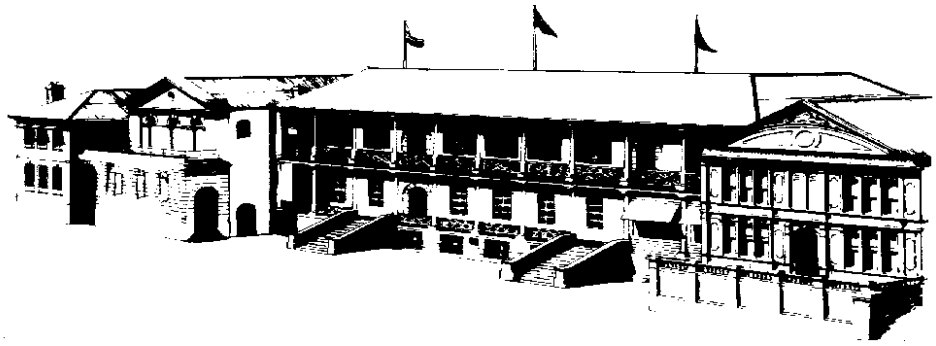
NEW SOUTH WALES



Legislative Assembly

PARLIAMENTARY DEBATES

(HANSARD)

FIFTY-FIRST PARLIAMENT
THIRD SESSION

OFFICIAL HANSARD

Wednesday, 29 April 1998

AUTHORISED BY
THE PARLIAMENT OF NEW SOUTH WALES

LEGISLATIVE ASSEMBLY

Wednesday, 29 April 1998

Mr Speaker (The Hon. John Henry Murray) took the chair at 10.00 a.m.

Mr Speaker offered the Prayer.

PAWNBROKERS AND SECOND-HAND DEALERS AMENDMENT BILL

Bill introduced and read a first time.

Second Reading

Mr LANGTON (Kogarah—Minister for Fair Trading, and Minister for Emergency Services) [10.01 a.m.]: I move:

That this bill be now read a second time.

The purpose of the Pawnbrokers and Second-hand Dealers Amendment Bill is to amend the Pawnbrokers and Second-hand Dealers Act 1996 to clarify a number of the provisions in the Act and to ensure the objectives of the Act are achieved. As honourable members will be aware, the fundamental aim of the Pawnbrokers and Second-hand Dealers Act is to curtail the trade in stolen goods through pawnbroker and second-hand dealer outlets. The bill strengthens this objective by amending the Act to require that licensees must furnish all records which they must keep under the Act to the Commissioner of Police in accordance with the regulations.

At present section 28(6) of the Act only requires pawnbrokers' records of pledges to be sent to the police. Currently the Act does not require second-hand dealers to send any of their records to the police. If police officers need to examine records maintained by second-hand dealers, they must physically attend the licensed premises and carry out an inspection of those documents. The result is that the effectiveness of the Police Service in limiting the trade in stolen goods is severely reduced. For the police to effectively locate stolen goods it is imperative that they receive comprehensive licensee records on a timely basis, which can then be cross-referenced with police data on goods notified as being stolen.

The capacity of the Police Service to carry out criminal law investigations in relation to stolen or unlawfully obtained goods has been markedly increased under the bill. Currently under section 21(2) of the Pawnbrokers and Second-hand Dealers Act an authorised officer who suspects, on reasonable grounds, that goods in the possession of a licensee have been stolen or unlawfully obtained can direct that the goods be held by the licensee for 21 days. If necessary, a further 21-day notice can be served pursuant to section 21(3) of the Act.

Submissions have been received from the Police Service advising that, in circumstances where goods have been identified by the police as stolen but the rightful owner cannot be located, the maximum 42-day holding period does not provide for the adequate protection of the goods. To ensure that the police have sufficient time to conduct a comprehensive criminal investigation and to ascertain the owner of the suspect goods the bill amends section 21 of the Act to provide that authorised officers may serve a notice on a licensee and direct him to hold goods reasonably suspected of being stolen or unlawfully obtained for a period of 56 days. A further 56-day notice may be served on the licensee if required. At the expiry of such notices, and if no further action has been taken by the police, licensees would be free to deal with the goods.

A primary purpose of the principal Act was to establish a more streamlined and equitable procedure for the restoration of stolen property to rightful owners. Currently, pursuant to section 22 of the Act, if persons identify their stolen property in the possession of a licensee they can lodge a claim over those goods on the spot. The licensee is required to complete a statement which details the name and address of the claimant and a description of the goods. The statement must be given to the claimant immediately upon completion and a copy of the statement must be provided to the police within 24 hours. The licensee must then not alter, sell, redeem or dispose of the goods except with the consent of the claimant or in accordance with a court order.

Under the Act at present a licensee is obliged to hold the goods for 28 days unless, within that time, civil court proceedings are commenced for recovery of the goods. If such proceedings are commenced the licensee's obligation to retain the goods applies until the proceedings are concluded.

The bill extends this obligation of licensees by also requiring licensees to continue to hold goods if any criminal proceedings in relation to the theft of the goods is commenced within the 28-day period. This additional obligation to retain goods remains in force until the criminal proceedings are finalised. The effect of this amendment will be to remove the need to instigate civil recovery proceedings for the purpose of ensuring that goods continue to be held at the expiry of the 28-day period in cases where criminal proceedings in relation to the theft of the goods have been commenced within the requisite 28-day period.

The bill defines criminal proceedings to have been commenced by the laying or filing of information, a complaint or a charge in relation to the offence. The bill also addresses concerns regarding the capacity of pawnbrokers to operate their licensed business as an itinerant under the Pawnbrokers and Second-hand Dealers Act. Obviously, such a practice is undesirable due to the adverse impact it could have on consumers. People who pawn goods could face real difficulties in attempting to redeem their goods if pawnbrokers did not operate from fixed locations. The bill amends the Act by making it a condition of a pawnbroker's licence that the licensed business be conducted only from the business premises nominated in the licence application or from any other premises later notified to the Director-General of the Department of Fair Trading.

The provisions of the Act relating to the sale of forfeited pledges by pawnbrokers at auction have been revised to ensure that the original intention of the Act is being fulfilled. At present section 30(1) of the Act, in conjunction with clause 25 of the regulation, provides that pawned goods which are unredeemed must be sold by public auction if the goods secured a debt greater than $50. The effect of these provisions is that, if at the time of forfeiture of a pawned item the amount loaned plus accrued interest is greater than $50, that item must be sold by public auction. However, these provisions are inconsistent with the original intention of the Act, which was that there be a mandatory sale by auction of unredeemed pawned goods if the amount lent on the pawned goods exceeded $50. This is supported by the former Minister for Fair Trading, the Hon. Faye Lo Po', in her second reading speech of 24 April 1996, in which she stated, "The auction system for disposal of unredeemed pawns will be continued for goods on which a prescribed amount has been loaned."

An additional consequence of section 30 of the Act and clause 25 of the regulation is that pawnbrokers are required to sell very low-valued items by auction. This results in pawnbrokers incurring increased administrative costs associated with selling items by auction. With increased administrative costs, the likelihood of there being a surplus of proceeds available to the customer who pawned the item is reduced. To address this problem, the bill amends section 30 of the principal Act to require that pawned goods that are forfeited must be sold at public auction if the principal lent on the goods is greater than the amount prescribed by the regulations, which is currently $50. This amendment will allow pawnbrokers to sell more goods in their premises after the redemption period has expired, thereby reducing administrative costs. In addition, it will provide for easier administration by pawnbrokers as no interest calculations will be required to determine whether items must be sold by auction.

The bill also amends the Pawnbrokers and Second-hand Dealers Act for the purpose of circumventing a practice being engaged in by some pawnbrokers which defeats the intention of the legislation. As mentioned previously, unredeemed pawned items which exceed the prescribed value must be sold by public auction. Currently the fall of the hammer and acceptance of the bid represents the completion of a sale at auction, whether or not moneys have been paid or the goods have never left the pawnbroker's possession. The Police Service has brought to my attention a practice which is being adopted by a small number of pawnbrokers whereby a pawnbroker sells at auction the forfeited goods to a person, the person then defaults on the sale and the pawnbroker records the goods as second-hand goods in the record books, describing them as "refund from auction". The goods are then subsequently sold by the pawnbroker, giving him the ability to fix the price. Additionally, any profit made on that later sale is not required to be made available to the person who pawned the goods. Thus, pawnbrokers comply with the legislation and yet defeat its intention.

The bill resolves this problem by providing that if goods are sold at public auction but the purchase price is not recovered in accordance with the sale contract the sale is invalidated and the licensee is required to hold a further auction. The bill also amends a "show cause" provision in the Pawnbrokers and Second-hand Dealers Act. The amendment extends one of the grounds upon which the Director-General of the Department of Fair Trading may serve a notice on licensees, requiring licensees to show cause why their licences should not be revoked. Section 34(1)(b) of the Act currently states that the director-general may serve a notice to

show cause on a licensee who, in the opinion of the director-general, obtained a licence by means of statements that were false or misleading.

The bill extends this ground to provide that the director-general may also serve a notice to show cause on a licensee if, in the opinion of the director-general, the licensee made false or misleading statements in or in connection with the licensee's application for a licence or for the renewal of a licence. This additional ground is important in light of proposed amendments to the Pawnbrokers and Second-hand Dealers Regulation 1997, which will exempt existing small-scale second-hand dealers from a condition which will attach to all licences issued or renewed on or after 1 January 1999, requiring licensees to keep computer records. The exemption will be granted, on a yearly basis, to second-hand dealers who held a second-hand dealers licence immediately prior to the introduction of the Pawnbrokers and Second-hand Dealers Act, if the gross receipts of their business relating to all second-hand goods totalled $150,000 or less in the previous financial year.

An application for an exemption must be made at the time a licence application or renewal is made, and must be supported by prescribed documentary evidence which substantiates the licensee's level of gross receipts for the previous financial year. If the requisite documentation relating to the previous financial year is not available at the time the licensee makes his licence application, the licensee is able to produce documentation pertaining to the financial year before the previous financial year in support of his request for an exemption. Accordingly, as a result of the amendment to the show-cause provisions of the principal Act, if a licensee provides to the director-general any statement that is false or misleading for the purpose of gaining an exemption from the licence condition imposing computerisation, the licensee may be served with a notice to show cause as to why his licence should not be revoked.

With the advent of the requirement to create and maintain records in a computer format, when certain licences are issued or renewed on or after 1 January 1999, it will not be possible for section 28(3) of the principal Act to be complied with. This section currently provides that no pawn pledge is validly made unless the person pawning the goods signs the original record. As the original record will be on computer, it will not be possible for this record to be signed. Accordingly, the bill addresses this problem by amending the section to allow a person who pawns goods to sign a hard copy of any electronic record of the pledge. The bill also strengthens the provisions of the Act which relate to the documentary evidence which licensees must obtain from customers before accepting goods for pawn or sale from those customers. The bill empowers the Governor to make regulations requiring any person who offers goods to a licensee for pawn or sale to provide further evidence of his or her identity than that which is presently required.

A secondary purpose of the bill is to provide clarification in regard to a number of provisions of the Pawnbrokers and Second-hand Dealers Act. The bill amends section 10 of the Act to make it clear that, when a person makes an application to the Director-General of the Department of Fair Trading for the renewal of a licence, the director-general must either grant the application for renewal or refuse to grant the renewal. Currently section 10(5) of the Act provides that an application for the renewal of a licence must be made before expiry of the current licence or within such further time as the director-general may allow. The bill amends this subsection to make it explicit that a licence that is proposed to be renewed, and for which an extension of the period in which to renew the licence has been granted, continues in force until that renewal is granted or refused.

I am confident that the amendments contained in this bill will strengthen the provisions of the Pawnbrokers and Second-hand Dealers Act for the purposes of assisting in the reduction of property crime. It is also proposed that amendments be made to the Pawnbrokers and Second-hand Dealers Regulation 1997. In particular, following consultation with the Police Service and the pawnbroker and second-hand dealer industries, it is proposed to amend the clause 6 definition of "second-hand goods" to exclude certain categories of goods, including furniture and copper, non-ferrous metal and metal alloys. These amendments are being made because it is considered that such goods are either not at high risk of theft or that their coverage by the legislation is creating unwarranted administrative burdens for industry. In response to concerns which have been expressed by the Privacy Committee, the amended regulation will also require licensees to display a warning that any information provided to them by customers may be given to the police.

In addition, the amendments to the regulation will prescribe a standard form of statement about the ownership of goods to be provided by customers, require licensees to obtain date of birth details from their customer and prescribe the time and manner by which licensees must furnish records to the police. Because it is proposed that both the bill and the

regulation will commence on the same date, I propose making the draft Pawnbrokers and Second-hand Dealers Amendment (Records and Goods) Regulation available for the information of the House during debate on this bill. I commend this bill to the House.

Debate adjourned on motion by Mr J. H. Turner.

FAIR TRADING AMENDMENT BILL

HOME BUILDING AMENDMENT BILL

LANDLORD AND TENANT (RENTAL BONDS) AMENDMENT (PENALTY NOTICES) BILL

MOTOR VEHICLE REPAIRS AMENDMENT BILL

PROPERTY, STOCK AND BUSINESS AGENTS AMENDMENT (PENALTY NOTICES) BILL

RESIDENTIAL TENANCIES AMENDMENT BILL

RETIREMENT VILLAGES AMENDMENT BILL

Bills introduced and read a first time.

Second Reading

Mr LANGTON (Kogarah—Minister for Fair Trading, and Minister for Emergency Services) [10.16 a.m.]: I move:

That these bills be now read a second time.

The Fair Trading Amendment Bill is cognate with six bills, namely, the Home Building Amendment Bill, the Landlord and Tenant (Rental Bonds) Amendment (Penalty Notices) Bill, the Motor Vehicle Repairs Amendment Bill, the Property, Stock and Business Agents Amendment (Penalty Notices) Bill, the Residential Tenancies Amendment Bill and the Retirement Villages Amendment Bill. Together these bills are intended to introduce a package of reforms within the fair trading portfolio which are designed to improve consumer rights, enhance dispute resolution mechanisms and strengthen enforcement remedies. The fair trading portfolio covers a diverse range of industries including home building, real estate services, motor dealers and repairers as well as retirement villages. The underlying aim of the regulatory framework which is administered within the fair trading portfolio is the achievement of an efficient and productive marketplace while ensuring that appropriate safeguards are in place to protect consumers.

In accordance with this State's obligations under the national competition principles agreement, a number of reviews either have started or are shortly to commence in relation to the Acts to which I will be referring today. The aim of these reviews is to identify legislative restrictions on competition and to consider possible alternative means, other than such restrictions, for achieving the Government's objectives. These reviews will be finalised over the next two years and it is expected that significant long-term reform will flow from them. However, there remains a need in the meantime to ensure that the existing regulatory framework continues to operate effectively. The proposals covered by these bills have been identified by the Government as reforms which should be introduced without further delay. These are matters on which general community and business consensus exists as to the need for change, or which are necessary for the effective operation of the existing legislation.

The Fair Trading Amendment Bill amends the Fair Trading Act to provide for the enforcement by the Supreme Court of written undertakings which are given by persons to the Director-General of the Department of Fair Trading. The Fair Trading Act is intended to complement the Commonwealth Trade Practices Act and mirrors a number of its provisions. Section 87B of the Trade Practices Act allows the Australian Competition and Consumer Commission to accept a written undertaking which is given by a person in connection with a matter in relation to which the commission has a power or function under the Act. This provision enables an administrative, rather than litigated, resolution to be achieved in relation to a potential breach of the Act. Where a term of an undertaking has been breached the commission may apply to the Federal Court for orders to direct the person to comply with the undertaking, pay compensation or give effect to other appropriate action.

The amendment to be made by this bill will maintain consistency with the Commonwealth legislation by giving the director-general power to accept enforceable undertakings by persons in respect of potential breaches of the Fair Trading Act. The bill also enhances the ability of consumers to seek redress for a breach of a prescribed code of practice. There are currently two codes established under the Fair Trading Act, namely, the retirement village industry code of practice and the caravan and relocatable home park industry code of practice.

Under section 78A of the Fair Trading Act a consumer may apply to the Commercial Tribunal for an order in respect of a contravention or alleged contravention of one of the codes. However, such an application can be made only with the consent of the Director-General of the Department of Fair Trading or other prescribed person. This amendment will remove the need for such consent to be obtained before a consumer can commence an action.

As honourable members will recall, in late 1996 significant legislative reforms were introduced in relation to the home building industry. The major change was the replacement of the government-operated insurance scheme with one provided by private insurers. These reforms came into operation on 1 May 1997. The new insurance scheme provides protection for consumers against faulty and incomplete building and trade work. In the case of owner-builders, insurance cover has to be arranged only if the dwelling is sold within seven years from completion of the work. This insurance cover operates to protect the new owner of the property. Trade contractors engaged by an owner-builder to do part of the building work, for example a bricklayer, are not obliged to take out insurance for their work. As a result, unless the trade contractor voluntarily agrees to take out a policy, the owner-builder has no access to the benefits of insurance cover in respect of defective or incomplete work done by the trade contractor.

The Government believes that there is no reason that owner-builders who engage licensed trade contractors should be worse off than other consumers and that, accordingly, insurance cover should be available to owner-builders in these circumstances. The Home Building Amendment Bill will amend the Home Building Act to make it compulsory for licensed contractors undertaking work for owner-builders in excess of $5,000 to have in place insurance cover which protects those owner-builders. One of the other reforms which was introduced in 1996 for the home building industry related to a building contractor's right to place a caveat on the title to a consumer's land. The right to lodge a caveat is often provided for in building contracts and is seen as a way to secure payment for the builder. However, this right has been abused by some unscrupulous contractors.

