

LEGISLATIVE COUNCIL

Thursday, 21 September 1995

The President (The Hon. Max Frederick Willis) took the chair at 11.00 a.m.

The President offered the Prayers.

TELEVISION OF PROCEEDINGS

The President informed the House that he had given consent for a television camera to be present in the gallery to record the making of a ministerial statement at a later stage.

ADMISSION OF TREASURER INTO THE LEGISLATIVE ASSEMBLY

The President reported the receipt of the following message from the Legislative Assembly:

Mr President -

The Legislative Assembly requests the concurrence of the Legislative Council for the Honourable M. R. Egan, MLC, Treasurer, Minister for Energy, Minister for State Development, Minister Assisting the Premier, and Vice-President of the Executive Council to attend at the Table of the Legislative Assembly on Tuesday 10 October 1995 for the purpose only of giving a speech in relation to the New South Wales Budget 1995/1996.

Legislative Assembly
21 September 1995

John Murray
Speaker

Consideration of Message

The Hon. M. R. EGAN (Treasurer, Minister for Energy, Minister for State Development, Minister Assisting the Premier, and Vice-President of the Executive Council) [11.04]: I move:

That the Standing and Sessional Orders be suspended to allow consideration of the Assembly's Message forthwith.

In the event that the motion is carried, I will then move that consideration of the message stand an order of the day for a later hour of the sitting. I do not intend to interrupt private members' business today, but to deal with the message after 4.15 p.m. during Government business.

Motion for suspension of standing and sessional orders agreed to.

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

That consideration of the Legislative Assembly's message stand an Order of the Day for a later hour of the sitting.

PETITIONS

Euthanasia

Petitions praying that any attempt to legalise or decriminalise euthanasia be opposed to ensure that the quality of life of the elderly, handicapped and terminally ill is not subject to unjust or ethical procedures, received from **Reverend the Hon. F. J. Nile** and the **Hon. Elaine Nile**.

Freedom of Choice in Education

Petition praying the rights of parents for freedom of choice in education be supported, and that any attempts to remove the exemptions in the Anti-Discrimination Act for Christian, religious and other non-government schools, Churches and religious organisations be opposed, received from **Reverend the Hon. F. J. Nile**.

Marijuana Prohibition

Petitions expressing concern about legal changes that could increase or encourage the distribution or availability of soft drugs such as marijuana, and praying that the House take no measures that could extend the social problem of drug use, and oblige those who are promoting marijuana or similar drugs to prove without doubt that such drugs are harmless before any legislation or decriminalisation of their use is introduced, received from **Reverend the Hon. F. J. Nile** and the **Hon. Elaine Nile**.

Euthanasia

Petition praying that any attempt to legalise euthanasia or assisted suicide be opposed, and supporting the right to life, received from the **Hon. Elaine Nile**.

LACHLAN CENTRE

Ministerial Statement

The Hon. R. D. DYER (Minister for Community Services, Minister for Aged Services, and Minister for Disability Services) [11.15]: The Community Services Commissioner, Mr Roger West, has released today a report about the Lachlan Centre. It is my intention in this statement to the House to outline in broad terms the contents of the report and the action I am taking as Minister to address the disturbing nature of the report's findings. The Lachlan Centre is a Department of Community Services facility currently accommodating 87 adults with a developmental disability. It is located in the grounds of Macquarie psychiatric hospital at North Ryde and in one of a range of residential facilities operated by the department for people with disabilities.

The Community Services Commission, which is an independent body set up to investigate complaints and to monitor the provision of community services, received complaints from two sources in August and September 1994. These complaints involve a total of 15 separate allegations about the treatment of residents at the Lachlan Centre, the physical conditions at the centre and the use of certain practices at the centre. The complaints received by the commission alleged that some residents were being placed into a so-called seclusion room for long periods of time without proper legal authority and contrary to human rights considerations and standards of good practice.

As a result of the investigation, the commission has found that residents were regularly, and sometimes

forcibly, placed in what amounts to solitary confinement in a way which was demeaning to them, contrary to their human rights, and possibly in breach of the law. The needs of the residents for skilled and appropriate behavioural intervention were ignored by the service. The Department of Community Services failed to provide clear policy guidelines to staff about the use of inappropriate behaviour management strategies. The department also failed to provide clear advice to staff about how to support people with challenging behaviour in institutional settings.

The commission's preliminary Lachlan report was referred to the department in late June 1995. An important point which needs to be made is that the Department of Community Services has responded quickly and positively to the findings and recommendations in the report. The department now has closed the seclusion room; it has upgraded service provision in the Lachlan Centre; and already has taken action on other recommendations in the commission's report. Two managers also have been removed from their duties pending an investigation. I wish to assure the House that further recommendations contained in the report will be acted upon comprehensively and in a non-defensive and open manner.

Whilst the report raises these serious individual allegations in relation to the Lachlan Centre, it is clear to me as Minister that the findings point to fundamental systemic problems within the Department of Community Services which have enabled these practices to develop and to continue unchecked. It is important to note that the commission's report found no evidence of deliberately malicious behaviour on the part of any member of staff. The report highlights problems which exist in relation to an apparent lack of clear policy guidelines, no clear accountabilities for staff, a lack of appropriate control mechanisms and a lack of leadership coordination, effective supervision and staff-related issues.

My concerns, as the Minister now responsible for ensuring that the practices uncovered in this report are addressed and eliminated, are twofold. Firstly, I need to assure myself that action has been taken to protect the residents at the Lachlan Centre itself, and to address the problems within that centre. Secondly, I need to be assured that every effort is made to assure the community that these practices are not occurring in other centres. Since receiving the report I have asked the commission to monitor the department's progress in implementing the recommendations contained in the report. Additionally, I have asked the Auditor-General, Mr Tony Harris, to conduct a performance audit in conjunction with the Community Services Commission and with the agreement of the Department of Community Services.

The audit will examine systems and control mechanisms both in the Lachlan Centre and in other residential services across the State. I have asked the commissioner, Mr West, to negotiate the terms of reference for this review as a matter of urgency. This process will reveal the extent of the systemic problems identified in the report. It will ensure the safety of residents and avoid any possibility of a repetition of the reprehensible practices identified in the report. I have asked the director-general of the department to examine the appropriateness of a centralised Statewide management approach to residential centres, at least in the period of review, and implementation of new procedures arising out of the Lachlan report, in place of the current area-based system of management.

I also have launched recently an expanded community visitor scheme, under which visitors will go into centres like the Lachlan Centre all over the State. Those people will be in a unique position to identify problems within these services. They are appointed by me and report to me through the commission. I assure honourable members that I will seek regular reports and monitor the implementation of the Lachlan report's recommendations. I will await the outcome of the review to be conducted by the Auditor-General and the commission, in conjunction with the department. I am sure that many people, like me, will find the essential nature of the practices which have occurred at the Lachlan Centre disturbing, to say the very least.

I am acutely aware of the concerns that must be felt by the parents, families and friends of the many people living at the Lachlan Centre and at other centres throughout the State following the release of this report. It is easy to say that many people living in these centres are difficult to manage and display erratic, challenging and, on occasions, abusive behaviour. But these vulnerable people are entrusted to our care and we have a responsibility to support them in a dignified, humane and professional way. It is clearly unacceptable that

residents have been subjected to highly restrictive custodial care and deprived of opportunities to develop skills or to participate in meaningful activities. It appears that some residents have not been outside the Lachlan Centre, or even outside their individual unit areas, for over two years. Such practices cannot and will not be allowed to continue or to be repeated elsewhere.

Clearly, as the events highlighted in this report occurred under the previous Government, an opportunity exists for me to apportion some responsibility to that Government, but this would not solve the complex issues which are presented through this report. However, I must say that when I visited the Lachlan Centre recently I was surprised to be told that I was the first Minister to have done so since the Hon. Peter Anderson visited the centre as Minister for Health. The report is positive and provides a way forward, through constructive and thorough recommendations, for change. I am insisting that the department work constructively and decisively towards addressing the immediate problems and, in conjunction with the commission, towards a better quality of life for all people with disabilities in New South Wales.

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I take this opportunity to congratulate the commissioner, Mr Roger West, and the staff of the Community Services Commission for their professional and comprehensive report on these very disturbing and serious practices. I also commend the professional approach adopted by the commission in handling the release of this report in a manner that is sensitive to the needs of residents, their families, friends and staff. In conclusion I acknowledge and recognise the level of concern that is generated by the release of such a report, particularly among the families of people living in centres like the Lachlan Centre, and I assure the House of my commitment to prevent further mistreatment of residents.

I table two reports of the Community Services Commission entitled "The Lachlan Report: Exclusionary Time-Out or Solitary Confinement?" and "Behaviour Management or Abuse?".

Ordered to be printed.

The Hon. J. P. HANNAFORD (Leader of the Opposition) [11.25]: When honourable members read the report they will find its contents distressing. I also congratulate Roger West and members of the Community Services Commission on producing the report. I remember receiving complaints as Minister for Community Services. I do not recall whether complaints were made about the Lachlan Centre, but they related to the administration of facilities of that nature. I usually received reports when I required investigations to be undertaken. They were illustrative of what has now been shown to be a systemic problem and always indicated that there was not necessarily a problem in relation to the issue that had been drawn to my attention. I became concerned that I, as Minister, was unable to get to the bottom of problems in the disabilities sphere of community services.

As a consequence, after meeting with John Jacobsen and others from the Council for Intellectual Disability, I called for the establishment of an independent commission in the form of the Ombudsman's Office to deal directly not only with disability issues but with all issues relating to community services. As a result the Community Services Commission was established and Roger West was appointed. I take this opportunity to congratulate him on his appointment. One could find no more outstanding person than Mr West to become the first Community Services Commissioner. The commission's first report illustrates the necessity for such an independent body.

As the Minister indicated, the complaints were received in September 1994 but it has taken the better part of 12 months of investigations to get to the bottom of them and to deliver a report and recommendations. Had they been directed to the Minister, there is no guarantee that the problems would be solved, particularly when they are, as the report indicates, systemic. The report shows the value of the establishment of the commission. The report provides a lesson to governments. It shows that the commission has teeth and that it is capable of delivering reports that have the potential to embarrass a government. My experience as a Minister enables me to predict that the commission will produce reports that may embarrass future governments.

I congratulate the Minister on saying that he embraces the recommendations contained in the report and will implement them, but I warn him while the Treasurer is in the Chamber that he will be unable to implement change within his current budget, let alone under a reduced budget. Recommendation 18 proposes the closure of the crisis unit, the individual assessment of the occupants of the units and of similar units across the State and the provision of services in community-based settings tailored to their needs. I considered that when I was Minister, but I learned it would cost tens of millions of dollars to implement. My predecessors and I tried to obtain money for disability services, but Treasury and other central agencies seemed always to be reluctant to allocate moneys for essential community services needs. I hope the Minister for Community Services has more luck than his predecessors in extracting moneys from other high profile areas for community services.

The Hon. M. R. Egan: I might be the Treasurer to work with.

The Hon. J. P. HANNAFORD: I hope the Treasurer is indicating that he has already read the message from the community that a \$35 million cut in the community services budget will not be tolerated. My experience tells me that if cuts are made to the Minister's budget the commission's recommendations in the report cannot be implemented. If they are not, not only the Minister but the whole of the Government will have to wear the opprobrium. In support of the Minister I should like to say quite deliberately that the investigation was established to report on people with disabilities, because the needs of people with disabilities in institutions have been the poor brother in the community services and health portfolios. My recollection is that there are more than 800 people still in institutions, the majority of whom should be moved out of them as adverted to in the report.

That can only be done with an infusion of funds. It must not be done in the way that is usually recommended by Treasury - selling assets, using some of the funds raised to buy the institutions, and then transferring people from the institutions. That is the traditional Treasury line, and it cannot be done. The Government must make an up-front allocation of funds to purchase community houses; it must be prepared to provide the money. I am pleased that the Minister for Community Services, Minister for Aged Services, and Minister for Disability Services is here, because he knows what must be done.

The Hon. R. D. Dyer: Federal funds would help, too.

The Hon. J. P. HANNAFORD: Federal funds would help in this regard. The centres have the staff for community houses, but the staff will need

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additional training. Many of the staff in the institutions are not appropriate for individual homes. simply because they do not have the skills or are not equipped emotionally to undertake the work. I am pleased that the Treasurer is here to listen to my words, because if the money is not forthcoming to the Minister for Community Services and he cannot implement these important recommendations, the Treasurer will be reminded of this day on each of the remaining days until the next election.

I welcome the Minister's announcement that the visitor scheme will be improved and that he will receive reports. Having had in place a system of visitors reporting to me when I was a Minister, I should like to make a suggestion about the visitor scheme. Whilst the Minister for Community Services will do his best to oversight such reports, ministerial pressures will make that difficult. We now have in place the Commissioner for Community Services, who will help the Minister - I say that advisedly - to deal with the myriad complaints that he will receive about disabilities. Visitors should give their reports direct to the Community Services Commissioner because he will be able to marry them with complaints from the various centres.

The commissioner will be better able to identify systemic problems and use his powers to address those problems before they become publicly known. My final comments relate to the proposal to change management. A problem that has beset the provision of community services for people with disabilities is the destabilising changes that have occurred over the past three or four years. When responsibility for disabilities was removed from health to community services, a major systemic change was required to alter what had been

the health cultural attitude and to focus on the disabilities management unit.

The Hon. R. D. Dyer: Who made all these changes?

The Hon. J. P. HANNAFORD: We made them, and they had to be driven. The necessary changes relating to the transfer of responsibility for people with disabilities away from health have been made, and things have been stable for about two years. I recognise the need to make management changes to address this report, but I caution the Minister not to make dramatic change as the organisation is only now settling down and starting to be more focused. The report identified a need for some systemic management changes, but wholesale change would be detrimental; it would further destabilise the organisation and undermine the Minister's ability to implement the recommendations. I support the Minister and his approach to Treasury for funding, and I hope he is successful in getting the resources to implement the recommendations.

Reverend the Hon. F. J. NILE [11.34]: The Call to Australia group shares the concerns expressed by the Minister for Community Services, Minister for Aged Services, and Minister for Disability Services and the Leader of the Opposition. We have had only a brief time in which to peruse the two documents, "The Lachlan Report: Exclusionary Time-Out or Solitary Confinement" and "Behaviour Management or Abuse?", but both of them reveal an alarming situation. As has been said, the investigation was established after complaints were received from the staff at the Lachlan Centre - that was the main focus of the investigation - particularly relating to the use of exclusionary time out in unit 9, the manner and frequency with which exclusionary time-out was used, and the conditions in the room that was used - which was basically solitary confinement.

As was said when the Minister visited the centre - it had not been visited by a Minister since the Hon. Peter Anderson visited it - Ministers must have closer supervision of institutions under their authority. We accept the policy of using visitors to bridge the gap. Obviously, the Minister cannot attend every centre every day; that is simply not practical. But perhaps he could make more visits, especially without warning. Perhaps he could make spot visits, so to speak, to selected institutions to assess what is happening, the attitude of the staff, and the services provided to the patients.

Visitors should have the authority to visit without forewarning, because warning makes it easy for institutions to demonstrate only their good points and conceal their bad points. I realise that might put pressure on the institutions but I believe it should be the policy. I accept the point made by the Leader of the Opposition that there should be some way in which the Minister can see reports. He should at least have some way of assessing them. Perhaps he could have a summary of the report to read quickly, and then if necessary go through the report in more detail. That is very important.

This week there was a television report on some of the New South Wales institutions. It was not clear from the report whether they are run solely by the Government. Obviously some of them are run privately, but apparently they are licensed by the Government. One of the centres was in a disgraceful condition, and that is bad. It had two-storey residences, which obviously are vulnerable to fire, and some of them were made of wood. When the fire-escape doors were tested they were found to be locked; no doubt for patient security. But if the fire-escape doors are locked, it literally means that there is no fire-escape, and residents will be trapped if there is a fire. That matter should be looked at, particularly in the Government institutions. Maintaining security and providing for the safety of residents creates a dilemma. If fire-escape exits are locked, they are not fire-escapes.

I have looked through the recommendations in the document entitled "Behaviour Management or Abuse?", and they seem to be positive. I am sure that the Government will incorporate the recommendations in its ongoing policy. The whole idea of people being locked up in solitary confinement should be stopped unless there is a physical conflict and the staff must do something temporarily. Solitary

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confinement should not be used as a form of controlling people, because it may create an attitude of fear within residents that they can be treated that way. That will not help them improve their conditions; in fact, it could contribute to other problems. The conditions and the atmosphere at these centres could cause even greater

deterioration. At some point it might be possible to move these people to centres that are supervised by staff to ensure that they are coping adequately.

The Call to Australia group is pleased that the investigation has been carried out and that this report has been presented to the Minister and to the Parliament. We are pleased that this emotive issue has not been exploited by the media. It is better to deal with these sorts of issues calmly and rationally. Obviously, guardians or relations of people in institutions are angry about what has happened. This anger has to be diffused, and I cannot think of anyone better to do that than the Minister for Community Services, Minister for Aged Services, and Minister for Disability Services.

The Hon. ELISABETH KIRKBY [11.41]: It goes without saying that the Australian Democrats are as appalled as the Minister for Community Services, Minister for Aged Services, and Minister for Disability Services, the Leader of the Opposition, and the Leader of the Call to Australia group about the revelations in the Lachlan report. Honourable members would be aware that I recently completed half of my Commonwealth Parliamentary Association study tour. I visited institutions in Great Britain - in England and in Scotland - where people with disabilities were being cared for. In the course of my work with the Standing Committee on Social Issues I also visited institutions under the control of the Minister, particularly institutions for young offenders and wards of the State. I am well aware that there are what has been described as time-out rooms, but I have never been in any institution, either in New South Wales or in Great Britain, where those rooms have not had windows. I have been in places where there has been no furniture and where the bed has been made of concrete.

I realise that staff in these institutions have great problems. They have to look after people with severe developmental disabilities who from time to time may become extremely violent, which makes them a danger to other people and to themselves. They become so hysterical that they start throwing themselves against walls and windows. In any normal room they could find a way in which to severely damage themselves and commit acts of extreme self-abuse. About three weeks ago when I was in Rochester, I was shown a time-out room in the women's prison, and it was considerably better than the time-out room I saw in Mulawa gaol when I visited that institution only a few months ago. In that room was a piece of clothing that I originally thought was a straitjacket. If it had been a straitjacket it would have been possible to put it on in the same way as a dressing gown. Patients could put their arms through the garment, and they could then be folded across the body and attached to it with velcro.

The purpose of the garment was to prevent people from being demeaned by being put in the isolation room naked. Information I have received in New South Wales suggests that from time to time people have been put in a time-out room naked. That is an absolute abuse of their humanity and their personal dignity. I was delighted to see in the report very strong recommendations about how such people should be treated and what should never be done to them. I refer in particular to page 36 of the report, which states:

Where should the line be drawn?

Any behaviour management practice that causes physical pain or serious discomfort (including physical or emotional stress) should be totally prohibited. This would include practices such as corporal punishment or physical abuse; the use of noxious smells, tastes and substances; sensory restrictions; electric shocks; cold sluices.

I hope that electric shocks have never been used in New South Wales, but I am well aware that cold sluices have been used. I also hope that corporal punishment is not used. It goes without saying that if these people are a danger to themselves and are in danger of breaking their limbs and physically damaging themselves they need to be restrained. Surely in this day and age this can be done by means of an injection given by a medical practitioner. Staff might say, "We are not doctors; we are not permitted to do so", but I cannot believe, regardless of how a facility is being run, that it is not possible to call for a medical practitioner to give a suitable injection within half an hour.

If an individual has to be put in what is described as a time-out room it should only be for a very short period. Regrettably, that is not what we find in the Lachlan report. It says there is evidence that some people who should have been looked after and not abused by the State are regularly being put in time-out rooms for long periods. I am sure that matter concerns the Minister just as much as it concerns me. I draw the attention of honourable members to page 27 of the report, which refers to behaviour management and states:

La Vigna and Donnelan note that in some cases intrusive practices are designed to manage assaultive and destructive behaviours, but do not have any effect as a behaviour reduction or behaviour change strategy. For example, the use of exclusionary time-out is most defensible when used as an emergency intervention where a person poses a significant risk to the safety of others.

That applies, of course, if the person poses a significant risk to himself or herself. These people are in the care of staff who are supposed to be skilled in the management of those with aggressive and challenging behaviour. I support the views expressed earlier by the Leader of the Opposition. If the Department of Community Services is to do its duty by these people there must be adequate funding. None of these services can operate without money. Regrettably, previous administrations of all political colours have always taken the soft option; they have always cut the budget of community services. We do not see the same budget cuts being so harshly applied to other departments.

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The Minister will have the greatest difficulty persuading his Cabinet colleagues to make available more money to ensure that those who have to be cared for in this way are cared for by people who are adequately trained and paid, and that adequate staff are available to carry out this work. This will be even more the case when the institutions are closed down and these people are placed within the community. That is their democratic right if their condition allows it, but they will need the assistance of community health workers and community mental health teams, and that support service will not be inexpensive. Every piece of information I obtained when I was in the United Kingdom made it crystal clear to me that the release of people from institutions into the community does not save money. In fact it probably costs the community more. That is money that the community will have to be prepared to find. I support the Minister in the stand he has taken in the House today and I wish him the very best of luck in obtaining the necessary money.

AUSTRALIAN LABOR PARTY ELECTION PROMISES

Debate resumed from 20 September.

The Hon. PATRICIA FORSYTHE [11.51]: It gives me great pleasure to speak to this motion, not because the motion is something that we collectively as members of Parliament can be proud of, but because it gives me the opportunity to say something about this Government, where it has been and where it is apparently going. It is a government that has had perhaps one second of sunshine but which is certainly not showing the signs of a government that hopes to have a long term. My colleague the Hon. J. F. Ryan, in the succinct manner that we have come to expect from him, has drawn together and encapsulated the feelings of western Sydney and, indeed, all of New South Wales in this motion, which goes to the heart of the way in which the community has been let down by the Government over its broken promises.

During these first two days of sitting since the key broken promise on the tollways for western Sydney, the faces of members opposite have revealed that they agree with the people of western Sydney and throughout New South Wales. As I listened to an answer from the Treasurer yesterday and looked at the faces of those behind him it occurred to me that I should give the Government backbenchers a little advice. I don't think any of them should go to the casino to play poker, because their faces said it all; they gave it away every time. They cannot hide their embarrassment, their concern and, I suggest, their disgust at the way in which the Government has let them down.

That sense of being let down has been well shared by a number of their colleagues. In recent weeks many of the newspapers have summed it up. An article in the *Daily Telegraph Mirror* of 1 September reads in part, "Sources said a number of MPs felt the tollway backflip had 'breached' an article of faith that the ALP looked after the people of western Sydney". On 4 September the *Sydney Morning Herald* reported:

But Mr Keating said the decision to retain the tolls was notorious. "It does get people's hopes up and then it dashes them and, I think this is a great pity because one needs the moral strength of public life, of commitments from the public to keep the whole thing going," he said.

This is not merely a motion that condemns the Government; the Government's breaking of these promises condemns us all as members of Parliament. The Prime Minister summed it up so well when he spoke about the moral strength of public life. Politicians cannot make promises during election campaigns, say what the Labor Party said, and then break their word and expect the community to have any regard for them in the future. Unfortunately it means that collectively we, as members of Parliament, are also damned by the Government's inaction and broken promises.

The Hon. R. T. M. Bull: We need truth in electioneering.

The Hon. PATRICIA FORSYTHE: I agree. If ever we needed proof of that, we have only to look at the actions of this Government in its first five months in office. It has come forward with a series of excuses, but the reality is that it made commitments to the people of New South Wales on many issues and has broken many of them. The motion focuses on the promise about the M4 and M5 tollways in particular because that was not just some nebulous commitment in broad terms. That was a specific promise about a tollway, about motorists stopping at the toll gates each day and paying their money. The toll gates are a physical presence and they will haunt Labor Party members for ever; they are concrete. The people of western Sydney will not let them forget the commitments that they made.

The motion deals also with the Government's broken promise on the Eastern Distributor, and I will have more to say about that later. I emphasise that the motion does not just condemn the Government because of its broken promises; it condemns Labor members for the way in which they have brought members of Parliament into further disregard in the community. The public will be unable to have faith in us as a collective group because of the Government's actions and broken promises. I will deal specifically with some of these promises and the way in which the Government has explained them

The promise about tollways is very specific, and in that way is different from many other promises. It was not just a general commitment to build a hospital here or to build a school there. It was not merely about adding to general community wellbeing in one area or another. From 1991 this Government, when in Opposition, consistently focused on specific commitments in the Parramatta and Penrith electorates; in 1994 in the Parramatta by-election, and in 1995 across western Sydney but specifically in Blue Mountains and Badgerys Creek. But it did not talk about the tolls in a broad sense. It did not talk about road facilities. It gave this promise and made it relevant to all individuals because it related to the spending, income and cost of living of individuals.

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I quote the Premier, then Leader of the Opposition, on 8 February this year when he said in the *Daily Telegraph Mirror* that Labor's plan to lift the tolls would help to improve the standard of living in western Sydney. He said also, and this is the specific point I want to make, if someone is trying to raise a family on an income of \$30,000, then 1,000 a year - which is what he said people would pay in toll fees - is a lot of money." This promise was a direct appeal to the people of western Sydney as to what the toll meant to them in individual terms. It was not about better roads, it was about how the individual would be affected by the toll. Indeed, the Minister for Consumer Affairs, and Minister for Women, when she was running for office in 1991, used this theme:

FAYE LO PO

Committed to Penrith

As you know the Greiner-Murray Government wants to charge you to use the Freeway.

From next year you will pay \$15 a week in Tolls - just to commute to the city. And by 1994 this will double.

She then goes on to talk about how the toll will impact on everything that affects the lives of the people who live in western Sydney, such as an increases in delivery costs. It was, as she defined it, about the individual and his or her pocket. It is not about saying to the people of western Sydney, "It is all right. We are now going to give you \$73 million. We are now going to upgrade your roads."

Pursuant to sessional orders business interrupted.

QUESTIONS WITHOUT NOTICE

MOTORWAY TOLLS

The Hon. J. P. HANNAFORD: My question without notice is directed to the Treasurer, Minister for Energy, Minister for State Development, Minister Assisting the Premier, and Vice-President of the Executive Council. Will the Minister advise what approaches he or his department have made to either the Federal Government or to the Australian Taxation Office to resolve taxation issues associated with the Government's promises to lift the toll on the M4 and the M5 motorways? If approaches were made by the State Government, what was the nature of such approaches and what were the results of such approaches? Does the Minister agree with the claims made by the Federal Labor Party member for Werriwa that the State Government did not in fact explore this matter through the Federal Treasurer's office and, therefore, in his words, had not done its job?

The Hon. M. R. EGAN: I am staggered that the Leader of the Opposition, who is also a lawyer, would suggest that the Government of New South Wales should somehow try to politically nobble the Australian Taxation Office. It is a perfidious suggestion and it is unworthy of the Leader of the Opposition. I reject the proposition and I resent it.

COMMUNITY SERVICES ADMINISTRATION

The Hon. E. M. OBEID: I direct my question without notice to the Minister for Community Services, Minister for Aged Services, and Minister for Disability Services. Will the Minister inform the House of his recent announcements relating to the community services grants program and ministerial advisory committee?

The Hon. R. D. DYER: I am happy to inform the House that the Carr Labor Government will deliver its promise to provide an additional \$10 million funding for the community services grants program in its first four-year term of government.

The Hon. D. J. Gay: Four years?

The Hon. R. D. DYER: Yes, four years. Settle back, because we will be here for four years and for many years beyond that. As honourable members would know, the community services grants program is a broad-ranging program providing financial support to services for minority populations, family support and child protection, adolescent support, community support for the well aged, and community development for disadvantaged groups and areas. The terms of reference of the Community Services Grants Program Advisory

Committee are to advise the director-general and the Minister on the development of a three-year strategic plan for the community services grants program to be completed within six months of the initial meeting of the committee; the monitoring, implementation and review of the three-year strategic plan; priorities for the broad allocation of resources within the program to ensure efficient and effective ways of delivering services within funding levels determined by the Government; policy and program planning, identifying the relative priorities of the various target groups, and the monitoring of policies and planning processes; information and consultation strategies to promote and improve access to the program; the relationship of the CSGP and other government programs with a view to maximising outcomes in the provision of services; and any other matter referred by the Minister or the director-general.

The Hon. Dr B. P. V. Pezzutti: Is this the only good news from your portfolio?

The Hon. R. D. DYER: I am full of good news, and if the honourable member possesses himself in patience I might deliver one or two other presentations during question time that will have the character of good news. I have recently announced the formation of a ministerial advisory committee chaired by Mr Greg Heys, recently elected Mayor of Newcastle, a member of Newcastle City Council since 1991, and former Manager of the Hunter Social Development Program.

The Hon. Patricia Forsythe: His predecessor was a fine man.

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The Hon. R. D. DYER: I am glad to hear the Hon. Patricia Forsythe attest that Mr Heys is a fine man. Mr Heys now lectures in the social work department of the University of Newcastle. Other members of the committee include Lewis Kaplan, Council on the Ageing; Julieanne Allen, Phoenix House Youth Service; Marion Gledhill, Family Support Services Association; Janette Cole, Child Protection Agency; Roy Bishop, Local Community Services Association; Ang Chong-Hean, Burnside Cabramatta Centre; Lynne George, Social Security Appeals Tribunal; James Leary, Broken Hill Council; Annabel Senior, Relationships Australia; Joy Ross, Older Women's Network; Tony Westmore, New South Wales Council of Social Service; and Lyn Gow, Joly Bojavine Proprietary Limited. As honourable members would recognise, such a group of people combines both considerable experience and expertise in the areas covered by the community services grants program. I look forward to working with this committee to benefit the people of New South Wales.

BUILDING INDUSTRY INDUSTRIAL CLAIMS

The Hon. J. P. HANNAFORD: My question without notice is directed to the Attorney General, and Minister for Industrial Relations. Is he aware of a submission from the Master Builders Association to the Premier on behalf of nine organisations in the building industry alleging that the current claims pushed by the unions in the building industry may conservatively be estimated to add 30 per cent to 35 per cent to costs in the non-residential sector of the construction industry? Does he agree with the assessment of increased costs for the building industry? If not, why not? What steps will he take to ensure that the industrial claims of the unions do not result in increased costs to the building industry?

The Hon. J. W. SHAW: I believe I have seen the submission to which the Leader of the Opposition refers. I have certainly seen a letter from the Master Builders Association expressing some concern about developments in the building industry. I have had discussions with Mr Elder of the MBA about that matter, and I have also had discussions with various representatives of building unions. I am concerned about developments in the building industry, although as the Leader of the Opposition would know, fundamentally the wages claims are as a result of a national claim and are occurring within the jurisdiction of the Australian Industrial Relations Commission. Nevertheless, this Government is monitoring the situation carefully.

The Government is concerned for the wellbeing of industrial relations in the building industry in New South Wales, and I am concerned to continue to monitor the situation, to talk to the parties and to do my

utmost to ensure that harmonious relationships prevail and that costs are not excessively increased. But we have to be realistic: this is a time when there is some wage movement in both the public sector and the private sector. It would be naive and, perhaps, lacking in knowledge not to expect some movement in wages in the building industry at present. But this House can be assured that the State Government will play a careful, but active, role in movements in the building industry so that the parties will feel they have had access to the relevant Government Ministers.

SECURITY FOR MEMBERS OF PARLIAMENT

The Hon. FRANCA ARENA: I ask the Treasurer, Minister for Energy, Minister for State Development, Minister Assisting the Premier, and Vice-President of the Executive Council a question without notice. I am sure that the Minister is as horrified as all other members that a bullet was fired at the house of one of our Ministers. Can the Minister inform the House what precautions the Government is taking to protect members of Parliament, especially in Parliament House, when people are able to enter the public gallery without passing through a metal detector?

The Hon. Dr B. P. V. Pezzutti: What about collars on dingoes?

The Hon. M. R. EGAN: That was a silly remark. The Hon. Dr B. P. V. Pezzutti is an intelligent member of this House. It does him no good to make inane interjections. Following the attack on the home of the Minister for Fisheries, the Minister for Police yesterday asked the Commissioner of Police to direct the Special Branch to examine the upgrading of security of all members of Parliament. This will include travel, security of motor vehicles, personal safety practices and measures for dealing with threats and suspected devices. The Minister for Police will also ask the Presiding Officers to expedite the Special Branch review of security arrangements at Parliament House.

The security measures to be assessed will be similar to those adopted in the Commonwealth Parliament, and will include greater control and security of visitors entering Parliament House, the X-raying of bags and articles carried by visitors, greater security of parcels mailed into Parliament House, and improvement to the type of identification worn by parliamentary members and their staff. I emphasise that the review is to assess those measures. The Hon. Franca Arena and I spoke about this matter earlier today because some members will be concerned that the Government does not go overboard, but acts in a responsible way. I have misgivings about going the way of the Federal Parliament - it has gone over the top with its security measures. Nevertheless, genuine security issues must be addressed, which the Special Branch in consultation with officers of the Parliament is currently undertaking.

Whilst most honourable members would agree that we should not place unnecessary restrictions on the movement of members of Parliament and their staff or members of the public visiting the Parliament or members in their offices, we must be very cautious

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and careful to ensure adequate security arrangements. Paramount in these investigations will be the preservation of the public's democratic right of access to the Parliament and its members. The Minister for Police will consult the Commissioner of Police on initiatives that might be examined in relation to the offices and homes of members. For obvious reasons, it is not possible to disclose the precise nature of those options. However, electronic surveillance devices, improved physical security and personal security will all be considered. As a reminder of the importance of security, the office of the Minister for Police will provide members with a copy of the Special Branch advice on suggested security and counter measures, which was produced following the murder of John Newman, MP. All honourable members are urged to familiarise themselves with the contents of that publication and to act in accordance with its instructions.

GREGORY WAYNE KABLE HIGH COURT APPEAL

The Hon. ELAINE NILE: I direct my question without notice to the Attorney General. Is it a fact that Gregory Wayne Kable has lodged an appeal to the High Court on the constitutionality of the Community Protection (Gregory Wayne Kable) Act that was designed to retain him in prison for six-monthly periods, although he has now been released? If this report is correct, who authorised it? Who is paying for this appeal? What could be the estimated total legal expenses for such an appeal to the High Court?

The Hon. J. W. SHAW: The answer to the first question is, yes, a challenge has been made by Mr Kable to the constitutionality of the relevant legislation. The High Court has granted special leave to appeal in that regard. The hearing is expected to be held early next year and the Government is represented by the Solicitor-General. I believe it is the case that Mr Kable has been granted funds from the Legal Aid Commission, which is assisting him in that case. However, I will check that and inform the honourable member accordingly. I do not have available to me any estimate of those costs, but I am reasonably confident that the case is funded by legal aid. Honourable members will appreciate that the Legal Aid Commission makes independent decisions about funding; that is, it is not subject to direction and control by me or the Government. The Legal Aid Commission made its decision to fund the case partly on the advice of Sir Maurice Byers who, apparently, advised that there were some prospects that the legislation might be found to be unconstitutional. I will provide further and better details to the honourable member as soon as they are available to me.

GOVERNMENT ACCOUNTING SYSTEM

The Hon. R. T. M. BULL: I address my question to the Treasurer, and Leader of the House. Will the Treasurer explain to the people of this State the innovative accounting system that is in place under this Government? How does the redeployment of 32 public relations officers in the Department of Agriculture to front-line services save the New South Wales taxpayers \$2 million? Will the Treasurer reiterate the promises he and the Premier made that there be no forced redundancies as a result of the forthcoming State Budget?

The Hon. M. R. EGAN: I am continually amazed at the Deputy Leader of the Opposition, having regard to his political experience. He has been a member of this Parliament for many years and a member of the National Party for at least 30 years. Even his childhood was immersed in politics. His father was Senator Bull, and we all know Senator Bull. The first time I worked at a polling booth was to try to defeat his father in 1964. This man has enormous political experience yet he seems to think there is nothing wrong with wasting millions of dollars on needless public relations activities to try to sell the previous Government to the people of country New South Wales. The Deputy Leader of the Opposition thinks that \$2 million is an appropriate amount to waste on PR activities.

For the last two years enormous sums of money were spent by the previous Government on public relations exercises to sell its 1993 and 1994 budgets. More than \$1 million was wasted on a PR company to help sell the previous Government's budget. I assure honourable members that I do not need that sort of assistance. I will not plunder the taxpayers profit on needless PR consultants. I am capable of selling the budget that I will be bringing down on 10 October and no public relations consultants will be involved. This Government has its priorities right. It will eliminate the waste and mismanagement that characterised the previous Government and will spend taxpayers dollars on the high priorities, on the real priorities.

GOVERNMENT ACCOUNTING SYSTEM

The Hon. R. T. M. BULL: I ask a supplementary question. Is the Treasurer aware that of the 62 people employed in the communications unit, only 18 were directly involved in public relations to disseminate information to farmers and that the other 44 employees were providing support for the department?

The Hon. M. R. EGAN: It is absolute nonsense. It was a propaganda unit to try to keep members opposite in government.

JUVENILE OFFENDERS

The Hon. I. M. MACDONALD: My question without notice is addressed to the Minister for Community Services, Minister for Aged Services, and Minister for Disability Services. In what forms of community reparation are juvenile offenders currently involved?

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The Hon. R. D. DYER: There are a number of community-based sentencing options which the courts can use to require young offenders to make restitution to the community. When juvenile offenders receive either a community service order, fine default order or an order requiring them to participate in the railway reparations scheme, they are required to undertake unpaid community work as reparation to the community. Over the past 12 months the Department of Juvenile Justice has negotiated viable placements which can significantly contribute to local communities. A significant focus of community service projects in 1994-95 has been projects of heritage and environmental significance. The Department of Juvenile Justice, with the assistance of local government authorities and community agencies, including the Smith Family, the Salvation Army and the St Vincent de Paul Society, has established a number of community placements to assist juvenile offenders to make reparation to the community.

The Hon. J. F. Ryan: On a point of order: the information being given by the Minister in his answer is obviously so old that it is probably out of last year's annual report. I suspect that the Minister is actually reading from that report. Perhaps he could table the document and get on with his answer.

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

The Hon. R. D. DYER: The information is hot off the press. This Government has been very active in cooperating with local government and private employers in creating additional work opportunities for young offenders. These projects enable young offenders to undertake a positive role in the community as partial reparation for their antisocial behaviour. They also promote positive interaction between young people and the community, promote a sense of civic responsibility amongst participants, and in many cases provide valuable work experience for young people. I shall give examples of the types of activities under way. Compared with responses by the Hon. Robert Webster given to questions when I was in Opposition, my information will be absolutely scintillating. Examples of innovative projects being undertaken by juvenile offenders as reparation to the community include the adopt-a-road program.

The Hon. J. H. Jobling: Are you going to adopt the M4?

