mr Herbert's vilification of me. Obviously, Mr Herbert is suffering from sour grapes because of our victory over the homosexual vilification bill, which he strongly supported but which was opposed by all mainstream Christian churches in New South Wales. If Mr Steve Marks has been in any way embarrassed by my innocent mistake, I put on record my apology to him. There was certainly no conspiracy or any attempt to confuse the public or the churches of New South Wales.

NALBAUGH STATE FOREST LOGGING

The Hon. R. S. L. JONES [11.29]: In the past few days loggers have been moving into compartment 1402 in the Nalbaugh special description area in the southeast forests, an area of special interest to anyone who cares about wildlife. It seems that the National Parks and Wildlife Service has not taken the trouble to enter the various coupes in that compartment to look at how big the trees are and how valuable the habitat is. I have heard reports from those who have been monitoring the progress of the loggers that though officers from either the National Parks and Wildlife Service or the Forestry Commission have come to the compartment, they have not bothered to enter the compartment to look at the very large, brown barrel trees, which are the habitat for a number of endangered and protected species.

This area is one of the most precious areas in the southeast forests, and anyone who takes the trouble to go into the forest will conclude that the habitat should not be logged. I have made representations in this regard to the Minister for Land and Water Conservation and the Minister for the Environment. I have made representations to the National Parks and Wildlife Service. Similarly, Ted Mack and I have asked questions of the Federal Minister, Ros Kelly. An Australian Associated Press release I received today suggests that finally the Federal Government is considering moving in to take action. The logging contravenes the national forest policy signed by the Premier of this State a few months ago.

I hope that the Minister for the Environment and the Minister for Land and Water Conservation will actually walk through compartment 1402 and look at the trees they are about to sanction for logging. Any decision to log the area will be met with resistance; there is no question about it. A number of people have decided they will allow the logging to go ahead only over their dead bodies. I would advise the head of the National Parks and Wildlife Service, Neil Shepherd, the Minister for the Environment and the Minister for Land and Water Conservation to take a helicopter ride, if they have the time, early next week over the forest they are thinking of destroying. This land is far too precious to be destroyed.

Motion agreed to.

House adjourned at 11.33 p.m.