The anti-consumer nature of caveat clauses in building contracts was recognised by Parliament in 1996 when it moved to limit the right to lodge a caveat to the situation in which the contractor obtains a judgment against the consumer. Unfortunately, doubts have arisen as to whether the provisions which were introduced on 1 May 1997 are legally effective in preventing contractors from inserting caveat clauses in their contracts. This bill will clarify the operation of the Home Building Act in relation to caveat clauses in home building contracts and contracts for sale of kit homes. The amendment to be introduced by this bill provides that a contractor will have an interest in land which can be protected by a caveat only if, first, the contractor obtains a judgment against the home owner; second, the contract provides that non-payment of a judgment gives this right; and, third, the judgment debtor is the owner of the land at the time the caveat is lodged.

The bill will also amend the Act to enable a regulation to be made to allow a penalty notice to be served in respect of a prescribed offence under the Act. If the alleged offender does not wish to have the matter dealt with by a court, he or she may elect to pay the penalty set out in the notice. When the penalty is paid no further proceedings may be taken in respect of the alleged offence. Payment of the penalty does not constitute an admission of liability or prejudice any civil claim or proceedings relating to the same occurrence. The amount of the penalty will be prescribed and cannot exceed the maximum amount which can be imposed by a court. Similar provisions allowing for penalty notices are contained in other legislation in the fair trading portfolio, namely, the Fair Trading Act, the Motor Dealers Act and the Trade Measurement Administration Act.

The use of penalty notices reduces the compliance costs of both the Department of Fair Trading and traders. It also allows persons to have breaches dealt with without the need to attend court if they should so choose. It must be stressed that the amendment does not take away a person's right to have a matter determined by a court. Penalty notices are also proposed to be introduced in relation to the Residential Tenancies Act, the Landlord and Tenant (Rental Bonds) Act and the Property, Stock and Business Agents Act. Two other amendments are contained in the Residential Tenancies Amendment Bill. These amendments relate to matters which were raised by the residential tenancies consultative committee, an advisory body which is made up of the key players in the residential tenancy industry. Consensus was reached in the committee on the need for changes to the legislation on both of the following issues.

The first involves an amendment to section 19 of the Residential Tenancies Act in relation to tenancy arrangements which include obligations upon tenants to pay for user-pays utility services. The Act and its regulations presently provide that tenants can be required to pay for water and excess

water, electricity, excess garbage and sanitary services and for septic pump-out arrangements. For water charges to be payable by the tenant, the regulations provide that the service must be individually metered. There is no specific requirement for the metering or measuring of other utility services. Also, the legislation does not specifically state who is liable for paying for utility services where there are no metering or measuring arrangements in place. To overcome this uncertainty the bill contains a provision which will make it clear that tenants may continue to be required to pay for various utility services associated with their tenancies if there are prescribed metering or measuring devices in place. This requirement is intended to ensure that tenants pay only for what they use.

The bill will place a clear obligation upon landlords to pay for user services where there are no relevant meters or measuring devices in place. This will encourage landlords to install meters if they do not wish to pay for services used by their tenants. Having said this, it must be stressed that tenants will be required to pay such user charges only if their tenancy agreements expressly provide for such payments to be made. The level of disputes over utility services will be reduced once the obligations of the parties are clarified by this amending legislation. The second proposal relates to termination of residential tenancy agreements by tenants on the ground of hardship. Section 69 of the Residential Tenancies Act makes provision for landlords to apply to the Residential Tenancies Tribunal for termination of a tenancy agreement because of undue hardship. If the tribunal makes such a termination order it may also order the landlord to pay compensation to the tenant for the loss of the tenancy.

While a landlord may apply for an order to end a tenancy on hardship grounds, there is no equivalent provision for a tenant to apply to terminate a tenancy on the grounds of hardship. This amendment will overcome this inconsistency, so that a tenant facing difficult circumstances can apply to the tribunal for an order allowing the agreement to be terminated. If the order is made, the tribunal will also be able to order, if appropriate, the payment of compensation to the landlord. Undoubtedly, tenants would prefer to seek the approval of the tribunal in breaking a tenancy rather than just suddenly abandoning the premises. By openly seeking an order from the tribunal to break the agreement because of personal hardship, there will be more opportunity for a negotiated settlement and more time for the landlord to mitigate his or her loss. Both parties will benefit from the new provision.

The Retirement Villages Amendment Bill deals with two issues which the Government believes should be addressed at this time rather than awaiting the outcome of the review of the retirement village industry currently being undertaken by the Department of Fair Trading. The retirement villages consultative committee has identified a need to provide for a dispute resolution process to resolve budget impasses. While the mandatory retirement village industry code of practice provides that residents must have input into the development of and agree to a village budget, there is presently no remedy for situations in which residents taking part in a vote on the budget refuse to agree to that budget. Management and residents may not be prepared to alter their positions and the effective operation of the village may be threatened by a continuing dispute.

The Residential Tenancies Tribunal has jurisdiction to deal with many retirement village disputes but it has no power to deal with budget impasses. The bill provides that the tribunal will have sufficient jurisdiction to bring budget disputes to a conclusion. There was consensus within the consultative committee that the Residential Tenancies Tribunal, equipped with specific jurisdiction, was the appropriate forum for the resolution of budget disputes. The tribunal will have the power to give directions to the parties as a mechanism for finding a solution to the impasse and if necessary will be able to make orders effectively ruling that a retirement village budget is reasonable or unreasonable, thus allowing the operation of the village to continue.

The other amendment contained in the bill will operate to clarify residents' rights when a retirement village complex is no longer occupied by a majority of retired persons. The Retirement Villages Act and the code of practice currently apply to establishments which are predominantly occupied by retired persons. What is not clear is the application of the existing legislation to an establishment which originally operated as a retirement village but which no longer has a predominance of retired people in residence. While it is not common for a retirement village to change its identity to another form of establishment, such circumstances have arisen and this has left the remaining residents uncertain of their rights.

The bill provides that the rights and obligations of retirement village operators and residents will continue as long as there are any retired persons remaining in the complex. This amendment will remove any possibility that aged persons who entered into contracts for the provision

of services in a retirement village will have services removed because of a change in the mix of people living in the complex. Operators of village complexes will not be prevented, if their development approval allows, from altering the nature of their establishments but they will quite properly have to continue meeting their obligations under the retirement laws to any remaining retired persons.

The Motor Vehicle Repair Industry Council is a statutory body established under the Motor Vehicle Repairs Act 1990. Its role is to license persons undertaking repair work, conduct disciplinary hearings, help resolve disputes, operate a contingency fund, provide education and research funding, and otherwise promote improvement in the standards of motor vehicle repair work. To provide for greater consumer input in the motor vehicle repair industry it is proposed that three additional persons be appointed to the council. Such persons will be chosen by the Minister from persons who have expertise appropriate to the functions of the council. The bill will also amend existing references in section 8 of the Act to the various bodies from which membership of the council is drawn. These amendments have been made to reflect changes in the names of those bodies and/or their merger. I commend these bills to the House.

Debate adjourned on motion by Mr J. H. Turner.

TRAFFIC AMENDMENT (PAY PARKING SCHEMES) BILL

Bill introduced and read a first time.

Second Reading

Mr SCULLY (Smithfield—Minister for Transport, and Minister for Roads) [10.30 a.m.]: I move:

That this bill be now read a second time.

This legislation before the House will amend the Traffic Act 1909 to place declared public authorities on a similar footing to local councils by allowing such authorities the right to establish and operate pay parking schemes such as meter, ticket and coupon parking. These parking schemes will operate within the declared public authority's area of operations, that is, on a public street within the land controlled or owned by the declared public authorities. Declared public authorities will be prescribed in the regulations and may, for example, be authorities constituted by or under an Act of Parliament, a statutory body representing the Crown, or a government department.

This legislation will also enable effective enforcement by the police or by the employees of the councils and of the declared public authorities authorised by the Commissioner of Police and trained by the Police Service. At present only councils have the power under the Traffic Act to authorise and operate meter parking schemes and/or pay parking schemes on public streets in accordance with the regulations and the guidelines of the Roads and Traffic Authority. This bill will not limit a council's current power to provide for parking schemes in a public reserve controlled by that council. A council and a declared public authority may authorise and operate pay parking schemes on public streets on land not owned by the council or the declared public authority, but only with the approval of the owner of the land.

The types of electronic meter parking schemes and pay parking schemes proposed in this bill have already been proven to be successful in New South Wales. The proposal will also ensure that the councils, declared public authorities and the motoring public have the benefit of more flexible and modern multibay electronic parking meters. The local environment will also be improved by the use of these modern parking meters rather than relying on outdated and unsightly single or double-headed parking meters which clutter the footpaths and other parking areas, imposing heavy maintenance and operating costs.

Experience in New South Wales in the use of multibay parking meters and ticket machines on public streets since their introduction in late 1994 indicates that these have been readily accepted by community. There has been a marked improvement in kerbside parking management and enforcement by councils and by the police. The bill also requires amendments to the Motor Traffic Regulations 1935. A list of declared public authorities, together with their respective areas of operations, will be prescribed in the regulations to authorise pay parking schemes. The current RTA's guidelines on pay parking will be amended to reflect the legislative changes introduced by this bill. Amendments to RTA's guidelines will be undertaken by the Roads and Traffic Authority in consultation with representatives of the declared public authorities, Police Service and the Local Government and Shires Associations.

Any proposal by a council or a declared public authority to implement meter parking schemes on a public street within the land controlled or owned by

the council or a declared public authority must be in accordance with the RTA's guidelines. Any proposal by a council or a declared public authority to implement any other type of pay parking scheme within the declared public authority's area of operations, that is, on a public street within the land controlled or owned by the council or a declared public authority, must be in accordance with the RTA's guidelines and subject to RTA's approval for the means of, and schemes for, payment for parking of vehicles at a pay parking space.

In the case of a council, the fees for the parking of a vehicle in metered spaces or in a pay parking area are to be fixed by resolution of the council, whereas in the case of a declared public authority the fees for the parking of a vehicle in a metered space or in a pay parking space are to be fixed in accordance with the pricing principles set out in RTA's guidelines. The RTA's guidelines will place strict control on councils and declared public authorities to ensure that they do not implement these pay parking schemes as a revenue earner without any legitimate traffic, transport or community objective, including social and environmental ones.

Further, pay parking schemes must be consistent with the Government's overall transport policy objectives. Under this legislation the costs of administering a pay parking scheme are to be borne by the council or the declared public authority. I present this bill to the House at this time because of the urgent need of the Olympic Co-ordination Authority to control and regulate parking within the Olympic 2000 complex at Homebush Bay, including the land presently under the auspices of the Bicentennial Park Trust and the State Sports Centre Trust. I commend the bill to the House.

Debate adjourned on motion by Mr Souris.

CRIMES LEGISLATION AMENDMENT (POLICE AND PUBLIC SAFETY) BILL

Second Reading

Debate resumed from 28 April.

Mr WINDSOR (Tamworth) [10.35 a.m.]: I support the general thrust of the Crimes Legislation Amendment (Police and Public Safety) Bill. However, I am concerned that even though the aim of the legislation is to give the police more powers, this will be another clayton's piece of legislation that acknowledges the concern of the broader community but does nothing to address the actual problem. The Children (Parental Responsibility) Act received the support of both sides of the House and set a precedent. The intent of the legislation was to give police a degree of power over young people on the streets late at night. However, local government has experienced difficulties in implementing the Act, and it has been almost impossible to achieve its aims. I am concerned that this bill will follow the same path. There is a problem in the community with knives, but I have a premonition that the bill, if it is passed, will have little effect on violence on the streets, even though such incidents are reported in the press or raised in the Parliament.

The bill contains an amendment to the Crimes Act to enable a police officer to demand a person's name and residential address if the officer believes on reasonable grounds that the person will be able to assist in the investigation of an alleged indictable offence. Country people have sought that measure for quite some time. That provision also impacts on the parental responsibility Act. Notwithstanding libertarian arguments put forward in the Parliament and in the press that police should not have further powers, the fact is that at present police do not have sufficient power. However, a responsible society must require that limitations be placed on how its members act, and that end can be achieved only through police and other authorities having sufficient powers to prevent crime and maintain law and order. I am pleased that the legislation includes that appropriate amendment to the Crimes Act.

I support the legislation and will support the amendments foreshadowed by the honourable member for Eastwood relating to penalties. The penalties prescribed in the legislation are quite pitiful, which suggests once again that the legislation will not have the result that the community demands. New section 28G, on limitation on the exercise of police powers, states: "This Division does not authorise a police officer to give directions in relation to an industrial dispute or organised assembly, protest or procession." All laws should apply to every member of the public. Limitations should not be placed on police giving directions to members of an organised assembly, protest or procession. On 11 May a number of meetings are being held across the State to deal with the law and order problems and violence within our society, particularly in country communities. The honourable members for Dubbo and Wagga Wagga—

Mr Scully: Two good lawmen: Judge Dredd from Tamworth and Sylvester Stallone from Dubbo.

Mr WINDSOR: The Minister has suddenly come to life after his enlightening speech to the House. The honourable members for the electorates

of Dubbo and Wagga Wagga, and I, have been involved in organising these meetings. I pay due respect to those honourable members for their efforts in that organisation. Those meetings, particularly in country communities, will be asked what powers they want police to have, and the bill is part of that process; whether they are happy with police numbers and powers; and whether the judiciary in its decisions is reflecting the values of the community, a question many would answer in the negative. People at those meetings will also be asked whether politicians should change legislation to give police more powers. Issues about maximum sentences may also need to be reviewed.

The meetings are an opportunity for people to voice their opinion. After those meetings, as I am sure the honourable member for Dubbo will explain when he speaks to the bill, documentation encompassing the feelings of many citizens of New South Wales will be put to the Parliament. Some civil libertarians have caused enormous damage to law and order within our society. An organised society needs to apply some limitation on human behaviour, and to that end police must be given powers to carry out their duties to full effect. I support the general thrust of the bill, and will be supporting the amendments put forward by the honourable member for Eastwood to strengthen the legislation.

Mr WATKINS (Gladesville) [10.43 a.m.]: I am pleased to speak in support of this significant legislation. Unfortunately, in recent years social behaviour has changed, and it seems to have become accepted practice for many people, especially young men, to carry a knife. There are probably many reasons for that change but its root cause is hard to discern. Our society has become more dysfunctional, young men in particular have become more alienated, and violence and reliance on weapons is increasing.

That change is partly a result of the virulent drug trade in Sydney. Violence and the use of knives associated with a tragic increase in drug trafficking have increased. Behavioural change has occurred partly because of a mistaken sense of security that some young people have when carrying weapons, and partly because such behaviour is wrapped up in a form of male bravado. But whatever the causes, the results are tragic for those young people carrying knives, because they are often the ones that are hurt by them. The results are tragic both for their victims and for all the families involved. Too often it is a sad and grief-stricken experience for police who have to enforce the law among a populace that is becoming armed with knives and is more ready to use them.

The Bureau of Crime Statistics and Research has indicated a marked increase over the past few years in the incidence of violent assaults and robberies involving the use of knives. In that environment legislative action was required to tackle proliferation of knife carrying and use. That action by the Government has been thoughtful and well considered, and most honourable members hope that it will be effective. The Government had to look at all the issues carefully, not rush into them, to ensure that the legislation addressed the problem that had to be addressed.

The bill amends the Summary Offences Act to create an offence of having custody of a knife or blade in a public place or school without a reasonable excuse. That provision lists a number of circumstances that may amount to a reasonable excuse, and it is important that that is put on the public record. The list is not exhaustive but includes lawful custody for the purposes of employment or the preparation and consumption of food, for lawful recreational activities, or as part of a uniform. That provides a legitimate excuse for fishermen, scouts or people going camping to carry a knife. It gives the power to police to question and determine what is reasonable.

The legislation should not worry law-abiding people or their families, especially young people. Thankfully, communities in the Gladesville electorate have been largely free of incidents of assault or robberies with knives such as are spreading across Sydney. I am, however, not naive enough to believe that even in low-crime areas such as Gladesville, Ryde, West Ryde and Eastwood knives are not carried or that they will not be an increasing problem in the future. Areas near Eastwood, West Ryde and Ryde have witnessed incidents of street violence and street crime. The legislation will enable police to resolve some of those problems and prevent them from escalating.

I am also pleased that police will be given power to give a reasonable direction to any person in a public place who is obstructing, harassing or intimidating other persons or whose behaviour is causing or likely to cause fear to other persons present. Whilst I question how "likely to cause fear" can be interpreted—I have asked the Minister to ask the Ombudsman to report back on that aspect of the legislation—generally I warmly welcome that aspect of the bill. Like many other lower House members I have dealt with complaints from a number of

constituents, young and old, men and women, who have been threatened, harassed, assaulted and intimidated by groups of bullies and thugs in public places.

Some suburban areas have become no-go areas because of that fear—perhaps unreasonable fear—held by residents. Nevertheless, that fear is real for those who experience it. Citizens who have to use public places such as parks, bus stops and areas outside shopping centres also have to deal with troubling incidents. At a shopping centre in the Gladesville electorate such behaviour went unchecked: the group doing it would desist when the police arrived and would promptly recommence when the police left. In the end the police had to rely on a creative interpretation of the Local Government Act to put up signage to remove the problem. That may be a good measure, but the same problem may arise in other places. I hope that this legislation will enable police to intervene where intimidation is a problem. I am concerned about the wording "likely to cause fear in other persons present". That is a very difficult test to apply. Who or what is a group of people likely to cause fear? If members of a group are actually harassing or intimidating, police action is long overdue.