The Hon. R. D. DYER: I am not going to talk about the bigger roads. I am going to talk about young offenders from the Newcastle area who are involved in this particular program with the Newcastle City Council. Five or six young people spend one day each week maintaining an area off the Maitland road removing litter and weeds and mowing overgrown grassy sections. A sessional supervisor employed by the Department of Juvenile Justice is on hand at all times, and the juveniles are provided with tuition in landscaping, soil maintenance and protection of native trees and shrubs.

Placements are made with the Lake Macquarie Bush Fire Brigade which offers young people a chance to experience community reparation in a structured team environment promoting self-reliance and use of initiative as well as a sense of being part of a team, with the interdependency that this carries. Placements such as these provide meaningful involvement for young people with real life challenges and a sense of achievement. At the Glenrock National Park juveniles are about to commence work with the National Parks and Wildlife Service. Their work is to assist rangers in the maintenance of picnic areas and walking tracks, restoration of sand dunes and clearing of lantana and bitou bush, which threaten the existence of native plants. In the Port Stephens area young people are about to assist in the restoration of a natural koala habitat following bushfires in 1994. At

Riding For The Disabled at Richmond Terrace young people assist volunteers who provide this vital service to children with disabilities. This placement encourages a sense of responsibility in young offenders who can assist young people with disabilities and witness the challenges these young people overcome every day.

The Hon. J. H. Jobling: What about the north coast?

The Hon. R. D. DYER: I now turn south to Albury, and the Deputy Leader of the Opposition in this House is delighted I am doing so. The Albury graffiti removal program has been very successful in lowering the instances of graffiti in that town. The local magistrate has ordered young people charged with graffiti offences the maximum of 100 hours community service. Word has circulated amongst the district's youth about the difficulty of removing or repainting damaged surfaces, and the number of instances of graffiti in Albury has dropped sharply. In the same general area is the Hume and Hovell walking track. Young people from the Riverina Juvenile Justice Centre are involved with the Department of Conservation and Land Management in the maintenance of this track, one of Australia's most spectacular and famous. Regular excursions are conducted to the area, near Tumbarumba, where the path is cleared, broken trees and other unwanted growth are removed, and bridges are built or restored. My final example is the Nepean River regeneration program. Juvenile offenders are involved in the foreshore restoration project. Whilst under supervision, the young people maintain a popular picnic area which has seen large numbers of young casuarina trees planted to restore the area to its natural state.

The PRESIDENT: Order! Conversation between members across the Chamber when questions are being answered is not acceptable.

The Hon. R. D. DYER: The Government is committed to the expansion of these types of programs or sentencing options because they do provide a meaningful alternative to detention which benefits both the community and young offenders and promote a sense of responsibility among young offenders for their actions.

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PAYROLL TAXATION

The Hon. D. J. GAY: I ask the Treasurer, Minister for Energy, Minister for State Development, Minister Assisting the Premier, and Vice-President of the Executive Council whether yesterday, in response to a question concerning payroll tax reductions from my colleague the Hon. Patricia Forsythe, he stated:

The Hon. Patricia Forsythe knows not only that no commitment was made for a reduction in payroll tax in New South Wales . . .

Furthermore, in response to my question yesterday did he not state that he had never promised to cut payroll tax by \$1 billion? I also ask whether on 9 April 1995 he stated in an interview with John Larkin:

We're going to hack into payroll tax as heavily as we can and as soon as we can . . . we want to get down to the Queensland payroll tax level very soon.

Would it not cost the Government \$1 billion to get down to Queensland's payroll tax level of 5 per cent? Has he not misled this House by stating that he never promised to reduce payroll tax? Did he not also mislead the House when he stated that he had never said that he wished to reduce the payroll tax level to that of Queensland, which equated to \$1 billion?

The Hon. M. R. EGAN: What a confused question! Of course it is the Government's aim to hack into business taxes as quickly as possible. As I have said on a number of occasions, this State is competing not only with other States but with other countries for the location of investment and business, and therefore jobs. I have always made it clear that the Government's first task is to repair the budget deficit, and then to give attention as soon as possible to tax reduction. That is the only commitment I have ever given, and I stand by that commitment.

PARLIAMENTARY SITTINGS

The Hon. A. G. CORBETT: I ask the Treasurer, Minister for Energy, Minister for State Development, Minister Assisting the Premier, and Vice-President of the Executive Council whether it is possible for the Parliament to sit for more days in the year to ensure that legislation can be fully and properly scrutinised by the public and its elected representatives?

The Hon. M. R. EGAN: I suppose it is possible for the House to sit 365 days a year -

The Hon. Elisabeth Kirkby: Christmas Day and Good Friday?

The Hon. M. R. EGAN: Well, 363 days a year. The responsibility of members of Parliament does not relate only to the deliberations of the Chamber. The Leader of the Opposition, having been a Minister, must be aware of the arduous duties imposed on Ministers in this House in conducting the affairs of their departments.

The Hon. J. P. Hannaford: You still have to be responsible to the House.

The Hon. M. R. EGAN: Certainly. However, I refer honourable members to my proposal to sit on the Friday of the last sitting week. I proposed a private members' day on the Friday, but on the Thursday night I was approached by virtually every member of the House, or at least their representatives, pleading that the House not sit on the Friday.

JURY FACILITIES

The Hon. JANELLE SAFFIN: I direct my question without notice to the Attorney General. Is the Government aware of problems jurors are facing in New South Wales courts and is it doing anything about them?

The Hon. J. W. SHAW: The Government is well aware that the amenities provided for people performing their civic duty as jurors are not always appropriate. One basic problem is that many courthouses were built last century and upgrading these historic facilities is not always easy and usually involves the expenditure of large sums of money in order to preserve their historic character. Nonetheless, I expect a report from a special jury task force by the end of the year. The task force is examining, among other things, facilities provided for jurors, such as access, payments and meals. I hope that following the report the Government will be able to make jury service, which should always be a rewarding experience, a far more pleasant duty to the community.

A recent case has brought this issue to the attention of the public. I regret that when the story was covered on Channel 10 I was not given the opportunity to comment on it. A Mr Brian Fleming was unable to fulfil his civic duty despite a clear and enthusiastic desire to do so, because of the lack of facilities at the Campbelltown Local Court. The court, which was built in 1992 by the former Government, allows access for people with disabilities in most of the court areas. However, access from the jury box to the deliberating room can be difficult for people who are physically disabled. I am sorry that Mr Fleming was unable to become a juror at the Campbelltown court. However, should he wish to perform jury duty he could be accommodated in other courts which have suitable access. The returning officer is available to help him and others who find themselves in a similar situation. I am also examining ways in which the Government can streamline the way in which jurors are summonsed, and ensure a better procedure of enforcing jury fines.

I am also examining the possibility of courts having the discretion to extend the period of jury deliberations in civil trials. Section 58 of the Jury Act provides for a majority verdict in civil proceedings if, after four hours of retiring, a jury is unable to agree on a verdict. If it has not reached a unanimous or majority

verdict after four hours the jury must be discharged. There is no such equivalent provision in criminal trials. However, I am prepared to consider the concept of majority verdicts in criminal trials.

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There is no concluded view on that issue but it should be put on the table for public debate, because there is a legitimate concern that too many criminal cases result in a jury being unable to make a decision. It must be seriously considered.

The Hon. J. P. Hannaford: You would get coalition support for that.

The Hon. J. W. SHAW: Another issue that needs consideration - and there may be bipartisan support on this matter also - is the concept of reserve jurors or standby jurors for long and difficult trials. In a criminal trial, which I will not name, the prosecution was concerned at the possibility of losing the jury, at great public expense. A Law Reform Commission recommendation of some years ago suggested the concept of reserve juries, and the Government will seriously consider that option in order to make the criminal justice system more efficient and more effective.

GOVERNMENT ACCOUNTING SYSTEM

The Hon. ELISABETH KIRKBY: My question without notice is addressed to the Treasurer and Leader of the House. In view of his reply to the Deputy Leader of the Opposition a few moments ago about the activities of the publications division of the Department of Agriculture, is he aware of the self-funding material which that division provides by way of "Agfacts", a publication that deals with all facets of agriculture including the use of herbicides, stock medicines, pesticides and conservation methods of farming? Is he also aware of a publication entitled "New South Wales Agriculture Today", which gives a great deal of detailed information to primary producers on all matters relating to their work, and particularly on the control of noxious weeds and the cure for dry land salinity? Will he assure the House that even though that department has now been cut to the bone, those valuable publications, for which primary producers pay, will continue and will not be stopped? If they did stop it would be a retrograde step.

The Hon. M. R. EGAN: I will be happy to refer the very detailed question of the honourable member to my colleague the Minister for Agriculture.

The PRESIDENT: Order! Honourable members are reminded that the purpose of questions without notice is to elicit information from Ministers of the Crown concerning the public administration of the State. Although it is customary for members to preface questions with a setting for their questions, such prefaces should be contained and not made a feature providing information that is otherwise publicly available.

STANDING COMMITTEE ON SOCIAL ISSUES

The Hon. Dr B. P. V. PEZZUTTI: My question is directed to the Hon. Ann Symonds, as Chairman of the Standing Committee on Social Issues. As a result of the investigations and findings of the Committee's recent report on youth violence, namely that gang violence was largely a beat-up by irresponsible politicians and the media, does she believe that the Premier -

The Hon. M. R. Egan: On a point of order: question time is for questions from members to Ministers. Under the traditions of the House chairmen of committees are entitled to have questions addressed to them but such questions relate to the proceedings of their committee - in other words, when reports will be tabled, and so on. I understand from the honourable member's question that he was dealing with substantive issues, and it is not appropriate that a member should direct such a question to a committee chairman.

The Hon. Dr Marlene Goldsmith: On the point of order: this issue arose under the previous Government when I was the chair of the Standing Committee on Social Issues and the then Opposition asked me a question

on a substantive issue relating to the committee's report. The question was ruled in order.

The Hon. M. R. Egan: Further to the point of order I point out that the report to which the question of the Hon. Dr B. P. V. Pezzutti refers has been tabled in the House and a debate on the report is set down on the business paper of the House.

The PRESIDENT: Order! The question relates to a report of the Standing Committee on Social Issues that has already been tabled and has been the subject of debate in the Chamber. Consequently, the question does not fall within the province of Standing Order 29 and I rule it out of order.

SECURITY GUARD SAFETY

The Hon. A. B. MANSON: My question is directed to the Attorney General, and Minister for Industrial Relations. Can the Minister advise the House what the Government is doing in response to the recent tragic shootings of security guards in the security industry?

The Hon. J. W. SHAW: As honourable members know, there have been a number of tragic incidents in the security industry concerning security guards recently. Indeed, there has been another incident in the past couple of weeks. There was a significant industrial dispute between the Transport Workers Union of Australia and Brambles and Armaguard in August this year, and legitimate safety concerns were raised in the context of that dispute. Obviously, much of the role of providing safety in this industry falls to the police and the enforcement of criminal law generally. Some of the safety issues raised by the union and by employers in the industry have industrial relations implications so the Department of Industrial Relations has taken an active interest in safety questions in the transport and delivery of cash and other valuables industry.

In my capacity as Minister for Industrial Relations I took the step of referring the safety questions to the Industrial Relations Commission of

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New South Wales for inquiry and report. In particular, on 18 August 1995 I referred certain questions to the Industrial Relations Commission, including questions as to the adequacy of Government regulation to occupational health and safety standards in the industry, the adequacy of industrial regulation of the industry in relation to all issues, the adequacy of training and licensing procedures for workers in the industry, the employment and recruitment procedures of employers, the safety practices and procedures in the industry, the adequacy of equipment used in the industry, including firearms, body protection and armoured vehicles, and the role of all parties, including clients, in enhancing safety in the industry.

I am pleased to report that the president of the commission has referred the matter to Mr Justice Peterson, who has called the matter on for mention and programmed hearing dates for October this year, extending into November. We have appointed a council to assist that inquiry. We have every confidence that the inquiry will find the appropriate facts and make appropriate recommendations that should enhance safety standards in the security industry and lead to a safer working environment for employees who are engaged in that activity.

WATER CHARGES

The Hon. D. F. MOPPETT: I direct my question without notice to the Treasurer, Minister for Energy, Minister for State Development, Minister Assisting the Premier, and Vice-President of the Executive Council. Will the Treasurer deny that he has stated on numerous occasions that the Carr Government would not increase any tax beyond the consumer price index? Does the Treasurer agree that the recent increase of \$1.35 per megalitre in water prices is an increased tax burden on water users in this State, given that the recent price increase represents an 80 per cent increase in water tax to some water users? Is this yet another broken promise by the Carr Government to rural New South Wales? Will the Government undertake a review of water charges to ensure that farmers will not suffer an increase greater than the consumer price index?

The Hon. M. R. EGAN: I am surprised that the Hon. D. F. Moppett asked such a question because he is one of the more intelligent members of the National Party in this House. I would have thought that he would be well aware of the need for the State to preserve that vital resource. Of course, that is the reason that the Government introduced its policy. As the lower House discovered yesterday, the previous National Party Minister, Mr George Souris, had recommended that course to his Government before the last election.

OCCUPATIONAL HEALTH AND SAFETY ACT REVIEW

The Hon. PATRICIA STAUNTON: My question without notice is directed to the Attorney General, and Minister for Industrial Relations. What is the Government doing to ensure that the penalties for serious breaches of the Occupational Health and Safety Act are an effective deterrent to employers who do not provide a safe workplace?

The Hon. J. W. SHAW: The Government is committed to ensuring that adequate penalties are available to the courts and to addressing breaches of the occupational health and safety legislation. I have, therefore, requested the WorkCover Authority of New South Wales to review health and safety penalties and to develop recommendations for consideration by Cabinet as a high priority. WorkCover is also undertaking an internal review of the Occupational Health and Safety Act to enhance the ability of the legislation to promote prevention and compliance objectives. The penalty review will also consider recommendations of the Federal Industry Commission inquiry into occupational health and safety. The draft report of that inquiry recommended increases in maximum occupational health and safety penalties to \$500,000 for corporations and \$100,000 for individuals. The final report of the Federal inquiry is due to be released in September this year.

The Government is also concerned to ensure that the penalties imposed by the courts act as an effective deterrent to employers who do not provide a healthy and safe workplace. Indeed, in our pre-election policy we made it clear that we were determined to ensure that adequate penalties are available to the courts for breaches of safety laws. That is why we have intervened in a number of cases to urge the courts to apply somewhat different principles in the setting of penalties and that is why WorkCover has lodged a number of appeals against penalties determined by single judges of the Industrial Court of New South Wales. Although the current maximum penalty available for safety breaches by a company under the Occupational Health and Safety Act is \$250,000, the highest penalty imposed to date is \$100,000. At the time when the maximum fine was \$100,000, the highest penalty awarded was \$80,000.

I give credit to the former Premier, Mr John Fahey, who increased these penalties appropriately on a number of occasions. Combined with the actions that I have outlined, this Parliament will have to reconsider the penalties in the same way as has been done in earlier years. I am sure all honourable members would agree that the prevention of accidents is a much better way forward than the payment of workers compensation after an accident has occurred. I am not suggesting for one minute that the only way to promote safety at work is to impose penalties. But that is part of the armoury of techniques that government can use to ensure that when employees in this State go to work they are faced with a safe working environment. A very important attribute of a civilised community is that employees should be able to feel safe and should be safe at work. We have to minimise the number of work accidents. WorkCover is working towards achieving that result.

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ENDANGERED SPECIES

The Hon. I. COHEN: My question without notice is directed to the Attorney General, and Minister for Industrial Relations, representing the Minister for Land and Water Conservation and the Minister for the Environment. What is this Government's policy on applying National Parks and Wildlife Service current prescriptions for fauna listed on schedule 12 of the National Parks and Wildlife Act to all logging operations? Is it acceptable for State Forests to log known localities of schedule 12 fauna without adopting the most recent

NPWS prescriptions? Is it normal practice for the Regulatory and Public Information Committee, or the RPIC, to issue approval to log in areas known to contain populations of rare and endangered species without first ensuring that identified populations of endangered plants are adequately protected and without ensuring that the section 120 licence of the NPWS includes the most recent conditions for endangered fauna? Who is responsible for actions by State Forests that endanger the habitat of rare and endangered species? What action will be taken to rectify this ongoing situation?

The Hon. J. W. SHAW: The honourable member has raised a series of quite technical and precise questions. In the interests of accurate information I should refer his questions to the relevant Minister for an appropriate response.

GRIFFIN THEATRE COMPANY

The Hon. J. M. SAMIOS: Is the Treasurer, Minister for Energy, Minister for State Development, Minister Assisting the Premier, and Vice-President of the Executive Council aware that the Griffin Theatre Company is the only theatre group to produce Australian works in New South Wales? Is the Minister also aware that that company is presently completing its seventeenth year of theatre productions and this year will be managing the Stables Theatre in celebration of its twenty-fifth year as one of Sydney's most important theatres? Will the Minister indicate what further support he will give to the Griffin Theatre Company to enable it to adequately promote and celebrate the twenty-fifth year of the Stables Theatre - one of Sydney's most important theatres?

The Hon. M. R. EGAN: I am happy to refer the honourable member's question to my colleague the Premier, Minister for the Arts, and Minister for Ethnic Affairs.

"LEARNING FROM THE PAST" REPORT

The Hon. Dr MEREDITH BURGMANN: Will the Minister for Community Services, Minister for Aged Services, and Minister for Disability Services inform the House what action has been taken in response to his release of the report entitled "Learning from the Past"?

The Hon. R. D. DYER: The question asked by the Hon. Dr Meredith Burgmann raises a matter of significance. Honourable members would be aware that the "Learning from the Past" report examines the present impacts of past welfare interventions on Aboriginal families' lives. It undertakes this examination from an Aboriginal perspective and in a manner that provides guidance for future policy and practice in this area. Although the report was completed in October 1994 the previous Government failed to release it to the public. That matter has been remedied by this Government. I am proud to be associated with the release of such an important and moving document. I am also proud to be associated with proposals to rebuild the relationship between the welfare system and Aboriginal families and communities.

As "Learning from the Past" points out, this task can be achieved only through a holistic approach to the interrelated issues involved. Those issues can be summarised as acknowledging the past, healing the past, breaking the cycle, providing culturally appropriate community services and working collaboratively with Aboriginal families and communities. Most of the recommendations on these issues relate to matters which should be dealt with by the Department of Community Services acting in conjunction with Aboriginal families and communities and other relevant agencies. The Department of Community Services has already commenced the process and will continue to examine concrete ways in which the report's recommendations can influence practice. However, there is a small but significant number of recommendations on matters that can only be dealt with effectively at the wider State and national levels. These are the recommendations that propose a formal apology for the effects of past welfare interventions and the development of a compensatory social justice package to address them.

Resolution of these issues is closely linked to a number of activities in which the Commonwealth Government is currently involved, including the inquiry of the Federal Human Rights and Equal Opportunity Commission into the separation of Aboriginal and Torres Strait Islander children from their families. As I indicated when I released the report, one of the most valuable contributions the New South Wales Government can make to a more effective partnership with the Aboriginal community is to provide practical assistance to the commission inquiry. This practical assistance, combined with the Premier's apology to the Aboriginal people of New South Wales, are clear indications of the strength of the commitment of the New South Wales Government to ensure that the mistakes of the past are not repeated.

FIREARMS USE

The Hon. J. S. TINGLE: Is the Attorney General, and Minister for Industrial Relations, representing the Minister for Police, aware of yesterday's court judgment relating to a fatal shooting at Mudgee in 1993? Does the Minister agree that there could be another person with culpability in this matter, to wit, the owner of the firearm who, by law, is not allowed to let an unlicensed person use it? Can the Minister say whether any other person will be charged in relation to this tragedy?

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The Hon. J. W. SHAW: I have been made aware of that decision. I think the honourable member would acknowledge that, fundamentally, it is for the police to determine whether any other person ought to be charged. I will raise that matter with the Minister for Police.

SCHOOL CHILDREN'S ACADEMIC RESULTS

The Hon. HELEN SHAM-HO: I refer the Attorney General, and Minister for Industrial Relations, representing the Minister for Education and Training, to a study reported in the *Sydney Morning Herald* on 4 September entitled "Poorer students less likely to do well". Is the Minister aware that students from ethnic and low socioeconomic backgrounds are twice as likely to fail year 12 subjects as their peers from other social groups, and students from a non-English speaking background are twice as likely to fail in English than students from an English speaking background? How does the Government intend to address this issue in our schools? Will the Government keep its election promise to employ more new teachers to achieve this end?

The Hon. J. W. SHAW: I appreciate the fact that the honourable member has raised these matters. They are certainly matters that warrant serious concern by educational authorities. As a parent in the educational system I have found that some of the Asian-born friends of my children are doing brilliantly at school, which is wonderful. It is wonderful to see friendships developing in our schools between children of different backgrounds. I am happy to refer this matter to the Minister for Education and Training so that he might further consider the matters raised by the honourable member.

STANDING COMMITTEE ON LAW AND JUSTICE

Reverend the Hon. F. J. NILE: Mr President, my question without notice is directed to you. Was the Standing Committee on Law and Justice established in May 1995 pursuant to a motion of this House? Is it a fact that selected staff who have been appointed to this committee cannot take up their duties because of financial restrictions? In view of remarks made in this House yesterday regarding the lack of adequate funding for Legislative Council standing committees, what arrangements have been made for the urgent employment of staff, particularly for the Standing Committee on Law and Justice, so that it can commence its important duties?

The PRESIDENT: Most honourable members would be aware that the Parliament is facing constraints in the forthcoming budget in line with Government policy on restraint in the public sector generally. What the

honourable member has said is correct in principle, but the administration of the Parliament is currently looking at ways and means of overcoming this difficult situation.

FORMER SERGEANT PINKERTON

The Hon. J. F. RYAN: Does the Attorney General recall undertaking on 31 May to give me a full, detailed response to a question I asked about former Sergeant Bill Pinkerton and the matters he has been pursuing with the New South Wales Government with regard to compensation for false prosecution? Will the Minister inform me what progress has been made in answering that question and the letter I wrote about four months ago on the issue?

The Hon. J. W. SHAW: I must confess that I do not have a clear recollection of the particular case that the honourable member raises, but I undertake this afternoon to chase up the matter and to give him an expeditious response.

The Hon. M. R. EGAN: If honourable members have further questions, I suggest they put them on notice.

NATURAL RESOURCE AUDIT COUNCIL

The Hon. M. R. EGAN: On 24 May the Hon. Dr B. P. V. Pezzutti asked me a question without notice regarding the Natural Resource Audit Council. The Premier has provided the following response:

On 24 July 1995 the Hon. K M Yeadon, MP, Minister for Land and Water Conservation announced the establishment of a new body, to be known as the Resource and Conservation Assessment Council (RACAC). The newly established Council will fall within the portfolio responsibilities of the Minister for Urban Affairs and Planning, and Minister for Housing, the Hon. C J Knowles, MP.

The RACAC will be chaired by Mr Gerry Gleeson, and includes a broad membership representative of all stakeholder groups including unions, industry, conservation groups, the scientific community, and relevant Government agencies.

RACAC will play a vital role in the Government's Forestry Reform package. The Council will be responsible for undertaking a nine month interim assessment of high conservation value old growth forests and will co-ordinate comprehensive regional assessments of forests to identify their conservation values. This work will lead to the establishment of a comprehensive reserve system in line with State and Federal government policy under the National Forest Policy Statement.

In addition the Council will complete an audit of the values of public lands and natural resources in the Upper North East of New South Wales previously undertaken by the Natural Resources Audit Council, and other general and specific projects funded by that Council.

The Government is committed to a holistic approach to the management of the State's natural resources, and the Council establishes further transparency and accountability in the forestry reform package.

HOMICIDE VICTIMS SUPPORT GROUP

The Hon. M. R. EGAN: On 24 May the Hon. Elaine Nile asked me a question without notice regarding the homicide victims support group. The Premier has provided the following response:

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On 6 December 1994, the former Government provided a one-off grant of \$20,000 to help establish a Victims Recovery Centre and support its first year of operation by the Homicide Victims' Support Group. The Centre will not be a counselling service. Rather, it will provide a retreat facility for members of the group to escape media attention and other excess pressures that may arise at critical times such as during criminal trials or on family occasions like Christmas.

The amount of \$20,000 was determined based on information concerning leasing, furnishing and service costs submitted by the Support Group. The \$20,000 was always intended to be a once-only grant to enable the Group to demonstrate the worth of the Centre and to attract sources of on-going funding. This was made clear to the Support Group at the time.

A condition of the grant was that the Attorney General was to evaluate the operation of the Centre during its first year. The Government intends to proceed with this agreed review and it is anticipated this will not occur before December 1995. This will allow the Centre to become fully functional prior to the evaluation. Accordingly, the Government is not yet in a position to assess whether or not it is necessary to review the allocation.

STUDENT TRAVEL CONCESSIONS

The Hon. M. R. EGAN: On 24 May the Hon. J. H. Jobling asked me a question without notice regarding student travel concessions. The Minister for Transport has provided the following response:

The Minister for Transport is aware of the current campaign by student associations to obtain travel concessions for full fee paying overseas students and I have received representations from them.

The Minister for Transport met with student representatives on 9 June 1995 to discuss this issue. The Minister for Transport advised the student representatives that full fee paying overseas students who apply for and pay for their studies in Australia are granted entry to study on the basis of a declaration they sign to the effect that they will be able to meet the costs of living in Australia. As such it is the policy of the NSW Government that full fee paying overseas students are not entitled to transport concessions.

The Minister for Transport was also advised that this year the Government Pricing Tribunal will be conducting a review of pricing policies of government agencies supplying public passenger transport services. The review will include travel concessions, and it is considered that this may be the appropriate forum for student associations to raise the issue.

M2 MOTORWAY CONTRACT

The Hon. M. R. EGAN: On 25 May the Hon. R. S. L. Jones asked me a question without notice regarding the M2 Motorway. The Premier has provided the following response:

There is no evidence to support any of the allegations of corruption on the part of the persons referred to in the question on the grounds stated by the Hon. R S L Jones. There is no evidence to support any request to the Independent Commission Against Corruption as proposed.

No challenge has been made to the process of the determination of environmental impact of this issue in the Land and Environment Court, notwithstanding the lengthy period of time which has lapsed since the environmental process was completed.

The Australian Securities Commission and the Australian Stock Exchange have, in acknowledgment of the unprecedented subject matter of the Prospectus, made it the subject of a detailed review. The Prospectus was prepared by the Macquarie Banking Group, one of Australia's leading Banking Groups, with the assistance of the prominent law firm Mallesons Stephen Jaques. The Manager of the Hills Motorway Trust is a member of the Macquarie Banking Group and signed the Prospectus. Macquarie Banking Group has indicated that it knows of no reason to review its judgment and stands by its role in the transaction.

The RTA denies that the Hills Motorway Consortium has been promised \$2 billion worth of RTA contracts following completion of the M2.

SURRY HILLS NORTH POLLING PLACE

The Hon. M. R. EGAN: On 25 May the Hon. P. F. O'Grady asked me a question without notice

regarding Surry Hills North polling place. The Premier, following consultation with the Electoral Commissioner, has provided the following response:

The Electoral Commissioner has advised that the supply of Legislative Assembly ballot papers became exhausted on one occasion on polling day at the 1995 General Election at the Surry Hills North polling place. Additional ballot papers were supplied to that polling place within 30 minutes.

The Commissioner also advises that the number of electors voting at this polling place increased from 513 in 1991 to 1274 in 1995. However, if instructions to Returning Officers and polling officials from the Electoral Commissioner to cover these situations had been followed, the position would not have arisen.

At the outset, it should be noted that the Electoral Commissioner is an independent officer and, accordingly, it would be inappropriate for the Government to give directions as to the manner in which he conducts polling at elections. Having said this, the Electoral Commissioner has advised that specific instructions are provided to Returning Officers and senior polling officials as to how to deal with the situation where the number of ballot papers are becoming exhausted at a polling place. This involves the polling official in charge of the booth contacting the Returning Officer and notifying him or her of the position so that additional supplies may be provided either by the Returning Officer or by the strategically deployed "runners" within the electorate. Polling officials and "runners" are provided with mobile phones to overcome this and other contingencies which may arise during the course of polling day.

Regrettably, it would appear that these instructions were not followed in the case of the Surry Hills North polling place. It might be noted that despite similar instances arising in some of the other nearly 3000 polling places in the State, these procedures remedied the situations as they arose.

WESTERN RAILWAY LINE

The Hon. M. R. EGAN: On 25 May the Hon. D. F. Moppett asked me a question without notice regarding the western railway line. The Minister for Transport has responded:

The Minister for Transport is aware of the completion of the standard gauge link between Melbourne and Adelaide and as part of the move to encourage use of the Main Western line, the Minister asked the Acting Chief Executive of the State Rail Authority to urgently progress negotiations with the National Rail Corporation on usage of the line.

This approach is already showing signs of success. On 29 May 1995, the Minister for Transport met with the Chairman and Managing Director of the National Rail Corporation where the future of the line was discussed.

As a result, National Rail assured the Minister that they will continue to use the line and that they have a continuing commercial interest in Sydney-Perth operations.

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The Managing Director, Mr Vince Graham, also indicated at the meeting that National Rail sees commercial advantage in using the line because it is the shortest distance from Sydney to Perth.

The Government is moving to implement its election undertaking to introduce a regular rail passenger service between Broken Hill and Sydney. Options for this service are currently being investigated.

DARLING HARBOUR BALL SPORTS COURTS

The Hon. M. R. EGAN: On 25 May the Hon. Elisabeth Kirkby asked me a question without notice regarding the Darling Harbour ball sports courts. The Minister for Public Works and Services has provided the following response:

The Government is extremely concerned about the need for the provision of adequate sporting facilities covering the West of the CBD and Pyrmont.

My colleague, the Minister for Public Works and Services, has asked the Darling Harbour Authority to work with the Sydney City Council, the City West Development Corporation, and the Department of Urban Affairs and Planning to look at alternate sites within the CBD for the sports facility if the Sega World proposal proceeds.

In relation to the existing sporting facilities at Darling Harbour, the Darling Harbour Authority signed a contract in July 1991 with Uras Holdings to build a theme park on that site.

At the time, Uras was unable to proceed with the development, but they had an option to develop the site at a later date.

The Government is therefore concerned that the Darling Harbour Authority has spent \$5 million on the development of sporting facilities on that site, when they knew it would be torn down if the developer exercised its option to build the theme park.

Minister Knight has referred this matter to the NSW Parliamentary Public Accounts Committee for their investigation into the circumstances surrounding the decision to construct the sports centre on this site.

The Department of Urban Affairs and Planning has been asked to give advice on the development application on the proposed Sega World to ensure it satisfies both departmental criteria as well as legal requirements.

WATERLOO INCINERATOR

The Hon. M. R. EGAN: On 30 May the Hon. R. S. L. Jones asked me a question without notice regarding the Waterloo incinerator. The Premier has provided the following response:

The stated Government policy is that the Waverley Woollahra incinerator will be phased out of operation. As alternative methods of managing the waste currently being disposed of through the incinerator need to be developed, an inquiry has been set up to consider such alternatives. A preference that wastes be recycled rather than disposed wherever this is practicable is the basis for the Government's decision to establish an Inquiry. The report of the Inquiry is due to be furnished in early December 1995.

It should be noted that representatives from both Waverley and Woollahra Councils have met with the Minister for the Environment and she advises that the Government position on this issue is clear to both councils.

The Minister for Health has been advised that while there is no clear evidence available as to whether the incinerator poses a long term health risk to residents in the area, NSW Health is currently undertaking a study that will enable it to more accurately assess the long term health risks posed by the incinerator.

PROSPECT WATER TREATMENT PLANT

The Hon. M. R. EGAN: On 31 May the Hon. R. S. L. Jones asked me a question without notice regarding the Prospect water treatment plant. The Minister for Urban Affairs and Planning has provided the following response:

The contract for the construction of the Prospect Water Treatment Plant was let to Australian Water Services, which is a consortium of major international and Australian companies such as Lend Lease, P&O as well as Lyonnaise des Eaux.

The construction is actually being undertaken by an Australian Company, Civil and Civic under contract to the Consortium.

Although there was never any suggestion of impropriety, this matter has been scrutinised by the Parliament under Standing Order 54. It has also been the subject of inquiry by ICAC, the Parliamentary Inquiry into the Water Board, the Auditor General as well as the Water Board's Internal Auditor.

WOMEN AND WORK UNIT

The Hon. M. R. EGAN: On 31 May the Hon. Patricia Forsythe asked me a question without notice regarding the women and work unit. The Premier has provided the following response:

A number of specialists responsible for policy and planning on specific women's issues already exist department with a large number of women's clients, such as the Department of Health and the TAFE Commission.

There is a Women's Education and Training Co-ordination Unit in the TAFE Commission, based at Granville TAFE. It currently provides advice to the Managing Director and the Management Executive of New South Wales TAFE on future directions in women's education and training policies and programs. The future reporting requirements of this unit will be considered in the context of the restructure of TAFE recently announced by the Government.

Within the Department of Health there is a Manager, Women's Health who has policy and planning responsibility for all women's health issues and services across the New South Wales. There is also a Manager, Breast and Cervical Screening Program, which is a designated "women's health" position. The NSW Cancer Council receives funding from the Department of Health for this position.

The Department for Women is the Government's primary policy adviser on public policy issues affecting women and it is already liaising with specialist women's units, such as the Women and Work Unit, to ensure that there is no unnecessary duplication of effort.

The Department for Women will continue to develop policy, including industrial relations policy, in collaboration with other agencies.

COBAR AIR SERVICES

The Hon. M. R. EGAN: On 31 May the Hon. D. F. Moppett asked me a question without notice regarding the Cobar air services. The Minister for Transport has provided the following response:

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There has been no curtailment of air services to Cobar. Two daily return services between Cobar and Dubbo, which connect with Sydney flights, operated Monday to Thursday. There is a third service on Friday and a single service on Sunday. Some 8,800 seats are being supplied in a market which has traditionally produced fewer than 4,000 passengers per year.

Cobar has had stable air services for a number of years which, until recently, were operated by a combination of Hazelton Airlines, stopping at Cobar en route to Broken Hill, and Air Link of Dubbo providing supplementary services.

In February 1995, in a bid to provide Broken Hill with more direct services, Hazelton relinquished its Cobar stopover and Air Link introduced a regular service with better schedules, connecting with Hazelton services at Dubbo.

This was seen as benefiting both Broken Hill and Cobar and was done in full consultation with both the Air Transport Council and Cobar Shire Council. Cobar is therefore now receiving a better level of air service than under the previous arrangements.

SYDNEY HARBOUR CROSSINGS TOLL

The Hon. M. R. EGAN: On 6 June the Leader of the Opposition asked me a question without notice regarding the Sydney Harbour bridge and tunnel toll. The Minister for Roads has provided the following response:

As indicated in the Legislative Assembly on 6 June 1995 by the Minister for Roads, the Government is not considering any such toll.

SYDNEY 2000 OLYMPICS TOBACCO SPONSORSHIP

The Hon. M. R. EGAN: On 6 June the Hon. Dr Marlene Goldsmith asked me a question without notice regarding the Sydney 2000 Olympics tobacco sponsorship. The Minister for Health has provided the following response:

Under the Commonwealth Tobacco Advertising Prohibition Act 1992 and the NSW Tobacco Advertising Prohibition Act 1991, tobacco sponsorship of the Sydney Olympics would only be possible if an exemption was granted by both the Commonwealth Minister for Health and the NSW Minister for Health.

There is no intention to grant an exemption for the Sydney 2000 Olympic Games.

PORT STEPHENS COUNCIL

The Hon. M. R. EGAN: On 7 June the Hon. R. S. L. Jones asked me a question without notice regarding Port Stephens Council. The Minister for Urban Affairs and Planning has provided the following response:

The Minister for Urban Affairs and Planning is not aware of the Ombudsman's preliminary findings regarding Council's handling of Boral Resources Ltd., application for sand extraction at Fullerton Cove, which the Minister for Urban Affairs and Planning understands are at this time confidential to the parties involved.

At its meeting of 13 June 1995, Port Stephens Council resolved to defer its consideration of the application pending receipt of the Ombudsman's report on this matter and a report on the ramifications of having a Commission of Inquiry for this development proposal.

In relation to appointing an environmental planning administrator to handle the development application by Boral Resources, currently before Port Stephens Council, the Minister for Urban Affairs and Planning will not be taking that option.

COMMONWEALTH BANK FARM DEBT POLICY

The Hon. M. R. EGAN: On 7 June Reverend the Hon. F. J. Nile asked me a question without notice regarding the Commonwealth Bank seeking to undermine the objectives of farm debt mediation. The Premier has provided the following response:

In response to instances in which farmers were being denied mediation by banks, the Government when in Opposition introduced a Farm Debt Mediation Bill, which despite the then Government's opposition, became law. The Act enshrines the right of mediation for farmers.

The NSW Rural Assistance Authority, the administering authority for the Farm Debt Mediation Act, is aware of a small number of instances in which the Commonwealth Banking Corporation's approach to matters under the Act has caused concern among some farmers.

Information provided by the Rural Assistance Authority is that:

- No attempts are being made to waive the mediation option for new clients or existing clients whose affairs are in order.
- Letters have been sent to farmers who are in arrears which contain a number of conditions to be met by farmers in return for renewed financial support from the Bank.
- One of the conditions has been that the farmer assist the Bank in obtaining a Section 11 certificate under the Farm Debt Mediation Act which states that the Act no longer applies to the particular farm mortgage.
- The farmer is being advised by the Bank of the availability of mediation under the Farm Debt mediation Act, with advice to obtain

further explanation of the Act, if necessary, from the farmer's solicitor or a rural counsellor.

- The farmer has the option of pursuing mediation in respect of his existing loan agreement, or obtaining renewed funding in return for waiving the right to revisit at a later date the original matter in dispute.

- Therefore it does not appear that the Commonwealth Bank is attempting to prevent farmers from exercising their right to mediation under the Act.

Before any change to the legislation can be contemplated, evidence would need to exist that there are clear problems to be addressed.

GLADESVILLE HOUSING DEVELOPMENT

The Hon. M. R. EGAN: On 7 June the Hon. Elisabeth Kirkby asked me a question without notice regarding the Gladesville housing development. The Minister for Urban Affairs and Planning has provided the following response:

The Minister for Urban Affairs and Planning is aware that concept plans for the development comprising apartments and 'integrated housing' have been submitted to Hunters Hill Council, as the Department of Urban Affairs and Planning was notified by letter, dated 8 June 1995. The Minister is unaware that the estimated development costs are, as the Honourable Member advises, in the order of \$200 million.

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Furthermore, the Minister understands that the number of dwellings that could potentially be accommodated on the 13.7 hectare Riverglades site is 500 medium density dwellings. However, he is unaware of the company's proposed marketing plan or expected sale prices of the dwellings.

The sale of the subject site was negotiated by the former Government. Tenders were called for sale in May 1995 and closed in September 1994. Of the 15 tenders received, 12 were from offshore investors. In October 1994 the Minister for Health, the Minister for Conservation and Land Management, and the Minister for Planning and Minister for Housing, accepted the tender and contracts were exchanged in late October 1994.

