LEGISLATIVE COUNCIL

Wednesday, 26 October 1994

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

The President offered the Prayers.

INDEPENDENT COMMISSION AGAINST CORRUPTION

Annual Report

The President, in accordance with section 78(1) of the Independent Commission Against Corruption Act 1988, tabled the annual report of the Independent Commission Against Corruption for the year ended 30 June 1994.

Ordered to be printed.

COMMITTEE ON THE INDEPENDENT COMMISSION AGAINST CORRUPTION

Collation of Evidence

The Hon. D. J. Gay, on behalf of the Chairman, tabled a collation of evidence of the Acting Commissioner of the Independent Commission Against Corruption, Mr John Mant, on general aspects of the commission's operations, dated 3 August 1994.

Ordered to be printed.

PETITIONS

Marijuana Prohibition

Petitions praying that legislation be enacted to give effect to the Law Society's recommendations on reform of marijuana prohibition laws relating to the use, possession and cultivation of marijuana for personal use, received from the **Hon. R. S. L. Jones** and the **Hon. Ann Symonds.**

STANDING COMMITTEE ON SOCIAL ISSUES

Report: Births, Deaths and Marriages: An Open Register?

Debate resumed from 20 May 1993.

The Hon. J. P. HANNAFORD (Attorney General, Minister for Justice, and Vice President of the Executive Council) [2.39]: In accordance with the resolution of the House on 2 July 1991, I desire to respond to

the report of the Standing Committee on Social Issues entitled "Births, Deaths and Marriages: An Open Register?" tabled on Thursday, 11 March 1993. In 1992 the then Attorney General requested the Standing Committee on Social Issues to inquire into a recommendation of the New South Wales Law Reform Commission that birth, death and marriage records should be open to the public. After an extensive inquiry completed in March 1993 the committee unanimously recommended that an open register, as proposed by the Law Reform Commission, should not be adopted. Further recommendations were made concerning access to registry records.

The report has provided impetus for a number of significant and innovative developments in the registration of these important life events. Many of these developments are not restricted to New South Wales but have occurred Australia-wide. I am pleased to report that action has been taken on all 21 of the committee's recommendations and that most have been implemented already. In dealing with data protection, the committee's first recommendation was that data protection principles should be enshrined in New South Wales legislation. As members will be aware, data protection legislation is currently before a parliamentary select committee and its report is expected shortly. On the issue of uniformity and national access to registry data, the committee recommended that I pursue with the Commonwealth and other States a policy of uniformity and national access to registry data. Following that recommendation I and my colleagues from other States approved a national consultancy for the purpose of developing strategies for greater integration of birth, death and marriage services.

The national study identified that approximately two million Australians live outside the States where they were born. Geographic distance also causes country residents in all States and Territories to be disadvantaged in accessing registry services. The Australian Registry of Births, Deaths and Marriages introduced an interstate fax application service. This service provides the facility for any person to walk into the New South Wales registry and order a birth, death or marriage certificate from anywhere in Australia. Since the inception of the service the New South Wales registry has processed more than 9,000 applications. Current figures show approximately 1,200 applications each month, with demand for that service continuing to grow.

Further improvements are proposed with the introduction of a national free-call ordering service. The Victorian Registry of Births, Deaths and Marriages is currently undertaking a feasibility study on behalf of all States and Territories into implementing such a service, using the 13 prefix. Another integration initiative being undertaken by all registries is the preparation of model legislation for the registration of births, deaths and marriages. In-principle approval was given at the January meeting of the Standing Committee of Attorneys-General and a draft bill is currently being considered by the national committee of Parliamentary Counsel.

The new legislation will retain the traditional framework of compulsory civil registration but will allow the registries to adopt a more flexible approach to changing social needs. The legislation will also facilitate the introduction of common services across all States and Territories. The specific recommendations of the Standing Committee on Social Issues on access criteria to be applied to birth, death and marriage records, have been incorporated in this national model legislation. In accordance with the committee's recommendation, the New South Wales registry finalised its policy for access to certificates, and copies of the policy are available for members of the public.

On the issue of index release dates, many of the submissions to the Standing Committee on Social Issues concerned the release dates of historical births, deaths and marriages indexes for genealogical research. Since then the registry has released an updated and improved index to its early records entitled the New South Wales Pioneers Index. This has been released as part of a national series which, to date, includes sets of indexes from Victoria and Tasmania. The information in the indexes is consistent in its presentation across all States, and easy access is provided by way of CD-ROM or microfiche format. The committee's recommendation to remove embarrassing or distressing index identifiers, such as the code for legitimacy, has been followed.

I turn to health and research access. The collection of birth, death and marriage data is something we usually regard as necessary only to provide birth and death certificates when required. We tend to overlook the crucial role these records play in providing a primary source of data on the Australian population. Birth and death data provided by the registry to the Australian Bureau of Statistics and the Australian Institute of Health and Welfare are becoming more critical in medical and epidemiological research. Computer power and continuing advances in science allow for detailed analysis of such data; for example, linking cause of death with occupation, birthplace or family size. Studies tracing the incidence of skin cancer to certain high-risk categories, identifying suicide rates in the Aboriginal population, or showing changing patterns in maternal health, may all have come from data provided by the registry.

Medical researchers and government agencies increasingly are demanding immediate access to accurate and cost-effective information. The Standing Committee on Social Issues strongly supported New South Wales' participation in the formulation of a national death index which now operates under the auspices of the Australian Institute of Health and Welfare. A further step will be the establishment of a national data unit to coordinate requests for bulk registry information. Such a unit would satisfy major client needs, particularly those of medical and other researchers, by providing a single point of contact for such users. This will eliminate the current cumbersome and time-consuming process of seeking permission from eight separate States and Territories. The New South Wales registry is leading this project on behalf of the other States and Territories and will be working in close consultation with the Privacy Committee and the New South Wales Department of Health to ensure that confidentiality, data integrity and accuracy of the information are maintained.

On the issue of common information collection, the Standing Committee on Social Issues recommended that the registry should inform the public, in general terms, of the purpose for collecting information on births, deaths and marriages. Already this is done in a limited way by reference to the Australian Bureau of Statistics on the data collection forms. The registry aims at its November 1993 conference to collect standard information. Adoption of uniform data collection on a national basis will provide consistent information to researchers and is essential to the establishment of the national births, deaths and marriages data unit which I mentioned earlier. The new registration forms will state the purposes for which the data is being collected in more detail.

In summary, the work of the Standing Committee on Social Issues has contributed significantly to stimulating and promoting increased cooperation between the States and Territories in formulating a national strategy for the registration of births, deaths and marriages. In this day and age Australians need easy access to government services. The initiatives outlined in this paper, coupled with the application of new technology, will go a long way towards providing the Australian people with the quality of service they have a right to expect. I commend the chairperson and members of the Standing Committee on Social Issues for issuing a report which has been instrumental in implementing this national approach. They are to be commended for the research work evidenced in the production of this report. I congratulate them on the fact that their recommendations have been implemented or are in the process of being implemented by this Government and by governments in other States.

The Hon. Dr MARLENE GOLDSMITH [2.48], by leave: On behalf of the Standing Committee on Social Issues, I welcome the kind words of the Attorney General about the committee's report and thank him for them. All members of the committee put a great deal of work into that report, and I am delighted that so many of our recommendations appear to have been taken up. Members will have the opportunity to examine the Minister's response in more detail, and I look forward to that. Once again, I thank the Attorney General, and I thank the House for its indulgence in allowing me to make this brief response.

STATUTE LAW (MISCELLANEOUS PROVISIONS) BILL (No. 2)

Second Reading

Debate resumed from 25 October.

The Hon. J. P. HANNAFORD (Attorney General, Minister for Justice, and Vice President of the Executive Council) [2.50], in reply: I commend the bill.

Motion agreed to.

Bill read a second time.

Page 4609

In Committee

Schedule 1

The Hon. J. P. HANNAFORD (Attorney General, Minister for Justice, and Vice President of the Executive Council) [2.51], by leave: I move the following amendments in globo:

No. 1 Page 13, Schedule 1, line 15. Omit "of governing body", insert instead "of body corporate".

No. 2 Page 13, Schedule 1. After line 24, insert:

(2) Despite the other provisions of this Act, the liability of any member of the body corporate is limited to the amount of the annual fee, if any, paid or payable by the member for membership.

In my response to the second reading debate I foreshadowed that we would be pursuing these two amendments to the bill in relation to the Infants' Home, Ashfield Act. One amendment will clarify the liability of the members of the Infants Home, Ashfield by ensuring that they will be liable only to the extent of the amount of their annual membership fee. The bill already provides protection from liability for the officers and members of the governing body of the home, and for acting under direction and in good faith for the purposes of the Act.

The second amendment is consequential upon the first. As all members would know, the work of the Infants Home at Ashfield is outstanding. That institution makes a magnificent contribution to the welfare of young people in our community. However, there is a question about the liability of members of the governing body who, in effect, undertake all the work on a voluntary basis. The intention here is to make certain that people who are acting in good faith should not have their own assets put at risk as a consequence of any matter that might arise as a result of their acting in that good faith. I therefore commend the amendments to the Committee.

The Hon. J. W. SHAW [2.54]: The Opposition does not oppose the amendments.

Amendments agreed to.

Schedule as amended agreed to.

Schedule 5

The Hon. J. W. SHAW [2.55]: I move:

Page 87, Schedule 5, lines 1-15. Omit all words on those lines.

This bill will effect the repeal of a number of Acts which are presumably regarded as obsolete or no longer of any practical utility. The clause of schedule 5 to which we take exception, and which we seek to remove by this amendment, is one which gives power to the Governor by proclamation to revoke the repeal of any of these

Acts. It is not usual to move amendments to a law reform provision of this kind, but it seems to us that this clause raises the question of principle that it ought to be the Parliament which enacts or repeals legislation and not the Governor. In some quarters the matter might be regarded as a technicality, but we suggest that it is a matter of substance because the clause contemplates the Governor revoking the repeal of an Act of Parliament - that is, re-enacting it. The Governor would be placing back on the statute book that which has been removed by the Parliament.

The argument in relation to this clause is one of pragmatism, that the Parliament might be making a mistake, causing some technicality or confusion by the repeal process. The reasonable reply is that we must exercise caution before repealing an Act, and give the matter due consideration. If we are then confident that certain Acts ought to be repealed, we should then effect their repeal. If, in the fullness of time, it is proved that some adjustment needs to be made, it is for the Parliament to reconsider the matter, to pass the Act again or to pass some other law to deal with the difficulty uncovered. It is wrong in principle that it should be the Governor - presumably acting on the advice of the Executive Council, but certainly not needing to consult the Parliament - who would, in effect, make legislation. That is the Opposition's rationale for the amendment. We commend it to the Committee.

The Hon. ELISABETH KIRKBY [2.57]: I have listened to the Hon. J. W. Shaw with some interest. If we were not aware of the contents of pages 88, 89, 90, 91 and 92 of the bill, everything he has otherwise said would make perfect sense. However, a look at the index of Acts amended by schedules 1, 2 and 3 and the index of Acts repealed by schedule 4 would show that if a mistake had been made by the Government in any one of these cases we certainly would never have had time - nor would any parliament have had time - to go through these Acts one by one to decide whether or not each was rightly amended or repealed. I find it totally incomprehensible to suggest that if at some later date it is discovered that the Government has made a mistake it should then be brought back to the Parliament and that the Governor should not be able to use his delegated authority. A great deal of Government business and legislation is dealt with by the Governor under his delegated power of authority and, as far as I understand, that is all that the Government is attempting to do. I cannot understand why the bill needs to be amended in the way suggested by the Opposition, and therefore I do not support the amendment moved by the Hon. J. W. Shaw.

The Hon. M. R. EGAN (Leader of the Opposition) [3.00]: What great constitutionalists the Australian Democrats are! What great upholders of the principles of Westminster democracy! Statute law miscellaneous provisions legislation is supposed to be uncontroversial and encompass only matters that are so trivial or so universally agreed that they can all be put into one bill and dealt with at the same time. However, the Statute Law (Miscellaneous Provisions) Bill (No. 2) contains an unprecedented provision that says, notwithstanding that the Parliament decides to repeal a list of Acts, that the Government - that is, the Governor, the Executive Government - has the right to ignore what Parliament has done and revoke the repeal of an Act. That is an unbelievable procedure for the Government to take!

If the Hon. Elisabeth Kirkby does not understand the position that that places the Parliament in, she either has clearly misread the legislation or has no appreciation at all of the proper role of the Parliament and the Executive Government. There cannot be in a statute a provision that says that the Governor can determine whether the repeal of an Act should be revoked. That is absolutely absurd, and I am staggered that the Hon. Elisabeth Kirkby, who on matters of this kind is usually very alert and very insistent on upholding proper principles, has allowed the wool to be pulled over her eyes. In view of the contested nature of this clause I hope the Government will withdraw it - as the Minister for Energy, and Minister for Local Government and Co-operatives, the Hon. E. P. Pickering, did whenever a statute law miscellaneous provisions bill contained a controversial provision.

The Hon. ELISABETH KIRKBY [3.02]: I am aware that between now and the end of this session, and in February if we sit then, the Australian Democrats will come under extreme attack in this Chamber and from outside by the Australian Labor Party. I suggest that Opposition members would be better served if, instead of

saying that the Governor will have the right to decide whether an Act remain on the statute books, it considered the role of the Governor of this State. I am perfectly willing to argue at any time that we should not have a State government or that we should not have a State governor. However, we do have a State parliament and we do have a State governor who, when acting with the Executive Council, has certain powers. The Acts to be amended by this bill include the Insurance Act 1902, the Justices Act 1902, the Mines Inspection Act 1901, the Necropolis Act 1901, the Sydney Harbour Trust Act, and the Survey Marks Act. Those Acts are very old and it would be a full-time task working 365 days a year for us as a sovereign parliament to determine whether they should be repealed or whether their repeal should be revoked. If we had to do that, we would not have time to even consider new legislation.

With one of those Acts it would not be beyond possibility for the government of the day or the Parliamentary Counsel to make a mistake, and for the mistake not to be discovered until brought to attention by, say, a Crown law officer, or in the conduct of case law. In that circumstance the Government should be able to correct the mistake without members of Parliament - who already are overloaded with legislation - having to go back through the history of the Act. For that reason I support the Government, and on this occasion I shall continue to do so.

The Hon. J. P. HANNAFORD (Attorney General, Minister for Justice, and Vice President of the Executive Council) [3.06]: It is interesting to listen to the Leader of the Opposition oppose this provision on the basis that it is unprecedented, it is an abandonment of the Westminster system, and it is the first time this has ever occurred. I draw to the attention of the House section 4(1) of the Subordinate Legislation (Repeal) Act 1985, which states:

> The Governor may by proclamation published in the Gazette revoke the repeal of any subordinate legislation effected by section 3.

The debate on that bill includes the following, as reported in *Hansard* on 27 November 1985:

> The Government takes the view that if there is any regulation, which is obscure and which is rarely used, it would be preferable in the interests of justice for that regulation to be repealed. If such regulation is subsequently found to be necessary, and also to conform with Government policy, the bill contains power enabling the Government to arrange for reversal of its repeal, with appropriate safeguards against any detrimental retrospective operation.

Who made that speech and introduced that legislation? It was none other than the person to whom the Leader of the Opposition was then the parliamentary adviser - Mr Barrie Unsworth. So much for this being an unusual, novel and unprecedented proposal. It occurred not only in 1985 but previously in the Industrial Relations Act 1991 and in the Public Hospitals Act 1929. So much for the Opposition's research on these particular matters. The Government does not support the Opposition's amendment.

The Opposition seeks to delete a machinery provision that would allow the Governor to revoke the repeal of any of the Acts listed in schedule 4 of the bill in the event that it is later discovered that any of those Acts should not have been repealed. Whilst it would be possible to revive repealed Acts by passing new legislation, the method provided in the bill is preferable because it will allow legislation to be revived when Parliament is not sitting, if that proves necessary. Any rights that accrue in the period between revocation and revival will not be prejudiced by the revival, and the Governor will exercise this power only on the advice of the Executive Council. I remind honourable members of what I said in my second reading speech in relation to this particular provision:

> Schedule 4 contains repeals. It will repeal amending Acts that are no longer necessary because the amendments have been incorporated in reprints of the relevant principal Acts. It also will repeal Acts that amend repealed Acts and Acts that are no longer of practical utility.

Effectively, on the best advice given to us by Parliamentary Counsel, we are saying that all those Acts have

already been incorporated into other legislation and that this is simply a matter of tidying up the statute book. However, if we were to be advised that for some reason that is not so, rather than cause a hiatus in what is clearly the stated legislative program of the Parliament, the Governor would be able to reintroduce legislation. In other words, if the Parliament determined that legislation was necessary but should be repealed and incorporated in another Act, but subsequently found that for some reason it had not been incorporated, the Governor would be able to revoke the repeal and thus avoid the Parliament creating an unexpected hiatus. That is not unprecedented; it has been done before and should again be done by the Committee on this occasion.

The Hon. M. R. EGAN (Leader of the Opposition) [3.11]: The Leader of the Government is simply being less than honest. He gave what he said was an example of this sort of provision in previous legislation. My colleague the Hon. J. W. Shaw was quick to point out that the example given by the Leader of the Government dealt with subordinate legislation, which Executive Government makes by way of regulations under statutes of this Parliament. It stands to reason that if the Executive Government makes regulations, it also has the power to repeal them. We are considering an entirely different matter.

This provision will give the Executive Government the power, in effect, to revoke the repeal of legislation that this Parliament has determined should be repealed. This bill will repeal a considerable number of Acts, but it also provides, notwithstanding that the Parliament will determine to repeal those Acts, that the Executive Government will be empowered to revoke that repeal. The Executive Government would be able to revoke the repeal of an Act of the Parliament of New South Wales. That is entirely unprecedented. I certainly cannot recall that happening before - and the example given by the Leader of the House is not a valid example for the reasons I have explained - but if it has happened, it should not have; the Parliament should have protested against it. That, surely, is the point that the Australian Democrats should keep in mind. The Executive Government cannot be given the power to do what Parliament and Parliament alone should do, and if the Democrats do not understand that, the name of their party is a complete misnomer.

The Hon. J. W. SHAW [3.14]: I should like to make three short points. First, the role of the Governor under the Constitution of this State is generally to proclaim Acts of Parliament passed by this Parliament. I take the view that the Governor is bound to proclaim any legislation passed by this Parliament. He has no historical role in enacting laws or revoking Acts. This measure, therefore, is novel and is of significant principle. Second, no time limitation is imposed upon the Governor's power. In other words, in five years' time the Governor could decide, presumably on the advice of the Executive Council, that, say, the Coal Mines Regulation (Amendment) Act 1989 ought to be re-enacted. That is a novel, qualitatively different role from that historically played by the Governor.

Third, having had the benefit of a briefing by relevant departmental officers, I feel reasonably confident in saying that this provision is unprecedented in statute law miscellaneous provisions legislation. Since 1984 these Acts, and there have been many of them, have repealed many Acts of Parliament but never has one of them vested in the Governor the power of revocation of repeal. This measure departs from precedent and it is perfectly proper for the Parliament to give it the scrutiny that it is receiving today.

Question - That the amendment be agreed to - put.

The Committee divided.

Ayes, 16

Mrs Arena	Mr O'Grady
Dr Burgmann	Mr Shaw
Ms Burnswoods	Mrs Symonds
Mr Dyer	Mr Vaughan
Mr Egan	Mrs Walker

Mr Enderbury	
Mr Johnson	*Tellers*,
Mr Kaldis	Mrs Isaksen
Mr Manson	Mrs Kite

Noes, 19

Mr Bull	Mr Mutch
Mrs Chadwick	Mrs Nile
Mr Coleman	Rev. Nile
Mrs Evans	Mr Ryan
Miss Gardiner	Mr Samios
Dr Goldsmith	Mr Rowland Smith
Mr Hannaford	Mr Webster
Mr Jobling	*Tellers*,
Miss Kirkby	Mrs Forsythe
Mr Moppett	Mrs Sham-Ho

Pairs

Mr Macdonald	Dr Pezzutti
Mr Obeid	Mr Pickering

Question so resolved in the negative.

Amendment negatived.

Bill reported from Committee with amendments, and report adopted.

Third Reading

The Hon. J. P. HANNAFORD (Attorney General, Minister for Justice, and Vice President of the Executive Council) [3.23]: I move:

That this bill be now read a third time.

The Hon. M. R. EGAN (Leader of the Opposition) [3.24]: For the first time the Opposition will oppose the passage of miscellaneous statute law legislation through this Parliament. This is the first time a matter that has proved to be controversial has not been deleted from such a bill. The purpose of miscellaneous statute law legislation is to conveniently encompass in one bill a large number of amendments or repeals of legislation that are non-controversial. On this occasion a controversial measure has been inserted in the bill, one that allows the Executive Government to revoke the decision of this Parliament to repeal an Act. For that reason, and because of the Government's failure to delete the offending measure from the bill, the Opposition will oppose the third reading of the bill. It is an absolute disgrace that the Minister is proceeding in this way.

[*Debate interrupted.*]

Page 4612

DISTINGUISHED VISITOR

The PRESIDENT: I bring to the attention of the House the most distinguished presence in my gallery of His Excellency Edward J. Perkins, Ambassador to Australia for the United States of America.

[*Debate resumed.*]

The Hon. J. P. HANNAFORD (Attorney General, Minister for Justice, and Vice President of the Executive Council) [3.26], in reply: As the Government moved amendments, and the amendments were carried, it will be necessary for the bill to be reprinted before it is read a third time. Therefore I intend to move that the debate be adjourned.

Debate adjourned on motion by the Hon. J. P. Hannaford.

PUBLIC FINANCE AND AUDIT (AMENDMENT) BILL

Second Reading

The Hon. J. P. HANNAFORD (Attorney General, Minister for Justice, and Vice President of the Executive Council) [3.26]: I move:

That this bill be now read a second time.

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

Leave granted.

Honourable members are aware that this Government, since coming to office in 1988, has implemented the most ambitious program of micro-economic and public sector management reforms of any government in Australia.

The Government has set the agenda in those areas, an agenda subsequently taken up by other Australian States and ultimately taken up by the Commonwealth of Australia.

Over this brief space of time - a little over six years - the Government has managed to establish an agenda for reform which includes improving the financial reporting standards and accountability in this State and which has been taken up by the other States and by the Federal Government.

New South Wales has implemented comprehensive economic, financial and management reforms with the objective of better serving the people of this State and better accounting for the activities that the Government undertakes.

The systematic program of financial management initiatives has consolidated New South Wales as a leader in public finance, not only in this country but also among the advanced countries of the world.

Delegations of Treasury officials from other countries - interestingly including the United Kingdom recently - have looked at accountability measures being taken in New South Wales in regard to the standards set by the State Treasury, and envied not only around this country but in other parts of the world where there is an awareness of the reforms we have in place.

The overall aim of the reforms is to achieve more effective and accountable resource management and improved service delivery by all government agencies in this State.

It is widely acknowledged that this objective has been substantially achieved. However, more work still needs to be done to consolidate the practical implementation of the reform initiatives to ensure that they are properly bedded down.

One major reform is whole-of-government reporting which provides to the public enhanced

transparency of the State's finances. New South Wales was the first jurisdiction in Australia to introduce such an initiative, and it is now being followed by a number of other States, including Western Australia and South Australia.

Since 1988 the Government has published each year a set of accrual based consolidated financial statements covering the entire New South Wales public sector. The consolidated statements show the assets and liabilities, revenue and expenses, and cash flows of the budget sector, the non-budget sector and the State public sector as a whole.

To further enhance the whole-of-government reporting framework, a new form of Public Accounts will be produced later this year covering the 1993-94 financial year. They will provide vastly improved and more comprehensive information than the old cash-based Public Accounts which reported only on the Consolidated Fund and the Special Deposits Account.

When the Public Accounts are produced in the new form it will be immediately apparent just how much difference there is, and just how much more information there is than has ever been produced in this State.

I am sure all honourable members, regardless of the party to which they belong, regardless of their political persuasion, will welcome that additional information, that additional transparency, that additional insight into public sector spending in this State. No doubt we will all wonder why long ago it was not so.

This has been an incremental reform, one which has enjoyed the support of all members of this Parliament, and I have every confidence that the bill will enjoy swift passage through the House to enable that additional information to be provided to all honourable members and to the public at large.

The new Public Accounts will be made up of a set of accrual-based consolidated financial statements covering the financial position, result of operations and cash flows of the full budget sector. In addition, the Public Accounts will also disclose the actual budget result for the year determined in accordance with Government Finance Statistics principles, as well as information on a range of matters such as State borrowings.

The form and content of the new Public Accounts were approved by Parliament during the 1992 Autumn Session with the carriage of the Public Finance and Audit (Amendment) Bill. As a result, section 6 of the Public Finance and Audit Act was amended and was subsequently proclaimed to come into effect on 30 June 1994.

At the time when section 6 of the Act was amended it was not possible to assess the additional time frame needed to prepare and audit the new form Public Accounts in the initial years. This required detailed consultation with agencies and the Auditor-General.

A working party comprising representatives of the Treasury, the Audit Office and several of the major budget sector agencies was formed at the end of 1992. The task of the working party was to devise procedures that would enable the tabling of the 1993-94 Public Accounts and the Auditor-General's Report before the end of the current budget session of Parliament.

With around 70 agencies in the budget sector and the accounting and auditing complexities involved in the consolidation process, I am advised that it will be extremely difficult, in the next few years, for agencies, the Treasury and the Audit Office to meet the existing statutory deadline of 30 September for the tabling of the Public Accounts.

To illustrate the enormity of the task, the public health system is in itself a mini-consolidation of some 230 public hospitals operating through 10 area health services and 23 country districts.

The budget of the Department of Health is equal to the entire State budget of Western Australia, and it is a vast task to prepare, audit and table its accounts.

Just as the State of Western Australia takes considerable time to produce fully audited accounts for its entire range of State agency activities, in one department alone - the Department of Health - this Government has a financial commitment equal to that of all of the public sector activities in Western Australia. This gives honourable members some idea of the enormity of the task.

In order to provide for a temporary extension of the time periods for the preparation, audit and tabling of the Public Accounts during the transitional phase, the Public Finance and Audit Act needs to be amended.

In his recent report to Parliament on the late submission of the Public Accounts, the Auditor-General did indicate that he fully endorsed the reporting initiative and agreed with the need for a longer time period to prepare and audit the document. He also stated that he was aware of the Government's intention to have the necessary amendments passed by Parliament during the current Budget Session.

The Bill seeks to amend the Act to specify new maximum time limits for the preparation, audit and tabling of the Public Accounts. However, those extended time limits are to apply only to the financial years ending on 30 June 1994 to 1998.

During the transitional period, it is proposed that 31 December be prescribed as the latest date by which the Public Accounts must be tabled in Parliament, in substitution for the current 30 September tabling date. The other proposed new time limits for the preparation and audit of the Public Accounts have been determined, following consultation with the Auditor-General, to fit in with the 31 December tabling date.

It is the intention of the Treasurer to table the 1993-94 audited Public Accounts before the end of the current Session of Parliament. His plan is to progressively shorten the tabling date and the time periods for the preparation and audit of the Public Accounts with a view to re-establishing the 30 September date for tabling by no later than the financial year ending 30 June 1999.

Before the expiration of the five-year sunset period as provided for in the Bill, the Treasurer will seek the Parliament's approval to amend the Act to incorporate a series of shorter time frames for the preparation, audit and tabling of the Public Accounts. This will be done following full consultation with budget sector agencies and the Audit Office.

When the newly formed Public Accounts are tabled in this Parliament, there will be no doubt on the part of honourable members, regardless of their political persuasion, as to the need for more time to prepare.

It will be a quantum leap in the preparation of information on the Government's performance on expenditure patterns over the past year, and, I believe, a massive improvement in public accountability which all honourable members should welcome.

I commend the Bill to the House.

The Hon. M. R. EGAN (Leader of the Opposition) [3.27]: The Opposition will support the bill but will move an amendment in Committee. The purpose of the bill is to extend the time within which the public accounts are transmitted by the Treasurer to the Auditor-General, to extend the time within which the Auditor-General must complete his audit and return the audited accounts to the Treasurer, and to extend the time within which the Treasurer must then present the public accounts to the Parliament. That extension is necessary because there has been an alteration to the form of the public accounts, most notably to provide for accrual accounting. That has meant that the public accounts could not be prepared and transmitted by the Treasurer to the Auditor-General in the time specified by the present legislation.

However, the Opposition objects to the retrospective provision in this legislation, which will attempt to put right an existing wrong. The Opposition would have been quite understanding if prior to 30 September the Government had informed Parliament that there was a difficulty in complying with the law, that the law could not be complied with. The Government, which was aware of the likelihood of this problem at the beginning of this year, could then have introduced legislation either in the autumn session this year or even in the early part of this budget session to overcome that difficulty.

That it did not do so indicates its indifference to the law, a belief that it could simply ignore the law. It was only when the Auditor-General took the step of issuing a special report that the Government became embarrassed. There was significant media publicity about the Government's breach. It came to light also that the Treasurer had breached the law and that under the Public Finance and Audit Act he was liable to a penalty of up to $2,000. It is completely unacceptable when the date for the tabling of the public accounts in Parliament has passed and the offence has been committed for the offender to bring legislation before the Parliament to retrospectively fix that breach of the law.

The Hon. R. S. L. Jones: We would do the same for you.

The Hon. M. R. EGAN: I can assure the Hon. R. S. L. Jones that the Labor Party would not be indifferent to the law. If a Labor Party government was aware, as the Government was aware, that there was a problem, it would introduce legislation to fix it. I would not be opposed to the retrospective provisions if it were a genuine oversight. If the Treasurer had been able to say to the Parliament, "Yes, we breached the law. We did not intend to breach the law. We are now introducing legislation to remedy our breach of the law", I would say, "Fair enough; we cannot expect everyone to be perfect". But in this case it is clear from the Auditor-General's Report that the Government knew all along that it was breaching the law.

In the early part of 1994 the Government knew that it would not be able to comply with the law. It was an indifference to or a contempt for the law that led to this situation. Had it been a genuine oversight, a genuine mistake, I would have no quarrel with the Government's action. But it was not an oversight or a genuine mistake; clearly the Government knew what it was doing and failed to rectify the law when it should have done so earlier this year. It was an indifference to and a contempt for the law. The Auditor-General said in his report:

> It is a matter for regret that the Government did not ask Parliament to change the existing legislation when the Government became aware that it did not wish to be bound by the law. By not asking Parliament, the Government runs the risk of being seen to be indifferent to the law and to the processes of accountability to Parliament.

For that reason, the Opposition will support the legislation but it will move an amendment to make some aspects of it apply from 1995 rather than from 1994.

The Hon. R. S. L. JONES [3.32]: On behalf of the Australian Democrats I support the Public Finance and Audit (Amendment) Bill. I appreciate the work of the Auditor-General, whose oversighting role makes him one of the most valuable people in New South Wales. I have spoken to him on numerous occasions, and he has investigated and remedied matters that I have brought to his attention. The Leader of the Opposition is being somewhat harsh. If the situation were reversed and he were in the position of the Treasurer, the Australian Democrats would support - as they support the Treasurer on this occasion and on rare occasions - retrospective amendments to the legislation to bring him within the law. It is really a technical breach of the law.

The Hon. M. R. Egan: I can assure the honourable member that there will be no knowing breach of the law by me.

The Hon. R. S. L. JONES: It may be accidental. The Leader of the Opposition may be hoist with his

own petard if he is not careful.

The Hon. M. R. Egan: This is not accidental.

The Hon. R. S. L. JONES: The Government was unable to comply with the law. It did not deliberately set out to break the law.

The Hon. M. R. Egan: It knew that it could not comply with the law, but it did nothing about it.

The Hon. R. S. L. JONES: The Government did know that it was unable to comply, but, admittedly, it has been a little bit late in ensuring that it complied retrospectively. Accrual accounting, which is a better system, requires the allocation of additional time. The Australian Democrats support the extension of the times within which certain functions are to be carried out: the submission of the public accounts to the Auditor-General by 15 November; the return of the audited public accounts to the Treasurer by 15 December; the tabling or presentation of the public accounts by 31 December; and the tabling or presentation of the Auditor-General's Report on the public accounts by 31 December. We support all the amendments and their retrospective nature, which is unusual because the Australian Democrats rarely support retrospective legislation. However, I assure the Leader of the Opposition that if he were ever caught, accidentally or otherwise, in a similar situation we would do the same for him.

Reverend the Hon. F. J. NILE [3.34]: Call to Australia supports the Public Finance and Audit (Amendment) Bill. The object of the bill is to amend the Public Finance and Audit Act 1983 so as to extend the times within which certain functions are to be carried out as regards the public accounts for the financial years ending in 1994 to 1998. As have other honourable members, we also support the work of the Auditor-General. The Leader of the Opposition has said that the Auditor-General made justifiable criticisms, but the carriage of the amendments could create a far more serious situation. Perhaps the Opposition wishes that to happen. The Government, for whatever reason, was neglectful and failed to bring legislation before the Parliament earlier, but the Opposition's amendments would compound any question of illegal activity and put a question mark over this year's budget. It would undermine the effectiveness of government in this State in seeking to serve the people. Therefore, we support the bill, but do not support the amendments.

The Hon. J. P. HANNAFORD (Attorney General, Minister for Justice, and Vice President of the Executive Council) [3.36], in reply: I thank honourable members for their support for this bill and commend it to the House.

Motion agreed to.

Bill read a second time.

In Committee

Clause 4 and Schedule 1

The Hon. M. R. EGAN (Leader of the Opposition) [3.37], by leave: I move the following amendments in globo for the reasons I explained during the second reading debate:

No. 1. Page 2, clause 4, line 13. Omit "1994", insert instead "1995".

No. 2. Page 2, Schedule 1, line 21. Omit "1994", insert instead "1995".

No. 3. Page 2, Schedule 1, line 28. Omit "1994", insert instead "1995".

No. 4. Page 3, Schedule 1, line 7. Omit "1994", insert instead "1995".

No. 5. Page 3, Schedule 1, line 14. Omit "1994", insert instead "1995.