I hope the result of this legislation is that those who are causing problems are warned off and moved on, that they learn from the incident and do not come into police custody. I trust these measures will enable law-abiding citizens to go about their lives unhindered. In considering my contribution to this debate, I have had to weigh up the rights of people to associate freely against the rights of others to enjoy public places. We would not do anyone a favour by allowing a situation to continue where those going about their normal business are intimidated or put in fear. The honourable member for Tamworth spoke about the role of civil libertarians. I am not critical of civil libertarians; we are all basically civil libertarians, but spokespersons for such groups constantly remind us that freedoms in our community are precious and should not be whittled away. That is a concept that most in this Parliament have supported since its inception. Civil libertarians play an extremely important role. However, in Sydney we have a problem that needs to be addressed.

This legislation outlines the limited power that the police have to request the name and address of a person. I hope this measure will be effective in preventing antisocial behaviour by allowing early intervention to stop the possible escalation of an incident to the extent that violence occurs. I do not think any honourable member of this House has any misgivings about the legislation, especially as it relates to the carrying of knives. The fines provided for in the bill are reasonable, particularly because they are designed to prevent offences rather than punish offenders. Finetuning of the legislation will occur over the next 12 months. If penalties need to be reviewed, I am sure that can be done. However, I do not believe that penalties will be the issue in this case; rather, police are being given legislative power to take action.

I am particularly pleased that the Ombudsman has been called on to closely monitor the operation of the Act and report back to the Minister and this House on how the legislation is working. I look forward to the reporting of what that close monitoring of this legislation turns up. All honourable members should pay particular attention to the position in which this legislation places police. We must ensure that our police are trained in the application of these measures and that this legislation will not in any way make their role even more dangerous. In conjunction with this legislation, regulations or modes of policing should be introduced to ensure that all police are properly trained in how to apply this legislation so that it will result in a reduction of violence, rather than exposure of police to more violent action. This legislative reform is timely, but it will not be the last piece of legislative reform necessary on this issue. However, I trust it will make our streets safer for all citizens of New South Wales.

Mr PEACOCKE (Dubbo) [10.54 a.m.]: I support the general thrust of the bill, but it does not go nearly far enough in its detail. It is not the strong legislation that these modern times require. As a consequence, I will be supporting the bill to be introduced later this week by the honourable member for Eastwood, the Police Powers Bill, which comes closer to what is required for today's circumstances. As my friend and colleague the honourable member for Tamworth quite rightly said, the honourable member for Wagga Wagga, the honourable member for Tamworth and I have requested every council in New South Wales to have meetings on this and other issues on 11 May.

Thus far, more than 50 councils have agreed to hold such meetings. Those councils cover the whole of the geographic area of New South Wales, including suburban and metropolitan Sydney. The meetings of 11 May are aimed at highlighting the real views of the public on the present state of law and order in this State and enabling them to make recommendations to the Government, the Opposition and the courts on certain issues which are of vital importance to the man and woman in the street, and

particularly to those in this State who are deeply concerned about crime.

One of the fundamental flaws in the bill is that it provides that a police officer can search persons in a public place or school if the officer suspects, on reasonable grounds, that the person has unlawful custody of a dangerous implement. It may seem reasonable to provide that the suspicion be "upon reasonable grounds", but that is an extraordinarily limiting factor in allowing police to search. American research and expertise on these events—and American society is comparatively violent—show that to allow a criminal armed with a knife to get within 21 feet of a police officer puts that officer at risk of being stabbed and seriously wounded.

It seems to me obvious and proper that police should be allowed to make a search without having to prove reasonable grounds for doing so. If police have a suspicion on any grounds, reasonable or otherwise, that a person is carrying a dangerous implement, they should be allowed to search the person. Civil libertarians in our society have come out in force to oppose any such powers for police, even the power provided in this weak bill. But I have never heard the civil libertarians objecting to random breath testing in the streets.

Mr Whelan: Did you say "weak" bill?

Mr PEACOCKE: I have great sympathy with my friend the Minister for Police. I believe he wanted to bring in a much tougher bill than this one but he was rolled in caucus. I note he is presenting a brave face on that. However, this is a vital issue for the public of New South Wales. I am sure the meetings on 11 May will be well attended. It will be an historical fact that on that day the greatest number of meetings on one issue ever held in New South Wales, particularly in respect of crime, will be held. I am sure that those meetings will disclose that the people of this State are fed up with what is happening and that they want much tougher action. The police ought, for their own safety and for that of the people of the State, be empowered to make searches without warning on whatever suspicion they may have, without having to prove reasonable suspicion. Section 357E of the Crimes Act states:

> A constable may stop, search and detain:
>
> (a) any person whom he reasonably expects of having or conveying any thing stolen or otherwise unlawfully obtained or any thing used or intended to be used in the commission of an indictable offence.

That provision has caused immense problems for police in maintaining order in our streets. Recently I met with a number of junior police officers in Dubbo—a fine group of young police anxious to go out and do the right thing on the streets for the law-abiding citizens of the city—who complained of lack of clear powers. Police are asking, and rightly so, for codified legislation setting out all their powers in clear, precise and unambiguous terms, to enable them to get out on our streets and restore order. If order can be restored, there will be a better chance of restoring law and order. That has been the American experience.

The prohibition on the sale of knives in certain circumstances, as provided for in the bill, does not go nearly far enough. It is almost impossible for any government to prevent people from getting hold of knives, because kitchen knives and other weapons are freely available; there is no way to stop that. Firmer and stronger powers of search, and arrest in the case of a person carrying an offensive weapon with intent to commit a crime, should be provided for in the legislation. The bill allows police to direct a person to move or to disperse persons who are loitering or gathering in public places. However, the police must have reasonable grounds to believe that an offence of breaching the peace, causing an obstruction, or endangering the safety of any person has been committed.

Those powers do not go far enough. Police on the beat and in the streets try to get on top of crime in the most difficult circumstances. They should not have to think about whether they will be able to prove that they had reasonable grounds for suspicion before taking action. Police need to be able to move people, prevent lawlessness on the streets, prevent obstruction, and prevent the commission of crime—and for that they need great powers. Recently the honourable member for Northcott, the Hon. Dr Meredith Burgmann and I took part in a panel discussion on an Australian Broadcasting Corporation radio program which discussed law and order. The Hon. Dr Meredith Burgmann referred to the razor gang days and suggested that I am old enough to have been kicking around in those times. I was around for the tail end of that time and am old enough to remember.

The razor gangs were brought under control only because in those days draconian powers were given to police. Everyone was happy to see the razor gangs off the streets and happy for police to be given, for that time, excessive powers to deal with that excessive crime. No-one in New South Wales can say that the numbers of crimes committed with knives are not excessive at present. New South Wales has become a very violent society and some hideous crimes have been committed with knives.

Nowadays, even in a mild argument, young children can quickly pull out a knife and stab someone. That type of conduct has to be stamped out. Difficult situations require difficult remedies. As I said earlier, we try to stop carnage on the roads by allowing random breath testing so why not give police the power to conduct random knife searches and weapon searches on the streets.

Maybe for a limited time, until this culture of violence with knives and other weapons is out of the minds of people, police should be given draconian powers in an endeavour to bring back respect for law and order and for each other, which is absolutely fundamental to a decent law-abiding society. It is true that homicide figures in New South Wales have not varied much over decades, but the violence and viciousness of homicides and the increase in assaults, by 22.5 per cent last year, indicate that something dramatic and drastic needs to be done, and needs to be done now. Parliament should have the courage to attack this problem with everything available and to give police the power to go out and do what they would like to do, not only to prevent crime in the streets but to restore order in the streets.

The classic case is New York, which has zero tolerance policing. That experience has proved beyond doubt that restoring order in the streets is a precursor to restoring lawful behaviour in the streets. New York police prosecute everything they can prove, even the most minor offence, and have reduced crime to a 30-year low. Every type of crime that was current in the former crime capital of the world has reduced dramatically. Much discussion has taken place within and outside this House and the honourable member for Eastwood has been at the forefront of it. Penalties provided in this legislation are feeble. Legislating for severe penalties for the carrying of offensive weapons is the only way to get on top of this problem: confiscation alone is not enough, because people can get access to other knives very quickly.

The courts should have the courage to impose appropriate sentences on dangerous criminals. The police should not have to risk their lives to get rid of knives in the streets and bring people before the courts if the courts fail in their duty by releasing people or imposing paltry fines, as seems to be the habit these days. The time has come for tough action. Though the legislation is a move in the right direction, it is a feeble move and needs to be strengthened immensely. I will support the bill to be introduced by the honourable member for Eastwood, because it will give guts to the powers of police. From meetings that I attend I will bring forward a mandate for Parliament to bring in a codified set of rules that police can understand and enforce as to what they do in the streets and elsewhere.

I have great sympathy for police, who face a multitude of difficulties and a multitude of powers contained in obscure legislation. Following the murder of a number of police by knives the Government has introduced this feeble legislation, which does not go nearly far enough. Having said that I support the thrust of the legislation, I repeat that it is inadequate for the awful problems that face society today. Something needs to be done. For heaven's sake I ask members from all sides of Parliament to attack this rotten problem in a bipartisan way and to do whatever is necessary to get on top of it. If it is possible to recreate a more law-abiding society, we can ease off for a while. However, at the moment we have to take firm, tough action and reflect what is reasonably expected and requested by the community at large.

Mr CRITTENDEN (Wyong) [11.08 a.m.]: In debates such as this honourable members must achieve a balance between the rights of the individual and the common good of the collective members of the community to feel safe within that community. The legislation introduced by the Minister for Police achieves precisely that balance; it represents a sensible solution to the problem. About 300 years ago Rousseau wrote, "Man was born free, and everywhere he is in chains." This legislation will place an additional chain on those who have come to the warped view that knives can be a fashion accessory. It is a sad reality of society today that people carry a knife as part of their attire, part of their persona. As we head towards the twenty-first century there is no place for a knife as a fashion accessory or an extension of someone's personality. Parliamentary security staff have told me that the incidence of people carrying a knife while entering Parliament House has increased dramatically recently. Obviously, people are of the view that they have a right to carry a knife, but that is not appropriate in our society. This bill provides a balance.

In his contribution to the debate the honourable member for Eastwood tried to raise the ante, to play a political game; he tried to say, "I have a hairier chest than you." He has not considered the overall importance in any society of a balance between the rights of individuals and the common good. This bill provides for a penalty of $550 for the offence of carrying a knife and gives police the power to conduct a search. A fine of $550 is a reasonable penalty in anyone's reckoning. I turn briefly to section 28F, which could be described

colloquially as the gang reference. As a result of a recent experience in my electorate, I am pleased that the Government has included such a provision in this progressive bill. On the evening of Saturday, 21 March, about 300 youths in the Budgewoi area of my electorate gathered and acted in such an unruly way that most police resources in the Tuggerah Lakes local area command had to attend the incident.

A problem emerged later when three younger people who had apparently consumed alcohol late on Saturday night or in the early hours of Sunday morning then proceeded to smash shopfront windows in the Toukley shopping area. Some $15,000 of damage was done to shops and other buildings in the area, including my office. People running small businesses in Toukley shopping centre are trying to make a living. They do not need loutish behaviour and vandalism. If police had had the power to control or disperse this gang earlier they may have been closer to Toukley shopping centre and could have apprehended these recalcitrant youths before they damaged the shopfronts.

Similarly, I have been approached by a constituent in Gorokan in my electorate who had rung the police because she and her husband were concerned about their safety in their home. This incident involved not a gang of 300 but a gang of between 50 and 100. This bill introduces reasonable firmness. This constituent, whom I have known for about five years, is certainly not an unreasonable person; I would classify her as being reasonably firm. However, she felt unsafe in her home. That is a sad commentary on our society. Such incidents would have been unheard of in my electorate even 12 months ago. That emerging problem must be addressed now so that people can feel safe in their homes. If people cannot feel safe in their homes we have lost the right to call ourselves a civilised society. I urge all honourable members to support this bill.

Mr O'FARRELL (Northcott) [11.14 a.m.]: As the honourable member for Dubbo said, he, the Hon. Dr Meredith Burgmann and I discussed these kinds of issues on Richard Glover's program on 2BL on Monday night. The Government is split on this issue. The Hon. Dr Meredith Burgmann, the Hon. Ann Symonds and other Government members believe that this type of legislation is unwarranted. They do not accept that people perceive that they live in a society that is much more violent than it was a number of years ago, and that crime statistics and violent crimes in our society are increasing. Against that one has the comments of the honourable member for Wyong and the honourable member for Gladesville, who accept that people perceive that they live in a much more violent society and that the level of violence in society has increased.

This bill is a result of the split in the Government, with two sides in caucus battling against each other on these issues and trying to balance classical civil liberty issues against the rights of people in the community to go about their lives in a peaceful and safe way. It is inadequate. Indeed, I would go so far as to say that it is bad legislation because it does not meet community objectives. Clearly, the Government has a perception problem. As I said, the honourable member for Wyong and the honourable member for Gladesville accept that the incidence of violence in the community is increasing. The Labor Party, both when in government and in opposition, has traded on that. The honourable member for Eastwood said that in 1993 the then shadow minister for education and training introduced the Education Reform (School Violence) Amendment Bill, which provided a maximum penalty of two years imprisonment for the offence of possessing a knife in a public school.

Three years ago the Minister for Police, in response to the death of Peter Savage, promised to introduce a penalty of five years imprisonment for the offence of possession of a knife. In other words, persons convicted of possession of a knife would receive a penalty of five years imprisonment. As evidenced in many other areas, the Government is big on promises but short on delivery. The Government has missed an enormous opportunity throughout its tenure. This bill is the latest, and perhaps saddest, example of that missed opportunity, because the Government fudged the issue when it had the opportunity to address firmly and directly the increasing violence in our society.

I commend to my colleague the honourable member for Wyong that he examine the zero-tolerance policies being pursued by city, State and Federal governments in the United States of America when he visits there over the next few weeks. These policies are not simply being pursued by right-wing republicans in the United States. The zero-tolerance policies being actively pursued and embraced by the Democratic Party in certain cities and States throughout the United States are having an impact. It is the broken window syndrome. People will continue to break windows, and those windows will not be fixed, if no action is taken. If the honourable member for Wyong adopted the same attitude to incidents in his electorate and if police took firm and decisive action at the first sign of trouble, behaviour such as that described by the

honourable member would not develop into trouble. I am not the only person who has commented on the Government's perception problem on this and other issues. As for the Premier, an article in this week's *Bulletin* stated:

> The main criticism is that he's far too obsessed about tomorrow's headline rather than good policy.

The article points out that more people think the Government is performing poorly in relation to law and order than think it is doing a good job. That is a remarkable turnaround, because not long ago the Government could make the great claim that poll after poll after poll, much to my regret, indicated that it had achieved a lot on law and order. As of this week's *Bulletin* that claim has gone. Members opposite are on the nose in the seven most important areas relating to the citizens of New South Wales, and next year they will understand exactly how on the nose they are. The criticism in the article about the Premier being driven and obsessed by tomorrow's headline could have been written about this bill. As the honourable member for Eastwood said, this bill was announced with great fanfare earlier this year. Its introduction and passage were delayed, but finally it was introduced again yesterday—

Mr Schipp: Watered down.

Mr O'FARRELL: As the honourable member for Wagga Wagga says, it was watered down in the meantime, which was clearly part of the reason for its delay. The bill was rushed through this House yesterday in such a fashion that the shadow minister for police was prevented from undertaking the normal consultations usually afforded to shadow ministers in this place. In the first four months of this year two families in my electorate brought to my attention problems experienced by younger family members being confronted by people with knives on north shore railway stations. In one incident the young people were threatened with a knife and forcibly taken up the line to Turramurra to withdraw money from an automatic teller machine.

Regrettably, this behaviour impinges upon our lives. Many people on the north shore believed that these problems did not exist in that part of Sydney. As the honourable member for Gladesville said, violence and the use of knives seem to have become a point of honour among young male community members. This Government must send clear signals about this unacceptable behaviour. The rhetoric of the Minister for Police and the Minister for Education and Training on this issue must be matched with solutions. Tougher fines and increased police powers are needed. The opportunity provided to achieve those results with this legislation has been lost because the bill goes only part of the way.

The honourable member for Eastwood made the fairly telling point that not only has the Minister for Police failed to match his rhetoric by introducing five penalty units—that is, a $550 fine—for possessing a knife instead of five years in gaol as he promised three years ago, but the maximum penalty is less than that for damaging a book in a public library! This country's law and order and judicial systems are being undermined because the community does not believe governments do enough about the problem and is convinced that the judiciary does not take these issues seriously.
When legislation creates a lesser penalty for possessing a knife than for stealing a book from a public library, something is wrong with the legal and police systems and with the Government.

The honourable member for Eastwood spoke at length to emphasise the ludicrous proposal of double warnings by police to persons they wish to search for offensive implements. Once again the job of the police in trying to protect our society will be made harder. From experience with past legislation that included double-warning penalties we know that police have difficulty in achieving success with that procedure. Given the current climate, I am astounded that again the Government seeks through proposed section 28G to create further preference for unionists, industrial disputes and organised assemblies. In the last couple of weeks there has been community outrage at the way police were hamstrung in carrying out their jobs at the wharves; proposed section 28G repeats that restriction. The honourable member for Eastwood will introduce tomorrow his bill that will improve police powers. Once again the community will look to him and to the Opposition to meet community expectations and to provide remedial action.