The rezoning of the site to permit the development and preparation of the development control plan for the site was accompanied by extensive public consultation, and is consistent with prevailing zonings and styles of residential development in the Hunter's Hill Local Government Area. As the land is in private ownership, the owners are entitled to develop the site in any manner which they perceive as providing the best market potential, whilst conforming with Council's planning controls.

AUSTRALIA AS A REPUBLIC - CIVIC EDUCATION PROGRAM

The Hon. M. R. EGAN: On 8 June the Deputy Leader of the Opposition asked me a question without notice regarding the civic education program. The Minister for Education and Training has provided the following response:

The 1995-96 Commonwealth Budget allocated \$25m, over four years, for civics and citizenship education. The main components for schools are \$10.6m to assist the development of teaching materials and \$6.3m for professional development.

The Curriculum Corporation will handle the development of educational materials including the Australian constitution and the republican debate and report these to the Ministerial Council on Education, Employment, Training and Youth Affairs (MCEETYA). NSW will be involved in consultation about these materials.

NSW will receive a portion of the professional development funds during the 1996-9 period to assist teachers in implementing a state program in civics education.

Currently the Board of Studies is preparing a proposal to strengthen the place of civics in NSW syllabuses.

PUBLIC TRANSPORT FARES

The Hon. M. R. EGAN: On 8 June the Hon. D. J. Gay asked me a question without notice regarding public transport fares. The Minister for Transport has provided the following response:

The Government pricing tribunal is an independent body, and in line with its statutory obligations, determines the maximum prices which a declared Government monopoly services such as City Rail can charge. The tribunal determined that off-peak (return) rail fares for distance bands beyond 169 kilometres, including the 209 and 250 kilometre bands, will increase by \$1 from \$17 to \$18. This represents an increase of only 5.88% which is well below the figure quoted in the question from the Honourable Member.

The Government has accepted the tribunal's determination and will continue to fully support the independence of the tribunal.

SYDNEY (KINGSFORD-SMITH) AIRPORT EXPANSION PROPOSAL

The Hon. M. R. EGAN: On 8 June the Hon. I. Cohen asked me a question without notice regarding the expansion of Sydney (Kingsford-Smith) Airport. The Federal Minister for Transport, the Hon. Laurie Brereton, has provided the following response:

The Sydney Morning Herald of 8 June 1995 carried a report of a secret \$500 million plan for the expansion of Sydney airport. Planning for Sydney Airport is, and always has been, public and there is no secret plan for the expansion of the airport.

Airport developments are undertaken in accordance with the 'Sydney Airport Planning Strategy' which was first published in 1990. Public comment was then sought, through a consultative process, and a supplementary planning strategy was issued in 1993. This outlines possible planned phased development over the period to the year 2010.

The current development proposals at the airport are consistent with phase two of the Sydney Airport Planning Strategy, which is a public document. The Planning Strategy exist to guide the development of the airport.

Clearly capital works at the airport will be required to meet the growing demand for air travel. In particular the FAC has given undertakings to the NSW Government that the airport will be able to accommodate the needs of the year 2000 Olympics. The ongoing development of Sydney Airport is fully consistent with the Federal Government's plans for the development of Sydney West Airport. To date some \$980 million has been committed for the development of Sydney West Airport and associated transport infrastructure to ensure that the airport is operational in time for the 2000 Olympics.

REGIONAL DEVELOPMENT

The Hon. M. R. EGAN: On 8 June the Hon. Jennifer Gardiner asked me a question without notice regarding regional development. The Minister for Small Business and Regional Development has provided the following response:

In line with Government's policy, the responsibility for the administration of funding to the Business Enterprise Centres (BECs) has been transferred from the Department of Training and Education Co-ordination to the Department of Business and Regional Development (B&RD).

The BECs are a partnership between the State Government, the private sector and community groups in the provision of advice and assistance to existing and potential small business owners and operators. The services provided by BECs complement those offered by B&RD's Office of Small Business and in some cases there is a perceived level of duplication. It is therefore important that the BECs' role in assisting the small business sector be examined in order to assess the best way to integrate them into the overall service delivery mechanism.

The transfer of the BECs provides an excellent opportunity to examine the range of government funded services to the small business sector. The Minister for Small Business and Regional Development has approved B&RD undertaking a review of all such services including the BECs. The anticipated outcome is a state wide strategic plan for the delivery of services to the small business sector. The BECs will undoubtedly play an integral part in the provision of such services.

With respect to the question of when a "total State development vision" will be available. The NSW Government is committed to achieving a more balanced spread of economic activity across the State. The

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Government recognises that if it is to achieve this end, regional development must be an inclusive process based on "bottom-up" community leadership, commitment and innovation.

For any regional development approach to be effective it is essential that communities take an active role in determining priorities and that Government take these into account when determining policies.

A major step in implementing this approach will be the conducting of a series of Regional Development Summits, hosted by the Minister for Small Business and Regional Development, over the next 12 months or so. These Summits will focus attention on the impact of international, national and State economic trends on regions and how local strategies can mobilise resources from the community, private sector and public sector to respond to needs and take up business opportunities.

The end-product of the Summits will be a Government policy, which is based on a genuine Government partnership with the regions to create internationally competitive regional firms and robust local economies.

COASTAL LANDS ACQUISITION FUND

The Hon. M. R. EGAN: On 8 June the Hon. Elisabeth Kirkby asked me a question without notice regarding the Coastal Lands Acquisition Fund. The Minister for Urban Affairs and Planning has provided the following response:

The Government announced plans in "*Labor's Vision for the NSW Coast*" to boost funds for the acquisition of sensitive coastal lands and is presently investigating options for increased funding for the Coastal Lands Acquisition Fund.

TOBACCO FRANCHISE TAX

The Hon. R. D. DYER: On 30 May the Hon. Elaine Nile asked a question concerning tobacco franchise tax. I am advised by my colleague the Minister for Health, the Hon. Andrew Refshauge, that:

- Quit Smoking week was held between 28 May and 3 June 1995. The main focus of this week is World No Tobacco Day, an internal initiative organised by the World Health Organisation held on 31 May.
- On World No Tobacco Day this year, the New South Wales Health Department launched the New South Wales Tobacco and Health Strategy 1995-99. The strategy document cites research indicating that tobacco-related problems cost this State in the order of \$2.4 billion per year.
- While the strategy lists a range of activities that can be undertaken to prevent people, especially young people, from taking up smoking, it acknowledges the importance of services offered for existing smokers who want to quit. Nicotine replacement, counselling and peer support programs have been utilised by people to give up smoking.
- The introduction of nicotine impregnated skin patches, that continually deliver controlled doses of nicotine through the skin, is a new option for smokers attempting to give up smoking.
- These patches have been demonstrated in limited trials to be effective in helping some people quit.

- The New South Wales Health Department has advised that the cost of these patches has been an issue, with some people who would otherwise use them claiming that they are too expensive. At one Sydney pharmacy, a week's supply of nicotine patches costs around \$45 for the high strength patches and \$38 for the lower strength patches. Though this may be compared favourably with the \$42 a week required to buy a packet of cigarettes a day, there have been calls for the nicotine patches to be subsidised through the Commonwealth Pharmaceutical Benefits Scheme.

- The issue of nicotine patches was discussed at the most recent meeting of the Ministerial Council on Drug Strategy, a council of the health and law enforcement Ministers from all Australian States and Territories and the Commonwealth Government. While smoking cessation programs and services are funded by State and Territory Governments, the decision as to whether nicotine patches are eligible for listing on the Pharmaceutical Benefits Scheme remains a Federal Government decision. I would refer the honourable member to the Federal Minister for Human Services and Health for further information about the Federal Government's actions in this area.

PORT MACQUARIE COMMUNITY HEALTH SERVICES

The Hon. R. D. DYER: On 1 June the Hon. Elisabeth Kirkby asked a question concerning community health services in Port Macquarie. I am advised by my colleague the Minister for Health, the Hon. Andrew Refshauge, that:

- An additional \$1 million in recurrent funding is being provided to upgrade community health services in Port Macquarie.
- A range of options were considered for the upgrade. These included refurbishment of the existing community health facilities, refurbishment of the Hastings District Hospital or the purchase of a new site and construction of a new facility.
- The Minister for Health has announced that the decision has been made to save and refurbish the site of the Hastings District Hospital to accommodate health facilities for the community.
- In addition, Macleay Hastings District Health Service will employ an additional 21 positions within community health services. The expanded public community services will be run from the site of the old Hastings District Hospital. Services which will be provided on the site include: community health nursing; aged care; child, adolescent and family health team; and administrative services.
- The decision to redevelop the Hastings District Hospital site offers the benefits of consolidating all services into a single building with room for future expansion. There is also good public transport to the site and good access and space for parking for service providers and users.

SWIMMING POOL SAFETY

The Hon. R. D. DYER: On 8 June the Hon. Dr B. P. V. Pezzutti asked a question about swimming pool drowning. The Minister for Health, the Hon. Andrew Refshauge, has advised that:

- The NSW Government's commitment to the prevention of drowning of children is documented in the recently released NSW Goals and Targets for Injury Prevention and Management. Water related injury is one of 16 injury cause areas for which goals and targets have been set. The NSW goal is to reduce death and disability resulting from water related injury. A specific target is the reduction of drownings and near drownings in 0-4 year olds by 50 per cent by the year 2000.

- The whole of Government approach to injury prevention and treatment is coordinated through the NSW Injury Lead Agency Forum. The NSW Health Department is the secretariat of the Forum and the Department of Sport and Recreation represents water related injury on the Forum.

- A 0-5 Age Group Drowning Conference will be held in Sydney on 29 September 1995. The conference will encourage the development of an inter-sectorial approach to preventing drowning in children in NSW. Its recommendations will assist with the implementation of appropriate policies and programs.

- The NSW Health Department is represented on the Conference Steering Committee, along with representatives from other key organisations such as the NSW Branch of the Royal Life Saving Society Australia; the Australian Institute of Environmental Health; the Ethnic Affairs Commission; Kidsafe; the National Water Safety Strategy; the NSW Department of Local Government; the NSW Department of School Education; the NSW Department of Sport and Recreation; the NSW Swimming Association; and the Swimming Pools and Spas Association.

COMMUNITY NURSING SERVICES

The Hon. R. D. DYER: On 19 September the Hon. Dr B. P. V. Pezzutti asked a question concerning the provision of domiciliary nursing services to veterans. The Minister for Health, the Hon. Andrew Refshauge, has advised that:

- Responsibility for the funding and provision of domiciliary nursing services for eligible Veterans rests with the Commonwealth.
- The Commonwealth Repatriation Commission has a long-standing policy that community nursing services should be provided by publicly funded community nursing services when possible.
- The Commonwealth supports public sector community nursing organisations because of their philosophy of promoting the optimum amount of independence for their clients and their focus on quality assurance and education.
- Occasionally, to assist the Commonwealth in meeting its responsibilities for the provision of domiciliary nursing services to Veterans, State health services, particularly in rural areas, have cooperated with the Department of Veterans' Affairs to improve access and maintain continuity of care where there is no other provider or where DVA has sought to prosecute a private provider for unethical practices.
- Most recent instances where this has occurred include the Port Macquarie and Tamworth areas.
- The Commonwealth Department of Veterans' Affairs has approached the NSW Health Department to discuss how it may progress its policy of referring new domiciliary nursing clients to the State public health system.
- Discussions on this matter are currently under way between officers of the NSW Health Department and the Department of Veterans' Affairs. These discussions are examining the feasibility of the transfer proposal being suggested by the Commonwealth.
- Negotiations are at a preliminary stage and details of the arrangement have not been finalised.
- It is expected that the focus of discussions will be on achieving an agreement which meets the need for Veterans to have continued access to an effective and appropriate domiciliary nursing care service.

The second part of the honourable member's question asked whether the service contract with the Commonwealth would involve giving veterans priority. The Minister for Health has advised that:

- Agreement on statewide service arrangements has not been reached and therefore this issue is not relevant.
- As with other arrangements the NSW Health Department has reached with the Department of Veterans' Affairs, access to health services will be based on clinical need.

GREYHOUND RACING INDUSTRY

The Hon. R. D. DYER: On 20 September the Deputy Leader of the Opposition asked a question concerning the Greyhound Racing Control Board. I have now been supplied with the following answer:

The Greyhound Racing Control Board, at no stage has advised the two metropolitan clubs to terminate contractual arrangements between them and Dr Humphries, the official veterinarian surgeon at Wentworth Park.

On September 13, 1995 the NSW Greyhound Breeders, Owners and Trainers Association advised that the Board's correspondence was discussed at a directors meeting held on September 7, 1995 and I am advised that the association will in the near future be calling for tenders for veterinary and other services at Wentworth Park. There has not been a formal response from the NSW National Coursing Association.

However, the Minister for Gaming and Racing indicated he had talks with the administration of the National Coursing Association recently and they were recommending the same position as the Greyhound Breeders' Owners and Trainers Association that tenders be called for veterinary surgeons at Wentworth Park.

Once again, the Hon. Richard Bull and his informant and friend, Ted Humphries are wrong.

The Hon. Richard Bull in his question further indicated the Minister for Gaming and Racing was not interested in hearing allegations relating to corruption in the racing industry.

Mr Bull's statement is scandalous to say the least. Quite the contrary, the Minister on every occasion has referred corruption or criminal allegations to the NSW Police Service.

The Minister for Gaming and Racing was left with three racing codes in absolute tatters by the actions of the previous Government, when it became so untenable the Greyhound Racing Control Board, by a board that was appointed by the Liberal/National Party, that it had to be dismissed.

People within the harness racing industry associated with the former Government nearly tore that industry apart which led to the ICAC inquiry and a police investigation and nothing was found, likewise, a further indictment referred to the police is that we now have Mr Temby, QC, with an entire review in the galloping industry, an inheritance from the former Liberal/National Party Government.

The Minister for Gaming and Racing contrary to not wanting to clear up corruption on each and every occasion has used the proper authority in this State for the detection of corruption and criminality, he used the NSW Police Service. However, the actions of Mr Bull and one of his staff in running around the State of NSW whipping up people to have an inquiry so it could become a star chamber for him and his disruptive friends.

Allegations made by these so called friends of Mr Bull were referred to the police and they have been unable to supply any evidence to date of corruption or criminality.

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The Hon. Richard Bull, likewise who alleges that he knows all about corruption has been unable to or unwilling to assist police in any way. In fact, I challenge him to come forward immediately instead of trying to destroy the greyhound industry.

The Hon. Richard Bull's staff no doubt aided and abetted by him have sought freedom of information on all the applicants for the recently appointed Greyhound Racing Control Board. One wonders what he will do with all these very decent peoples private and intimate details. I can assure him if he thinks he has endeared himself to the people that applied for appointment to the board he is very wrong. They are incensed by his actions.

What the Minister for Gaming and Racing did say that is true in the Hon. Richard Bull's question, that those who continue to make unfounded and unsubstantiated allegations will be considering for action for public mischief if they continue on the course that they are in this on going saga which appears to be led by the Hon. Richard Bull.

I sincerely hope that when the Hon. Richard Bull seeks to make further contributions on the racing industry that he does it in a

constructive manner rather than being destructive.

Questions without notice concluded.

[*The President left the chair at 1.03 p.m. The House resumed at 2.30 p.m.*]

AUSTRALIAN LABOR PARTY ELECTION PROMISES

Debate resumed from an earlier hour.

The Hon. PATRICIA FORSYTHE [2.32]: Prior to question time I was commenting about the particular nature of the broken promises in relation to the M4 and M5 tollways, promises that affected the people of western Sydney. The people of western Sydney took notice of those promises because they did not relate so much to roads in general but to the amount of money the citizens of western Sydney would have in their pocket day to day, week to week, year to year. On 33 separate occasions from 1991 the Labor Party stated that it would lift the toll. The Labor Party promised to put dollars in people's pockets. The promise was not about \$73 million of roadworks or about broad issues.

The Hon. D. F. Moppett: It is a discriminatory tax on the people of the western suburbs. The Labor Party let them down.

The Hon. PATRICIA FORSYTHE: They were let down because the commitment was given to them over and over again.

The Hon. D. F. Moppett: It is indelible.

The Hon. PATRICIA FORSYTHE: Indeed it is indelible. No-one could have missed the promise. One only has to look at newspaper clippings in the days following the announcement. The *Macarthur Chronicle* in its editorial clearly states "Trust broken". I do not think honourable members opposite could do other than notice the impact of that. I have about 20 separate newspaper articles from western Sydney published in the two days following the announcement. The announcement has hurt the people of western Sydney; they feel let down.

The Hon. D. F. Moppett: And it has done damage to our society.

The Hon. PATRICIA FORSYTHE: As I said this morning, it has done damage to our society because we all suffer. Following this broken promise the commitments made by members of Parliament in general will never be taken seriously. The promise was made too often by too many people across western Sydney. The people of western Sydney are not fools, but they were taken for fools by the Government. They were treated appallingly. Without a doubt the promise to lift tolls on the M4 and the M5 was one of the key factors in the Labor Party being elected to government, a government with under 50 per cent of the vote. The coalition parties gained 52 per cent of the vote. Who are the beneficiaries of such promises?

Michael Cameron in today's *Daily Telegraph Mirror* gives us a clue. In his discussion on the absence from the House of Mr Debus the other night he noted that it could be argued - and indeed I am - that Mr Debus was a direct beneficiary on election day of the promise to lift the tolls on the M4, which runs between Concord and Penrith. I believe he was a direct beneficiary, as was the honourable member for Badgerys Creek. That has not been lost on the people of western Sydney. As the Hon. J. F. Ryan said last night, the local government elections have made it abundantly clear what the people of western Sydney think of this broken promise. It is the reason honourable members are debating this most important motion today.

The Government deserves to be condemned for its broken promises. The M4 and the M5 will haunt the Government until 1999. It cannot worm and squirm its way out of it. However, the motion goes further. It highlights other broken promises. A specific promise was the Eastern Distributor. When that promise was broken there was a semantic debate about promises and commitments. Obviously it depends on who makes the promise. It is not necessarily a promise if an election candidate makes it; it depends on who has cleared the promise. There is uncertainty about where an election candidate has to clear a promise. I have a copy of a flier distributed by Susan Harben, a candidate for the seat of Bligh in the last State election. Beside her name is an Australian Labor Party logo. One presumes it was endorsed and one presumes it was cleared, but it says clearly "Eastern Distributor YES Tollway NO". It is also written in Italian, Spanish and Chinese just so that nobody misses it on the way through. It clearly says:

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If Labor is elected to Government on March 25 this year, the Eastern Distributor will be built TOLL-FREE.

Opposition leader Bob Carr has given me a commitment that a Labor Government will build the Eastern Distributor without a tollway.

Distributor Susan Harben gets better commitments in the future. I do not think anything could be much clearer than that. The flier does not talk about various tax concessions but about something for the future. The Eastern Distributor does not have to be checked off because it has not been built. In case honourable members missed the message on that flier, here is another one: "Eastern Distributor YES Tollway NO".

The Hon. D. F. Moppett: I think on election day she had a poster of it.

The Hon. PATRICIA FORSYTHE: There are a few more here. I think she might have had more than one poster. I have another one that states:

On March 25 you will decide on three important issues.

A vote for Susan Harben will mean our community wins on those issues.

2 LABOR WILL BUILD THE EASTERN DISTRIBUTOR TOLLFREE.

The Eastern Distributor will ease the traffic congestion. However, the Liberal's tollway will push cars back into your local streets and increase car pollution and noise. I will ensure there's no tollway and a better overall traffic plan that benefits residents.

It is pretty clear to me - and I can only interpret this flier as I have interpreted the others - that that is no more and no less than a broken promise, a promise given clearly to the people of Bligh and repeated in a press release distributed in Kings Cross at the same time, "WHY YOU SHOULD VOTE LABOR ON MARCH 25th". At the bottom it says, "On March 25 Vote 1 Susan Harben ALP Bligh. Authorised by Bruce Grant, 20 Flinders Street, Surry Hills." The document has an ALP logo at the top. One would assume that someone in the party looked at this document during the preparation process and saw that it had the authority of the Labor Party. It was not something the candidate said in the passing of the day. The words appear on at least three brochures. The Mayor of South Sydney, Vic Smith, erected a sign welcoming the commitment on the tollway. Honourable members have been aware for a long time of his views on the tollway.

The Hon. J. F. Ryan: And he is a member of the Labor Party.

The Hon. PATRICIA FORSYTHE: He is a member of the Labor Party. However Government members like to worm and squirm on this one, quite clearly they have broken the promises. The people of western Sydney were not the only people to be taken for fools. After reading these documents it is apparent that the Labor Party had a conspiracy across the electorates that it was out to win. Since the Labor Party has been in government for 150 days there have been 150 broken promises. It is tempting to read them all on to the record; Government members would then know what they have done to the people of western Sydney and New

South Wales. I particularly take offence at the arrogant way the promise was broken. I refer particularly to the attitude of the Minister for Roads. It is important that western Sydney has good roads.

The Hon. I. M. Macdonald: You would not know where western Sydney is.

The Hon. PATRICIA FORSYTHE: I do know where it is because I am the duty member for three of the electorates. Michael Knight, the Minister for Roads, suggested that he would rob from the rich to give to the poor and then divert funds from the north shore and the Manly-Warringah peninsula. In the *Manly Daily* he was kind enough to put Manly at the top of the list of electorates from which he intended to move funds. If he had ever visited Manly he would understand the long-term traffic solutions that are needed in that area. This Government has a narrow focus for New South Wales electorates. The coalition Government had a commitment for marginal and safe seats. If there was a need, the coalition Government did something about it. In its first five months this Government has set an appalling standard that it will regret at the next election.

Michael Knight was right when he said, "We got it wrong." The Government did not do its homework and it cannot blame the previous Government, its accountants or any other group. The Government made its promises time and again. It stands condemned not only for what it has done to the people of western Sydney but also for letting down the whole community. The question is not about rich people living on the north shore using the Eastern Distributor. What an extraordinary attitude for the Minister to adopt! The north shore is a major traffic transit route. Who is to say where the drivers come from? The people on the north shore do not travel each morning to the airport to go off on their business trips. That is the sort of absurdity we have come to expect from this Government.

The Hon. D. F. Moppett: Their new slogan is ask not for whom the road tolls; it tolls on thee.

The Hon. PATRICIA FORSYTHE: The honourable member should publish that slogan. The Government has already fiddled the 3 x 3 levy to get more money that will not be put back into roads. The Government is not committed to the people of New South Wales. It deserves to be condemned for breaking its promises and particularly for its treatment of the people of western Sydney -

The Hon. Franca Arena: They love us.

The Hon. PATRICIA FORSYTHE: They did not love you on local government election day. Government members should take note of the results in some council areas before making interjections of that type again. As my colleague the Hon. J. F. Ryan clearly said last night, the Government deserves to be condemned for the roads issue and for its treatment of the people of New South Wales. When everyone else

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was celebrating VP Day, Government members sneaked out to other places. My colleague the Hon. D. J. Gay and I were at Sydney Town Hall and noticed vacant chairs in the front row. We wondered who had not arrived at the function. Those seats were for some Ministers, one of whom was the Hon. Faye Lo Po', the member for Penrith. Obviously she was not there because she was out doing damage control in her electorate about the M4 broken promise that had been announced quietly.

The Hon. Franca Arena: She is one of the hardest working Ministers.

The Hon. PATRICIA FORSYTHE: I do not deny that. All I am saying is that she was scurrying around doing damage control because she was embarrassed by the Government's decision.

The Hon. Franca Arena: How do you know? You are only assuming that.

The Hon. PATRICIA FORSYTHE: She had clearly accepted an invitation to attend the function and she was not there. After reading Penrith newspapers for the two days following the announcement, she must have been in a particularly high degree of damage control. Her press secretaries would have been working overtime. I join my colleague in condemning the Government and I commend the motion to the House.

The Hon. M. R. EGAN (Treasurer, Minister for Energy, Minister for State Development, Minister Assisting the Premier, and Vice-President of the Executive Council) [2.47]: I do not intend taking up much of the time of the House with this nonsensical motion moved by the Hon. J. F. Ryan. The honourable member should realise that as one of the more energetic members of the Opposition benches -

The Hon. Franca Arena: And a nice one too.

The Hon. M. R. EGAN: And one of the nicest - time and again his colleagues will set him up with these silly stunts. It is the height of hypocrisy for the Opposition even to consider a motion of this type. Prior to the last election the Labor Opposition committed itself to abolishing the tolls on the M4 and M5 on the understanding that the cost of removing those tolls would be \$80 million or less. That costing was made public. Indeed, the previous Government concurred with that costing. Honourable members will remember the voluminous document that the coalition Government prepared which claimed, absurdly and dishonestly, that the election commitments of Labor would cost \$14 billion. No-one can say that the previous Government was underestimating the cost of the Labor Party's promises. If anything, the coalition Government was outrageously excessive in its estimates of those promises. When one reads that section of the previous Government's document dealing with the tollways, it is significant to note that it agreed with the Labor Party's assessment that the promise would cost something less than \$80 million. That figure was included in the previous Government's costing of the Labor Party's election promise.

The Hon. Patricia Forsythe: You had already made the promise; it did not matter what it cost.

The Hon. M. R. EGAN: Oh, it did not matter? The point I make is that the Labor Party made the commitment on the understanding that it would cost \$80 million and the coalition Government concurred with that costing. Only in retrospect do we understand why the Government of the day agreed that that promise would cost \$80 million. The previous Government was aware of the favoured tax treatment of the M4 and M5 road tolls but would not tell anyone. If the previous Government knew that fulfilment of the promise to buy out the contract or to pay a shadow toll to the tollway companies would cost \$80 million, and there was also the risk that a new administration would be up for a tax break, why did it not inform the public of New South Wales before the election? The coalition Government, privy to the deal, was not trying to underestimate the cost of the Opposition's promises before the election. On the contrary, it was doing everything it could to try to bolster the total cost of those promises. The coalition Government either had no knowledge of that information or deliberately deceived the people of New South Wales by keeping it secret.

It is the height of hypocrisy for the Opposition to tell the Labor Government that it should have known about that cost. Faced with that predicament, the Labor Government did what no previous coalition Government has done. We acknowledged our commitment to the people of western Sydney and said that it would cost, on our estimates, \$73 million. Unable to carry out the letter of the promise, we did what any decent Government should do but which no previous coalition Government has done - we honoured the spirit of the promise. We announced that an additional \$73 million will be spent annually on roads in the western suburbs. That will bring to \$146 million a year the amount this Government will spend on roads in Sydney's west, and that keeps faith with the people of western Sydney.

Yesterday I reminded the House of some of the commitments made by the previous Government in my own portfolio, Treasury. Some seven promises on taxation were not kept by the previous Government. The coalition Government promised to abolish stamp duty on first homes, but never delivered on it. What is more, it did not introduce a substitute to keep faith with the substance of its promise; it did nothing at all. The previous Government promised to abolish land tax on residential properties. It did not abolish that tax, and did not offer a substitute initiative to keep faith with its promise.

The Hon. J. F. Ryan: I think we did.

The Hon. M. R. EGAN: Did the Hon. J. F. Ryan say, "I think we did"? The honourable member should

advise the House what substitute promise the coalition Government made to make up for its failure to abolish stamp duty on first homes. What is the honourable member's answer?

The Hon. J. F. Ryan: I will tell you that when you tell me whether you are going to pay the additional money for four years or 20 years.

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The Hon. M. R. EGAN: Of course the honourable member is not going to tell me. They promised to abolish the payroll tax surcharge - but that promise was conveniently forgotten for seven years; and no substitute was offered to keep faith with the people. The coalition Government promised to reduce tax as a percentage of gross State product. That promise can be judged by the statistics: as a percentage of GSP, State taxation went up. The coalition also promised there would be no new taxes or tax increase - but the financial institutions duty and debits tax were doubled. Members of the Opposition are hypocrites when they start talking about broken promises. The current Government is unable to deliver to the letter the promise on the M4 and M5, but has done everything in its power to honour the spirit of that promise. That is the difference between a Labor Government which keeps faith with the people of New South Wales and a Liberal-National Party Government which made no effort to keep faith with the people of New South Wales.

The Hon. I. COHEN [2.56]: Both major parties have utterly missed the point on this issue, once again. Is it because they ignore the real needs of the people of this State, or because in the short periods between elections they can only think of guaranteeing their re-election, without grasping the real issues?

The Hon. D. F. Moppett: You are a dreamer.

The Hon. I. COHEN: There is room for dreams here. We need to get beyond the day-to-day mundanity of looking down the one-track highway of a lack of cohesion and community health, talking about freeways and tollways, and ignoring the health problems and the pollution they bring to western Sydney. Quite categorically, the Greens oppose the lifting of tolls on the M4 and M5. We have consistently argued the case against lifting tolls, under the basic United Nations sponsored polluter-pays principle. The policy of the Greens is to establish a public transport fund that will receive revenue from, among other sources, fuel taxes, parking fees, tolls and traffic infringement fines. Establishing such a direct tax connection would be an unequivocal acknowledgment by the Government that road use and public transport are inextricably linked. That point has been ignored completely in the tollway debate. Traffic in many areas of western Sydney regularly becomes almost gridlocked, but that problem is being ignored by both sides of Parliament. That is a tragedy. I turn to finance. We hear time and again from the Treasurer and members opposite of ways to save money - that magical financial solution to Sydney's ills. Expenditure of \$40 million - the cost of constructing one kilometre of freeway - would provide resources to implement most of the Sydney metropolitan bike plan by the 2000 Olympic Games, as well as bike networks in cities and towns throughout the State. Just \$30 million directed to the Sydney network would create 200 kilometres of high-quality bike routes.

The Hon. D. F. Moppett: All the farmers will be on bikes before long.

The Hon. I. COHEN: And they would do well on them. They would be able to enjoy improved health and recreation by using a reasonable form of transport; it might rid their systems of some of the pesticides they have been imbibing for generations under the coalition's policies.

The Hon. Franca Arena: What about bushwalking?

The Hon. I. COHEN: Absolutely. Just \$30 million directed to the Sydney network would create 200 kilometres of high-quality bike routes, not only for recreation but as a viable form of transport. Brian Langton of the Australian Labor Party said when Labor was in opposition that New South Wales has a fleet of around two million pushbikes, but they are underused due to a lack of basic cycling infrastructure.

The Hon. D. F. Moppett: You will have us all humping our blueys.

The Hon. I. COHEN: That might create a healthier society. Opposition members may not be aware of any other form of transport than aeroplanes and motor cars. But the pushbike, regardless of the honourable member's farming techniques and modes of transport, is still recognised as the most energy efficient piece of equipment in the world. Brian Langton also said:

Cyclists contribute to the community by keeping themselves healthy - and by using clean transport - they deserve a better deal.

All honourable members should consider that message from the transport minister. There has been talk of a tight budget. The Government could achieve cost-effective outcomes for the community and the environment by implementing its promises rather than supporting the car-oriented, Los Angeles style of development that is being promoted. The continued support for road building is at odds with Green policy. The disregard for social impact is a recognition of lack of concern for the disruption of the social framework. This penchant for the development of motorways and freeways is carving into communities throughout the State, and cutting into the social fabric.

[Interruption]

I will explain it to honourable members who obviously do not understand. In the past, people were able to walk from one side of their community to the other. When a freeway is built in the middle of a community, people have to travel by car to visit neighbours. They have no opportunity to go to small community stores and shopping centres other than by car. Therefore, those who do not drive are cut off from proper access to services, shopping centres, and medical services.

The Hon. J. F. Ryan: Have you ever tried to bring home the family shopping for four children on a pushbike?

The Hon. I. COHEN: It has been done before. If the shopping can be done at the local family store it is possible, but society has been designed to revolve

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around the motor car, to the extent that people cannot share the load. I would not expect the Hon. J. F. Ryan to understand, but that applies to many members of the community. Other options are available but, for the benefit of those who are only interested in being re-elected, they extend beyond the four-year term of responsibility. Those options are part of a process which includes future cost saving, the good health of individuals in the community, and the fabric of the community by considering an integrated system involving pushbikes and a properly integrated public transport system that demotes the motor car from its god-like status that is destroying the very society it is supposed to serve.

The Hon. Dr MARLENE GOLDSMITH [3.02]: The Government, in reneging on its promises regarding the M4 and M5 tollways, has betrayed the people of Sydney, especially those from western and south-western Sydney. That betrayal is part of the overall betrayal of the people of New South Wales. Labor lied its way into government and is now breaking the bulk of its election promises. In its first 100 days in power the Carr Labor Government broke 127 promises. That would have to be a record, even for a cynical Labor Government.

In July - before the Government reneged on its promise to lift motorway tolls - the Opposition produced a record of Labor's broken election promises, which highlighted its contempt for the community. Documents showed that families were already \$200 a year worse off under the Labor Government as a result of Bob Carr's increases in taxes and charges. Labor has clearly forgotten about the people of New South Wales. Never has a government displayed so much arrogance so early in its administration. The Carr Government was elected to deliver on the promises it made to the people of New South Wales. Those promises are now being abandoned, together with the people they were supposed to benefit. I would like to share with honourable members some comments made by Opposition members prior to the State election. In Bob Carr's election speech made on 14

March 1995 he said:

The tolls will be lifted on the M4 and M5 and F6. The M4 and M5 were promised as tollways not freeways.

In an article in the *Daily Telegraph Mirror* of 8 February Bob Carr is quoted as saying:

It is simply not fair to take \$1,000 a year off low-income earners when people elsewhere in Sydney travel on toll-free roads or have good alternative public transport.

How true. In the *Daily Telegraph Mirror* of 7 February Brian Langton said the tolls would be lifted a few weeks after the 25 March election. On 22 March Bob Carr released the KPMG Peat Marwick assessment of Labor's promises, which shows tolls on the M4 and M5 would be lifted from 1 July 1995. That was a betrayal and a deception of the people of New South Wales. Since then Labor has progressively tried to weasel out of its commitment until its final betrayal, when it said, "Sorry, we cannot do it." What a wimpish excuse it gave. The Government knew of the legal obligations beforehand; it simply made some cold-blooded calculated promises that it had no intention of keeping, purely in order to gain office.

On 9 August, in attempting to stem voter outcry over the broken tollways promise, the Minister for Roads, Michael Knight, told ABC radio that the Government would consider compensating the western suburbs in other ways. He said, "We morally owe the people in western Sydney something special." Michael Knight's reference to the word "moral" is even more cynical than the breaking of the tollway promise. The Premier subsequently welshed on that statement. When he was questioned later that day he backed away from the idea, saying "Let's talk about that when the time comes." According to a clear and cogent summary in the *Daily Telegraph Mirror*, the Opposition maintained that the Premier had forfeited his right to government over the policy backdown, and indeed he had.

Where were western Sydney Labor members of Parliament when their constituents were being betrayed? For the most part they were lying low, but lying is a way of life in the Carr Labor Government. For example, the members for the seats of Badgerys Creek and Blue Mountains, which have been identified as having been won by Labor as a result of the tollway promise, were saying nothing. Where was Diane Beamer? Where was Bob Debus? They were not willing to comment. So much for their commitment to their constituents, and so much for defending what had been promised. Faye Lo Po', the honourable member for Penrith, was one western Sydney member who was brave enough to speak out. On 10 August she said constituents regularly reminded her of the promise, which she remained hopeful the Government would keep. She said, "The Government is still looking at what can be done." She said the Government needs to keep a watching brief on the matter. We all know what that was worth.

The constituents of the Hon. Faye Lo Po' were also let down. Not long after that, the people of western Sydney became aware of what they got when they elected Labor members and a Labor Government. This is only the latest in a long series of betrayals of the people in greater western Sydney, which is arguably the most needy area, certainly the most neglected area, of our State. Let us look at health. Until the Greiner Government was elected, health services in the west were grossly deficient or non-existent. New hospitals, new facilities and better access to specialist services are some of the things that the Greiner and Fahey Governments brought to western Sydney. It is a scandal that Labor neglected this area for so long, as is evident from the health statistics for western Sydney. It is well known that life expectancy in western Sydney is substantially less than in the rest of New South Wales and Australia.

It is well known that the people of western Sydney run a greater risk of contracting heart disease and certain kinds of cancer. There is more reason to be concerned about health standards in that area than

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in other areas of the State. Western Sydney is particularly deserving of health services. Health services for that area should have been a priority for the previous Labor Government, but they were not. Indeed, we wait to see where health services will go under the present Government. Already, inner western Sydney has been betrayed by this Labor Government. The inner west was supposed to get a brand new, state-of-the-art hospital,

but that promise has been betrayed. There is a promise of some nebulous contribution elsewhere, but we will see what happens.

The Hon. Dr B. P. V. Pezzutti: Parking at the 100-year-old Canterbury Hospital is a joke!

The Hon. Dr MARLENE GOLDSMITH: Having been to Canterbury Hospital, I am doubtful that anything can be done to put bandages on that elderly and disastrous building. Transport and roads in western Sydney were neglected for far too long by a Labor Government. We built the M5 tollway and the M4 missing link. Before that, residents and travellers through that ever-expanding area had no reasonable road system. That was an outrage. Contrast that with the north shore, which has a great freeway system, on which you can travel a long way from the central business district in 20 minutes. The same applies in the eastern suburbs and in the south of Sydney. But it takes hours to get to the great heartland of Sydney - the heartland that the Labor Party purports to represent.

Even with the new tollway and the extension of the M4 missing link, there are still extensive traffic jams on western Sydney roads in peak hours. The needs of western Sydney have not yet been met. The new roads would not have been built if the Greiner Government had not been elected, because Labor does not care about the west. There have always been alternatives. When the M5 tollway was built Labor was good - through its local propagandists and local members of Parliament - at running scare campaigns about everyone having to pay tolls. The fact is that the road system that existed before the tollway was built is still there, so people still have all the choices that they had before the tolls were implemented, with the further choice of an additional fast-track tollway.

But Labor has never cared about the facts. It has never cared about the people of western and south-western Sydney. Labor has never had any compunction about running dishonest scare campaigns designed to achieve only one purpose: to upset people. Lately, we have heard some ridiculous things about Eastern Creek from the Labor Government. I am extremely disappointed that ridiculous assertions about the purported cost of Eastern Creek have been repeated fairly uncritically in much of the media. The cost of the infrastructure and surrounding contributions to development in the whole western Sydney region is included in the supposed costs for Eastern Creek. That is the fact, but unfortunately the media are not interested in facts, because scare headlines are more persuasive in getting people to buy newspapers and to watch or listen to the news.

I am proud of Eastern Creek. Honourable members should look at the facilities in eastern, southern and northern Sydney and compare them with the facilities in western Sydney. As the bulk of Sydney's population lives in the west, the facilities in that area should be the best and the most extensive, but that has not happened under a Labor Government. Labor has taken the people of western Sydney completely for granted. This Labor Government is not only doing that again; now it is betraying them. Eastern Creek is a tremendous local resource for the community of western Sydney and I stand by it proudly as something that that community deserves.