The Hon. J. P. HANNAFORD (Attorney General, Minister for Justice, and Vice President of the Executive Council) [3.38]: The Government opposes the amendments. Non-compliance with statutory deadlines by agencies has occurred not irregularly. The honourable member would recall that when he was a member of the Public Accounts Committee during the administration of the former Labor Government non-compliance with statutory deadlines was not uncommon. The Auditor-General's Report identified a number of occasions in the latter days of the former Government's administration in 1986-87 when financial statements were received outside the six-week time limit but an extension of that time limit was not sought. The departments were in breach of sections of the Act. The section 45D(1) provision is similar to that of section 6(4), that is, that submission of accounts and public accounts to the Auditor-General within the period of six weeks after the end of the financial year is required. However,

during the administration of the former Labor Government that never became a matter of concern that warranted the type of retrospective legislation that the Government is now pursuing. In fact, the accounts were subsequently completed and provided.

The Hon. M. R. Egan: The public accounts?

The Hon. J. P. HANNAFORD: No, I said the accounts of agencies, not the public accounts. There is no doubt that the Treasurer has acknowledged his error. He has effectively apologised to the Parliament. The reasons for the error are well known; they have been explained in detail. Everyone acknowledges that the legislation was breached but that the corrective amendments provided by the bill are being pursued. It is regrettable that the Opposition is playing a political game. Its game-playing will become a matter of record.

The Hon. M. R. EGAN [3.41]: The Leader of the Government pointed to a number of examples of various agencies not complying with statutory deadlines for the provision of their accounts or their reports to the Parliament. He is absolutely right. But it is one thing for the Bullamakanka authority to be late with its annual report or the tabling of its financial statements; it is another thing when the public accounts are not tabled within the time specified. I should have thought that every member of this Parliament would be aware of the central significance of the public accounts in the Westminster system. The hold that a parliament has over the executive government is the annual appropriation bill. The public accounts are the report of what has happened under that annual appropriation bill every year. I am not talking about a minor report, the accounts of an insignificant statutory authority or agency, but about the public accounts. Sometimes I wonder whether some of the crossbenchers have ever heard of the public accounts.

Amendments negatived.

Clause and schedule agreed to.

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

STOCK DISEASES (AMENDMENT) BILL

Second Reading

Debate resumed from 12 October.

The Hon. B. H. VAUGHAN (Deputy Leader of the Opposition) [3.43]: The alternative government supports the Stock Diseases (Amendment) Bill. The purpose of the bill is to make a number of amendments to the Stock Diseases Act of 1923 with respect to the powers of inspectors and the sale of diseased stock. This amending bill was introduced in this House on 12 October. The bill will remove the requirement that appointments of inspectors must be published in the *Government Gazette* before they take effect. The

Government considers that identification cards are more immediate and useful proof of appointment. As I mentioned today to a staffer of the Minister for Agriculture and Fisheries, and Minister for Mines, the Labor Opposition will move an amendment in the other place to provide that the appointments of inspectors must be published in the *Government Gazette*, as they were in years gone by.

The bill will amend the definition of infected land to remove the present provision that roads and land over which vehicles carrying infected stock passed within the preceding 12 months are deemed infected. A number of provisions of a substantive nature in the regulations will be placed within the Act, such as the inspector's power to detain suspected stock by placing a detention notice prominently on or next to the enclosure containing the stock, incorrect marking, hormone growth promotant and the marking of stock in the approved method. The bill will give the Minister powers to accept different quarantine arrangements that will clarify the destruction of diseased stock. Movement of diseased sheep to saleyards and abattoirs will be simplified. Sheep infected only with the diseases footrot, sheep lice or brucella ovis may be transported by vehicle directly from their property of origin to a special sale of diseased stock. The bill will address the cleaning of vehicles following transportation of diseased stock and offences relating thereto. The important provisions with respect to swill feeding of stock with prohibited substances will be relocated to the Act from the regulations. These days swill feeding of stock is considered to be a serious offence as it represents one of the most likely ways in which an exotic disease may enter Australian stock.

A proposed new section relates to declarations made by the vendor of stock that the stock is sold free of disease. A person making a vendor declaration will be required to notify any fact that arises after the sale that would give reason to believe that the stock were diseased. I have been advised by the Minister's staff member that the bill will be amended. The amendment will remove proposed new section 20K on page 13 of the bill, which deals with the notification of disease to purchaser and inspector. The proposed new section provides that if a disease breaks out in a beast - a sheep for example - within 12 months after certain warranties have been made by the vendor, or the buyer has reason to believe that the stock is diseased, the person must take reasonable steps to notify an inspector. I have given this some thought, and I think 12 months is far too long. I suggest to the Minister that three to six months - six months maximum - would be better. The Opposition supports the legislation.

The Hon. ELISABETH KIRKBY [3.39]: On behalf of the Australian Democrats I support the Stock Diseases (Amendment) Bill. I am particularly pleased that the bill provides that an inspector will be able to mark for identification stock that he suspects on reasonable grounds to be infected. As the Minister pointed out in his second reading speech, this provision will play a vital role in ensuring the integrity of the stock identification system, which must be maintained to satisfy entrant requirements of meat as free from hormonal growth promotant to

sensitive markets such as the European Union and Sweden. I have spoken on this matter previously in the House. I believe that Australia should be moving to ban all hormonal growth promotants, as they have been banned in Scandinavia and in the European Union. Special tail tags for cattle that owners know have been treated with or are the progeny of cattle that have received hormonal growth promotants will ensure that our cattle, beef and sheep meat export markets, which are of prime importance to us, are not lost. Those markets, important in the past, will be even more crucial when - in the not too distant future, I hope - New South Wales comes out of the appalling crisis caused by the drought.

I am delighted that the inspectorate will be able to fully police the identification system. Inspection is of vital importance. I am delighted also that vehicles used for transporting infected stock will be cleaned after delivery of stock. One does not have to go far into the countryside of New South Wales before seeing vehicles that have not been cleaned, or at least not cleaned effectively. Inspectors will be able to ensure that carriers fully comply with the provisions of the bill, which is a most important piece of legislation. I commend the Government for introducing the bill, and I am glad that the Opposition feels it is able to support it. In conclusion, we support the bill before the House.

The Hon. R. T. M. BULL [3.52]: It gives me much pleasure to join with other members in supporting

the proposed legislation. As the Hon. Elisabeth Kirkby said, this important bill finetunes inspection of stock diseases in this State. The bill contains a number of amendments that I do not wish to speak about at great length. However, other clauses, based on past regulations, will strengthen the Act, in particular through provision of penalties. The use of wrong tags and brands has been an issue, where owners who run out of tail tags borrow them from a neighbour or find them elsewhere and put them on their cattle. Such usage completely contradicts correct stock identification. There is no excuse for owners to follow that practice, which attracts a 100-unit penalty in the bill. Tail tags can be readily acquired from the local Rural Lands Protection Board or the Department of Agriculture.

New section 9 provides for a small but significant change. Originally written notice had to be given by an occupier to a ranger, district veterinarian or senior field veterinary officer. That provision was not in the spirit of good legislation, hence the amendment to allow notice to be given to one of the three, that is, to the ranger, district veterinarian or senior field veterinary officer. New section 8 provides further powers for inspectors inspecting diseased stock - an omission from the Act. Diseased stock present a problem. Carriage of diseased stock over roads in trucks, even in motor vehicles, has been an offence. The bill in effect provides that stock may be transported by vehicle if precautions are taken so that the road or roadway is not affected. That provision brings the legislation up to date with modern-day practice.

Amendments already circulated indicate that the Government intends to delete section 20K to provide for notification of disease to both purchaser and inspector. Such an amendment would have excellent ramifications for elimination of footrot disease. Purchasers want to be assured not only that stock are clean when purchased but that stock will not suddenly be found to be diseased up to 12 months after purchase. The Government, which acknowledges these and other ramifications, proposes to withdraw the provision so that it may have further discussions with the industry and have another look at it in the future.

Item (23) deals with obstruction and increases the penalty for such offence to a maximum of 200 penalty units. A person who impersonates, assaults or threatens an inspector or a person assisting an inspector is committing a very serious offence and should be treated accordingly, as provided for in the bill. The bill also provides for movement of stock, straying stock, and interference with quarantine fences and gates. The amendments are useful and will assist the department and its inspectors to ensure that diseases do not spread throughout this State. Inspectors will be able to detain diseased stock identified in saleyards by putting a notice on the saleyard gate, rather than having such stock removed until the disease can be identified and notified.

The bill, which is excellent legislation, will ensure that stock diseases are taken seriously and that enough prevention measures are provided to ensure compliance by all involved with stock. The bill also provides that appointment of inspectors need not be gazetted by the Minister. The Minister may appoint inspectors under the new provision, which will streamline the process of appointment of inspectors of stock diseases. I congratulate the Government on the bill, which I hope will improve management of stock diseases in New South Wales.

Reverend the Hon. F. J. NILE [3.58]: The Call to Australia group supports the Stock Diseases (Amendment) Bill, which will make a number of amendments to the Stock Diseases Act 1923 to update or simplify various provisions including those relating to the powers of inspectors. This legislation is needed. It also needs to be constantly updated so that there are sufficient powers for the inspectors. As was demonstrated in Queensland with the death of racehorses and the trainer, there are still areas of unknown danger from stock diseases which could rapidly spread, and this includes the possibility of new diseases which may come into Australia. Even though animals are quarantined, it may still be possible for some kind of disease to be transmitted by racehorses, as they are the animals most commonly transported to Australia. Even though racehorses are quarantined, there may be some danger of racehorses introducing infection which could involve cattle or sheep.

As other speakers have said, the effects of the drought will be very serious. Will farmers actually have the funds to carry out many of the requirements set out in the legislation? Some months ago there

were reports of a number of animals being found dead in feed pens. Their deaths may have been caused by heat

exhaustion but the situation needs to be carefully supervised. We support the bill before the House.

The Hon. R. J. WEBSTER (Minister for Planning, and Minister for Housing) [3.59], in reply: I commend the bill to the House.

Motion agreed to.

Bill read a second time.

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

QUESTIONS WITHOUT NOTICE

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BONDI SEWAGE TREATMENT PLANT

The Hon. M. R. EGAN: I ask the Minister for Planning whether electrical workers at the Bondi sewage treatment plant have refused to work in certain areas of the plant because no fire protection or warning devices are in operation. Will the public be exposed to risk this week when the plant is opened for public inspection during Water Week? Will raw sewage pour onto Bondi Beach following electrical faults because of the Minister's failure to secure the safety of the Bondi sewage treatment plant?

The Hon. R. J. WEBSTER: It is interesting that the Leader of the Opposition has the hide to talk about raw sewage flowing onto Bondi Beach or anywhere else, because it was under the Labor Government that literally tens of millions of gallons of raw sewage flowed up and down the coast from Sydney. Honourable members will recall that notorious photograph of the Hon. Janice Crosio, when she was the Minister responsible for the Water Board, trying to deflect the absolute tirade of criticism that was levelled at the Labor Party when it was in government. That scenario should be compared to that painted in the two independent reports released this week on the clean waterways program and the special environmental levy. Those reports stated that Sydney's beaches for the last 50 years had never been cleaner, that our rivers have less nutrients in them than they had five years ago, and that the Government's clean waterways program has worked.

This Government has not only turned around the disgraceful situation inherited from the Australian Labor Party almost seven years ago, but has also turned the Water Board into a business which is worthy of corporatisation. There is no doubt it will be corporatised in the next few days after the legislation has gone through the Parliament. As the Leader of the Opposition is wont to do, he has come into this Chamber with a loaded question no doubt designed to frighten children and little old ladies unnecessarily. Naturally, no Water Board facility will be open to the public unless it is safe.

CASTLEREAGH TOXIC WASTE DEPOT

Reverend the Hon. F. J. NILE: I ask the Minister for Education, Training and Youth Affairs, Minister for Tourism, and Minister Assisting the Premier, representing the Minister for Health, a question without notice. Is it a fact that a New South Wales Department of Health report has revealed that five men and one woman living within three kilometres of the Castlereagh toxic waste depot have developed a rare brain cancer? Is it a fact that people living within three kilometres of the depot have contracted cancer at a rate of more than three times the New South Wales average? What action is the Government taking to confirm the causes or possible causes and to remove the toxic waste depot?

The Hon. VIRGINIA CHADWICK: I would not purport to be an expert on these matters, and I will

refer the question to my colleague in another place. However, I make a couple of observations. First and foremost, I give an assurance to the honourable member and, indeed, to all honourable members, that my colleague the Hon. Ron Phillips takes these matters very seriously. Whilst I do not know the details, I understand that the matter will be thoroughly investigated by the Department of Health and, no doubt, by other agencies. I am sure that my colleague will provide the details, given the honourable member's interest and concern. While these matters are, of course, very worrying and serious and must be investigated, my understanding is that there is no indication or evidence anywhere in the world that there has been a connection between brain tumours specifically, or any other ill effects, and waste dumps. Not being qualified to make any comment or judgment on that, I merely note in passing that it would be an international first if there was a direct connection, worrying though the statistics are. In relation to the dump itself, it might be very timely for us to be reminded about how the dump was located there and who authorised its expansion - it was the previous Labor Party Government.

UNIVERSITY PLACES

The Hon. HELEN SHAM-HO: My question is directed to the Minister for Education, Training and Youth Affairs, Minister for Tourism, and Minister Assisting the Premier. As a result of the four-year Commonwealth funding, how many young people are being denied access to university places in New South Wales?

The Hon. VIRGINIA CHADWICK: I know of the interest in equity and educational matters generally of the honourable member. As a matter of sheer equity, there is a significant and historical shortfall in the allocation of higher education places in New South Wales. There is concern nationwide of what is basically seen as a capping of funding for educational places at our universities. This has been a conscious policy of the Federal Government as demonstrated in its stop-start approach to educational policies in our nation. After many years of growth in the university sector the Federal Government realised
Page 4618
that it had neglected the vocational training sector. Rather than seek a balance in the allocation of funds, it basically capped funding to the universities so that funding could be provided for technical and further education. Whilst that is very welcome, a form of crisis is now being reached in our universities. That is something noted nationwide and by my ministerial colleagues of all political persuasions in other States. I say all, because my Queensland colleague is equally as concerned about this and he had the Hon. Simon Crean visit Queensland recently. Queensland is seeking the support of New South Wales for a coordinated national campaign to try to have this matter redressed.

Specifically, New South Wales faces an even greater difficulty because not only are we constrained in terms of the available funds which have been capped, thanks to the policies of the Federal Government, but also we do not get our fair share. I have written to the Hon. Simon Crean about this. If one takes simple population figures, one sees that New South Wales has 33 per cent of the relevant population of Australia, and yet we get 30 per cent of the funding. That is not a problem that happened this year or last year - it is an historical aberration and problem. As a result, we have a compounding of shortfall of places which is now quite endemic and, in my view, has reached crisis proportions. As our young people face the higher school certificate examinations we know that the chances of their gaining the offer of a university place is well below the national average. New South Wales has a shortfall of equitable funding of about $125 million. Though New South Wales has 33 per cent of the national population, it receives 30 per cent of the operating grants. When that is translated into student places, New South Wales is approximately 13,000 places short.

The Hon. D. F. Moppett: Thirteen thousand places?

The Hon. VIRGINIA CHADWICK: Thirteen thousand places for the whole State. In New South Wales, 136 out of every 1,000 17- to 24-year-olds will gain a university place. If you happen to live in the Australian Capital Territory, 174 students out of every 1,000 places will secure a university place; and if you happen to be in Victoria, 161 students per 1,000 places obtain university places. They are telling figures,

particularly when the problem recurs year after year. New South Wales and its young people are treated most inequitably. On a per capita basis for higher education funding New South Wales receives about $201 per head, Victoria receives $238, and Queensland receives $207. I share the nationwide concern about the overall availability of funds for higher education, but New South Wales is dealt a double blow. We are in a position of double jeopardy and we are being discriminated against. That might be a cute political game to play for some people, but the victims are young people and the price they pay is the access to higher education. The situation is shameful.

HUNTER REGION DISABILITY SERVICE CLIENT AMENITIES FUNDS

The Hon. R. D. DYER: Is the Attorney General and Minister for Justice aware that accumulated interest earned on client amenities funds held in trust by the Protective Commissioner on behalf of clients of the Hunter Region Disability Service, principally representing clients of Stockton Developmental Disability Centre, exceeds $500,000? Is the Minister further aware that discussions have occurred, at least since early this year, between officers of his department and the Department of Community Services with a view to reaching a decision regarding the application of these funds and the possibility that a solution may not require a legislative amendment? Can the Minister advise whether any definite resolution of the matter has been achieved?

The Hon. J. P. HANNAFORD: Accumulated interest earned on client amenities funds is held in trust by the Protective Commissioner on behalf of the clients of the Hunter Region Disability Service, representing clients in Stockton, Tomaree and Kanangra. The actual amount is approximately $334,500. Negotiations have been taking place between the Protective Commissioner, the Public Guardian and the Department of Community Services. The Protective Commissioner is responsible for holding these moneys in trust and for appropriate investment of the moneys. The moneys were placed in trust by the Department of Community Services after it received the funds from the amenities account when it took over responsibility for these patients and the moneys from the Department of Health. I am aware that discussions have been taking place. A definite resolution of these matters has not yet been achieved. I will discuss the matter with the Protective Commissioner and, if necessary, with the Minister for Community Services to seek to get this matter resolved as quickly as possible.

HONOURABLE MEMBER FOR GEORGES RIVER LEGAL ASSISTANCE

The Hon. ELISABETH KIRKBY: My question without notice is directed to the Attorney General. Is he aware that the honourable member for Georges River was allowed to be legally represented before the inquiry conducted by Commissioner Carmel Niland? If that is correct, is the Attorney General further aware that the cost of that legal representation was $100,000? Will this money be made available to the honourable member for Georges River from the public purse? If so, why?

The Hon. J. P. HANNAFORD: The honourable member for Georges River made an application for ex gratia legal assistance. The honourable member would be aware from my answers to previous questions that I have a set of guidelines for the payment of legal assistance to employees of the public sector as well as Ministers. On one occasion even a member of the Labor Party sought representation in relation to a matter and the Crown

Solicitor provided assistance in that particular matter. I also have certain authority delegated to me to grant such assistance. In the particular case of the honourable member for Georges River my delegated authority did not extend to, nor did the guidelines permit me to exercise, that delegation to grant approval for legal assistance to the honourable member for Georges River.

The matter was therefore transferred by me to the Premier and my agency provided advice to the Premier's Department. The commissioner identified in the report that she had made recommendations that, having regard to the nature of the matters before her, she believed legal assistance should be provided and, if my recollection is correct, that legal assistance should also include Queen's Counsel. In addition, legal assistance was provided to

the women involved in this particular investigation. They had available to them the assistance of a solicitor and possibly counsel.

The Hon. R. S. L. Jones: How much?

The Hon. J. P. HANNAFORD: I have no idea of the amount involved for both matters. The Government has a scale of fees, which has been established by me as the appropriate scale for payment of legal assistance on any particular occasion. Legal assistance is provided in accordance with that scale of fees, which scale varies depending upon whether the matter involves just a solicitor, a solicitor and barrister, or a solicitor and Queen's Counsel. The scale provides for a capped amount per day that must be paid on the assumption that the person may be involved for the totality of the day. I have imposed a scheme for controlling the expenditure that might be incurred in the provision of legal assistance in any of these matters. I expect that those amounts were paid out in accordance with that scale, because I conveyed information about the scale to the Premier's Department. I will seek information about the total cost and provide it to the honourable member.

HONOURABLE MEMBER FOR GEORGES RIVER LEGAL ASSISTANCE

The Hon. ELISABETH KIRKBY: I ask a supplementary question. Will the Attorney General confirm that, if the honourable member for Georges River did not appear in person before the tribunal but answered a set of questions that were prepared and submitted to the tribunal, I presume by his legal counsel, the money will still be paid?

The Hon. J. P. HANNAFORD: The arrangements for legal assistance are designed to meet the expenses of legal advisers providing advice to the person involved in the hearing. The person who is providing advice renders an account direct to the agency. If the agency believes that the account requires moderation then it pursues moderation; otherwise the agency arranges payment of the account. The same arrangement applies whether the person involved is a police officer, a member of the staff of the Department of Corrective Services -

The Hon. M. R. Egan: But the member for Georges River did not appear before the inquiry.

The Hon. J. P. HANNAFORD: Whether or not a person chooses to appear, obviously, the results of the inquiry reflect the extent to which that person -

The Hon. M. R. Egan: No show, no dough.

The Hon. J. P. HANNAFORD: The Leader of the Opposition interrupts me by saying, "No show, no go".

The Hon. M. R. Egan: No dough.

The Hon. J. P. HANNAFORD: I could take it to another extent - no show, no go. Whether or not one goes will be reflected in the results of the inquiry. The report has been received and read, and the results of the report are known. No doubt the extent to which information was put before the commissioner depended upon the advice provided by Mr Griffiths to the commissioner and the commissioner's report reflects her views as to all of the evidence provided. I think that should be dealt with appropriately.

BOARDING-HOUSE ACCOMMODATION

The Hon. JENNIFER GARDINER: My question is directed to the Minister for Planning, and Minister for Housing. What initiatives has the Government undertaken to protect low-cost boarding-house accommodation, especially in the lead-up to and during the Olympics?

The Hon. R. J. WEBSTER: I commend the Hon. Jennifer Gardiner for her caring attitude displayed by the question. The caring attitude of my colleague the Hon. D.J. Gay was displayed by the question he asked yesterday. The National Party is a caring party and I am a caring Minister.

[*Interruption*]

I know that the Hon. Ann Symonds considers that I am a caring person. Boarding houses have traditionally provided an important low-cost accommodation option in the private sector. Boarding-house accommodation is generally priced at the lower end of the market. Frequently premises are ageing and in some need of repair. Many were built at a time of more lenient fire safety and building standards, and the need to undertake costly refurbishment is a common reason for the closure of premises. Boarding houses are also subject to commercial pressure to convert to more profitable uses such as backpacker hostels. In the lead-up to the Olympics it is likely that the pressures will increase.

State environmental planning policy No. 10, retention of low-cost accommodation, SEPP 10, was gazetted on 6 July 1984 in response to concerns about the rapid decline in affordable private rental accommodation. Initially SEPP 10 controlled the strata subdivision of low-cost residential flat buildings. The policy was amended in 1988 to provide protection for boarding houses. This amendment required the concurrence of the Director of Housing to applications involving demolition, change of use or alteration of a

boarding house. SEPP 10 applies to 17 local government areas, 15 in inner Sydney and the others in Newcastle and Wollongong. In addition, the New South Wales Government provides exemption from land tax for boarding houses providing long-term, low-cost accommodation.

The Government is currently reviewing a number of options to assist proprietors of boarding houses to upgrade fire safety standards and carry out other essential work, while at the same time retaining their premises as low-rent, long-term residential accommodation. Issues such as amendments to SEPP 10, rate rebates and categorisation of boarding houses as businesses for rating purposes under the Local Government Act are also being reviewed, together with tenancy protection for residents to ensure an integrated approach to these issues.

The Hon. Dr Meredith Burgmann: Robert, you are getting boring again.

The Hon. R. J. WEBSTER: The honourable member should listen to this. This is not boring.

The PRESIDENT: Order! The Minister will answer the question.

The Hon. R. J. WEBSTER: I am very disappointed in the Hon. Dr Meredith Burgmann. She should be listening to this answer.

The Hon. Dr Meredith Burgmann: It is the Minister's delivery.

The Hon. R. J. WEBSTER: I am sorry. I will try harder. To ensure an integrated approach to these issues, an interdepartmental committee is being established to develop and implement measures to: recognise the role of boarding houses and hotels as low-cost accommodation options; ensure an adequate standard of accommodation is provided for all residents; provide appropriate tenancy rights to residents; and assist proprietors of low-cost stock to operate viably. Membership of the committee will include the Ministry of Housing, Planning and Urban Affairs, the Department of Housing, the Department of Local Government Co-operatives, the Department of Planning and the Department of Community Services.

The work of the committee will complement the work of the implementation committee responding to the ministerial task force on private for-profit hostels, being chaired by the Department of Community Services. Cooperation between the committees is important, as a portion of boarding-house stock is comprised of licensed hostels accommodating people with disabilities. In the lead-up to the Olympics we will be monitoring the housing market, including changes in boarding-house stock. This will complement the social impact study

being undertaken for the Office of Olympic Co-ordination, which has identified housing as a key issue. That should make it clear to anyone concerned about low-income tenants that the Government is committed to preserving and improving the standard of boarding-house stock as well as improving tenancy rights for residents - Olympics or no Olympics.

SYDNEY AIRPORT THIRD RUNWAY NOISE COMPENSATION

The Hon. DOROTHY ISAKSEN: I direct my question without notice to the Minister for Planning, and Minister for Housing. Has the Minister read the report in today's *Sydney Morning Herald* that representatives from the New South Wales Department of Housing and the New South Wales Environment Protection Agency resigned from the third runway steering committee after the New South Wales Government failed to make a submission to the steering committee on compensation for victims of third runway noise? Why did the EPA and the Department of Housing not make submissions about compensation? Is it also true that the Department of School Education did not make a submission? Why is the Government neglecting its responsibilities to the residents of the area and the school children whose education will be affected by aircraft noise?

The Hon. R. J. WEBSTER: Is it not fascinating that the Hon. Dorothy Isaksen, a member of the right-wing faction of the Labor Party - and, no doubt, a bosom buddy of Laurie Brereton - has the hide to ask questions in the House about airport noise? Anyone who has read the newspapers in the past 12 or 18 months would have noted the absolute failure of the Federal Government to do what it said it would do to compensate people who would be affected by the third runway. The Hon. Dorothy Isaksen is laughable. It is the responsibility of the Federal Government to take care of the effect of airport noise, it is the responsibility of the Federal Government to ensure compensation for those people it promised it would compensate, and it is the responsibility of the Federal Government to deliver the third runway.

The PRESIDENT: Order! Question time is not an opportunity for slanging matches, and I ask the Hon. Dr Meredith Burgmann to restrain herself.

The Hon. R. J. WEBSTER: One thing is for sure: the Hon. Dr Meredith Burgmann is not a bosom buddy of Laurie Brereton. As I was saying, it is the responsibility of the Federal Labor Government and the Federal Minister for Transport to ensure that those people who are affected by the airport noise are compensated, and compensated as they were promised. That is not the responsibility of the New South Wales Government. Whilst of course this Government has participated in the process when asked, the fact is that it is the mate of the Hon. Dorothy Isaksen, Laurie Brereton, who has the responsibility for compensation. No doubt, he will fail in that in the same way he has failed in everything else he has done.

M2 MOTORWAY CONTRACT

The Hon. R. S. L. JONES: I ask the Minister for Energy, and Minister for Local Government and Co-operatives, representing the Minister for Transport, and Minister for Roads, what has the Minister guaranteed in document No. 3 of the M2 motorway contract with the Hills Motorway
Page 4621
Consortium deed of guarantee? Is there a restriction in this document on the construction of a competing light or heavy rail link to the north-west? Will the Minister table the M2 contract in Parliament, including the deed of guarantee, before details are made available to potential investors in the float of Hills Motorway Trust?

The Hon. E. P. PICKERING: I am impressed with the touching regard the honourable member has for me, but I assure him I have no knowledge of the matters raised. I will pass on his question, which he has now handed to me, to the relevant Minister in another place.

OPPOSITION LOCAL GOVERNMENT POLICY

The Hon. J. F. RYAN: My question is addressed to the Minister for Energy, and Minister for Local Government and Co-operatives. Is the Minister aware of a speech and statement yesterday by the Opposition spokesman for local government, the honourable member for Drummoyne? Did this speech suggest the abolition of some State Government departments and the downgrading of others, and the establishment of regional councils? Can the Minister inform the House what effects this would have on the economy of New South Wales, and the delivery of services?

The Hon. E. P. PICKERING: I am grateful to the honourable member for asking me this question. I can only say I was stunned to learn last night -

The Hon. B. H. Vaughan: So were a lot of people.

The Hon. E. P. PICKERING: I am sure the Deputy Leader of the Opposition is perfectly correct when he says that a lot of people were stunned to learn of this innovative approach to government.

The Hon. B. H. Vaughan: It is indicative of the decline in the standard of reporting of the *Sydney Morning Herald*.

The Hon. E. P. PICKERING: I have the speech of the honourable member for Drummoyne in writing. If members think it has been misreported, I have news for them. There is no comfort for honourable members opposite in suggesting that somehow the *Sydney Morning Herald* got it wrong. I could table the speech of the honourable member for Drummoyne to the Local Government Association of New South Wales. One can only assume that the thin atmosphere at Leura got to his brain. If the speech that the honourable member for Drummoyne made yesterday is Opposition policy in the lead-up to the State election, all I can say is that it is utterly lost.

The honourable member for Drummoyne is my shadow spokesman. Yesterday when addressing the Local Government Association he was obviously conscious of the fact that the President of the Local Government Association, our dear friend and colleague, Councillor Peter Woods, mayor of Concord, has a view of life that, in effect, there should be a Federal Government, no State governments and councils formed by regions. He has a clear view about it. I can well understand a shadow spokesman feeling lonely in this world, going to the Local Government Association, wishing to avoid any acrimonious comment from Peter Woods, who can be a bit abrasive at times. I can imagine him, on the trot, deciding on a new policy for the State Opposition of New South Wales.

He said to the gathering at Leura that he intends to abolish a number of government departments in this State and to downgrade others. What is he going to do? He is going to hand to regional councils in New South Wales all the responsibilities for those departments. If this is an endorsed policy of the Labor Party, clearly the Leader of the Opposition will have to sack the shadow spokesman within the next 24 hours in order to save any sort of credibility for the Labor Party. I am sure the Deputy Leader of the Opposition is giving this serious consideration even as I speak. When one considers the government departments that are up for the high jump, one really wonders. Sport and recreation is to be abolished; it is going to be thrown out. Sport and recreation is gone - it will be controlled by regional councils from now on.

The Hon. Virginia Chadwick: Who is going to control Richard Face?

The Hon. E. P. PICKERING: The Minister should not get excited because Tourism New South Wales has just hit the deck. It has gone as well. Tourism is no longer the responsibility of my ministerial colleague. Tourism has gone to local councils. Just think of it! My colleague the Minister for Housing need not put a smile on his face. He has gone too. Public housing has gone to local government. Community health has gone.

The Hon. R. J. Webster: Does Deirdre know?

The Hon. E. P. PICKERING: I am sure Deirdre sat in at a meeting of the shadow cabinet and solemnly approved this. A lot of thought has gone into it. Also licensing has gone. The police will love that.

The Hon. B. H. Vaughan: You might be needed to give evidence.

The Hon. E. P. PICKERING: I can certainly give them some help on how they might go about it. The imagination does not linger there. Not only are all these significant responsibilities to be taken from the State Government and handed to regional councils, but the regional council organisation is to be run by volunteers.

The Hon. R. J. Webster: Volunteer policemen?

The Hon. E. P. PICKERING: Probably. A voluntary chairperson will run the regional council. No doubt they have got their stimulus for this because they know the volunteer bush fire brigade goes so well.

Page 4622

The Hon. R. J. Webster: What about Tony Aquilina?

The Hon. E. P. PICKERING: Tony can volunteer. Obviously in this brave new world that we are about to enter, instead of a diminution of government, there is to be a fourth tier. There will be the Federal Government, the State - it will be left with the odd thing to do - the regional councils which will run the State, then the councils. Bureaucracy will not be cut down at all.

The Hon. Virginia Chadwick: Can I keep education?

The Hon. E. P. PICKERING: You can keep education, yes - for the moment, anyway. I hope the shadow minister will spell out by way of press release in the near future how these regional councils are to be funded. It could be by the Federal Government. This announcement has obviously caused great concern amongst all people who work within those government departments. I had a meeting last night with the power unions of New South Wales who quite properly came to see me about legislation that is coming before the House on the formation of the national grid. One of their legitimate concerns was the job security of the people involved in that change. I thought it was a legitimate concern, and I said so. I gave them all sorts of assurances, and I propose to give them assurances this evening that will allow a fitter working for the national grid and for them not to have to worry about having a job next week. Imagine the impact upon people working in Tourism New South Wales if they are told their jobs are on the line should the Labor Party win the next election. The shadow minister was interviewed about this imaginative approach by the *Newcastle Herald*. He was asked about job security of quite a few thousand bureaucrats in New South Wales. He said:

> They won't have a job in the State if the State's not delivering the services any more.

The Opposition will need all the best at the next State election!

MINISTRY FOR THE STATUS AND ADVANCEMENT OF WOMEN REFURBISHMENT

The Hon. Dr MEREDITH BURGMANN: My question without notice is addressed to the Minister for Education, Training and Youth Affairs, Minister for Tourism, and Minister Assisting the Premier, representing the Minister for Industrial Relations and Employment, and Minister for the Status of Women. In relation to the matters I raised in the House yesterday, is the Minister aware that the Minister for the Status of Women has claimed that architectural work undertaken in the ministry followed public service procedures and that the company of the husband of the director had not tendered for the refurbishment? Given that the documents supplied by the Minister clearly show that the firm of the husband of the director Kimberley Jackson did tender for the 1994 refurbishment, how can she make this claim? Given that my original question clearly related not to the 1994 refurbishment, but to the original 1993 refurbishment will the Minister assure the House that no

money was paid to the firm, Kimberley Jackson, or to any person or persons related to the director of the ministry, and will the Minister supply documentation to support the assurance?

The Hon. VIRGINIA CHADWICK: I am somewhat surprised that the honourable member pursues this rather sleazy, unbecoming line of questioning and attack upon members of the public service of New South Wales and, in particular, that she, as a person who purports to be an upholder and supporter of women's rights in New South Wales, should make such an attack upon the Ministry for the Status and Advancement of Women and the head of that office. Her hypocrisy is absolutely beyond belief. It is an attack upon a person who has worked in the public service in this State before she headed up the Ministry for the Status and Advancement of Women, a woman who is held in very high regard, and a woman who does not have, because of the nature of the public service, the protection of this place.