Dr MACDONALD (Manly) [11.23 a.m.]: I support the Crimes Legislation Amendment (Police and Public Safety) Bill, but I am concerned about its broader implications. The problems that confront the community are basically the genesis of this legislation and I shall refer to other ways of dealing with those issues. Who would not support legislation that would prevent tragedies similar to those outlined by many honourable members, specifically the most recent tragedy involving Constable Peter Forsyth? I query the right of any individual to carry a knife other than for a clearly defined purpose; otherwise, it must be assumed that the knife is to be used for some unlawful purpose.

Any legislation that gives police extra powers must be carefully monitored, and as legislators honourable members must be aware of the potential for abuse of those powers. The Youth Action Policy Association has spoken on a number of occasions about the risks of giving police additional powers. This association first contacted me last year when the Children (Protection and Parental Responsibility) Bill was introduced. I am impressed by that association's arguments about the importance of developing a positive relationship between youth and police, which includes not portraying youth as potential criminals.

One outcome of the parental responsibility legislation was the significant degree of subjectivity exercised by police to determine whether people intend to commit crimes. For that reason I support without qualification the rider in this bill that provides a significant role for the Ombudsman. I will carefully examine the Ombudsman's role to monitor and evaluate the processes of this legislation and in future years I will examine the reports that will be published. I ask that the Minister for Police not sit on those reports but table them. The bill is to be reviewed regularly to ensure that it meets its objectives and is not leading to abuse of powers.

The additional summary of police powers is a potential area of concern that has been raised by civil liberty groups. I take this opportunity to invite members when considering this legislation to contemplate alternatives besides just giving police more power. About four years ago the community I represent was concerned with youth violence and gangs operating within the northern beaches peninsula. Police appeared fairly powerless to do a great deal and the community response was to establish a community safety committee. That committee is probably the longest established of its type in New South Wales. It has evaluated and assessed its role and has been most successful in building networks of communication within the local welfare and youth agencies and with police and the council. It has determined and addressed the causes of the lack of safety and has developed a strategic plan to deal with those issues. I understand this model will be used by the Attorney General to develop community crime prevention plans.

Those members of Parliament who say that the only way to deal with this problem is to give police more powers and pass more Acts of Parliament are invited to consider the concept of community safety committees as an alternative to dealing with the problem. Manly has one of the most robust youth services in New South Wales. The service is funded through the local council and receives government grants. In contrast to Warringah and Pittwater councils, which do not have these services, Manly Council has a robust youth centre, holds youth dances and other events such as rock concerts, and looks at providing youth with something to do rather than have them hang about the streets where they tend to get into trouble if they are idle.

The other matter I want to speak about in a little detail is the alternatives to the provision of more police or more security. Warringah Mall, which is possibly the largest shopping centre in the northern part of Sydney, is on the border of the electorate of Manly. That shopping centre is currently undergoing expansion and refurbishment at a cost of $130 million. I have taken a strong stand in relation to the provision of a youth service or youth centre within Warringah Mall. I made representations to the Mayor of Warringah Council and also to the owners of Warringah Mall, quoting the Leichhardt experience. In 1996 Leichhardt Municipal Council decided to include substantial youth services in the expansion of a local shopping centre. Last month the *Sydney Morning Herald* reported on the initiatives being taken at the Broadway Shopping Centre, which I referred to earlier.

The owners proposed to spend $170 million on upgrading the old Grace Brothers site and Leichhardt Municipal Council imposed conditions on the development consent which involved considerable expenditure on youth services. The owners of the shopping centre will spend $5 million on a community auditorium, basketball courts, a child-care centre and a public plaza. There has been similar expenditure at Warringah Mall, but it has not been as extensive. I merely want to draw the attention of the House to the alternatives to additional police or security personnel. I have a copy of a recent publication entitled "negotiating youth-specific public space: A Guide for Youth and Community Workers, Town Planners and Local Councils." I would be pleased to provide a copy of that guide to members who would like to read it. It examines the paradigm of providing youth workers instead of additional security. That links in with the alternatives to the present legislation that I have put forward.

The Midland Gate Shopping Centre in Perth reported that it was experiencing considerable difficulties with large numbers of youths congregating around the shopping centre. There were reports of vandalism, graffiti, damage to staff cars and evidence of drug use with empty syringes and liquid paper bottles being found in the car park. Additional security guards were employed by the

centre but that merely increased the conflict experienced with the young people. Management approached a local youth organisation and together they established a committee comprising representatives of the shopping centre, the community, youth services, departmental and council staff and young people. The shopping centre employed a youth worker, whose position was funded by the business sector and the Community Development Youth Office.

The role of the youth worker was to work with young people, linking them into existing support services and making available information on leisure, employment and accommodation, et cetera. The centre manager has stated that the success of the program can be measured by the relative peace within the shopping centre, a dramatic decrease in vandalism and violence, and the wages of the youth worker compared with the wages for six security guards who were employed to remove the young people from the centre. This type of legislation may be needed to deal with extreme behaviour. I support the provision that prohibits the carrying of a knife unless it is work related.

However, I implore members to look beyond clamping down on people's rights and increasing police powers to the broader issue of trying to prevent the behaviour with which the bill seeks to deal. Consideration must be given to methods of dealing with the root cause of such behaviour and to the provision of additional youth services and innovative community safety initiatives. We should try to work with young people rather than against them. Only then will long-term results be achieved. I acknowledge that some regional centres in New South Wales have massive problems, but I believe that not many of them have taken the initiatives I have referred to. The implementation of those initiatives, together with the use of reasonable police powers, is the way forward.

Mr SCHIPP (Wagga Wagga) [11.34 a.m.]: I take a somewhat different view to that taken by the honourable member for Manly. There is no room for equivocation about the proposed legislation. It was promised three years ago and was part of a bidding duel between both sides of politics prior to the 1995 election. However, the introduction of the legislation has been long delayed. Equivocation merely encourages peripheral points of view. However, the figures demonstrate that there is overwhelming support in the public arena for tougher laws and increased police powers to deal with street crime. People undoubtedly fear for their safety when they are on the streets. They want reassurance that they can move about in the public arena and not feel threatened. Indeed, as an earlier speaker in the debate said, they want to feel safe in their own homes.

I have often wondered whether some people carry knives as a protection mechanism rather than as a result of a desire to break the law. It seems to me that that protection mechanism may result partly from the relatively new syndrome of knife attacks. In that context I ask the Minister to indicate how the legislation will relate to the use of broken bottles as weapons. During a recent incident in Wagga Wagga a young lady slashed an airman's neck with a bottle and severed his jugular vein. The victim was only minutes from death. Fortunately an off-duty hospital wardsman was passing by and was able to stem the flow of blood until the victim reached hospital. Although the victim almost lost his life, the approach taken by the court equated to a slap on the wrist. The young lady involved in the incident, who had a sad track record so far as criminality was concerned, received a 12-month bond.

Within three weeks of that incident the sister of the young lady involved in the first incident said, "Let's go into a store and do a . . . ", using the name of her sister to describe proposed criminal action, which was to hold up a store and steal cigarettes. If that is allowed to happen, others will take advantage of it. I ask the Minister where a broken bottle fits into the equation. I support the claim made by the honourable member for Eastwood on behalf of the Opposition that this legislation does not go far enough. A package of measures is required to restore police powers in relation to street crime. Police often claim that their powers under the former Summary Offences Act have not been fully restored. For a considerable period I have endeavoured to get officers, even those at the highest level of the Police Service, to specify what they need to restore the powers they believe were taken from them by Frank Walker in the 1980s.

My understanding, having been a member of the Greiner Cabinet, was that the former Government had re-enacted the provisions of the Summary Offences Act that allowed police to do their duty. However, I have now been told that several points, such as assembly and the issues addressed by this legislation, were missed. I have regularly been told that police officers believed that their powers had not been sufficiently restored. Fortunately, the Police Association has now designated a number of issues it wants addressed. This legislation deals with part of the problem but does not go far enough. For that reason the private member's bill proposed to be introduced by the honourable member for Eastwood should receive

bipartisan support in this House. The passage of that bill will lead to safety being restored to the streets. Police will not have to fear the consequences of not having crossed every t and dotted every i. The legislation almost requires the issuing of a written statement about the reasons for searching people, and matters of that sort. The inclusion of those restrictions makes it difficult for police officers to clarify what will happen to them at the next stage.

Honourable members can well imagine that if some of the requirements to be imposed on police officers in carrying out their duties are challenged, a whole new industry will be created for lawyers. For example, did a police officer give the right directions? Did the officer warn a suspect that his actions could constitute an offence? If such challenges get out of hand, police officers will not take the action that this bill empowers them to take; they will not take the risk that they, rather than those they are trying to remove from the community, will be hauled over the coals.

The remarks of the honourable member for Manly about youth councils reminded me that police and community youth clubs are vital factors in educating young people against criminality. However, those clubs are only one factor. Juvenile cautioning and a range of other options are available, but they do not get to the nub of the problem. Zero-tolerance policing has received a great deal of publicity, and that seems to be the only message that those who have knives in their possession with criminal intentions understand—a tough line; zero tolerance. Police officers will have to start enforcing that policy and not walk away because of concerns about civil liberties and matters of that type. The community will have to get into the mind-set of trusting the police to carry out their duties so far as the safety of citizens is concerned.

Unfortunately, following the police royal commission and other inquiries a sector of the community, although not necessarily a large sector, is prepared to jump on the bandwagon of criticism and denigrate the activities of the police, claiming that their actions are not designed to uphold the law. If restrictions are placed on police officers the community will not receive proper service from them. The public will then demand the appointment of more and more officers because the available police are not able to do their jobs. A good example of that is alcohol-free zones. It is almost impossible for a police officer to follow the rigmarole that is required to lay a charge under the alcohol-free zone legislation. If people are misbehaving in a large crowd and are spoken to for that misbehaviour, that constitutes one warning. However, if another officer sees those persons misbehaving and he does not know they have already been warned, there is no follow-up action. Police officers may have to leave crowd control duties to take those persons to a police station and lay the charges. That could take as long as 1½ hours. If this legislation contains similar complications, it will be unworkable, and we all want this legislation to work.

In the past legislation has been passed with great fanfare, but months later it becomes apparent that it has not been proclaimed. I understand that the legislation relating to diminished responsibility is not yet in operation, although that is one of the more serious areas of policing and law enforcement in the State. Lawyers work hard on claims of diminished responsibility and certain judges accept those submissions. Judge Joseph Moore has a longstanding reputation of accepting upbringing and aboriginality as matters of diminished responsibility to be used in defence of charges relating to drugs and alcohol. If such matters of diminished responsibility are accepted, custodial sentences, which teach offenders the error of their ways, are almost reduced to good behaviour bonds.

Parliament must give unequivocal support to this legislation. Members of this place must not go weak at the knees merely because complaints are made that a police officer has dealt with someone not strictly in accordance with the provisions of the legislation. The police must receive the necessary backing to allow them to go forward with confidence. They must know that they will not be victims of the legislation and that they will be able make the legislation work. Finally, I want to mention the meetings that have been organised by the honourable member for Dubbo, the honourable member for Tamworth and me. They are strictly non-political meetings. They are to be held by councils and will allow people from the more than 60 participating communities to express to Parliament, to the courts and to the police their disenchantment with the measures that are in place to protect the community.

Entire communities are fearful of going out of doors at night, to walk the streets, or to go window shopping, which is always a feature of summertime in the country. It is time a loud and clear message was sent from the community to the legislators and to the enforcers that it does not want this legislation to be passed and then not backed by the Parliament. Recently a judge debunked victims of crime statements as useless. That is a disgrace. Members of this Parliament, the elected representatives of the community, have said they want the statements of victims of crime to be part and parcel of the

sentencing procedure. A judge has now said they are useless and he will not take any notice of them.

If that continues, the Parliament will have to speak with a stronger voice. The meetings to which I have referred will allow members of the public to have their say. Those meetings have been criticised. It has been claimed that meetings have been held in the past and nothing has been achieved. A State election is due within the next 12 months, and politicians want something done about this problem. It is timely to reinforce the view of the community. That is why at least one-third of the 177 councils in the State will be holding meetings on 11 May; to allow the community to put forward its view. I hope this House listens to what the community has to say and that the community is given an assurance that the Parliament means business with this legislation.

Members should be unequivocal about this legislation. We should move to the next stage, the private member's bill introduced by the honourable member of Eastwood. We should stand against those who would prefer to be wishy-washy and find excuses rather than move towards a zero-tolerance society. That is the only way the community will be satisfied that we are fair dinkum about trying to restore safety in the streets and in private homes. I support the legislation, but I will support even more strongly the private member's bill to be introduced by the honourable member for Eastwood when it comes before the Parliament in due course.

Mr HUNTER (Lake Macquarie) [11.49 a.m.]: It is with great pleasure that I speak to this bill. There is widespread support for the bill, particularly in the Lake Macquarie area. I refer to the Lake Macquarie area in particular because of unsavoury behaviour and youth crime that has been experienced in the past 18 months, especially in the Toronto area. Regrettably, such crime has in the past week or so also been experienced in the Rathmines area of my electorate. The overview of the bill states:

> The object of this Bill is to amend the *Summary Offences Act 1988*:
>
> (a) to create an offence of having custody of a knife in a public place or a school without a reasonable excuse, and
>
> (b) to enable a police officer to conduct a search of a person in a public place or a school if the police officer suspects on reasonable grounds that the person has unlawful custody of a dangerous implement, and
>
> (c) to enable a police officer to confiscate a dangerous implement found in a person's custody in a public place or a school if the police officer suspects on reasonable grounds that it is unlawfully in the person's custody, and
>
> (d) to enable a police officer to give reasonable directions to a person in a public place if the police officer has reasonable grounds to believe that the person's behaviour or presence is obstructing another person or traffic, constitutes harassment or intimidation of another person or is likely to frighten another person.
>
> The Bill also amends the *Crimes Act 1900* to enable a police officer to demand a person's name and residential address if the officer believes on reasonable grounds that the person will be able to assist in the investigation of an alleged indictable offence.
>
> The Bill contains a consequential amendment to the *Fines Act 1996*.

As I have said, it is my belief that there will be widespread community support for the bill, particularly within my electorate. I should like to highlight some of the issues of concern to my local community. In the past 18 months or so the Toronto area has experienced an increase in violent youth activity, including harassment and intimidation of shopkeepers and shoppers. I am very concerned about that, as are residents and the local Chamber of Commerce and Industry. Representatives of the Chamber of Commerce and I have met on several occasions to discuss these concerns. I have been liaising with local police to find out what can be done under current laws. This bill will be embraced by my local community, which has called on me to try to ensure that police are given extra powers to halt unsavoury activity in the Toronto area.

Last November I was invited to attend a meeting of the Chamber of Commerce. I was asked to outline what actions the local police were taking and what actions I was taking to improve the powers of the police so that they would be able to take more appropriate action against offenders. This bill gives to police the extra powers for which the local Chamber of Commerce and shopkeepers have been pushing. I have received numerous letters from shopkeepers and from citizens who have been intimidated by youth gangs in the Toronto area. I share their concern at the recent social unrest in Toronto. The Government has responded. The police local area commander, Gary Gilday, has advised me that when the Lake Macquarie patrol was established last year four additional officers were allocated to service the Toronto area. That number has since been increased to five.

In addition, six highway patrol officers have been relocated to Toronto police station. As honourable members know, highway patrol officers undertake not only highway patrol responsibilities but, as part of the first-response policy, are also able to assist at other incidents. In addition the Morisset area has been assigned 24-hour police patrols, which

is a great improvement on the situation under the previous Government. Commander Gilday has instructed his officers that when they leave and return to the Toronto police station they should drive via The Boulevarde, the main street of Toronto, to increase police presence. They have been directed to walk the main street when on any errands—in a sense, beat policing—in the Toronto area. It has been reported that the increased police presence has had the effect of taming the activity of some of the unruly youth. A number of police operations have been undertaken. In the past few months my electorate and neighbouring electorates have been subject to Operation Moonlight, a scheme that has met with some success.

I invited the Minister for Police to visit my electorate. The Minister and I walked the main street with senior police officers. We met shopkeepers and residents and discussed some of their problems. A number of issues were raised and several strategies were put in place after that meeting. One strategy was the bringing before the Parliament of this bill to give police extra powers. On several occasions I have met with representatives of the Lake Macquarie City Council and have discussed with the council the lack of no loitering signs, the cutting of shrubbery in the street, lighting improvement and the creation of alcohol-free zones. No loitering signs give the police the power to move people on and place them under arrest if they refuse to move. Following the implementation of this legislation, however, there will be no need to erect no loitering signs in the main street. This bill will go a long way towards answering the concerns of my constituents.

Earlier in the debate an Opposition speaker referred to police safety. I am concerned that in the past week or so an off-duty police officer was attacked by a group of youths in the Rathmines area and had to recover in hospital. Police officers in this State have been subjected to attack before, and I am sad that an attack has occurred in my electorate. I point out to Opposition members that under the coalition Government an assault on a police officer causing grievous bodily harm attracted the penalty of five years imprisonment. The Carr Labor Government has increased that penalty to a term of 12 years. Under the previous Government the crime of assault on a police officer causing actual bodily harm attracted a term of five years imprisonment. The Carr Government has increased that penalty to a term of seven years. I point out to the member opposite who spoke about police safety that this Government has increased penalties to assist in police safety.