When the Government is looking for cheap headlines and thinking that it can get away with beating up the people of western Sydney, it should consider the cost of the Sydney Football Stadium. The stadium was supposed to be a major achievement of the Wran and Unsworth governments, but on a rainy day spectators there get totally soaked. The football stadium is an inefficient white elephant that cost the people of this State a fortune. We are still paying off the debt, but of course that is different; the stadium is not for western Sydney. That is the difference. The stadium is for Labor politicians who live in eastern Sydney. Education is another area that was grossly neglected under Labor. I am proud of the record of the Greiner Government, including the trail-blazing endeavours that it set in motion in schools. Of particular relevance to western Sydney are specialist high schools, selective high schools and centres of excellence. Before the Greiner Government provided them, the people in western Sydney did not have access to selective schools.

I have been told by people on the Labor side of politics, who are concerned about this, that the people in western Sydney were the great unwashed, and that Labor wanted them to stay that way. Labor was afraid that

if people in western Sydney got a decent education, a fair go and opportunities to advance, they would become too intelligent to vote for Labor. There is some logic in that argument. It is difficult for an intelligent, educated person to examine Labor's policies and performances and still vote for Labor. The people of western Sydney were betrayed by a Government that was supposed to provide for them. Labor mouthed platitudes about the opportunities that it was providing and about being a government of "social justice". That is another Labor lie.

We have heard that the Labor Government will do away with centres of excellence. One thing that the Standing Committee on Social Issues found during its tour of schools in New South Wales, and during its inquiry into youth violence, was that it means a great deal to schools in disadvantaged areas to receive the accolade "school of excellence". In schools in disadvantaged areas we found that the accolade of centre of excellence meant a great deal. Those schools had earned that accolade and were proud of it. It was a source of self-esteem and school spirit which was reflected in the atmosphere of the school and its achievements.

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If we keep telling young people that they are failures, that will become a self-fulfilling prophecy. But if we recognise their achievements, and those of their teachers and the school, that is much more likely to become a reality. We need to recognise the achievements of our schools, our students and our teachers, particularly in disadvantaged areas where young people may have very few other sources of self-esteem. It is about time that we stopped inflicting stereotypes of what is excellent. There is a range of forms of excellence - a factor that I am delighted to say was recognised by the previous Government. The previous Government broadened educational opportunities for more young people.

A single statistic shows the clear comparison between what the Greiner-Fahey Governments did for education and what the previous Labor Government did. In 1987, at the end of the term of the previous Labor Government, \$3,001 per student was being spent on education. By 1995, at the end of the Greiner-Fahey term of government, that figure was \$4,646 - a 50 per cent increase in seven years. It was a much-needed increase because education had been badly neglected. It had been neglected in particular in western Sydney. I could go on about that matter for some time, but I will do so on another occasion.

I will comment briefly on the provision of educational facilities in western Sydney. I am concerned at recent remarks made by some unthinking Labor members of Parliament that we should break up the University of Western Sydney. The University of Western Sydney is a beacon of opportunity for people in western Sydney. The people of greater western Sydney take enormous pride in that extraordinary institution. In a remarkably short time that institution has established a substantial reputation in a number of fields. Clearly, it is one of the major universities in this State. Unfortunately, some people seem to think that when a university gets to a certain size it should be broken up into parts. That is ridiculous!

I went to the University of Minnesota, a very large institution, which covered the whole State. Several of our institutions could fit quite comfortably within the University of Minnesota with a lot of student places left over. But no-one in Minnesota said, "Let's break up the University of Minnesota", because that university had an international reputation, as does the University of Western Sydney in some academic fields. The university is of significant importance to the people of western Sydney. I would fight strongly against its destruction. I am concerned about the attitude of members of the Labor Party to western Sydney. This attitude is reflected in their contemptuous treatment of western Sydney in regard to the toll issue. The Labor Party's treatment of western Sydney might rebound on the University of Western Sydney.

It might surprise some members on the Government benches that senior people in the Labor Party told me in private what had happened and why it took so long to establish the University of Western Sydney in the first place. It is an absolute scandal that that university was not established until the end of 1988. Until then, more than half the population in the largest region in New South Wales had no university at all. I am sure that the Hon. Franca Arena would be distressed to learn that in the past some Labor politicians fought against the establishment of the University of Western Sydney. They were afraid that, if there was a university in western

Sydney, people who had the opportunity to go to it might no longer vote for Labor.

The Hon. Franca Arena: I do not believe that.

The Hon. Dr MARLENE GOLDSMITH: That is what I was told by members of the Labor Party. The Federal Government openly chided Bob Carr for his broken tollway promise. The Federal Minister for Transport, Laurie Brereton, was so worried about the backlash against the Federal Government that he pleaded with the New South Wales Government not to break any more promises. The Prime Minister said that it threatened the public's faith in all government. Well, he should know. He said:

In a democracy, we draw our strength from the public and the public only, and so keeping the public's belief in the integrity of the system is important.

The Hon. J. F. Ryan: Amazing stuff!

The Hon. Dr MARLENE GOLDSMITH: As the Hon. J. F. Ryan has said, it is amazing stuff. We all know why the Prime Minister is worried about the lack of integrity in the New South Wales Labor Government. He knows that it will have a negative impact on Labor's chances of winning the approaching Federal election. But what about the people of western Sydney? What about their worries and their concerns? They were duped by this Government with its impressive promises. They had their hopes raised and they voted for this Government because of those raised hopes, only to have them dashed a few short months later.

The Hon. Dr B. P. V. Pezzutti: What did Laurie Brereton say?

The Hon. Dr MARLENE GOLDSMITH: I refer to the words of the Hon. Laurie Brereton in the Federal *Hansard* of 19 September where he said, "In a democracy we draw our strength from the public and the public only and so keeping the public's belief in the integrity of the system is important." I have heard those words before. He also said, "I think that with promises of this variety governments and oppositions need to know if they can be implemented." What a slap in the face for Laurie Brereton's Labor mates in New South Wales! But this Government has not been content with simply breaking one of its major election promises. It decided to rub salt into the wounds of the residents of western Sydney by announcing that next year the tolls would increase by 50¢ - from \$2 to \$2.50 on the M5, a 25 per cent increase, and from \$1.50 to \$2 on the M4, a 33 per cent increase. That just goes to show that the Government never intended to fulfil its promise. If it could not cost the promise into its

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budget, based on the current toll, it must have known that it could never hope to do it when the tollway companies were planning on this price hike.

The Government rubbed additional salt into the wounds of the residents of western Sydney by announcing in the same week as it announced the broken tollway promise that it had planned a Cabinet meeting in Lithgow and Government Ministers intended to pass through the M4 tollway without paying the toll. Obviously, Labor Ministers are too important to stop and contribute their \$1.50 to the tollway companies which they say they cannot afford to pay out. But the most amazing part of this story is yet to come. Premier Bob Carr, after breaking the promise that made him Premier, and after announcing that the tolls would not only not be abolished but would also be increased, had the incredible audacity to say that his Government was not arrogant. "No", he said, "we are not out of touch with the electorate."

The Hon. J. F. Ryan: Some of his members do not think that.

The Hon. Dr MARLENE GOLDSMITH: Indeed, some of his members do not think that. Last night in the dining room I saw some of his members having dinner, all huddled together as though undertaking defensive action. There is widespread feeling in the community that people do not matter to this Government, that it is using the early stages of its term of office to do all the unpopular things it wants to do, in the vain hope that people will forget about them in the next election. The Government underestimates the people of New South

Wales. The people of New South Wales will not forget that, in order to placate them about the M4 and M5 tollways, the Government has put in doubt major rebuilding of the Pacific Highway, which would have saved hundreds of lives every year.

The Hon. Dr B. P. V. Pezzutti: Thousands.

The Hon. Dr MARLENE GOLDSMITH: I note the comment of the Hon. Dr B. P. V. Pezzutti. He comes from the north coast and has a particular concern about that issue. The Government has tried to win back the good opinion of voters by saying, "Aren't we nice, we will not put a toll on the Pacific Highway", but it has not allocated enough money to make the highway safe for drivers. The upgrade of the Pacific Highway will have to be carried out, according to the NRMA, in a piecemeal and bandaid fashion. The NRMA also says that twice the amount allocated by this Government is required to make the road safe. The National Roads and Motorists Association, of course, has an interest and expertise in this area.

I am reminded of a poem by John Donne which speaks as much to us today as when it was written in the seventeenth century. "No man is an Island", says Donne. Indeed, we are all linked to each other. We, as members of Parliament, are accountable and people will judge us on our behaviour. The people of New South Wales will judge the Carr Government on this blatant betrayal, this scrapping of a promise that was never meant to be kept but intended only for one purpose, to deceive the people of greater western Sydney into voting Labor into office. A more recent pithy statement sums up the problem that Labor has created for itself: "You can fool some of the people all of the time; you can fool all of the people some of the time; but you cannot fool all of the people all of the time", and a great number of people in western Sydney are going to be very, very reluctant to be fooled again. With that thought in mind, I will conclude with the conclusion of Donne's poem: "Ask not for whom the bell tolls, it tolls for thee." And in western Sydney the funeral bell is tolling for Labor.

The Hon. J. F. RYAN [3.32], in reply: I thank honourable members for their contributions to this motion. Whilst I accept that the motion is in some way tinged with the bite of party politics, it nevertheless is vitally serious, so vitally serious that even the Prime Minister has seen the need to comment on some of the promises made by the Labor Party. The matter is serious because it goes to the heart of how the community views us as parliamentarians. They have a view that we should be telling the truth when we make promises, and too frequently we are treated to cynical exercises such as the one we were treated to during the last State election, particularly with regard to the M4 and M5 tolls.

My colleague the Hon. Patricia Forsythe made the point quite neatly about the importance of keeping promises and how that reflects on the community's views of members of Parliament. She also made the point well about the Labor Party's broken propose on the Eastern Distributor. During the election campaign the Labor Party candidate promised a toll-free Eastern Distributor, and the Government has now ditched that plan. We have been told that it will be a tollway. Then we had a spirited defence, though not a lengthy one, from the Leader of the Government in this House, who attempted to make a virtue of what Labor had done. He accused the former Government of not fulfilling election promises and he attempted to delve into ancient history to try to compare the performance of the Government with that of the former Government and the election commitments it made in 1988.

The honourable member is forever making a point about the growth of taxation in New South Wales, saying that we are the highest taxed State in the Commonwealth. That is true, but we were the highest taxed State before the Greiner Government came to office. The reason New South Wales is the highest taxed State in the country, and probably will continue to be in the foreseeable future, is that New South Wales has the good fortune to be asset rich. Most of the taxes in New South Wales are taxes on assets. Land taxes are levied on the value of an overall asset and, fortunately, property in New South Wales is worth a great deal, so one does not need to have a very high level of taxation in New South Wales to have a reasonably high rate of return.

I am proud to have been part of a government which, during its seven years in office, slowed the growth of

taxation in New South Wales to less than the rate of inflation. The rate of taxation in New South Wales slowed to at least or slightly less than the rate of inflation. We also achieved a slower growth of taxes than any other State in the Commonwealth. During the seven years the Greiner and Fahey governments were in office, taxes in New South Wales rose by 34.8 per cent. In every other State the combined average was 48.2 per cent. We promised the people of New South Wales before we came to office that we would offer lower taxes. We were assailed by cuts of a billion dollars a year from the Federal Government during the period we were in office and found that promise difficult to keep, but because we kept a tight check on government spending we were able to rein in the growth of taxation within New South Wales to keep it within the growth in the inflation rate

The Treasurer referred to promises that the former Government made about payroll taxes. I have no doubt that, in addition to not being able to keep his promises on the M4 and M4 tollways, the honourable member will not be able to keep the outrageous payroll tax promises that he and his leader made during the election, promises which he has, in the last two days during question time, tried to distance himself from and has, it is the view of members on this side of the House, misled the House in trying to deny that he made the promises at all. The Leader of this House needs only to turn to the *Sun Weekly* to find his leader's address to the Gosford Chamber of Commerce lunch in November 1993 when he promised that the Labor Government would attempt to achieve a progressive increase in the threshold for payroll tax over five years. He promised \$150,000 would be reduced from the threshold over the first two years and then \$100,000 per year for three years after that. I look forward to seeing whether the Treasurer fulfils that specific promise in his budget.

During the address that the honourable member gave in this House I attempted by way of interjection to question him on the veracity of his claim that the Labor Party was not able to fulfil the promise to lift the tolls on the M4 and M5 tollways, but had attempted to fulfil it in spirit by spending an additional \$70 million on roads in western Sydney. Whilst he was giving that address I asked him whether that applied for four years, which is the term of his Government, or whether it applied for 22 years, which is the term that the tolls will be imposed on the people of western Sydney. I have no doubt that he heard my interjection because I made it a number of times, but he did not answer. He ought to read the *Hansard* of a similar debate held in the other place and note the commitment that the Minister for Public Works and Services, Minister for the Olympics, and Minister for Roads made.

He committed the Labor Government to a \$70 million increase in spending in western Sydney for every year that the Carr Labor Government is in office. I accept that it is not much of a promise because we do not expect the Labor Government to be in office for very long, but I suspect that the Minister spoke out of turn when he made that promise. I do not think his Treasurer is prepared to make such a promise. In fact, I have no doubt that he is not prepared to do so. I look forward to finding out where the \$70 million that the Government claims it will spend on roads in western Sydney will come from.

The other leg of the promise made by the Labor Party during the election was that it would fund the promise to cut the tolls from consolidated revenue, from cuts it would make to Government expenditure in other places. The Minister for Transport, Brian Langton, told the people of New South Wales that funding for the promise on tollways would not come from the roads budget. I look forward to seeing whether that promise is fulfilled, or whether the Government will take money from country roads or roads from northern parts of Sydney and spend it in western Sydney. We in western Sydney look forward to improvements in our roads, but not at a cost to our fellow citizens in New South Wales.

I have probably taken longer to rebut the response made by the Treasurer than he took to give a limp-wristed response on behalf of the Government to this motion. I welcome the contribution made by our new colleague the Hon. I. Cohen. I support his view that we should not be abolishing tolls. It is environmentally irresponsible, and I said as much during my speech before he made his contribution. I would love to be able to ride my bicycle to work - all 61 kilometres from Camden to Sydney - but I suspect that I would not be able to do it too often. I also suspect that if I were able to achieve such a mammoth task I would be unable to get on the bike and ride home for 61 kilometres. However, I support the Hon. I. Cohen in his call for more extensive provision of bicycle lanes within New South Wales. No doubt it would be to the benefit of everybody's health and to the benefit of the community generally in transport terms.

But there are difficulties involved in not using cars. For example, shopping centres are difficult to get to without a car. Family life has changed forever and most families drive to shopping centres to do the family shopping. Once upon a time, when I was younger, my mother stayed at home and attended to such tasks every day. She spent her life attending to tasks such as shopping for our family, but women no longer stay at home to perform such tasks. They are part of the activities of the whole family. There is not sufficient time in the day to carry out tasks such as riding to the shop on bicycles to buy the groceries. Those comments aside, I share the desire of the Hon. I. Cohen for a greater recognition of and facilities for bicycle use within our community.

I also welcome the contribution of the Hon. Dr Marlene Goldsmith, who drew attention to the attitude of the Labor Party in western Sydney and strengthened the remarks I made by referring to the performance of the Labor Party in western Sydney in

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the local government elections on 9 September. I urge honourable members to support this motion. I suspect that if the Prime Minister had a vote in this House he would vote for this motion. The Hon. Paul Keating said, "I make the plea: no more broken promises. From here on it is imperative that the Carr Government spend all their time ensuring that there are no further broken promises." How true! I join with the Prime Minister in urging his Labor colleagues in New South Wales to fulfil the promises they made that brought them to office. I urge honourable members to support this motion. Unless honourable members believe that the Labor Party is about to fulfil its promises, their duty is to stand up for the people of New South Wales, to stand up for political integrity in New South Wales and to support the motion. I commend the motion to the House.

Question - That the motion be agreed to - put.

The House divided.

Ayes, 19

Mr Bull	Rev. Nile
Mrs Chadwick	Dr Pezzutti
Miss Gardiner	Mr Pickering
Mr Gay	Mr Ryan
Dr Goldsmith	Mr Samios
Mr Hannaford	Mr Smith
Miss Kirkby	Mr Tingle
Mr Moppett	<i>Tellers,</i>
Mr Mutch	Mrs Forsythe
Mrs Nile	Mrs Sham-Ho

Noes, 19

Mrs Arena	Mr Manson
Dr Burgmann	Mr Obeid
Mr Cohen	Mr O'Grady
Mr Dyer	Ms Saffin
Mr Egan	Ms Staunton
Mrs Isaksen	Mrs Symonds
Mr Johnson	Mr Vaughan
Mr Jones	<i>Tellers,</i>
Mr Kaldis	Ms Burnswoods
Mr Macdonald	Mr Corbett

Pair

Mr Jobling

Mr Shaw

The PRESIDENT: Order! There being 19 ayes and 19 noes I am in the situation of having to give my casting vote. The standing orders are silent on this matter. Therefore, I am constrained to resort to the advice of May's *Parliamentary Practice*, which states:

(1) that the [Chair] should always vote for further discussion . . . that, where no further discussion is possible, decisions should not be taken except by a majority.

Therefore, I give my casting vote with the noes and declare the question to have passed in the negative.

Motion negatived.

NUCLEAR TESTING

Debate resumed from 20 September.

The Hon. J. F. RYAN [3.56]: I support the motion moved by my colleague the Hon. Franca Arena. Before dealing with the specifics of the motion I should like to compliment you, Mr President, on the erudite manner in which you handled the last division: it upholds the best traditions of being a Liberal member. Members of the Liberal Party take great pride in upholding the traditions of our institutions. Agonising though it must have been for the President to vote against his party, it shows the best traditions of the holder of the office of President. As the mover of that motion, I also thank the House for its indulgence in allowing me to make that comment.

I took great pride travelling to Tahiti with my colleagues, who represented all political parties, in order to express the outrage of ordinary Australian men, women and children who were deeply concerned by the announcement of French President, Mr Jacques Chirac, that his Government would resume nuclear testing in the South Pacific. This matter has caught the attention of all Australians and has united us in our concern for the safety of our planet. The protest is not against the French people but against the proliferation of nuclear weapons and the arrogance of the French President in imposing the ugly spectre of nuclear testing in the beautiful South Pacific - an area miles away from the vast bulk of his electorate.

The community is deeply affected by the testing. One of the surprises of my participating in this exercise, with all its ups and downs, was the remarkable response of some members of the media who lampooned us for wanting to do our best for our country. We wanted to do our best to reflect the views of the community. I can choose no better words than those of my colleague Senator Tom Wheelwright, who said that he wanted to do the most he could as a politician to show his resistance to nuclear testing. We all wanted to do that. If time and financial resources had permitted, no doubt other members of this Parliament would have joined us to reflect the overwhelming view of the majority of people in this State and country of French nuclear testing.

It was wonderful to be involved in an exercise that captured the imagination of ordinary Australian men, women and children right across the political spectrum. Had we chosen to discuss politics on the plane as we travelled towards Tahiti, there was potential in the group for heated debate, given the wide variety of opinions held. But all that was put aside as we sought to do something we believed incredibly important. We were aware that the French President was determined to carry out his program of nuclear testing, and most of us knew in our heart of hearts that we would not be able to prevent the first of the blasts. Nevertheless, we joined with great pride as Australians and as members of the human race, in concert against the ugly nuclear phenomenon that has haunted the latter half of the twentieth century.

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Since the Second World War we have been faced with the spectre that we have the capacity to completely destroy life on this planet through misuse of nuclear weapons in warfare. I was assisted in my participation in

this endeavour by support from many people, mainly in the business community, who helped me with small donations towards the expenses of travelling to Tahiti. I accepted those donations not because I desperately needed them but because I knew that those people wanted to go but either their resources or business affairs prevented them from doing so. I accepted those contributions as a means of demonstrating to the media, which had lampooned the exercise so severely, that I was not going to Tahiti at taxpayers' expense in an attempt to escape my normal day-to-day responsibilities.

My trip to Tahiti reflected the overwhelming views of men, women and children throughout this country. A few weeks before our trip a demonstration was held in St Andrew's Square, close to Sydney Town Hall. The crush in the crowd was so great that at one stage I found it impossible to walk through it to join my colleagues in a different part of the square. That crowd was jammed in St Andrew's Square because so many people had turned up, at a reasonably inconvenient time of the day, to express their concern about the resumption of French nuclear testing. I found truly extraordinary the explanation given by Paul Ronciere, the French High Commissioner, of his country's position. His explanation was graciously given, and undoubtedly he is well chosen as a diplomat.

In colloquial terms, he was a very smooth operator. That gentleman could charm the buttons off our suit coats. He handled us smoothly and diplomatically. Nevertheless, during the hour or so we spent with him he made the startling revelation that Mururoa had been selected specifically because it was remote and few people lived in its vicinity. That statement was a clear admission that the testing was dangerous, that it should not be conducted near habitation, and that it may well have future repercussions for the environment. I was disappointed that he glossed over such a vital issue with his explanation but felt vindicated that he had admitted what we knew to be true. Nuclear testing is not being conducted in France or anywhere near the French President's palace, because it is dangerous, and is therefore being conducted in our backyard. His explanation pleased but also saddened me.

I was able to spend only a short time in Tahiti - I returned at the end of that weekend - but I noticed great apprehension in the Tahitian population about the imminent resumption of nuclear testing. Large numbers of Tahitian nationals were in the streets ready to demonstrate should a bomb have been detonated. The rioting that occurred after the first detonation came as no surprise to me. However, we would not want to condone or have any association with that outbreak of violence. As the Hon. Franca Arena said so eloquently, that outbreak was a response to the violence that had been done to the Tahitians by the French Government, and it was not surprising that there would be some violent response in return.

It was against all commonsense that percussion grenades should have been thrown into a group that included women and children on the tarmac at the airport and that the authorities should not have expected a violent response from the local population. Though that violence was in response to violence, we do not condone it. If in the future Tahiti asserts its independence, it will need all of its existing infrastructure and more - infrastructure that should not have been wantonly destroyed as a result of civil commotion. I support the motion. I am proud to have been involved in a unique event in Australian and world history, in which many politicians from many nations participated in making a resounding statement against nuclear testing and proliferation of nuclear weapons. However long my political career might be in New South Wales, and whatever office I might aspire to, what I did over that weekend in Tahiti will remain for me one of the most significant contributions I have made to the state of world affairs and the future of this planet. Of that I am deeply proud.

The Hon. I. COHEN [4.08]: I support the motion of the Hon. Franca Arena. I congratulate both the honourable member and the Hon. J. F. Ryan on putting the case so eloquently on such a vital issue in this day and age. I have appreciated and enjoyed their support from the very beginning, and in particular the support of the Hon. Franca Arena. The honourable member and I, on a parliamentary mission, met and talked with visiting South African politicians during a harbour cruise. They were inspired by their society changing from an apartheid system to a multicultural system. We in our turn were inspired to do something productive. We have enjoyed massive and unprecedented support across the board, from members of this Parliament, reflecting community support, from the street demonstrations mentioned by the Hon. J. F. Ryan, and from the Australian community speaking out in the international arena with one voice to condemn French nuclear testing.

Those efforts will support the people of the South Pacific in sustaining their quality of life so that their environment can potentially survive. They are living in a paradise, but the tragedy is that it is a paradise lost. It is important to note that people like me have been involved in the anti-nuclear movement for more than 15 years. A small group of people worked on this issue for many years during that long nuclear winter of lack of awareness. We were regarded as extremists. That was particularly so as we moved out of the Cold War years, when any outrage against nuclear testing and superpower armaments was met with derision and the criticism of being communist sympathisers. Even today there are vestiges of that derision. We are condemned for our so-called lopsided approach in criticising the French but not the Chinese. We clearly abhor nuclear testing on any area of the planet. It is indefensible in this day and age.

When these sorts of activities were not so popular members of the Peace Squadron, Paddlers for Peace, the Movement Against Uranium Mining, the

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Anti Bases Campaign and People for Nuclear Disarmament worked long and hard at the grassroots level to deliver the message of nuclear disarmament. I congratulate them. We were right at that time, and we have been proved right. We have received support from many people in the Australian community and, for that matter, the international community, and it has had a great effect. Whether or not we stop further detonations by the French, the world has spoken with clarity.

I went by boat into the 12-mile zone at Mururoa and was arrested by the French authorities. I saw the military overlay on Mururoa Atoll, the way the original people have been treated and the high-security military base on that wonderful tropical atoll controlled by the French mainland Parliament, against the wishes of the Tahitian people. The Tahitians have never been asked whether nuclear detonation in their territory is permissible. No referendum or proper democratic process has ever been held on the matter.

I am awaiting advice on mechanisms whereby this Parliament can send a delegation of lawyers, perhaps with French legal experience, to Mururoa. This Parliament and other Parliaments in Australia could call for a United Nations investigation to ascertain whether financial aid can be provided to assist the Tahitian people to break away from the French military presence. In Tahiti human rights are being abused and an intensive gerrymander makes it almost impossible for the indigenous people of French Polynesia to vote for independence and, therefore, an end to nuclear testing.

The French maintain a massive majority in the bureaucracy, and indigenous Polynesian people cannot get jobs. There is massive economic inequality. Beyond the advertised tropical delights of Tahiti and the wealth that exists in the French expatriate community, there are terrible slums, with Third-World living conditions. Polynesian people have no jobs. They have an average of two years education. They have no opportunity to participate in the process of running their own economy, their own society and their own lives. It was obvious to the parliamentary delegation that old-style colonialism lives in that part of the world, with Gaston Flosse heading a corrupt system that should be exposed to the world. I am proud that 35 parliamentarians from all political parties in Australia together with the international media travelled to Tahiti to focus on the issue.

Debate adjourned on motion by the Hon. I. Cohen.

[Pursuant to sessional orders business interrupted at 4.15 p.m. The House continued to sit.]

ADMISSION OF TREASURER INTO THE LEGISLATIVE ASSEMBLY

Consideration of Message

The Hon. M. R. EGAN: [4.17]: I move:

That this House agrees to the request of the Legislative Assembly in its Message dated 21 September 1995 for the Honourable M. R.

Egan, MLC, Treasurer, Minister for Energy, Minister for State Development, Minister Assisting the Premier, and Vice-President of the Executive Council to attend at the Table of the Legislative Assembly on Tuesday 10 October 1995 for the purposes only of giving a speech in relation to the New South Wales Budget 1995/96.

Honourable members will be aware that I am the first Treasurer from New South Wales to be a member of the upper House and, as I indicated when I announced the ministerial arrangement to the House on 2 May, I believe I am the first Treasurer from any upper House of any Westminster parliament. I said on that occasion that I am mindful of the honour that has been paid me and I hope to bring credit both to the office and to this House. I went on to say, and I wish to emphasise the point, that I acknowledge the supremacy of the lower House in many matters. It is for that reason that I believe it is appropriate that the Treasurer should attend the Legislative Assembly to speak to the 1995-96 budget.

As honourable members will be aware it is, of course, a matter for the Minister in the lower House to move the Appropriation Bill. The Legislative Assembly after some debate, I understand, has decided to invite me to attend the Legislative Assembly to speak to the 1995-96 budget - in other words, to deliver the Budget Speech. Should this House accede to that request, after delivering the Budget Speech to the lower House it is my intention to return to the Legislative Council where I shall move that the budget papers be noted. Of course that is a fairly recent innovation in this House.

Some honourable members will recall the days - I do - when the Appropriation Bill was not dealt with by this House until it had been dealt with by the lower House. That created a number of problems with the parliamentary timetable. It was an innovation of the Hon. Barrie Unsworth to move that the budget papers be noted so that budget debates could occur concurrently in both Houses. It is my intention that the same procedure be followed on this occasion. I understand that the Opposition will oppose my motion.

The Hon. R. T. M. Bull: We want you to stay here. You will get a lot more publicity if you stay.

The Hon. M. R. EGAN: That is not the point. The point is that the Treasurer is entitled to speak to the budget in the House where the bill is introduced. That is certainly how the lower House sees it, and I believe that that is how this House should see it. As I said, the Opposition will oppose my motion to agree to the request of the Legislative Assembly. The Opposition has suggested that the request is an insult to this House. That is an amazing twist because only yesterday in the lower House colleagues of the Leader of the Opposition said that it was an insult for the Legislative Assembly to invite me to its House. Opposition members are playing politics on this matter. I do not think that they have their heart in it; they are simply going through the motions.

It was also suggested in the lower House that I was trying to get back to that House. Having spent 5½ years in the lower House, having been a member

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there for two Parliaments, and having been a member of this House for three Parliaments, I am not only happy to remain a member of this House, I am determined to remain a member of this House. The lower House is a lovely place to visit but I would not want to live there. I intend to stay in this House. I ask honourable members to support my motion and agree to what I believe is a sensible request from the Legislative Assembly.

The Hon. J. P. HANNAFORD (Leader of the Opposition) [4.22]: I noted the comments of the Leader of the Government about his desire to stay here. Equally, I noted that those comments were not greeted with applause from his colleagues. Perhaps most of the arguments in the lower House about the reason that the Treasurer should not be received in that House were not so much about his office but about him personally. That might be a reflection on people's memories. The Treasurer is correct in assuming that we will move an amendment in this House. I move:

That the question be amended by the addition of the following paragraph:

That this House insists that the Treasurer deliver the speech on the New South Wales Budget 1995/96 in the Legislative Council

before he makes any speech in the Legislative Assembly in relation to the New South Wales Budget 1995/96.

There might be room to suggest that, as a result of the debate in the lower House about the Treasurer not being greeted with open arms, Opposition members in this place might be equally opposed to the motion. However, we take the view that if the lower House is foolish enough to request to have the Treasurer present there for whatever reason they might wish to have him present, that is the decision of the lower House. But this House is entitled to expect a Minister of this House to behave in relation to his portfolio duties as a Minister of this House and to be beholden to his duties as a member of this House. Like the Treasurer, I was reminded of his words when his appointment was announced. The Treasurer said:

I understand that I am the first Treasurer from the Legislative Council of New South Wales and, I understand also, the first Treasurer from any upper House of any Westminster Parliament. I am certainly mindful of the honour that has been given to me and I hope to bring credit both to the office and to the House. Of course I acknowledge the supremacy of the lower House in money matters.

I merely remind the House that the Treasurer said that he would bring honour to this House. The Treasurer is the Leader of the Government in this Chamber. He is the Treasurer, a Minister of this Chamber and a member of this Chamber. His duty to the people of the State is to act in those offices and to perform his duties as a member of this House. The Treasurer properly acknowledged, as does the motion - I remind the House that the motion states that the Treasurer is to be invited to the lower House "for the purposes only of giving a speech in relation to the New South Wales Budget 1995/96" - that there is nothing that he can formally do to perform duties in the lower House. A Minister in the lower House will introduce the budget bills and formally move the second reading motion in that House.

All that the Treasurer can do is speak to the budget. He demeans this House and the office that he holds in it if he is not prepared to perform his duties as a Minister by delivering his speech in this House. If he wishes to laud his position as Treasurer, he should perform his duties as Treasurer primarily in this House. I remind the House that the Treasurer has already given notice of a motion - it is on the business paper as motion No. 73 - that:

Contingent upon the Budget Estimates and related papers for the financial year 1995-96 being laid upon the Table of the House: That the House take note of the Budget Estimates and related papers for the financial year 1995-96.

There is no reason why the Treasurer, when the House resumes on 10 October to receive the budget, and in accordance with the notice that he has already given, cannot move his motion, present the budget to this House and then proceed to the other House and deliver an appropriate speech in relation to the budget if that is what the other House wishes and he is prepared to do that. Under my proposal the Treasurer would do us the courtesy of speaking first in this House, as this House would want to have done. I am surprised that the Treasurer does not wish to do that. He is a member of this House and he is responsible for the budget. The Treasurer was elected to this House and as a member of this House he was appointed Treasurer. We expect him to perform his duties as Treasurer primarily in this House, not in the other place.

As the first member of an upper House to be appointed Treasurer, he is saying as a matter of parliamentary precedent that when a member of the upper House is appointed Treasurer that member should not perform his or her parliamentary duties as Treasurer by making a speech in this House or by presenting papers which he or she has a ministerial obligation to present to this House, but that he or she should make a speech or present papers in another place. I do not agree with the view of the Treasurer on parliamentary precedents. I and other Opposition members believe that the duty of a Minister of this Chamber is primarily to members in this Chamber. That is a parliamentary precedent.

The Treasurer referred to a comment he made on 2 May 1995 when he said that he acknowledged the supremacy of the lower House in money matters. He said he recognised as a constitutional reality that money bills are initiated in the lower House subject to the rights of the upper House to deal with and amend them where appropriate. But that does not derogate from the Treasurer's responsibility to perform his duty as a member of this Chamber. That is what my amendment insists upon.

The Treasurer, in moving this motion, asks honourable members in this House to express their views concerning his duties in this Parliament. I have already said that his duty is primarily to the Chamber to which he has been elected. I am not interested in the arguments that might have been used by members in the lower House as to why they do or do not want the Treasurer to deliver his speech in that House. My

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arguments are based upon the Treasurer's duty to this Chamber and the role of Ministers and members in a two-House Westminster system of government. Honourable members have to decide on the Treasurer's duties and his performance of those duties. We should insist that the Treasurer perform those duties primarily in this Chamber before he goes to the other Chamber.

The Hon. ELISABETH KIRKBY [4.32]: I have spent a fascinating time today reading the *Hansard* proofs of yesterday's debate in the Legislative Assembly and wading through some interesting expositions of why some people believe that the Leader of the House should not appear in another place. Some fairly shonky history was delivered by the honourable member for Auburn. I was delighted to discover that the honourable member for Hawkesbury managed to put the honourable member for Auburn right on extremely interesting matters that the honourable member for Auburn got totally wrong. All honourable members have little desk calendars with aphorisms on them. I discovered this aphorism on my desk calendar: "History is a mirror of human needs which inflames and inspires." I think this piece of history has inflamed a great deal of debate. If honourable members read *Hansard* they will find that the Leader of the Government in the Legislative Assembly, the Minister for Police, is very happy to "pursue rigorously historical change". The Minister said that the Government was intent on pursuing rigorously historical change. He then had to explain exactly how it was going to be done, and this is what makes the whole thing an absolute farce. He said:

The motion will enable the Hon. Michael Egan, the Treasurer of this State, to enter the Legislative Assembly to deliver the budget speech of the Government, a speech of unlimited duration.

He then said:

Further, the motion states that the Premier will adjourn the debate on the Appropriation Bill and cognate bills. In addition the Premier will deliver a second reading speech at a later time upon the order of the day being read. That will make the Premier accountable. After the speech is delivered, members of the Legislative Assembly will be able to question the Premier and speak in response to his second reading speech.

There was a fair amount of heated argument in the Legislative Assembly. Later in the debate the Minister for Police gave honourable members an assurance that everything the Treasurer said would be repeated by the Premier. So two budget speeches will be delivered in the Legislative Assembly - one by the Treasurer, upon which he cannot be questioned, and the very same speech by the Premier.

The Hon. M. R. Egan: That is absolute nonsense!

The Hon. ELISABETH KIRKBY: If the Treasurer believes it to be absolute nonsense he should read *Hansard* to find out what his colleague the Minister for Police told that House.

The Hon. M. R. Egan: You are misinterpreting what the Leader of the House in another place had to say.

The Hon. ELISABETH KIRKBY: That is exactly what he had to say. I will read it on to the record. On page 68 of the *Hansard* proofs of 20 September 1995 the Minister for Police said:

I give you an undertaking that everything the Treasurer says will be incorporated in the Premier's speech.

In order for the Premier to be able to take carriage of the matter in the Legislative Assembly he will have to say everything that the Treasurer says to give honourable members in another place the opportunity to question him.

Under the Constitution they are not able to question the Treasurer. That is the crux of the matter. One cogent and important matter is the farce of the Premier introducing the budget bill and suspending standing orders to allow the Treasurer to come into the Legislative Assembly Chamber to read his speech from an already published set of documents. The Treasurer will not be able to divert from his speech. He will read his speech, close his book and then walk out. Members of the Legislative Assembly will not be entitled to question him. They will not be able to do anything at all. Apparently the Premier will then deliver his second reading speech and, according to the Minister for Police, he will incorporate everything the Treasurer says. We are entering into the realms of *Alice in Wonderland*.

The Hon. M. R. Egan: You know that that is an absurdity.

The Hon. ELISABETH KIRKBY: It is not an absurdity. That is what the Minister for Police guaranteed. If the Treasurer believes it to be an absurdity he might take the trouble to explain to honourable members in this House why the Leader of the House in another place is so wrong. That is what is on the public record. I do not know why the Government decided to do this. I do not know why you believe it will raise your status as Treasurer. You have already said that you are the first member of an upper House in any Westminster system to be appointed Treasurer. You have a right to be proud of that. It is a great honour. I congratulate you on your achievement.

The PRESIDENT: Order! The Hon. Elisabeth Kirkby will address the Chair and not harangue the Minister.

The Hon. ELISABETH KIRKBY: Through you, Mr President, I congratulate the Leader of the Government in the Legislative Council on having achieved the status of being the only Treasurer in any Westminster Parliament upper Chamber. That is an honour for this Chamber and it is an honour for the Treasurer as an elected member of this Chamber. Unfortunately, this historical change that the Government apparently is so proud of does not give the Treasurer's contribution in another place any status at all. It cannot form part of the second reading debate in another place, and members of that Chamber cannot debate his speech.

The Hon. M. R. Egan: You have missed the point.

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The Hon. ELISABETH KIRKBY: The point is crystal clear. When the Treasurer goes to another place he will only deliver a speech. The Premier will then have to handle the budget on his behalf. The Treasurer will have no opportunity to take any further part in that debate because the Constitution does not permit it. It would be possible for the Government to change the Constitution to make it possible, but that is not possible now. Therefore, the statement made by the honourable member for Hawkesbury in the debate yesterday goes to the crux of the matter. He said:

Unless the Premier is going to repeat word for word everything that the Treasurer said, the statements of the Treasurer will not be part of the debate on the budget in this House.

It was at that point, as I said earlier, that the Minister for Police gave the assurance that everything the Treasurer says will be incorporated in the Premier's speech. Another statement, made in the middle of a totally irrelevant and inaccurate discourse on history by the honourable member for Auburn, is of concern. He said:

The reason is that until recent times, the last 20 years, the Legislative Council saw itself only as a House of review. Ninety per cent of all legislation emanates from the lower House, particularly the most fundamental pieces of legislation such as the budget.

I take issue with the honourable member for Auburn on that. I have been a member of this Chamber for 14 years. In fact, I celebrated my fourteenth anniversary yesterday, as did the Hon. Franca Arena, the Hon. B. H. Vaughan, the Hon. R. B. Rowland Smith and my colleague Reverend the Hon. F. J. Nile. For those 14 years this House has not merely been a House of review. It has been a House with the power to amend legislation -

not money bills, but all other legislation.