The attack that has been mounted since the estimates committees has been most distressing and disgraceful, and not only because it was an attack on the current incumbent, Jane Bridge, a person responsible to the Minister for the Status of Women. Why not a previous incumbent? I never heard honourable members opposite having a go at Jane Woodruff. When did the attack start? Members of the Opposition started attacking the restructuring and the focus of the office not on policy grounds, not on ideology grounds, but as a cheap, sneaky, personal, unbecoming attack upon the character of Jane Bridge and upon her family. I am astonished that the honourable member should pursue this line of questioning in this Chamber. The other day I thought her action was an aberration.

Those of us who have been following some of the debate in another place for the past few hours find it undesirable that the shadow spokesperson for the status of women - a person who has never asked a question in the House on the status of women or issued a major statement on the status of women or made a speech on the issue - should today launch a censure attack upon my ministerial colleague who has done so much to raise the status of women and her office in high regard in this State. It is horrifying that it should be another woman who has done this.

MINISTRY FOR THE STATUS AND ADVANCEMENT OF WOMEN REFURBISHMENT

The Hon. Dr MEREDITH BURGMANN: I ask a supplementary question. Will the Minister supply the documentation and the assurance?

The Hon. VIRGINIA CHADWICK: I am advised that the Labor claim in relation to the office refurbishment work, and the implication of impropriety and even corruption, is refuted. I am

advised that the claim is a total lie. The documents show quite clearly that the refurbishment work undertaken at the ministry followed all proper public service guidelines. Tenders were called from three architectural firms, and the successful tenderer was actually the New South Wales Public Works Department.

SCHOOL UNIFORMS

The Hon. R. T. M. BULL: Can the Minister for Education, Training and Youth Affairs, Minister for Tourism, and Minister Assisting the Premier inform the House of the results of a recent survey on the popularity of school uniforms?

The Hon. VIRGINIA CHADWICK: This a most relevant and most important question. Yes, my department has conducted a survey into the wearing of uniforms in public schools in New South Wales. I concede that there may be people who hold views different from mine. For a number of reasons I am very much in favour of the wearing of school uniforms. I am delighted that the encouragement and the push that we have given in recent years towards a move back to the wearing of uniforms in our schools has been absolutely successful. The recent survey by my department showed that 90 per cent of public schools in New South

Wales have a uniforms policy, 92 per cent of high school students in the State wear school uniforms, and 90 per cent of primary school students also wear uniforms. I find those results particularly pleasing.

As we, unlike our political opponents, try to ensure that within the public eye and within the broad community there is pride, respect and support for the public-education system of our State, one outward visible and obvious sign of a school ethos, a school pride, a school identity is the wearing of a school uniform, a uniform that is worn with pride by the school attenders. From that perspective we have had wonderful success. On a more individual level, it is good for children to wear uniforms at school. The wearing of a uniform is a great leveller. We all know how influenced young children are by fads and fashions, what brand of sneakers is in or out, which hats, which caps.

The Leader of the Opposition hates young people, as he demonstrated by his proposal to abolish the Office of Youth Affairs. He will not even give it to the Ministry for Local Government, he will simply abolish it. He has said publicly that he hates the gang attire of young people, which he regards as the wearing of particular T-shirts and shorts, and the wearing of caps backwards. My children have been known to wear caps backwards. Apparently, to him it is an indication that they are members of worrying and terrifying gangs. The Hon. Bob Carr should talk to a few young people, meet a few young people, talk to parents about young people - generally they wear hats and caps backwards because it is the fashion; it has nothing to do with gangs.

The Hon. Bob Carr showed what a child product of the 1950s he is and that he is someone who is well and truly stuck in that era. Regardless of his display of total ignorance and lack of understanding of young people, the wearing by these children of whatever is fashionable is avoided by the wearing of school uniforms. Petty pilfering is reduced because of the wearing of school uniforms. Costs to parents who might have a large family are minimised because of the wearing of school uniforms, a family-oriented and useful policy. But, over and above everything else, the wearing of school uniforms shows a pride in the school, a pride in the public education system and helps to build an ethos within the school. More than 90 per cent of our schoolchildren wear school uniforms.

ROADS AND TRAFFIC AUTHORITY QUIET HOUSE PROJECT

The Hon. ELAINE NILE: I address my question without notice to the Minister for Planning, and Minister for Housing. Is the Minister aware of the specially designed quiet house in Pennant Hills Road designed in such a way that residents have minimum noise - especially homes on main roads and highways and near airports. As this whole concept will be most beneficial to the health of those living in our noisy modern society, what action is the Government taking to publicise and promote, in cooperation with the Roads and Traffic Authority, this particular program to prospective home builders?

The Hon. R. J. WEBSTER: I am aware of the quiet house that is referred to by the Hon. Elaine Nile. I understand that it was designed specifically to maximise residential quietness near a very busy and noisy road. I understand it will be used soon by the Roads and Traffic Authority to launch a departmental study of the impact of traffic noise and how it can be minimised in the design of homes. It is a commendable idea. I do not have more detail than that, but if more is supplied by the Roads and Traffic Authority I will provide it to the member in a supplementary answer.

MULAWA CORRECTIONAL CENTRE PREGNANT PRISONERS

The Hon. ANN SYMONDS: My question without notice is addressed to the Attorney General, Minister for Justice, and Vice President of the Executive Council. What measures is the Department of Corrective Services taking to guarantee that seven pregnant women at Mulawa will not be separated from their babies? Will the Minister consider transferring these women to community corrections alternatives to allow the babies to remain with their mothers, or allocating accommodation in Mulawa for mothers and babies? If these children are to be forcibly separated from their mothers a week or sooner after their birth, does the Minister consider that

it could be said that the New South Wales Government is inflicting cruel and unusual punishment on children?

Page 4624

The Hon. J. P. HANNAFORD: The honourable member raised a somewhat similar matter with me during the estimates committee and I told her that we are addressing this issue. The commissioner has power under section 29 of the Act to deal with these particular matters. I understand from the honourable member that there are six pregnant women in the prison at the present time. That is the reason the commissioner is looking at this policy and how we are going to handle it. Though we are cognisant of the need to try to facilitate the bonding of mother and child, I must also consider security and the reason the person is in prison. A whole range of issues needs to be taken into account. I have announced a policy in relation to mothers and babies within prison. I am looking at the design and development of new facilities, to be able to accommodate mothers and babies within the prison. I am hopeful that we will open a completely new facility in that regard next year.

The Hon. Ann Symonds: The babies cannot wait.

The Hon. J. P. HANNAFORD: The honourable member is right, the babies cannot wait. Some natural phenomenon brings these things on. But, as time passes and the arrival of these children becomes imminent I hope that we will be able to address the matter. The department has a compassionate Minister. One thing that cannot be denied is that during the period of my administration and that of the commissioner policies for women in the prisons have stepped forward by light years. Much needs to be done to make certain that although imprisonment is meant to be punishment, being in prison should not be additional punishment. The program we are pursuing is most enlightened. It is beneficial for inmates and for the community. The challenge is to get the policy on paper. Once that policy is established we shall know how best to handle these issues. When that matter is finalised I will bring that information to the House.

PRISONS DRUG AND ALCOHOL PROGRAM

The Hon. Dr B. P. V. PEZZUTTI: My question without notice is addressed to the Attorney General, Minister for Justice, and Vice President of the Executive Council. Yesterday the Attorney spoke of the problems experienced in correctional centres with visitors trying to smuggle in drugs. This suggests that some inmates suffering an addiction to drugs are making their families risk the consequences of being caught. Can the Minister tell the House what is being done for inmates with an addiction to drugs or alcohol that will help to prepare them to return to the community?

The Hon. J. P. HANNAFORD: I thank the honourable member for his question. As Parliamentary Secretary to the Minister for Health he has a major interest in this issue of drug addiction and the question of its management within the prison system. The honourable member is interested in correctional health services and the appointment of a board. The Hon. Ann Symonds will be interested to hear that only this week the Cabinet approved the appointment of members to the board of the Correctional Health Service Authority. No doubt the Minister will be announcing those members shortly. They are people of outstanding ability, and will be a most impressive board. I congratulate the honourable member for his work in this regard.

Drug addiction in New South Wales correctional centres is much higher than most members would realise. Drugs in our society, whether they be alcohol or other, are responsible for a large percentage of people being behind bars. They may be there for drug crimes or for being under the influence of drugs when they committed their crimes. Because of the extent of the problem it is important they are not left to what might be described as "going cold turkey" when they are put behind bars. To do this would be to cause severe behavioural problems, put staff and professionals in danger, and cause a lack of management in the gaol. The inmates would try to coerce their families and their friends to smuggle drugs into the gaol.

Last year the Leader of the Opposition said on radio and in newspaper reports that this Government had

dramatically cut the drug and alcohol treatment programs in New South Wales gaols. The Leader of the Opposition was lying. What is worse is that he knew he was lying. This Government has dramatically increased the amounts spent on drug and alcohol treatment programs in this State since 1988. The amount increases every year. The programs are expanded every year and are made more relevant to the inmates who are using them. The Government has built on what can best be described as the scraps left by Labor. These programs are now well funded, and they are relevant. We are expanding the drug and alcohol program in every gaol within New South Wales.

I made some reference yesterday to Labor's Genghis Khan faction. If that faction had its way and managed to push the bleeding-heart left-wing faction out of Opposition spokesmanship for prisons we could expect to see the true colours of Labor come forward. No doubt these programs would be eliminated. Bob Carr said he was going to build one gaol for people with drug and alcohol problems. That shows how ignorant he is of the problems. There are members of the ALP who have a genuine interest and a real knowledge of what is happening and what should happen in the prisons. It is time that Bob Carr listened to them.

Some members of the ALP have a real interest in, and a real knowledge of, what is going on and what should go on in the prisons. It is about time Bob Carr listened to some of them. I do no see Carl Scully advocating keeping these types of programs going in the prison system. If he were given a chance, he would give Brian Burdekin's recommendations the complete flick, and the women at Mulwala would be left high and dry with no drug program and no alternative psychiatric care schemes. Carl Scully might well be described as being part - if

not the leader - of the Genghis Khan faction. What he would really like to see is the return of the rack and the whip as part of the administration of the prison system.

The Hon. Judith Walker: I am just going to a meeting with Carl Scully.

The Hon. J. P. HANNAFORD: Will the honourable member let him know that he ought to join her faction and show compassion in this area? If the member is going to that meeting, I hope she has some influence on him. The Government is addressing drug dependency within prisons. I will make certain that the House is kept well informed of the comprehensive programs the Government is providing in the prison system.

In view of the hour, I suggest that members who have further questions should put them on notice.

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STOCK DISEASES (AMENDMENT) BILL

In Committee

Schedule 1

The Hon. R. J. WEBSTER (Minister for Planning, and Minister for Housing) [5.02]: I move:

Page 13, Schedule 1, item (24), lines 2-31. Omit item (24).

The Hon. B. H. VAUGHAN (Deputy Leader of the Opposition) [5.03]: Could the Minister advise me of the intentions of the Government in relation to that schedule? Is it to be removed completely? Will some other provision be inserted in its place at a later date?

The Hon. R. J. WEBSTER (Minister for Planning, and Minister for Housing) [5.04]: I apologise to the Deputy Leader of the Opposition. I understood that this matter had been explained to him. I am informed that after further negotiations with the industry this amendment was found to be unacceptable, and therefore the

Government is deleting item (24) from the bill. However, it may be necessary at a later date to further amend the Act. I signal that that might happen.

The Hon. B. H. VAUGHAN (Deputy Leader of the Opposition) [5.05]: I thank the Minister for his remarks - I wanted to hear them from him - but I suggest that if there is to be a period, it not be as long as 12 months. I suggested in my second reading speech that the Government and the department should be thinking of three to six months, with six months being the absolute maximum.

The Hon. R. J. WEBSTER (Minister for Planning, and Minister for Housing) [5.06]: I am confident that any amendment will be moved during the next session.

Amendment agreed to.

Schedule as amended agreed to.

Bill reported from Committee with an amendment, and report adopted.

MINING LEGISLATION (AMENDMENT) BILL

Second Reading

Debate resumed from 12 October.

The Hon. R. D. DYER [5.07]: The Opposition supports the Mining Legislation (Amendment) Bill. Although the bill is relatively non-contentious, it has a number of objects that are important for the coal industry. The first object of the bill is to impose a fee upon the granting of a mining lease. The bill also has as an object the imposition of a royalty for what is termed coal reject, which is a by-product of coal mining, where that reject is subsequently used for the production of energy. The bill allows the Minister to waive payment of part of the royalty on coal if the financial liability of a mine is under threat. Finally, the bill has an important purpose of requiring permits for tourist and educational activities at mines that are subject to leases under the Mining Act 1992. Currently, an application for a mining lease must be accompanied by the prescribed fee, but a fee is not payable upon the granting of a mining lease, that is, between the application, subsequent procedures and the ultimate grant of the lease.

If a mining lease is not granted following those procedures, an applicant can apply for refund of the application fees paid. Under the bill, provision will be made for a separate fee upon the grant of a mining lease, therefore shifting part of the lease fee from the application stage to the final stage when the grant is made. That reform seems sensible. The Minister said during his second reading speech that this change is regarded as being revenue neutral. The second important purpose of the bill is to impose a royalty on coal reject in order to collect revenue on coal not currently sold. It is my understanding that following recent developments, coal reject is becoming a fuel source for small power-generating units.

The Hon. R. J. Webster: It always was; it is now a useful source.

The Hon. R. D. DYER: Coal reject is now a useful fuel source for small power-generating units. I understand that at Redbank in the Hunter Valley coal reject is being used for that purpose. I express the wish on behalf of the Opposition that that imposition of a royalty be cast at an appropriate level so that this incipient industry is not killed off at an early stage. It is understood that the Hon. R. S. L. Jones might have some concerns about this industry. I am not sure whether I am right about that, and of course I do not wish to verbal him. However, if he does have those concerns, could I say that at the moment the rejects end up in a slag heap, and that is not very attractive. If rejects can be used for a socially useful and productive purpose, as is apparently the case in small power generating units, that is regarded as a step forward and an appropriate use for what otherwise would be a waste product.

The bill also permits the Minister to waive royalty payments on some open-cut coalmining operations if that is considered necessary for the viability of a particular mine. That seems to be an

eminently reasonable thing to do. If a mine is forced out of production, ipso facto no royalties will be collected. If a waiver can assist to promote the viability of a particular mine, clearly it is in the interests of that mine, the coalmining industry and the people of New South Wales. At present the owner of a mine who allows tourist activities to be conducted in or about a mine, or to be principally used for education purposes, is required to hold a permit issued by the Minister authorising that use. It is common knowledge that such mines are usually abandoned or non-working.

Such a permit may be issued by the Minister only if he is satisfied that people can enter the mine without risk to their safety or health, as provided in the Coal Mines Regulation Act 1982 in relation to coalmines, and in the Mines Inspection Act 1901 in regard to other mines, that is, metalliferous mines. Permits are not required for mines covered by a mining lease under the Mining Act 1992. The proposed amendment in this bill will remove that exception and ensure that all mines used for tourist activity or educational purposes comply with either the Coal Mines Regulation Act 1982 or the Mines Inspection Act 1901. The bill is uncontentious and will make some useful amendments that will be of assistance to the coalmining industry and to the general mining industry of this State. The Opposition indicates its support for this measure.

The Hon. J. H. JOBLING [5.15]: It is pleasing to see that the Opposition has indicated its support for this mining legislation, as indeed it should. The legislation offers various remedies to problems associated with coalmining in New South Wales which have concerned this Government for some time. At the moment, an application for a mining lease must be accompanied by a fairly large prescribed fee, being $600 plus $5,000 per square kilometre or part thereof. If a lease is not granted, the applicant may apply to the Minister for a refund of the fee. Until now the amount of the refund has been totally at the discretion of the Minister.

This bill will amend the Mining Act 1992 to allow a separate fee to be prescribed in respect of the grant of a mining lease. The application fee will, therefore, be reduced. Applicants will not have to outlay the full fee at the application stage. This amendment will, therefore, not cost the Government anything but will allow the mining industry greater flexibility when a lease is not granted. It also provides a transitional provision for applications made before the amendment becomes law. Current arrangements for the payment of application fees will continue to apply to an application lodged before this legislation takes effect.

Living in the Hunter Valley, I have an interest in the coalmining industry and in the benefits it brings to the district and to the State, and I therefore clearly stress the importance of maintaining a fair and sensible approach in the administration of mining leases. There is no doubt that this legislation will assist in this process. The bill will make the holder of a mining lease eligible for a royalty on the coal in the coal reject as long as it is used to produce energy. Honourable members may know that coal washery reject is a by-product of coalmining and coal processing operation, and sometimes contains as much as 40 per cent coal. The reject has a low energy content and high ash content. It involves higher handling costs per unit of energy than normal coal extraction and is used for other purposes. However, the reject has potential value for on-site use in small, specialised power stations, more of which I am sure will be developed in the future. This is a highly desirable use of an otherwise wasted energy source. Its use will also assist - and I am sure this will cheer up the Hon. R. S. L. Jones - with rehabilitation at some of the older mine sites throughout the State and assist in the reduction of the chitter heaps in these areas and in the fill-in of some of the craters of the moon and reject water.

The proposed royalty will be paid on the coal in the coal reject if it is used to produce energy or if the mining leaseholder disposes of it for use in producing energy. As mentioned, the rate of the royalty will be determined by the Minister for Mines with the concurrence of the Treasurer. It will not be more than half the base rate of royalty payable in respect of coal, which is currently levied at $1.70 per tonne. The royalty will only be paid for coal rejects used or disposed of by the holder of the mining lease after the commencement of this legislation. As was mentioned in the Minister's second reading speech and referred to by my colleague the Hon. R. D. Dyer, it is proposed to use the reject coal chitter from the Warkworth colliery in the Hunter Valley for the proposed Redbank power project. If that goes ahead it will be the first of its kind.

Pleasingly, in my area of the Hunter Valley, the local power distributor, Shortland Electricity, is also involved in a cooperative between the mines and the power stations in using reject coal. It has been suggested that it may use some 400,000 tonnes of coal-equivalent in the project annually. This legislation will also affect the current rate of royalties to be charged on publicly owned minerals recovered under a mining lease. Two types of royalty are currently charged: the base royalty and an additional royalty. Under the current regulation, the additional royalty is only payable in respect of coal, and only when the lease contains a provision requiring that royalties be paid. I remind the House that this applies to all new open-cut leases granted since April 1989; they pay the additional royalty.

The bill also proposes that the Minister be empowered to waive part or all of the additional royalty in exceptional circumstances, which includes economic viability if the mine is at risk. This is a very wise amendment. It will allow the Minister to protect our coal industry and ensure its viability. The waiver can only apply, of course, to coal disposed on or after the commencement of this provision. The final provision of the bill involves mines or abandoned mines that allow tourist activities in and around them. In the tourism market there is indeed a growing

tendency for people to want to inspect a mine and see how it works, and to do so in safety. It is necessary for mines not subject to a mining lease to hold a permit to allow them to undertake this educational activity. Clearly, the Minister will only issue a permit if he or she is satisfied that visits to a mine can be conducted without risk to the safety or health of visitors.

The bill will also amend the Mines Inspection Act 1901 and the Coal Mines Regulation Act 1982 to ensure that mines or abandoned mines on mining leases that are used for tourist activities or educational purposes are covered by the relevant safety Act. Obviously a fee will be charged to cover administrative costs associated with permit applications.

I draw the attention of the House to a recent article in *Australian Mining* titled "Newcastle and the Hunter: Hunter's Coal Mining Future looks promising". The figures demonstrate that coal exports from Newcastle for the year ended March 1994 were 44.8 million tonnes - another record for the port. In fact, coal production in the Hunter has been growing steadily at close to 9 per cent per annum since 1970, a feature that has been maintained through several rather savage national economic recessions, and is the envy of just about every other export industry in the country. These amendments should and will receive the full support of all members of this House. They will certainly assist the coal industry and the Hunter.

The Hon. R. S. L. JONES [5.20]: The Australian Democrats do not oppose this bill, because parts of it are good and, on the surface, using waste coal seems fairly attractive. This bill permits the imposing of a royalty at a concessional rate on reject coal from the Warkworth colliery in the Hunter Valley which will be used primarily for the Redbank power project. The project will use about 400,000 tonnes of coal annually. The royalty rate charged will be not more than half the base rate payable for other coal - presently about $1.70 a tonne. Though it is attractive to use waste coal - this would certainly appeal to the conservation instincts of honourable members - we should look at the need for demand management and aim to not increase the supply of electricity. Though the resource utilisation will be increased and will presumably lead to a lesser demand from other coal mines, because we will probably not use that much more electricity, we should look at the "no regrets" system of reducing energy use.

I said during the estimates committees that one Victorian company had dramatically reduced its energy use by a simple audit of its energy needs. The greenhouse effect is being ignored by this Government and the Federal Government, although the Federal Government has made the right noises about it. I attended a meeting this morning with a person who had conducted an energy audit on a particular company. He discovered that one kilowatt hour of electricity produces one kilogram of greenhouse gas and 15 grams of acid rain. A single 100-watt light globe burning for 10 hours produces one kilogram of greenhouse gas. One can imagine how much greenhouse gas is produced in this Chamber, not just from talking but from the lights. I imagine that the lights in this Chamber would produce hundreds of tonnes of greenhouse gas.

The new Redbank power station is the subject of a court case in the Land and Environment Court in which Greenpeace is testing the Government's credibility on its efforts to reduce greenhouse gases. According to Greenpeace's submission, the power station will breach Australia's commitment to reduce global warming causes. Redbank power station, which is being built by the Redbank Power Company, which in turn is owned by the National Power Company in California, is a 120-megawatt station that is burning tailings and will set its output to the Hunter Valley power distributor, Shortland Electricity. It represents a $220 million investment on a 14 hectare site. Greenpeace claims that it will produce higher carbon dioxide emissions per unit of electricity supplied than the stations it may displace in the short term, and much higher emissions than the alternatives it would displace in the long term. As a result, Redbank would cause a net increase of up to 28 million tonnes of carbon dioxide over the 30-year life of the plant.

The Redbank power station would be inconsistent with the Framework Convention on Climate Change and the National Greenhouse Response Strategy - NGRS. Greenpeace makes the point that the precautionary principle, together with the convention and the national strategy, implies that we should not lock in carbon-inefficient sources of energy for another 30 years. It is interesting to note that National Power did not challenge the science of climate change or its predicted impacts. It agrees that greenhouse impacts are present - regrettably. It claims instead that the impact of carbon dioxide should be weighed against the claimed benefits of Redbank in terms of coal-waste disposal and the lower emissions of sulphur dioxide and oxides of nitrogen by comparison with existing coal-fired power stations in New South Wales.

In an article in the *Sydney Morning Herald* of 12 September, Keith Tarlo, the coordinator for Greenpeace's climate change campaign, said that it is time to grasp the greenhouse nettle. He pointed out that we cannot meet - and the Federal Government has admitted - our international commitments to cut greenhouse gases by 20 per cent by 2005. One reason is the coal-fired electricity generation, which contributes almost half of the greenhouse gases. Another is transport, which produces a quarter of Australia's carbon dioxide emissions. During the two years since the National Greenhouse Response Strategy was adopted by the State and Federal governments, $13 billion has been committed to new roads and $6 billion to coal-fired power stations. Over the past four years road funding has consistently exceeded expenditure on the more fuel-efficient rail mode by 60 per cent. We are not getting anywhere close.

Page 4628

The Hon. R. J. Webster: How often do you travel by train?

The Hon. R. S. L. JONES: I travel by ferry a fair bit.

The Hon. R. J. Webster: What about by train?

The Hon. R. S. L. JONES: Unfortunately I do not have the time to travel by train. What about you? The National Greenhouse Response Strategy was endorsed by the Council of Australian Governments in December 1992 and was intended as an initial program of policies and actions aimed at meeting Australia's international obligations as a signatory to the Framework Convention on Climate Change. It was designed to reduce greenhouse emissions in accordance with national interim planning targets adopted in 1990. Where response actions have been examined, such as in the case of the National Energy Management Program, serious underperformance has been shown to be the result. Since COAG's endorsements of the NGRS, Australian governments have allowed a further three coal-fired power stations to come on line since 1992, approved another, and is actively considering a further one. They are Mount Piper in New South Wales, Loy Yang B in Victoria, Stanwell B in Queensland, Collie in Western Australia, and now Redbank in New South Wales. Together these power stations represent an investment in the region of $6 billion and will increase our capacity to produce CO_2 emissions by 25 to 28.5 megatonnes.

The failure of governments to implement NGRS recommendations is particularly evident in the case of the

Collie and Redbank power stations, where, in each case, no attempt was made to seek least-cost options for meeting projected demand requirements, through competitive bidding or otherwise. Neither were Australia's interim planning targets considered of relevance in making a decision. Indeed, during the process of the inquiry into Redbank, the Commonwealth Environment Protection Agency failed to mention any aspect of greenhouse issues when advice was requested by Singleton Council officers. Even though it sounds attractive - and it is attractive to use waste coal that would otherwise be a problem - it has led to yet another multimillion dollar investment in another coal-fired power station. Of course, they all want to achieve a reasonable return on their investment.

The Hon. R. J. Webster: What is your alternative?

The Hon. R. S. L. JONES: Already we have an overinvestment in coal-fired energy production in this State. Millions of dollars have already been invested. They have to sell that energy; they are not interested in reducing the use of that energy; they are not interested in conservation or in reducing the consumption of energy. They are interested in selling as much electricity as they possibly can. Obviously if they have an investment, they want to sell the electricity. As I have mentioned in this House many times, there are no regrets, which means there is no actual cost. It means an actual benefit, or at least no net loss in reducing power consumption. We can achieve a 30 per cent to 40 per cent power reduction. The Minister asked what the alternative is. Obviously he has not listened to any of my contribution to the debate; he has been too immersed in his own work and in signing letters. Fortunately the Minister for Energy has an interest whereas the Minister for Planning, and Minister for Housing has no interest whatsoever. The Minister for Energy asked me to supply some information about a matter I referred to at estimates hearings, and I have done that.

Developments are being made internationally. We in New South Wales are fortunate to be leading the world in research, and I refer again to Martin Green at the University of New South Wales. In about seven years we will be able to produce electricity more cheaply than we can burn coal, but that fact has not yet sunk in with the National Party Minister for Planning, and Minister for Housing. He does not seem to believe what is happening just a few kilometres from Parliament House. The other day I put on record that major developments have been reported in scientific journals in America, England and Australia - obviously, the Minister did not bother to listen to my speech or to read the record. Unfortunately, awareness has not extended as far as country New South Wales, and certainly not to the Minister's farm.

The Hon. R. J. Webster: I put money into it.

The Hon. R. S. L. JONES: How much money did the Minister put in? Was it $30,000? The Government directs millions of dollars towards coal research but only $30,000 - a token amount - towards world-leading research that has the potential to lead to a billion-dollar export industry. Members on the Government benches are so far behind the times that they live in the coal dark ages, not realising that world-leading research is being undertaken just a short ride by bus or underground train from Parliament House. Extremely exciting developments are taking place in the United States of America, also. I revealed information about those developments in the estimates committee meeting last week, so I shall not put it on the record now.

Within a very short time, before the end of this century, it is most likely that we will be able to produce electricity more cheaply than we can burn coal. Of course, that production will have the added benefit of almost zero greenhouse gas emission. Some greenhouse gas emission occurs in the production of equipment used, but that is minimal. Members on the Government benches are away with the fairies - they have no idea what is going on; they are about 20 or 30 years behind the times. If only they knew what was going on at their own doorstep and put money into that research instead of funding coal research - research into an outdated means of energy production - we might be able to meet our targets. The way we are going at the moment, we will not meet our targets.

In spite of the Government and in spite of members of the National Party who have no interest in new

developments and are interested only in the old stuff and the old way of life, people like Martin Green are being funded by the Americans. An amount of $30 million in private money is lined up for investment next year. Private investors, if not the Government, realise the potential of this research. Private investors will get the project up and running. As I said to Martin Green the other day, we need a man-on-the-moon effort - preferably, there will be a woman on the moon next time - to get the project up and running before the seven years currently planned. Martin Green could have his project up and running in four years if the Government were only aware of what was going on and put real money into it. The investment would produce a fat dividend for the people of New South Wales. But Government members will not listen. Martin Green and his team will get the funding. Australia will, it is to be hoped, retain the world lead in solar energy, and the power stations that are being built will be dinosaurs.

The Hon. Franca Arena: Perhaps they will be tourist attractions.

The Hon. R. S. L. JONES: They will be tourist attractions. Indeed, that is all they will be worth. People will point at the power stations and say, "Isn't it amazing, we used to burn coal and increase the greenhouse gases. We almost destroyed the planet, but, fortunately, it was saved by Martin Green and his team".

Reverend the Hon. F. J. NILE [5.34]: The Call to Australia group supports the Mining Legislation (Amendment) Bill. The objects of the bill are: to make it possible to impose a fee for the grant of a mining lease; to impose royalty at a concessional rate on the coal in coal reject or coal-containing refuse that is recovered under a mining lease and is used by the holder of that lease in producing energy or disposed of by the holder for use in producing energy; to allow the Minister to waive the payment of part of the royalty on coal in cases in which the financial viability of a mine is under threat; and to extend the requirement for permits in relation to tourist and educational activities at mines to mines that are subject to leases under the Mining Act 1992.

As has been stated, the provisions will have a particular impact on matters related to the Hunter Valley, with the use of waste coal for the Redbank power station, which will be sold to Shortland Electricity for supply in that region. It seems to me that the Hon. R. S. L. Jones put forward good arguments for the cessation of coal use and the use of nuclear power, which is the cleanest source of power available in the world. Other countries have reduced acidity levels in rain and the impacts of other environmental problems by establishing more nuclear power plants. Those plants use uranium in a peaceful and a safe way. I am sure that the Hon. R. S. L. Jones does not recognise the logic of that, but he has made a strong argument for the use of nuclear power, which is the only way to protect the environment. Call to Australia supports the bill.

The Hon. R. J. WEBSTER (Minister for Planning, and Minister for Housing) [5.36], in reply: I thank honourable members who have contributed to the debate. I particularly congratulate my friend and colleague the Hon. Ian Causley on bringing the legislation before the Parliament. Even in the fractured logic of the speech made by the Hon. R. S. L. Jones, the honourable member was able to discern that the bill is concerned with trying to assist with the use of coal waste to eliminate ugly slagheaps and the wastage of man-hours and effort digging up coal that is already there. I take some exception to the remarks of the Hon. R. S. L. Jones. He should recall that I was Minister for Energy for about 12 months and during that time gave a great deal of money towards alternative energy research.

The Hon. R. S. L. Jones: How much?

The Hon. R. J. WEBSTER: I gave quite a lot to the University of New South Wales, which is undertaking research into photovoltaic cells. Funding was given to research into wind power, also. I understand that Martin Green, to whom the Hon. R. S. L. Jones referred, is still receiving funding from Pacific Power. It was during that time that the Government initiated audits to reduce electricity use in government buildings. Incentives were given for the installation of energy-efficient light bulbs. Energy-efficient light bulbs, which use about 20 per cent of the amount of energy used by a conventional bulb, are used throughout Parliament House.

I also put in place an energy-efficient housing program at Stringybark Drive at Lane Cove, which my colleague the Minister for Energy, and Minister for Local Government and Co-operatives and I will open soon. As Minister for Planning, and Minister for Energy, I initiated an energy-efficient, medium-density housing development, which will show how less energy can be used in houses. I take some exception to the remarks made by the Hon. R. S. L. Jones, though I know that they were made in the spirit of debate. What I have to say to the Hon. R. S. L. Jones is this: the Government has an obligation to provide low-cost power to homes and to industry -

The Hon. R. S. L. Jones: And to encourage conservation.

The Hon. R. J. WEBSTER: And to encourage conservation. That is exactly what the Government is doing. Whilst research is being carried out into alternative energy sources, the Government has an obligation to continue to provide low-cost power, and that is exactly what it is doing through the power stations. The Hon. R. S. L. Jones may wish to live in a cave and burn candles. He may cite projects such as wind power developments, but a million acres of windmills are needed to generate as much power as one power station. Mention is made of harnessing wave power. I have no problem with the research being undertaken, but the fact is that in New South Wales today there is no alternative to coal-fired power stations. Surely the bill, which provides for the re-use of coal waste, has to be a positive step, even in
Page 4630
the opinion of someone who may have good intentions but has fractured logic, such as the Hon. R. S. L. Jones. I commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

BUDGET ESTIMATES AND RELATED PAPERS

Financial Year 1994-95

Debate resumed from 25 October.

The Hon. HELEN SHAM-HO [5.40]: It is with great pleasure that I support the New South Wales budget for 1994-95. This budget is of historic significance. It puts New South Wales within striking distance of a sustainable balanced budget for the first time in living history. It builds on the financial reforms undertaken by this Government over the past six years. This is achieved partly by a program of continued deficit reduction, starting with $77 million this year, and a requirement for all Ministers to review their administrative costs with a view to identifying savings of 10 per cent on present costs. The deficit reduction will be achieved without new or increased taxes and without cuts to core services. This is yet another example of how the Government continues to provide accountable, progressive and responsible leadership at a time when the Keating Government does little else but utter rhetoric and raise divisive issues of republicanism that avoid tough decisions. In an article in the *Daily Telegraph Mirror* on 30 September Terry McCrann said that the Keating Government was:

> A government unprepared to take tough decisions, and worse, prepared to use policy as a form of industrial thuggery . . . The uranium non-decision showed a Government at best paralysed into inaction; at worst, utterly cynical about acting in the national interest . . . what is needed is a mini budget to seriously reduce the deficit NOW.

I doubt that the Prime Minister will have a mini-budget. In stark contrast, the Government's budget capitalises on the forward thinking shown by the Government over the past six years. The Government's focus on the future has given it the ability to exercise constraint in times of recession and, in turn, a stable platform for increased services as the economy strengthens. That is not to say that as the economy strengthens its

commitment to accountable and responsible financial management will wane. It will not. The future for our children and indeed all people will be better as a result of this budget. There is a real emphasis on continuing to improve social services, which is commensurate with the compassion that this Government has shown for the wellbeing of the public.