The Minister in his second reading speech said that this bill is a landmark step in the Carr Government's commitment to a safer community. He pointed out that it makes important amendments to the Summary Offences Act and the Crimes Act to equip police with the laws and powers they need to make our streets safer. The Minister acknowledged that the changes in the bill are far reaching and that they will not be supported by everyone. Certainly it would appear that they are not being supported by members of the Opposition. As the Minister pointed out, however, the time has come for the community and this Parliament to make fundamental decisions about the type of society we want to live in. He said that we cannot increase the safety of the community without giving police the powers they need to maintain law and order on our streets and in public places.

This bill gives a police officer the power to request a person's name and address if the officer has reasonable grounds to believe that the person may be able to assist in the investigation of an alleged indictable offence. People have raised with me the current inability of police to request that information from people congregating in groups in the main street of Toronto. Others have said that the giving of those extra powers to the police cause them fear. This bill includes provisions for accountability and a number of safeguards. It requires the Ombudsman to monitor and scrutinise the use of all the new powers. The Commissioner of Police will be required to provide to the Ombudsman information about the exercise of the additional powers, and at the end of the first year of the operation of the new provisions the Ombudsman will prepare a report on the monitoring work.

The bill requires the Minister for Police to undertake a review of the measures introduced by the bill to determine whether the police objectives remain valid and whether the operations of the provisions are meeting those objectives. The review will occur after the first 12 months of the operation of the provisions. The Minister for Police will report to both Houses of Parliament and this report will include a copy of the Ombudsman's report. For those people concerned about an abuse of these powers by police, strong areas are included in the bill to ensure that that is totally covered. In conclusion, the bill will be embraced by the broad community and by the community within the Lake Macquarie electorate. I commend the bill to the House.

Mr KERR (Cronulla) [12.01 p.m.]: It is ironic that this debate on legislation concerning possession

and use of knives will be cut short by a guillotine. Honourable members ought to be offended that, despite its promises, the Government has taken years to bring forward the legislation. The honourable member for Bligh agrees. Honourable members will not be given their full rights to debate this matter. As mentioned by the shadow minister when he spoke about consultation, the community has not been able to look at it. The explanatory note overview of the bill states:

> (d) to enable a police officer to give reasonable directions to a person in a public place if the police officer has reasonable grounds to believe that the person's behaviour or presence is obstructing another person or traffic, constitutes harassment or intimidation of another person or is likely to frighten another person.

What is meant by "likely to frighten another person"? Surely that is a subjective test, in the context of what has been said in the course of the debate. The honourable member for Bulli said yesterday in this House:

> Many elderly constituents in the Bulli electorate are also concerned. Their concern may seem needless on occasions, given the harmless fun that kids often project towards the elderly, but they do become frightened.

He further said:

> . . . we must seek to ensure that the Police Service does not become a military or paramilitary force that takes over.

There is no danger of that happening. It should be remembered that the police force serves the community. Surely the greatest civil liberty is to be part of an orderly society and to be able to walk the streets. Arguments in support of civil liberties, though somewhat abstract, reflect on ever-present dangers facing all citizens. I refer to an article in the *Sydney Morning Herald* of 10 March, which states:

> Police last night released an artist's impression of the youth they believe stabbed 18-year-old Eron Broughton nine times and left him for dead in George Street at the weekend—all because he accidentally bumped into him in an amusement arcade.
>
> For 48 hours Mr Ken Broughton feared his son would not survive the gang attack in the cinema entertainment strip shortly after midnight on Saturday.
>
> But St Vincents Hospital, Darlinghurst, yesterday reassured him his son would pull through.
>
> Mr Broughton said Eron, a graphic design student, was attacked by up to 40 youths while walking with three friends.
>
> They had been at the Galaxy World amusement centre when Eron accidentally bumped into another youth who was with a large group of teenagers, causing an argument which had to be broken up by a security guard.

Eron Broughton, from Cronulla, was walking not in an isolated spot but down George Street at midnight. All citizens are entitled to walk the streets of our capital city and not be frightened. After the stabbing of the Trinity Grammar schoolboy Peter Savage three years ago the Government promised a penalty of five years gaol. Now the best the Government can do is impose a five-unit $550 penalty as the maximum penalty for possession of a knife in a public place or school without a reasonable excuse. As the shadow minister for police said, that is the equivalent of a high-range parking ticket or mid-range speeding ticket. Under section 525 of the Crimes Act the maximum penalty for damaging a book in a library is one year in gaol, but the maximum penalty for possessing a knife in that library is merely a mid-range fine but no gaol penalty.

In 1993 the then shadow education minister was sufficiently concerned to introduce the Education Reform (School Violence) Amendment Bill, which provided a maximum of two years imprisonment for possession of a knife in a government school. Where was the shadow education minister when the Government discussed that legislation? The bill does not meet the community's expectations. The bill does not go far enough to remove the fear people experience as they walk along the streets of our city at midnight. Honourable members may have experienced that fear when they have had to walk through fairly deserted places in this city in the early hours of the morning.

Mr Fraser: When leaving this place.

Mr KERR: As the honourable member for Coffs Harbour said, honourable members may have that fear when leaving this place—even though Macquarie Street at 2.00 a.m. or 3.00 a.m. is not exactly George Street. It is crazy for the Government to trumpet what it is doing in relation to law and order when it brings in not simply half measures but quarter measures to deal with problems. To add salt to the wound, the Government has introduced the legislation in a stealthy way that has not enabled members to debate the legislation fully or to consult relevant interest groups. Why such haste after such a long delay? I have mentioned what happened to a constituent of mine who was exercising his ordinary rights as a citizen. If this legislation had been in place at the time the police spoke to the person with the knife, the heaviest penalty those people would have suffered would have been a fine of $550 before the incident occurred. That is nowhere near good enough.

Ms HARRISON (Parramatta—Minister for Sport and Recreation) [12.08 p.m.]: I am pleased to speak today on this important bill. My colleague the Minister for Police has already spoken about the tragic circumstances which have led to the legislation being introduced. Once again our hearts go out to the families of those men who so tragically lost their lives. The community can no longer tolerate the growing incidence of violent assault and robbery involving the use of knives. Ample evidence of community feeling on this issue suggests that strong action is both warranted and expected.

Constituents who have been victims of a crime involving the use of a knife or who have had family members injured or threatened by someone carrying a knife are mystified about the need to carry knives, and are amazed at the obvious difficulties police have in preventing this practice. The Government is determined to make New South Wales a safer, more secure place for everyone, so that families and all citizens of this State will be able to live safely in the knowledge that they can go freely about their everyday lives. Parents need to know that when they send their children to school or sport the children will return safely. Children should expect to see their parents come home safely from work or from a night out at the club or the movies. At present, given random acts of violence by groups who use knives as the means to their criminal ends, there is no guarantee that that will happen.

As the Minister has said, the time has come for Parliament to make fundamental decisions to foster the type of society people want to live in. The duty of this Parliament is to provide the members of the Police Service with sufficient powers to fight this problem. The legislation will allow police to search for knives and other weapons in public places where they have a reasonable suspicion that someone has a weapon. Police will also be able to give reasonable directions, in certain circumstances, to people in public areas and will be able to obtain names and addresses to assist them in their investigations of certain criminal offences.

Last year I attended a meeting of concerned residents at the Wentworthville Community Centre with my colleague the Minister Assisting the Premier on Western Sydney. Hundreds of people attended that meeting and strongly supported the powers that the Police Service will be given through this legislation, that is, the right to ask for names and addresses of persons suspected of committing crimes and, importantly, the power to give a reasonable direction to any person in a public place who is obstructing, harassing or intimidating another person. It is important that the legislation includes not only the word "frightens" but also the words "likely to frighten".

At the meeting at Wentworthville Community Centre and subsequent meetings around my electorate it was clear that many people feel fear, particularly in Parramatta Mall, around the Westfield shopping centre, and in the railway station precinct, where numbers of young people gather. The young people knew and enjoyed knowing that they were causing fear but as they were not doing anything the police could not take action. Those young people were not committing a crime. Under this legislation police will have the power to give young people a reasonable direction to move on, or whatever direction is appropriate at the time. I am pleased that the people who attended the meeting will know that their request did not fall on deaf ears.

I realise that some people in the community will object to this strengthening of police powers. Some may see it as an overreaction and a move which could see police overstepping their authority. The safeguards built into the legislation in the form of an automatic review and monitoring by the Ombudsman should help to allay fears in that regard. As I said earlier, this extremely important legislation will send a strong message to the law-abiding section of our community that its interests, safety and security are being considered before those of criminals. The legislation will have a significant effect on the incidence of violent crime, particularly in areas where people could rightly expect to travel in safety, including theatre districts in the city of Sydney and in Parramatta Mall, and station precincts such as at Parramatta. Police have worked hard to preserve the amenity of one of the busiest places in my electorate. I support the legislation and urge other members to do the same.

Mr FRASER (Coffs Harbour) [12.13 p.m.]: It gives me pleasure to contribute to the Crimes Legislation Amendment (Police and Public Safety) Bill. However, I question the intention of the Government, which has had three years to do something but did nothing. Following the tragedy at Port Arthur two years ago the Federal Government and the State Government introduced legislation which effectively made criminals of some rural people. Possession of firearms by farmers is now so regulated that those who do not comply with the legislation are criminals. Yet following the death of Peter Savage, a Trinity Grammar School student, the Government said it would introduce legislation that would impose a penalty of five years gaol for the possession of a knife.

The Government has taken three years to introduce its legislation, which imposes a penalty of only five penalty units, or $550, for the possession of a knife. In this State two police officers have been killed whilst off duty. Effectively, they were brought back on duty by people who possessed knives. The honourable member for Lake Macquarie said that the legislation introduced by Greiner provided a penalty of five years imprisonment for the use of force against a police officer, whereas this legislation imposes a penalty of 12 years. A person concealing a knife, even if he or she has the intent of using it in an illegal manner, will face only a fine of $550. This dire problem in our society has been exacerbated by the repeal of the Summary Offences Act by Frank Walker.

Mrs Lo Po': Why didn't you bring it back?

Mr FRASER: Many youths in our community have not had a decent upbringing because police powers have been limited by the Labor Government. The Minister for Community Services asked why the former Government did not reintroduce the Summary Offences Act. The former Government did bring it back in, but the Minister knows that the left wing of the Labor Party is responsible for the $550 fine, although the Government had promised a penalty of five years gaol. I challenge the Minister to support the coalition's amendments, which reflect the seriousness of the crimes committed in our community through the use of knives. Youths in our community feel that they can wander around with knives and use them for illegal purposes.

I support the call made by the honourable member for Wagga Wagga for zero tolerance for crime. Police officers have a duty to protect the community. Only 1 or 2 per cent of people commit violent crime, but police officers are not given powers to protect the majority from such crime. It is high time for police officers to be given the opportunity to disassemble people who loiter with intent and to grab kids off the street and take them home to their families. Parents should be responsible for their children, many of whom have grown up as part of a generation that has no respect for the law.

Recently a Police Citizens Youth Centre was opened in Coffs Harbour. That centre will be the first step towards educating our youth, though it will take 10 years for any results to be seen. In the meantime police must be given the powers that were taken away from them by the Labor Government. Children need to be educated that if they break the law the force of the law will be savage: not a slap on the wrist or a fine of $550, but a gaol penalty for the use of a knife or other implement. I ask the Government to accept the amendments to be introduced by the shadow minister at the Committee stage, because those amendments will give the legislation the teeth it deserves.

Mr STEWART (Lakemba) [12.18 p.m.]: I strongly support the bill. I listened with great interest to the concerns raised by the Opposition, but I well remember that the coalition did nothing about this legislation during seven years of coalition Government. The Government has had the guts to make tough decisions, has looked at community needs, has made decisions and is in the process of putting those decisions in place. Members opposite whinge and moan about the legislation and say that it does not go far enough. I will analyse how far the coalition went, when it was in government, in this area. I will do a quick comparison. Under the coalition's rule, possession of an offensive implement attracted a penalty of six months gaol or 10 penalty units. In new section 28B the Government has increased the penalty to two years imprisonment, 50 penalty units and confiscation of the offensive implement. Strong changes have been made in relation to that offence.

Under the coalition Government no penalty existed for the offence of wielding a knife in a public place or a school, because it was not an offence to wield a knife in a public place. The present Government amended section 10A of the Summary Offences Act to make that an offence carrying a penalty of 50 penalty units. Under the coalition Government there was no penalty for the offence of possession of a knife in a public place or a school without a reasonable excuse, because that was not an offence during the seven years the coalition was in office.

This bill provides rigid penalties for possession of a knife in a public place or a school without reasonable excuse. Those penalties will be an effective deterrent against increasing antisocial behaviour and use of knives and will be a response to community attitude towards victims. Failure to submit to a search in a public place, a fairly significant offence in the bill, was not regarded as an offence under the coalition Government; in those days people suspected of possessing a knife could not be searched in a public place. Members opposite have whinged and moaned about the need for tougher penalties and stronger laws, the need to make people accountable and the need to meet community expectations. The coalition Government had seven years in which to amend the law to make it an offence to fail to submit to a search but it did nothing. This bill makes it an offence for a person to fail to submit to a search in a public place.

Members opposite referred to what a coalition Government would do about offences resulting from antisocial behaviour. The coalition had seven years to do something about antisocial behaviour! The honourable member for Northcott implied that current patterns of antisocial behaviour did not exist during the coalition's reign, but that is not true. The patterns of behaviour were significant but nothing was done about them. The headlines were the same; people in the community said that they did not feel safe in their homes and they wanted the Government to protect them. This Government has moved constructively to provide that protection.

Under the coalition Government, failure to comply with a reasonable direction from a police officer in a public place, including a direction to move on, was not an offence. Members opposite said that changes needed to be made. Why did the previous Government not move on this issue during its seven years in office? Under section 28F of the Summary Offences Act the Carr Labor Government has made it an offence to fail to comply with a reasonable direction. Some local councils have erected "No Loitering" signs as a way of dealing with the legacy of the coalition Government's inability to meet community expectations and needs. Police make dozens of requests for names and addresses daily. Constituents in the Lakemba electorate have expressed strong concerns about this issue. I have told the House many times that street gangs in Greenacre have taken over the local shopping centre on numerous occasions.

Street gangs have caused numerous injuries to innocent passers-by and have intimidated elderly people who simply want to be able to use community services without being harassed, hassled, victimised, spat at, sworn at, pushed over or otherwise maltreated. Under the coalition Government the police did not even have the power to ask for names and addresses. This bill corrects that problem; it provides the police with the power to request names and addresses in a constructive way. The Government is not giving the police open-ended power; police will be accountable when using that power. The Government recognises, however, that a small group of people should not be able to destroy the quality of life and safety of most people in a community.

The power to search for a knife in a public place is a hot topic. Coalition members often talk about the need to get tough in this area. For seven years the coalition Government did nothing at all; it did not confer on police the power to search for a knife in a public place. At long last in this bill the Labor Government has corrected that problem in a proper, constructive and accountable way. Police will still be accountable but they will have strong power to conduct a search in public if they suspect that a person is carrying a knife. Members opposite would have us believe that under the coalition Government police were able to turn people upside down and shake them. That simply did not happen.

The power to confiscate a dangerous implement is an important aspect of this bill. Under the coalition Government police did not have that power. Members opposite should not act all high and mighty in their moral crusade and say that a coalition government would give the police unchecked, unaccountable, extraordinary powers when such powers were simply not discussed by the coalition in its seven years in office. Assault on a police officer causing grievous bodily harm is another hot topic because of present concerns in the community. Under the coalition Government the penalty was a maximum of five years imprisonment; under the Carr Labor Government it is 12 years imprisonment. This Government has more than doubled the penalty for those who commit grievous crimes.

Under the coalition Government the penalty for assault on a police officer causing actual bodily harm was five years imprisonment; under the Carr Labor Government the penalty is seven years imprisonment. The Government is getting tough and strong, and is meeting community expectations by providing the police with stronger powers. However, those powers should be provided within a proper constructive framework, and police should be accountable. Members opposite referred to a lack of consultation. They said that these provisions did not go far enough and that the whole process had taken too long. I do not understand the logic of their arguments. First, they said that it had taken too long for the Government to take action. The Government has spent the past three years researching the matter, examining crime statistics and talking to police, victims on the front line and agency representatives who understand these concerns. Obviously, the process cannot be completed overnight. On one hand members opposite accused the Government of taking too long; on the other hand they accused the Government of failing to consult.

This bill was delayed because the Government was getting feedback from people and groups in the community with the expectation that the Labor Government would, as the Premier said at the 1995 election, introduce tougher laws for antisocial behaviour and problems with knives in the community. Those laws have been delivered but only after completion of the proper process. The

concerns expressed by members opposite in this debate were muffled and based on a model not perpetuated by the coalition Government. Not once did the previous Government tell the community what the bill was about, although for seven long years people had been telling it what the community wanted.

My electorate of Lakemba has been at the forefront of prevailing concerns that necessitated this legislation. Honourable members referred to concerns about Greenacre. Tremaine Watene-Thorburn, a 16-year-old boy, decided to attend a pool hall in Beamish Street, Campsie. He attended Belmore Boys High School. He was an excellent student and had a great career in front of him. He had a loving family supporting him. He was well respected by his friends and peers, who thought he was really going places. On one fateful night he decided to go and play pool. He ended up being the tragic victim of a knife-wielding lunatic. A 19-year-old male viciously attacked him because he verbally defended his 15-year-old best mate in the pool hall by saying to this fellow, "Please lay off. We are only here to play a game of pool. Can you leave us alone?" That fellow did not leave him alone. Instead, he wielded a 10-inch bowie knife at him. He viciously attacked young Tremaine, stabbing him numerous times in the back. Tremaine died an hour or so later at St George Hospital: his lost life and career are the legacies to his family.