The Hon. J. W. Shaw: If the Hon. John Fahey could enter this House and have the carriage of legislation, why should not the Treasurer do the same?

The Hon. ELISABETH KIRKBY: The Attorney General has asked a very interesting constitutional question. What I have discovered in the past 24 hours is that the Constitution expressly allows a Minister from the other place to come into this Chamber, to have carriage of a bill and to be questioned on the bill by members of this Chamber. For reasons better known to whoever drew up the Constitution, the Constitution does not allow a Minister from this Chamber to go to the other place and be questioned on legislation.

The Hon. J. W. Shaw: It does not prohibit him.

The Hon. ELISABETH KIRKBY: Ministers can go there to make a speech but they cannot do what the Hon. John Fahey was able to do with the industrial relations legislation.

The Hon. J. W. Shaw: Is that not a practical course?

The Hon. ELISABETH KIRKBY: I agree it would be a practical course, but the Constitution would have to be altered in order for that to be facilitated. There are now three Ministers in this Chamber and if the Government intends, as a method of dealing with legislation, that on occasion they will go to the other place and be questioned on their legislation, I have no difficulty with that. But apparently constitutionally there is a difficulty, and that is something the Government will have to resolve. Whether that is an entrenched provision of the Constitution and therefore can be changed only by referendum, I do not know. But if it can be changed by legislation, I see no reason why such a legislative change should not be made.

However, at present I am informed that constitutionally it is not possible for Ministers of this House to go to the Legislative Assembly, except by invitation, and even then they are not permitted to debate their legislation on the floor of that Chamber. If I am wrong in that assumption, much of the debate yesterday was also wrong, but it seems to me there is a very concrete constitutional barrier to that occurring. In essence, when this matter was first raised, it seemed perfectly simple. Until there was widespread debate on it, I was not even aware that there was a constitutional barrier to the Treasurer taking part in debate there.

The Hon. R. S. L. Jones: There is not.

The Hon. ELISABETH KIRKBY: There is a constitutional barrier, as has been agreed to in this debate by both members of the Government and members of the Opposition.

The Hon. Franca Arena: He is not going to debate it, he is only going to read it.

The Hon. ELISABETH KIRKBY: As I explained earlier, that is the reason for the fuss. It is not too late for the Treasurer to do what the Leader of the Opposition has suggested: pay deference to his status in this House, deliver his Budget Speech here and then go to the other place and deliver his budget speech there. There will, in any event, be two budget speeches in the other place under the system that the Government is intent on pursuing, but I believe that is a perfectly proper way of proceeding. The Treasurer would have succeeded in his wish to deliver the budget himself in the Legislative Assembly and break new ground historically. If that is the course that is to be followed, I have no objection.

However, because of his pride in being a member of this Chamber, and having achieved the status of being the first Treasurer in any Westminster Parliament upper House, it would be proper for him to pay the upper House, the mother of parliaments in this country, the courtesy of delivering his Budget Speech to us first.

Reverend the Hon. F. J. NILE [4.47]: Some of the remarks made by the Hon. Elisabeth Kirkby were interesting. Obviously, what the other place does is its own business. If it wishes to invite the

Treasurer on to the floor there under its own rules, I see that as perfectly legitimate. Obviously, he would have to abide by the Constitution as to what role he may play after making his speech if he cannot be involved in the debate, but that does not appear to be the issue at stake. As other members have said, all of us are pleased that the Hon. M. R. Egan is the Treasurer of New South Wales. His appointment has certainly given great importance to this House, especially as he is one of the three members who make up the kitchen cabinet, along with the Premier and the Minister for Public Works and Services.

The Hon. M. R. Egan: That is not true.

Reverend the Hon. F. J. NILE: If the media reports are correct, the Minister has more influence than we originally thought. The Government apparently thinks it is important to the future of this State and its economy to have the Hon. M. R. Egan attend in the other place. Obviously the Government intends to focus the attention of the media on the lower House. Unfortunately, that appears to be the desire of the media also. As with other issues, the media concentrates on the lower House and ignores the operations of this House. That is why we are facing a dilemma if the Treasurer does not make a primary contribution to the budget debate in this House. I am sympathetic to the amendment moved by the Leader of the Opposition. It would give the Treasurer the opportunity to deliver a speech on the budget in this House and to highlight features of the budget that he thinks are important for this House. He could then proceed to the other place and present a budget speech which may be identical to or completely different from the one he delivered in this Chamber.

As was said a moment ago, the Premier could incorporate the Treasurer's Budget Speech in the other place without reading it. I presume the Premier would then make a political speech, highlighting what he believes are the advantages of the budget. That is what politics is all about. Obviously the Government will highlight favourable parts of the budget and not those with which it is not too happy, for example, those areas where cuts may be made. That is the way in which Governments deal with their budgets. The Treasurer must work out a formula whereby he can deliver a speech in this House by way of either a take-note debate or a ministerial statement before he goes down to the other place. Such a process would maintain the precedence of this House over the other place. I am sure the Treasurer can work out a formula that will suit everyone.

The Hon. R. S. L. JONES [4.51]: If the Treasurer wishes to deliver his Budget Speech in the lower House first, I have no problem with that at all. It is an historic occasion, his very first Budget Speech, and it will probably be a significant budget for a number of people. It would be nice to have it delivered in the upper House as well, but I am aware that the Opposition, in moving this amendment, is playing politics at every opportunity - and why not? That is understandable. As far as I am concerned, if the Treasurer wants to deliver his Budget Speech in the lower House first, that is fine.

The Hon. M. R. EGAN (Treasurer, Minister for Energy, Minister for State Development, Minister Assisting the Premier, and Vice-President of the Executive Council) [4.52], in reply: I thank all honourable members for their contributions to the debate. I would like to deal with some of the difficulties in approaching the matter in the way suggested by the amendment moved by the Leader of the Opposition. The amendment of the Leader of the Opposition states that the motion be amended by the addition of the following paragraph:

That this House insists that the Treasurer deliver the speech on the New South Wales Budget 1995/96 in the Legislative Council before he makes any speech in the Legislative Assembly in relation to the New South Wales Budget 1995/96.

The Leader of the Opposition knows that the Appropriation Bill must originate in the lower House. It would be grossly improper for a Minister of the Crown to deliver a speech on a bill in this House that has to originate in the lower House.

The Hon. Dr B. P. V. Pezzutti: That is not so.

The Hon. M. R. EGAN: It is so. It would be grossly improper, and the Leader of the Opposition knows it. He is simply playing games by moving the amendment. For a Treasurer to deliver a budget speech in this

House before the bill is introduced in the lower House would be absolutely improper, and the Leader of the Opposition knows it. The Budget Speech in the other place will be incorporated into *Hansard* for the purposes of ensuring that the speech I give down there can be responded to by members of the other place. The Premier will not be the only one speaking to the Appropriation Bill in the lower House; up to 99 members of that House will be speaking to the bill.

The Premier's incorporating my speech into his remarks will be a formal matter. He will move that it be incorporated so that the remarks I make can be part of the debate in the lower House, thus enabling members of the lower House to respond to them. The Hon. Elisabeth Kirkby pointed out that I could not be asked questions in the lower House. The second reading is not an opportunity for asking questions but an opportunity for members to make a speech. The opportunity for questions will come at the Committee stage, now the estimates committees hearings. Like every other Minister, I will be attending the estimates committees hearings where members of both Houses will be able to grill me for 2½ hours, as they will be able to grill every other Minister.

The Premier or some other Minister in the lower House will have to handle the moving of the appropriate motions in the lower House. That is what happened when the Hon. John Fahey came to this House to speak to the industrial relations legislation. He could speak to it, but he could not move any of the procedural motions. He could not read the second reading. He could not move any of the motions at the

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Committee stage. He had to have a Minister sitting next to him to handle the procedural matters; all he could do was speak. The Hon. Elisabeth Kirkby seems to think that the Constitution does not allow the Treasurer to go to the lower House to speak on the budget. If the Constitution did not allow it, it could not happen. The Constitution does allow it. I am able to go there by invitation.

The Hon. Dr B. P. V. Pezzutti: It is silent on it.

The Hon. M. R. EGAN: Therefore it allows it. If a lower House Minister were to come into this place to speak, it would have to be by way of invitation. The Minister cannot barge in on a whim and make a speech in this House. I am the only Minister in this Chamber - three Ministers are in this Chamber - who cannot introduce into this House the major piece of legislation for which that Minister is responsible. The Government is adopting this approach to enable me to go to the lower House - the only place in which the Appropriation Bill can originate - to speak to it at the time that it is introduced. I urge all honourable members to support the unamended motion.

Question - That the amendment be agreed to - put.

The House divided.

Ayes, 18

Mr Bull	Rev. Nile
Mrs Chadwick	Dr Pezzutti
Mrs Forsythe	Mr Pickering
Mr Gay	Mr Samios
Dr Goldsmith	Mrs Sham-Ho
Mr Hannaford	Mr Rowland Smith
Miss Kirkby	
Mr Moppett	<i>Tellers,</i>
Mr Mutch	Miss Gardiner
Mrs Nile	Mr Ryan

Noes, 20

Mrs Arena	Mr Manson
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Ms Burnswoods	Mr Obeid
Mr Cohen	Ms Saffin
Mr Corbett	Mr Shaw
Mr Dyer	Mrs Symonds
Mr Egan	Mr Tingle
Mrs Isaksen	Mr Vaughan
Mr Johnson	
Mr Jones	<i>Tellers,</i>
Mr Kaldis	Dr Burgmann
Mr Macdonald	Ms Staunton

Pair

Mr Jobling	Mr O'Grady
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Question so resolved in the negative.

Amendment negatived.

Question - That the motion be agreed to - put.

The House divided.

Ayes, 23

Mrs Arena	Mr Manson
Dr Burgmann	Mrs Nile
Ms Burnswoods	Rev. Nile
Mr Cohen	Mr Obeid
Mr Corbett	Ms Saffin
Mr Dyer	Mr Shaw
Mr Egan	Ms Staunton
Mrs Isaksen	Mr Tingle
Mr Johnson	Mr Vaughan
Mr Jones	<i>Tellers,</i>
Mr Kaldis	Mr Macdonald
Miss Kirkby	Mrs Symonds

Noes, 15

Mr Bull	Mr Pickering
Mrs Chadwick	Mr Ryan
Mrs Forsythe	Mr Samios
Miss Gardiner	Mrs Sham-Ho
Mr Gay	Mr Rowland Smith
Mr Hannaford	<i>Tellers,</i>
Mr Jobling	Dr Goldsmith
Dr Pezzutti	Mr Mutch

Pair

Mr O'Grady	Mr Moppett
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Question so resolved in the affirmative.

Motion agreed to.

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

DORMANT FUNDS AMENDMENT BILL

Bill introduced and read a first time.

Second Reading

The Hon. J. W. SHAW (Attorney General, and Minister for Industrial Relations) [5.15]: I move:

That this bill be now read a second time.

The Government seeks to update the Dormant Funds Amendment Bill to make it more manageable for those who have the task of managing it and to make its procedures more accessible for those wishing to access it. Broadly speaking, dormant funds are funds collected for charitable or other public purposes which have not been utilised for their original purposes for a period of six years or more, or which it is no longer practicable to use for their originally intended purposes. The Act has a surprisingly broad application. It has been used to redistribute funds left for the purchase of tobacco for inmates of Warrnambool mental asylum to a better purpose and to allow funds raised by communities to erect monuments that never eventuated to be used for other suitable community purposes.

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Whether a fund is dormant or not is decided by the Commissioner of Dormant Funds, who then formulates proposals for dealing with the funds. As the legislation presently stands, the commissioner is not able to revoke a determination that a fund is dormant, once it has been made. This Act would allow this to happen at any time until the order putting the proposal into effect is made, if it is shown that the determination is based either on inadequate, misleading or incorrect information. Any person may appeal against the determination that a fund is dormant or request that a proposal formulated for the use of dormant funds be referred to the charity referees.

At the moment there are no provisions for an appeal or request to be withdrawn, meaning that the referees must meet to decide the matter even if they know that it is not to be carried any further. These amendments will allow the appeal or request to be withdrawn and automatically confirm the decision of the commissioner, without the need for the referees to meet, provided that another appeal is not lodged within the appeal period. As I stated earlier, the commissioner is charged with the task of formulating proposals for the disposal of funds that have been determined to be dormant. It is in this area that the bill makes its most significant changes.

At the moment any proposal to deal with a fund which has a value of over \$2,000 must be advertised in at least one newspaper. The amendments will raise this figure to a more realistic \$10,000, the first increase since 1985. Further, the newspaper in which the commissioner will be required to advertise proposals must be one which circulates within the area where the fund was formerly established or operated. This will enshrine in legislation the commissioner's current practice. The bill will also create a new category of funds valued above \$10,000 and up to \$50,000. For funds within this range the commissioner will have a discretion to bypass or vary the advertising requirements in certain circumstances. The situation in which the commissioner may do so is when it appears to him or her that, having regard to the circumstances and the advice, if any, provided by the trustees or former trustees of the fund, there is a clearly appropriate proposal. If this option is taken, the commissioner will still be required to publish a notice in the *Government Gazette* that proposals have been formulated and forward a copy of that notice to the trustees or former trustees of the fund.

Currently an appeal may be lodged against the commissioner's proposal within three months of the notice

that a proposal has been formulated being published in the *Government Gazette*. That period is reduced to 30 days. This is consistent with the period within which an appeal may be lodged against a determination that a fund is dormant. It will also streamline the operation of the Act and allow dormant funds to be used for other purposes much more quickly. The Dormant Funds Act does not provide at the moment for matters to be dealt with in any way in the absence of one of the referees. If any one of the referees is unable to attend a hearing for any reason, the referees must reconvene at a later date.

These amendments will allow the two remaining referees, provided that it is not the chairman who is absent, to hear and determine an appeal. If the chairman, who is required by the Act to be a judge of the Supreme Court of New South Wales, is absent, the other referees may adjourn the matter to a later date. A decision of the charity referees will not be invalid merely because at the time the decision is announced the referees are constituted differently from when it was made. The Commissioner of Dormant Funds will now be required to maintain a register of orders made under the Act, which will be available for inspection during normal office hours, without charge. This will be an improvement on the present requirement that the commissioner keep an index, for which there is a charge for inspection. This amendment will bring the Dormant Funds Act into line with the Charitable Trusts Act in this area.

These amendments have been discussed with the chairman of the charity referees and the Commissioner for Dormant Funds, who approve of the proposals. I believe that the proposed amendments speak for themselves. They contain needed refinements to the powers of the commissioner and the charity referees to enable them to administer the Act more efficiently and contribute to the speeding up of the utilisation of funds that have been declared dormant, at the same time reducing the administrative costs of the commissioner that are charged against a fund. I commend the legislation to the House.

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

CRIMES AMENDMENT (MANDATORY LIFE SENTENCES) BILL

Bill introduced and read a first time.

Second Reading

The Hon. J. W. SHAW (Attorney General, and Minister for Industrial Relations) [5.22]: I move:

That this bill be now read a second time.

It is an unfortunate fact of life that there are those in our society whose criminality in the commission of certain offences is so heinous that nothing short of imprisonment for the term of that person's natural life will suffice. This bill responds to that circumstance by requiring the imposition of a life term for the offences of murder and trafficking in large commercial quantities of heroin or cocaine, where those offenders demonstrate that degree of criminality. The Court of Criminal Appeal in this State has recently affirmed the imposition of a life sentence where the level of culpability for the offence is so extreme that the community interest in retribution and punishment demands it.

This Government agrees with that principle. We would add to this formulation the community interest in its own protection and in the deterrence of others. These are all well understood and commonly applied sentencing principles which, given statutory expression, will provide further legislative authority to

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our courts to impose a punishment commensurate with the crime. It will mandate a life sentence for those offences to which the legislation applies and leave the community in no doubt of this Government's intention to remain tough on crime.

I turn now to the major features of the bill. Schedule 1 to the bill amends the Crimes Act 1900 by

inserting a new section 431B, mandatory life sentences for certain offences. Subsection (1) of the proposed new section provides that a court is to impose a sentence of penal servitude for life on a person who is convicted of murder, if the court is satisfied that the level of culpability in the commission of the offence is so extreme that the community interest in retribution, punishment, community protection and deterrence can be met only through the imposition of that sentence. The bill preserves the operation of section 442 of the Crimes Act 1900 with respect to the offence of murder. Section 442 allows a sentencing judge to impose less than a life sentence in the exercise of his or her discretion.

It is appropriate to observe here that the offence of murder takes many and varied forms. It is difficult, if not impossible, to foresee every factual circumstance capable of constituting a murder which, on its face, demonstrates an extreme degree of criminality. We are not so prescient that we can confidently assert that there will never come a time when such a crime calls for something less than life imprisonment. It may well do so when the offender is a juvenile. For this reason the discretion to impose less than life remains, although it is a discretion which cannot be lightly exercised in the face of the principle expressed in the bill.

There is no such discretion preserved to the sentencing judge in cases of trafficking in large commercial quantities of heroin or cocaine, to which the section applies. Proposed new subsection 431B(2) provides that a court is to impose a sentence of imprisonment for life on a person who is convicted of an offence of supplying a large commercial quantity of heroin or cocaine, if the court is satisfied that the level of culpability in the commission of the offence is so extreme that the community interest in retribution, punishment, community protection and deterrence can only be met through the imposition of that sentence and the court is also satisfied:

- (a) the offence involved:
 - (i) a high degree of planning and organisation, and
 - (ii) the use of other people acting at the direction of the person convicted . . . and
- (b) the person was solely or principally responsible for planning, organising and financing the offence, and
- (c) the heroin or cocaine was of a high degree of purity, and
- (d) the person committed the offence solely for financial reward.

The provision thus captures those features of the worst cases of trafficking in the most pernicious of drugs. This Government is determined to ensure that persons convicted of such offences receive the maximum penalty that the laws of this State will allow. The court need only be satisfied that the criteria have been established on an evidentiary basis. There is no requirement that proof of the criteria be established beyond reasonable doubt, nor that the jury should play a role in this fact-finding function for the purposes of sentencing. The bill is expressed to apply only to offences committed after the commencement of the provision. It represents a further positive step towards the implementation of this Government's policies with respect to the criminal justice system. I commend the bill to the House.

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

UNCOLLECTED GOODS BILL

Bill introduced and read a first time.

Second Reading

The Hon. J. W. SHAW (Attorney General, and Minister for Industrial Relations) [5.28]: I move:

That this bill be now read a second time.

The Government seeks to repeal the Disposal of Uncollected Goods Act 1966 in order to simplify the procedure currently required under that Act for the disposal of uncollected goods. The goods which the legislative proposals cover are those which have been left in the possession of another party by the owner and are not claimed - for example, goods which have been left for servicing, restoration or repair. There comes a time when those persons who have been left with such goods should be entitled to dispose of them. At common law, disposal can take place by way of an agreement between the owner or, in legal terminology, the bailor and the bailee or the person who has been left with the goods. The difficulty with this is that the parties often do not think to make provision for the event of non-collection at the time they enter into the bailment arrangement. Where the bailor cannot be contacted, great inconvenience is caused when goods remain uncollected.

In the absence of an agreement there are a number of statutes which regulate the disposal of uncollected goods. These statutes cover specific industries such as pawnbrokers, warehousemen and innkeepers. There is also the Disposal of Uncollected Goods Act 1966, which applies to many classes of bailment where there is no agreement as to disposal and where industry-specific legislation does not apply. The Act currently provides a bailee with a statutory right to sell certain uncollected goods. Part II provides the procedure for disposal by notice. However, this part of the Act is limited only to those bailments created in the course of business for repair or other treatment. The procedure for giving notice is complex and in many cases not observed where it could be. This forces the parties into disposal only by the courts under part III.

Part III provides for disposal by way of court order and it covers all bailments for reward including contracts for hire, carriage of goods and warehousing.

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The Act does not apply where terms of collection are governed by a contract. The result is that in many cases uncollected goods can be disposed of only after obtaining a court order from the Local Court. This procedure is onerous, particularly where the value of the goods does not justify expenditure on court proceedings. The proposed legislation will provide for disposal by a bailee of uncollected goods by way of court order and for disposal of goods up to \$5,000 in value by way of notice. Three different notice periods and methods of sale will apply depending on the value of the goods. The bill defines "bailed goods", "bailment" and "uncollected goods"; it provides a minimum period of three months for disposal of goods greater than \$100 in value by certain commercial bailees; it provides for the bill's application in addition to other statutory methods of disposal and for its application on any aspect of the disposal of goods not dealt with in an agreement.

The proposals arise out of the recommendations of the New South Wales Law Reform Commission. In 1988 the Law Reform Commission inquired into, and reported on, among other things, the law relating to the rights and liabilities of persons in possession of uncollected goods and the application of the Disposal of Uncollected Goods Act 1966. The Law Reform Commission concluded that the procedures available under the Act are too cumbersome and the notice and holding requirements are excessive. It recommended that remedies should extend to all persons in possession of uncollected goods including those held other than by bailment; that where goods are less than a certain value they should be disposable either by court order or after giving notice; and that the stringency of notice provisions should vary according to the value of goods. It was also recommended that the Act should provide for a minimum notice period; and that provisions for sale by public auction should apply only to goods above a certain value and otherwise be disposable as the bailee wishes, provided that full records are kept.

The aim of the bill proposed by the Government is to simplify the procedures currently available under the Act in accordance with the Law Reform Commission's recommendations. The bill will preserve the right for businesses, when receiving goods, to enter into specific agreements for disposal. A minimum notice period will apply to certain businesses to be specified in regulations. This will allow for additional protection to consumers in those industries where it is needed. I shall briefly outline the main aspects of the Uncollected Goods Bill. Various types of bailment are covered by the bill. Bailment is a common transaction in everyday life and covers a wide range of commercial and other dealings. The various subcategories of bailments include bailments for reward, gratuitous bailments, and involuntary bailments. The definitions at clause 3 of the bill, in

line with legislation in other States and the United Kingdom, are drafted specifically to include all those categories of bailment rather than proceed by reference to the mere possession of goods. Clause 5 of the bill sets out the circumstances in which goods are uncollected for the purposes of the proposed legislation. The Law Reform Commission's report envisaged that the rights given by the legislation were to be in addition to remedies available to particular classes of bailees - for example, pawnbrokers, innkeepers and warehousemen. Clause 6 of the bill makes it clear - as the Act currently does - that the general procedures which it provides are available where there is no agreement between the parties as to disposal and as an alternative to other statutory means of disposal of uncollected goods. Clause 33 provides that any common law rights shall remain in force to the extent that they are not affected by the proposed legislation. During consultations on the preparation of the bill, a concern was expressed that clause 6 could result in a choice of statutes which could undermine the operation of some of the industry-specific legislation. To overcome this, the definitions of "bailment" and "goods" at clause 3 of the bill do not include anything excluded from the definitions by the regulations. This will allow for the exclusion of goods and classes of bailments covered by other statutes from the operation of the bill, preventing parties from avoiding the provisions of industry-specific legislation, where appropriate.

The Act currently requires bailees who wish to dispose of goods to obtain a court order from a Local Court, except bailees coming into possession of uncollected goods for repair or other treatment, who may also dispose of goods by giving notice. Under part 2 of the bill, the option to obtain a court order will remain available to all bailees and will be the only remedy where goods are moved above the maximum value allowing disposal by way of notice. The procedure for disposal by way of court order is simplified and set out at clauses 8 to 18 of the bill. The bill also makes it clear at clause 11 that a court may authorise the disposal of uncollected goods even though there is a dispute between the bailor and bailee as to an amount owed or regarding the condition of the goods or the nature or quality of repairs or other work done in connection with the goods. In such cases the court can have regard to the matters in dispute in determining the amount, if any, of charges due to a bailee.

The main departure from the current Act in the bill will be the revision of notice provisions which are set out at part 3. As I have previously said, under the current Act disposal by way of notice may take place only in the circumstances of a bailment for repair or other treatment in the course of a business. The Act currently requires that a notice be displayed on the business premises advising of the bailee's right of sale if goods remain uncollected six months after they are ready for delivery and that a notice be given to the bailor and all persons with an interest in the goods once they are ready for delivery. Six months after giving such a notice a further notice of intention to sell the goods is given to the bailor and every person with an interest in the goods. The notice must also be published in a newspaper published in Sydney and circulating throughout New South Wales and, in the

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case of motor vehicles, in the *Government Gazette*. Goods must be sold at public auction in lots. The matters to be included in the notices are also set out in the Act. The Law Reform Commission found that these requirements are costly and cumbersome and therefore, the remedies provided by the Act appear illusory.

As recommended by the commission, the stringency of the notice provisions in the bill vary according to the value of the goods. They are set out at clauses 19 to 21 of the bill. They apply to all bailed goods up to \$5,000 and over which there is not a dispute as to charges by the bailee or the condition of the goods. The form of notices and the procedure for service are set out at clauses 26 to 27 of the bill. Where the goods are up to \$100 in value, clause 19 provides for written or oral notice to the bailor for disposal on the expiry of 28 days from the date of such notice and disposal in such manner as the bailee considers appropriate; where goods are of \$100 to \$500 in value clause 20 provides for written notice to the bailor and the owner and parties claiming an interest. It provides for disposal on the expiry of three months from the date of notice and disposal by way of public auction or private sale for fair value.

Where goods are of \$500 to \$5,000 in value, clause 21 provides for written notice to the bailor, the owner and the parties claiming an interest. It provides for disposal on the expiry of six months from the date of notice, for a copy of the notice to be published in a daily newspaper circulating in New South Wales 28 days before disposal and for disposal by way of public auction. Clause 23 provides for regulations to vary the monetary limits determining the methods of disposal which I have outlined. Responsibility for valuing the goods will rest

with the bailee. An independent valuation would be onerous in the case of goods of smaller value. Bailees, most of whom will have received the goods in a commercial context, would generally know their value. The bailor's rights will be protected by the requirements to give notice and the fact that goods over \$500 must be sold at public auction.

The bill simplifies the requirements for dealing with the net proceeds of sale which are set out at clauses 14 and 29. The Act currently provides that the seller of uncollected goods may deduct charges in relation to the goods for storage, for costs incurred in connection with the sale and of insurance. The net proceeds of the sale are claimable by the owner of the goods. They are currently to be placed in a bank account within 14 days of the sale and if not claimed within 12 months are payable to the Treasurer to be placed to the credit of the Consolidated Fund. Under clause 28 of the bill the bailee will be able to deduct charges from the proceeds of sale and the balance will be able to be dealt with under the Unclaimed Money Act 1982. The bailee will be required to keep a record of the details of disposal as set out in the bill, for a period of six years pursuant to clause 30 of the bill.

The Law Reform Commission recommended that repair and service businesses be encouraged to make increased use of private agreements, to set their own conditions for disposal of uncollected goods and to create their own rights of sale. In order to ensure that any such private agreements are fair and complementary to the new legislation clause 32 provides a minimum notice requirement in respect of certain commercial bailments to be prescribed under regulations. The minimum notice period of three months will apply in respect of goods exceeding \$100 in value, which the bailee has accepted for carriage or storage or for repair. The bill provides that the notice period cannot be varied and any variation on the notice period would be void.

The bill also provides for a review to be undertaken as soon as possible after the period of five years from the date of assent to the Act, at clause 41. The review clause will facilitate a future assessment of the effectiveness of the reforms contained in the bill and the need for the continued existence of general legislation providing for the disposal of goods. Such a provision will also be consistent with the Law Reform Commission's suggestion that a further review of the legislation might be appropriate once information regarding available procedures becomes widespread. I believe that the bill will provide for much needed reform of the current legislation in respect of uncollected goods, and I commend the legislation to the House.

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

SPECIAL ADJOURNMENT

Motion by the Hon. J. W. Shaw agreed to:

That this House at its rising today do adjourn until Tuesday 10 October 1995 at 2.30 p.m. unless the President, or if the President is unable to act on account of illness or other cause the Chairman of Committees will prior to that date, by communication addressed to each Member of the House, fix an alternative day and/or hour of meeting.

ADJOURNMENT

The Hon. J. W. SHAW (Attorney General, and Minister for Industrial Relations) [5.41]: I move:

That this House do now adjourn.

NATIONAL MEDICAL ENTERPRISES

The Hon. ELISABETH KIRKBY [5.41]: I, and I am sure all other honourable members, received on 20 June a letter dated 14 June from the Friends of Prince Henry Hospital expressing great concern at the fact that

National Medical Enterprises, or NME, was involved with a company running a private hospital in the grounds of St George Hospital in Sydney. They were very worried when they discovered that NME had sold its holding in Australian Medical Enterprises to a Singapore-based company, Parkway Holdings. I sent a copy of this letter to the Deputy Premier, Minister for Health and Minister for Aboriginal Affairs. The Minister's office sent a reply to the

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Friends of Prince Henry stating that the Government shared its concerns about the role of National Medical Enterprises in this State. The Minister also pointed out:

This is a matter that goes to the heart of the integrity of health care in New South Wales.

The Minister said he had written to the Federal Treasurer to bring this important matter to his attention and he asked the Federal Treasurer to ensure that the Foreign Investment Review Board made full and appropriate inquiries about Tenet Health Care and Parkway Holdings, the Singapore-based company. Tenet Health Care believed it would be able to sell its private hospital in the Sutherland area. There has been much speculation in the media. This takeover was the subject of an article entitled "AME awaits a French kiss" in yesterday's *Australian Financial Review*. Apparently, Australian Medical Enterprises is turning up the pressure on Mayne Nickless by advising AME shareholders to reject Mayne Nickless's \$163 million takeover bid. It appears that the Singapore-based Parkway Holdings has dropped out of the race and that AME will be controlled either by Mayne Nickless or by a French company, although the French company also has a United Kingdom base through its subsidiary, General Health Care.

Private hospitals in New South Wales are now the subject of takeover deals. They can be taken over and run by foreign companies. I gather that the French company - one of the biggest companies in the world - is anxious to extend its dealings into the Pacific region. I would like the Premier and the Minister for Health to take on board the serious implications of this matter and to lobby the Federal Treasurer to ensure that the Foreign Investment Review Board takes a further look at this matter. If that does not happen, my Federal colleague Senator Meg Lees, spokesperson on health matters, intends to raise this matter before the Senate Community Affairs Committee. The whole takeover bid should become part of a Senate inquiry. Private hospitals are being subsidised by Australian taxpayers' money. I do not believe that they should fall into the hands of foreign-owned companies. I certainly do not believe that, under the present climate, anybody in New South Wales would want a French-based multinational to have control of a private hospital in the Sydney region. I hope that the Premier and the Minister for Health take these concerns seriously and take immediate action on this matter.

FIREARMS USE

The Hon. JAN BURNSWOODS [5.46]: On 8 June this year a speech which I made in this House in the adjournment debate was given the heading "Firearms Use". Tonight I wish to refer to that speech and make a couple of points. On 8 June I quoted from a letter that I had received from the mother of a 15-year-old girl, who was living in Mudgee. That girl had been shot and killed in tragic circumstances. I am pleased that, according to today's papers, that case has been partially resolved. Yesterday, in Orange, during a retrial, a young man was convicted and sentenced for this shooting. It was tragic not only for the girl who was killed and for her family but also for the young man who has now been sentenced and for his family and friends. The fact that the tragedy touched so many in the immediate family and in the community goes to the heart of the firearm problem in our society.

In the letter from which I read in my speech in June I referred particularly to the mother's comments that the girl was killed by an unlicensed person who was playing with a gun with the highest muzzle speed of any weapon available to the general public in Australia. Yesterday at court the mother was quoted as calling for a ban on semi-automatic rifles and stricter gun control. She also said - and I draw attention to the absence of vindictiveness in her attitude to this tragic case - that she was relieved that the young man had pleaded guilty because it meant that someone was taking responsibility for the terrible thing that had happened.

Honourable members have many different views about firearms control. I am proud to be a member of a Government whose Premier announced today a considerable extension to the controls on firearms in our community. I was proud to hear what he had to say before question time in the other House about an amnesty that will have real teeth, that will be advertised and that will work towards removing a lot of unlicensed guns from people's homes. I and other people have been making the point for some years that the previous Government by its continual extension of amnesties, unadvertised, more or less unannounced and totally ineffective, basically established a permanent amnesty - a very hypocritical act because it meant nothing and was never intended to mean anything. I pay tribute to the Premier for acting on this matter. I am pleased that the pain of the family in Mudgee has contributed towards ridding our society of dangerous firearms.

ATTENTION DEFICIT DISORDER SYNDROME

The Hon. J. F. RYAN [5.50]: I bring to the attention of the House comments made today on the John Laws' program about children who have the attention deficit disorder syndrome, and their parents. The comments were outrageously insensitive and, I believe, amounted to vilification of people with a significant disability. Parents and children who have attention deficit disorder were lampooned by Mr Laws as, following a fashionable fad, being overindulgent parents, excusing poor behaviour, using a drug of choice and, to use Mr Laws' words:

They were following the politically correct sitar of the 1960s. That is where all this BS came from. If we continue to follow in the footsteps of America, we will wind up walking funny. We will become socially and morally crippled.

I agree with Mr Laws in that there is a legitimate debate about whether some children are inappropriately diagnosed with attention deficit

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disorder or are being inappropriately medicated. But what was said on Mr Laws' program today and, I understand, yesterday is not part of that legitimate debate. He has not invited, for example, experts like Dr Christopher Green, the well-known paediatrician who has written extensively about attention deficit disorder, to come on to his program and make comments. People have called in and either supported the attention deficit disorder diagnosis or have been against it. Those against the attention deficit disorder diagnosis have been fully supported by Mr Laws. Those in favour of it have been widely lampooned. To give an example of Mr Law's insensitivity, he said of a caller who I understand called his program yesterday to report her son's experience with Ritalin medication:

Apparently he refers to his medication as his brain pills. So he has got a cop-out too: "If I don't take my brain pills then I am likely to burn the house down." And she has got a cop-out: "If he is badly behaved I've got him on Ritalin." There is too much of it.

Outside of a reasonable debate about how kids are treated with attention deficit disorder or how they are diagnosed, there are many parents whose children have this disorder and who are doing their very best to strongly support their children. Only a person who inadequately understands the attention deficit disorder syndrome would make the stupid and unfounded comments that Mr Laws did, or give the quotes he did from the *New York Times*. It is not just that children with attention deficit disorder are poorly behaved. Some are and some are not. Parents of these children are not encouraged to ignore poor behaviour; where it occurs they are guided to deal with it, to draw constant attention to it and to correct it. It is an exhausting task.

I speak with some experience on this. I have a daughter with the attention deficit disorder syndrome. As it so happens, she does not have the hyperactivity that frequently attends this syndrome, and so her behaviour is not a problem for our family. She takes medication but it is not Ritalin or Dexamphetamine, which are normally prescribed for this problem. Before that medication was prescribed, my daughter was extensively tested on medication and without it, and consideration was given to reports from a speech therapist, another paediatrician and her school teachers. Our doctor refused to prescribe Ritalin and suggested an alternative medication, which is being used under supervision; and my wife and I have observed significant benefits to our

daughter.

I believe that her diagnosis and very many others like it are legitimate. Our family and other families like us are not looking for sympathy, but we can do without the irresponsible ridicule and vilification from powerful media commentators like Mr Laws. I cannot believe that he would be so insensitive. Throughout the day I have attempted to speak to his staff, the program manager of radio 2UE or Mr Laws himself, but so far I have been unsuccessful in making contact to explain and put the other side of the case. I can only hope I will be more successful tomorrow, but at least tonight I have had the opportunity to defend parents who are in a similar position from the onslaught of nonsense that Mr Laws has allowed on his program. It is obvious from the response of members in the House that I have their support, and I am sure they will support my pursuing this matter to the end.

INTERNET ANTI-PORNOGRAPHY SOFTWARE

Reverend the Hon. F. J. NILE [5.55]: I bring to the attention of the House some information about Internet. All of us are deeply concerned about reports that children are able to access hard and soft core pornography through Internet. I have been made aware of a report in *PC Week*, a magazine dealing with the latest computer news, that a new program has been made available for Internet called SurfWatch, from SurfWatch Software. SurfWatch sits atop any TCP/IP stack and blocks access to sites found in an internal database of more than 1,500 sites known to contain unsuitable or undesirable material. If children know how to work a computer they can access those sites and see material which obviously no school or parent would want them to see.

The American program SurfWatch is now available in Australia. I have received news that it is available from a computer company in Queensland, One to One Consulting, and I imagine it will eventually be available in other States also. Currently there are 200 Internet news groups which contain sexually explicit material, including erotica, bondage, fetishes, pornography, prostitution and paedophilia. Sites on the World Wide Web contain pictures and material depicting sexual situations. Word Wide Web is one of the Internet centres that would be blocked off by SurfWatch. SurfWatch is a breakthrough software product that prevents access to the flood of sexual material on Internet, and children and others are unlikely to be accidentally or deliberately exposed to undesirable material.

SurfWatch is the first major advance in providing a technical method created by the explosion of technology. It strives to preserve Internet freedom by letting individuals choose what they see. A password-protected on and off switch enables the computer operator to prevent or allow access to pornographic Internet programs. SurfWatch was designed with the aid of caring educators and parents to help protect children from viewing unwanted material. Obviously it can be used also by employers. Recently an employer was brought before an anti-discrimination body for showing his female staff sexually explicit material on Internet. Obviously his staff did not know what they were going to see when he said, "Come and look at this." When they looked at the computer they saw sexually explicit material which they found offensive, and they made a complaint of sexual harassment to the anti-discrimination authority. Companies may also want to use the SurfWatch software to prevent access to sexually explicit material on their computers. I am pleased to commend this new technology. Perhaps other companies in Australia will develop similar technology.

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BOYS EDUCATION

The Hon. Dr. MARLENE GOLDSMITH [5.58]: I draw to the attention of the House a recent report of the New South Wales Board of Studies by Dr Robert MacCann entitled "Longitudinal Study of Sex Differences at the Higher School Certificate and School Certificate: Trends Over the Last Decade". I also draw attention to an article on that same report entitled "Escalator to Jobs for Boys" by Dr Victoria Foster, a lecturer in sociology of education at the University of Western Sydney, Nepean. That article appears in the latest

edition of the *Nepean Educational Researcher*, and reads in part:

Although boys comprise only 48 per cent of the school population, they continue to dominate the top band of the tertiary entrance score, constituting 53.2 per cent of scorers from 440 to 500. In 1994, boys made up 52.7 per cent of scorers in the top 500.

These disturbing statistics show that across a range of measures, boys still reap far more rewards from schooling than girls. As Dr Foster concluded:

Girls have been steadily gaining in male-dominated courses such as four unit maths, chemistry, physics and computing studies, but they represent only a fraction of the total female population.

In physics, there are still three boys for every girl; in industrial technology the ratio is 20 to one and, in engineering science, 15 to one.