We are all concerned with the drought that has a stranglehold on the livelihood of the rural sector in particular. It is an issue that affects us all, and one for which I have an added empathy as a result of my involvement with the Standing Committee on Social Issues inquiry into rural suicide. The recent rain has not been enough to break the drought. The *Sun-Herald* of 23 October reported that New South Wales will be littered with the carcasses of 1.5 million livestock within weeks as the drought continues. Apart from the desperate situation of stock, some country towns have run out of drinking water. Quandialla, in south-western New South Wales has run out of water. People are paying $120 for a 9,000-litre load and are driving up to 60 kilometres to the nearest town to do their washing.

The Government has recognised the severity of the current drought in the rural sector and the toll it has taken on the lives and livelihood of farmers and on the economy. It has taken steps to address the crisis by, first, persuading the Commonwealth Government to allocate funds that do not discriminate against farmers who do not qualify for welfare assistance because of the Federal Government's assets test; and, second, the Government's funding initiative to direct more than $73 million from this budget towards rural assistance to deal with the drought. This drought is undoubtedly one of the worst in the history of European settlement of this country. The result of the drought in New South Wales is devastating socially, economically and environmentally. It is the worst dry weather period the country has experienced since the 1940s, with 93 per cent of the State drought declared. If the drought has not broken by February or March the whole country will be in very real trouble.

In New South Wales average farm income will fall by 66 per cent, with 26 per cent of farmers making negative incomes. This translates into an estimated $1 billion, or 28 per cent, reduction in the net value of farm production to $2.6 billion for the year 1994-95. The effect will be a cut in the national economy by $2 billion. Stockholders must try to maintain their breeding herds. Prospects of using long paddocks or stock routes are not promising, as much of that area is also drought stricken. Many farmers are resorting to importing grain to feed their stock. The last time they had to do that was in 1957. On 10 October the Federal Government announced $25 million in wheat imports for the purposes of drought relief. On 8 October the *Sun-Herald* reported that in order to feed their stock some farmers were buying back wheat stocks for double the amount the Australian Wheat Board had paid them.

The Fahey Government has tried to combat the effects of drought through a number of initiatives. These include $10 million to provide exceptional circumstances drought support and a further $10 million for continued transport subsidies for drought-affected farmers. Transport subsidies are one of the most effective forms of drought relief as they help farmers to maintain their core breeding herds by sending them to agistment before they suffer from lack of feed or in some circumstances are sent to slaughter. The Government is increasing its contribution to the rural financial counsellors program to $1.4 million as well as providing an additional $1 million for drought support workers to help families

cope with the personal impact of this crisis. Five staff will be appointed to key affected locations in the north-west, far west, Orana, central west and Riverina to provide family and community support.

My participation in the inquiry conducted by the Standing Committee on Social Issues into rural suicide has made me aware of the very real strain on rural communities. Members of the committee visited a number of rural areas in New South Wales, and it was clear that families were suffering significant hardship and stress as a result of the recent recession and the drought. In my assessment, there are definite causal links between the drought and a number of social problems. Many families are being forced to split up in order to support and educate their children. Teenagers are being taken out of boarding schools to be taught at home while they help on the family farm. Whole generations are being devastated by this crisis. Social problems in the rural area, including suicide, mental illness and family breakdown, are indicative of what seems to be a change in the social

structure and way of life in rural New South Wales.

Last month the Government responded by assisting the Sisters of Charity at St Vincent's Hospital and the Sydney-based Lifeline in setting up toll-free counselling services to help provide tangible human support for rural families. Financial counselling services are being provided jointly by the Federal and State governments. This is a further indication of this Government's commitment to the rural sector and its ability to face crises with compassion, skill and flexibility. I thoroughly support the Premier's decision not to accept the Prime Minister's proposals for the Cahill Expressway at this time of crisis. At a time like this how can a Labor Prime Minister offer millions of dollars to knock down a road rather than provide money to the rural disaster?

I also support the Minister for Agriculture and Fisheries, the Hon. Ian Causley, in condemning the Keating Government's failure to deliver on areas of eligibility for drought-related benefits. It is shameful that six areas have been withdrawn from eligibility for benefits, leaving only 15 of the 56 drought-declared areas included in the Federal Government's criteria for eligibility. I sympathise with families in those areas, with their disappointment and frustration. This is exactly the kind of stuff the Labor Government is made of. The electorate should remember this slap in the face when Keating is in need of votes. Unlike the Keating Government, this Government's performance in regard to the rural sector is just one reflection of its record on social services.

The Government has made a real effort to combat the effects of the drought, and the Premier is continuing that effort. The special drought Cabinet meeting held last week is another example of the priorities of this Government and its ability to see initiatives through. Part of the initiatives instigated by the Premier as a result of the drought Cabinet meeting was the appointment of a drought relief coordinator. The coordinator is the head of a small strategic unit established to deal with the drought crisis. Other initiatives include the running of special trains to cart water and fodder free of charge to drought-affected areas.

There is also a provision for the free transport, by rail, of donations of clothing and food to families affected by the drought and a cloud seeding scheme at a cost of $100,000 to be undertaken by the Minister for Land and Water Conservation in conjunction with the drought coordination unit. The $800,000 assets test limit for assistance under the special conservation scheme will be suspended until 30 June 1995, allowing more land-holders to qualify for assistance. There is no doubt that the Fahey Government has been responsible and accountable in trying to come to terms with this horrific crisis. Compared to Labor's final year in government in 1987-88, this Government has increased current expenditure over and above the rate of inflation and in excess of population growth rates by approximately 12 per cent in health, 13 per cent in education, around 63 per cent in social and community services, and more than 23 per cent in law and order.

The Government's commitment to a better future for everyone is highlighted by its record levels of funding for multicultural and ethnic affairs in 1993-94 and again in the 1994-95 budget. New South Wales is one of the most culturally diverse States in the nation, with 44 per cent of new migrants settling in New South Wales. The Fahey Government has recognised the significance of these facts and has responded in a responsible and accountable manner to ensure that the migrant community has full participation and a profitable lifestyle. This adds to the wellbeing of the State in general, because migrants bring new business, new ideas and new hope to this great nation and to our State in particular.

The Fahey Government has strengthened its resolve to develop a culturally diverse, yet tolerant and cohesive society. This budget is a real reflection of that. In recognising the culturally diverse nature of our society, many initiatives have been undertaken to promote cultural awareness and understanding of the special needs of migrant groups. This budget offers a total of $96.6 million to ethnic-specific and multicultural programs and initiatives within the Government. As a former commissioner of the New South Wales Ethnic Affairs Commission I am delighted that the Government is continuing to recognise the importance of the State's multiculturalism by supporting the commission's good work by maintaining its record level of funding - $11.6 million in the 1994-95 budget. The Government has increased funding for the ethnic affairs portfolio. The Minister for Multicultural and Ethnic Affairs, the Hon. Michael Photios, who has been most effective and tireless in his work for the ethnic community, is very committed. I commend him for his dedication to his

portfolio.

The commission will be heavily involved in implementing the New South Wales charter of principles for a culturally diverse society that leads the

nation in policy development in ethnic affairs. The charter of principles was launched on 30 March 1993 by the Premier and marks the Fahey Government's commitment to the New South Wales multicultural community. In accordance with the sentiments of the charter, $52.2 million will be allocated to education and training programs for people of non-English speaking backgrounds. The money will be distributed through a number of different programs, such as the circuit-breaker program - a program that assists young people of non-English speaking background who are likely to have difficulty finding work after leaving school to develop clear goals in relation to further education and employment. The circuit-breaker program offers them special training and skills development and helps them with the transition from school to further training or employment.

The commission continues the community development and cultural sponsorship program, which has provided grants to community groups totalling $3.85 million. The language services division continues to provide essential and efficient translation and interpreter services to individuals and organisations. The State Government also provides funding initiatives for migrant health, education, environmental programs, women's services, and law and order. In relation to women's services I should like to mention the wonderful work of Mimosa House, initially conducted under the auspices of the Vietnamese Women's Association but now incorporated as an independent autonomous organisation. Mimosa House was established to service the Indo-Chinese ethnic community, although demand for the service has led to its expansion to other Asian ethnic communities. It receives funding of approximately $265,000 under the supported accommodation assistance program, a Commonwealth-State program administered by the Department of Community Services.

As the only refuge for Indo-Chinese women in New South Wales and in Australia, Mimosa House has proved to be an essential service for providing safe and secure accommodation for domestic violence victims. I take this opportunity to congratulate the Vietnamese Women's Association and the Mimosa House management committee on their success. Due to the rapid increase in the rate of domestic violence in the Indo-Chinese communities, in recent years the turn-away figure has been very high. Mimosa House needs alternative accommodation for women and children who reside in the refuge for longer than three months while waiting for public housing. Mimosa House is providing a wonderful service in our community and I urge the Government to continue to support it so that it can, in turn, help victims of domestic violence. While speaking to women's issues, I want to take this opportunity to place on record my absolute disgust and disappointment at the way the Hon. Dr Meredith Burgmann abused her position in this place during question time -

The Hon. J. R. Johnson: Wait until she is here.

The Hon. HELEN SHAM-HO: I am sorry she is not here. This week she launched a disgraceful and cowardly attack on Jane Bridge, the Director of the Ministry for the Status and Advancement of Women. Together with the honourable member for Port Jackson and the honourable member for Blacktown in another place, the Hon. Dr Meredith Burgmann has attempted to destroy the career and reputation of Ms Bridge, one of only a handful of women chief executive officers in the New South Wales public service. These three Labor members, these three supposedly committed feminists, have waged a shameless campaign of lies and innuendo against Ms Bridge and against the ministry. Their aim is clear: to destroy the ministry. They want to destroy the excellent and internationally recognised work of the ministry and its staff.

This campaign was started last week by the Hon. Dr Meredith Burgmann during the hearing of the estimates committees. It was continued by the honourable member for Blacktown in a press release that was so bitter and libellous that members of the press gallery have not printed a word of it. These three Labor members have used their privileged positions in this Parliament in a deliberate and cowardly way to damage the reputation of a public servant, who, for obvious reasons, cannot retaliate in such a political forum. These three embittered Labor women have done more to damage the cause of women in this State, especially women in the public service, than honourable members could ever imagine. They have sought to publicly destroy the

reputation and career of another woman for no other reason than to score a few cheap political points. They are an embarrassment not only to their party but to the women's movement in this country and to each and every woman in this State.

We have to put the facts right: the Fahey Government has done more for the women of this State in the past couple of years than Labor could manage to do in a decade in office. The Government has spent a record amount on the provision of services and assistance to women; on stopping that most vile of crimes, domestic violence; on making our streets safer for women and families; and on assisting women at home, women in rural and isolated areas, women from non-English speaking backgrounds and Aboriginal women. Labor cannot stand the fact that the women's movement in New South Wales, across the political spectrum, has been extremely supportive of the work of the Government and the ministry. The three Labor women do not give a damn about the work carried out by the ministry, by the director or by the other staff. They are happy to destroy all that work just so they can score a few cheap political points. I interjected at question time to that effect.

Each of the allegations raised by the Hon. Dr Meredith Burgmann has proved to be either untrue or a misrepresentation of facts. Let us start with all the lies. The Labor Party claimed that thousands of dollars had been spent on monogrammed crockery for the ministry. That is not true. The ministry has never purchased any monogrammed crockery, and no
Page 4633
monogrammed crockery will be purchased. It also claimed, initially, that the director had been on a junket to New York costing $10,000. The director visited New York in March, having been invited by the head of the Commonwealth Office of the Status of Women to be part of the Australian delegation to a United Nations meeting in preparation for next year's Beijing conference on women. The invitation was at short notice and therefore the director was unable to get a discount air ticket or to arrange special accommodation rates. The total cost of the trip was just over $8,000. The Opposition also claimed that nearly $1,000 had been spent by the director on a beauty and make-up course. There was no beauty course.

The director has advised the Minister that she did attend some media training which did include advice on what to wear and how to look for a television interview. This is the same type of training that is taken by almost all chief executive officers in the public sector. The next issue concerned the disposal of furniture. This is probably the most outrageous of all the allegations made by the Hon. Dr Meredith Burgmann. She implied that the director had acted corruptly in the disposal of furniture that had been declared surplus. These same allegations were actually made to the Independent Commission Against Corruption by an anonymous complainant more than a year ago. The ICAC considered the allegations and dismissed them. In its report the ICAC said:

> The material has been carefully examined by Commission officers and the view formed that the matter raised is not one which should be made the subject of a formal investigation by the Commission. Accordingly, the Commission will not be pursuing it.

Another claim concerned staffing issues. Labor has claimed that half the ministry's staff resigned over the past year because they were unhappy or angry about the way the ministry was being run. This is absolute nonsense, especially since the ministry has only been in place for a little over a year. To back up its claims, Labor issued to the media a list of 14 staff claimed to have resigned in the past year because they were unhappy. This list is an absolute sham. Many of the women whose names appear on this sham list have expressed amazement and dismay that their departures have been used by the Labor Party to score cheap political points. I am also told that some of these women have called their union, the Public Service Association, complaining about this most obvious breach of privacy. The truth about staffing is that the ministry has grown in the past year from 18 staff to nearly 50 in line with the Fahey Government's upgrading of what used to be the Women's Co-ordination Unit.

Except for a handful, all the women who have left the Ministry over the past year have done so because they have been offered promotions in other public sector agencies or to pursue other careers, study or family opportunities outside the public service. Such staff turnover is not a sign of failure. On the contrary, the Minister has said that she sees the Ministry as the kind of place where women of talent and promise can learn

the ropes and then move up the promotional ladder. Those who have left included a young woman who has spent the past few days happily giving interviews to the media about the alleged unhappiness inside the Ministry. It will not surprise members to discover that this young woman now works for a Labor Senator and just happens to be a member of the Labor Party and a colleague of the Hon. Dr Meredith Burgmann.

More importantly, the Opposition deliberately ignored the fact that since the establishment of the ministry in July last year, 27 new positions have been advertised and filled. More than 850 applications were received for those 27 positions. The Hon. Dr Meredith Burgmann also spoke about the high proportion of temporary staff employed in the ministry. Again, this is rubbish! I am advised that the proportion of temporary staff in the ministry is under 20 per cent with four additional women being part of a pilot project, the Women's Information and Referral Service. That proportion is no higher and no lower than in other government agencies in New South Wales.

The next mater concerns the claim by the Hon. Dr Meredith Burgmann during question time which was rebutted by the Minister for Education, Training and Youth Affairs, Minister for Tourism, and Minister Assisting the Premier. The claim concerned the refurbishment work at the ministry, and implied corruption on the part of Ms Bridge. I will not repeat what the Minister said. The Opposition's claim is a lie. The director's husband was not asked to tender for the work; he did not tender for the work; he did not do the work. If she had any integrity or any courage the Hon. Dr Meredith Burgmann would apologise publicly and admit that she misled the Parliament. In the past week the Minister and the ministry have received numerous telephone calls and messages of support from groups and from individual women, many of whom owe no allegiance to this Government. I shall quote briefly a couple of the letters. One of the letters came from the Older Women's Network. It stated:

> We are concerned about the publicity in the media about the efficiency and practices of the Ministry. We find the office very efficient [and] we would like to thank the Ministry for the assistance we were given to hold a two day conference on older women and the family. Your office has always been regarded as our friend and we look forward to a continuing good relationship with you all.

Another letter, from the National Council of Women, stated:

> We would like to place on record the high regard we have for the Ministry [and] we abhor the unwarranted and unnecessary criticism that has come from Dr Burgmann recently. It is well known that the initiatives that have been authorised by you have been most welcomed and supported by the many women's organisations.

What a farce that Labor woman is making of attempts to raise the status of women in this State. This budget is another financial masterpiece from the Government. We are showing this nation yet again that it is possible

to get it right. It is possible to take tough decisions without compromising compassion for humanity or sound economic management. We have again seen the ability of this Government to deliver a fair, progressive and responsible financial account of itself and its intentions. It is, I might add, a government that has always put people first. It has always looked to provide a secure future for children. With the initiatives I have outlined in ethnic affairs I am completely confident that the future is a bright and prosperous one. I commend the Treasurer for another outstanding budget. It has my full support.

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

[*The Deputy-President (The Hon. D. J. Gay) left the chair at 6.09 p.m. The House resumed at 7.30 p.m.*]

TOW TRUCK (AMENDMENT) BILL

Bill introduced and read a first time.

Second Reading

The Hon. E. P. PICKERING (Minister for Energy, and Minister for Local Government and Co-operatives) [7.30]: I move:

That this bill be now read a second time.

I am pleased to be introducing a bill which completes the final reform in the administration of a small but extremely important section of the road transport industry. The Tow Truck (Amendment) Bill, the result of more than two years of consultation and review, resolves a series of policy issues that had been concerning members of the industry. Before 1988, when this Government came to office, the tow-truck industry was almost in total disarray. For many years the industry had been administered - that is, in theory - by the now defunct Department of Motor Transport. But that organisation's efforts were minimal at best. It failed to deal with the many allegations of corruptions and rorts in the industry.

To overcome these weaknesses the then Government proposed legislation in 1987. This legislation was vigorously opposed by the tow truck industry and was never proclaimed. When we came to office we set about remedying the situation. We established a consultative process through the Tow Truck Act 1989. This established a Tow Truck Industry Council to regulate the industry and gave representation on the council to industry groups then active in the industry. All towing activities were regulated by agreement with the industry, and the council was empowered to set licence fees in order for it to be self-funding. Consistent with the majority view in the towing industry at the time, the Act retained a longstanding prohibition on drop fees, that is, payment of commission by smash repairers to towing operators who directed smash work to them.

Provision was also made for the introduction of a work allocation system should the council be able to propose an equitable way of controlling a perceived excess supply of tow trucks at accidents. The Tow Truck Industry Council commenced operation in April 1990 and brought a measure of stability to the regulation of what had been traditionally a somewhat volatile industry. In particular, the industry responded positively to having its own regulatory body with clearly defined education, training and disciplinary functions. Regrettably, however, though not surprising, given the volatile nature of the industry, there was some conflict amongst council members, and this made it difficult to progress the key policy issues. There was also some dissatisfaction amongst tow truck operators at the level of fees set by the council. This was especially so in the case of country operators as well as breakdown and trade towers whose businesses were not heavily involved in smash towing.

As a result of these concerns, in July 1992 the Government commissioned a review of the effectiveness of the Tow Truck Act. This independent review, conducted by management consultants Ernst and Young, was probably one of the most exhaustive examinations ever conducted of an industry. Every operator and tow truck driver in New South Wales was given the opportunity to contribute; all interested groups were consulted, in depth; and a major survey of consumers was also conducted. The results of the review were then made public in a white paper which was published in December 1993 and was open for public comment until April 1994, without any significant issues being raised in respect of the recommendations.

The bill will give effect to the recommendations in the white paper and will lead to a significant streamlining of the tow truck administration and thus to a reduction of licence costs to operators. The most significant proposal in this bill is to remove the licensing requirement for all operators other than those towing cars, station wagons and light commercial vehicles from the scenes of accidents. The results of the review demonstrate quite clearly that there is no rationale for continuing with the regulation of breakdown and trade towing or with towing of heavy vehicles. Regulation of transport operators is really necessary only when the customer does not have the opportunity to select a service provider in the open market and to negotiate a price. That is why, for instance, we regulate taxis and buses. The consumer has no opportunity to pick and choose, but must take the first vehicle that arrives, and thus must rely upon government to set standards of performance, service and cost.

The same principle applies in smash towing, where one or more tow trucks arrive at the scene and the

vehicle owner has no easy way to make an informed selection. Indeed, in these circumstances most vehicle owners are under considerable stress and are frequently unable to make sound decisions. Some, of course, regrettably, may be injured or otherwise unable to indicate their wishes. Clearly, in these circumstances regulation is essential, but in the other areas there is no such need for protection. In the case of breakdown and trade towing, the vehicle owner has ample opportunity to choose a tow

operator. In the case of heavy vehicles, the owners invariably know, well ahead of any accident or breakdown, who they wish to tow their vehicles, and often will have entered into a standing recovery contract. Operators of heavy trucks and buses are experts in their fields and have no need of a safety net provided by government.

The second initiative in the bill is that, after very careful review, we have concluded that the present prohibition on drop fees is illogical and should be lifted. This is not to say that we condone the demanding of secret payments for procurement of smash repair work. Quite the opposite is the case. But it is clear that such practices are not confined to motor vehicle towing. There is adequate legislation in other areas to deal with collusion, conspiracy and secret commissions, so there is clearly no point in continuing with a parallel provision in the Tow Truck Act. It should be noted, in respect of this issue, that the payment of a drop fee as an incentive to recommend a smash repairer to the consumer does not necessarily increase the cost of the repair. This is because repair rates are strictly controlled by insurers and damaged vehicles must be inspected by insurers' loss assessors before repairs are priced. Thus, any drop fee must come from the repairer's profit margin. If that margin is too generous, that is a matter for the insurance industry, which has the power to reduce repairers' hourly rates accordingly.

In many respects, the question of drop fees appears to have been significantly overstated. Ernst and Young's review work shows that over 80 per cent of the tow trucks that depend on smash towing for their income are now owned or financed by smash repairers. In such cases, the payment of a drop fee is meaningless. It is my belief that if there is potential for overcharging in the smash repair industry, the best way to address this will be through consumer awareness. With this in mind, we will be making regulations under the amended Tow Truck Act to require tow truck operators to inform their clients whether they are likely to receive any consideration from a repairer. Further, we will be modifying the standard towing authority form to clearly indicate this obligation to the vehicle owner.

Another important consumer protection measure flows from the drop fee issue. As I have said earlier, a car crash is a very stressful situation for most motorists, and frequently their judgment may be clouded on matters such as a choice of repairer. The current Act and regulations already require the tow truck operator to obtain an authority from the vehicle owner which specifies where the vehicle is to be taken. However, we are also introducing a requirement that the towing operator must, on request, relocate a vehicle to a different repairer at any time within 72 hours of the original tow. This simultaneously allows a change of mind for the motorist, who may feel that he or she was pressured into choosing a repairer by the tow truck operator. It also means that, if the tow truck operator has received a commission from that repairer, it will have to be refunded. This measure alone will introduce a major disincentive to the payment of commissions. Of course, some insurance policies allow the insurer to nominate the repairer or to specify that the vehicle be taken to a holding place maintained by the insurer. In such cases, the right of retrieval may not be applicable. The bill provides for this.

The third major policy change in this bill concerns the issue of work allocation. The independent review has confirmed that there is still a considerable divergence of opinion in the industry about the value of such measures. But, it has also shown conclusively that, contrary to industry belief, there is no general oversupply of tow trucks at accidents and, so, no real rationale for restricting the numbers of tow trucks attending accidents. Accordingly, the Government sees no point in retaining a provision for work allocation in the Act. To do so might only signal a hidden agenda to tighten regulation in the future, and there is no intention of this whatsoever. It is time that the towing industry is given the freedom to go about its business free of artificial restraints.

A number of other minor but nonetheless important amendments are to be made to the Tow Truck Act,

but, before outlining these, I should like to mention one other significant change relating to the composition and operation of the Tow Truck Industry Council. I mentioned earlier that there had been a conflict on the council. This arose primarily because of differences in outlook between the various associations represented. These associations tend to reflect the parties to the original 1989 review and they may not adequately represent the whole of the industry. For instance, the association covering the country-based operators is not represented on the council. Clearly, all associations cannot be represented, but it is my belief that the council will function more smoothly, and the interests of all groups will be more adequately considered, if membership is based on expertise and professional standing rather than representation of particular associations whose leadership can change dramatically without warning.

Naturally, all associations will be asked to nominate people who could be appointed to the council, but it will be made quite clear that all people appointed will be representing the whole of the industry and not just sectional interests. It is my expectation that some people will be nominated by a number of associations, and multiple nomination would clearly be a factor to take into account in selection of council members. The council will, of course, retain its independent chairman and, to ensure balance, I propose to add a second independent member to the council. Representation will be continued for the insurance industry, the vehicle repair industry, consumers and the Roads and Traffic Authority. However, representation will also be extended to the Police Service, in view of its direct involvement in attendance at vehicle accident scenes, and to the Department of Transport. The department's addition reflects the fact that secretariat services and staffing of the council are now provided

by the department. This is appropriate, given the strong commonality between the tow truck industry administration and the regulation of other public vehicles such as taxis and hire vehicles.

I shall list briefly the remaining minor changes to tow truck regulations. Licence fees will be set by regulation rather than by a determination of the council. This will ensure proper scrutiny of all proposals for fee variations. There will also be provision for fees to be paid by instalment. The maximum duration of tow truck drivers' certificates will be increased from one year to five years. This will reduce the workload of the council's secretariat and is consistent with practice for other public vehicles. Provision will be made for the Minister to specify circumstances in which tow trucks may carry people who are not the holders of drivers' certificates. At present, if a licensed tow truck is being used for breakdown work, any passenger, such as a mechanic, must be duly authorised. This is clearly irrational, especially given that much of a tow truck's work in future will be unregulated.

It makes sense that guidelines should be prepared for the carriage of people other than authorised drivers. It should be noted, though, that the Government has no intention of permitting unauthorised persons to attend the scenes of accidents. In the past this has led to people attending accidents purely to tout for smash repair work, and it is intended to continue our policy of firmly discouraging such activity. Because the requirements for construction and inspection of tow trucks are already clearly and adequately specified in the Traffic Act and its associated regulations, and the Tow Truck Act is concerned with the regulation of tow truck operations, the sections of the Act dealing with this will be deleted. It should be noted, however, that the Roads and Traffic Authority's inspection procedures for tow trucks are to be widened to allow for the inspection of tow trucks' lifting and towing equipment.

Provision has been made for disciplinary proceedings under the Act to be fully determined by a committee of the Tow Truck Industry Council. At present, the committee's findings and recommendations must be referred to the full council for final determination. This often results in members of the council feeling obliged to review the case in detail, which is time wasting and an unnecessary cost. Of course, the right of appeal to the courts against any decision of the council or its committee will remain. The functions of the council are to be narrowed to the application of the Tow Truck Act, such as licensing, education, training and discipline. Questions of public policy will be addressed by the Department of Transport as part of its overall public vehicle policy functions, but the council will, of course, be fully consulted in any policy review and the Minister will expect to hear a council view on all such matters.

Similarly, the Roads and Traffic Authority will be responsible for vehicle construction policy. With these changes, it will be unnecessary for the council to commission research or consultancies so provision for these functions has been removed. A minor clarification has been made to properly identify the Tow Truck Industry Fund in the special deposits account. Provision for council members to nominate deputies has been deleted. With members selected for their individual expertise, deputies are clearly inappropriate.

This concludes my outline of the changes that are to be made to the Tow Truck Act and the rationale for these changes. Overall, the deregulation of a substantial part of the towing business will allow towing operators and consumers the freedom to negotiate the services they want in the way they want. This is totally consistent with the Government's microeconomic reform agenda and will result in better standards of service at lower cost for both consumers and tow truck operators. This bill has the support of the great majority of the towing industry and has drawn no adverse comment from insurers, consumers and motor repairers. The bill completes the reform process for the towing industry. I commend the bill.

Debate adjourned on motion by the Hon. K. J. Enderbury.

ELECTRICITY TRANSMISSION AUTHORITY BILL

Second Reading

Debate resumed from 13 October.

The Hon. Dr MEREDITH BURGMANN [7.47]: The object of the Electricity Transmission Authority Bill is to establish an electricity authority that will take over the Electricity Commission transmission functions. In May this year legislation was passed to allow the Electricity Commission to establish subsidiary companies. Following this legislation, a grid subsidiary company was established separating Elcom's generating and transmission functions. Further legislation was foreshadowed at that time to constitute a transmission authority. The bill gives effect to that commitment. The separation of Elcom's generating and transmission function follows upon the Council of Australian Governments' agreement for the establishment of a competitive electricity market for which a national grid is an integral part. The thrust of this legislation is not opposed by the Opposition, but it will seek to make a number of amendments.

The Opposition has a number of concerns with this bill. Firstly, and probably most importantly, the bill does not provide for an employee-elected board representative. The honourable member says this is a surprise. It is not a surprise at all for a party that is more than 100 years old, the Australian Labor Party, to believe that workers should have a say in running productive and worthwhile companies to which they provide their labour. Society puts more and more emphasis on a proper relationship between employees and employers, and it is important that employees have a say, even a small say, in the running of their organisation. The transmission

authority's sister organisations - I say that advisedly; I am sure that in the electricity industry "sister organisations" is the appropriate term - Sydney Electricity and Pacific Power, both have worker-elected board members. John Thom is the Sydney Electricity worker representative and Leigh Brydson is Pacific Power's worker-elected representative, both of whom bring a wealth of talent and experience to the deliberations of the board.

Another anomaly that arises because the bill does not allow for worker-elected representatives is that in a letter of July from the present Minister, the Hon. E. P. Pickering, to the Labor Council of New South Wales the Minister stated that the subsidiary company that was formed and is now the forerunner to the Electricity Transmission Authority, that is PacificGrid Proprietary Limited, has a provision in its memorandum and articles of association for one of its directors to be elected by the staff of the subsidiary company. He pointed out that regulations will be introduced in the next session of Parliament to put this into effect. The election of this director will follow procedures similar to those applying to Pacific Power's employee-elected representative. If an employee-elected representative was good enough for PacificGrid Proprietary Limited, why is it not good

enough for the Electricity Transmission Authority? I am sure honourable members will accept the long-running tradition that in large and important public service authorities in this State it is appropriate for the workers who put their time, energy and often their emotional commitment into a company to have an elected representative on the board.

Secondly, subsidiary companies can be established without ministerial approval; that is, without specific regulation. Subsidiary companies could be established and then not have to be the subject of parliamentary approval in the event of their sale. In fact, only ministerial approval would be needed to sell the companies; the approval of the Parliament would not be required. I understand that the Minister has given assurances that this will not happen. In fact, I understand that he has said that he would fly to the moon rather than allow privatisation by stealth. This part of the bill needs clarification. I seek clarification of the statement in clause 11(1) of schedule 2 which states, ". . . an employee on the same terms and conditions as to remuneration . . .". That refers only to remuneration, not to other conditions. The Opposition amendment will alter that wording to clarify the intention, because to most people "remuneration" would include other conditions such as superannuation and other rights on the job.

Thirdly, when the enterprise agreement that is now in place was originally negotiated, a commitment was given by the Chief Executive of Pacific Power, Ross Bunyon, that if at the end of the two-year duration of the enterprise agreement a new agreement could not be negotiated, an application would be made for a consent award in the same terms as the enterprise agreement. The Opposition would like to know whether this agreement will be honoured by a future chief executive. Can the Minister give a commitment that he will honour this agreement? Fourthly, will the policies and procedures that now apply to employees continue to apply upon their transfer to the transmission authority? I understand that the Minister has agreed that on day one they will have the same policies and procedures attached to them, and that any change in the future would be made only after consultation with the union. I would like the Minister to give that assurance to honourable members.

Fifthly, will redundancies emanate from the creation of the Electricity Transmission Authority? I understand that the Minister has said that it is expected that the business of the organisation will operate the same as before. However, I would like the Minister to state now whether there will be forced redundancies in the future as a result of the creation of this new authority. Electricity workers are concerned about this bill and the effect it will have on their workplaces and conditions in the future. Workers in country areas have expressed concern about how the bill will be put into practice. The Opposition does not oppose the bill but it will move six amendments in Committee.

The Hon. S. B. MUTCH [7.57]: I support the Electricity Transmission Authority Bill. The bill gives effect to the agreement by the Council of Australian Governments on 9 June 1993 that structural changes should be implemented to allow for a competitive electricity market to commence on 1 July 1995. The bill will transfer the transmission functions presently operated by the Electricity Commission to a new authority to be created and called the Electricity Transmission Authority. This authority will take over the functions of PacificGrid Proprietary Limited, being the management of high-voltage transmission lines and substations that convey electricity from the point of generation to direct and bulk-supply customers, and to provide for non-discriminatory generation access.

Ancillary functions of the proposed authority include the acquisition of transmission lines, land or easements; the development of land and disposal of land or easements; the building and maintenance of buildings, plant, machinery, equipment and vehicles; and the entering into of contracts or arrangements for the carrying out of works, the performance of services, or the supply of goods and materials. The authority will have a board of directors appointed by the Governor on the recommendation of the Minister. Directors will be appointed for up to five years. The Minister advises me that he is quite happy to consider potential board members recommended to him by members of the Opposition. When he is making decisions about appointments to the board I am sure he will give those people every consideration. If the Opposition has in mind people with relevant experience, I suggest it refer them to the Minister for his serious consideration. I look forward to the contribution from the Hon. J. H. Jobling, a fellow member of the exclusive club of the

backbench committee to the Hon. E. P. Pickering, who has a great deal of experience in energy and power. I support the legislation.

Page 4638

The Hon. R. S. L. JONES [8.00]: The Australian Democrats also support the legislation, which, as the Hon. S. B. Mutch has said, gives effect to the agreement of the Council of Australian Governments of 9 June 1993. One of the matters in which I am interested is powerline siting, as honourable members would know from my several years in the House. At the estimates committee last week I asked the Minister for Energy about the proposed 300kV powerline between Boonoo Boonoo National Park and Bald Rock National Park. The Minister feigned ignorance on that issue. I mention it to him again. I am sure that he is now more acquainted with the concerns of northern New South Wales residents, or he will be shortly. A number of representations have been made to the Minister, his staff and his advisers on this matter.

This issue represents the classic clash of a large authority violating the rights of residents and the environment. Residents have pointed out to the Minister, who does not seem to have got as far as reading their submission, that there is a western route that would be much more environmentally acceptable, less of a hazard to aeroplanes taking off from and landing on private airstrips, and much better for the farming community. I hope that the Minister is sufficiently acquainted with his portfolio to be aware of the problems. Honourable members would remember that when the Hon. Neil Pickard was Minister for Energy the Oberon farmers were violated by the erection of powerlines through their properties. Day after day those farmers sat at the back of this Chamber, listening to the debate and hoping that they would be able to stop the erection of those powerlines.