This legislation addresses community concerns about youth attitude that it is okay to carry a knife, it is okay to be involved in antisocial behaviour and it is okay to walk around in gangs and intimidate people, because nothing can be done about that behaviour. The coalition Government did nothing about it. But this morning we learnt that under the Carr Labor Government this bill will put in place the strategy to change the laws that deal with carrying knives in public places and antisocial gang problems. It will also help change community attitudes, particularly those of youth groups which might believe that they are being picked on.

Those groups are not being picked on, but statistics show that the majority of offenders involved in knife crimes are under 20 years of age. That creates a real need from any perspective to deal constructively with knife-related offences. The bill is not just about it being an offence to carry a knife in a public place without good reason or about gang behaviour. It is about changing those behaviour patterns and sending to schools, to the marauding gangs that have caused bedlam in some communities and to people in the general community a firm message that this behaviour will not be tolerated.

The community will not put up with people who carry dangerous implements, such as knives, and will not put up with people who want to intimidate and harass others in the community and do all sorts of unlawful things as part of gang activity. At long last an adequate law will have proper accountabilities and will give police stronger powers to stop these problems. It will make our streets and communities safer, and young people particularly will understand their accountability to the community.

Mr MERTON (Baulkham Hills) [12.33 p.m.]: The honourable member for Lakemba spoke about Labor's record on law and order. I remind him that he is a member of a government under which life sentences in gaol amounted to 11 years. Prison terms were so eroded by the remission scheme that they were virtually ineffectual. When the coalition came to government in 1988 larceny of a motor vehicle did not even attract a penalty, because the previous Government had allowed those provisions to remain in the horse-and-cart era. Today the honourable member says this bill is a cure-all for the problems in the community.

Does the honourable member for Lakemba seriously think that a miserable $550 will deter a thug from carrying a knife in Church Street, Parramatta? Does he seriously think that the fear of receiving a $550 fine will deter people from carrying knives on trains? To many people that amount is not even a week's wages and they will take the punt on whether they get caught. A more realistic penalty for carrying a knife would be six or 12 months in the slammer, which would give them time to think about their actions. The coalition believes that is an appropriate penalty. If the honourable member for Lakemba believes this bill is the cure-all for violence, I have great sympathy for the people he represents.

Mr Stewart: Why didn't you do something about it when you had the chance?

Mr MERTON: Society in 1988 was a lot different to that in 1998. A variety of lifestyle standards have deteriorated dramatically. Recently I attended a discussion meeting organised by a Federal member of Parliament that centred on law and order. People are petrified of the things that happen in the community and are looking for action. The Government has introduced this legislation after three years, but it has no bite or substance. No-one disputes the principles, because they are sound, but the penalties are weak. At the end of the day it is ineffectual legislation. The substance of the exclusion provision is that anyone carrying a knife

for any legitimate reason is excluded from being charged and a successful conviction being obtained.

In other words, the only people who will be successfully convicted are those up to no good: the thugs, the crims and those out to destroy our society. They are the very same people to whom the Government says they can pay a fine of $550 and can walk away and do the same thing next week and there will be another $550 fine. Someone could carry a knife night after night and get away with it. The legislation sets out the conditions under which police can search people, but it is like setting out dress requirements for a fashion parade, as to what articles of clothing can be looked at and in what order it must be done. This legislation has been diluted to suit a left-wing minority of the Labor Government.

I feel sorry for the Minister for Police because I do not believe this is the legislation he wanted. I feel sorry for the other Government members who have a genuine commitment to law and order. This legislation will not send a message to the thugs, criminals and no-hopers in the community, who are the type of people who frequent the main street of Parramatta and hang around the Westfield centre. They know that people are frightened to walk there not only at midnight but during the day. Those people sit around those places carrying a knife that will attract a miserable $550 fine. As the honourable member for Northcott said, more would be paid for the knife than the penalty that will have to be paid for carrying it.

Ms MOORE (Bligh) [12.37 p.m.]: I welcome reasoned changes and genuine efforts to enable police to fight crime effectively, but how can one be sure that will happen when the Government precludes democratic processes by ramming legislation through before members of the community have had a chance to assess it? Police have a tough job and need our support. They also need resources from government, but a responsible government will take a measured approach. No doubt there are very serious problems in the community. No member would know that better than I, representing Kings Cross, Darlinghurst, Woolloomooloo and Surry Hills, which cover an area that has probably the highest crime rate in the State.

I do not believe that honourable members have had time to assess this legislation properly. The bill was made available only yesterday, when the Minister gave his second reading speech. Further debate started last night and will be terminated today. That process is a disgrace in respect of such important legislation. This type of legislation should be referred to a legislation committee for widespread discussion and debate because it deals with a serious issue. The introduction of this legislation is nothing more than a political knee-jerk reaction to complex problems, to make the Government appear as though it is doing something. The danger is that reactive changes raise the public's expectation that a safer community environment will be created; but the Government will not be able to deliver that environment with this legislation. I have had only a short time to examine the specific proposals, but I understand that police could use the provision outlining that it is an offence to carry a knife without a reasonable excuse in high crime areas, such as my electorate, to crack down on thugs who use knives.

However, I am told regularly at community meetings that the problem is that the police are not always on the scene. They then have to rely on witness accounts and on accurate descriptions of offenders to locate suspects. Increasing the penalties will not solve these problems. Indeed, it may have a detrimental effect on individual cases in which knives are used in robberies or assaults, but it will also potentially catch up with anyone who has a knife for an innocent purpose—for example, on a keyring.

The power to search for knives would be useful in areas with high crime rates, where police know or suspect the troublemakers but do not have the evidence to arrest them. However, it could also be used by police to target certain groups in the community. This is one of those very important issues that should have been debated widely with the community. In practice police have the power to search people. Putting these powers into law will not change what they can already do. It will mean that anyone can be stopped and searched, no matter how innocent he or she may be. I believe that once the community has had time to discuss this issue, very genuine concerns will be expressed.

Mr O'Farrell: The innocent have nothing to fear.

Ms MOORE: No, they might not, but in the process they might be very seriously harassed and that will not contribute to a safer community environment. The legislation should lie on the table for a minimum of five days and these issues should be discussed, not rushed through in a debate that will be guillotined. I believe it is substantial legislation and should have been forwarded to a legislation committee. There should have been widespread discussion on this issue. According to

the Government, it has been talking to people about this matter for three years. The Government certainly has not been talking to people in the electorate of Bligh, which, as I said, has the highest crime rate in the State. This legislation will have a significant impact on my electorate.

The object of the legislation is to target offenders and would-be offenders, but in practice it will apply to everyone. Legislation requiring persons to give the name and address of likely witnesses may appear on the surface to be quite useful and logical, but in areas such as Kings Cross, Oxford Street and Woolloomooloo—areas where violence has reached epidemic proportions and, I believe, crisis level—members of the public will be reluctant to come forward. This is particularly the case in Woolloomooloo. Members of the community know from experience that if they come forward there will be reprisals. Members of the community who see someone breaking into a neighbour's car and inform police know that their car might be next. Residents who see someone being bashed by a well-known gang know that if the gang finds out they informed the police, they could be the next victims.

This provision will force victims and potential victims of crime to make themselves vulnerable to reprisals because they could be charged with an offence if they fail to inform police. The police need community support and information to tackle crime. They regularly tell me this and they tell the community at regular meetings throughout my electorate on this very important issue. Legislating to force the community to be more co-operative will have the opposite effect. It could further alienate the community from the police, unless the police can guarantee that any resident who gives information will not be victimised as a result. Police in Kings Cross and Surry Hills know they cannot be in all places at all times, as they constantly tell me. They cannot possibly protect every resident 100 per cent of the time, 24 hours a day.

The police could end up with a community which perceives them as being the enemy. We are moving right away from community policing. There must be a democratic process that allows time to assess the intended and unintended consequences of this legislation; the Government must make a commitment to get agencies working with the police and the community to tackle crime effectively in localised areas; and, most importantly, there must be real government commitment to support police and provide the resources they need. This State needs more uniformed police on the beat, as opposed to legislative enactment of existing police powers. After $100 million was spent on the royal commission and commitments were made to the community, people expected uniformed police to return to the front line.

That is simply not happening in the electorate of Bligh, which, as I have said three times, is an area with an absolute concentration of crime in this State. This is one of the most important things that should be happening. This is where resources should be targeted; that should be top priority. Finally, we need real commitment to get health, police, housing and other government areas working together to take responsibility for the wider social problems that lead to the sort of crime that this legislation seeks to address.

Mrs CHIKAROVSKI (Lane Cove) [12.44 p.m.]: In speaking to this debate, my first comment must be that the introduction of the bill demonstrates the absolute hypocrisy of the Government. The Labor Government was elected on a promise that it would be tough on law and order. Labor was going to clean up the streets of Sydney and New South Wales. In fact, Labor was going to introduce powers which would entitle police to do just that; it was going to introduce legislation that would send a message to the community that the Labor Government was tough on law and order. The Government gave a commitment in the terms outlined by the honourable member for Bligh, that there would be more police on the beat.

It is not often that I agree with the honourable member for Bligh, but in this instance I absolutely agree with her, because the Government has failed to fulfil that commitment. It has failed to fulfil that commitment in the electorate of Bligh and in other electorates throughout the State. We do not have more police on the beat in areas where they are needed—except, as the honourable member for Northcott pointed out, in certain Labor electorates. That is hardly what one expects of a government that is supposedly governing for the people of New South Wales. This is certainly not a government that is fulfilling an election promise to be tough on law and order and to provide the resources to the people of this State.

The bill deals with the possession of knives and makes particular reference to the carrying of knives into schools or school premises. The bill has particular relevance to my electorate because, as honourable members will recall, an incident at Hunters Hill High School in my electorate involved the use of a knife. I find it almost offensive that the Government has decided that the appropriate penalty for a person convicted of carrying a concealed weapon at a school is a fine of $550—$550 to take

a knife onto premises where young children are! By so doing someone puts the people in schools at risk of injury, as happened at Hunters Hill High School. I cannot understand how the Government and the Minister for Police can claim to be tough on law and order. A penalty of $550 is being tough on law and order? Oh, give me a break! If the Government is serious about law and order it will introduce proper legislation which reflects what the community wants.

The community is tired of thugs, tired of people standing over them. They are tired of people who believe the appropriate way to deal with each other in this community is to carry a knife. Why on earth does anyone need to carry a knife in the first instance? I have examined the exceptions under the legislation and I also wonder why some of them have been included. I am not really surprised by this legislation, because it fits in with everything else that the Government has done in respect of law and order. The community is becoming very aware of how little the Government has done in relation to law and order. It comes as no surprise that a poll in today's issue of the *Bulletin* asks: "How does the Government rate on key issues?" The overwhelming majority of people do not believe that the Government has done a good job in respect of law and order. Those who respond to the poll say that the Government has failed to deliver. They certainly do not believe that the Premier is leading a government which has taken a tough stand on law and order.

Legislation such as that before the House would persuade most people that the Government is not tough on law and order. A penalty of $550 for the offence of carrying a knife into school premises! On the question of police powers, everyone agrees that the police need more powers to search. Everyone agrees that the police must have those powers as part of their weaponry in the fight against crime. But the way this legislation has been structured makes it almost impossible for the police to use those powers. What is the point of introducing them? As the honourable member for Eastwood pointed out, the Opposition will support the bill, but recognises its limitations. This bill will not give police the powers they need and the Opposition proposes to introduce its own legislation at an appropriate time because the Opposition believes that the police out at the front line need to be able to protect the community and, in certain circumstances—as has been demonstrated recently—they need to be able to protect themselves. They need the power to ensure they can protect themselves.

The Opposition wants a safe community. It wants a community that no longer fears crime, a community in which people can go about their business free from the fear of being attacked or threatened. For that to happen it must introduce legislation that has bite, that will send out a message that behaviour such as carrying knives is unacceptable. The Government must take a tough stand. It must take a line on law and order that will make the community at large feel safe. This Government has talked tough for many years. It has had more than three years to introduce legislation that reflects community concerns, and it has failed to do so in any significant way.

This legislation falls into the category of other legislation that has been before this House which sought to fulfil an election promise but did absolutely nothing. I recommend that members of the Government think more seriously about these issues. I ask them to add real legislation to the rhetoric with which they came to office and take a much tougher line on law and order. When the opportunity presents itself in 12 months time members on this side of the House will take that tough line. But the community should not have to wait another 12 months for tough action on crime. The Government had an opportunity to introduce legislation that will ensure that crime in this State is dealt with as it should be, that is, with a firm hand. It has had that opportunity now for three years and it still has a few, but only a few, more sessions of Parliament in which to do so.

The Opposition insists that the Government takes those opportunities and presents legislation to this House that will produce a real result rather than going through the exercise of dressing up a bill that will really do nothing for the community. It should be sending out a message that the carrying of knives is not acceptable behaviour in the community. People in our community should not be at risk. They should not be concerned about how they live, or be worried about being at risk when going about their business. The Government has an obligation to make sure that does not happen. I suggest that the Government have another look at this legislation, rethink its program, and find time to introduce real legislation that will do what the community wants: make the community safe.

Mr RICHARDSON (The Hills) [12.52 p.m.]: The Government and the Premier roar like tigers about being tough on crime and on the causes of crime yet, when it gets down to tintacks, they are pussy cats. Nothing could demonstrate that more clearly than the totally ineffectual maximum penalty

proposed under this bill for carrying knives in public places. Over the past week, together with my federal colleague Mr Alan Cadman, I have attended four community meetings in my electorate to discuss a range of community concerns. These were primarily Federal issues, but at every meeting law and order has been one of the issues the community wanted to discuss. The community feels that crime is out of control on our streets; the community feels that crime is out of control in our schools; it feels that public transport is no longer safe to travel on, and that this Government is responsible, to a large extent, for that situation. My constituents understand that very clearly, and the Government's limp-wristed response to some of the violent incidents that have made the headlines recently—some of the tragic murders that have occurred in the past few years—has been pathetic.

I recall in 1993 the tragic stabbing by another lad of Geoffrey Berrett, a 17-year-old Cherrybrook High School student, at The Hills Centre in my electorate. Appropriate laws relating to knives might have managed to save that boy's life. Going back a bit earlier—and this will demonstrate exactly why this bill is fatally flawed—a boy who was in primary school with my son then went on to Trinity Grammar School with my son. He was expelled from Trinity Grammar School for carrying a knife to school. That boy then moved on to Epping Boys High School and while a student at that school he carried a knife to school and stabbed another boy. Fortunately in that case a more serious tragedy was averted; it was not a fatal stabbing, but it was a clear indicator of the need to provide school principals and teachers with adequate powers to deal with students who carry knives to school.

In 1993 the then shadow minister for education introduced the Education Reform (School Violence) Amendment Bill. This is another example of the way in which members of the Government talk tough about crime but they are absolute pussy cats when it comes to doing something about it. The shadow minister, the honourable member for Riverstone, said in his second reading speech:

> Over recent years violence has been a rising phenomenon in our society. The Opposition does not assert that the problem is isolated to schools. Nor are episodes of violence involving school-aged youth confined to schools. But, just because an incident of violence involving schoolchildren occurs outside the boundaries of the school does not mean that the school can completely absolve itself of responsibility for matters which may have their genesis in the playground. Violence does not observe boundaries. Very often violent incidents will manifest themselves outside milk bars, at railway stations, at shopping centres or at amusement arcades. But it cannot be denied that a large number of incidents also occur at schools.

Those were very prescient words, having regard to what happened at Marrickville High School and at Hunters Hill in the electorate of the honourable member for Lane Cove and other similar incidents. At that time the honourable member for Riverstone had a handle on the problem and he was resolved to do something about it. His bill proposed that an offence be created of possessing a weapon in a government school, the penalty for which would be 50 penalty units, that is $5,500, or two years imprisonment. The penalty would have been the same as the penalty for possession or use of a prohibited weapon under the Prohibited Weapons Act.

This bill provides for a maximum penalty of 5 penalty units, that is $550, for carrying a knife in a public place or a school. It is hedged with a number of caveats that will make this legislation largely unworkable. The bill provides a range of purposes for which it is reasonable for a person to have custody of a knife. They include the preparation or consumption of food. That means that a student who carries a knife to school can simply say he has it for the purpose of cutting up an apple or an orange and, under the legislation, that person cannot even have the knife confiscated. I have had discussions about this with my colleague the honourable member for Ku-ring-gai, the shadow minister for Education.

He and I are of one view: that knives should not be allowed into a school. Children can consume an apple or an orange without the need to peel it with a knife. The dangers implicit in knives being carried into a school are greater than any benefits that can be conferred by a child being able to peel a piece of fruit. There is a matter of real conflict, not just within school grounds but also out on the streets, in that if the police search a person and find a knife on that person, he or she, under the caveats of this bill, is able to say that he or she needs the knife for the lawful pursuit of his or her occupation, for participation in lawful entertainment, recreation or sport or for the exhibition of knives for retail or other trade purposes.

Debate adjourned on motion, by leave, by Mr Richardson.