I raise these statistics because maths and science figures are absolutely crucial in understanding the differential scores gained by boys and girls in the higher school certificate. As an English teacher, I have known for many years that English and humanities students were greatly discriminated against in the higher school certificate. Year after year I saw large numbers of mathematics students achieve very high scores, but invariably talented English students achieved far less than they deserved. When I became a member of Parliament I pursued that anomaly, and

I was fortunate enough to have the support and assistance of a number of dedicated mathematicians and professors of mathematics in pursuing it.

We found that for every English paper in the top 5 per cent of the marking range sent by the Board of Studies to Sydney University to be allocated a tertiary entry rank, 20 maths papers were sent. We managed to reduce that to only five. I am delighted with the result, and I will always consider it one of my greatest successes in politics. But it is still five to one. I thought that the discrepancy had created far more opportunities for English students, and it has. If you look at the results for girls in the past couple of years and at the results for English students, they now have a half decent chance of ranking in the top 500 or the top 1,000 students, as they are now. If you publish the top 1,000 students, the discrepancy does not appear to be as bad.

However, judging from the figures in the latest report from the Board of Studies the problem remains, and it needs to be addressed. I particularly draw this matter to the attention of the Attorney General, and Minister for Industrial Relations in the hope that he will refer it to the relevant Minister so that this issue will continue to be pursued for the sake of justice for our higher school certificate students, particularly English and humanities students, who continue to be disadvantaged. According to the research, the current system compromises the natural aptitudes of the great majority of talented English and humanities students. Girls continue to be disadvantaged in the education system of this State. They need a fair opportunity, but that will only happen when the sorts of problems revealed in Dr MacCann's study, and cogently outlined by Dr Foster, are addressed.

Motion agreed to.

House adjourned at 6.02 p.m.

QUESTIONS UPON NOTICE

The following questions upon notice and answers were circulated in *Questions and Answers*:

1994 HIGHER SCHOOL CERTIFICATE RESULTS No. 1

Dr Goldsmith asked the Attorney General, and Minister for Industrial Relations, representing the Minister for Education and Training -

- (1) In the 1994 Higher School Certificate how many students, in total, sat for:
 - (a) The subject English; and
 - (b) The subject Mathematics?
- (2) (a) How many English papers, in total, from all courses gained scores in the top 5% of marks?
 (b) How many gained scores in the top 10% of marks?
- (3) (a) How many Mathematics papers, in total, from all courses gained scores in the top 5% of marks?
 (b) How many gained scores in the top 10% of marks?

Answer -

- (1) The total numbers of students sitting for the subjects of English and Mathematics in the 1994 Higher School Certificate examination were:

(a) English: 56,756.

(b) Mathematics: 55,639.

- (2) and (3) The numbers of students in each of English and Mathematics gaining marks in the top 5% and 10% in each of the papers are shown in the following tables:

ENGLISH	N	_47(/50)	_45(/50)
Contemporary	16,437	43	173
General	30,228	52	302
2 Unit	7,288	38	84
3 Unit Common	2,803	35	124
3 Unit Additional	2,793	42	94
Totals	59,549	210	777

MATHS	N	_47(/50)	_45(/50)
Maths in Practice	3,725	12	51
Maths in Society	20,247	52	279
2 Unit	19,138	49	303
3 Unit Common	9,152	1,217	2,934
3 Unit Additional	9,126	1,144	2,860
4 Unit	3,403	2,079	2,773

Common			
4 Unit	3,403	1,711	2,440
Additional			
Totals	68,194	6,264	11,640

(Note: At this time the data available is on a one unit basis only. Thus the closest figure to the top 5% is 47/50).

It will be noted that there are significant differences in these figures due to the following:

- The entry pattern in English is quite different from that of Mathematics with the vast majority of English students presenting for one of the 2 Unit courses (95.1%). In Mathematics the percentage of students attempting one of the 2 Unit courses is only 77.5%.
- The system of reporting HSC marks is such that 1-2% of 2 Unit students will gain a mark of 90 or more (in the top 10%).
- The 3 Unit marks and the 4 Unit marks also in Mathematics are calculated on the basis of those students' marks in the common 2 Unit or 3 Unit (in Maths) papers.
- There are very different patterns of overlap between the course candidatures in Mathematics and English with the Mathematics candidatures being much more discrete without the overlap in achievement evident in English.

It is for these reasons the Board of Studies advises students on their HSC credential that:

"It is NOT valid to make any comparisons between the performances (viz. the marks) of students on different courses".

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SYDNEY WEST AIRPORT No. 2

Ms Kirkby asked the Treasurer, Minister for Energy, Minister for State Development, Minister Assisting the Premier, and Vice-President of the Executive Council, representing the Minister for Urban Affairs and Planning, and Minister for Housing -

- (1) Will the Minister inform the House when the airport at Badgerys Creek is likely to be completed?
- (2) Can the Minister inform the House of the anticipated completion dates of the following stages of the project:
 - (a) The pre-design stage;
 - (b) The design stage;
 - (c) The planning stage;
 - (d) The environmental approval stage;
 - (e) The statutory approval stage;
 - (f) The acquisition of lands process;
 - (g) The calling for and awarding of tenders;
 - (h) The construction stage; and
 - (i) The commissioning stage?
- (3) If not, will the Minister undertake to obtain this information from the Federal Minister for Industrial Relations and Transport and table it in this House at the earliest opportunity?

Answer -

I have been advised by the Minister for Urban Affairs and Planning, and Minister for Housing that the answers to the Honourable Member's questions are:

- (1) The Hon. Laurie Brereton, M.P., Minister for Transport and Minister for Industrial Relations, announced in May 1995 that Sydney West Airport will be completed as a major domestic and international airport by late

1999.

- (2) No.
- (3) Yes.

SCHOOL CLEANING SERVICES No. 3

Ms Kirkby asked the Attorney General, and Minister for Industrial Relations, representing the Minister for Education and Training -

- (1) Has there been a considerable reduction in the number of cleaning hours in New South Wales schools and, if so, has this resulted in an increased workload for cleaning staff remaining after privatisation of the Government Cleaning Service?
- (2) Are teachers having to assist with cleaning duties in some cases, due to inadequate numbers of cleaning staff?
- (3) Can the Minister confirm that 45% of school toilets fall below acceptable standards as alleged in the February edition of the NSW Teachers Federation magazine "Education"?
- (4) Will the Minister give an assurance that standards of hygiene will be rapidly improved?

Answer -

A. The Minister for Education and Training, the Hon. J. Aquilina, M.P., advised that:

(1) While in Opposition, this Government received many complaints about the contract cleaning arrangements put in place by the former administration when it privatised the Government Cleaning Service in 1994. This Government opposed that privatisation.

Many of the complaints received have been about reductions to cleaning hours. Many cleaners have expressed their views that their workloads have been significantly increased because of the reduction in cleaning hours.

(2) There have been complaints made and evidence presented that teachers, and in some cases parents and school children, have in the past been asked to assist cleaners to maintain proper standards of cleanliness and hygiene.

This Government is firmly committed to ensuring that under no circumstances will teachers, parents or students be required to perform cleaning tasks in schools. School cleaning is the sole responsibility of the contractors and the Government will require them to deliver quality cleaning services which maintain high standards of cleanliness and hygiene. The contractors will not be allowed to abrogate their responsibilities under the contracts.

(3) The Teachers Federation's survey was undertaken in 1994. More recent advice based on an analysis of the results of 1,100 inspections of schools undertaken over the past 6 months by the cleaning inspectorate within the NSW Supply Service, indicates that the standard of cleanliness in toilets is generally acceptable.

(4) This Government has moved rapidly to address concerns about school cleaning and has honoured its pre-election commitment to review the school cleaning contracts.

On 7 June 1995, the Minister for Public Works and Services and the Minister for Education and Training jointly announced a complete review of existing Government cleaning contract arrangements. The review is aimed at defining whether standards of cleanliness and hygiene have declined as well as the level of client satisfaction.

The terms of reference for the review are very broad and cover:

- * the quality of services provided and the costs and benefits to the government;
- * the employment and industrial relations practices of the contractors;
- * compliance with contractual obligations; and
- * a review of the inspections of cleaning sites.

The review is being undertaken by Corrs Chambers Westgarth who have invited both written and verbal submissions from client departments, contractors, unions and cleaners.

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B. The Minister for Public Works and Services, Minister for the Olympics, and Minister for Roads, the Hon. Michael Knight, M.P., has advised me that:

(1) Contracts for the cleaning of sites formerly cleaned by the Government Cleaning Service (GCS) are based on outcome - performance and quality - rather than inputs such as hours. This means the cleaning must be performed to specification. In the case of schools, this specification is determined by the Department of School Education.

The recent review conducted by Corrs Chambers Westgarth into the Government Cleaning Service Contracts recommended increases in the specifications for school cleaning. Agreement has already been reached with the companies for increases in some specifications. Negotiations with the companies on other increases are continuing.

Contractors were contractually obliged not to vary the working hours of each ex-GCS part-time cleaner by more than 10% and not vary the hours of each ex-GCS full-time cleaner, unless the cleaner agrees, before 30 June 1995 (this was extended by the companies until 31 August 1995.) If an ex-GCS cleaner ceases employment with a contractor then it is up to the contractor to assess replacement hours necessary to clean the site to specification.

(2) Under the contract there is absolutely no requirement for teachers to undertake normal cleaning tasks. This is unacceptable to the Government and the Department of School Education and is not called for in the standard specifications.

(3) The cleaning specifications requires a minimum daily full clean for toilet areas - the same specification as for the GCS prior to sale. Analysis of 1,303 cleaning inspections conducted in schools during a recent 7-month period indicate average cleaning performance scores of 83% for both high schools and primary schools and 90% for special schools. A cleaning performance score of 80% is regarded as acceptable. Where an individual school falls below the 80% benchmark, deficiencies in the cleaning are identified to the contractors and rectified promptly.

(4) Standards of cleaning are closely monitored. A recent review of the Government Cleaning Service Contracts, initiated by this Government, recommended that the specifications for cleaning of schools be increased. The Department of Public Works and Services is currently negotiating with the cleaning companies to have the specifications increased.

Agreement has already been reached with the companies for an increase in some of the specifications. The specifications increased so far involve: daily vacuuming of carpeted primary and infants classrooms; daily damp wiping of desks within primary and infants classrooms; annual shampooing of all carpets within schools.

This Government is strongly committed to maintaining a high standard of hygiene in schools.

REGIONAL UNIVERSITY RAIL TRAVEL CONCESSIONS No. 4

Ms Kirkby asked the Attorney General, and Minister for Industrial Relations, representing the Minister for Education and Training -

(1) Will the Government demonstrate a commitment to rural and regional universities by providing railway travel concessions for external students and full-fee paying overseas students?

(2) Will the greater use of electronic access to universities mean that many more students will study externally and attend university, in person, only for residential schools and exams?

(3) Will the granting of such concessions assist in the process of regional development as centres such as Armidale become "university towns"?

(4) Can the Minister give an assurance that he will consult with the Minister for Transport on this matter?

Answer -

(1) The NSW Government is clearly committed to the development of rural and regional universities in the State but it is also committed to maintaining fair and equitable public transport charges for all residents. Transport concessions form a broad-based NSW Government initiative to provide benefits to welfare recipients and low income groups.

Students who are residents of New South Wales and who have elected to study full-time at tertiary institutions are provided with assistance by both the Government and private sector, in the form of travel concessions, for the purpose of attending courses.

Railway travel concessions are available to students who attend university, TAFE or private college full-time

and who are not engaged in business or employment. There is a requirement that students must be attending day classes.

The Minister for Transport has corresponded with the NSW Vice-Chancellors' Conference on the issue of travel concessions for overseas full-fee paying students. It is presumed that if students from overseas can afford to come to Australia to study, then they can afford to keep themselves, including full payment of travel fares. Most full fares on government public transport are already subsidised by the taxpayer. It is relevant also that universities do not generally discount their fees for such students.

With regard to external students, many such students are in full-time employment and it would not be considered equitable to provide a travel concession not available to other members of the working community. External students who are not working are generally not precluded from doing so by way of their course studies.

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The Government, through the Department of Transport, will of course continue to review the availability of student concessions. However, for the reasons given, any further extension of existing concessions is not possible at this stage.

(2) The greater use of electronic access and distance delivery mechanisms for university education, particularly in a nation such as Australia, will in my view bring important changes to the nature of university teaching and learning. Such changes are already in operation with such developments as the Open Learning Agency of Australia, and the Open Learning Technology Corporation on the national scene, and also in New South Wales with particular university developments and State developments such as the establishment of the NSW Information Technology Advisory Council.

While such important developments may mean that many students spend less time attending formal classes face-to-face, this will vary depending on the particular course and university involved. Such changes, however, will never diminish the importance of face-to-face contact with university teachers nor the benefits for social and intellectual interaction with fellow students. This is why such importance will still be placed by universities on residential schools and seminars.

(3) Any extension of existing travel concessions, either to external students or full-fee paying overseas students, would not be likely to affect the status of regional university towns such as Armidale. Armidale, for example, has a long, proud history as a university town in regional New South Wales and this is unlikely to be diminished on such an issue. University placements are generally limited by university resources and levels of demand for available university places are ongoing.

(4) The above responses to the questions Ms Kirkby asks have been prepared in close consultation with the Minister for Transport and his office.

MEAT INSPECTION SERVICES No. 5

Ms Kirkby asked the Minister for Community Services, Minister for Aged Services, and Minister for Disability Services, representing the Deputy Premier, Minister for Health, and Minister for Aboriginal Affairs -

(1) How many tonnes of meat and meat products were processed in New South Wales abattoirs and processing plants last financial year?

(2) How many State employed meat inspectors are retained to examine these products?

(3) How many meat inspectors employed by the Commonwealth inspect meat in New South Wales abattoirs and processing plants?

(4) How many meat inspectors are employed directly by the abattoirs and processing plants themselves?

(5) In light of the Garibaldi Smallgoods contamination tragedy in South Australia, can the Minister provide an assurance that sufficient State employed meat inspectors are available to satisfactorily ensure public safety with regard to all meat products for domestic consumption and for export?

Answer -

(1) to (4) I regret that I am unable to provide the information requested as the matters you have raised fall within the administration of my colleague the Hon. R.S. Amery, M.P., Minister for Agriculture.

(5) I am informed that a number of public health measures have been instituted following the Garibaldi

incident in South Australia. In particular, from 10 April 1995, uncooked fermented comminuted meat products must be manufactured in accordance with a Code of Hygiene Production. Integral to the Code is a HACCP (Hazard Analysis Critical Control Points) plan which will be audited by the Department of Health. Training of food inspectors for this purpose is already well advanced. These measures are in place nationwide and with ongoing industry co-operation can be expected to restore confidence in the smallgoods industry.

ILLAWARRA AREA HEALTH SERVICE FACILITIES No. 6

Ms Kirkby asked the Minister for Community Services, Minister for Aged Services, and Minister for Disability Services, representing the Deputy Premier, Minister for Health, and Minister for Aboriginal Affairs -

- (1) How much will it cost the Illawarra Area Health Service (IAHS) for the proposed renovations of the Figtree Clinic?
- (2) Is the IAHS 18 months into a 3-year lease in its present location at the Unanderra Community Hall?
- (3) If so, how much would it cost the IAHS to break the lease?
- (4) Has the parents drop-in service been stopped?
- (5) If so, why?
- (6) How many mothers and babies does the Minister anticipate will miss out on the service already provided by both the Figtree and Unanderra Early Childhood Clinics when mothers and babies from Unanderra are forced to go to Figtree?
- (7) Does the Centre run an immunisation program?
- (8) If not, why not?

Answer -

- (1) The cost of renovations to allow a second Early Childhood Nurse to operate from the Figtree Centre is \$2,231.

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The cost of the repairs and maintenance to the area at Figtree Centre utilised by the remaining seven Generalist Nursing staff also working from the Figtree Centre totals \$5,553.

- (2) The Illawarra Area Health Service is 18 months into a rent-free agreement (not a lease) to remain at the Unanderra Community Centre.

- (3) The agreement at the Unanderra Community Centre is rent and bond-free, however, it includes the sum of \$746 per annum for electricity. Arrangements would also have to be made regarding the photocopier which is currently shared.

On 17 May 1995 the Unanderra Community Centre staff were given reassurance that the agreement would continue until the expiry date.

- (4) and (5) To align the Unanderra Centre with common practice in Early Childhood Services, the drop-in system has been discontinued and an appointment system has been implemented.

The appointment system has the benefit of allowing each parent to spend 15-20 minutes with the Early Childhood Nurse. Parents are able to plan ahead when they wish to attend the clinic. They are also able to spend a reasonable time with the nurse without having to rush because other parents are waiting.

- (6) I have been advised by the Area Health Service that the majority of clients attending the Unanderra Centre use private cars. Access to the Figtree Centre should not present a problem to these parents.

Those clients who have transport problems will continue to be able to attend a limited service at the Unanderra Centre. Mothers and babies will be able to attend education/support groups which will also be held by the Illawarra Area Health Service at the Unanderra Centre.

- (7) and (8) In the Wollongong area, immunisation clinics are conducted by the Illawarra Public Health Unit and are held at major centres only. The number of babies attending the clinic does not justify the establishment of an immunisation clinic at the Unanderra Centre.

HILTON HOTEL BOMBING No. 7

Ms Kirkby asked the Attorney General, and Minister for Industrial Relations, representing the Minister for Police -

- (1) Did the former Police Commissioner, John Avery, ever order an inquiry into allegations about the Hilton Bombing made by bomb victim Terry Griffiths?
- (2) If so, was the inquiry ever completed?
- (3) If not, why not, particularly following the release of Mr Tim Anderson?
- (4) Was the inquiry ordered to be stopped?
- (5) If so, by whom?
- (6) (a) Did the then Minister assert in answers published on 16 September 1992 in response to questions on notice asked by myself, that New South Wales Police had no overseas-trained anti-terrorist personnel?
(b) Did media statements made by Superintendent Reginald Douglas reported in the Daily Telegraph, 14 February 1978, suggest otherwise?
- (7) (a) Did the then Minister state that there were no established security procedures in 1978 which required garbage bins in a public street to be searched?
(b) Are such directions contained in Permanent Circular 135 which came out in 1972?
- (8) Was there a request from the New South Wales Police for the Military Sniffer Dog Squad to examine the site of the Commonwealth Heads of Government Regional Meeting? If not, why not?
- (9) (a) Did the then Minister maintain in his answer to my question on notice on 16 September 1992 that to allow a garbage truck to empty the bin in which the bomb eventually exploded would have caused disruption to traffic?
(b) Why was it not possible for traffic in front of the hotel to move into the centre lane?
- (10) (a) In answer to my question on 16 September 1992, did the then Minister state that the running sheet entries of the New South Wales Police who were on duty at the time of the Hilton Bombing were at the Independent Commission Against Corruption?
(b) Where are those documents now?
(c) Can the Minister indicate which personnel were on duty at the Hilton Bombing?
- (11) (a) Who were the New South Wales Police personnel rostered to perform duty with the anti-terrorist squad and within the security arrangements of the CHOGRM?
(b) Why did they not search the bin and locate the bomb as they had been trained to do?
(c) If officers were not present, why were they not directed to the vicinity of the front entrance in George Street after the phone call warning of the bomb?
(d) Were the appropriate police officers called to give evidence and be cross-examined at the 1982 coronial inquiry into the Hilton Bombing? If not, why not?
- (12) Did ASIO personnel consult with the New South Wales Special Branch personnel on security for the CHOGRM conference and if so, what was the nature of that involvement?
- (13) Were any observation squad personnel who worked on CHOGRM ever called to give evidence about the Hilton Bombing? If not, why not?

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- (14) Has any State security protection unit been called to account for its failure to detect the bomb?
- (15) (a) Did Superintendent Douglas accept responsibility for not searching?
(b) Did Superintendent Douglas ever appear or was he ever subpoenaed as a witness to any court hearings relating to the Hilton Bombing?
(c) If not, why not?
(d) Was any disciplinary action taken against Superintendent Douglas?
- (16) (a) Did Detective Sergeant Streatfield disobey Police Permanent Circular 135 of 1972 by not relaying the warning he received of the presence of the bomb?
(b) Was this reported in the 1992/93 Annual Report of the Inspector-General of Intelligence and Security?
(c) Were seven items of particular interest to the New South Wales Police? If so, were these policies ever followed up? If not, why not?
- (17) (a) Was crucial evidence relating to the Hilton Bombing (explosives and other items) found in a University of New South Wales locker in July 1981?

- (b) Was this evidence destroyed in 1985?
- (c) If so, why?
- (d) On whose orders?
- (e) Was any of this material brought to the attention of the inquest in 1982? If not, why not?
- (f) On what grounds was the investigation into Melton dropped?
- (g) If so, why and how were such investigations dropped?
- (18) (a) Did Mr Frank Walker, a former New South Wales Minister, publicly report that he was visited in 1980 by a former CSIRO scientist who claimed to have manufactured bombs for ASIO in the weeks prior to the Hilton Bombing?
- (b) Is the identity of the CSIRO scientist in question known to the Attorney General's Department?
- (c) If so, what action does the Attorney General intend to take?
- (d) Is the Commonwealth Government willing to co-operate with the New South Wales Government on any inquiry into the Hilton Bombing?
- (e) If so, will the Minister ensure that an inquiry is established or ensure that the matter is investigated within the terms of the upcoming Royal Commission into the Police?

Answer -

The Minister for Police, the Hon. Paul Whelan, M.P., has advised for questions (1) to (17) and (18)(a) and (e). The responses to question 18 (b) to (d) are from my own portfolio.

- (1) I am advised no.
- (2) Not applicable.
- (3) Given the elapse of time and turnover of relevant personnel I am unable to ascertain why not.
- (4) Not applicable.
- (5) Not applicable.
- (6) (a) This is a matter of public record.
- (b) I am advised that Superintendent Douglas was quoted in the *Daily Telegraph* of 14 February, 1978 as saying NSW Police had been sent overseas to train in anti-terrorist tactics.
- (7) (a) This is a matter of public record.
- (b) I am advised no such directions are contained in Permanent Circular 135.
- (8) I am advised that no request was made. I am not aware of the reason for this decision.
- (9) (a) This is a matter of public record.
- (b) I am advised that this was because cars were already double parked outside the hotel.
- (10) (a) This is a matter of public record.
- (b) In the possession of the Police Service.
- (c) I am advised that approximately 238 NSW Police were rostered for duty in relation to the CHOGRM Conference on the day in question. Copies of running sheets will be made publicly available as announced by the Premier on 24 July 1995.
- (11) (a) I am advised that this was a responsibility of Special Branch personnel.
- (b) I am not aware why a search was not carried out.
- (c) I am advised that there was insufficient time between the phone call and the time of the blast.
- (d) I am advised that Detective Sergeant Crothers did give evidence to the Coronial Inquiry. The Coroner would have decided who was to be called to give evidence.
- (12) I am advised that there was consultation on security arrangements for the conference.
- (13) I am advised that there was no NSW Observation Squad working at the conference.
- (14) I am advised that no disciplinary action was taken against any police arising out of the incident.
- (15) (a) Yes, the *Sunday Telegraph* of 14 February 1978 reported Superintendent Douglas accepting responsibility as he was in charge of police operation.
- (b) I am advised no.
- (c) I am unable to provide any information as to why he was not called as a witness.
- (d) I am advised no.
- (16) (a) I am advised no.
- (b) I am advised no.
- (c) Refer to the 1992/93 Annual Report of the Inspector-General of Intelligence. I am unable to advise

why no follow-up occurred.

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- (17) (a) I am advised that this is correct.
(b) I am advised that the explosives were destroyed.
(c) I am advised that this was because the explosives had become dangerous due to passage of time.
(d) I am advised that the decision was made by a forensic scientist.
(e) I am advised no, the relevance of the explosives was not known until after the Coronial Inquiry.
(f) I am advised that Mr Melton was interviewed by police and eliminated as a suspect.
(g) I am advised that a statement was taken from Mr Melton denying any knowledge and that his handwriting did not "match" the records at the university.
- (18) (a) Yes, according to media reports.
(b) No.
(c) Not applicable.
(d) The NSW Government is eager to participate in a joint Commonwealth/State inquiry into the Hilton Bombing. However, the Commonwealth response to the requests of my predecessors in office for a joint inquiry is that the explosion was a violation of New South Wales laws and therefore a joint inquiry is not justified.
(e) The Premier has announced that all NSW Government files relating to the Hilton Bombing will be made available to the public.

EXHIBITED ANIMALS PROTECTION REGULATIONS No. 8

Mr Jones asked the Minister for Community Services, Minister for Aged Services, and Minister for Disability Services, representing the Minister for Agriculture -

- (1) Has the Director-General varied a standard under Regulations to the Exhibited Animals Protection Act 1986?
(2) If so, in respect of which establishments, by name and address?

Answer -

(1) The Director-General of NSW Agriculture may exercise authority to amend or vary standards under clause 7 of the Exhibited Animals Protection Regulations. The Director-General has had cause, on several occasions, to amend such standards. I am advised that such action is usually taken on the advice of the Exhibited Animals Advisory Committee following departmental review of standards and/or requests from members of the animal exhibition industry.

(2) The Standards for Exhibiting Bottlenose Dolphins regarding suitable pool area have been amended. Similarly amendments to the Standards for Exhibiting Koalas in New South Wales regarding supervision of koalas handled by visitors affect all koala exhibitors in the State. The Regulations have also been amended to exclude the application of the Act to displays of farm species on farms and at agricultural shows and field days.

TRANSIT LANE USE No. 9

Mr Jones asked the Treasurer, Minister for Energy, Minister for State Development, Minister Assisting the Premier, and Vice-President of the Executive Council, representing the Minister for Public Works and Services, Minister for the Olympics, and Minister for Roads -

- (1) What study has been undertaken to ensure that transit lanes are the most effective way of moving people along the roads?
(2) Have transit lanes increased the number of passengers using buses?
(3) How many individuals travel on the transit lanes including people in buses and cars, compared to other lanes?

(4) Would more people be moved more quickly if it were allowable for cars with two persons aboard to use transit lanes?

Answer -

(1) In August 1994, the Roads and Traffic Authority completed an evaluation titled "A Study of Sydney's Transit & Bus Lanes", the purpose of which was to collect a representative set of data on the operation of Sydney's transit and bus lanes and assess their effectiveness.

(2) Bus passengers form the majority of travellers using transit and bus lanes. However, the study data regarding changes in bus occupancy over time were not conclusive. Survey results showed a slight reduction in passengers per bus (of about up to 10%) since 1989, while recent State Transit Authority studies showed occupancy levels to be higher than that indicated by the survey results.

(3) The 1994 Study showed that the percentage of road users travelling on transit and bus lanes across Sydney was 49% overall, ranging from 39% on the Parramatta Road bus lane to 67% on Windsor Road. Approximately 51% of travellers on Military Road used the transit lane.

(4) An increase in the number of vehicles allowed to use transit lanes could erode the travel time savings being achieved, particularly for buses. Routes with a high concentration of buses operate more efficiently with the three person limit on vehicles.

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ROADS AND TRAFFIC AUTHORITY PLANNING STAFF No. 10

Mr Jones asked the Treasurer, Minister for Energy, Minister for State Development, Minister Assisting the Premier, and Vice-President of the Executive Council, representing the Minister for Public Works and Services, Minister for the Olympics, and Minister for Roads -

(a) Has the Government decided to centralise all planning in the Department of Planning and Urban Affairs?

(b) If so:

0.0.1 What has happened to the former planning staff of the Roads and Traffic Authority (RTA); and

0.0.2 Are the RTA staff who previously were planners now classified as engineers?

Answer -

(a) No.

(b)(i) Not applicable.

(ii) Not applicable.

BITOU BUSH CONTROL MEASURES No. 11

Mr Jones asked the Minister for Community Services, Minister for Aged Services, and Minister for Disability Services, representing the Minister for Agriculture -

(1) What is the Department of Agriculture doing about the control of invasive weeds such as Bitou Bush on our coastline?

(2) Precisely what programs are in place to control such weeds?

Answer -

(1) NSW Agriculture's involvement in the control of non-agricultural weeds, such as Bitou Bush, is generally limited to administration of the Noxious Weeds Act 1993. However, NSW Agriculture has carried out an extensive research program to develop cost effective methods for the control of Bitou Bush.

The research programs are:

- (a) Development of chemical control - this program is at an advanced stage and large scale evaluation trials are currently being carried out. Research has shown that low rates (2 L/ha) of glyphosate (Roundup®), applied by helicopter during winter, can kill Bitou Bush without damaging native plants.
- (b) Development of biological control - one agent, the bitou tip moth, has been released. It is only effective in exposed situations but is useful in conjunction with chemical control. Two other agents are being evaluated.

The eventual control package will probably involve chemical control, reseedling with local native species and biological control.

(2) Bitou bush is a major environmental weed of coastal areas and currently infests about 70,000 hectares. However, it has only been declared as a noxious weed in 15 council areas (as W2 in Hornsby, Hunters Hill, Ku-ring-gai, Lane Cove, Lord Howe Island, North Sydney, Parramatta, Pittwater, Randwick, Ryde, Shoalhaven and Willoughby and as W3 in Maclean, Bega Valley and Eurobodalla). Effective control strategies are essential before Bitou Bush is declared as a noxious weed along the whole coast.

Implementation of control strategies developed by NSW Agriculture research programs will be the responsibility of the Department of Land and Water Conservation, National Parks and Wildlife Service, councils and landholders. NSW Agriculture will use the provisions of the Noxious Weeds Act 1993 to ensure that this control is carried out.

BITOU BUSH CONTROL MEASURES No. 12

Mr Jones asked the Attorney General, and Minister for Industrial Relations, representing the Minister for Local Government -

- (1) What are coastal councils doing about the control of invasive weeds, such as Bitou Bush, along our coastlines?
- (2) Which councils have control programs in place?

Answer -

(1) and (2) The Minister for Local Government is aware that Bitou Bush has been declared a noxious plant in a number of local government areas throughout New South Wales. The provisions relating to the control of declared noxious plants by councils are contained in the Noxious Weeds Act 1993, administered by our colleague the Hon. Richard Amery, M.P., Minister for Agriculture. As the Minister for Local Government and I are not in a position to answer the question, we have referred the matter to Mr Amery for the preparation of an appropriate response.

The Minister for Agriculture, the Hon. Richard Amery, M.P., has advised that:

- (1) At this stage most councils have not implemented control programs for Bitou Bush, due to the cost of implementing control. It is estimated that the current cost of mechanical control per hectare is anywhere from \$10,000 to \$20,000 in the first year.

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NSW Agriculture is carrying out research programs to develop cost effective methods for the control of the Bitou Bush. The eventual control package will probably involve chemical control, reseedling with local native species and biological control. The cost of this control is estimated to be around \$200 per hectare. This trial work in its final year and, if results continue to be promising, affected councils will probably expand their Bitou Bush control programs.

(2) Bitou bush is a major environmental weed of coastal areas and currently infests about 70,000 hectares. However, it has only been declared as a noxious weed in 15 council areas (as W2¹ in Hornsby, Hunters Hill, Ku-ring-gai, Lane Cove, Lord Howe Island, North Sydney, Parramatta, Pittwater, Randwick, Ryde, Shoalhaven and Willoughby and as W3² in Maclean, Bega Valley and Eurobodalla). Effective control strategies are essential before Bitou Bush is declared as a noxious weed along the whole coast.

OECD REPORT ON TRADE AND THE ENVIRONMENT No. 13

Ms Kirkby asked the Treasurer, Minister for Energy, Minister for State Development, Minister Assisting the Premier, and Vice-President of the Executive Council, representing the Premier, Minister for the Arts, and Minister for Ethnic Affairs -

- (1) Is the Premier aware of a draft Organisation for Economic Co-operation and Development Report to Ministers on Trade and Environment, likely to be adopted at a meeting in Paris shortly?
- (2) Is the Premier aware that this OECD policy document encourages the 26 member countries to introduce new environmental taxes?
- (3) Is Australia a member of the OECD?
- (4) Will the lifting of user pays charges such as tolls on major motorways contravene the spirit of this Report?
- (5) Will the lifting of tolls encourage more people to use personal, rather than public transport?
- (6) Does the State of New South Wales have a "duty" to assist the Commonwealth in reducing greenhouse emissions and other environmental impacts?
- (7) Will the Premier give an undertaking that he will not lift any further tolls on environmental grounds?

Answer -

The Premier was not aware of the Report on Trade and Environment to the OECD Council at Ministerial Level and appreciates it being drawn to his attention. The Premier has subsequently requested a detailed analysis of the whole report. In any event, the Government is not in favour of new taxes.

INNERWEST HOSPITAL CONSTRUCTION CONTRACTS No. 14

Dr Pezzutti asked the Treasurer, Minister for Energy, Minister for State Development, Minister Assisting the Premier, and Vice-President of the Executive Council, representing the Minister for Public Works and Services, Minister for the Olympics, and Minister for Roads -

- (a) Has the Minister called for the internal audit (including in this, a probe into efficiency) by the Department of Public Works into the changing of contracts from the building of the Inner West Hospital to the redevelopment of Canterbury Hospital?
- (b) If not, why not?

Answer -

- (a) An internal audit by the Department of Public Works and Services has not been requested into changing the Inner West Hospital from the Croydon site to Canterbury.
The transfer was made on the basis of a delivery strategy undertaken by the Minister for Health which demonstrated a fairer and more equitable outcome of health services in the Inner West.
- (b) Public Works and Services has a Contract Risk Management role in the project which includes advice on the tender process, procurement method and contract negotiations to be used.
Preliminary negotiations are currently being held with the contractor, Concrete Constructions, for the transfer of the hospital in an effort to minimise project costs.
The negotiation process is intended to be publicly accountable, in accordance with probity rules, and able to withstand the scrutiny of the industry and parliament.
The outcome must be commercially sensible for both sides and must demonstrate a clear advantage over repudiating the existing contract and implementing the Canterbury project by re-tendering.

FOOD ACT BREACHES No. 15

Mr Jones asked the Minister for Community Services, Minister for Aged Services, and Minister for Disability Services, representing the Deputy Premier, Minister for Health, and Minister for Aboriginal Affairs -

- (1) Are claims made on page 3 of News Bulletin Issue Number 1, issued by Southern Game Meat Pty Ltd of 22 Churchill Street, Auburn 2144, contrary to section 12 of the Food Act 1989?
- (2) Do these statements breach Food Standard A1(19)?
- (3) If this material is in breach of the Act, will you ensure that all copies will be seized and destroyed?

Answer -

- (1) and (2) I am advised that, whilst the claims are not in breach of section 12 of the Food Act 1989, some of the claims appear to be in breach of section 14 of the Act and they may breach Food Standard A1(19).
- (3) The Department has advised me that the matter has been referred to the Western Sydney and Wentworth Public Health Unit for appropriate action.

SHARK NETTING OF BEACHES No. 16

Mr Jones asked the Minister for Community Services, Minister for Aged Services, and Minister for Disability Services, representing the Minister for Mineral Resources, and Minister for Fisheries -

- (1) Which beaches still have shark netting?
- (2) Precisely how many sharks are caught at each beach and what species are the sharks?
- (3) How many dolphins are caught each year at each beach?
- (4) How many turtles are caught each year at each beach?
- (5) What percentage of animals and fish caught are non-target species?
- (6) How much does the shark netting cost taxpayers?
- (7) How many of the sharks killed can be regarded as dangerous to bathers?
- (8) (a) Will you re-examine the effectiveness and need for shark netting; and
(b) Will this re-examination include possible alternatives?

Answer -

(1) Newcastle beaches: Catherine Hill Bay, Caves, Swansea, Blacksmiths, Redhead, Merewether, Dixon Park, Bar, Newcastle, Nobbys, Stockton.
Central Coast: Lakes, Soldiers, The Entrance, Shelley, Terrigal, Avoca/North Avoca, Copacabana/ McMasters, Kilcare, Umina/Ocean.
Sydney: Palm, Whale, Avalon, Bilgola, Newport, Mona Vale, Warriewood, North Narrabeen, Dee Why, Curl Curl, Harbord, Queenscliff, North Steyne, Manly, Bondi, Bronte, Coogee, Maroubra, Wanda, Elouera, North Cronulla, Cronulla, Wattamolla, Garie.

Wollongong: Coledale, Austinmer, Thirroul, North Wollongong, South Wollongong.

- (2) Between 150 and 200 sharks are caught each year in the shark netting program. No statistics are currently available about individual beaches.

Some of the major species caught by percentage in the years 1972-90 at Newcastle, Sydney and Wollongong beaches are:

Sphyrna spp.	46.3	(Hammerhead)
Squatina australis	20.8	(Angel)
Carcharinus spp.	15.3	(Whalers)
Charcharodon carcharias	3.1	(White Pointer)

- (3) Between 1 and 2 dolphins are now caught each year in the shark netting program. No statistics are currently available about catches at each beach.
- (4) An average of 1.3 turtles are caught each year in the shark netting program. Statistics about individual beaches are not currently available.
- (5) No statistics currently available.
- (6) The annual cost depends on tenders but is currently under \$400,000.
- (7) The three species thought most likely to be responsible for attacks on humans, the white shark, the tiger

shark, and the bull shark are all present in the New South Wales shark netting program catch. Other sharks caught in the meshing program are relatively small and could therefore be considered to be relatively harmless to humans at that size.

- (8) (a) My department examines the effectiveness and need for the shark netting program on an ongoing basis.
(b) Alternatives to netting are constantly being examined as the department becomes aware of them through assessments published in scientific literature. Were a suitable alternative to be identified, then I would only consider the introduction of that alternative after full and extensive consultation with organisations such as the Surf Life Saving Association as well as divers, bathers, beach users and the community in general.

TARONGA PARK ZOO BLACK COCKATOO POPULATION No. 17

Mr Jones asked the Attorney General, and Minister for Industrial Relations, representing the Minister for the Environment -

- (1) How many black cockatoos are being held at Taronga Park Zoo?
- (2) How long have these black cockatoos been held?
- (3) Are legal proceedings in progress?
- (4) If so, is it the intention of the National Parks and Wildlife Service to rehabilitate these black cockatoos back into the wild in appropriate habitat when all legal proceedings are finished? If not, why not?

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Answer -

- (1) Taronga Zoo houses 29 Black Cockatoos from two consignments of confiscated birds seized by the NSW National Parks and Wildlife Service. These include:

- 11 Red-tailed Black Cockatoos;
- 14 Yellow-tailed Black Cockatoos;
- 4 Glossy Black Cockatoos.

- (2) The birds were brought to the zoo in two seizures; 8 have been held since 9 June 1994 and 21 birds since 10 June 1994.

- (3) Yes.

- (4) That will depend on the results of the proceedings and any orders that the court might make as to who the birds should go to.

If the court does not order the return of the birds to the defendants then the Service will endeavour to rehabilitate the birds to an appropriate habitat in the wild.

Birds that cannot be rehabilitated because they have been in captivity too long will remain at the zoo for exhibition or transfer to another "A Class" zoo for exhibition.