The powerlines through their properties are enormous - like mini-Eiffel towers - and have led to the sterilisation of large areas of their land and other problems associated with electromagnetic radiation on them and their farm animals. We lost that battle, unfortunately, even though an inquiry was held. Several of those farmers are now at the point of bankruptcy through trying to fight the Government over that issue; they even fielded candidates at the last election. The powerline has been erected and it is one of the ugliest sights one would ever see. Again and again in this State we have had the problem of an authority overriding the rights of residents, particularly country people. Shortly a powerline is to go through Mullumbimby, right next to a school. The people there are upset about that development, but will they be able to get any redress?

I note that part 5 of the Environmental Planning and Assessment Act 1979 will still apply and that the Minister for Planning will be the determining authority, thanks to legislation passed in the House some months ago. I hope that the Minister is cognisant of the problems of the people involved - particularly country people and farmers - environmentalists and tourist operators, and recognises that in many cases environmental impact studies are poor documents designed to facilitate developments, put together by the proponents of the development, sometimes people who are not very knowledgeable about environmental problems. I hope that when environmental impact studies come before the Minister he will take into account the needs of the community, which so often get left out.

For many years there has been some pressure for underground powerlines. Some of our most beautiful areas, particularly in the city of Sydney, have been devastated by the erection of ugly powerlines. Authorities keep mutilating trees down one side of streets. Putting lines underground has now been stopped, of course, because everything has been rationalised economically. For years and years I pushed for lines to be put underground. The first underground line was put through in Dee Why in about 1972, I think, as a result of a campaign for underground lines. Throughout Sydney we see ugly powerlines mutilating some of our most beautiful spots and best streets. Some years ago I asked the authority why it would not allow individual landowners or householders to pay the cost of undergrounding, which would not be a great deal for each household.

The Hon. Dorothy Isaksen: They do pay for it.

The Hon. J. H. Jobling: In new subdivisions, they do.

The Hon. R. S. L. JONES: I am not talking only of new subdivisions; I am talking about old subdivisions, some very old beautiful spots that are being mutilated.

The Hon. Dorothy Isaksen: In old subdivisions they can volunteer to pay.

The Hon. R. S. L. JONES: If everything is so wonderful, how come all this mutilation is still going on? Near where the Hon. Dorothy Isaksen lives some beautiful areas are being mutilated regularly. I hope that other matters important to residents and to tourists, who come to Sydney because of its beauty, are taken into account in spite of the move towards economic rationalisation. The monopoly will be broken and individuals will be able to generate electricity. This Parliament, for example, now generates electricity using natural gas, which it sells to Sydney Hospital next door, and that is a very good move. I applaud the President and Mr Speaker and their staffs for putting that measure into effect. I believe that the co-generation plant in this building is to be launched on Friday.

Through the new solar developments from the famous Martin Green, there will be possibilities further down the track for people to generate electricity surplus to their requirements. It might be that some householders will be able to make money by generating electricity surplus to their needs. I note through a recent media report that Northern Rivers Electricity is concerned, although the authority has not yet been affected, that too many householders will produce electricity and thus affect electricity sales. Northern Rivers Electricity is concerned about having

to buy electricity rather than sell it. I hope that becomes the reality. It is a reality with small hydro plants that I have seen up north, which are very effective in producing electricity, and with the new solar plants. Such development would alleviate the need for us to burn coal, which we spoke about earlier this evening.

It is good that we are to have the national grid and that functions will be separated. The Australian Democrats support the Australian Labor Party amendments. We have supported such amendments in the past 6½ years. The Australian Democrats strongly believe in staff-elected directors. Natural democracy demands that staff should be able to elect a director. The Australian Democrats have supported similar amendments in previous legislation. It is my opinion that if this amendment is not passed through this House - because it seems that the majority of honourable members in this Chamber do not have too much understanding of what that would mean - it will be passed through the lower House.

I am certain that at some point the Minister in the lower House will have to cave in. I understand that he will fight the proposal for staff-elected directors, for reasons best known to himself, and lose even more votes for the coalition Government, which is sliding backwards at a rate of knots because of decisions like this and because it does not realise how many staff there are on these organisations who would like to vote for their own director. Even if the amendment is not passed by a majority of this House, I am quite sure that it will be passed through the lower House. I imagine that all these amendments will be passed by the lower House - particularly if Mr Terry Griffiths sits on the crossbenches and is no longer a member of the Liberal Party - but I would like to see them passed first in this House.

The Hon. J. H. Jobling: He should be supporting the Government.

The Hon. R. S. L. JONES: If he supported the Government, he would resign immediately.

The Hon. J. H. JOBLING [8.09]: I will come back to the Leader of the Opposition, but I should like to say first that tonight I have had the misfortune to listen to the greatest diatribe by somebody who has no concept, understanding or knowledge of the industry; somebody who has made some of the most outrageous comments I have ever had to listen to. The Hon. R. S. L. Jones talks about different issues but has no concept of cost, no understanding of the impact on industry and no understanding of the basis of the production and the generation of electricity. He does not understand the effect of that or the way in which this country, above all countries,

has made this the most efficient industry. It is simply appalling. I am monumentally concerned about this honourable member, who has the audacity to pontificate about matters that he does not understand and cannot explain. He is basically misleading the House.

The Hon. R. S. L. Jones: On a point of order: I refer to Standing Order 80 and ask the member to withdraw his comment that I am misleading the House.

The Hon. J. H. JOBLING: On the point of order: the honourable member suggests that I am misquoting him or suggesting that he is misleading the House. I said that on the basis that he has no understanding of the use of coal or the generation of electricity.

The PRESIDENT: Order! The fact that a member says of another member that he is misleading the House does not necessarily imply that the member who is accused is deliberately misleading the House. I did not hear the Hon. J. H. Jobling say that the Hon. R. S. L. Jones was deliberately misleading the House. Therefore, the presumption must be in favour of the Hon. J. H. Jobling that he was implying that the Hon. R. S. L. Jones was accidentally misleading the House.

The Hon. J. H. JOBLING: A number of allegations have been made in this House about co-generation and generation of electricity; they have been made in the absence of a substantive motion or substantive facts. I have seen a bumper sticker that reads, "Leave the coal underground. Let the bastards freeze in the dark." This honourable gentleman has no concept of the value of electricity, he has no concept of what it does for this State and country, and he has no concept of the need for it. Pacific Power and its predecessor Elcom are without doubt the leaders in the power generation industry. They are respected overseas. They have brought more income into this country and have done more to improve the needs of this country than has been done in most other countries.

Pacific Power builds power stations, it puts up the lines, and is recognised as a world leader in its field. It uses Australian coal, which the honourable member would have us leave, like uranium, in the ground. He is as useful as the ostrich who puts his head in the ground. The Australian Democrats and many others would have us believe that electricity is not produced from coal. It is the one energy source that keeps industry growing. These people would put a carbon tax on it, and would close the industry down. They would have us use solar power. The Hon. R. S. L. Jones does not understand what is happening.

The Hon. R. S. L. Jones: Go back to dispensing drugs.

The Hon. J. H. JOBLING: If I were dispensing drugs, as the honourable member would suggest I once did, I would treat him for many conditions and would try to bring him into the real world; but I would have to give him 20 green pills a day to make him even human.

The Hon. R. S. L. Jones: Mr President, I draw your attention to the state of the House.

The PRESIDENT: Order! A quorum is present.

Page 4640

The Hon. J. H. JOBLING: I put to the honourable member opposite, who cannot count to eight - which can be attributed to his lack of faculty - that he would be more honest if he were prepared to deal with this bill instead of putting spurious points of order, arguing cases he knows nothing about, and talking about an industry that he knows nothing about. Without doubt Pacific Power has become efficient. It has made the appropriate contribution from its profits, which was never made under the former Labor Government. Under the Labor Government it was the greatest black hole ever seen, yet the honourable member would have us believe that he knows what he is talking about. He does not know what a watt is, he does not know what a kilowatt is. I know about the coal industry and the electricity industry - he knows it and I know it. I expect he will want to close down generation in this country, where power produced for industry has never been better. The cost of

energy for industrial, commercial and domestic use has never been cheaper, yet he would close it down by escalating prices. He would advocate solar power, but he does not understand how it works. I imagine he would want to deal with wind power.

The Hon. R. S. L. Jones: There is plenty of wind power in this Chamber; from the Hon. J. H. Jobling.

The Hon. J. H. JOBLING: No, I would leave that to the Hon. R. S. L. Jones. He is the only consistent windbag in this Chamber. That is evident from the number of times he exercises his right to blow hard. I do not know of any member who has taken more time, blown harder, and used more trees in the process. The Hon. Dr Meredith Burgmann referred to privatisation, but privatisation is not mentioned in the bill. I draw her attention to clause 21(3) of the bill, which specifically prohibits privatisation of a subsidiary company. I am sure she has not read it, but she might choose to do so and learn a bit more about it. It is not the intention of the Government to privatise the new authority, despite what she would have the House believe. That is absolute nonsense.

The Hon. Dr Meredith Burgmann: You were not listening.

The Hon. J. H. JOBLING: Yes I was. The Government is creating a statutory authority because the Government wants public ownership. The argument of privatisation is academic, yet the Hon. R. S. L. Jones and the Hon. Dr Meredith Burgmann want to make sure it does not happen. They do not want an authority that is able to deliver electricity to the public and to deliver it more cheaply. They do not know what it is all about. I am delighted to deal with the bill tonight. The two honourable members opposite have had no association with the energy industry, with generation of power or with the coal industry; they do not know what generation and transmission is about. They pull a switch and by the grace of God the lights go on; that is their knowledge of the industry.

The Hon. R. S. L. Jones: When will your lights go on?

The Hon. J. H. JOBLING: Long before yours, and they will stay on much longer than yours, because the Government has done all the right things. It has looked after the industry, it has ensured that the industry is correct, and it has returned money to the people.

[*Interruption*]

The honourable member interjects, showing his abysmal ignorance and uttering his usual irritating nonsense. If he kept quiet we might think he actually knew something, but he chooses to open his mouth and confirm to all that he knows nothing. The Minister has already outlined the main function of the bill. Clearly, the establishment of the Electricity Transmission Authority, in accordance with the agreement of the Council of Australian Governments, occurred on 9 June 1993. The honourable member cannot get past that. It is a fact. Under the agreement it is necessary for structural changes to be put in place to allow a competitive interstate electricity market to commence from 1 July 1995. Is Her Majesty's loyal Opposition suggesting to me, or is one of the crossbenchers suggesting to me that the interstate electricity market should not be competitive?

The Hon. R. S. L. Jones: No, I am supporting that.

The Hon. J. H. JOBLING: The Hon. R. S. L. Jones interjects that he is supporting it. How interesting. How surprising. How it puts him at odds with wherever it is he wants to go. The Fahey Government is determined to ensure a sustainable electricity industry that is competitive both nationally and internationally.

The Hon. R. S. L. Jones: You are being a bit embarrassing.

The Hon. J. H. JOBLING: Again, the honourable member is burbling away into his beard.

The Hon. Dr Meredith Burgmann: He does not have a beard.

The Hon. J. H. JOBLING: He does not have much else, so he might as well have a beard. Once again he has not the slightest understanding of what the proposed legislation is about. The new statutory authority to be formed under this legislation will take over the functions of what is known as PacificGrid and will be known as the Electricity Transmission Authority.

The Hon. R. S. L. Jones: We know that. Are you reading the briefing notes?

The Hon. J. H. JOBLING: No.

The PRESIDENT: Order! It would serve the purpose of the House if the Hon. R. S. L. Jones would moderate his interjections.

The Hon. J. H. JOBLING: I am pleased to note that some honourable members have read parts of the bill and understand what it is about. I am grateful thus far that at least the honourable member

has acceded to that. I suspect he might also concede that the functions of the generation and transmission of electricity will thereby be separated. I hear no argument, so I take it that he accedes to that. For the record, let me give the House some idea of the scale of the electricity industry in this State. It should be noted, and I am sure I will not be challenged if I choose to quote from the 1993 Pacific Power annual report, that the generating capacity of Pacific Power is 11,500 megawatts. I do not think there is any objection to that. The length of the transmission lines is 13,000 kilometres. Again, I suspect there is no objection to that. The assets of Pacific Power are $10.5 billion and the income is $3.3 billion. Those are historical and recognised facts. Nobody has challenged the 1993 report to suggest that the figures are incorrect. The profit was $703 million with a work force of 5,870.

The Hon. R. S. L. Jones: What is the debt?

The Hon. J. H. JOBLING: The honourable member wants to talk about the debt. To his detriment, I would remind him that since this Government has been in office it has dealt with hedging the debt; it has reduced the indebtedness. Pacific Power is producing a profit to the Government eight to 10 times greater than the profit produced under previous administrations, but the honourable member wants to complain that we are producing $703 million profit for the residents of New South Wales.

The Hon. R. S. L. Jones: I was only wondering what the debt was. You do not know the debt. Okay.

The Hon. I. M. Macdonald: Sit down, you mug.

The Hon. J. H. JOBLING: The honourable member who has no hair, but whose cattle have long hair, big horns and short legs has arrived. I welcome him.

The Hon. Dr Meredith Burgmann: Farmer Macdonald to you.

The Hon. J. H. JOBLING: I have heard of many people -

The PRESIDENT: Order! The level of debate is degenerating as a result of rather trite interjections. They will cease.

The Hon. J. H. JOBLING: The generating capacity of all Australian electricity industries is 35,000 megawatts. Pacific Power's capacity is one-third of that. Therefore the generating capacity of New South Wales, the major coal-producing State, is an important segment of its capacity for industry and income. It is the most efficient of all. It is far more efficient than most overseas countries. Advice from Pacific Power is sought by countries overseas. Without doubt Pacific Power is an industry that we can be proud of. Since 1988, when the Government turned it into the most efficient government trading enterprise it has done well.

The Hon. D. F. Moppett: Under some live wires.

The Hon. J. H. JOBLING: Yes, it was pretty shocking when the Opposition ran it and it was a total short circuit.

The Hon. D. F. Moppett: No potential.

The Hon. J. H. JOBLING: No potential at all. There was no question of watts, kilowatts, amps or volts, but I shall not go into the formula. The principal function of the Electricity Transmission Authority will be to manage, operate, control and maintain the transmission system, a major part of which will serve this State and this nation. It will involve the balancing of supply and demand. I suspect that honourable members on the other side have neither the ability to understand nor an understanding of the supply side or the demand side of the equation. For their ignorance I shall leave them in bliss. If they ever find out, I will discuss it with them. The authority will be responsible for ensuring that the transmission system keeps up with the demand for electricity. We are well established in that regard. This State has the capacity and the ability to both generate -

The Hon. I. M. Macdonald: Because we built the generators. We built the power stations.

The Hon. J. H. JOBLING: May I recall for the honourable member the 10 jet engines bought by the Labor Party, located around the power station sites. They were to be gas fired, but there was not enough capacity in the gas pipeline to fire four jet engines. So there they sit, worth millions of dollars and about as useful as a hip pocket in a singlet, which goes to show how well honourable members opposite ran the Electricity Commission. The Government has spent a lot of money and rationalised the industry. The overdraft, overseas expenditure, power production and control of the numbers have been looked after by this Government, not by that lot over there, who took the view that they would spend, they would throw it out, it did not matter if it did not work because it would look good. There are ten monuments around the State to Labor's incompetence, its lack of care for the people and its lack of care as to how it charged out electricity. It charged it out on the basis that one builds a brick wall.

The Hon. D. F. Moppett: Labor invented blackouts.

The Hon. K. J. Enderbury: We stopped them.

The Hon. E. P. Pickering: You have a selective memory.

The PRESIDENT: Order!

The Hon. J. H. JOBLING: To argue selective memories would be unkind, because members of the Opposition do not have a memory. It would be unkind to look at the question of what they charged for power and kilowatts and what they did to the industry, because they raped industry, they raped commerce by their attitude of, "We will do it and we

will charge for it because we have control of a monopolistic industry. It does not matter. We will just build the power stations. We will look good and we will leave the monuments around the State". The jet engines, which are still there, have not worked from the day members opposite left them there.

The Hon. I. M. Macdonald: Absolute nonsense.

The Hon. J. H. JOBLING: The honourable member is welcome to look at any of them.

The Hon. I. M. Macdonald: It is absolute nonsense.

The Hon. E. P. Pickering: He is not welcome.

The Hon. J. H. JOBLING: He might be welcome if he went to get an education.

The Hon. E. P. Pickering: No, it would be a waste of time.

The Hon. J. H. JOBLING: He needs an education. It might be useful. He might understand it. He will never learn about it, but it does not matter. The jet engines are there. The honourable member knows it and I know it. He cost this State billions of dollars. It is a shame of course that the honourable member, who has been out and obviously had a very good dinner, is having trouble controlling himself but I understand the situation.

The Hon. I. M. Macdonald: I have not had dinner. I have been working.

The Hon. J. H. JOBLING: There has to be a first for everything. I accept the fact that he has said that he was working, but it has to be a first for something. The Minister also detailed the arrangements for the appointment of a board of directors of the Electricity Transmission Authority. They will be appointed by the Governor on the recommendation of the Minister.

The Hon. I. M. Macdonald: Sit down you mug.

The Hon. J. H. JOBLING: Despite this gaggle of noisy geese on the other side of the House, it is most important to stress that all staff of Pacific Power will transfer to the new authority. We have heard much about this and many allegations, but it is timely to repeat that all staff members of Pacific Power will transfer to the new authority, retaining their existing entitlements. The Pacific Power enterprise agreements will be preserved until the present agreements expire or are renegotiated or are otherwise dealt with. PacificGrid Proprietary Limited will benefit this State and will produce an income for this State despite, as I said, the long haired, long horned, short legged colleague on the other side who has to deal with the rug on his head, follicularly challenged I think.

The Hon. I. M. Macdonald: Sit down.

The Hon. J. H. JOBLING: I could probably find much more to say if the honourable member would like me to and I would be happy to do so. My colleague the Hon. R. T. M. Bull, and I may choose to discuss this.

The Hon. Dr Meredith Burgmann: We are going to be here all night.

The Hon. J. H. JOBLING: We will be. I have news for the honourable member. The Minister has clearly indicated his determination and desire to set up an establishment board for the authority as soon as possible. The board, of course, is charged with the responsibility of ensuring that the authority is in a position to meet the Government's commitment and obligations under the National Grid Management Council process and the Council of Australian Governments' agreements. The board will be responsible for the recruitment of a chief executive officer. The implementation team will consist of officers of PacificGrid, Treasury and the Office of Energy.

The separation of transmission from generation will enable greater competition and thereby ensure a more efficient electricity industry and cheaper prices for consumers. It is sad to know that the Hon. I. M. Macdonald is not interested in the consumers. He does not want a cheaper price. He is simply interested in trying to create a situation whereby this State cannot deal in what is good for it and in what is good for the industry. Where are we going? Let me put on record the Opposition's attitude, which is that it could not give a damn about this State. It could not give a damn about industry and commerce in this State. It just wants to run around and pontificate.

The Hon. I. M. Macdonald: You would know all about that.

The Hon. J. H. JOBLING: Not after the speech of the honourable member. I make it clear that this Government is interested in providing the cheapest power for industry and commerce, and in competing nationally with the other States, and it will do it.

The Hon. ELAINE NILE [8.35]: The Call to Australia group supports the Electricity Transmission Authority Bill. The object of this bill is to constitute an Electricity Transmission Authority as a public authority having functions with respect to the transmission of electricity throughout the State. The authority's functions will be broadly similar to the electricity transmission functions that are currently exercised by the Electricity Commission. The bill will transfer the Electricity Commission's transmission function to the new authority, together with associated assets, rights, liabilities and staff.

Clause 4 constitutes the authority as a body corporate. It will be a statutory body representing the Crown. Clause 5 provides for ministerial control of the authority by means of directions by the Minister to the board of the authority. The board can request a review of certain directions that would affect the financial performance of the authority. Clause 7 gives consumers a lot of hope. It gives the authority power to give directions to the Electricity Commission and other electricity supply authorities to ensure a balance of supply and demand, ensure the reliability and security of supply and give effect to a competitive market protocol endorsed by the Minister.

Those of my vintage, and I guess of the Minister's vintage, can well and truly remember the blackouts in this State. I believe consumers will accept the promise of the reliability and security of supply. Of course there are many consumers in New South Wales who have their own dialysis machines and they will be looking for that reliability and security. Clause 10 gives the authority power to acquire land by compulsory acquisition. We agree with that provision. We support it in principle but we would like to see current land values and provisions for compensation apply equally to the landowners as well. Clause 15 establishes a seven-member board of directors of the authority. Clause 16 provides that the board is to determine the policies and strategic plans of the authority. It requires the board to ensure that the functions of the authority are carried out properly and efficiently and in accordance with sound commercial practice. The Call to Australia group supports this bill to provide the efficient transmission of electricity for the people of New South Wales.

The Hon. E. P. PICKERING (Minister for Energy, and Minister for Local Government and Co-operatives)[8.38], in reply: I thank honourable members for their various contributions. I will make a few comments, but will deal with other matters in Committee. Honourable members will appreciate that this legislation will facilitate the agreement of the Council of Australian Governments to create a national grid in this country in order to establish a national market for bulk electricity flowing out of the Hilmer recommendations. This will ultimately bring about a greater reliability of supply and of course a lower price for bulk electricity, which will be to the benefit of the community. I guess that on many occasions I have debated with the Labor Party the concept of whether we should legislate for employee-elected directors of various instrumentalities established by government. I take strong objection to the ideological attitude of the Labor Party to the trade union movement. It seems to me that the Labor Party is quite incapable of overcoming the relationship that it has with the trade union movement, which is clearly the life support of the Labor Party because of the funding it provides. The Labor Party does not realise that the relationship that it has with the trade union movement blinds it to the realities of life.

The facts are clear beyond a shadow of a doubt, and there was no better example of how the previous Labor Government mismanaged this State than its management of Elcom. That was an unmitigated disaster of monumental proportions that cost this State dearly for many years. I shall refer to some of the highlights - I was the shadow Minister at the time and I recall what happened. This State, a modern society, could not turn the lights on in Sydney: all the office lights had to be turned off because enough power could not be supplied to run the State. Members will recall the brownouts. The Hon. Dr Meredith Burgmann looks at me because she does not like me reminding her of that fairly disgraceful part of Labor's history.

The Hon. Dr Meredith Burgmann: It was a long time ago.

The Hon. E. P. PICKERING: It might have been a long time ago. The coalition has been in government for a long time, but I have a vivid memory of what happened. The former Labor Government ran the electricity-generating industry of this State into the ground because it allowed the trade union movement to take control of that authority. The Labor administration kowtowed to its mates in the trade union movement, who exercised such power that they ran the power industry for their benefit and that of trade union leaders and employees in that industry, not for the people of New South Wales. They could not have given a damn about the economy of this State, about the cost of electricity, or whether electricity was available. All they were interesting in was featherbedding and work practices. Anything they could do to stop the supply of power, they did. They brought this State to its knees.

What were some of the impacts of that? In 1980-81 the average price of power rose 5.2 per cent in real terms; in 1981-82 the average price rose 14.5 per cent - not bad for a Labor Government; in 1982-83 average prices increased by 29 per cent in real terms, and domestic prices jumped 19.8 per cent. All that happened under the former Labor Government. The Hon. Dr Meredith Burgmann has every reason this evening to be covered with embarrassment because that is a record that she and her colleagues cannot be proud of under any circumstances. Despite that history the honourable member has attempted to convince members of the need for an employee-elected representative on the board. I am not suggesting that an employee representative on the board will kill the industry, because he or she could not. There are still sensible directors on the board whose interest is that of the people of New South Wales. That point is fundamental to the argument I have had with the honourable member this evening.

I believe myself to be a relatively enlightened manager in the industrial relations scene, and I have the highest regard for the role of the trade union movement in this State. No-one could work for the coalmining industry in this State and not be aware that without unions there would be some tough situations. Coalminers well remember the days when machine-guns were used in the Hunter Valley. I am not at all an anti-unionist or against the concept of trade union leaders. As I have said on more than one occasion, in the bad old days when the communists took over a country, the first group they shot were the trade union leaders. That is my philosophy of life.

The Hon. Dr Meredith Burgmann: Is that your philosophy - shoot trade union leaders?

The Hon. E. P. PICKERING: Please listen to what I said: when the communists took over a country, the first thing they would do would be to shoot the trade union leaders. If legislation is used to put an employee representative on a board, that representative will come to that board with one responsibility - to the employees.

Page 4644

The Hon. Dr Meredith Burgmann: What a good idea.

The Hon. E. P. PICKERING: It is not a good idea. As a Minister of the Crown I am more than happy to see on a board like that a person representing the proud traditions of the trade union movement. I know dozens of trade union leaders for whose integrity and capacity I have the highest regard and respect. The Government has placed many trade union leaders on boards, but a trade union leader put on a board by me is put there for one reason - to represent the people of New South Wales. However, the trade union leaders that the Opposition forces on to our boards by weight of numbers in the Assembly are concerned only about the interests of employees.

The Hon. Dr Meredith Burgmann: Are you saying Leigh Brydson was forced on you and is only working in the interests of the employees? That is a patronising attitude.

The Hon. E. P. PICKERING: He sees his role as representing the interests of the employees. No doubt

every time he attends a board meeting he uses Pacific Power resources to put out a screed, which hits my desk, to tell everyone in the industry what is going on with the board. There are occasions when the board has to make decisions that ought not to be communicated to the unions in negotiations, and he has to be asked to leave because he obviously has a conflict of interest. That is intolerable. If the honourable member cannot see those differences, she is unable to cut the strings that represent contact between her and her labour movement puppeteers.

The Hon. Dr Meredith Burgmann: Has the Minister not heard about the 1990s? He is living in the 1970s.

The Hon. E. P. PICKERING: Do not talk to me about the 1990s. The Australian Labor Party holds itself out to be a great industrial manager, but it has an incredible industrial strike record in this State. In 1985-86 Labor had an incredible 17,379 days lost to industrial disputes. Does the honourable member know how many days New South Wales has lost this year?

The Hon. Dr Meredith Burgmann: Under a Federal Labor Government?

The Hon. E. P. PICKERING: I thought I was the Minister responsible for Pacific Power, in a State run by the New South Wales Liberal-National Party Government. The laws of this State led the way in industrial relations. In an historic move I invited the former Minister for Industrial Relations, now the Premier of New South Wales, into this Chamber, where he sat for weeks trying to convince honourable members opposite that the Government's laws would benefit the State. The Opposition fought the Government tooth and nail but the Government produced results. The Federal colleagues of the Opposition in this State adopted every one of the Government's initiatives, and they are trying to outgun us on the initiatives. The Federal Government is criticising this State Government because there are not enough enterprise agreements.

The Hon. Dr Meredith Burgmann: The Government has produced results so that a male is four times more likely to get a wage rise than a female. With those sorts of discriminatory rules, of course we object to your industrial relations legislation.

The Hon. E. P. PICKERING: If the work force of New South Wales - and in specific terms that of Pacific Power - was not happy with its working conditions and relationships between management and employees, the Government would not be able to boast of practically no lost days due to industrial activity. In contrast, in 1985-85, when the former Labor Government had total control of the board through workers and total control by workers of Pacific Power, 17,379 days were lost through industrial disputes. However, the fact is that the labour movement ran the power stations.

The Hon. Dr Meredith Burgmann: You are living with the fairies.

The Hon. E. P. PICKERING: I was a shadow Minister at the time. I assure the honourable member there is no fairy story about that.

The Hon. Dr Meredith Burgmann: That is the whole problem. Electricity is the only thing you know about, and that was the last time you worked on it.

The Hon. E. P. PICKERING: Absolute nonsense. I have made my point. I trust this House will see the wisdom of the point I have made. I re-emphasise that the Government has, on many occasions, appointed to very important boards significant individuals within the trade union movement of New South Wales. The Government has shown it is fair dinkum in that regard. I resent the claim of special interest that the Opposition continually pushes against the Government in this Parliament. If the Opposition manages to have the bill passed through the Parliament, that is the will of the Parliament. I assure members opposite that after 25 March there will be a different will and they will be all ripped off very quickly. What the Opposition is doing in that regard is absolutely wrong.

I turn now to more specific questions asked by the Hon. Dr Meredith Burgmann. She was concerned, and properly so, as to what may be the conditions of employment of employees of the new Electricity Transmission Authority at the end of the current enterprise agreement. I am advised by my department that before the end of the two-year duration of the current enterprise agreement, negotiations will be held to reach agreement on a new enterprise agreement. However, if the Labor Council and the unions are not able to reach agreement on a further enterprise agreement the new transmission authority, the Labor Council and the unions will enter into a consent award for a period of two years that will mirror the conditions and rates of the current enterprise agreement. During the transition arrangement for the formation of the Electricity Transmission Authority the current Pacific Power manual of personnel policy and procedures will apply to all Electricity Transmission Authority staff.

Page 4645

Obviously I can only talk about a transition phase. I cannot give an assurance to the House that no policy will change in the future. However, if there is a change it will be done in a proper and orderly management style with appropriate consultation, in line with quite proud management procedures that exist within Pacific Power today. Having dwelt for a moment or two on the management record of the Labor Government I shall briefly dwell upon what has happened since this Government came to office. The productivity of Pacific Power in 1988-89 was rated at an index of about 108 - that is when we came into government. In 1992-93, the last yearly figure on the graph in front of me, it rose to about 134. One needs only to look at the graph to see what a remarkable improvement in productivity has occurred. Pacific Power, when we took over, had a staggering debt of just over $6 billion. In 1993-94 it is down to $3.9 billion.

The Hon. Dr Meredith Burgmann: So Pacific Power is working really well, is it?

The Hon. E. P. PICKERING: It has been.

The Hon. Dr Meredith Burgmann: With a staff-elected representative on the board?

The Hon. E. P. PICKERING: I earlier said that I did not suggest that the staff-elected representative would bring the organisation to its knees because, fortunately, there are enough other directors to control that. Philosophically, however, it is the wrong way to go. Whilst that debt has been falling, the total dividends and tax equivalents paid by the electricity industry in this State have increased. This is the money which comes in to put the extra police officer on the beat, the extra nurse in the hospital and so on. In 1989, dividends paid out totalled $25 million; in 1993-94, $743 million; last year, from memory, it was $800 million or $900 million - what a magnificent achievement. One cannot have those results and have a significant fall in the price of electricity through all of that time.

I remind the House that since July last year Pacific Power's prices have fallen not once, not twice, but three times; three per cent from 1 July 1993, three per cent from 1 February this year and 8 per cent from July this year. This was at a time when prices were falling under the impact of another initiative for this Government, the Government Pricing Tribunal. Pacific Power has been paying off this massive debt at the same time as producing a huge increase in dividends to the people of New South Wales. That is a superb turnaround from the bad old days when we did not have enough power to turn the lights on in New South Wales. It is a great result indeed. The next concern raised by the Hon. Dr Meredith Burgmann related to privatisation by stealth. I am disappointed when comments by the shadow spokesmen in this House reflect a lack of homework. I was in opposition for 12 years and I did my homework. The Opposition gets five days to look at bills before debate; we used to get five minutes.

The Hon. Dr Meredith Burgmann: Read the amendment. You have not read the amendment.

The Hon. E. P. PICKERING: I am coming to the amendment. I remind the honourable member that when the coalition parties were seated on the Opposition benches we would be given five minutes to look at a bill before getting up to make a speech. The Opposition gets five clear days. When the shadow spokesman

opposite comes in and claims that this legislation will allow the company to form subsidiary companies without the Minister's approval, I get a little disappointed. Going to page 9 of the bill, it says -

The Hon. Dr Meredith Burgmann: Without regulation, I said.

The Hon. E. P. PICKERING: No, you did not, you said it was without the Minister's approval. Proposed section 21(2) reads:

> For that purpose, the Authority may, with the approval of the Minister:
>
> (a) form, or participate in the formation of, a subsidiary company.

That is the first thing the Opposition has got wrong. Second, the Opposition was concerned that by forming subsidiary companies and then flogging them off with ministerial approval a Minister could privatise this organisation by stealth through the back door. I accept that concern. The Opposition's trade union leaders naturally raised their concerns with me, and Opposition members have mouthed their concerns this evening. I indicated to them that I do not intend to see this legislation used by another Minister down the track to, in effect, privatise by stealth. For that reason I am happy to accept the amendment, again in the spirit in which this Government operates. I remind the House that in 12 years Neville Wran and Barrie Unsworth did not accept any of the many good amendments we moved in this House - not one.

The Hon. R. S. L. Jones: They had the numbers.

The Hon. E. P. PICKERING: I have the numbers tonight. If I wanted to refuse this amendment I am sure I would have the numbers, but we act graciously. It is hoped that in the long-distant future when the Labor Party gets back into government it will remember how to treat the Opposition with respect - unlike the way we were treated for 12 miserable years.

The Hon. R. S. L. Jones: We will make sure they will do that; do not worry.

The Hon. E. P. PICKERING: I hope so. I support and adopt the amendment because there is no intention or desire by this Government to privatise by stealth. If we are going to privatise something, obviously we will come to the Parliament and seek appropriate approval. That basically covers the major concerns raised by the honourable member. Clearly I am going to oppose the amendments with regard to the employee-elected member of the board.

The Hon. Dr Meredith Burgmann: The wording on remuneration! That will come up.

Page 4646

The Hon. E. P. PICKERING: We might deal with that in Committee. I commend the bill to the House.

Motion agreed to.

Bill read a second time.

In Committee

Part 2

The Hon. Dr MEREDITH BURGMANN [8.59]: I move:

No. 1 Page 7. After line 25, insert:

Authority not to be privatised without Parliamentary approval

15.(1) The Authority must not be privatised unless a proposal for the privatisation has first been approved by resolution of both Houses of Parliament.

(2) The Authority is taken to be privatised when any transaction or series of transactions is entered into by which 25% or more of the assets, rights and liabilities of the Authority relating to its systems and services for the transmission of electricity are transferred to any private person for operation by that or any other private person.

(3) In this section:

"private person" means any person other than:

(a) the Government; or

(b) a public or local authority (including a state owned corporation); or

(c) a public employee or other person or body acting in an official capacity on behalf of the Government or any such public or local authority.