[*Mr Acting-Speaker (Mr Clough) left the chair at 1.00 p.m. The House resumed at 2.15 p.m.*]

DEATH OF Mrs COLLEEN SHIRLEY SMITH

Ministerial Statement

Dr REFSHAUGE (Marrickville—Deputy Premier, Minister for Health, and Minister for

Aboriginal Affairs) [2.17 p.m.]: It is with great sadness that I pay tribute to a remarkable woman and a dear friend, Shirley Smith. Yesterday New South Wales and Australia lost a wonderful person, Mum Shirl. On behalf of the New South Wales Government I express my deepest condolences to all those who were close to and were inspired by Mum Shirl, who spent her life caring for others. Shirley Colleen Perry was raised on Earimbe mission in Cowra under the Aboriginal Protection Board. She suffered from epilepsy when she was young and was prevented from attending school. But that did not stop Mum Shirl from speaking her mind, and she leaves behind a great legacy.

Mum Shirl really set the agenda years ago. She took on the system when Aboriginal people had no rights. Many people remember Mum Shirl. Three things in particular about her are remembered by many of those to whom I have spoken. First, the fact that she adopted countless children. Time and again she would appear on behalf of minors in the Children's Court and time and again the courts would place children in her care. Second, she had an extraordinary compassion for alcoholics. Mum Shirl lifted up hundreds of alcoholics who had not eaten for days and provided them with meals. Third, she incessantly visited many hundreds of prisoners in gaols, all of whom looked forward to her visit.

Mum Shirl's enormous compassion and her endless generosity towards all people in need were without equal. She worked tirelessly to ensure that Aboriginal people in Redfern and around New South Wales got a fair go. She helped to found the Aboriginal medical service and the Aboriginal legal service in New South Wales. I first met Mum Shirl in 1977 when I started working for the Aboriginal medical service in Redfern. I was truly amazed as everyone was on meeting Mum Shirl for the first time by her energy, drive and commitment to the betterment of all people in need—not just Aboriginal people but all people in need. I must admit that at times I was intimidated by Mum Shirl, as were, I am sure, thousands of bureaucrats who will never forget her for having taken them on for hiding behind bureaucratic gobbledegook to get a better deal for individuals.

Mum Shirl will never be forgotten for her tireless work for justice for Aboriginal people. In her life she received many accolades. In 1975 she received an MBE, in 1985 she was awarded the medal of the Order of Australia, in 1990 she was named Aborigine of the Year by the National Aboriginal and Islander Day Observance Committee, and a few months ago the National Trust acknowledged her as one of Australia's living national treasures. I am informed by the Minister for Mineral Resources, and Minister for Fisheries that in 1988 he launched a firefighting tugboat named after Mum Shirl. That tugboat is still firefighting around Sydney Harbour. But the awards had little meaning for Mum Shirl compared with the reward she got from helping people in need. As she said herself, "My reward comes when I help a person in gaol or a young unmarried mother, a young girl who's been raped, or someone who has nowhere to sleep." Mum Shirl will be remembered by many people. She has left a great legacy. She was a great Australian.

Mr HAZZARD (Wakehurst) [2.21 p.m.]: The coalition supports the words of the Deputy Premier, Minister for Health, and Minister for Aboriginal Affairs in recognising the passing of a great Australian. Colleen Shirley Perry was born on a mission station at a time when many Aboriginal people lived on mission stations; that was their expected lot in life. She died a hero among her people and among the broader Australian community. Mum Shirl referred in her autobiography to the incredible life she lived. She talked about where she was born, the relationships she had with her parents—who were drovers—and, in particular, the relationship she had with her grandfather. She dedicated her story to her grandfather. From her autobiography I shall quote briefly her dedication to her grandfather:

> My Grandfather used to tell me, "Colleen, first you've got to love yourself, and then you can spread it around". I've tried to live by that all my life. I've had a lot of problems, many of which cannot be put into this book, but I've also had a lot of love heaped on me.
>
> My Grandfather, who was a simple man, also used to tell me that man threw down wheat seeds. Then God sent just enough rain and sun and wind for it to grow. God gave man the ability to harvest it and when it got crushed up, the Aboriginal people could make bread or damper.
>
> He said that, because of this, just the simple act of eating or sharing our bread meant that we were taking part in a miracle.
>
> Every day is part of a miracle and I have found that to be the truth, all my life.

Mum Shirl was a miracle. I had the great pleasure of meeting Mum Shirl many years ago. When one met her one could not help but be moved by her commitment and dedication to Aboriginal people. She had an aura about her; a strength. As the Deputy Premier said, she had a great capacity to intimidate even the best of Ministers and bureaucrats. She regarded such an approach as necessary to improve the lot of Aboriginal people.

Mum Shirl was considered a saint by the people of Redfern and by many others who lived

much further afield. There would be very few people in New South Wales who have not heard of Mum Shirl and her amazing and wonderful work. She was a controversial figure. Her relationship with Aboriginal organisations was not always smooth. Nevertheless she always placed the welfare of her people, those less fortunate than herself, ahead of everything else—sheltering homeless families and children, saving families from eviction and fighting the Government and authorities to make a better world for Aboriginal people. The Opposition strongly supports the sentiments expressed by the Minister in his statement and commits itself to continuing the work started by Mum Shirl.

DISTINGUISHED VISITORS

Mr SPEAKER: Order! I draw the attention of the House to the presence in the gallery of two members of Federal Parliament, Senator Michael Forshaw and Christopher Pyne, the member for the South Australian electorate of Sturt. I welcome them to the first Parliament of Australia.

PETITIONS

Governor of New South Wales

Petitions praying that the office of Governor of New South Wales not be downgraded, and that the role, duties and future of the office be determined by a referendum, received from **Mr Blackmore, Mr Brogden, Mrs Chikarovski, Mr Collins, Mr Debnam, Ms Ficarra, Mr Glachan, Mr Hartcher, Mr Hazzard, Mr Humpherson, Dr Kernohan, Mr Kerr, Mr MacCarthy, Mr Merton, Mr O'Doherty, Mr O'Farrell, Mr Photios, Mr Richardson, Mr Rozzoli, Mr Schipp, Mr Schultz, Ms Seaton, Mrs Skinner, Mr Smith** and **Mr Tink.**

Land Tax

Petitions praying that land tax on the family home be repealed and that the land tax threshold on investment properties be doubled from $160,000 to $320,000, received from **Dr Macdonald** and **Mrs Skinner.**

Wagga Wagga and Albury Radiotherapy Clinics

Petition praying that the Minister for Health endorse the Patspur Pty Ltd proposal to establish radiotherapy clinics at Wagga Wagga and Albury, received from **Mr Schipp.**

Ryde Hospital

Petition praying that Ryde Hospital and its services be retained, received from **Mr Tink.**

Manly Wharf Bus Services

Petition praying that plans to move bus services from Manly wharf to Gilbert Park be abandoned, received from **Dr Macdonald**.

Northside Storage Tunnel

Petition praying that plans to construct a storage tunnel from Lane Cove to North Head be abandoned, and that the allocated funds be used to find a long-term sustainable solution to sewage disposal, received from **Dr Macdonald**.

Coffs Harbour Jetty

Petition praying that a platform be constructed on Coffs Harbour jetty for the purposes of jetty jumping, received from **Mr Fraser**.

Adult Migrant English Service Privatisation

Petition praying that the New South Wales Adult Migrant English Service not be privatised, to ensure that it is retained to serve the needs of refugees and migrants, received from **Mr Chappell.**

Moore Park Passive Recreation

Petition praying that Moore Park be used for passive recreation after construction of the Eastern Distributor and that car parking not be permitted in Moore Park, received from **Ms Moore.**

National Parks Fees

Petition praying that changes to the fee structure for entry to national parks be rejected, received from **Mr J. H. Turner.**

Pig Hunting

Petitions praying against proposed changes to legislation to ban the use of dogs in pig hunting, received from **Mr Blackmore, Dr Kernohan, Mr Peackocke** and **Mr Schipp.**

QUESTIONS WITHOUT NOTICE

KNIFE POSSESSION PENALTIES

Mr COLLINS: My question without notice is directed to the Premier. In 1995, in the wake of the stabbing murder of schoolboy Peter Savage, did the Minister for Police promise that he would impose a gaol sentence of up to five years for the carrying of knives? How does the Premier explain to the

families of Peter Savage, David Carty and Peter Forsyth why he has completely watered down this promise, with the penalty for carrying a knife a fine of a mere $550?

Mr CARR: About half an hour ago, on radio 2UE, in an interview conducted by John Stanley, the Leader of the Opposition got himself into such a fix over this issue that John Stanley, speaking to the Leader of the Opposition, concluded:

> Based on the answers I've got from you and Paul Whelan he is actually taking a tougher approach to the carrying of knives than you are.

Little wonder, because the legislative package introduced by the Government creates new statewide offences and gives police the power to confiscate knives, to take names and addresses, to search for knives, to direct people to move on if they fail to stop harassing or intimidating others and to stop people from carrying any knife in a public place.

Mr SPEAKER: Order! I call the honourable member for Gordon to order. I call the honourable member for Davidson to order.

Mr CARR: When I announced in Parliament on 31 March that that was the Government's intention the member for Ermington interjected with the words, "A police state!"

Mr SPEAKER: Order! I call the honourable member for Burrinjuck to order.

Mr CARR: The *Hansard* of 31 March reports the honourable member as claiming that the Government was creating a police state.

Mr SPEAKER: Order! I call the Minister for Transport, and Minister for Roads to order.

Mr Photios: On a point of order. The Leader of the Opposition asked the Premier to clarify his position on a five-year prison sentence for knife offences. The Premier should be brought back to the question of whether he stands by his commitment or whether he has broken his promise.

Mr SPEAKER: Order! No point of order is involved.

Mr CARR: Before question time today I asked for a complete search to be done of the record of the Leader of the Opposition on this issue when he was Attorney General.

Mr SPEAKER: Order! I call the honourable member for Wakehurst to order.

Mr CARR: This is what that search yielded. I shall come to our proposals in a moment. What the coalition Government did represents a vivid contrast.

Mr SPEAKER: Order! I call the honourable member for Gordon to order for the second time.

Mr CARR: Under the coalition Government carrying a knife was not an offence. Wielding a knife in a public place or a school was not an offence.

Mr SPEAKER: Order! I call the honourable member for Wakehurst to order for the second time.

Mr CARR: Under the coalition Government failing to allow a search for a knife was not an offence. Failing to obey a direction from the police to stop harassing or intimidating others was not an offence.

Mr SPEAKER: Order! I call the honourable member for North Shore to order. I call the honourable member for Northcott to order.

Mr CARR: Under the coalition Government possession of an offensive implement carried a penalty of six months imprisonment, a penalty that has been quadrupled to two years imprisonment by this Government.

Mr SPEAKER: Order! The Leader of the Opposition has asked a question. The House is entitled to hear the Premier's reply. I call the honourable member for Strathfield to order.

Mr CARR: When the Leader of the Opposition was Attorney General he increased penalties for one offence.

Mr SPEAKER: Order! The Leader of the Opposition will cease interjecting.

Mr CARR: As Attorney General he got tough on bungee jumping. The only addition to the Crimes Act that was found during the search of the record of the Leader of the Opposition when he was Attorney General related to bungee jumping. At a press conference he said, "Gloves off! When it comes to bungee jumping we are getting tough."

Mr Hartcher: On a point of order.

Mr SPEAKER: Order! I call the Minister for Agriculture, and Minister for Land and Water Conservation to order.

Mr Hartcher: The Premier has been making preliminary remarks for six minutes. It is now appropriate for him to answer the question as to why he broke the promise to introduce tough legislation following the tragic murder of Peter Savage. He should not simply recount history.

Mr CARR: Under the coalition Government police had no power to search for knives.

Mr Collins: On a point of order. The Government promised five years but that promise has been broken. The Premier lied to the people of New South Wales when they promised five years.

Mr SPEAKER: Order! There is no point of order. The Chair will not listen to the Leader of the Opposition if he takes a point of order and then indulges in a dialogue across the Chamber. He will resume his seat.

Mr Cochran: On a point of order. On four previous occasions, including yesterday, I have raised the matter of the procedures and reputation of the House and the behaviour of honourable members.

Mr SPEAKER: Order! I call the Minister for Transport, and Minister for Roads to order for the second time.

Mr Cochran: The Premier's behaviour when responding to questions and in failing to resume his seat when asked to do so brings the House into disrepute. I ask you to direct the Premier to resume his seat, as you have directed other members to do.

Mr SPEAKER: Order! The Premier and the Leader of the Opposition do not enhance the decorum of the House by failing to obey the directions of the Chair. I expect better behaviour from both sides of the House.

Mr CARR: The Leader of the Opposition will take with him to the Liberal retirement home the fact that he was tough on bungee jumping and on the causes of bungee jumping.

Mr SPEAKER: Order! I call the honourable member for Georges River to order.

Mr CARR: Under the coalition Government the police had no power to search for or confiscate a knife or weapon. That is the record of the Leader of the Opposition when he was Attorney General. He did not tackle these reforms.

Mr SPEAKER: Order! I call the honourable member for Bega to order.

Mr CARR: Under the coalition Government an assault on a police officer causing grievous bodily harm carried a penalty of five years imprisonment. Under this Government the penalty is 12 years imprisonment. Under the coalition Government an assault on a police officer causing actual bodily harm carried a penalty of five years imprisonment. Under this Government the penalty is seven years imprisonment.

Mr SPEAKER: Order! I call the honourable member for Eastwood to order. I call the honourable member for Eastwood to order for the second time.

Mr CARR: That is the record. That is the contrast. Merely possessing a knife now carries a penalty. That was not the case under the coalition.

Mr SPEAKER: Order! I call the honourable member for Bega to order for the second time.

Mr CARR: Today the Leader of the Opposition toyed with the idea of recovering lost ground by suggesting that he would propose, for example, that a 14-year-old schoolboy with a penknife in his bag should go to gaol for five years. That is the proposition he is toying with at this time, whereas he did absolutely nothing when he was Attorney General.

Mr SPEAKER: Order! I call the Deputy Leader of the Opposition to order.

Mr CARR: When I outlined to the House on 31 March what the Government proposed to do on this and related measures the honourable member for Ermington attacked me from the left. He said, "A police state!"

COMMONWEALTH DENTAL HEALTH PROGRAM

Mr WATKINS: My question without notice is directed to the Deputy Premier, Minister for Health, and Minister for Aboriginal Affairs. What has been the impact in New South Wales of the decision of the Federal Government to abolish the Commonwealth dental health program.

Mr SPEAKER: Order! I call the honourable member for Burrinjuck to order for the second time.

Dr REFSHAUGE: The abolition of the Commonwealth dental health program has had a

devastating effect on many of the most disadvantaged in our community. The Federal Government cannot rip $34 million each year out of the dental health care program and not expect long-term serious consequences. In 1996 on coming to government in Canberra John Howard abolished the Commonwealth dental health program.

Mr SPEAKER: Order! I call the honourable member for Barwon to order.

Dr REFSHAUGE: He must be held responsible for the direct consequences of that action. The responsibility for what I am about to detail to the House lies solely at the feet of John Howard.

Mr SPEAKER: Order! I call the Deputy Leader of the Opposition to order for the second time.

Dr REFSHAUGE: John Howard's action has resulted in dental health professionals being subjected to a rapidly escalating level of verbal and physical abuse.

Mr SPEAKER: Order! I call the honourable member for Davidson to order for the second time.

Dr REFSHAUGE: Each month at least one dental health care provider is subjected to physical harm. Seventy-five per cent of health services report increased stress in dental health centres as a direct result of verbal and physical abuse.

Mr SPEAKER: Order! I call the honourable member for North Shore to order for the second time. The honourable member for Bathurst and the honourable member for The Entrance will cease conversing. The honourable member for Davidson will remain silent. I call the honourable member for Burrinjuck to order for the third time.

Dr REFSHAUGE: Eighty per cent of health services centres have introduced additional security for staff. No wonder, because the evidence of physical and verbal abuse is both constant and shocking. The Leader of the Opposition should stop being John Howard's ventriloquist doll, sit up and listen to the facts. He should join us in fighting for a better deal for patients who need oral health care, as my colleague the Liberal Minister for Health in Victoria is doing and as other Liberal and National Party health Ministers around this country are doing. The Leader of the Opposition is the only Liberal leader in this country who is prepared to walk away from the patients in his State and say John Howard should cut more. He is certainly the odd one out. Honourable members ought to hear what his colleagues call him around the Ministerial table.

Mr SPEAKER: Order! I call the Deputy Leader of the Opposition to order for the third time. I call the honourable member for Coffs Harbour to order.

Dr REFSHAUGE: An Illawarra dentist was threatened three times in 15 minutes by a patient who said, "I'll blow her brains out" and threatened to come in and beat her.

Mr SPEAKER: Order I call the honourable member for Georges River to order for the second time.

[*Interruption*]

Dr REFSHAUGE: I know the honourable member for North Shore likes to trivialise the hard work of the staff in our public hospitals. The abuse directed at dentists should not be a laughing matter, and the member for North Shore should not pretend that she has no responsibility for it. The person who wants to be the Minister for Health is saying the Federal Government should be allowed to cut more and that patients should be allowed to abuse staff. I am sure the staff will be delighted to hear the Opposition's policy.

Mr SPEAKER: Order! I call the honourable member for Oxley to order.