FEES PAID TO MAYORS AND COUNCILLORS No. 18

Mr Jobling asked the Attorney General, and Minister for Industrial Relations, representing the Minister for Local Government -

- (1) How many councils have increased fees paid to mayors and councillors to the maximum?
- (2) Which are these councils?
- (3) Which councils have not increased fees?
- (4) What percentage of general rates will be allocated by each council to fees for mayors and councillors?

Answer -

The Minister for Local Government, the Hon. Ernie Page, M.P., has advised me that:

- (1) to (4) The information sought by the Honourable Member is not presently available to the Hon. Ernie

Page, M.P., or his administration. The Local Government Remuneration Tribunal is an independent statutory body and recently delivered its determination expressed to apply to annual fees for mayors and councillors of local councils for the period 1 July 1995 to 30 June 1996. Some councils would still be deliberating on the fees to be fixed for the next financial year within the range of minimum and maximum fees set by the Tribunal for each category of councils. A council that does not resolve to set an annual fee before 1 July will pay the maximum fee determined by the Tribunal.

ENERGY INDUSTRY REFORMS No. 19

Mr Jobling asked the Treasurer, Minister for Energy, Minister for State Development, Minister Assisting the Premier, and Vice-President of the Executive Council -

- (1) Does the new Chairman of Pacific Power, Professor Hilmer, oppose the proposal to break up Pacific Power into three competitive units?
- (2) Did Professor Hilmer threaten to resign?
- (3) Will you detail Professor Hilmer's preferred option for Pacific Power?

Answer -

- (1) The Chairman of Pacific Power, Professor Hilmer, is currently chairing the deliberations of the Generation Review Working Group. This group was recently established by the Government to advise it on the final shape of a reformed generation sector, and to consider whether Pacific Power should be corporatised as one or more publicly owned businesses. Professor Hilmer's final report on the recommended reform of the generation sector will be provided no later than December 1995.
- (2) Professor Hilmer has not threatened to resign as Chairman of Pacific Power.
- (3) See (1).

MINISTERIAL TRAVEL No. 20

Mr Jobling asked all Ministers -

- (1) Will you be travelling or planning to travel out of the State or Australia during the coming Parliamentary recess?
- (2) Will staff or other bureaucrats or Members be accompanying you?
- (3) What are their names?
- (4) What class of travel will each Member be using?
- (5) What are the anticipated total and individual costs budgeted for each trip?
- (6) Where and for how many days will you be absent?
- (7) What is the stated purpose of the visit?

Answer -

- (1) The Premier and Ministers Refshauge, Egan, Aquilina, Knight, Yeadon, Knowles, Face and Martin will travel out of the State on official government business.

(2) Yes.

(3) J. Anderson, J. Brennan, J. Brophy, S. Crawford, A. Crook, M. Duffy, C. Gellatly, A. Goodwin, B. Johnson, S. Jones, A. Keith, S. Kerkyasharian, M. Lambert, P. Levins, D. Lowenthal, K. Purcell, M. Schultz, C. Siorokos,

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J. Stewart, D. Tierney, J. Watt, G. Wedderburn and J. Wyn Owen will accompany Members.

- (4) Ministers will be travelling in accordance with approved guidelines for class of travel.
- (5) Costs will be met from current Ministerial budget allocations.
- (6) A number of separate trips are proposed and include the following destinations: USA, Europe, Alice Springs, Perth, Melbourne, Brisbane and Hobart.

Total number of days: 74.5.
(7) Official government business.

PACIFIC POWER OPERATIONS No. 21

Mr Jobling asked the Treasurer, Minister for Energy, Minister for State Development, Minister Assisting the Premier, and Vice-President of the Executive Council -

- (1) Do you propose to split Pacific Power into three generating units?
- (2) Will the proposed three units be Upper Hunter, Central Coast and Western Area?
- (3) Is this break-up to satisfy Victoria's claims that with 56% of generating capacity Pacific Power would be too big and dominate the proposed national grid?

Answer -

- (1) The Chairman of Pacific Power, Professor Hilmer, is currently chairing the deliberations of the Generation Review Working Group. This group was recently established by the Government to advise it on the final shape of a reformed generation sector, and to consider whether Pacific Power should be corporatised as one or more publicly owned businesses. Professor Hilmer's final report on the recommended reform of the generation sector will be provided no later than December 1995. The Government will not corporatise the generation sector until such time as it has considered the working group's recommendations.
- (2) See (1).
- (3) See (1).

CABINET MEETING TRAVEL ARRANGEMENTS No. 22

Mrs Forsythe asked all Ministers -

- (1) Did you attend the Cabinet meeting in Newcastle on 8 April 1995?
- (2) (a) What form of transport did you use to travel to Newcastle?
(b) If you travelled by a ministerial car, did any other Minister travel with you in the car?
- (3) (a) Did you travel to Sydney after the meeting?
(b) If not, what was your destination?
- (4) (a) What method of transport did you use to return from the Cabinet meeting?
(b) If you travelled by a ministerial car, did any other Minister travel with you in the car?

Answer -

- (1) The Cabinet meeting was held on 10 April 1995, not 8 April 1995. All Ministers attended.
- (2) (a) Charter Air to Williamtown airbase and bus, except Ministers Egan, Dyer, Face and Martin who travelled by Ministerial car.
(b) No.
- (3) (a) All Ministers returned to Sydney except the Premier, Minister Egan and Minister Scully.
(b) Canberra for the COAG meeting.
- (4) (a) Charter Air, bus and some by car.
(b) No.

ENERGY INDUSTRY REFORMS No. 23

Mr Jobling asked the Treasurer, Minister for Energy, Minister for State Development, Minister Assisting the Premier, and Vice-President of the Executive Council -

- (1) Has the Construction, Forestry, Mining and Energy Union written to the Government opposing the dismantling of Pacific Power?

- (2) Were they concerned about loss of jobs, the doubt about reductions in electricity prices and the questionable increase in competition?
- (3) Has the Electrical Trade Union also opposed the proposal and warned about cuts in jobs and services?
- (4) What assurances have both unions been given about union members' job security?
- (5) What additional costs will be incurred to meet all the Government's promises to the unions?

Answer -

- (1) Yes.
- (2) Yes.
- (3) Yes.
- (4) The Government is having ongoing discussions with the unions regarding electricity reform.
- (5) One objective of the electricity reforms proposed by the Government is to reduce costs.

COAL BENEFICIATION No. 24

Mr Pickering asked the Treasurer, Minister for Energy, Minister for State Development, Minister Assisting the Premier, and Vice-President of the Executive Council -

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- (1) (a) Is approximately 86% of all coal burnt by Pacific Power to generate the State's power supply not subject to any form of coal beneficiation to reduce ash levels after mining?
(b) If so, have some senior staff within Pacific Power historically erroneously concluded that generally the beneficiation of raw coal used by Pacific Power is economically deleterious?
- (2) Of recent date, has there been any effort made by senior staff within Pacific Power to re-evaluate this situation to properly assess on a sound scientific basis if boiler thermal efficiency might benefit from coal beneficiation?
- (3) Would small percentage increases in thermal boiler efficiency result in significant cost savings in the production of power as well as reducing greenhouse gas emissions?
- (4) Has the present Federal Minister for Energy on a number of occasions stated that if China were to clean its raw coal used for power generation in that country it would do much to reduce the world's greenhouse gas emissions problem?

Answer -

- (1) (a) Yes.
(b) No.
- (2) Not recently, but Pacific Power advised me that its approach to beneficiation of coal rests on a sound economic and scientific basis.
- (3) Yes, however beneficiation of coal will not always lead to increased boiler thermal efficiency.
- (4) I understand that this view has been expressed by many persons in the industry about the specific case of coal in China.

ENGAGEMENT OF CONSULTANTS No. 25

Dr Pezzutti asked the Minister for Community Services, Minister for Aged Services, and Minister for Disability Services, representing the Deputy Premier, Minister for Health, and Minister for Aboriginal Affairs -

Could the Minister please advise the House on the number and title of consultancies undertaken by the Reid Harris Consulting Firm for the Department of Health in the period from 1988 to March 1995?

Answer -

I am informed that there were nine consultancies undertaken by the Reid Harris & Associates consulting firm for the Department of Health in the period from 1988 to March 1995. The titles of the consultancies were:

- Ophthalmology Enhancement Program.
- Review Hospital Junior Medical Staffing.
- Aids Planning Study.
- NSW Brain Injury Rehabilitation Program.
- Eastern & Southern Sydney Clinical Services Review.
- N.G.O. Review.
- Service Sharing between Westmead Hospital and the Children's Hospital.
- Aeromedical Review.
- Orange Base Hospital Review.

LAKE MACQUARIE CITY COUNCIL PLANNING POLICY No. 26

Mr Jones asked the Attorney General, and Minister for Industrial Relations representing the Minister for Local Government -

- (1) Did Lake Macquarie City Council recently approve a subdivision of land at Green Point?
- (2) Did the council's officers advise against this subdivision?
- (3) (a) Is the land currently the subject of legal proceedings regarding the ownership of the land, and at present before the Supreme Court in the case of Lunn v. Savage?
(b) If so, is it appropriate for the council to approve this development while the land is under dispute?

Answer -

The Minister for Local Government, the Hon. Ernie Page, M.P., has advised me that:

- (1) Lake Macquarie City Council did recently grant development consent to the subdivision of land at Green Point.
- (2) Council has advised the Department of Local Government that its officers did not advise against the subdivision.
- (3) (a) The council has advised the Department that its aware of the case Lunn v. Savage.
(b) Council has advised the Department that it has counsel's advice that it is in order for council to deal in the land.

LAKE MACQUARIE CITY COUNCIL PLANNING POLICY No. 27

Mr Jones asked the Treasurer, Minister for Energy, Minister for State Development, Minister Assisting the Premier, and Vice-President of the Executive Council representing the Minister for Urban Affairs and Planning, and Minister for Housing -

- (1) Has the Minister approved the rezoning of Green Point to allow a subdivision development to go ahead?

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- (2) (a) Is this land currently the subject of legal proceedings before the Supreme Court regarding the ownership of the land in the case of Lunn v. Savage?
(b) If so, would it not be more appropriate to wait for the approval of the development until the case is decided?

Answer -

I have been advised by the Minister for Urban Affairs and Planning and Minister for Housing that the answers to the Honourable Member's questions are:

- (1) Yes.
- (2) (a) Yes.

- (b) The granting of development consent is a matter for determination by the Lake Macquarie City Council.

CARDIFF COAL COMPANY OWNERSHIP No. 28

Mr Jones asked the Attorney General, and Minister for Industrial Relations -

- (1) Is there an ongoing legal battle over the Cardiff Coal Company and Belmont Colliery, and the involvement of Mr L.H. Savage, Director of Cardiff Coal Company, on the basis of his claim that his Belmont Colliery owns the majority shares in Cardiff Coal Company?
- (2) Has a recent judgment of Justice Hulme ruled that the documents used to transfer shares of Cardiff Coal Company to Belmont Colliery were fraudulent, and the signatures upon them forged?
- (3) Has Justice Hulme's judgment ruled that Mr Savage's Belmont Colliery never owned shares in Cardiff Coal Company?
- (4) Is Mr Savage still operating as the Director of Cardiff Coal Company?
- (5) Will the Attorney General inquire into the Cardiff Coal Company to determine who are the legitimate shareholders so that a meeting of shareholders can be called and directors properly appointed in accordance with the provisions of the Act of Incorporation and the Deed of Settlement?
- (6) Has the company failed to issue notices of meetings, reports and financial statements to shareholders as required by the Deed of Settlement?

Answer -

- (1) Yes.
- (2) Yes, however, Mr Justice Hulme has not reached any conclusion as to who is responsible for the forgeries.
- (3) Yes.
- (4) This question should be directed to the Australian Securities Commission.
- (5) Any inquiries should be conducted by the Australian Securities Commission.
- (6) This question should be directed to the Australian Securities Commission.

PACIFIC POWER OPERATIONS No. 29

Mr Jobling asked the Treasurer, Minister for Energy, Minister for State Development, Minister Assisting the Premier, and Vice-President of the Executive Council -

- (1) In the event that Pacific Power is broken up into three units, will it be corporatised, or privatised as in Victoria?
- (2) What interest will the Government maintain in each option?
- (3) Where will the headquarters of each new unit be located?
- (4) What increases in staffing and administration costs will result from corporatisation or privatisation of Pacific Power?

Answer -

- (1) The Government has set up a working group, chaired by the Chairman of Pacific Power, Professor Hilmer, to advise it on the final shape of a reformed generation sector, and to consider whether Pacific Power should be corporatised as one or more publicly owned business. Professor Hilmer's final report on the recommended reform of the generation sector will be provided no later than December 1995. The Government will not reform nor corporatise the generation sector until such time as it has considered the working group's recommendations.
- (2) A statutory corporation has two shareholders, the Treasurer and the Minister nominated by the Premier.
- (3) See (1).
- (4) See (1).

PACIFIC POWER OPERATIONS No. 30

Mr Jobling asked the Treasurer, Minister for Energy, Minister for State Development, Minister Assisting the Premier, and Vice-President of the Executive Council -

- (1) If Pacific Power is corporatised or privatised, is the existing building at Elizabeth and Park Streets to be sold?
- (2) What is the book value of the building?
- (3) What properties are surplus to Pacific Power's current needs?

Answer -

- (1) The Government has set up a working group, chaired by the Chairman of Pacific Power, Professor Hilmer, to advise it on the final shape of a reformed

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generation sector, and to consider whether Pacific Power should be corporatised as one or more publicly owned business. Professor Hilmer's final report on the recommended reform of the generation sector will be provided no later than December 1995. The Government will not reform nor corporatise the generation sector until such time as it has considered the working group's recommendations.

- (2) The book value of the Pacific Power building is \$55 million, excluding land, as noted in Pacific Power's Annual Report.
- (3) This information is commercial and in confidence.

MINISTERIAL STAFF No. 31

Mr Jobling asked all Ministers -

- (1) Does your Ministerial staff include any former employees of the Australian Labor Party?
- (2) If so:
 - (a) How many?
 - (b) Who are they?
 - (c) In what positions are they employed?
 - (d) What are their salaries?
 - (e) Which staff members were specifically employed at ALP headquarters in Sussex Street?

Answer -

- The Labor Government advertised for 204 Ministerial staff positions.
- The selections were based on merit and in accordance with public sector equal employment opportunities.
- Ministerial staff members are paid in accordance with the salary ranges and regulations determination by the Public Employment Office.

UNIVERSITY OF NEW ENGLAND LIQUOR LICENCE No. 32

Mrs Symonds asked the:

- (i) Minister for Community Services, Minister for Aged Services, and Minister for Disability Services, representing the Minister for Gaming and Racing, and Minister Assisting the Premier on Hunter Development -
- (ii) Attorney General, and Minister for Industrial Relations, representing the Minister for Police -

- (1) How many times have police attended the University of New England in regard to liquor licensing laws in the period from January 1994 until May 1995?
- (2) How many breaches were detected during that period?

- (3) What is the description of the breaches detected?
- (4) At what premises were the breaches detected?
- (5) Have the breaches been proceeded with?
- (6) What breaches have been concluded and what was the result of such action?
- (7) What breaches have yet to be concluded?
- (8) Who were the officers involved in the detection of the breaches?
- (9) What is their rank, where are such officers stationed, and what is their major duty description?
- (10) (a) Were the police visits to the New England University as a result of a complaint?
 - (i) If so, who made such a complaint?
 - (ii) If not, were such visits routine inspections of licensed premises?
- (b) How many other licensed premises in the city of Armidale were visited in the same period of time?
- (c) What were the number and type of breach detected on those premises?
- (11) Were the police that visited the New England University given specific directions to do so?
- (12) If so, who so directed the police and for what reason?
- (13) Did the police who attended the University threaten that they would continue to visit the University and record liquor licensing breaches until licences for various locations on the University campus were cancelled?
- (14) Have police tried to assist by giving advice to the University to comply with the laws on how to rectify problems?
- (15) If not, why not?

Answer -

Questions (1) and (8) to (15) answered by the Hon. J.W. Shaw, M.L.C., Attorney General, and Minister for Industrial Relations.

Questions (2) to (7) answered by the Hon. R.D. Dyer, M.L.C., Minister for Community Services, Minister for Aged Services, and Minister for Disability Services.

- (1) Twice.
- (2) Licensing Court records indicate that one breach was detected during the period from January 1994 to May 1995.
- (3) The description of that breach is "Did supply liquor in contravention of a condition of the licence".
- (4) University of New England Union, University of New England, Armidale 2350.
- (5) Yes. Last hearing on 15 May 1995 adjourned. Listed for next hearing at Armidale on 26 July 1995.
- (6) See (5).
- (7) See (5).
- (8) In relation to the breach before the Licensing Court, the officers were Constables Short and Parker.

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- (9) Constables at Tamworth on general duties.
- (10) (a) Yes.
 - (i) The Australian Hotels Association.
 - (ii) Not applicable.
- (b) I am advised that all the licensed premises in Armidale were visited during this period on a regular basis.
- (c) 55 breaches for offences such as minors in licensed premises, intoxication, signs not correctly displayed.
- (11) Yes.
- (12) Sergeant Menzies of Armidale, after consultation with the Patrol Commander.
- (13) No.
- (14) The Police Service has advised me that they have.
- (15) Not applicable.

ILLAWARRA RAIL LINE DRAINAGE FACILITIES No. 33

Mr Jones asked the Treasurer, Minister for Energy, Minister for State Development, Minister Assisting the

Premier, and Vice-President of the Executive Council, representing the Minister for Transport, and Minister for Tourism -

- (1) (a) Did the State Rail Authority (SRA) block drainage culverts on the main Illawarra line in 1982-85?
(b) If so, did this occur as a result of constructing access roads with bulldozers during electrification of the line?
- (2) (a) Did the SRA re-open these blocked culverts upon completion of roadwork and electrification activities?
(b) If not, why not?
- (3) Was loss of life at Coledale in 1988 linked in any way to poor maintenance of drainage culverts?
- (4) Has the SRA adopted a policy of cutting track maintenance staff along this line?
- (5) (a) Have communities at Scarborough/Wombarra suffered extensive washouts and property damage on three occasions since 1985?
(b) If so, was this as a direct result of SRA culvert blockages?
- (6) Was multi-million dollar drainage engineering on the Illawarra line undertaken by the SRA in 1989/90?
- (7) Did these engineering works divert and combine natural sub-escarpment stream courses?
- (8) Did this action increase flow velocities of watercourses?
- (9) Did those works contravene current State Pollution Control Commission drainage guidelines intended to prevent flash flooding?
- (10) Did the works contravene the Public Works Department's Flood Plain Management Policy?
- (11) (a) Were these drainage diversions licensed under the Clean Waters Act?
(b) If so, on what date was the licence granted?
- (12) Did Wollongong Council request closure of these SRA drainage works based on concern for resident safety?
- (13) (a) Were improvised baffle plates and ground overflow channels fitted by the SRA?
(b) If so:
 - (i) Was this baffling and ground overflow channel construction of an ad hoc nature?
 - (ii) Were these activities undertaken against the advice of SRA hydrological consultants?
 - (iii) Which SRA engineer was responsible for this work?
 - (iv) Does the officer still hold a position in the SRA?
 - (v) If so, what position is that?
- (14) (a) Did the SRA advise Northern Illawarra residents of potential flood danger when it closed-off/baffled engineering drainage works in 1990?
(b) If not, why not?
- (15) Was flooding and property damage experienced by Scarborough/Wombarra communities in June 1991 in any way related to SRA water diversion activities?
- (16) Is Scarborough/Wombarra an area of known ecological fragility?
- (17) Did the SRA undertake engineering works in 1989/90 to reorganise drainage of the line without prior environmental impact assessment?
- (18) (a) Was an Environmental Impact Study (EIS) for Culvert Amplification undertaken after the works?
(b) If so, how much did this "after the fact" EIS cost taxpayers of New South Wales?
- (19) Were closed-off SRA Culvert Amplification works directly linked to flood damage of Scarborough/Wombarra homes in June 1991?
- (20) Did residents suffer new flood damage on 17 May 1995 downstream of SRA Culvert Amplification works on Reeves Creek, Wombarra?
- (21) If there were property losses caused by 1989/90 SRA drainage works, will the SRA pay compensation to local residents?
- (22) Who was the General Manager of CityRail when these works were carried out?
- (23) (a) Does the officer currently hold a position in the SRA?
(b) If so, what position?
- (24) Will the Minister arrange for an independent performance audit of the SRA by the Office of the Auditor-General?

Answer -

- (1) (a) No.
(b) Not applicable.
- (2) (a) Not applicable.
(b) Not applicable.

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- (3) No.
- (4) Policy is to have sufficient track maintenance staff to ensure a safe railway.
- (5) (a) The SRA advises me that it is not aware of extensive property damage, however, there have been occasions of scour in watercourses.
(b) No.
- (6) Yes.
- (7) No. The engineering works undertaken by the SRA did not alter any drainage flows because the SRA installed baffles in the culverts to maintain the status quo.
- (8) No.
- (9) No.
- (10) No. There were no drainage diversions.
- (11) (a) No. This was not necessary as there were no drainage diversions.
(b) Not applicable, as there were no drainage diversions.
- (12) No, however, due to public concern and at council's request, some amplified culverts were baffled back to their original capacity.
- (13) (a) No.
(b) Not applicable.
- (14) (a) Work was designed to reduce any risk and residents were aware of the work being undertaken.
(b) Not applicable.
- (15) No.
- (16) In the absence of a definition of ecological fragility and specific details of the area concerned, it is not possible to provide an answer.
- (17) Yes. An EIS was not necessary for the work.
- (18) (a) No. An EIS was undertaken prior to those works which required such study.
(b) Not applicable.
- (19) No.
- (20) Yes. Minor scour within the watercourse occurred.
- (21) The SRA was not aware of any such property losses.
- (22) Mr. R.A. Schwarzer.
- (23) (a) No.
(b) Not applicable.
- (24) No, unless information is provided which indicates that it is necessary.

**SOUTH CLIFTON COLLIERY
SITE REMEDIATION
No. 34**

Mr Jones asked the Attorney General, and Minister for Industrial Relations representing the Minister for Local Government -

- (1) (a) Has Wollongong Council in principle accepted ownership of the disused South Clifton Colliery from Kembla Coal and Coke (CRA)?
(b) If so:
 - (i) Will remediation of the land now fall to ratepayers at Scarborough/Wombarra?
 - (ii) Was this transfer proposal a "fair trade" swap in exchange for fast track approval of a real estate subdivision on Kembla Coal and Coke lands at Clifton?

- (2) Are these lands immediately above the Illawarra rail line?
- (3) Will there be drainage impacts on the rail line at Clifton?
- (4) (a) Does Wollongong Council have geotechnical reports on unstable lands near to the proposed SRA tunnel works at Scarborough/Wombarra?
(b) If so, will the Minister table these reports for public inspection?
- (5) (a) Are the two dams on the South Clifton Colliery site licensed by Wollongong Council?
(b) If so:
 - (i) Will the Minister table copies of these two licences?
 - (ii) If not, why not?
- (6) Are these dams maintained to structural adequacy by Kembla Coal and Coke (CRA)?
- (7) Did overflow from these dams flood the Illawarra line and homes at Scarborough/Wombarra in June 1991?
- (8) Did Wollongong Council make independent hydrological assessment of conditions at Scarborough/Wombarra when it told the SRA to close-off/baffle 1989/90 Culvert Amplification works?
- (9) Did council advise Scarborough/Wombarra residents of potential flood risks resulting from such closure?
- (10) Which officer at Wollongong Council was responsible for the decision to close-off Culvert Amplification works?
- (11) Did the Group General Manager of CityRail threaten the Mayor of Wollongong Council with legal action in order to ensure passage of the Wombarra Drainage Tunnel development application through council on 14 March 1993?
- (12) Will the Minister call for a performance audit of Wollongong Council Planning Department to be carried out by the Office of the Auditor-General?

Answer -

- (1) This is a matter for the attention of the Wollongong City Council.
- (2) This is a matter for the attention of the Wollongong City Council.
- (3) This is a matter for the attention of the Wollongong City Council.
- (4) This is a matter for the attention of the Wollongong City Council.
- (5) This is a matter for the attention of the Wollongong City Council.
- (6) This is a matter for the attention of the Wollongong City Council.
- (7) This is a matter for the attention of the Wollongong City Council.

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- (8) This is a matter for the attention of the Wollongong City Council.
- (9) This is a matter for the attention of the Wollongong City Council.
- (10) This is a matter for the attention of the Wollongong City Council.
- (11) This is a matter for the attention of the Wollongong City Council.
- (12) There is no intention to call for the Office of the Auditor-General to carry out a performance audit of the Wollongong City Council's Planning Department.

WOMBARRA DRAINAGE TUNNEL PROPOSAL No. 35

Mr Jones asked the Treasurer, Minister for Energy, Minister for State Development, Minister Assisting the Premier, and Vice-President of the Executive Council, representing the Minister for Transport, and Minister for Tourism -

- (1) Has the State Rail Authority selected Transfield Constructions to build the proposed Wombarra Drainage Tunnel?
- (2) (a) Are there unstable conditions on mine lands upstream of the proposed tunnel intake shaft?
(b) If so, has the SRA advised Transfield of the unstable conditions?
- (3) Who would be liable in the event of operational failure of the tunnel?
- (4) Does the Minister have the assurance of Treasury that the State Government will make good any future liabilities concerning the proposed tunnel?

- (5) What insurance arrangements have been entered into by the SRA?
- (6) Who is the insurer?
- (7) What insurance arrangements have been entered into by Transfield?
- (8) Who is the insurer?
- (9) (a) Has the SRA offered Scarborough/Wombarra residents written guarantees of compensation for possible damages that might arise as a result of tunnel construction?
(b) If not, why not?
- (10) (a) Has the SRA offered written guarantees of compensation for possible damages arising as a result of operational failure of the tunnel?
(b) If not, why not?
- (11) What authority is to assume responsibility for maintenance of the proposed Wombarra Drainage Tunnel?
- (12) (a) Is this arrangement in contract form?
(b) If so:
 - (i) Will the Minister table this contract?
 - (ii) Does the contract for the proposed tunnel resemble a Build Own Operate and Transfer (BOOT) Scheme?
- (13) What flood mitigation solution is proposed for Scarborough/Wombarra after the 50-year life of the tunnel has ended?
- (14) How will tunnel infrastructure be maintained after the year 2045?
- (15) Has this been costed by the SRA?
- (16) Would the Minister please inform the House how much money was donated to the Australian Labor Party by Transfield Constructions between 1992-94?

Answer -

- (1) Yes.
- (2) (a) The Snowy Mountains Engineering Corporation, principal engineering consultant for this project, advises that any movement from the South Clifton landslide would not seriously endanger the proposed drainage system.
(b) Not applicable.
- (3) This would depend on the circumstances.
- (4) This would depend on the circumstances.
- (5) During the course of construction, the SRA is covered by the contractor's insurance policies covering construction, property and personnel.
- (6) HIH Casualty and General Insurance Limited.
- (7) Insurance to cover both the construction of the Wombarra Drainage Project as well as Public/Products Liability.
- (8) HIH Casualty and General Insurance Limited.
- (9) No. The SRA does not anticipate that there will be any adverse effects on adjacent properties as a result of the tunnel construction or operation.
- (10) See (9).
- (11) The SRA is currently seeking the establishment of an independent body to manage and maintain the tunnel.
- (12) (a) No.
(b) Not applicable.
- (13) The tunnel's life expectancy is over 100 years.
- (14) It will be the role of the proposed independent authority to put in place appropriate inspection and maintenance arrangements and it intended that these will occur indefinitely.
- (15) Yes.
- (16) The Electoral Funding Authority is the proper source of information on the disclosures required for election funding.

Mr Jones asked the Treasurer, Minister for Energy, Minister for State Development, Minister Assisting the Premier, and Vice-President of the Executive Council representing the Minister for Urban Affairs and Planning, and Minister for Housing -

(1) Does the State Rail Authority's proposed Wombarra Drainage Tunnel conflict with requirements of the Water Act 1912?

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- (2) Does the SRA proposal conflict with the Clean Waters Act 1970?
- (3) Does the SRA proposal conflict with the Water Administration Act 1986?
- (4) Does the SRA proposal conflict with directives of the New South Wales Flood Plain Management Policy?
- (5) Does the SRA tunnel proposal constitute a third series of catchment interferences to sub-escarpment streams at Scarborough/Wombarra?
- (6) (a) Has the Department of Conservation and Land Management applied Catchment Management Principles to flood mitigation at Scarborough/Wombarra?
(b) If not, why not?
- (7) (a) Is the Public Works Department's Flood Plain Management Branch involved in flood mitigation at Scarborough/Wombarra?
(b) If not, why not?
- (8) Can the Minister advise on efforts to co-ordinate these bodies?
- (9) Will the Minister require a Total Catchment Management Study for Scarborough/Wombarra as a matter of urgency?
- (10) Will the Minister make available a special one off grant for this purpose?
- (11) Will the Minister make available a further grant to carry out urgent interim flood relief measures at Scarborough/Wombarra including:
 - clearing out debris from watercourses;
 - emptying and reinforcement of disused dams;
 - redirection of northern streams to near original courses;
 - re-opening SRA culvert baffle plates?
- (12) Will individual landholders in the Northern Illawarra be liable for costs of \$10,000 to \$100,000 for drainage improvements to natural creeks crossing their properties as a result of 1990 SRA drainage culvert constructions?
- (13) What is State Government policy regarding who pays for drainage modifications on private property made necessary by Government activities affecting natural stream flows?
- (14) What is State Government policy regarding who pays for drainage modifications on State/private property made necessary by company activities affecting natural stream flows?
- (15) Is there a possibility of damage to the Illawarra Coast from the SRA's proposed Wombarra Drainage Tunnel?
- (16) Does this include fragile sub-escarpment coastal rainforest at Wombarra?
- (17) Will the tunnel deposit acid sulphate soils from South Clifton Colliery at Scarborough Beach headland?
- (18) Will the Minister immediately activate the State Government's Coastal Protection Policy at Scarborough/Wombarra?
- (19) Will the Minister review the situation in New South Wales whereby the same authority may be both proponent of an EIS and determining authority?

Answer -

- (1) This matter does not fall within the administration of the Minister for Urban Affairs and Planning.
- (2) This matter does not fall within the administration of the Minister for Urban Affairs and Planning.
- (3) This matter does not fall within the administration of the Minister for Urban Affairs and Planning.
- (4) This matter does not fall within the administration of the Minister for Urban Affairs and Planning.
- (5) This matter does not fall within the administration of the Minister for Urban Affairs and Planning.
- (6) This matter does not fall within the administration of the Minister for Urban Affairs and Planning.
- (7) This matter does not fall within the administration of the Minister for Urban Affairs and Planning.

- (8) No.
- (9) This matter does not fall within the administration of the Minister for Urban Affairs and Planning.
- (10) This matter does not fall within the administration of the Minister for Urban Affairs and Planning.
- (11) This matter does not fall within the administration of the Minister for Urban Affairs and Planning.
- (12) This matter does not fall within the administration of the Minister for Urban Affairs and Planning.
- (13) Councils have prime responsibility for managing drainage and stormwater systems. Under section 94 of the Environmental Planning and Assessment Act, councils can seek contributions for drainage facilities from Government or private sector developments which will lead to an increase in stormwater run-off. The Environment Protection Authority chairs a State Stormwater Coordinating Committee. Further information on the work of this committee could be obtained from the Minister for the Environment.
- (14) See (13).
- (15) I understand the environmental impact statement for the drainage tunnel concluded that the impact on the coast would be less than the existing stormwater channels. The drainage tunnel would also reduce coastal hazards by reducing landslip and stormwater damage.
- (16) No.
- (17) No. Maps prepared by the Department of Land and Water Conservation indicated that acid sulphate soils are not present in this locality.
- (18) The Environmental Planning and Assessment Regulation 1994 specifies that the Government Coastal Policy does not apply to the Wollongong Local Government area, which includes the Scarborough/Wombarra area.

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(19) The Minister for Urban Affairs and Planning is the approval authority for proposals where the Director's requirements for an environmental impact statement were issued after 22 April 1994 and the proponent is also the determining authority under Part 5 of the Environmental Planning and Assessment Act 1979. His role in approving these proposals follows from amendments to the Environmental Planning and Assessment Act, 1979, which came into force 22 April 1994.

The Minister was not required to approve the SRA Drainage Tunnel proposal as the SRA determined the proposal in mid-1993 before the changes to the Act came into effect.

WOMBARRA DRAINAGE TUNNEL PROPOSAL No. 37

Mr Jones asked the Treasurer, Minister for Energy, Minister for State Development, Minister Assisting the Premier, and Vice-President of the Executive Council representing the Minister for Transport, and Minister for Tourism -

- (1) Was the Snowy Mountains Engineering Corporation (SMEC) an author of the Wombarra Drainage Project EIS?
- (2) (a) Is SMEC the design engineers for the proposed SRA tunnel?
(b) If so, does this arrangement favour objective evaluation?
- (3) Can the Minister assure the House that SMEC has no conflict of interest?
- (4) (a) Did the SRA target 10 Scarborough/Wombarra homes for resumption in an engineering drainage proposal offered as an alternative to the Wombarra Drainage Tunnel?
(b) If so:
 - (i) How many families would have been displaced?
 - (ii) Was this threat of relocation used by the SRA to persuade Scarborough/Wombarra residents to accept the tunnel as the best drainage solution?
 - (iii) Did this process divide the Scarborough/Wombarra community over the merits of the SRA tunnel proposal?
- (5) Is current community support for the tunnel approximately 15%?
- (6) Is current community opposition to the tunnel approximately 85%?
- (7) Did SRA Community Consultation Reports show strong support for a mine rehabilitation-based flood control solution as early as 1990?
- (8) Would this option minimise flood impacts by keeping sub-escarpment rainforest stream flows separate?

- (9) (a) Was this option fully examined by the SRA, with input from ecologists and geologists in addition to engineers?
- (b) If not, why not?
- (10) (a) Did an internationally renowned landscape restorationist visit Scarborough/Wombarra in 1994?
- (b) If so, did this expert endorse the need for mine and stream rehabilitation at South Clifton Colliery?
- (11) Could a rehabilitation option be paid for under provisions of Kembla Coal and Coke (CRA)'s Coal Lease 587?
- (12) Does this lease provide for \$310,000 per annum site expenditure or more at the discretion of the Minister for Mineral Resources?
- (13) Was the larger Yellow Rock Colliery, further south, rehabilitated by Shell for less than \$1 million?
- (14) How long would rehabilitation of South Clifton Colliery take to complete?
- (15) How long is the proposed tunnel construction expected to take?

Answer -

- (1) Yes. SMEC was an independent author along with Gutteridge Haskins & Davey Pty Ltd.
- (2) (a) Yes.
- (b) SMEC is a reputable body.
- (3) SMEC is a reputable body.
- (4) (a) The EIS examined eight options, two of which identified ten private properties as likely to be affected by major storms which would require them to be purchased.
- (b) (i) Neither of these two was the preferred option.
- (ii) No.
- (iii) No.
- (5) Community opinion has not been quantified by the SRA.
- (6) Refer to answer (5).
- (7) There was strong community feeling about the lack of rehabilitation of the mine site. It was generally accepted that more than rehabilitation was required to resolve the water flow problem.
- (8) A restoration option was examined by D.H. Pilgrim & Associates and Dr E. O'Loughlin, of the CSIRO. A Technical Working Party, established by the previous Government, concluded that this was not a feasible solution to the flooding problem as it would only contain 3% of the flow.
- (9) Refer to answer (8).
- (10) (a) Input has been provided by a number of external parties.
- (b) In the absence of a specific identity, this cannot be answered.
- (11) These matters do not fall within the administration of the Minister for Transport.
- (12) These matters do not fall within the administration of the Minister for Transport.
- (13) These matters do not fall within the administration of the Minister for Transport.

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- (14) These matters do not fall within the administration of the Minister for Transport.
- (15) 12 to 18 months.

SOUTH CLIFTON COLLIERY SITE REMEDIATION No. 38

Mr Jones asked the Treasurer, Minister for Energy, Minister for State Development, Minister Assisting the Premier, and Vice-President of the Executive Council representing the Minister for Transport, and Minister for Tourism -

- (1) Did residue and other pit-top debris from the South Clifton Colliery site wash onto the Illawarra rail corridor during rains in June 1991?
- (2) Has the SRA undertaken engineering works at Wombarra in order to manage downstream movement of mine waste residues?
- (3) (a) Has New South Wales taxpayers' money been used on engineering works dedicated to this function?
- (b) If so, how much has been spent on SRA works in the vicinity of the disused South Clifton Colliery?

- (4) Has the SRA requested mine owners, Kembla Coal and Coke (CRA), to remove unstable coal waste residue upstream of the rail corridor?
- (5) Has the SRA sought compensation from Kembla Coal and Coke (CRA) for any flood damages to the Illawarra rail corridor in recent years?
- (6) (a) Did an SRA hydrological consultant involved in production of the 1991 EIS for Culvert Amplification inform a public meeting at Wombarra in June 1991 that his firm was instructed by the SRA not to make assessment of conditions on mine land above the rail corridor?
 (b) If so:
 - (i) Was this instruction in response to legal advice from SRA's solicitors Freehill, Hollingdale and Page?
 - (ii) Will the Minister table this advice?
- (7) Did the EIS for Culvert Amplification disregard conditions on disused mine lands upstream of the rail corridor and town?
- (8) Was rail embankment collapse and flooding of homes at Wombarra in June 1991 a result of overflow from a culvert blocked by pit-top debris from the mine?
- (9) (a) Has SRA approached Kembla Coal and Coke (CRA) to rehabilitate this mine site?
 (b) If so, what was the mining company's response to this request?
- (10) (a) Is the SRA presently considering a new drainage option for Scarborough/Wombarra?
 (b) If so:
 - (i) What form of flood mitigation solution is this?
 - (ii) How much would the option cost?
 - (iii) Who would pay for this proposal?
 - (iv) Will Kembla Coal and Coke (CRA) contribute to construction costs?
 - (v) If not, why not?

Answer -

- (1) Yes.
- (2) No.
- (3) (a) Not to SRA's knowledge.
 (b) Not applicable.
- (4) The SRA has approached the CRA and held discussions on a number of drainage matters. The old mine site is now in the process of rehabilitation.
- (5) No.
- (6) (a) The SRA has advised that, to the best of its knowledge, no such information was provided.
 (b) Not applicable.
- (7) No.
- (8) No.
- (9) See (4).
- (10) (a) No.
 (b) Not applicable.

WOMBARRA DRAINAGE TUNNEL PROPOSAL No. 39

Mr Cohen asked the Attorney General, and Minister for Industrial Relations, representing the Minister for the Environment -

- (1) (a) Would construction of SRA's proposed Wombarra Drainage Tunnel cause loss of stream flows?
 (b) If so:
 - (i) What would be the effect on rainforest fauna from loss of stream flows?
 - (ii) What would be the effect of diminished stream flows on rainforest flora?
- (2) Would long-term drying out of the Scarborough/Wombarra coastal strip affect geological stability?
- (3) Would the underground watertable be affected by the proposed tunnel?
- (4) Does the SRA plan to pump underground water out through natural creeks during tunnelling?