This amendment provides that the authority must not be privatised unless a proposal for the privatisation has first been approved by resolution of both Houses of Parliament. I will not refer to the more detailed parts of the amendment. I accept that the Minister agrees with it. However, I should like to reply to a claim by the Hon. J. H. Jobling that I had not read the bill.

The Hon. J. H. Jobling: Had you?

The Hon. Dr MEREDITH BURGMANN: Of course I have read the bill. The Hon. J. H. Jobling quoted from clause 21(3), which reads:

The Authority must not, without the approval of the Minister, sell or otherwise dispose of any interest in a subsidiary company so that, as a result of the sale or disposal, it ceases to be a subsidiary company.

That is exactly what the Opposition put forward. Unless the Opposition amendment is passed, the Minister could privatise a subsidiary company without referring the proposal to Parliament for decision. I am pleased that the Minister has agreed that privatisation by stealth would be possible for a future Minister. I accept that the present Minister -

The Hon. E. P. Pickering: No, I did not agree to that. I did not agree, but I am quite happy to relieve you of any concerns you have.

The Hon. Dr MEREDITH BURGMANN: Have you not foreshadowed your agreement with the amendment?

The Hon. E. P. Pickering: I agree to the amendment. I say that it is unnecessary, but if it makes you happy I accept it.

The Hon. Dr MEREDITH BURGMANN: It is possible for a future Minister to privatise the subsidiary company -

The Hon. E. P. Pickering: It is not.

The Hon. Dr MEREDITH BURGMANN: It is possible. Clause 21(3) of the bill says, "The Authority

must not, without the approval of the Minister, sell or otherwise dispose of any interest . . .". The disposal of any interest in a subsidiary company only needs the approval of the Minister. I am pleased that this amendment will bring the matter to the Parliament for proper discussion.

The Hon. R. S. L. JONES [9.01]: The Australian Democrats also support this amendment, which the Government accepts. I believe that the Minister feels the amendment is superfluous but accepts it in order to avoid accepting other amendments.

The Hon. E. P. PICKERING (Minister for Energy, and Minister for Local Government and Co-operatives) [9.02]: I accept the amendment but not because the Opposition is right when it suggests we could, in effect, privatise the Electricity Transmission Authority by stealth through the back door. This bill will not allow that to happen. I accept that the Minister could sell off bits of a subsidiary company. Clause 21(2)(b) says:

(b) acquire an interest in a company so that, as a result of the acquisition, the company becomes a subsidiary company.

I have agreed to an amendment that clearly removes any concerns the Opposition has because I do not want the community to be concerned. I have no intention of privatising the authority by stealth. If that makes the Opposition happy, the Government is happy. The amendment is unnecessary but in the spirit of good will, the Government accepts it.

Amendment agreed to.

Part as amended agreed to.

Part 3

The Hon. Dr MEREDITH BURGMANN [9.04], by leave: I move the following amendments in globo:

No. 2 Page 7, line 30. After "selected", insert "(except in the case of the staff elected director referred to in subsection (3))".

No. 3 Page 7. After line 32, insert:

(3) One of the directors is to be a staff elected director who is elected in the manner prescribed by regulations made for the purposes of clause 2 of Schedule 1.

No. 4 Page 20. After line 7, insert:

Staff elected director

2.(1) Regulations may be made for or with respect to the election of a person to hold office as a staff elected director.

(2) The Electoral Commissioner, or a person employed in the office of and nominated by the Electoral Commissioner, is to be the returning officer for an election, and has the functions conferred or imposed on the returning officer by the regulations made under this clause in relation to the election.

(3) Full-time employees of the Authority are entitled to vote at an election in accordance with the regulations made under this clause for the staff elected director.

(4) A person's nomination as a candidate for election as the staff elected director is not valid unless:

(a) the nomination is made by at least 2 persons who are full-time employees of the Authority; and

(b) the person is, at the time of nomination, a full-time employee of the Authority.

(5) A person may be, at the same time, both the elected staff member and an employee of the Authority.

(6) Nothing in any law, rule, direction or other requirement that:

(a) is applicable to the staff elected director in his or her capacity as an employee of the Authority; and

(b) would not be applicable if the staff elected director were not such an employee,

operates so as to prevent or restrict the exercise by the staff elected director of any of the functions of a director.

(7) If no person is nominated at an election, or if for any other reason an election fails or cannot be held, the Minister may recommend for appointment as a director a person who is a full-time employee of the Authority, and the person, on being so recommended, is taken to be a person elected in the manner prescribed by the regulations made for the purposes of this clause.

(8) If a vacancy occurs in the office of staff elected director otherwise than by reason of the expiration of the period for which the staff elected director was appointed:

(a) the Minister may recommend a person who is a full-time employee of the Authority for appointment to hold, subject to this Schedule, the office of staff elected director for a term commencing on the date of appointment or a later date specified in the relevant instrument of appointment and ending on the commencement of the term of office of the next staff elected director; and

(b) the person is, on being so recommended, taken to be a person elected in the manner prescribed by the regulations made for the purposes of this clause.

(9) The Minister may, pending the election of the first staff elected director after the constitution of the Authority:

(a) recommend any person who is a full-time employee of the Authority for appointment as the staff elected director to hold, subject to this Schedule, the office of staff elected director until the election of that director and the person is, on being so recommended, taken to be a person elected in the manner prescribed by the regulations made for the purposes of this clause; or

(b) recommend the other directors for appointment and leave the office of staff elected director vacant pending the election of that director.

(10) The Minister may not recommend a person for appointment as referred to in subclause (7), (8) or (9) unless the person's recommendation has first been approved by the Labor Council of New South Wales.

No. 5 Page 21, line 24. Omit "punishable.", insert instead:

punishable; or

(i) in the case of the staff elected director, ceases to be a full-time employee of the Authority.

These amendments all deal with the issue of elected staff representatives on the board. As I said earlier, society puts more emphasis on a proper relationship between employees and employers, and on consensus. For employees to have commitment to the organisation that they work for, it is important that employees have even a small say in the running of the organisation. The other organisations to which this new authority can be compared, Sydney Electricity and Pacific Power, each have staff-elected representatives. It is important to emphasise what the Minister said in his second reading speech. He pointed out how well Pacific Power was doing. One reason that Pacific Power is doing so well is because of the expertise and experience that the

staff-elected representative, Mr Leigh Brydson, brings to the board. It is very patronising that employers cannot see the role of workers on the board -

The Hon. J. H. Jobling: Who said that?

The Hon. Dr MEREDITH BURGMANN: The honourable Minister said that all through his speech. He said that they thought about nothing but the workers.

The Hon. J. H. Jobling: The management and the staff have worked together, have they not?

The Hon. Dr MEREDITH BURGMANN: I believe that management and staff should work together and that the work of the elected representative to the board helps that working relationship eventuate.

The Hon. J. H. Jobling: They have.

The CHAIRMAN: Order! The honourable member will have a chance to make a contribution to the debate if he wishes.

The Hon. Dr MEREDITH BURGMANN: I refer to the letter from the Minister in which he said he was quite happy for a worker to be the elected representative on the forerunner of the Electricity Transmission Authority. The Minister wrote to the unions saying that this was happening. PacificGrid has not suffered in any way. This House will once again take the position that the staff of the organisation deserve an elected representative on the board. It is important to point out that the Minister promised proper consultation on this bill; but I do not accept the Minister's view that proper consultation occurred. Nothing happened until last Thursday when, after the unions sent the Minister a letter, he rang them and a meeting was held last night. I do not believe that consultation means answering questions that have been sent by unions. Proper consultation means sitting down with union representatives and workers to produce a bill that addresses their concerns. To believe that this Government will continue to have a proper working relationship with

workers in the Electricity Transmission Authority is tendentious. One way to have a proper working relationship between the Electricity Transmission Authority and the workers is to have a staff-elected representative on the board.

The Hon. R. S. L. JONES [9.08]: The Australian Democrats have previously supported the appointment of staff-elected directors. Amendments to various bills were determined with the Minister and other Ministers on matters concerning the State Bank, Pacific Power, the Grain Handling Authority and many other large State-owned authorities that have staff-elected directors on the board. I am not comfortable with the concept of workers versus the rest. I regard everybody as being workers. The concept of workers versus the bosses is slightly old-fashioned, and we have to get rid of that division. It is an excellent idea for staff, whether they be blue-collar employees, white-collar or any other employees to have input at board level. Employees have a unique view of what is happening at levels lower than the sometimes rarefied atmosphere of the boardroom.

To have a staff-elected director is good democracy and is probably good business. That practice is followed overseas, for example, in Germany. The idea is good business and good management. Why should there be a division between the board and the rest? The Government wants to perpetuate class divisions. We are trying to get rid of the divisions between the workers and the bosses and have employees work together for the good of all. What is wrong with having a staff-elected director to represent, in a unique way, the interests of all the staff of an organisation? I cannot understand the obduracy of the Minister. He knows that he will have to accept this amendment in the lower House, so why is he fighting it now? Why not accept the amendment in this Committee? Why put all the staff involved offside? I am sure that they would want to have a staff-elected director. Why would they not want to have their own representative at board level? It makes good business sense. I cannot understand why the Minister is objecting.

The Hon. ELISABETH KIRKBY [9.11]: Unfortunately, I have missed a great deal of the debate on this

bill. I am, however, amazed at the Government's attitude. As my colleague the Hon. R. S. L. Jones has just pointed out, some six years ago when the Australian Democrats held the balance of power in this Chamber we negotiated for staff-elected directors for the State Bank, for the Grain Corporation and for Pacific Power. That did not mean that the Grain Corporation or the State Bank or Pacific Power fell into disarray. What on earth could the Minister be afraid of in having one staff-elected director, who cannot have control of the board? As my colleague has already pointed out, it is common practice in Europe to have staff-elected representation -

The Hon. E. P. Pickering: And they are paying the price for it.

The Hon. ELISABETH KIRKBY: The economy there is in a much stronger position than the Australian economy. New South Wales is supposed to be moving towards enterprise bargaining and greater cooperation, yet all the Government is trying to do is to lock out members of the staff from having an input into the decision-making body of the enterprise. That seems to be absolutely ridiculous. After all, the amendment states that if no person is nominated at an election, which, of course, could very well happen, or if for any other reason an election failed, the Minister may recommend for appointment as a director a person who is a full-time employee of the authority. That still allows for the Minister to have input. I do not understand why this is such a sticking point.

The Hon. E. P. Pickering: I shall explain it.

The Hon. ELISABETH KIRKBY: I am sure that the Minister will, and I know what he will go back to. He will go back to the need for commercial confidentiality. I point out that in this instance we are not dealing with a commercial entity. We are dealing with a government trading enterprise.

The Hon. E. P. Pickering: An enterprise that has a turnover of $3 billion a year.

The Hon. ELISABETH KIRKBY: But, in fact, it is a monopoly.

The Hon. E. P. Pickering: It still has a turnover, it is a big trading enterprise.

The Hon. ELISABETH KIRKBY: It is a monopoly; it is not in competition with 20 or 30 other companies, so that one could possibly feel there would be a collusion between workers in one cartel and workers in another. For those reasons the Australian Democrats, as my colleague has already pointed out, support the amendment put forward by the Opposition.

The Hon. E. P. PICKERING (Minister for Energy, and Minister for Local Government and Co-operatives) [9.15]. I should like to draw the attention of the Committee to two matters. First, the Hon. Dr Meredith Burgmann referred on a couple of occasions to a letter. The honourable member has tried to suggest that what I have said in that letter is different from what I am saying in the Chamber. I wish to clear up this matter. In that letter I simply acknowledged that the Parliament, by weight of numbers, has decided that the current Pacific Power grid will have an employee-elected board member. As Minister, I have to facilitate that. I am simply obeying the law. That does not mean that I like it; I am obviously opposed to the concept, but that is the law and as a Minister I must abide by the law, and I happily do so. I do not want the letter to be misconstrued.

Second, I was disappointed to hear the Hon. Dr Meredith Burgmann suggest that I am not being consultative. I am amazed. Long before this process started, I received a letter from the union, asking that I consult the union. I wrote back to the union, stating that I would be delighted to consult union representatives. My department prepared legislation, which I brought to this Parliament, which I exposed

to this Parliament and for which I provided five days of thorough examination, and I then contacted the union to say that we should meet to talk about the legislation. The union wanted time to talk to the organisations involved, and at the end of the union's consultation process union representatives came to see me.

Other than the issue of an employee-elected representative, the union did not raise a single question with me that was not instantly answered to the satisfaction of union representatives. All questions answered this evening have been answered to the union's satisfaction. That is what I call consultation. Let me remind honourable members of the Wran model of consultation. That form of consultation meant bringing into the lower House at 3 o'clock in the morning particularly important legislation, which was banged through in a minute and a half by using the gag; then the Government of the day brought the legislation to the upper House and banged it through this House by imposing round-the-clock sittings until it was passed. Was that consultation?

The Hon. I. M. Macdonald: That is history.

The Hon. E. P. PICKERING: That is history, all right - a history lesson we will not forget. The present Government has a different style: it consults. I have not had a problem about consulting the union movement on the matter. When all is said and done, the motivation of this legislation is to facilitate the requests of the Federal colleagues of members opposite. I have no doubt that Mr Keating and the Minister for Primary Industries and Energy in Canberra have telephoned members opposite and told them what they want. The Government has consulted. For Opposition members to say in this Committee that I consulted only as a result of a letter I received recently is simply untrue. The initiative came from the union, a long time ago. As soon as the legislation was available I rang the union and said that I was ready to consult on the legislation. Union representatives and I had a meeting, a convivial meeting - as all my union meetings are.

I wish to make it clear that I am more than happy to give an assurance to the Committee that if the amendment is not passed I will appoint to the board of PacificGrid a person who everyone in this community would accept is a significant and important person within the trade union movement of this State. That would be a smart thing for me to do, it would be sensible, it would be good management and it would be everything good. That person would be appointed to the board, with the responsibility to represent the interests of the people of New South Wales.

The Hon. R. S. L. Jones: What about the staff?

The Hon. E. P. PICKERING: They are part of the people of New South Wales. I would certainly be satisfied that such a person so appointed would be more than mindful of the interests of the staff and would raise any particular measure about which the staff would be concerned. It is quite improper to legislate to put on the board a person who comes there with an entirely different agenda, being subject to election by a group of people who put him or her there for one reason only, to look after the interests of the staff.

The Hon. R. S. L. Jones: What is wrong with that?

The Hon. E. P. PICKERING: What is wrong with it is that those interests are in conflict -

The Hon. R. S. L. Jones: Are they?

The Hon. E. P. PICKERING: Yes, they can be in conflict.

The Hon. R. S. L. Jones: With what?

The Hon. E. P. PICKERING: I will give an example. Obviously there will come a time when the board has to decide on its tactics with regard to negotiating a new enterprise agreement.

Reverend the Hon. F. J. Nile: Wage increases?

The Hon. E. P. PICKERING: Award conditions, and so on. How can a board work out its tactics on how to deal with the union movement in negotiations, knowing full well that an employee representative is sitting there listening to every tactical move it plans and then reporting to the opposition.

The Hon. R. S. L. Jones: It is not the opposition.

The Hon. E. P. PICKERING: It is the opposition when people are bargaining. If the Hon. R. S. L. Jones does not see that, he does not understand the realities of life. That is only one example. What would happen if the board, in its wisdom, decided that a particular operation should be carried out by contractors and not by full-time employees?

The Hon. R. S. L. Jones: You still have to negotiate with the staff.

The Hon. E. P. PICKERING: I am not saying you do not have to negotiate with the staff, but whilst it is being discussed the employee representative on the board can send a screed to the staff saying that it is under discussion. The barriers would go up and before there was a chance to negotiate and deal with the matter sensibly, there would be a riot in the workplace. And if he did not tell his colleagues, he would not be elected. He has a conflict of interest. You forget your conflict of interest. You were elected by the people of New South Wales to represent them, not your trade union puppeteers. That is where you lose sight of this board member's responsibility. If you were fair dinkum about your responsibilities you would accept my assurance, given as an honourable man in this Chamber, that I will appoint to the board a reputable, high profile, competent union leader who everyone would agree would be an efficacious appointment to the board.
Page 4650
However, he or she will not be an employee of Pacific Power. That is a challenge. Show who you really represent in this Chamber, your union puppeteers or the people of this State. My offer is more beneficial to the people of this State than the grubby little amendment that you are trying to shove through this House to satisfy your political masters.

Reverend the Hon. F. J. NILE [9.22]: The Call to Australia group is pleased that the Minister has made the offer, which is reasonable and fair. For that reason Call to Australia will not support the amendment. We will take on board that the Minister will appoint a staff representative -

The Hon. E. P. Pickering: No, I said a senior member of the trade union movement in the State, but he or she will not be an employee of Pacific Power.

Reverend the Hon. F. J. NILE: But he can look after the interests of the workers?

The Hon. E. P. Pickering: He or she will be managing the interests of the workers.

Reverend the Hon. F. J. NILE: Instead of a union delegate. That seems to be a reasonable proposition. The Opposition and the Democrats seem to forget that there is still consultation on all these matters between the board and the staff without having a staff member on the board. That is the way companies operate; it is normal procedure. If companies and organisations - whether government or private - do not negotiate, discuss and consult with employees they have major problems. Staff representatives elected by the staff are usually union representatives, because they organise the election and can ensure that they are elected. I was asked tonight by a senior Labor member to support this amendment. My response was, "So that they can cause more trouble?" The Labor Party was not very happy when I said that. I referred to dealings I had with the staff representative of the Australian Broadcasting Corporation, who continues to almost wreck the board of the Australian Broadcasting Corporation.

The Hon. Dr Meredith Burgmann: Who? Quentin Dempster?

Reverend the Hon. F. J. NILE: Yes, and a person that the Hon. Dr Meredith Burgmann knew very well - Mark Aarons - and others.

The Hon. Dr Meredith Burgmann: Quentin Dempster?

Reverend the Hon. F. J. NILE: I was thinking about people prior to him.

The Hon. Dr Meredith Burgmann: You mean only some worker-elected representatives are bad news?

Reverend the Hon. F. J. NILE: Some are more obvious than others who obey their hidden masters.

The Hon. Dr Meredith Burgmann: Who are their hidden masters - the workers in the organisation?

Reverend the Hon. F. J. NILE: The actual union bureaucracy.

The Hon. Dr Meredith Burgmann: That is what the Minister for Energy, and Minister for Local Government and Co-operatives is going to do. He is going to appoint a union bureaucrat instead of a worker within the organisation.

Reverend the Hon. F. J. NILE: That is what I am saying. Call to Australia could quote many examples of serious problems that occurred in the old Electricity Commission and Elcom. A number of industrial disruptions occurred there. Electrical transmission is one of the easiest areas to disrupt. One only has to push a switch to turn off the power. Anyone who dares touch the switch is declared black, and power is not provided to consumers. This was used as a form of blackmail to the Government. This is a delicate area and needs to be handled carefully to maintain power and efficiency for the taxpayers of this State.

The Hon. R. S. L. JONES [9.25]: The Minister was using out-of-date language. I remember sitting at a board meeting at a large company in England over 20 years ago. There were no staff-elected representatives on the board. They were talking about the workers and the bosses. It was a most obscene meeting. Those old attitudes should have gone by now. The Minister is trying to perpetuate them by talking about the opposition and it being improper to have a staff-elected representative. Members of the staff are not the opposition. There cannot be bosses versus workers, or directors versus the opposition.

The Hon. Patricia Forsythe: To avoid that conflict there should not be a staff representative.

The Hon. R. S. L. JONES: There is no conflict. There should not be a gulf between the directors and the staff. The Water Board has eliminated the two-tier structure between staff and employees, with salaries and wages. They have eliminated the artificial barrier between white-collar workers and blue-collar workers. We have to eliminate the barriers between management and staff. One of the best ways to do that is for staff to be represented at the beginning of negotiations. Conflict will be avoided if staff are told, for example, that there will be a restructure, that 2,000 staff have to go, and that the work has been contracted out. If there is no prior consultation, immediately the workers learn, they will go on strike. If negotiations are carried out at the beginning, the workers will not go on strike. You cannot be afraid of having a staff-elected representative on the board. You have to be able to trust the staff.

The Hon. E. P. Pickering: Nonsense.

The Hon. R. S. L. JONES: It is not nonsense. The Minister lives in the past; he is still living in the fifties. Those times have gone. There has to be negotiation from the beginning to allow employees to have input about their lives. This is not just about

making money; it is about the lives of these people and their families. There should be negotiation at the early stages of any restructuring. You should not be afraid to have a staff-elected representative on the board.

The Hon. E. P. PICKERING (Minister for Energy, and Minister for Local Government and Co-operatives) [9.28]: The Hon. R. S. L. Jones missed the point. I am all in favour of a close relationship between those who manage an organisation and those who work in the organisation, below the management. Clearly there are managers, whether they are the board of directors or the senior management of the organisation; and there are people who work at the coalface. I am totally in favour of close, harmonious

working relationships. However, in a company with any sort of future, some discussions have to be held in confidence. For example, a board may have to examine whether a subsidiary of the company should close for economic reasons. The examination must take place in secret.

The Hon. R. S. L. Jones: No.

The Hon. E. P. PICKERING: Hang on. At the end of the day the inquiry may well reveal that it will not close down, in which case no harm is done. However, if a proper inquiry results in a decision that it ought to be closed down, clearly one has a responsibility to go to the work force and say, "We believe that this should be closed down. Here are our reasons. Here is our rationale. Here are our negotiations. Here is our discussion." But under your recipe, as soon as a company starts to consider any matter, long before the umpire's decision has been arrived at the employee representative is out there creating a bushfire.

The Hon. R. S. L. Jones: That is insulting.

The Hon. E. P. PICKERING: It is not insulting. I have seen employee representatives who simply regurgitate what happens at board meetings and tell the workers. That means one cannot have the sort of management focus and forward thinking that is necessary on any board, because its members are frightened that if they even think about doing something it will be conveyed to the work force and they will have a strike on their hands, simply because they want to look at something. It is not sensible. On the other hand I am more than happy that the unions -

The Hon. J. R. Johnson: You have your long service leave.

The Hon. E. P. PICKERING: You really do get boring. I am more than happy that a senior union person, who understands the real world of industrial relations and so on, should be on a board representing the interests of the people of New South Wales. Such a person would be more than responsible about any examination and deal with matters properly and sensibly after they have proceeded properly. That is a simple example of what I am about. It proves my point beyond any doubt. It is a pity that the Hon. J. R. Johnson was not here all night.

The Hon. J. R. Johnson: I could hear you clearly upstairs, but I could cope no longer and thought I should come downstairs.

The Hon. Dr MEREDITH BURGMANN [9.31]: It is interesting that the Minister recognises the need for a worker representative on the board. However, I view with great alarm the method by which he would appoint that representative. I think he has a poor view of democratic theory. An appointed person is not the same as a democratically elected person, that is why we have an elected upper House, not an appointed upper House. The Minister asked us who we represent in this place. I am quite happy to say that I represent the people who voted for me. That is the difference between democracy and some sort of benign dictatorship, which is what the Minister is trying to bring about.

[*Interruption*]

If the Minister wants the workers to feel part of the organisation, they must be allowed to vote, rather than have someone else decide who their representative should be. You cannot have someone else decide who your representative is. The honourable member was quite right to mention Bert Field. That was the whole problem. That is what brought about the Constitutional crisis of 1975. Governments were deciding who were to be the Labor Party representatives in the Senate. They said, "We know better than you whom your representative will be" and they put Bert Field from Queensland in and some bloke called Cleaver Button, who I still do not believe existed, in New South Wales.

The Hon. E. P. Pickering: That is hardly pertinent to this bill.

The Hon. Dr MEREDITH BURGMANN: It is pertinent. It is about the person with power saying, "This person is not your representative. That person will be your representative." I ask the Minister who is this trade union official that he will put on the board. Reverend the Hon. F. J. Nile was confused. He believed that the Minister said that he would put someone from the industry on the board, but the Minister is saying that he will put someone on the board who knows nothing about the industry, but who is a trade union official.

The Hon. E. P. Pickering: I did not say that. I said he will not be an employee.

The Hon. Dr MEREDITH BURGMANN: The Minister is going to decide to put on the board someone whom the workers have not elected, and therefore the workers will not feel part of the organisation. That someone will presumably be a trade union bureaucrat from some other area who the Minister will decide is the person who should represent the workers of the Electricity Transmission Authority. The Minister, the great benign dictator, the Hon. E. P. Pickering, will decide whom the workers will have on the board as their representative. That is disgraceful in 1994, when even the New South Wales upper House is elected.

Page 4652

Question - That the amendments be agreed to - put.

The Committee divided.

Ayes, 17

Dr Burgmann	Mr Manson
Ms Burnswoods	Mr O'Grady
Mr Dyer	Mr Shaw
Mr Egan	Mrs Symonds
Mr Enderbury	Mr Vaughan
Mrs Isaksen	Mrs Walker
Mr Johnson	*Tellers*,
Miss Kirkby	Mr Jones
Mrs Kite	Mr Macdonald

Noes, 17

Mr Bull	Mr Mutch
Mrs Chadwick	Mrs Nile
Mrs Evans	Rev. Nile
Mrs Forsythe	Mr Pickering
Miss Gardiner	Mr Rowland Smith
Dr Goldsmith	Mr Webster
Mr Hannaford	*Tellers*,
Mr Jobling	Mr Coleman
Mr Moppett	Mr Ryan

Pairs

Mrs Arena	Dr Pezzutti
Mr Kaldis	Mr Samios
Mr Obeid	Mrs Sham-Ho

The CHAIRMAN: The numbers being equal, I give my casting vote with the noes and declare the question to be resolved in the negative.

Amendments negatived.

Part agreed to.

Schedule 2

The Hon. Dr MEREDITH BURGMANN [9.40]: I move:

No. 6 Page 30, lines 5 and 6. Omit "on the same terms and conditions as to remuneration, and duration of appointment,", insert instead "on the same terms and conditions (including as to remuneration and duration of appointment)".

This amendment seeks to clarify the reference to remuneration to make certain that it is quite clear that it does not simply mean wages. I recognise that recent industrial relations cases have found that remuneration includes conditions of employment other than simply wages; that it includes conditions of employment such as superannuation and other rights of workers on the job. But I think it is important, to make the workers feel secure, to clarify this measure in the way the Opposition has suggested to make it quite clear that remuneration does not necessarily just mean wages. I understand that the Minister has given his agreement that this would be so but I suspect that it would be better to put it in the legislation so that future Ministers who might not be quite so likely to follow the express wishes of the Parliament will be bound by the legislation.

The Hon. E. P. PICKERING (Minister for Energy, and Minister for Local Government and Co-operatives) [9.43]: The amendment is not necessary but I am more than happy to accede to it. The four words are identical in impact to the original four words, but if it makes the honourable member happy, I graciously accede.

Amendment agreed to.

Schedule as amended agreed to.

Bill reported from Committee with amendments, and report adopted.

BUDGET ESTIMATES AND RELATED PAPERS

Financial Year 1994-95

Debate resumed from an earlier hour.

Reverend the Hon. F. J. NILE [9.46]: The Government is to be congratulated on its efforts to produce for 1994-95 a responsible budget and to reduce the deficit in spite of the Federal ALP's policies and the drought, which has resulted in 93 per cent of New South Wales being drought declared. The Government is to be congratulated on seeking to get value for the taxpayers' dollar in this State. However, I should like to remind the Government - as I think both sides of Parliament and the Federal Government need to be reminded - that the money allocated in the budget is not the Government's money or the coalition's money, but that it is actually the taxpayers' money.

Governments have a heavy responsibility to ensure justice and standards when planning budget expenditure. We also support the Government's fair approach to the user-pays principle. The Government got true value for the huge amount of money allocated in the budget - a total of $19 billion, with State tax receipts of more than $10 billion. That sum can be broken down as follows: State tax $10 billion, Commonwealth general purpose payments $4.2 billion, Commonwealth specific purpose payments $3.587 billion, and another $1.702 billion. There is a heavy responsibility on government to ensure value for the taxpayers' dollars. The true effectiveness of the budget cannot be assessed simply by looking at economic principles.

The Hon. J. R. Johnson: On a point of order: there is no Minister in the House.

The DEPUTY-PRESIDENT (The Hon. Beryl Evans): Order! There is no point of order.

Reverend the Hon. F. J. NILE: The budget should be assessed not only on economic principles but also on its value for families, youth and particularly children. Our Lord Jesus Christ said, as recorded in Matthew 6:26: "What shall it profit a man if he gain the whole world but loses his own soul?" In paraphrase, what does it profit the State if it gains the whole world by having a good budget but loses its own soul and moral values?

Page 4653

The DEPUTY-PRESIDENT (The Hon. Beryl Evans): Order! There is so much conversation in the House, it is almost impossible for Hansard to hear. Members who want to talk should leave the House. If they remain in the Chamber, they should be quiet.

Reverend the Hon. F. J. NILE: What is that huge budget expenditure achieving? How will that benefit our society? The State tax figure of $10 million can be broken down into: stamp duties $2.755 billion, payroll tax $2.577 billion, licences $1.48 billion, gambling and betting $1.088 billion, motor vehicle tax $923 million, land tax $538 million, and other sources of income $894 million. How do children benefit from that expenditure? Total expenditure in this budget is $21.957 billion, made up as follows: education $5.04 billion; social and community services $1.558 billion; housing, water, sewerage and environment $993.7 million; recreation and culture $575.9 million; agriculture, forestry and fishing $453.8 million; mining, energy and construction $172.6 million; transport and communications $2.6722 billion; other economic services $325.3 million; general public services and others $3.1581 billion; health $5.0672 billion, and law, order and public safety $1.9389 billion.

How will the budget assist the children of this State? Many policies being introduced directly or indirectly are causing problems in our society. The price of legislative changes is often being met by the children of our society. The price of a permissive society is being paid by its children. Children are meeting the cost of permissive selfish adults who make their demands, and governments compromise on policy and moral issues. The late classical historian Professor E. Blacklock of New Zealand wrote, "What is permissiveness? It is that state of the spirit in which that which caused shame and revulsion is first tolerated, and then accepted and finally embraced, and then that society dies". He went on to say, as a person who had studied all the various civilisations, that usually a society that suffers a collapse of its moral and ethical value system is overwhelmed by another society that has a stronger moral foundation.

The Government acknowledged, in Budget Paper No. 2, page 3-3, social indicators, that social policy that aims to improve people's social wellbeing has many dimensions but is mainly concerned with correcting imbalances in health, housing, education and employment status within the community. The Government also said in its budget papers that its aim is to ensure that the whole community benefits from effective services and specific programs with social policy objectives to reach those individuals and communities most in need, while containing State debt within manageable levels. Has the budget achieved those social policy objectives? What are those objectives, and are they being achieved?

This State's population is growing. Between 1981 and 1992 the population of New South Wales increased by more than 700,000, from 5.2 million in 1981 to six million in 1992, representing 34 per cent of the Australian population. However, the rate of growth has declined in recent years, largely as a result of a continued fall in net migration and a decline in the rate of natural increase. The Department of Planning estimates that by the year 2021 the population of New South Wales will increase to 7,450,600, a 26 per cent increase on the 1991 population. A number of other factors in this State may be noted, including ethnic mix, as was emphasised during the recent Cabramatta by-election. Almost 23 per cent of the New South Wales population were born overseas, and the population is getting older. There are encouraging signs for the family, one of Call to Australia's principal concerns. The number of families in New South Wales - couples, lone parents and others - increased from 1.4 million in 1982 to 1.6 million in 1992, when family households comprised 74 per cent of all

households.

Over the same period the proportion of couple families, registered married and de facto married, decreased slightly from 87 per cent to 86 per cent. The term "de facto marriage" is used in government papers. That simply recognises de facto relationships. Budget Paper No. 2 states further that the traditional family of two registered married parents and two dependent children made up 17 per cent of all families in 1992, a slight decrease from 18 per cent in 1982. However, a traditional family is registered only where there are two married parents and only two children; if there are three children the family is not included in the family category - it is omitted. It is remarkable that compilers of statistics would say that a family with three children is not a traditional family. The compilers are probably referring to nuclear families of a husband and wife and 2.3 children, but I did not realise that had become the official definition. A family with three children apparently is no longer classified as a traditional family. Once a traditional family could have 12 children. In our State there are still families with large numbers of children. Another area always of concern to governments is income and poverty - the issue of inequality. This area was raised in the budget papers. The Treasurer stated:

> The issue of inequality and income distribution has received much attention by social researchers in recent years. An individual's standard of living and quality of life is largely dependent upon his or her economic resources. While income is only one aspect of an individual or social unit's economic resource (others may be in the form of accumulated wealth or assets, or home production of goods or services), it is nevertheless a major indicator of economic and social well-being.

However the following point, which is one of concern, is made:

> In New South Wales, income distribution trends have followed the national trend towards increasing inequality - fewer people possessing a greater share of all income and wealth.

It has been found that between 1981-82 and 1989-90 New South Wales income units in the highest decile rank - that is the 10 per cent of income units with the highest incomes - increased their share of all income from 23 per cent to 29 per cent. In 1989-90 their share of all income was greater than the five lowest

deciles combined. By contrast, the lowest decile saw a reduction in its share of total income from 3 per cent to 2 per cent. This is putting greater pressure on the whole welfare system, whether it is one financed federally or one carried by the State.

Housing is very important for the family. There have been significant changes in the way the people of New South Wales have been housed over the past 10 years. Notably, outright home ownership increased significantly between 1981 and 1991 - from 34 per cent to 42 per cent of all households. That was a very encouraging development in spite of some of the economic problems caused by the recession that we had to have from Mr Keating, and by the high interest rates. It is quite encouraging to think that people have been able to make sacrifices in order to increase the percentage of home ownership from 34 per cent to 42 per cent of all households. I imagine those figures conceal a great deal of hardship and suffering because people had to cut back on recreation, food, clothing, holidays and so on, so that they could meet their budget requirements - their mortgage payments and so on.

As our society moves towards the twenty-first century our children are being left behind. They are not only paying the price of the permissive society but also, in some cases, they are the victims. There has been a dramatic increase in child abuse. The latest figures I have are from the Australian Institute of Health and Welfare. Children are defined as from 0 to 18 years of age. In New South Wales the number of substantiated cases of physical child abuse was 2,754 and of sexual abuse was 3,126. For the whole of Australia the figures were: for physical abuse, 5,890 and for sexual abuse, 4,876. Those figures prove the point I am making that in many of these situations it is the children who pay the price.