- (5) Is this water acid or saline?
- (6) What effect could acid water flows have on local stream ecology?
- (7) Could underground watertable changes affect homes in the area through subsidence?
- (8) Can the SRA guarantee that foundations will not crack as a result of subsidence from lowered underground water levels?
- (9) Did this occur in suburbs south of Sydney following the construction of Water Board sewer tunnels?

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- (10) Could underground water removal during tunnelling result in sink holes?
- (11) (a) Could any SRA pump-out result in lowered pressure?
(b) If so, could a salt water intrusion spoil underground acquirers as a result of this lowered pressure?
- (12) Could this further deteriorate the Illawarra coast?

Answer -

- (1) (a) This is not within the administration of the Minister for the Environment.
(b) Refer to answer (1) (a).
- (2) This is not within the administration of the Minister for the Environment.
- (3) This is not within the administration of the Minister for the Environment.
- (4) This is not within the administration of the Minister for the Environment.
- (5) This is not within the administration of the Minister for the Environment.
- (6) Refer to answer (5).
- (7) This is not within the administration of the Minister for the Environment.
- (8) This is not within the administration of the Minister for the Environment.
- (9) This is not within the administration of the Minister for the Environment.
- (10) This is not within the administration of the Minister for the Environment.
- (11) (a) This is not within the administration of the Minister for the Environment.
(b) Refer to answer (11) (a).
- (12) Refer to answer (11) (a).

WOLLONGONG CITY COUNCIL PLANNING POLICY No. 40

Mr Cohen asked the Attorney General, and Minister for Industrial Relations, representing the Minister for Local Government -

- (1) Is Wollongong Council continuing to approve land subdivision adjacent to the unstable Illawarra rail corridor at Scarborough/Wombarra?
- (2) (a) Is council continuing to approve land subdivision on filled or diverted watercourses in the locality?
(b) If so, will the Minister require Wollongong Council to put a moratorium on any further land subdivision at Scarborough/Wombarra?
- (3) Will the State Government seek a performance audit of the Planning Department at Wollongong Council?

Answer -

The Minister for Local Government, the Hon. Ernie Page, M.P., has informed me that:

- (1) The matter raised is not one on which either the Minister for Local Government or the Department of Local Government hold details of on record, or seek in their day-to-day administrative activities. Councils are autonomous bodies able to exercise subdivision and development control powers within the discretions available under the relevant pieces of legislation. They are not required to report these details to the Minister.
- (2) (a) As above.
(b) The Minister for Local Government has no authority under the Local Government Act 1993 to suspend a council's subdivision powers. A local Environment Plan under the Environmental Planning and Assessment Act generally determines the eligibility of land for degrees of subdivision, and the

decision to approve, approval subject to conditions, or refuse a development consent/division application rests with the council. Our democratic system allows for a right of appeal to the Land and Environment Court by an applicant who is not satisfied with a decision of a council in respect of a development/subdivision application.

(3) The Wollongong City Council draws its environmental planning and development control powers and authorities from the Environmental Planning and Assessment Act 1979 which is administered by the Minister for Urban Affairs and Planning. Any request for the investigation or removal of a council's planning powers should be directed in writing to the Minister for Urban Affairs and Planning, together with sufficient substantive evidence to support an investigation.

ILLAWARRA ESCARPMENT REMEDIATION No. 41

Mr Cohen asked the Attorney General, and Minister for Industrial Relations, representing the Minister for the Environment -

- (1) Does the Maddens Plains coal emplacement affect waterfalls off the Illawarra Escarpment?
- (2) Is rainforest dying out as a result of coal residues washed down over the escarpment?
- (3) (a) Has the coal emplacement at Maddens Plains resulted in drainage diversions?
(b) If so, on what date were these catchment changes introduced?
- (4) (a) Was Kembla Coal and Coke (CRA) responsible for these catchment changes?
(b) If not, what coal mining company was responsible?
- (5) Does the now disused South Clifton Colliery at Scarborough/Wombarra impact in any way on sub-escarpment rainforest growth to north and west?
- (6) Is this area designated for protection under the Illawarra Escarpment Park proposal?

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- (7) Have coal emplacement residues at South Clifton Colliery changed the course of sub-escarpment stream flows?
- (8) Do stream diversions on the mine pose a drainage nuisance to the Illawarra rail corridor below it?
- (9) Is 44% of floodwaters on the mine site a result of creek diversions?
- (10) Do disused water storage dams on the mine pose a drainage nuisance to the rail?
- (11) Did a Kembla Coal and Coke (CRA) officer state the site is responsible for 50% of flood problems at Scarborough/Wombarra on ABC Radio National on 24 August 1994?
- (12) Do drainage diversions on the mine threaten lives and private property downstream at Scarborough/Wombarra?
- (13) (a) Did a State Government authority give consent for drainage diversions at South Clifton Colliery?
(b) If so, on what date was consent given?
- (14) What Local Government authority gave consent for watercourse diversions at South Clifton Colliery?
- (15) On what date was consent given?
- (16) Are there substances in coal residues that affect soil toxicity?
- (17) (a) Are there substances in coal residues that could affect the marine ecosystems at the proposed Wombarra Drainage Tunnel outfall?
(b) If so, what are these substances?
- (18) (a) Are emissions of these wastes in stream waters leaving the mine site?
(b) If so:
 - (i) Is Kembla Coal and Coke (CRA) monitoring the emissions?
 - (ii) What is the result of this measurement?
- (19) Is the Environment Protection Authority monitoring coal residues in waters crossing State and private lands downstream of the disused South Clifton Colliery at Scarborough/Wombarra?
- (20) (a) Did the coal emplacement site above Wombarra township develop fissures in 1991?
(b) If so:
 - (i) Did these fissures leak methane and carbon monoxide gas?
 - (ii) Do these emissions indicate underground combustion at South Clifton Colliery?
 - (iii) Are these gas fissures some 500 metres to the west of SRA's proposed Wombarra Drainage

Tunnel intake shaft?

(iv) Is the EPA aware of these gas emissions?

(21) Is the Minister for Mineral Resources aware of the statutory requirements for remediation contained in Coal Lease 587?

(22) Will the Minister for the Environment ensure that lease requirements for rehabilitation of watercourses are undertaken immediately?

(23) Will the Minister ensure that lease requirements for waste removal from the site are undertaken immediately?

(24) Will the Minister initiate talks between Kembla Coal and Coke (CRA), the local community and SRA concerning all appropriate rehabilitation measures as a matter of urgency?

(25) Who is the environmental engineer at Kembla Coal and Coke (CRA)?

(26) (a) Do penalties attach to failure of mine officials to comply with the Environmental Offences and Penalties Act (1989)?

(b) If so, what are these penalties?

Answer -

(1) This is not within the administration of the Minister for the Environment.

(2) Refer to answer (1).

(3) (a) This is not within the administration of the Minister for the Environment.

(b) This is not within the administration of the Minister for the Environment.

(4) (a) This is not within the administration of the Minister for the Environment.

(b) This is not within the administration of the Minister for the Environment.

(5) Refer to answer (1).

(6) No.

(7) This is not within the administration of the Minister for the Environment.

(8) This is not within the administration of the Minister for the Environment.

(9) This is not within the administration of the Minister for the Environment.

(10) This is not within the administration of the Minister for the Environment.

(11) This is a matter for Kembla Coal and Coke.

(12) This is not within the administration of the Minister for the Environment.

(13) (a) This is not within the administration of the Minister for the Environment.

(b) Refer to answer (13) (a).

(14) This is not within the administration of the Minister for the Environment.

(15) Refer to answer (14).

(16) This is not within the administration of the Minister for the Environment.

(17) (a) This is not within the administration of the Minister for the Environment.

(b) This is not within the administration of the Minister for the Environment.

(18) (a) This is not within the administration of the Minister for the Environment.

(b) (i) This is not within the administration of the Minister for the Environment.

(ii) This is not within the administration of the Minister for the Environment.

(19) No.

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(20) (a) Yes.

(b) (i) This is not within the administration of the Minister for the Environment.

(ii) This is not within the administration of the Minister for the Environment.

(iii) This is not within the administration of the Minister for the Environment.

(iv) No.

(21) This is not within the administration of the Minister for the Environment.

(22) Rehabilitation of mine sites has historically included close co-operation of officers from the EPA and the Department of Mineral Resources.

(23) Refer to answer (22).

(24) Refer to answer (22).

- (25) This is a matter for Kembla Coal and Coke.
- (26) (a) Yes.
- (b) The available penalties range from a fine of \$150 for a tier three offence up to \$250,000 for an individual or \$1,000,000 for a corporation where a tier one offence is proven.

WOMBARRA DRAINAGE TUNNEL PROPOSAL No. 42

Mr Cohen asked the Attorney General, and Minister for Industrial Relations, representing the Minister for the Environment -

- (1) (a) Does the SRA plan to partly demolish Scarborough Beach headland to build the proposed Wombarra Drainage Tunnel?
- (b) If so:
 - (i) Does this project involve a form of ocean outfall?
 - (ii) Is this SRA drainage tunnel and outfall being built to convey floodwaters from an unrehabilitated mine at South Clifton Colliery directly to the coast?
- (2) Will the Minister raise the matter with the Minister for Mineral Resources?
- (3) Will the Minister raise the matter with the Minister for Transport?
- (4) Does the SRA propose to cut Scarborough headland back by some 16 metres to the west?
- (5) Would tidal patterns at Scarborough Beach be affected by removal of the headland?
- (6) Would sand budgets be affected with resulting coastal erosion?
- (7) (a) Was removal of the headland addressed in the SRA's Wombarra Drainage Project EIS?
- (b) If not, does this invalidate the determination of that EIS?
- (8) (a) Did the EIS consider marine pollution from coal mine residues deposited onto Scarborough Beach?
- (b) If not, does this invalidate the EIS?
- (9) Did the consultant responsible for the EIS marine ecology section personally visit Scarborough/Wombarra?
- (10) Does the SRA propose to construct an access road along Scarborough Beach for tunnel construction purposes?
- (11) Does the SRA propose to concrete over the natural rock pool play area below the headland for use as a truck turning facility?
- (12) What effect would regular movements of a construction bombardier along Scarborough Beach have on local flora and fauna?
- (13) Does this SRA proposal contradict the State Government's commitment to coastal protection?
- (14) Will the Minister intercede with the Minister for Planning to halt further work on the Wombarra Drainage Tunnel?
- (15) Will the Minister request the Minister for Planning to investigate an environmentally sound alternative flood mitigation solution as a matter of urgency?

Answer -

- (1) (a) This is not within the administration of the Minister for the Environment.
- (b) (i) The project proposes a tunnel that will discharge onto a shoreline rock shelf.
- (ii) This is not within the administration of the Minister for the Environment.
- (2) Refer to answer (1) (a).
- (3) Refer to answer (1) (a).
- (4) This is not within the administration of the Minister for the Environment.
- (5) This is not within the administration of the Minister for the Environment.
- (6) This is not within the administration of the Minister for the Environment.
- (7) (a) This is not within the administration of the Minister for the Environment.
- (b) Refer to answer (7) (a).
- (8) (a) This is not within the administration of the Minister for the Environment.
- (b) Refer to answer (8) (a).
- (9) This is not within the administration of the Minister for the Environment.

- (10) This is not within the administration of the Minister for the Environment.
- (11) This is not within the administration of the Minister for the Environment.
- (12) Refer to answer (10).
- (13) This is not within the administration of the Minister for the Environment.
- (14) No. The decision to proceed with the tunnel was reached through the appropriate planning processes. The Environment Protection Authority (EPA) provided comment in this process. The construction of the tunnel is essentially a safety issue, which is a matter for other portfolios.
The EPA will review the environmental aspects of any proposal that is acceptable in terms of safety considerations and the approved planning processes.
- (15) Refer to answer (14).

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CITYRAIL ENVIRONMENTAL ENGINEERING SECTION No. 43

Mr Cohen asked the Treasurer, Minister for Energy, Minister for State Development, Minister Assisting the Premier, and Vice-President of the Executive Council, representing the Minister for Transport, and Minister for Tourism -

- (1) Has the SRA's Environmental Code of Practice, drafted in 1990, been implemented for drainage works on the Illawarra line?
- (2) How many people are employed in the SRA's Environmental Section?
- (3) What has been the Environmental Section's Annual Budget each year since 1991?
- (4) (a) Were tenders for an Environmental Education program withdrawn by the SRA's Environmental Section in 1994?
(b) If so, why?

Answer -

- (1) The Code of Practice referred to cannot be identified by CityRail's Environmental Section.
- (2) There are 20 staff positions with CityRail's Environmental Engineering Section.
- (3) The Minister was advised that the environmental staff do not have a separate budget, however, the capital allocation for environmental purposes since 1991 has been:
 - 1990/91 \$1.3 million.
 - 1991/92 \$1.4 million.
 - 1992/93 \$1.3 million.
 - 1993/94 \$2.5 million.
 - 1994/95 \$4.8 million.
- (4) (a) No.
(b) Not applicable.
- (5) Not applicable.

WOMBARRA DRAINAGE TUNNEL PROPOSAL No. 44

Mr Jones asked the Treasurer, Minister for Energy, Minister for State Development, Minister Assisting the Premier, and Vice-President of the Executive Council, representing the Minister for Transport, and Minister for Tourism -

In his answer to my questions of 3-4 December 1991 (No. 291 (1) and (2)) the Minister for Local Government told the House that SRA Culvert Amplification constructions had to be closed/baffled because "they would have a severe impact on downstream properties".

In his answer to my questions of 3-4 December 1991 (No. 290 (8), (9) and (10)) the Minister for Transport told the House that the above SRA drainage works "did not alter drainage flows because the SRA installed baffles on culverts to maintain the status quo".

In his answer to my question of 3-4 December 1991 (No. 300 (12)) the Minister for Transport told the House

"the SRA has advised that embankment collapse and flooding of homes (at Scarborough/Wombarra) was caused by the baffles . . . which prevented water flowing through its natural drainage path".

- (1) Can the new Minister advise which of these contradictory statements is correct?
- (2) Are these baffle plates still diverting natural flows?
- (3) Will the Minister direct the SRA to adjust the culvert openings at Creek G, Wombarra, as a matter of public safety?

Answer -

(1) The statements are all correct. The answer to Question 291 relates to action taken as a result of a perception of the potential impact on downstream properties adjacent to creeks from high volume flows through the upgraded culverts.

The answer to Question 290 refers to the effect of the baffles on the upgraded culverts maintaining the culvert openings at the same size as before upgrading.

The answer to Question 300 relates to the effect of the baffles at Wombarra which prevented stormwater from passing through the upgraded culverts, allowing it to flow into other catchments as it had done in other storms.

- (2) The baffle plates are still in place and stormwater flows remain the same as before the culvert works.
- (3) The effects of removing the baffles have been examined in a detailed process of investigation and community involvement. The conclusion reached is that stormwater run-off should be managed in a drainage tunnel by-passing the community. The construction of this tunnel has been reviewed by an EIS. It will not be necessary to remove the baffles as the tunnel will handle the stormwater flows.

EDEN REGION KOALA RESEARCH PROGRAM No. 45

Mr Jones asked the Attorney General, and Minister for Industrial Relations, representing the Minister for the Environment -

- (1) In regard to the Koala Research Program conducted by State Forests in the Eden Management Area, did the Minister for the Environment at that time, the Hon. Garry West, make an assurance that National Parks and Wildlife Service (NPWS) personnel would be present every time a koala was captured, radio-collared and handled?
- (2) Does the Koala Steering Committee consider that it is no longer necessary for NPWS staff to be present on such occasions?
- (3) (a) Have three koalas involved in radio-tracking studies in the Eden Management Area died?

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- (b) If so, could the Minister describe the circumstance surrounding the death of each koala?
- (4) (a) Have any koalas involved in the radio-tracking study subsequently been unable to be relocated?
- (b) If so:
 - (i) Have they not been able to be relocated because of equipment failure?
 - (ii) Could the Minister describe the circumstance surrounding the loss of the koalas?
- (5) If koalas have been lost due to equipment failure, was the NPWS present at the time of examination of each koala and testing of the equipment before releasing each koala?
- (6) Has the NPWS been made aware as to the loss of radio-collared koalas?
- (7) Has the Koala Steering Committee been made aware of the loss of radio-collared koalas?
- (8) Has the Animal Care Ethics Committee and the Animal Research Review Panel been made aware of the loss of radio-collared koalas?

Answer -

- (1) No. An arrangement was made at local level for service staff to attend when possible.
- (2) No. It is now a condition of State Forests' scientific licence that a veterinarian is present. This obviates the need for service personnel to be present.
- (3) (a) Four koalas have died.

- (b) "Michelle" - killed by powerful owl.
 "Robert" - found in grass in malnourished condition.
 "Ruth" - skull found, evidence of death from dog attack.
 "Wayne" - killed by falling branch.
- (4) (a) Yes.
 (b) (i) Equipment failure is being assumed at this stage.
 (ii) "Allan" - searches were conducted and there is evidence that he is operating in home range.
 "Roberta" - not transmitting, search conducted but unable to be found as territory is large with difficult terrain.
 "Simon" - not transmitting, intensive search shows evidence of scats.
- (5) No. The research was originally approved under the scientific licence and was under the supervision of the senior scientist at State Forests.
- (6) Yes.
- (7) The Koala Steering Committee has been replaced by the South East Forests Koala Research Committee.
- (8) The appropriate body to answer this question is State Forests as its Animal Care and Ethics Committee is the responsible body. The Animal Research Review Panel is under the control of the Department of Agriculture, Welfare Branch.

VOTER REGISTRATION No. 46

Dr Goldsmith asked the Treasurer, Minister for Energy, Minister for State Development, Minister Assisting the Premier, and Vice-President of the Executive Council, representing the Premier, Minister for the Arts, and Minister for Ethnic Affairs -

- (1) Within the last 6 months before the 1995 New South Wales State election, how many:
 - (a) new voters registered in each New South Wales electorate; and
 - (b) itinerant voters registered in each New South Wales electorate?
- (2) In the 28 days prior to the writs being issued in the last two State elections, how many new voters registered in each New South Wales electorate?
- (3) Has the Electoral Commission checked on the incidence of multiple voting at the 1995 election?
- (4) How many examples of multiple voting were there in each New South Wales electorate in the last two State elections?

Answer -

- (1) The Electoral Commissioner has advised that:
 - (a) A total of 88,895 new voters registered to vote in the 6 months prior to the 1995 State election. Figures for each electorate are attached as Annexure "A".
 - (b) A total of 115 itinerant voters registered to vote in the 6 months prior to the 1995 State election. Figures for each electorate are attached as Annexure "B".
- (2) The Electoral Commissioner has advised that a total of 11,564 voters registered to vote within 8 days of the writs being issued for the 1995 election. Figures for each electorate are attached as Annexure "C". There are no figures available from the 1991 election in this regard.
- (3) The Electoral Commissioner has advised that he has checked the incidence of multiple voting at the 1995 election.
- (4) The Electoral Commissioner has advised that at the 1995 General Election there were 1,433 instances of apparent multiple voting. Figures for each electorate are attached as Annexure "D". The Electoral Commissioner has further advised that of these 1,433 instances, there were 14 instances where it appears an elector may have voted more than twice. These cases have been referred to the police for investigation. The remaining cases involving apparent dual voting are being investigated by the State Electoral Office. The records relating to apparent multiple voting at the 1991 General Election are no longer available. The figures in Annexures "A" to "D" have been supplied by the Electoral Commissioner.

ANNEXURE "A"

Electorate	Number	Electorate	Number
Albury	711	Cronulla	575
Ashfield	1,150	Davidson	910
Auburn	1,713	Drummoyne	666
Badgerys Creek	1,117	Dubbo	819
Ballina	1,342	East Hills	595
Bankstown	1,334	Eastwood	1,182
Barwon	653	Ermington	968
Bathurst	683	Fairfield	1,339
Baulkham Hills	1,141	Georges River	813
Bega	595	Gladesville	837
Blacktown	1,430	Gordon	1,101
Bligh	1,315	Gosford	609
Blue Mountains	812	Granville	846
Broken Hill	720	Hawkesbury	1,108
Bulli	765	Heffron	1,571
Burrinjuck	650	Hurstville	989
Cabramatta	2,011	Illawarra	523
Camden	888	Keira	518
Campbelltown	1,215	Kiama	685
Canterbury	1,017	Kogarah	808
Cessnock	795	Ku-ring-gai	947
Charlestown	385	Lachlan	835
Clarence	652	Lake Macquarie	780
Coffs Harbour	630	Lakemba	1,135
Coogee	1,011	Lane Cove	928
Lismore	914	Port Jackson	747
Liverpool	1,776	Port Macquarie	588
Londonderry	1,268	Port Stephens	712
Maitland	568	Riverstone	1,169
Manly	707	Rockdale	1,225
Maroubra	834	Smithfield	1,200
Marrickville	1,516	South Coast	642
	825	Southern Highlands	596
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Miranda			
Monaro	781	St Marys	820
Moorebank	871	Strathfield	1,275
Mount Druitt	1,581	Sutherland	908
Murray	482	Swansea	571
Murrumbidgee	837	Tamworth	888
Murwillumbah	611	The Entrance	739
Myall Lakes	486	The Hills	1,081
Newcastle	434	Upper Hunter	847
North Shore	738	Vaucluse	1,097
Northcott	885	Wagga Wagga	1,093
Northern Tablelands	682	Wakehurst	536
Orange	856	Wallsend	561
Oxley	667	Waratah	682
Parramatta	1,302	Willoughby	951
Peats	633	Wollongong	782
Penrith	943	Wyong	641

Pittwater

525

TOTAL**88,895**

ANNEXURE "B"

APPROVALS OF REGISTRATIONS OF ITINERANT ELECTORS

Electorate	Number	Electorate	Number
Albury		Cronulla	
Ashfield		Davidson	
Auburn	1	Drummoyne	3
Badgerys Creek	5	Dubbo	2
Ballina	6	East Hills	
Bankstown		Eastwood	
Barwon	2	Ermington	
Bathurst	3	Fairfield	
Baulkham Hills		Georges River	2
Bega	4	Gladesville	2
Blacktown		Gordon	1
	2	Gosford	
Page 1320			
Bligh			
Blue Mountains	1	Granville	
Broken Hill	5	Hawkesbury	3
Bulli		Heffron	
Burrinjuck	3	Hurstville	
Cabramatta		Illawarra	
Camden		Keira	
Campbelltown		Kiama	2
Canterbury		Kogarah	
Cessnock		Ku-ring-gai	1
Charlestown		Lachlan	2
Clarence	4	Lake Macquarie	
Coffs Harbour	4	Lakemba	
Coogee		Lane Cove	2
Lismore	1	Port Jackson	7
Liverpool	1	Port Macquarie	6
Londonderry	1	Port Stephens	
Maitland	2	Riverstone	2
Manly	1	Rockdale	1
Maroubra		Smithfield	3
Marrickville	1	South Coast	
Miranda	1	Southern Highlands	1
Monaro	4	St Marys	2
Moorebank	2	Strathfield	1
Mount Druitt		Sutherland	
Murray		Swansea	
Murrumbidgee		Tamworth	
Murwillumbah	2	The Entrance	1
Myall Lakes		The Hills	
Newcastle		Upper Hunter	1
North Shore	1	Vaucluse	
Northcott		Wagga Wagga	
Northern Tablelands		Wakehurst	1
	1	Wallsend	

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Orange

Oxley 4

Parramatta 2

Peats

Penrith 3

Pittwater 1

Waratah 1

Willoughby

Wollongong

Wyong

TOTAL 115

ANNEXURE "C"

1995 State Election

Electorate	Number	Electorate	Number
Albury	71	Cronulla	95
Ashfield	161	Davidson	123
Auburn	181	Drummoyne	149
Badgerys Creek	158	Dubbo	66
Ballina	124	East Hills	67
Bankstown	151	Eastwood	149
Barwon	103	Ermington	141
Bathurst	106	Fairfield	191
Baulkham Hills	117	Georges River	94
Bega	49	Gladesville	121
Blacktown	154	Gordon	143
Bligh	172	Gosford	125
Blue Mountains	102	Granville	131
Broken Hill	94	Hawkesbury	142
Bulli	97	Heffron	154
Burrinjuck	62	Hurstville	116
Cabramatta	224	Illawarra	64
Camden	156	Keira	58
Campbelltown	107	Kiama	84
Canterbury	152	Kogarah	137
Cessnock	81	Ku-ring-gai	145
Charlestown	59	Lachlan	62
Clarence	100	Lake Macquarie	76
Coffs Harbour	96	Lakemba	161
	184	Lane Cove	159

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Coogee

Lismore 167

Liverpool 125

Londonderry 130

Maitland 88

Manly 153

Maroubra 146

Marrickville 206

Miranda 94

Monaro 103

Moorebank 117

Mount Druitt 195

Murray 56

Murrumbidgee 76

Murwillumbah 99

Myall Lakes 53

Port Jackson 171

Port Macquarie 46

Port Stephens 60

Riverstone 153

Rockdale 132

Smithfield 123

South Coast 77

Southern Highlands 75

St Marys 116

Strathfield 183

Sutherland 133

Swansea 88

Tamworth 82

The Entrance 115

The Hills 148

Newcastle	74	Upper Hunter	66
North Shore	143	Vaucluse	139
Northcott	138	Wagga Wagga	84
Northern Tablelands	118	Wakehurst	99
Orange	102	Wallsend	90
Oxley	74	Waratah	74
Parramatta	146	Willoughby	148
Peats	101	Wollongong	76
Penrith	124	Wyong	130
Pittwater	114	TOTAL	11,564

ANNEXURE "D"
NET MULTIMARKS

1995 State Election

Electorate	Number	Electorate	Number
Albury	6	Cronulla	16
Ashfield	24	Davidson	5
Auburn	21	Drummoyne	34
	12	Dubbo	12
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Badgerys Creek			
Ballina	6	East Hills	9
Bankstown	15	Eastwood	13
Barwon	10	Ermington	13
Bathurst	9	Fairfield	36
Baulkham Hills	14	Georges River	12
Bega	9	Gladesville	13
Blacktown	11	Gordon	7
Bligh	18	Gosford	29
Blue Mountains	11	Granville	29
Broken Hill	3	Hawkesbury	31
Bulli	12	Heffron	12
Burrinjuck	15	Hurstville	11
Cabramatta	40	Illawarra	7
Camden	8	Keira	14
Campbelltown	16	Kiama	7
Canterbury	25	Kogarah	4
Cessnock	8	Ku-ring-gai	10
Charlestown	6	Lachlan	12
Clarence	7	Lake Macquarie	5
Coffs Harbour	23	Lakemba	45
Coogee	17	Lane Cove	16
Lismore	7	Port Jackson	17
Liverpool	27	Port Macquarie	12
Londonderry	15	Port Stephens	17
Maitland	12	Riverstone	14
Manly	25	Rockdale	23
Maroubra	15	Smithfield	12
Marrickville	24	South Coast	4
Miranda	13	Southern Highlands	9
Monaro	21	St Marys	12
Moorebank	10	Strathfield	22
Mount Druitt	19	Sutherland	11

Page 1324	17	Swansea	2
Murray			
Murrumbidgee	10	Tamworth	12
Murwillumbah	6	The Entrance	8
Myall Lakes	7	The Hills	11
Newcastle	4	Upper Hunter	16
North Shore	15	Vaucluse	29
Northcott	22	Wagga Wagga	9
Northern Tablelands	10	Wakehurst	11
Orange	6	Wallsend	7
Oxley	7	Waratah	13
Parramatta	19	Willoughby	17
Peats	19	Wollongong	16
Penrith	8	Wyong	21
Pittwater	12	TOTAL	1,433

OPERATION ELL DOCKIN No. 47

Ms Saffin asked the Attorney General, and Minister for Industrial Relations, representing the Minister for Police

-

- (1) Has the Minister called for a report from local police into the El Doco operation currently being undertaken in Nimbin?
- (2) Will the Minister ensure the report addresses among other things:
 - (a) the cost of El Doco, which the local police claim has cost \$40,000;
 - (b) the apparent rate and zeal of random searches of Nimbin residents and even tourists and tourist bus operators;
 - (c) the coincidence of the police raid by a helicopter and nine police vehicles on candidate, Mr Bob Hopkins' residence, the day after the State election;
 - (d) the impact El Doco has had on the ability to investigate home invasions, considering that 19 have been reported from 1 January 1995;
 - (e) the impact El Doco has had on the local economy;
 - (f) action to be taken regarding the allegations that two police officers entered a Nimbin cafe without the proprietor's permission and with no warrant, and proceeded to assault a person in the cafe, who refused to be searched?

Answer -

I have been informed by the Hon. Paul Whelan, Minister for Police:

- (1) The Minister for Police is fully briefed at the completion of any police operation. Operation Ell Dockin will be no exception to standard operation procedures.
- (2) (a) to (f) I am advised that the report to be provided to the Minister will address the matters raised in the question.

PREMIER'S MEETING WITH MANAGEMENT COMMITTEE OF ETHNIC COMMUNITIES COUNCIL No. 48

Mrs Sham-Ho asked the Treasurer, Minister for Energy, Minister for State Development, Minister Assisting the Premier, and Vice-President of the Executive Council, representing the Premier, Minister for the Arts, and Minister for Ethnic Affairs -

- (1) Did the Minister meet with the Ethnic Communities' Council on Wednesday 7 June 1995?
- (2) Did the Minister choose to see only four members of the Management Committee and not the entire Committee, as requested, as has been the tradition with all Ethnic Affairs Ministers?
- (3) Why was the meeting scheduled for a day when the Parliament was sitting?
- (4) Did the Minister indicate that the meeting would last for 30 minutes, but if the House was delayed, the Minister would not see the council at all?

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- (5) Why does the Minister persist in ignoring the voice of the ethnic communities of New South Wales?
- (6) When will the Minister pay attention to ethnic affairs issues?
- (7) Why does the Minister consistently neglect his role as Minister for Ethnic Affairs and when will he resign?

Answer -

- (1) Yes.
- (2) The Premier's invitation to the Council to meet with its Management Committee was extended to all members of the Committee. The Ethnic Communities' Council decided the composition of the delegation.
- (3) The Premier gave his meeting with the Council very high priority and accordingly wished to meet with the Council prior to going overseas. The only available day prior to his departure was a Parliamentary sitting day.
- (4) The meeting was scheduled for 30 minutes. In accordance with the level of importance attached to it, however, the Premier extended the meeting by almost an extra 30 minutes, and delayed his attendance at a subsequent meeting, to ensure that the delegation could present fully the Council's position on a range of matters, including unemployment among some ethnic groups, local government and other services to ethnic communities, an anti-racism pilot project in schools, strengthening the obligation on government agencies to plan for and report on ethnic affairs, education issues and other matters.
- (5) to (7) In its election policy statement for ethnic affairs, the Government promised to make a number of changes to the administration of ethnic affairs to ensure that the portfolio is given the attention it deserves. Unlike the previous Coalition Government, which left responsibility for ethnic affairs with a junior minister, the Premier has chosen to retain responsibility for ethnic affairs policy and programs. This is consistent with the Government's commitments in its policy statement to ensure that ethnic affairs is restored to a central place in the State administration, and the Ethnic Affairs Commission plays a crucial role in planning, delivering and evaluating services to ethnic communities across New South Wales. The Premier is interested in real policy initiatives and has already had discussions on matters such as education for migrant children, teaching of community languages, access to interpreters, ethnic affairs policies of Government agencies, availability and access to employment for immigrants and health care for members of ethnic communities. Ethnic affairs is considered an integral aspect of Government policy, and the Premier has taken responsibility for the portfolio to ensure that it is given the priority and attention it deserves, and that policy in this area is implemented in a consistent manner by all Government agencies. The Premier has already met with a number of representatives of ethnic community organisations, and has arranged to meet with others to ensure that their voice can be considered in the Government's decision-making.

FISH HABITAT PROTECTION PLAN No. 49

Mr Jones asked the Minister for Community Services, Minister for Aged Services, and Minister for Disability Services, representing the Minister for Mineral Resources, and Minister for Fisheries -

- (1) Was the Fish Habitat Protection Plan published in the New South Wales *Government Gazette* No. 28?
- (2) Does this plan apply to all waters to which the Fisheries Management Act 1994 applies, including wetlands?
- (3) Does this management plan apply to dredging or reclamation?
- (4) Can dredging or reclamation impact on fish habitat?
- (5) Is the Minister's consent required for dredging or reclamation works affecting wetlands?

- (6) (a) Is there a proposal for a marina?
- (b) If so, will it totally destroy SEPP 14 Wetland 376?
- (7) Will the Minister ensure that consent is not given to the destruction of this wetland?

Answer -

- (1) Yes.
- (2) Yes. Subject to any limitations of the Fisheries Management Act 1994.
- (3) Yes. However there are some exceptions relating to other government legislation.
- (4) Yes. Dredging may have positive and negative effects on fish and fish habitat. Reclamation generally has negative effects because it reclaims aquatic habitat for terrestrial habitat.
- (5) Yes, in most cases. However, there are some exceptions relating to other government legislation.
- (6) (a) It is not clear what marina the Member is referring to.
- (b) Not applicable.
- (7) Not applicable.

CORRIMAL COKE WORKS OPERATIONS No. 50

Mr Jones asked the Minister for Community Services, Minister for Aged Services, and Minister for Disability Services, representing the Deputy Premier, Minister for Health, and Minister for Aboriginal Affairs -

- (1) Did Peter Shmigel, Executive Officer of the then Minister for the Environment, write a letter to
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Professor Chris Illert of Corrimal Residents Action Committee, dated 3 March 1994, in which he stated that the Environmental Protection Agency (EPA) had advised that polycyclic aromatic hydrocarbons emitted by the Corrimal coke works were in accordance with published standards and benzene was not present in the gases discharged?

- (2) Was the Illawarra Coke Company's licence renewed for another year on the basis of those tests done by the EPA?
- (3) (a) Is the coke works situated in a densely populated area and directly adjacent to Corrimal Railway Station?
- (b) Do commuters as well as residents regularly suffer dizziness, burning sensations in their lungs and nausea from the fallout of fumes and clouds of gases emitted by the coke works?
- (4) Has Professor Chris Illert produced surveys showing an up to eight times higher than average rate of absenteeism from Northern Illawarra schools due to illness, together with highest usage of doctors and consumption of cough medicines amongst children and adults from those schools closest to the Corrimal coke works and the Port Kembla steel works?
- (5) (a) Did seven Corrimal High School students and two teachers need to seek medical treatment on Tuesday 22 September 1993?
- (b) Was this a result of being overcome by fumes from the Corrimal coke works?
- (c) Did 84 students stay home sick the following day?
- (d) Is this a 10% increase on the school's normal level of absenteeism?
- (e) If so, has the EPA launched legal proceedings against Kembla Coal and Coke regarding the above matters occurring at Corrimal High School?
- (6) Has Professor Chris Illert also produced surveys which show that the rate of incidence of several types of cancer is higher in the areas close to the coke works and steel works?
- (7) (a) Have past surveys been undertaken by the Illawarra Area Health Service regarding illnesses and cancers occurring in the population throughout the Illawarra area?
- (b) Have they taken into account groups of residents in proximity to the coke works and the steel works, or the schools in closest proximity to these?
- (c) If not, why not?
- (8) (a) Is the Illawarra Area Health Service funded by Broken Hill Proprietary (BHP) which runs the Port Kembla steel works?
- (b) If so, can their regional surveys be regarded as impartial?

- (9) (a) Has Corrimal coke works had years of persisting large financial losses?
- (b) How many people does it employ?
- (c) Does it cause hardship to hundreds of residents in the area?
- (d) If so, why is Corrimal coke works allowed to continue production?
- (10) Are the coke works useful solely to BHP's Port Kembla steel works and the few people it employs?
- (11) Will the Minister ensure that the Corrimal coke works licence will not be renewed early next year, unless it is relocated to an area away from such dense population?

Answer -

(1), (2) and (11) I am unable to provide the information requested as the matters you have raised fall within the administration of my colleague the Hon P.D. Allan, M.P., Minister for the Environment.

(3) (a) I am advised by the Illawarra Area Health Service that the immediate area is mostly zoned 2a Residential by the Wollongong City Council and consists of low to medium-density housing. The eastern boundary of the Corrimal coke works is situated adjacent to the Illawarra railway line with the coke oven batteries being close to the Corrimal Railway Station.

(b) I am advised that the Illawarra Area Health Service is aware that people living near the Corrimal coke works have complained of eye irritation, throat irritation, dry cough, headache and breathing difficulties, providing anecdotal evidence that emissions from the coke works had adverse health effects on the local residents.

(4) The Area has advised that in May 1994, Chris Illert and Daniela Reverberi published the results of a survey which found that school absentee rates in 1992 in the Illawarra urban area tend to be higher with decreasing distance from Corrimal and Port Kembla coke works. The reasons for absenteeism were not investigated. Given that the response rate for the survey was very low ("nearly 30" schools responded out of a possible 70), the validity of the results may be questionable.

According to the 1990/91 report Health Atlas of the Illawarra (sponsored by "Healthy Cities" Illawarra and the University of Wollongong), in the last quarter of 1987 the Fairy Meadow, Wollongong, Dapto and Kiama-Gerringong areas showed the most marked sales of cough and cold preparations, followed closely by Albion Park, Figtree, Corrimal and Warrawong-Cringila. The Health Atlas also documented that in 1986/87 general practitioner visitation rates were relatively high in the "blue collar" suburbs of Port Kembla, Warrawong, Berkeley, Bellambi, Dapto and Unanderra. The report noted that there is a fairly clear relationship between high general practitioner usage and a variety of indicators of socio-economic disadvantage.

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(5) (a) to (d) The matters you have raised come within the administration of my colleague the Hon. J.J. Aquilina, M.P., Minister for Education and Training.

(e) This matter comes within the administration of my colleague the Hon. P.D. Allan, M.P., Minister for the Environment.

(6) I am unaware of any such surveys.

(7) (a) In August 1994 the Illawarra Public Health Unit reported to the Corrimal Public Meeting the results of an analysis of NSW Central Cancer Registry data for the period 1972-90. For the 16 most common sites of cancer, for both men and women in the Corrimal postcode (2518), the incidence of cancer was not statistically different to the incidence in the rest of the Illawarra (nor to the average incidence for New South Wales as a whole).

In November 1994 the Illawarra Public Health Unit reported to the Corrimal Public Meeting preliminary results from a survey of the respiratory health of children attending schools in the Corrimal area. These results were compared with preliminary results from respiratory health surveys undertaken in four other Illawarra areas, Wollongong, Port Kembla, Kembla Grange and Albion Park. The proportion of children with respiratory problems was similar in the Corrimal, Port Kembla, Kembla Grange and Albion Park areas; respiratory problems were less common in the Wollongong area.

(b) Yes.

(c) Not applicable.

(8) (a) No.

(b) Not applicable.

(9) and (10) These are not matters that fall within my administration.