One of the tragic developments is that quite often it is through the mass media - television, videos and so on - that the children of our society are being desensitised, even dehumanised and corrupted. They are not only

the victims but, in certain cases - and there is an increase in these incidents - the children themselves are becoming violent. Not only are small children the victims of child abuse but, in some cases, they are the source and perpetuators of violence. We have read shocking reports recently, mostly from overseas, of senseless murders carried out by small children against other small children. This should act as a warning to our society that something is drastically wrong when small children are acting in such an inhuman and cruel way to other children who are not much younger than themselves. Something is wrong and we need to take action to remedy the situation. All of us will remember the British case where a small boy of about two years of age, the Bulger child, was murdered by children who were only 10 years of age. That was a tragic case. A video was shown on television of the two boys at the railway station escorting the small boy away, thus giving more impact to that tragic situation.

In the past week there have been reports of two other cases which have again caused people to wonder what is happening in our industrialised world - in nations similar to Australia such as the United States of America and Scandinavian countries. In Chicago two boys were accused of dropping a five-year-old boy 14 storeys to his death after he refused to steal sweets for them. These children were ordered to undergo psychiatric testing, and no wonder. The report stated:

> The boys, aged 10 and 11, appeared briefly at a juvenile court hearing. After ordering the tests, a judge postponed the case . . . The boys have been charged with murder under a juvenile statute after the death last Thursday of Eric Morris. One prosecutor called it a "cold-blooded and premeditated" killing.

The article is referring to 10-year-old boys killing a five-year-old boy. It continued:

> Police said the accused dangled Eric out the window of an abandoned apartment in a public housing high-rise. His eight-year-old brother tried to save him but the other boys bit him on the hand, causing him to lose his grip on the youngster. . . Investigators said the 10-year-old boy had a lengthy police record and was supposed to have been confined to his home at the time of the incident. The fathers of both of the accused boys are serving prison terms.

That does and should send a shock through our industrialised society. How could that happen? We think of Norway as being almost a model nation and yet a similar situation occurred there over the weekend. A five-year-old Norwegian girl was taunted, abused, and finally kicked to death by her six-year-old playmates. The report on this incident stated:

> . . . Marie Redergard, was found dead in a playground on Saturday in the suburb of Trondheim, a town on Norway's western coast, about 375km from the capital, Oslo.
>
> Police and families in the community were stunned -

no wonder -

> A school principal called the killing more shocking than the murder of a British toddler . . .

That is the death of James Bulger to whom I referred earlier. He was murdered by two 10 year olds last year in Liverpool. The police chief is reported to have said, "It is a tragedy for the girl's family and the others involved". The issue in this case is similar to the one in Chicago: what do you do with child murderers? They can hardly be put in a prison or a juvenile justice centre. In the case in Norway apparently the boys have not been charged with any crime because they are under the age at which a charge for murder can be laid against minors. Charges cannot be laid. They have left police custody and gone home. We could look at other examples of what is happening. We need to ask the question: is our permissive society - I think the examples I have given indicate that something is drastically wrong - hurting and harming the current generation of children and will it harm the future generation? There are policies which are harming children and in fact setting up children to cause harm to other children. It is difficult to say that there is only one cause although one of the major factors is the influence of television.

On a Saturday morning my wife turned the television on out of curiosity and found the *Cartoon Program* which is some sort of an American, maybe Japanese, cartoon program about monsters and so on. I was horrified that children were watching it for entertainment. I think it was far more horrific than some films made for adults to watch. Yet these cartoons were supposedly suitable for children. These sorts of television programs which may also be on videos, supported by other policy changes, can harm the development of children emotionally, psychologically and even sexually if they see any pornographic type material. This can harm their social, moral, intellectual and spiritual development. Some policies have within them the seeds of destruction because they are designed to benefit adults. Statements are often made that adults should be able to do whatever they want providing it does not harm a child. Allowing adults that freedom, so to speak, in a permissive society, makes it impossible to cut off the influence and effect on children of our society.

Examples of this behaviour were evidenced on the opening of casinos in other States. I raised this matter with the Chief Secretary during the estimates hearings as I believe the same adult behaviour will happen here no matter what the Government does to try to prevent it. Small children will be left in cars whilst parents become captivated or addicted to gambling, lose all sense of time and forget that their small children are waiting in the car. Call to Australia is pleased that Federal legislation was introduced to try to prevent adult males going to Thailand and the Philippines on so-called sex tours. Action can be taken against adults who have abused children overseas when they return to Australia. However, children are still being abused in Australia in similar ways. Much evidence indicates that children aged between 12 and 14 years are being abused and are working on the streets as prostitutes. The report of the Select Committee upon Prostitution revealed that many children are being abused, particularly in Sydney, and maybe in other parts of Australia, and are being abused as prostitutes. The committee on prostitution was formed in 1986 and a number of witnesses gave evidence at its hearings. A solicitor said in evidence:

> . . . I could only comment on my own observations. There is no doubt it is a very transient population, but certainly in the Kings Cross area on a Friday or Saturday night it would not be difficult to find 50 persons male or female under the age of 15 years operating as prostitutes around the centre of Kings Cross.

That is an example of adults wanting access to prostitutes making it impossible to have a cut-off point where children will not be affected. Children under the age of 15 years are abused and exploited as prostitutes, and the number of such children has clearly increased since 1986, not taking into account those who may be involved in brothels. People who have used prostitutes know of brothels that have children available at a higher rate. Obviously the Government opposes the employment of children in brothels, but these developments spread from the adult area. A social worker working in Kings Cross with the Street Network said that she came into contact with a minimum of 2,000 young people in the inner city. She calculated that, in 1983, 150 people under 15 years of age and 200 people between 16 and 17 years of age were juvenile prostitutes. She said, "I think the number of kids that have at one time or another resourced themselves through a selling in some form or other of sexuality is higher than the number of kids that would have remained committed to it over a period".

I am not against public focus on the situation in Thailand, but we must consider our own society and make sure we do not close our eyes to problems on our doorstep. Governments often try to increase revenue, as this Government has in various areas. In the budget papers anticipated revenue from racing is $335 million; from poker machine taxation, $383 million; from keno tax, $10 million; from soccer football pools, $2.4 million; from lotteries and lotto, $270 million; from FootyTAB commission, $1.9 million; and from amusement devices, $85 million, representing a total of over $1 billion from gambling and betting without considering income from tobacco and liquor.

The Government has budgeted to receive $675 million from tobacco sales and $257 million from liquor sales. The temptation for governments seeking to increase revenue is to look at those areas and pass legislation through the Parliament. Most of the legislation repeals older legislation. A bill was passed the other day containing a minor amendment - though I regard it as serious - allowing hotels to open their bars on Good Friday. In the past, hotel trading hours were restricted for good reasons. Restricted trading hours have virtually

been abolished in this State and we now have 24-hour trading. Many country cities such as Orange are very angry about this development as it causes major social problems. Why do we have in Britain and Australia strict laws dealing with issues such as alcohol?

I read a report dealing with social problems in Britain. In 1688 with a population of just over five million, Britain brewed 12.5 million barrels of beer. The Government encouraged the distillation of gin, and production jumped from only 527,000 gallons in 1684, to 3.6 million gallons in 1727 and 11 million gallons in 1750. Britain had become a nation of drunks. In the Holborn district of London in 1750 every fifth house was a gin shop, many of which had signs reading, "Drunk for one penny; dead drunk for two pennies". On a number of occasions Parliament adjourned early because "the honourable members were too drunk to continue the business of state". It was a serious problem; anti-alcohol laws were introduced. In recent years governments have been hell-bent on repealing those laws, and underestimating the social problems that will come from the effect of alcohol is one area. Why do we have laws against gambling? Following the Puritan period in Britain during which there had been strict control there was moral and social collapse.

Page 4656

In the late seventeenth century and early eighteenth century most of the smart clubs of London's West End were gambling clubs. It was not uncommon for wealthy young men from ruling classes to lose up to £20,000 in an evening. One young man committed suicide after losing £70,000. People realised that gambling was addictive and was causing serious problems. In order to protect the people and their families from their folly, gambling was eventually banned. Laws were passed restricting alcohol and gambling. The same thing happened with prostitution: in the eighteenth century labourers would sell their wives at cattle markets in some areas and pub owners arranged exhibitions of public sex to attract crowds. I thought live sex shows were an innovation of the twentieth century; I did not realise they existed in the eighteenth century. Laws were introduced to eliminate some of those social evils. Now it seems that we are repealing those laws often without weighing up the social and moral cost to our society, and particularly to children. In the eighteenth century, because of the breakdown of law and order, there was a tremendous increase in the level of crime. A historian wrote:

> Crime was mounting at an alarming pace and the police system was little more than a farce . . . Thieves and robbers had become more desperate and savage than they had ever appeared since mankind was civilised.

In 1730 it was written:

> Footpads armed with bludgeons, pistols, cutlasses, etc, infest not only private lanes and passages but likewise public streets and places of usual concourse, committing daring and dastardly outrages even at such times of day as were hitherto deemed hours of security.

Often constables would pass by a notorious robber, not daring to apprehend him lest he give a signal and 20 or 30 armed villains would rush to his assistance. Another writer of that time said:

> One is forced to travel, even at noon, as if one were going to battle.

That time also saw the horrific development of the slave trade. In 1713 Britain was given a virtual monopoly of the slave trade, which resulted in countless thousands, possibly millions, of Africans being shipped, in appalling conditions, to the sugar plantations of the West Indies and other colonies in the Americas. In addition, many whites were trapped into slave-like conditions by being lured into debt and then presented with the alternative of prison or crewing a slave ship. Others were kidnapped and sold to planters in America, who forced them to work for many years without pay. In terms of children and health, in eighteenth century London, three out of four children born to all classes died before their fifth birthday.

Illegitimate and abandoned babies were placed in the care of parish church wardens but, typically, 99 per cent died within one year. Of the more than 500 placed in a Westminster parish in 1757 only one survived. That illustration gives honourable members an idea of some of the social and moral problems at that time. It

might be said that those problems caused a swing of the pendulum so that protective laws were brought in that restricted gambling abuse, alcohol abuse, pornography, abuse of children, and the breakdown of family life and marriage. This Parliament is repealing those laws, without knowing what the results will be. I am very concerned -

The Hon. Dr B. P. V. Pezzutti: We are toughening them up. The child abuse laws have been toughened up substantially.

Reverend the Hon. F. J. NILE: I do not agree. The provision for 24-hour trading is loosening legislation; one cannot call that a toughening up. There may be laws stating that children cannot enter a pub, but the availability of alcohol makes it easily accessible to children. Harmful policies affect adults but they usually have a more harmful impact on children. I do not like to think of adults being hurt but I accept the point that adults are old enough to look after themselves. I get very angry when I learn that children and teenagers are being put into a vulnerable position and are being harmed by certain activities - by the harmful policies that have been introduced through legislation, promoted by vested interests or for financial profit for the almighty dollar. Our society is facing both manipulation by vocal minority lobby groups, even vocal immoral lobby groups, and exploitation by vested financial interests. The Governor of New South Wales, Rear Admiral Peter Sinclair, said during the International Convention for the Family at Kurrajong Heights on 1 October, during the Labour Day weekend:

> This convention is one such example which together with many others gives some cause for optimism.
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> However, I must confess that this optimism is tempered by my concern that our community is adopting a value neutral approach to personal standards and morality and this is having an impact on the family. Anything goes, provided it is within the law, and the politically correct minorities are ever ready to shout down or ridicule anyone who attempts to stand up and be counted on these matters. Freedom of speech is not always acceptable to those who espouse rights and liberties without too much regard for responsibilities.
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> It seems to me that this complacent, value neutral attitude certainly applies to the community's attitude to the family. During the early days of colonial settlement the family unit was truly the foundation stone upon which our society developed. Sheer survival was for most an ever present challenge and the family was the fortress which provided shelter and succour from the many threats to survival. There was no social welfare, or marriage counsellors in those days but for various reasons families were more secure than they are today.

I agree with the comments of the Governor and I share his concern about the adoption of what he called a value-neutral approach. It is an approach that contains the seeds of destruction. There has been a growth in vocal minority lobby groups, groups that seek to influence political parties and governments at all levels. These groups target a large range of issues, and some of them we have deep concern about. The development of paedophile support groups that operate openly in Sydney, with mail boxes and organisation; the gay and lesbian solidarity groups; ACT UP, the marijuana lobby groups and the

Marijuana Party; feminist groups; the Women's Electoral Lobby; the Civil Liberties Council; the Humanist Society; and various drug law reform groups all lobby for particular objectives, which is right and proper in a democracy, but, as the Governor said, they are working in the area that could be called value neutral. They do not want to question whether something is morally right or wrong.

Added to those groups that are putting pressure on governments to change legislation are vested interest groups. For example, I would assume that changes to our liquor laws were a direct result of lobbying by the liquor industry. Not only are there social issue type lobby groups but vested interest groups use their financial muscle to exploit our society and to open legal doors for their exploitation. In this category I would include the current debate about the proposed casino and the casino operators. Already a question has been raised about mafia association in connection with the individuals behind the casino companies. Other very powerful vested interests are those involved in pornography, particularly video pornography which is a multimillion dollar business. People such as John Larkin in Canberra have been very successful in that area. I shall outline how those lobby groups have been working to influence the Government and political parties on their policies.

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

INDEPENDENT COMMISSION AGAINST CORRUPTION (COMMISSIONER) BILL

Bill received and read a first time.

Suspension of certain standing orders agreed to.

Second Reading

The Hon. E. P. PICKERING (Minister for Energy, and Minister for Local Government and Co-operatives) [10.29]: I move:

That this bill be now read a second time.

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

Leave granted.

Put simply, the object of this bill is to provide judges of the Supreme Court who are appointed as Independent Commission Against Corruption Commissioner, with a right of automatic reappointment to that court at the end of their term as commissioner, without prejudicing their rights to a judicial pension. As I am sure all honourable members will appreciate, the role of ICAC commissioner is such that there is a limited number of persons who are suitably qualified for appointment to that position. The number of persons who are willing to take on the onerous responsibilities and high public profile which accompany such appointment is even more limited.

The Government is committed to ensuring that the people of New South Wales are provided with the benefit of a properly resourced and staffed ICAC. As such, if it is found that impediments exist to the continuing effectiveness of the ICAC, I believe it is in the public interest that action should be taken to remove those impediments. The specific impediment which is being addressed by this bill arises out of the restriction of the Independent Commission Against Corruption Act concerning the eligibility of holders of judicial office for appointment as ICAC commissioner. Honourable members will be aware that the Act provides that whilst persons hold any judicial office they are ineligible for appointment as commissioner. This restriction is undoubtedly appropriate in so far as it operates to prevent serving judicial officers from being placed in positions of conflict should they, for example, be appointed as ICAC commissioner and then be required to investigate their fellow judges.

Having said that, however, should a judge of the Supreme Court currently be offered an appointment as ICAC commissioner, by virtue of the operation of this restriction it would first be necessary for the judge to resign from judicial office before he or she could take up that appointment. Faced with such a decision it is obvious that a judge would wish to carefully weigh up what he or she was being asked to give up against the possible future which could await that person at the end of his or her term as commissioner. When viewed in this light it can be clearly seen that this restriction may act as a strong disincentive for members of the Supreme Court who may otherwise be willing to take up an appointment as ICAC commissioner.

As I have already stated, this bill will operate to give a judge of the Supreme Court who is appointed as ICAC commissioner a right of automatic reappointment as a judge of that court once his or her term as commissioner has expired. In introducing this right the Government has been most mindful of the necessity of maintaining the independence of the judiciary. The provision of a right of automatic reappointment will clearly serve to eliminate any suggestion that a commissioner is likely to act in a manner which is biased in favour of the Government of the day in order to be assured of reappointment to the Supreme Court. The bill ensures that the former judge will be automatically reappointed to the court immediately following the expiration of his or her term as commissioner regardless of his or her relationship with the Government during that term.

For the right of reappointment to arise under the bill, the instrument appointing a judge as commissioner must expressly declare that the provisions of this bill are to apply and the judge must consent in writing to the application of those provisions. Honourable members should note that no right of reappointment under this bill will be exercisable when a person is removed from office as

commissioner on the grounds of either proved misbehaviour or incapacity. The bill also provides that a judge of the Supreme Court who is appointed as ICAC commissioner is to be treated as if he or she were still a judge of that court for the purposes of the Judges' Pension Act 1953. This will mean that a person's service as a judge prior to appointment as a commissioner and his or her service whilst commissioner, plus subsequent service as a judge, will all be taken into account when determining entitlements under the Judges' Pension Act.

It is my firm belief that in facilitating the making of applications by members of the Supreme Court for appointment as ICAC commissioner this bill will serve to enhance the recruitment of persons whose stature will reinforce the role which has already been established by the ICAC as this State's foremost public sector anti-corruption body. As such, I believe that a vote other than in support of this bill would not be in the public interest of either the people or public institutions in New South Wales.

I commend the bill.

The Hon. J. W. SHAW [10.30]: The Opposition opposes this bill. In 1988, when the Independent Commission Against Corruption was established, it was determined by an Act of Parliament that judges would not head that tribunal. In other words, the Parliament took the view that it was

inappropriate for judicial officers to preside over what was essentially an investigative tribunal or body with vast powers. Perhaps that principle ought to be reviewed. Perhaps judges ought to be able to preside over the ICAC. However, this bill does not address that principle and it is not prompted by any reconsideration of the principle established in 1988.

If judges were able to preside over the ICAC they could do so whilst remaining judges, on their judicial salary and whilst accruing their entitlement to judicial superannuation. In other words, there is a possible notion, which one might reasonably consider, that judges could preside over a body whilst remaining judges of the Supreme Court or some other court. However, this bill does not deal with that and does not enact that sort of notion. In effect, it is idiosyncratic. That is strange in many respects because this bill will enable a judge of the Supreme Court to be appointed as commissioner of the ICAC after resigning from his position as a judge, but will give the judge an automatic right of reappointment to the Supreme Court at the end of his or her term.

That is a somewhat unusual measure, a strange notion, and it is absolutely clear that it is a notion tailored to the requirements of a particular appointment, and does not reflect any general principle or any general notion as to the qualifications for the head of the ICAC. It is ad hoc decision-making policy. In other words, the Government has decided that Mr Justice O'Keefe ought to be the head of the ICAC and it has crafted legislation to facilitate that decision. That is the wrong way around.

The Hon. Dr B. P. V. Pezzutti: That is a load of rubbish.

The Hon. J. W. SHAW: It is not a load of rubbish; it is absolutely correct. It is the logic of the matter. Who could deny that this bill is, in effect, the O'Keefe bill? It is ad hominem legislation. It is directed to the person, not to the principle. I do not propose to dignify the interjections. I will deal with the question of Mr Justice O'Keefe in due course. I will ignore the disruptive and discursive comments from Government members, who are obviously concerned about the legislation. I reiterate the point I was making in order to make it clear for Government members. This is not a bill which deals with the principle of the qualifications of a person to head the ICAC. It is a bill designed to assist and further a particular appointment of a particular person. In other words, it smacks of the ad hoc approach. It does not grapple with a principle, it does not deal with the real questions.

Has the Government ever explained why it has reversed the policy decision of 1988 that a judge should not be the head of the ICAC? No, there is no rationale for that. There is a prohibition in the 1988 Act and the Government has not explained why it has done a somersault on that prohibition that was originally put into the Act by consent of the Houses of Parliament. I said that the Opposition opposes the bill, and I have shown the basis and nature of opposition to this bill. I want to say something about the sensitive topic of the appointment of Mr Justice O'Keefe.

[*Interruption*]

I do not propose to respond to the vituperative and facile interjections. I know Mr Justice O'Keefe. I like and respect him as a lawyer in many ways, but the appointment of commissioner of the ICAC has to be a bipartisan appointment. Mr Justice O'Keefe made a foolish error in his intervention in the Parramatta by-election. Because of that His Honour, who in many ways is an admirable person, has deprived himself of the bipartisan support that is absolutely necessary for the ICAC to continue as a tribunal with the support of both sides of Parliament. If one side of Parliament thinks that an appointment as the head of the ICAC is illegitimate or seriously inappropriate, that tribunal loses its sense of support in the community and in political circles. It loses, in effect, its perceived legitimacy. That is something to which one would have thought the Government would be much more sensible.

If the ICAC is to continue as a viable institution, as a preventive measure against corruption, the person who will head the tribunal needs to be respected and supported on both sides of Parliament - not respected as a person, not respected as a judge, but respected as the head of the ICAC. That is the problem with the appointee the Government is presently pushing. I revert to where I started in the debate. Who can deny that this bill is overtly and clearly designed to facilitate the appointment of a particular person? It is undeniable. It is known around the circles and the precincts of this Parliament as the O'Keefe bill, which is what it is. The qualifications for the head of a body as important as the ICAC should not be tailored to the circumstances of a particular appointment. The Parliament should lay down those qualifications as a matter of general principle for the future, not prompted or motivated by a particular appointment but prompted by what is an appropriate set of qualifications for the future. For those reasons the Opposition opposes the bill.

The Hon. ELISABETH KIRKBY [10.37]: On behalf of the Australian Democrats I oppose the bill and support the remarks of the Hon. J. W. Shaw. This bill is specifically tailored to meet the demands of Mr Justice O'Keefe on being appointed as ICAC commissioner. The bill will provide for his reappointment as a Supreme Court judge on the expiration of his five-year term as ICAC commissioner. It also will allow the time spent as ICAC commissioner to be counted towards his judicial pension. Possibly very few people would object to an ICAC commissioner being appointed, at the expiration of his term, as a Supreme Court judge. There may be people who would not object to a judge being appointed as ICAC commissioner and then being reappointed to the bench. However, allowing the time spent as ICAC commissioner to be counted towards one's judicial pension if one is already on the bench is a lot more dubious and it is clearly far more in favour of Mr Justice O'Keefe than it is in the public interest.

The issue is: what will happen to the ICAC commissioner at the end of his or her term? As Mr Ian Temby has demonstrated, a good ICAC commissioner, by that time will have offended just about everybody because of showing no fear or favour. The Australian Democrats agree that a retiring ICAC commissioner will have to make a living afterwards as, of course, it is very important that the retiring ICAC commissioner have a clear career path. It is rumoured, but only a rumour, that former Commissioner Ian Temby had originally been promised a seat as a judge when he was first wooed by Mr Greiner. The fact that he was not offered a position on the completion of his term suggests how far out of favour he fell during those five years. Surely it is better to have an automatic reappointment than to have to depend on the government of the day, particularly if the person is a public employee.

However, this bill does not really deal with the broad issue because it is specific, as the Hon. J. W. Shaw has pointed out, and provides only for the reappointment of Supreme Court judges. What about ICAC commissioners who are not Supreme Court judges? It is misleading, as the Hon. J. W. Shaw has pointed out, to say that this bill adequately addresses the issue of ensuring that an ICAC commissioner will not have to depend upon the favour of the Government for work on completion of his term. Another issue that needs to be considered in relation to the bill is that of conflict of interest in post-separation employment because a person has been an ICAC commissioner. The need to avoid conflict of interest in one's post-separation employment

was highlighted recently by the problems created when former Commissioner Ian Temby agreed to act as counsel for the Police Service before the Royal Commission into Police.

The question we must now consider is whether there are any post-separation employment issues when a former ICAC head might return to being a judge. I cannot think of any conflict of interest arising from a Supreme Court judge having been an ICAC commissioner, apart from the obvious one of not rehearing any matter with which he or she has dealt as an ICAC commissioner. But my main concern with the bill, and perhaps the members of Government who have been so busy interjecting until now will listen, is the size of the financial bounty that is to be delivered to Mr Justice O'Keefe by the bill. The income of an ICAC commissioner is $250,000 per annum without a pension; the income of a Supreme Court judge is $151,000 per annum, with a judicial pension available after five years on the bench.

Having the time of Mr Justice O'Keefe as ICAC commissioner counted towards his judicial pension is clearly a way of increasing the financial incentive to him. If the legislation is passed, Mr Justice O'Keefe will be entitled to a non-contributory pension of $48,000 a year for life by the end of his term at the ICAC. If he stays on the bench until he is 70, he may have a non-contributory pension of $96,000 a year for life. Mr Justice O'Keefe is currently 61 years old and he has served one year on the bench. Therefore, he will be 66 years old when his term as the ICAC commissioner expires. He will not be able to retire until he is 70 years of age if he wants a judicial pension of $48,000 a year for life.

We must remember that while he is the ICAC commissioner he will be earning $89,000 a year more than he would earn as a Supreme Court judge. Surely, this is reasonable compensation for not having his time as ICAC commissioner counted towards his judicial pension. Do the people of New South Wales have to pay so much for an ICAC commissioner? I would also like to ask about the letter written by Mr Justice O'Keefe as head of the National Trust during the Parramatta by-election, congratulating the Government on providing a special $675,000 grant to restore Old Government House. At the very least this action by Mr Justice O'Keefe was politically foolish because it created the impression that he was urging voters to support the Liberal Party. Whether that was his intention can never be proved either way, and probably does not even matter, because that is the impression it created.

It was a letter claimed to have been written to selected members of the National Trust. I am a member of the National Trust, but it was not written to me, it was written only to the electors of Parramatta during the election campaign. I have no objection to Mr Justice O'Keefe writing a letter to members of the National Trust congratulating the Government on giving it funds, but he could have delayed for one week before he wrote it. It need not have been sent in the middle of the Parramatta by-election campaign. He would still have been able to tell members of the National Trust of the Government's generosity. It was the very fact that he did it at that crucial moment during the campaign that is the crux of the entire matter. It certainly indicates a lack of judgment and it has damaged his credibility.

An ICAC commissioner must have preferably the confidence of Parliament, not just the support of the Government. It is clear that his actions, his very handsome remuneration package and his ill-judged letter have cost him bipartisan support. Another issue to consider is a practical one. When this legislation was first considered, when the Independents in another place started negotiations with the Government - negotiations that have been, on behalf of two of those Independents, the honourable member for Bligh and the honourable member for Manly, satisfactorily concluded, thus assuring their support for this bill in another place - we were told by the Government that the future of the ICAC would hang in the balance unless Mr Justice O'Keefe was appointed soon.

That was brought to my attention by the Attorney General when I first told him at a crossbench meeting that I intended to vote against the legislation. He said, "What are we going to do? We have to have a commissioner". I said, "Appoint another temporary commissioner". The Attorney General had explained to me that the previous acting-commissioner had

refused to continue in that role. That is exactly what happened, the Government did appoint another temporary

commissioner. This situation has been brought about totally by the actions of the Government. The Government did not have a replacement for Commissioner Temby waiting in the wings, therefore the ICAC was allowed to drift after he resigned. Indeed, it is now common knowledge that the search for Mr Temby's replacement did not begin until last December, even though the Government knew very well the date of the expiration of his contract.

The Government knew for a number of years that Mr Temby's term as ICAC commissioner would end in early 1994. For such an important position, to leave only a few months to search for a replacement was surely not adequate. I believe it was quite inappropriate for the Government to be pressuring Parliament into a take it or leave it situation with Mr Justice O'Keefe. By that time Mr Justice O'Keefe was in a good position to believe that he had the upper hand and to demand the conditions that are sought to be granted to him through this legislation as a condition of his acceptance of the position. He did gain the upper hand but it was an upper hand that the Premier allowed him to gain. I believe that it would have been far better after the Parramatta letter, after Mr Justice O'Keefe had created such an unfortunate impression in the minds of the public, which I think will carry through his term as ICAC commissioner, if the Government had gone back to the drawing board, appointed an acting commissioner, and started from scratch.

As the Hon. J. W. Shaw said, this bill will not solve the problems of the ICAC in the future. It has been devised solely to allow a sitting judge to be appointed ICAC commissioner and then return to the bench. It has created a most unfortunate precedent that if a judge is appointed commissioner, he or she will maintain the right to a judicial pension, a non-contributing judicial pension, as well as drawing a salary well in excess of what a Supreme Court judge would earn. This is a disgrace. I was fully in favour of the ICAC when it was first introduced. As all honourable members who were in this Chamber at the time know perfectly well, I, as the longest serving member of the Australian Democrats, supported the ICAC from the start, although it was very difficult for my colleague to accept the ICAC. I still believe the ICAC is very important, and that it should continue, but I find it a matter of extreme disquiet that the ICAC should continue simply because this bill has had to be introduced. I think that this is something that the Government is going to regret.

The Hon. D. J. GAY [10.52]: I support the bill. It is sad to see that the Hon. Elisabeth Kirkby, who is normally erudite on matters like this, has for some reason lost the plot. Frankly, her speech, in which she described this bill as a disgrace, was a disgrace. Exaggerations and misunderstandings abounded in her speech. To put it simply, her citation of the problems that faced Ian Temby after his term as ICAC commissioner finished encapsulates exactly why we need a bill like this. That is assuming that what she said was correct. That reinforces the reason for this bill. Not only that, she wishes to exclude at this stage and at all stages in the future the opportunity to recruit from the judiciary this commissioner and any future commissioners. That is what she wants. She wants us to exclude a major source of competent people who understand the process, are impartial, and would be available. I have to say that they are not actually knocking down the door to apply for the position of ICAC commissioner. It is very hard to find a suitable person to fill that role.

We were very lucky to have Mr Justice O'Keefe willing to take on this role. He is a man of great honour who has served the community, but who made the major mistake of seeking an appointment just six months away from the next State election. This debate is about nothing other than playing politics with the Government; about pushing the Government to the line so that the Government is seen not to be able to fill the position of ICAC commissioner before the election. Sadly, Mr Justice O'Keefe is the pawn in the Labor Party plan to play politics.

If anyone thinks he has ever seen dirty politics he should have sat in on the last meeting of the parliamentary ICAC committee when the Labor members of that committee beat a path to Bob Carr's advisers, who were outside the committee room. That was a vital meeting of the committee, and it should have proceeded as a committee; but the Labor members, including one opposite, beat a path out to Bob Carr's staff outside. I wonder what they were talking about, because that was supposed to be a vital committee meeting. Why were they talking to each other? Why were notes being sent in to bring Labor members out? If they were not breaching the rules of the ICAC committee, if they were not breaching the very fundamental rules and privileges of this Parliament? I wonder what they were doing?

The Hon. Dr Meredith Burgmann: They were arranging lunch.

The Hon. D. J. GAY: Five minutes to midnight is a funny time to arrange lunch. Bob Carr's staff had so much time on their hands that they were able to sit outside an ICAC meeting and, as the Hon. Dr Meredith Burgmann said, arrange lunch? What a joke! I do not believe that, and I do not believe that anyone in this House believes that. They were playing politics - and that is what happened to Mr Justice O'Keefe: the Labor Party and many others have been playing politics. It is an absolute and abject shame, which the Labor members will carry to the next election, for what they have tried to do to the ICAC and for what they have tried to do to Mr Justice O'Keefe. This is a proper piece of legislation intended to open up the field to allow Mr Justice O'Keefe to be appointed commissioner and to allow the recruitment of members of the judiciary in the future. A lot of what the Hon. Elisabeth Kirkby said was plainly inaccurate, particularly her statement about the wording of the letter that Mr Justice
Page 4661
O'Keefe sent to trust members in the Parramatta area. That letter was very similar to, or in fact the same as, every other release he issued about the receipt of grants from the Government. It was in fact the same wording as when he received a grant from the Federal Government. The Hon. Elisabeth Kirkby virtually misled - I hope and I believe it was accidental - the House when she said that he sent that letter just to people in the Parramatta electorate because that is totally untrue. That letter was sent to the western districts branch of the National Trust, which happened to have some members within Parramatta.

These are the inaccuracies. These are the beat-ups. These are the peripheral issues that are being brought to bear on something that is blatantly simple. This is honourable legislation and if it were not for the fact that we are six months out from an election we would not be having this debate tonight. The Minister would have tabled his second reading speech, and the Opposition would have done the honourable thing and supported it, and supported an honourable man like Mr Justice O'Keefe. Unfortunately, we are close to an election, and Bob Carr ought to be ashamed of his partisanship. There was mention of legislation to establish a code of conduct to remove partisanship. This is the most blatant partisanship ever seen from the Labor Party. The Opposition is playing dirty pool and dirty politics, and it should be ashamed of itself. I have great pleasure in supporting the bill. I hope my comments are widely distributed because I am very proud to support Mr Justice O'Keefe.

The Hon. JAN BURNSWOODS [11.01]: I oppose the Independent Commission Against Corruption (Commissioner) Bill, as do other members of the Labor Party and the Hon. Elisabeth Kirkby. I do so for a number of reasons. I am very sad that Mr Justice O'Keefe's career has been irretrievably tarnished by the bill and what has occurred over the last few months. I blame the Premier solely for the mess he made last year of the Independent Commission Against Corruption and the appointment of a new commissioner. I blame the Premier for the position in which he has put Mr Justice O'Keefe. Mr Justice O'Keefe has been very foolish in his behaviour, and I will comment later on his infamous Parramatta letter. Nevertheless, his foolishness is far outweighed by the disgraceful behaviour of the Premier over the last year or so.

In December 1993, when Mr Ian Temby had only about three months to run in the position, an advertisement was placed for appointment of a new commissioner. Under the complicated process laid down by statute for the Independent Commission Against Corruption committee and its veto process, that could take considerable time. Despite all the warnings the Premier had, he acted on the appointment of a new commissioner only in December 1993. I shall read the first paragraph of the *Sydney Morning Herald* editorial of 22 December 1993, because it sums up a lot of what I want to say and a lot of what is wrong with what the Government is attempting to do. The editorial, headed "How to keep ICAC effective", stated:

> Well before the appointment of a successor to Mr Ian Temby QC, the State Government should make absolutely clear what changes it intends to make to the law governing the Independent Commission Against Corruption. The Premier has foreshadowed changes to the ICAC Act but with disconcerting vagueness. This has encouraged speculation that the Government intends to change the ICAC Act and appoint Mr Temby's successor according to one purpose - to weaken the State's primary anti-corruption body.

That paragraph sums up what has happened over the last 12 months and the damage the Government has done to

the Independent Commission Against Corruption. The editorial made clear that the State Government needed to say what changes it intended to make to the law governing the commission. Instead, as I speak, the other place is dealing with a hasty, patched up, inadequate and pathetic attempt to improve a fundamental clause in the Act that was discovered in mid 1992 following the judgment on Greiner, Metherell and Moore. The Government has had 18 months since the Joint Parliamentary Committee on the Independent Commission Against Corruption came down with a detailed and unanimous report on changes necessary to the Act. The Government has persistently put off making those changes.

As the Government began to be embarrassed earlier this year by failing to make those changes, the Premier began to draw an alleged link between the need to discuss those changes and a new commissioner. However, quite unconvincingly, the Premier continued to put off those changes. On many occasions the joint committee tried to ensure that a reference to the Law Reform Commission was made, but even 18 months after our report that has never happened. Both the Attorney General and the Premier should be blamed for that. I turn specifically to the search for a successor to Mr Temby. The advertisements were placed late last year. It is no secret that there were a number of particularly impressive applicants. Unfortunately, they were so impressive that the Government did not want to appoint them. So those people were politely told that the Government was not interested, thank you very much. The Government was also known to have approached a couple of people who, for various reasons, refused the offer.

It is no secret throughout New South Wales, and certainly not within the legal profession, that Mr Justice O'Keefe was the tenth or twentieth choice. However, contrary to the intemperate remarks and perhaps synthetic anger displayed by the Hon. D. J. Gay, the sort of disquiet expressed by myself, the Hon. J. W. Shaw and the Hon. Elisabeth Kirkby has nothing to do with the fact that the State elections are only five months away. I remind the Hon. D. J. Gay that it is four or five months since the Premier broke all previous protocol agreed between his predecessor Mr Greiner and Bob Carr. The Premier suddenly decided to make an announcement that he was appointing Mr Justice O'Keefe as ICAC commissioner. When Mr Temby was appointed, Mr Greiner, Premier at that time, went out of his way to ensure that the appointment was bipartisan, by discussing the appointment with Mr Carr first and keeping the name quiet until those discussions had taken place.

But that was not good enough for the bumbling John Fahey, who put out a press release saying that he had appointed Mr Justice O'Keefe. That was when all the trouble started. The Act made the appointment of Mr Justice O'Keefe impossible. The present situation stems from his appointment being contrary to the Act. As was explained in some detail by the Hon. Elisabeth Kirkby, Mr Justice O'Keefe was anxious to ensure his financial health with a very high salary and very generous pension. He was to be exceedingly well looked after by the taxpayers of New South Wales over the next five years. A bill relating to the appointment of a commissioner has been introduced - a classic example of the old adage about special cases making bad law. Contrary to the remarks by the Hon. D. J. Gay, the bill does nothing to amend the Act in any longstanding way. If Mr Justice O'Keefe were to drop dead next week, another amending bill would be necessary to enable another Supreme Court judge to be appointed.

The bill does nothing to remove the clause some members have spoken of which bars a person who is the holder of any judicial office. It should be fair for a holder of any judicial office to be appointed ICAC commissioner. The bill does nothing to overcome that prohibition. The bill relates specifically to a judge of the Supreme Court who held that position immediately before appointment, who resigned immediately before appointment, and whose instrument of appointment states, as the commissioner declared, that his appointment as a judge would revive, et cetera. In other words, this is the Barry O'Keefe pension bill, not a measure which amends the ICAC Act in any longstanding way. I doubt whether the Opposition would have any particular concern about making it possible for judges to be appointed as commissioners of the Independent Commission Against Corruption.

The legislation should apply to all judges; it should not be a patched up, botched little bill designed only to enable Mr Justice O'Keefe to become the ICAC commissioner. This bill was necessary because the Premier

botched the entire process. This is one more step in the history of his ability to deal badly and mess up almost any area of policy or administration in this State. I draw the attention of the House to the report issued on 21 September by the Joint Parliamentary Committee on the Independent Commission Against Corruption and remind the House that that report followed a motion carried by both Houses in September referring the matter of Mr Justice O'Keefe's proposed appointment to the joint committee for reconsideration. We have already been told that the committee meeting went on for many hours and eventually produced a resolution supported only by the five Government members. The three members of the Opposition voted no, and Mr Hatton abstained.

I remind members of the dissenting report issued by the three ALP members of that committee which expressed our concern on a number of heads about the process enforced by the Government members to exclude a variety of evidence and not enable us to fully test the matter that had been referred to us; and in which we explained our inability to support the motion expressing "full confidence in the integrity and impartiality of Mr Justice O'Keefe". We specifically drew attention to the motion moved by the Government members of the committee, which was deliberately worded to exclude consideration of the central question of Mr Justice O'Keefe's capacity for the exercise of sound judgment as holder of one of the most sensitive offices in New South Wales.

[*Interruption*]

If the Hon. D. J. Gay wishes to make a series of scurrilous and inaccurate remarks about what went on during that seven-hour committee meeting I could quote some of the remarks he made about Mr Justice O'Keefe's capacity for sound judgment.

[*Interruption*]

The members of the committee had a number of conversations over those seven hours.

[*Interruption*]

Unlike the Hon. D. J. Gay, I do not intend to talk about the things that went on during that meeting, although the remarks he made were both scurrilous and inaccurate. The comment about Mr Justice O'Keefe's capacity to exercise sound judgment was certainly not a view held only by the ALP members of the committee. Finally, I make a couple of comments about Mr Justice O'Keefe's letter to the people in Parramatta. It is apparently true that approximately 800 letters were sent to members of the Parramatta branch of the National Trust, whose boundaries include the whole of the Parramatta electorate plus an area around it. They certainly did not go to a very large number of members of the National Trust, but they did go to people outside the Parramatta electorate.

[*Interruption*]

I could suggest that someone who was intervening less than a week before a by-election would make sure that the letters went to a few other people, but that is a separate issue. Mr Justice O'Keefe attached letters to the media release that he issued prior to his attendance at that infamous committee meeting of ours. While we were meeting and remarks were being made, which do not accord with the Hon. D. J. Gay's recollection, Mr Justice O'Keefe was downstairs talking to the media gallery and giving them his version of events.

[*Interruption*]

That interjection would suggest that his capacity for sound judgment is somewhat lacking.

The PRESIDENT: Order! The Hon. Jan Burnswoods has the call. If other members wish to have a conversation they should go outside.

The Hon. JAN BURNSWOODS: The attachments that Mr Justice O'Keefe put with his press statement

on that day included the text of his Parramatta letter and the text of his letters about Everglades at Leura and about Juniper Hall. Contrary to what was earlier said, the letters are dissimilar.
Page 4663
There is considerable mention of matters that had been a problem for the trust and about the trust negotiating with the new lessee and conditions and so on. The letter about Juniper Hall also referred to the leasing of the building and -

The Hon. D. J. Gay: I challenge you to read the first sentence of all of them.

The Hon. JAN BURNSWOODS: I will read the first sentence of all of them. I was not going to dwell on them, but I am happy to. The letter of June 1994 relating to Everglades started:

> Dear National Trust Member:
>
> I am writing to you as a member of the Blue Mountains Branch of the National Trust to let you know the good news about Everglades.
>
> As you know Everglades has been a problem for the Trust for some time. However the situation has been retrieved . . .

There is then the material I mentioned before about negotiating a lease and the conditions and so on. It is a letter to trust members basically saying that the trust had a problem and now it is getting a bit better. The letter about Juniper Hall read:

> Dear Member
>
> Juniper Hall, Paddington:
>
> You may recently have become aware of publicity regarding the National Trust's leasing of Juniper Hall. Regrettably, the full facts relating to the Trust's position on this issue have not received a proper airing.
>
> Please be assured that leasing of this building followed several years of investigation . . .

Here are these boring, pedantic letters to the people of Paddington and the Blue Mountains, and I ask you to compare them with the Parramatta letter, which read:

> Dear National Trust Member:
>
> Great news for Parramatta!

Six days before a by-election a judge of the Supreme Court is sending out to all the National Trust members in Parramatta a letter which started off, "Great news for Parramatta" and went on:

> On Tuesday 16 August the Minister for Planning and Minister for Housing . . . came to Old Government House, Parramatta and announced a grant of $675,000 . . . We are very grateful . . . vital . . . restoration . . . significance . . . enjoyed . . . original glory".

Anyone who could suggest that there is any resemblance whatsoever between the two boring letters and the one issued six days before a by-election by this alleged person of great judgment certainly has a lot to learn. Government members opposite cannot pretend that the distribution of the letter about Old Government House at Parramatta was not either a very stupid political act or a deliberate piece of intervention by an old Tory in a by-election that the Government was desperate to win. As I said earlier, this bill is unwarranted because of its very limited and partial change to the existing Act to enable the appointment of a man who was not the first, second or sixth choice for this job but who, nevertheless, would not take it without a considerable guarantee of financial gain.

The bill does the Premier no credit as it reflects his utter inability over the last 12 months to deal with either the appointment of a new commissioner or the much-needed amendments to the Independent Commission Against Corruption Act that have been discussed for 18 months. This bill is deeply flawed. The bill that is being simultaneously debated in the other place is just as flawed, because its amendments to the Independent Commission Against Corruption Act again reflect late thinking on a subject that should be treated far more carefully.

Reverend the Hon. F. J. NILE [11.20]: The Call to Australia group supports the Independent Commission Against Corruption (Commissioner) Bill. The object of this bill is to enable a judge of the Supreme Court to be appointed as commissioner under the Independent Commission Against Corruption Act 1988 with a right of automatic reappointment as judge at the end of his or her term as commissioner and without prejudice to his or her rights to a judicial pension. Call to Australia is glad that the door has been opened to judges to be appointed not only at this time but in the future. Automatic reappointment to the bench means that the commissioner can act independently of a coalition or Labor government in carrying out his duties. The commissioner cannot be punished if some of his decisions do not please the government of the day, which seems to be the major argument supporting the independence of the commissioner.

Judges have a wealth of experience and will lift the standard of the Independent Commission Against Corruption; they understand court procedures and, therefore, we may not have some of the problems that occurred with the previous commissioner. Call to Australia is pleased that Mr Justice O'Keefe has accepted the appointment. We hope this bill will allow the appointment to be finalised without further delay. Mr Justice O'Keefe is a professional person in every sense in the legal arena; he is a man of integrity. Both the coalition and the Labor Opposition will be happy with his independent approach to his position. The Hon. D. J. Gay summed up the matter - in fact, I had written it in my notes beforehand - when he said that the key factor is the State election on 25 March.

If we were at the beginning of a four-year period of government, the Australian Labor Party would be very much laid-back on this issue. Unfortunately, with the support of the Independents in the other place and apparently the support of the Australian Democrats in this place, the Opposition is making decisions that will have the end result of destabilising the Government and preventing the appointment of the ICAC commissioner. If no-one is appointed, the ICAC is undermined and may collapse in the process. That would provide a reason to attack the Government for lack of leadership, initiative and management in appointing a commissioner. So, we go round in a circle created by the Opposition for the Government, and then blame the Government for the problem.

It is a clever political move and the Opposition gets top marks for political nous. It is of no benefit to the State that the Opposition is prepared to destroy the ICAC because of its superior objective of destroying the Government. I am not a member of the ICAC parliamentary committee - I did not have the opportunity to arrange meals during midnight hours - but the so-called Parramatta letter is a non-issue, and I am surprised that the Hon. Elisabeth Kirkby has made so much of it. Mr Justice O'Keefe is an intelligent person, though he may be a bit naive. Not in his wildest dreams would he have known that the letter would become a political issue, otherwise it would never have left his office.

I believe the letter was genuine and sincere and could not have had any real impact on the Parramatta by-election. I do not believe the letter was politically motivated to help the Government win that seat. A crisis has been reached with the ICAC because of this controversy and qualified people do not want the job as it has now become a political issue. It is difficult to be a politician or Cabinet Minister; why would one wish to be in the hot seat of the ICAC and be the butt of continuous criticism and media attacks? The Government and the Parliament should be grateful, as I am, that Mr Justice O'Keefe is prepared to take the position.

The Hon. E. P. PICKERING (Minister for Energy, and Minister for Local Government and Co-operatives) [11.24], in reply: I thank honourable members for their contributions to the debate. I am

singularly honoured that the Attorney General has allowed me to handle this piece of legislation this evening. I feel strongly that Mr Justice O'Keefe ought to be appointed as Commissioner for the Independent Commission Against Corruption. I have the highest regard for his integrity and capacity, and I admire the courage that he has shown in being prepared to serve the community of New South Wales in this most important role. Honourable members should remember what corruption was like under the previous Labor Government in this State. New South Wales had become the corruption empire of the world. The stench of corruption that emanated from that Labor Government was a national and international joke. Let me add a new facet. Honourable members will recall that things got so bad that finally Neville Wran decided he had to do something in the form of a circuit-breaker. With his usual fanfare, lack of warning and consultation he introduced into the Parliament a bill that became the Commissioner of Public Complaints Act 1984, No. 76, which was to be the mechanism for citizens to lay complaints.

The Hon. J. F. Ryan: To put up or shut up.

The Hon. E. P. PICKERING: The put up or shut up Act, as the Premier called it. It was to be, if you like, Neville Wran's ICAC. This Act would allow people to complain if they felt there had been corrupt conduct in this State. Under part 2 of the provisions of the Act the office of commissioner would be filled by a person who was either a judge or a former judge. Indeed, District Court Judge Lloyd-Jones was appointed as commissioner. Shortly after he was appointed I saw fit to lay the first complaint. My complaint was against the Premier of New South Wales, the Hon. Neville Wran: that he was in contempt of court when he spoke out publicly about the Lionel Murphy trial.

The reaction of the gentleman in charge of the commission was somewhat strange. He was a bit like the dog that chased the bus - having caught it, he was not quite sure what to do with it - because no-one knew what to do with my legitimate complaint against the Premier of New South Wales. Of course, nothing ever happened except that, as a result of my complaint, Neville Wran closed down his little ICAC in the middle of the night. He closed down the commission through the Statute Law (Miscellaneous Provisions) Bill 1987, No. 48. Neville Wran got rid of his ICAC - just like that. Members opposite have the hide to come into this Chamber and be sanctimonious about what this Government is doing with the ICAC and the process to enable a judge to be appointed without truncating his career. He will be able to be appointed as a judge and go back to the bench. I do not accept the scenario presented by the Hon. Elisabeth Kirkby, but if there were some tacit agreement between the former Premier of New South Wales, Mr Greiner, and Mr Temby that when Mr Temby had finished his stint he would be put on the bench and if it were true - and I am sure it is not - that when Mr Temby left his appointment he went to the Premier of New South Wales and said, "Where's the job on the bench?" and the Premier, Mr Fahey, told him that he should talk to Mr Greiner about that, it would demonstrate the need for this bill.

How am I or anyone else to know that the new head of the Independent Commission Against Corruption will not alienate the Premier - whether the Premier be from the Labor Party, the Liberal Party or the National Party? How could we possibly know whether the next Commissioner of the Independent Commission Against Corruption will get off side with the government of the day? And why should the people of New South Wales not have an assurance that they have a judge of the highest intellectual capacity and the highest integrity, a judge of great experience, a man with whom I am extraordinarily proud to be associated, a man who will be completely independent in his role as commissioner because he knows that at the end of his term he will go back to his role as an independent judge and that no-one - no Premier, no Prime Minister, no Parliament - can touch him?

I should have thought that members opposite would say that was a great thing to do. They are not saying that, and for one reason only, politics. Members opposite know as well as Government members do that the ICAC has been one of the gems in this Government's crown. The ICAC has changed the nature of the community of New South Wales. Today no public servant makes a decision without asking himself or herself whether the decision will pass the test of ICAC. Today there is not a Minister

who does not always ask whether a decision passes the ICAC test. We used to wonder whether decisions

would pass the test of the *Sydney Morning Herald*; now we wonder whether they will pass the test of the ICAC.

The Hon. Jan Burnswoods: But the Act does not cover Ministers; that is part of the problem.

The Hon. E. P. PICKERING: That is coming. As a matter of interest, members opposite in another place are trying to stop that.

The Hon. Jan Burnswoods: It is another bloody, ill-thought-out, hasty decision.

The Hon. D. J. Gay: On a point of order: the Hon. Jan Burnswoods used unparliamentary language when she used the term "another bloody, hastily- thought-out" -

The PRESIDENT: Order! I must confess that I did not hear that from the Hon. Jan Burnswoods. If that is correct, I caution the honourable member against using such language again.

The Hon. E. P. PICKERING: Members opposite know that shortly there is to be a general election in this State. They know that if they can screw up the process in any way, to bring about an adverse reflection upon the ICAC and therefore upon the Government, they will get a few political brownie points. I say advisedly that, given the track record of the former Labor Government, I have no doubt that the last thing future Labor Party Ministers would like to face is a fully fledged ICAC. I do not believe future Labor Party Ministers, given their previous track record, would have the stomach for the ICAC. One has only to recall the sorts of things former Labor Party Ministers did.

Do honourable members remember how the Sydney Harbour Tunnel was built? That was a multimillion-dollar project, with ramifications worth millions of dollars going on for years. Was there a public tender process? No, it was a secret deal. Can honourable members imagine that happening today? No! Could that possibly happen today, under the ICAC? Members opposite would be down to the ICAC in a flash if the Government tried to pull a stunt like that. Opposition members do not like that form of government. They do not want to face up to that sort of discipline. That is why Opposition members are so keen to witness the destruction of the ICAC.

The Hon. Elisabeth Kirkby amazes me this evening. I am quite close to the honourable member. We are good mates. I was amazed to hear her say by way of interjection that if there were not continuing pension entitlements for the Commissioner of the Independent Commission Against Corruption she would be inclined to support the legislation - those were her exact words. I find that incredible. We are talking about the appointment of a judge who is entitled to a pension in the same way as every member in this House is entitled to a pension. The Government is asking the judge to come off the bench and take on a very special, very onerous task, for which he will receive a higher level of remuneration than a judge - I accept that. The Parliament is providing a mechanism to put that judge back on the bench after he has finished his stint as Commissioner of the Independent Commission Against Corruption, yet members on the crossbenches are taking umbrage that his pension rights should continue.

I know well that there would be hell to pay if any member of the House were asked to do a special duty of state and it was suggested that the Government might slip his or her pension benefits in the meantime. I do not think that any member of the House who took on some high task on behalf of the community would accept that because he or she did so the Government should slip his or her pension rights. The Hon. Elisabeth Kirkby would argue that there is a second bow to her string, that the remuneration is different for the positions of judge and Commissioner of the Independent Commission Against Corruption. With great respect to the Hon. Elisabeth Kirkby, we are talking of a Queen's Counsel. The Hon. J. W. Shaw does the odd bit of work in the legal world. He would not be throwing himself into it full time and therefore would not be making a great deal of money out of it, but he would be able to tell the House without batting an eyelid that there would not be a Queen's Counsel worth his or her salt who would look upon a remuneration of $250,000 a year as the petty cash department. That is a simple fact of life.

It is well known that people who go to the bench from high levels in the legal world, barristers and Queen's Counsel, take a significant decrease in income. They do so because they are going to a higher public duty. A great many people in this House have forfeited significant income in order to serve their community in a higher place. For most people, if one is to commit oneself to public life, one will face a substantial cut in income. So it is with judges and so it is for the Commissioner of the Independent Commission Against Corruption. It is very petty indeed to be upset that the commissioner's pension rights will continue whilst he continues to work for us as the ICAC commissioner. Let me point out that we are not being inundated by highly qualified people who want to be Commissioner of the Independent Commission Against Corruption.

The Hon. Jan Burnswoods: You knocked back the applications you got, because they were too independent.

The Hon. E. P. PICKERING: The Hon. Jan Burnswoods makes assertions as though they are facts. Taking into account what the Independent Commission Against Corruption represents in our community today, there are few people who are prepared to serve. It is obvious that almost inevitably the commissioner will alienate the government of the day and significant interests within the community, whether those interests be local government, the police or other groups. Above all, the Commissioner of the Independent Commission Against Corruption has to be prepared to literally put his or her life on

the line. We are talking about a man or a woman who, if he or she is to do the job in a meaningful way, has to be in reasonable fear of his or her personal safety.

To be concerned about a pittance with regard to a pension payment in those circumstances is extremely difficult to comprehend. It is improper for the House to look upon this bill as the Barry O'Keefe bill. I take exception to that statement. This is a generic bill that takes care of an obvious problem. It opens up an avenue to a group of people who are obviously well suited to be ICAC commissioners and at the same time guarantees their future career paths so that a future premier or attorney general cannot, in a shoddy way, truncate their careers if the government is off side with them because of some objection they might have taken.

Under those circumstances I am staggered that this bill is not warmly supported. Whilst the bill is generic and its nature cannot be debated, it is nothing less than scandalous that the Labor Party has introduced objections against Mr Justice O'Keefe specifically as the basis of its objections to the bill. I conclude by showing, with one comment, how scandalous that is. One of the proud traditions of this Government - I say this advisedly and I would be surprised if any member opposite disagreed with me - has been its willingness to appoint people who are not seen to be Government supporters to senior positions within the Government.

The Hon. P. F. O'Grady: Like Temby.

The Hon. E. P. PICKERING: Mr Temby would probably be one of the most courageous and dramatic examples. It is my understanding that Mr Temby, before his appointment as the ICAC commissioner, had not only been a card-carrying member of the Labor Party but had stood for public office - elected office I think in Victoria - in the Labor Party. I ask members opposite to be honest with themselves. Would they ever appoint a longstanding card-carrying member of the Liberal Party who had stood for Liberal Party office? The answer from every one of them, without any reservation, would be no. Mr Temby is not an isolated example. The Government has been overly generous and overly fair in this way - a characteristic that does not appear within the psyche of the Australian Labor Party.

[*Interruption*]

That was an offensive and disgraceful comment. The honourable member is lucky that I do not intend to put it on the record. Mr Justice O'Keefe is not a card-carrying member of the Liberal Party; he is not a Liberal Party supporter. I would not know what the man's politics are. I do know that in the various public positions he has held he has shown a capacity to punch up Liberal Party governments and Labor Party governments with equal ferocity. Under those circumstances, given the man's background, his eminence, his undoubted integrity

and intellectual capacity and the fact that he is prepared to make himself available in a sacrificial way to the community of New South Wales, he is to be honoured and respected. I am grateful to be able to commend the bill to the House in the knowledge that members on the crossbenches have indicated their support and in the knowledge that the bill can successfully pass through the house and Mr Justice O'Keefe can be appointed. I commend the bill.

Question - That this bill be now read a second time - put.

The House divided.

Ayes, 18

Mr Bull	Mr Mutch
Mrs Chadwick	Mrs Nile
Mr Coleman	Rev. Nile
Mrs Evans	Mr Pickering
Miss Gardiner	Mr Ryan
Mr Gay	Mr Rowland Smith
Dr Goldsmith	
Mr Hannaford	*Tellers*,
Mr Jobling	Mrs Forsythe
Mr Moppett	Dr Pezzutti

Noes, 16

Dr Burgmann	Mr Manson
Mr Dyer	Mr Shaw
Mr Egan	Mrs Symonds
Mr Enderbury	Mr Vaughan
Mrs Isaksen	Mrs Walker
Mr Johnson	
Miss Kirkby	*Tellers*,
Mrs Kite	Ms Burnswoods
Mr Macdonald	Mr O'Grady

Pairs

Mr Samios	Mrs Arena
Mrs Sham-Ho	Mr Kaldis
Mr Webster	Mr Obeid

Question so resolved in the affirmative.

Motion agreed to.

Bill read a second time and passed through remaining stages.

ROYAL COMMISSION (POLICE SERVICE) BILL

Bill received and read a first time.

ADJOURNMENT

The Hon. E. P. PICKERING (Minister for Energy, and Minister for Local Government and Co-operatives) [11.55]: I move:

That this House do now adjourn.

BAGASSE STOCKPILE

The Hon. Dr MEREDITH BURGMANN [11.55]: I wish to draw to the attention of the House a sad and sorry saga which, to this day, remains unresolved. Steve and Kerri Manning moved into
Page 4667
their home in Eviron Road, Condong, on the far north coast in March 1990. Six months later Kerri Manning became ill with severe abdominal cramps, diarrhoea, breathlessness, coughing and chest pains. Within two years the whole family, including daughter Samantha, were ill. None of the doctors they consulted could come up with a cause. Kerri Manning was eventually hospitalised with pneumonia and diarrhoea in June 1992, then again in May 1993. Finally, a doctor made a connection between the family's illnesses and a stockpile of bagasse, a by-product of sugar milling, adjacent to their home. Airborne dust from the 30-foot high piles had contaminated their home, their water tank and their pipes, and the land and water supplies of neighbouring properties.

Bagasse is being identified increasingly as causing illness and even death in sugar mill workers, in a way similar to asbestos. The Mannings finally vacated their home in July 1993 and rented a flat in Kingscliff. They moved back into their home only last weekend. As if this were not bad enough, the Mannings' experiences with the authority that is responsible for the problem, Tweed Council, have been appalling. The council had been aware that the owner of the bagasse stockpile had had no planning permission for it since at least 1988 and, after continued complaints from residents, ordered its removal in July 1990. However, no action to enforce the order was taken for nearly four years when, in May 1994, after further complaints, the council took the stockpile owner to the Land and Environment Court.

Not only was no action taken, but the council remained a customer of the bagasse stockpile until at least November 1993. The Land and Environment Court ordered that the stockpile be removed by 17 June. The council extended the deadline to 30 June, but two to three truck loads of bagasse remained on the site. The Department of Health eventually commenced decontamination of the Mannings' house and water supply in September. Meanwhile, the Mannings have been paying off a home loan for an uninhabitable property, paying rent for the temporary dwelling and paying interest on a loan for the $15,000 it cost them to have their house cleaned.

The Tweed Council has now finally made a decision on the Mannings' repeated and quite reasonable requests for the rates on their home to be waived for the period they have been unable to live in it. The council has declined to waive the rates, although it has offered to waive the interest on them. The Mannings are left with little option but expensive legal action, which they cannot afford. The unprofessional manner in which the Tweed Council has dealt with the issue raises serious questions. I hope that, in particular, the Ministers for health, industrial relations, local government and planning take note of this case and develop policies for dealing with all the problems that may arise from the production and stockpiling of this dangerous substance, so that others do not have to face the appalling ordeal that the Mannings are going through.

TOBACCO LICENCE FEES

The Hon. ELISABETH KIRKBY [11.58]: I wish to place on the record of the House a letter written to the Treasurer of this State by the Cancer Council on 28 July requesting the Treasurer to increase tobacco licence fees in New South Wales. The letter read:

The NSW Cancer Council and the National Heart Foundation recommend that the State Treasury raise the tobacco licence fees by

25% to reduce tobacco consumption and ensure tax harmonisation across the states as part of a comprehensive smoking control plan to reduce the economic costs of tobacco use currently estimated at over $2.4 billion in NSW.

Three Australian states and the ACT have increased their licence fees for the purpose of reducing tobacco consumption whilst also raising revenue. Because of the well-established causal link between tobacco smoking and death and disease, three states and a territory have hypothecated a percentage directly into funds for health promotion and medical research.

An increase in tobacco tax is a very effective tool of health policy and a revenue raiser for the State Government to offset the increasing costs of related health care services.

The recommended tax increase of the magnitude of 25 per cent will increase State revenue and achieve health benefits including a reduction in the level of smoking, particularly for young people who are therefore more likely to be discouraged from starting or from continuing to smoke.

As I just said the economic cost of tobacco abuse is estimated at over $2.4 billion for this State and $6.8 billion for the nation. Therefore, an immediate increase in licence fees will save millions of health care dollars in the future. It should be pointed out also for the benefit of honourable members, as it is in this letter, that Federal and State tobacco taxes are relatively low by developed world standards. Governments should be aiming for world best practice, which is Denmark's tobacco tax of 85 per cent of the retail price. The combined Federal and State taxes represent a low 60 per cent of the retail price compared to percentages in New Zealand, the United Kingdom, France, Canada and Denmark. Tobacco tax in New South Wales is placed behind payroll tax, stamp duty, gambling taxes and petroleum tax as a proportion of State revenue collected. As I have just said, the proportions are not as high as other countries including the United Kingdom and New Zealand, therefore there is definite scope for further increases in taxation at both State and Federal levels.

Based on average weekly earnings it took 22 minutes in 1973 to earn a packet of Winfield 25. In 1993 it only took 19 minutes to earn the cost of the same packet of cigarettes. Despite the tax increases of the late 1980s and early 1990s, in 1993 cigarettes were still more affordable than they were 20 years earlier. If State licence fees are increased by 25 per cent the winners will be children who will be discouraged from smoking, smokers who will be encouraged to stop smoking, hospitals and health services that will receive fewer patients in the future, and the Government will have extra revenue for health services. This letter was sent to the Treasurer on
Page 4668
28 July and it was sent to me by Action on Smoking and Health and the Cancer Council on 1 August. We waited for the budget estimates, only to find that nothing had happened. A great opportunity has been lost. I wish that the Government could have seen fit to raise the tobacco tax for 1994 and thus assist in cutting down smoking, increasing the health of the community and at the same time increasing State revenue.

RECLAIM THE NIGHT MARCHES

The Hon. Dr MARLENE GOLDSMITH [12.02 a.m.]: I was privileged and delighted today to be part of the Reclaim the Night launch at Parliament House, along with several of my parliamentary colleagues, including the Hon. Franca Arena, the Hon. Elisabeth Kirkby and Clover Moore from the other place, and several important community representatives, including Miss Barbara Kilpatrick, Miss Patricia Frail, and Margie, an extraordinary survivor of sexual assault who spoke most movingly. Reclaim the Night marches have been taking place around the world since 1977 when the first march was organised in Leeds. Women there were responding to a request by police to stay indoors until a notorious and sadistic Jack the Ripper could be caught. These women refused and took to the streets demanding the right to walk in safety.

In 1994 women and children are still not safe although now we know we are not only at risk in the streets but also in the family home. The 1992 New South Wales Sexual Assault Committee phone-in report found that eight out of 10 women raped will be raped in a private house by someone they know. Ten thousand women will be marching with us at 7.00 p.m. on Friday, 28 October, to protest this intolerable situation. Reclaim the

Night marches will be taking place all around the world. I call upon the women of Sydney to join with all those who have already committed themselves to marching, to join with us and help to reclaim the night. Reclaim the Night has an important function in demonstrating what an alliance between community groups and government can do. It demonstrates how important the actions of community groups are in having organisations, including government, involved with them to stop sexual violence.

INSTITUTION OF ENGINEERS ANNIVERSARY AWARDS

The Hon. Dr B. P. V. PEZZUTTI [12.07 a.m.]: Last Friday evening I was able to be present at the seventy-fifth anniversary of the foundation of the Institution of Engineers, Australia, at a glittering function at Town Hall, one of the great engineering feats here in Sydney. The gathering that evening was to celebrate the excellence awards for this seventy-fifth anniversary year. The winner on that evening for the building and civil design award for highly commended design was the Abigroup for the Terrey Hills golf course and country club; in environment, an excellence award for the State Algal Coordinating Committee for New South Wales algal management strategy; for manufacturing facilities, Kinhill Engineers received an excellence award for the News Limited, Chullora Print and Publishing Plant; in engineering products, there was an excellence award for Mine Site Technologies Proprietary Limited for the PP50 dewatering pump; for public works, an award for excellence was received by A. Goninan and Company Limited for the Sprinter light rail diesel passenger vehicle; for reports, procedures and systems the excellence award went to the New South Wales Public Works Department and the New South Wales Local Government and Shires Association for strategic business plans for water supply and sewerage schemes and guidelines for preparation; for project management there was a highly-commended award for JNA Telecommunications (Research and Development) for a network terminating unit; for export of technology, products and services, an excellence award, highly deserved, went to AWA Limited for air navigation equipment for China.

At the same time the Institution of Engineers released a document called *The Historic Engineering Plaques of Australia*, to commemorate a number of high quality works completed by engineers in Australia. They included a fairly significant number from New South Wales, including the Annandale sewer aqueducts built in 1896; Busby's Bore, Paddington; the 1893 Cowra Truss Bridge; the Darlington Point Bridge at Darlington Point; the Great Zig Zag railway at Lithgow; Hampden Bridge, Wagga Wagga; Howard's rotary hoe, which is featured at Richmond; Lennox's Bridge at Lansdowne; Lewisham railway viaduct at Lewisham; Lithgow blast furnace; Locomotive 3801 at Redfern; Medlow Dam at Medlow Bath; Newcastle Harbour; Prospect Dam; the Pyrmont Bridge at Sydney; the Snowy Mountains Hydro-Electric Scheme; Sydney Harbour Bridge; and the street lighting plant in Tamworth.

Other awards, in this nice little booklet, which is well worth reading, include the Storey Bridge; sugar cane harvesting machines at Bundaberg; winding engine No. 756 at Gympie; Angle Vale Bridge at Angle Vale; Bull and Ridley Grain Harvester; Goolwa-Port Elliot railway; Smith's stump-jump plough; and, from Tasmania, the famous King's Bridge; the Richmond Bridge and the Waddamana "A" power station at Waddamana. In Victoria who will forget the Furphy water cart at Shepparton; McKay smithy and the pumping station at Spotswood. And in Western Australia the important Coolgardie goldfields water supply scheme; Fremantle Harbour and the Princess Royal battery and magazine at Albany.

The Institution of Engineers can be justly proud of the contribution it has made to developing Australia and the continuing developments it is making in Australia. Engineers are out to promote what they do, to lead bright young people to do engineering and to encourage young engineers to seek excellence in everything that they do. The institution is one of the marvellous institutions, if I can re-use that word, in

Australia. It has been particularly silent and almost unheard in the past. It is now seeking the recognition it really deserves. I was present at that award ceremony with the Hon. E. P. Pickering, who is a member of the Institution of Engineers. I was very proud of what Australian engineers have achieved, are achieving and will achieve. The centenary of the institution in 25 years will be a remarkable event, with even more achievements on the record.

Motion agreed to.

House adjourned at 12.10 a.m., Thursday.