Dr REFSHAUGE: In south-western Sydney a man threatened to hold a gun to his dentist's head. On another occasion police were called after a patient began punching and kicking a glass security screen. In the Macquarie area a caller threatened a dental health worker, saying that she would end up at the bottom of a mine shaft and no-one would find her if treatment did not begin immediately. In the Illawarra region police were called to a clinic after a waiting room chair was thrown at a reception desk. Police were called again when a patient threatened to return to the clinic with a gun. On the central coast security officers have been employed on 10 occasions since the abolition of Federal funding. Police were also called after a staff member was physically assaulted.

The Carr Government is deeply concerned about this disturbing trend. It is reviewing security and boosting staff welfare and safety statewide, including a helpline for staff who feel they need extra support. The Government has increased funding for dental health programs, but Federal funding cuts to the dental health programs in this

State and around the nation are hurting the elderly, the sick and those who need dental health care. Professionals around the nation are feeling the brunt of John Howard's cuts. As I said earlier, every conservative health Minister in this country who is running a State health care system says exactly the same: "John Howard, stop those cuts." John Howard's ventriloquist doll, the Leader of the Opposition, is the only conservative leader not to stand up for patients.

The Prime Minister is directly responsible for the escalation in dental health care waiting lists and the explosion of verbal and physical abuse now being experienced. Members on this side of the House know that the Prime Minister does not care about patients and he does not care about the elderly. Members will remember his actions in relation to changes in aged care. He targeted every elderly person by telling them he intended to charge them entry fees for nursing homes and that he intended to increase daily charges— and the Leader of the Opposition supported him! After a debate in this Chamber John Howard's ventriloquist doll voted in favour of those changes to aged care. Even John Howard realised he had got it wrong and had to change it. But the Leader of the Opposition again supported the cuts and would not stand up for the patients.

Mr SPEAKER: Order! I call the honourable member for Kiama to order.

Dr REFSHAUGE: The silence of the Opposition demonstrates its complicity in the cuts and the effect on dental health staff.

Mr SPEAKER: Order! I call the honourable member for Kiama to order for the second time.

Dr REFSHAUGE: Every health Minister in Australia running a State health service is asking John Howard to restore the Commonwealth dental health program and to reverse the cuts.

Mr SPEAKER: Order! There is far too much conversation and interjection in the Chamber. I place the honourable member for Hurstville on three calls to order.

Dr REFSHAUGE: One conservative leader says the opposite. The Leader of the Opposition says "Forget about the needs of the elderly, keep those cuts." He voted in this House against reversing the cuts. That is on the record and every dental health worker knows that the Leader of the Opposition does not support them.

Mr SPEAKER: Order! I call the honourable member for Georges River to order for the third time.

[*Interruption*]

Mr SPEAKER: Order! The House had remained reasonably quiet until the Leader of the Opposition interjected. He has been a member of this House long enough to understand that he has the opportunity to make a personal explanation at the conclusion of question time if he is concerned about any part of the Minister's answer. If he seeks to make a personal explanation while the Minister is answering the question, it is difficult for the chair to maintain order.

Dr REFSHAUGE: The Leader of the Opposition should not only make a personal explanation in this House, he should make a personal explanation to every dental health worker and to every patient waiting for dental health care about why he voted against getting a better deal from Canberra so that the Commonwealth dental health program could be restored.

KNIFE POSSESSION PENALTIES

Mr TINK: My question without notice is directed to the Minister for Police. Does the Minister agree with the assessment on the weekend by the Commissioner of Police that there is an increasing problem with lawlessness at the moment? Given the Minister's admission yesterday that there has been a significant increase in the incidence of assaults and robberies involving knives during the past three years, how can the Minister possibly claim that a fine of $550 will in any way deter people from carrying knives and reduce lawlessness?

Mr WHELAN: It is probably opportune, following the Premier's succinct reply to the question asked by the Leader of the Opposition, to refer to the plan that the Government has before it, which I regard as very comprehensive. It is not ad hockery. Earlier I was asked about my bottom line in regard to this issue. It is zero tolerance for knives in our community.

Mr SPEAKER: Order! I call the honourable member for Eastwood to order for the third time.

Mr WHELAN: That is the object of the legislation. The police commissioner made some remarks about it yesterday—

[*Interruption*]

The remarks of the Leader of the Opposition are offensive. He should support the commissioner rather than say things such as "Who believes anything he says?" That is what he said.

Mr SPEAKER: Order! The Minister will direct his remarks through the Chair.

Mr WHELAN: On ABC radio this morning the president of the Police Association—or the president-elect, depending upon the members' wishes—said in reference to the bill currently before the House, "These new powers, we believe, will protect our members." He was speaking, of course, about members of the Police Service. He also made some very generous comments about the bill. Mr Burgess said:

> Well look, I think they certainly go a long way to what we've been asking for. We put a submission to the Government a month or more ago and we believe most of [the] things that are in this bill have taken on board our concerns.

That is a ringing endorsement by the Police Association. Mr Burgess also said:

> Our concern is that the pendulum has in fact swung too far away from the rights of the community as a whole and we're trying to bring that pendulum back a bit. But we don't want [to] bring it back too far so that we impinge on the rights of individuals in society as well.

The bill is tough legislation and the Opposition should get used to that. I look forward to telling the constituents of those opposite that they oppose the bill.

GRAFTON ABATTOIR

Mr NEILLY: My question is directed to the Premier, Minister for the Arts, and Minister for Ethnic Affairs. How has the Government assisted the workers at Grafton Abattoir?

Mr CARR: This is an interesting story and it reflects great credit on a certain member of this Government. The city of Grafton was devastated on the eve of Christmas last year. The local abattoir, operated by Gilbertsons, was closed and 250 workers were left without a job and without access to their rightful entitlements.

Mr SPEAKER: Order! I call the honourable member for Coffs Harbour to order for the second time.

Mr CARR: I convened a meeting with the administrator and representatives of the Australasian Meat Industry Employees Union and the Australian Council of Trade Unions in my office on 18 February. I agreed to seek access to rightful entitlements for those workers, an issue, I note, that the Federal Government still fails to countenance. It is willing to set aside $250 million to fund a union-busting exercise, but it is not prepared to do anything to see that workers at Cobar or Goulburn receive their rightful entitlements. The New South Wales Government says to the Federal Government that breadwinners ought to be considered before banks when companies go under. That is the attitude taken by the Government in relation to Grafton. I gave a commitment at the meeting to develop an assistance package to help attract a new owner and operator for the abattoir. Our efforts, I am pleased to say, have been vindicated.

Mr SPEAKER: Order! I call the honourable member for Barwon to order for the second time.

Mr CARR: A sale was concluded on 25 March. The abattoir is now under the ownership and operation of Mr Stuart Ramsey of Ramsey Meat Exports. That means that as many as 200 members of the former work force will again be employed at the abattoir. That will deliver at least $6 million in wages to the local economy, $6 million into the pockets of local families and through the doors of small business. Given that Mr Ramsey has access to export markets, there is a real opportunity to expand the work force in the future. The Government helped, of course, with that assistance package. The first cattle for processing arrived at the abattoir today and it will return to full operation on Friday. The Minister for Regional Development, and Minister for Rural Affairs will attend the opening of the abattoir on behalf of the Government. I do not often quote in this Chamber letters that I receive from members of the Liberal Party, but I am proud to quote a letter dated 7 April that I received from the President of the Senate, the Liberals' Margaret Reid. The letter outlined a resolution passed by the Senate, where we on this side of the House are outnumbered by the coalition, earlier this year. The resolution stated:

> Since the closure, the member for Clarence and the Minister for Regional Development and Rural Affairs in New South Wales—

this is the resolution of the Senate, in which Labor does not have a majority—

> has worked tirelessly to have the meatworks reopened.

[*Interruption*]

I would have thought the observations of the Australian Senate would have been treated with more respect by the conservative elements in this Chamber. The resolution continued:

> Mr Ramsey has publicly acknowledged the support and assistance given by Mr Woods—

who is sitting modestly in the Chamber—

> and the New South Wales Government.

Mr SPEAKER: Order! I call the honourable member for Gordon to order for the third time.

Mr CARR: It finishes with a flourishing if not orotund tribute to the Minister. It stated:

> Mr Woods and the New South Wales Government for their efforts and assistance deserve congratulations for the sale and continued operation of the meatworks, which is of vital importance to the people of the region and Australia's meat export industry.

Mr SPEAKER: Order! I call the honourable member for Ermington to order.

Mr CARR: The motion was passed without objection or opposition. That is the clear, undisputed and instructive voice of the Australian Senate. Congratulations to the member for Clarence! Congratulations to the Minister for Regional Affairs!

Mr SPEAKER: Order! I call the honourable member for Pittwater to order.

Mr CARR: Wear your office with pride, and ringing congratulations to the true beneficiaries of this public-spirited intervention, the people of Grafton!

SCHOOL WEAPON SEARCHES

Mr O'DOHERTY: My question without notice is to the Minister for Education and Training. Does the new edition of "Know Your Rights at School" confirm that teachers have no absolute right to inspect school bags? Are teachers told they may face criminal charges if they search for weapons?

Mr AQUILINA: The answer to the honourable member's question is no, no, no. That was the case for seven years under the previous Government. Under the new legislation, police will have the right, for the first time, to go into schools and search bags.

Mr SPEAKER: Order! All members who have been called to order are now on three calls.

Mr AQUILINA: That was never the case under the previous Government. Mark Burgess of the Police Association has said:

> Now I would suggest that this will bring some relief to a large number of teachers out there who have some concerns, and also parents. All we have been advocating is a greater power for searching because it is like random breath testing. If people think they are going to get caught well then they're less likely to carry one of the knives around.

Under the new legislation introduced by this Government police will have the right to go into schools and search bags.

Mr O'Doherty: On a point of order. My point is on relevance. I asked whether teachers, not police, have the power. I fear the Minister may have misheard me.

Mr SPEAKER: Order! No point of order is involved.

Mr AQUILINA: From time to time the honourable member for Ku-ring-gai makes outrageous claims. I remind the honourable member that schools are 10 times safer than the community generally.

Mr Photios: What about teachers?

Mr SPEAKER: Order! The honourable member for Ermington having been called to order three times, I ask the Serjeant-at-Arms to remove him.

[*The honourable member for Ermington left the Chamber, accompanied by the Serjeant-at-Arms.*]

Mr AQUILINA: Schools are 10 times safer than the community generally, yet the honourable member wants everyone to believe that schools are hot beds for breeding violence and that nothing else goes on there except interracial tension, intersexual tension and interpersonal tension.

Mr SPEAKER: Order! I place the honourable member for Ku-ring-gai on three calls to order.

Mr AQUILINA: It is good political canon fodder for the honourable member and for the media. Who said that? The honourable member for Ku-ring-gai says he said it. So he did. On 9 September 1993 he said that, when he was opposing the private member's bill that I introduced to increase the penalties for having knives on school premises to two years' imprisonment. This morning the honourable member for Ku-ring-gai sent a fax to Alan Jones during an interview Alan Jones was having with the shadow minister for police, the honourable member for Eastwood. Alan Jones said:

> I have a fax this morning from your colleague, Stephen O'Doherty. It says, "When in opposition in 1993 John Aquilina introduced a private member's bill which provided a maximum penalty of two years' gaol for people who possessed a knife in the grounds of a school."

What the honourable member did not tell Alan Jones was that he opposed that legislation. What a hypocrite. The former Government opposed the bill and refused to let it become law. The honourable member for Ku-ring-gai also said that the bill I introduced should not be passed and that it was an example of a political cheap shot. That was his notion of it then. Now he shakes his head in embarrassment because, being in opposition, he is of a totally opposite view. He shows lack of consistency and total, absolute hypocrisy. He opposed a bill which would have made the possession of a prohibited weapon at a school an offence met by mandatory suspension for a student, yet now he questions the credentials of teachers and police to enter schools and search bags.

This Government has done precisely what that bill would have done. All schools have been required to rewrite their school discipline policies so that principals are required to suspend immediately any student found to be in possession of a weapon—something members opposite never did, something they did not have the guts to do. The former Minister would not do it. Now that the Government has directed the department to require that action, the legislation would be redundant. The former Government refused to do it and opposed our bill.

To tackle school violence the Carr Government has given unprecedented powers to principals to suspend, exclude or recommend expulsion of problem students; to require students to carry out work or services to repair or compensate for damages caused; to establish time-out or isolation rooms for difficult students, and to conduct bag searches if they suspect bags contain weapons or illegal drugs. The bill that the former Government opposed proposed a maximum penalty of two years for possessing a prohibited weapon in schools. The current maximum penalty for illegal possession of a prohibited weapon is 14 years. The Opposition has again been caught misleading the public and the honourable member for Ku-ring-gai has been caught out again.

BACK-TO-SCHOOL ALLOWANCE

Ms ANDREWS: My question without notice is to the Minister for Education and Training, and Minister Assisting the Premier on Youth Affairs. What has been the response to the back-to-school allowance?

Mr AQUILINA: I thank the honourable member for Peats for her question, because it really gives me an opportunity to spell out to the House yet again what an outstanding success the back-to-school allowance program has been. The Government recognises the extra strain on the family budget that comes with the new school year. Pressure on families to meet the wants and demands of schoolchildren is greater than ever. Even the basics can be costly. The Labor Government is helping to ease that burden. It is giving something back to New South Wales families. I am advised that as of today more than $49,400,000 has been cashed. That is almost $50 million in payments into the pockets of parents to meet the cost of uniforms, shoes, books and other school basics for around one million children. Families are welcoming the assistance the Government is providing.

A couple of weeks ago I gave the House examples. Many constituents in electorates represented by members of the Opposition were happy to write to me to thank the Carr Labor Government for what it is doing. The back-to-school allowance call centre has received more than 99,000 calls. Eighty-one per cent of parents have said they were pleased to receive the $50 per child payment and were satisfied with the service provided by the Department of Education and Training in processing the payments. I have already read some of those letters supporting and thanking the Government. I received one only yesterday, from Stephen of Artarmon, in the electorate of the Leader of the Opposition. He writes:

> Many thanks at a time when financial stress makes its marks.
>
> As a refugee and an immigrant myself I have experienced what it means to arrive in a strange country without any means of support. Therefore, so much more my appreciation. Also my congratulations to what today's government is doing for immigrants.

Is the Leader of the Opposition going to tell Stephen that under a coalition Government he will not get his payment? It is now 358 days since the Government announced the scheme. It is four months since the first payment was sent to parents, money over and above the school budget. Still the Leader of the Opposition is struggling to decide whether to keep or to scrap the scheme. He will not tell parents what he intends to do. It is a simple choice. Will he keep it or will he scrap it? If he will not tell the House, he should tell the parents. There is a lot of confusion about what the Opposition plans to do. Some members opposite have been very critical of this popular scheme. They have described it as bizarre, as a gimmick, as a scandalous diversion of funds and as a token. They say the

money should go to the schools. That means taking it away from parents. The honourable member for Ku-ring-gai is nodding. He agrees.

Even last week the Leader of the Opposition deliberately sought to mislead the people of New South Wales about the scheme in a desperate attempt to cover up his own party's indecision on whether to keep it or scrap it. Today I can reveal that there is a split in Opposition ranks, a very distinct split. The Leader of the Opposition should canvass his backbenchers, because his indecision about these matters is causing concern amongst Opposition members. While the Leader of the Opposition refuses to tell parents whether he would keep or scrap the scheme, I am receiving a number of requests from honourable members opposite to ensure that parents receive their payments.

Perhaps the Leader of the Opposition should talk to the honourable member for Southern Highlands, who is very keen for parents to receive the payments. She initially described the scheme as a gimmick but has now written to me several times seeking assistance to have payments made to parents rather than to schools. The honourable member for Northern Tablelands has written in similar terms, noting that Mrs X is in urgent need of the money for her son's schooling needs, and has asked me to reply urgently. The honourable member for Orange not only wants me to help school students who are in urgent need, he wants me to expand the scheme. I quote his letter—and I may have something to say about his grammar, being a former English teacher. His letter stated:

> I urgently seek your reversal of this decision not to allow these students to be eligible for this allowance. In many cases the students undertaking these courses are from disadvantaged families and would need the $50 more so than some of the students attending the public and private schools systems, throughout the State.

The honourable member for Orange is referring to TAFE students. I hope that the Leader of the Opposition realises that the honourable member for Orange wants the scheme to apply not only for children in our schools but also for TAFE students undertaking higher school certificate courses.

Mr SPEAKER: Order! The Minister will conclude his answer.

Mr AQUILINA: It is obvious that the honourable member for Orange does not consider the scheme to be bizarre, a gimmick, a token or a scandalous diversion of funds. Why does the Leader of the Opposition not listen to the thousands of parents around the State who want the scheme? Why does he not listen to his backbench? Opposition backbench members are obviously listening to parents in their electorates. Why will the Leader of the Opposition not listen?

PLANTATION FORESTRY BUDGET

Mr WINDSOR: Is the Premier aware that the $3.9 million budget allocation to plantation forestry in Walcha that he claimed in a recent letter to the *Land* newspaper had been spent has in fact not been spent? Will he guarantee that this money is expended as outlined in the budget papers and by him in his letter?

Mr CARR: I shall investigate this matter and report back to the House.

TELETRAK PTY LTD RACING PROPOSAL

Mr SULLIVAN: Is the Minister for Gaming and Racing, and Minister Assisting the Premier on Hunter Development aware of a dubious country racing scheme promoted by a Tasmanian businessman?

Mr FACE: This question is timely in that I want to warn councils across the State not to get involved in the TeleTrak racing scheme. The scheme is currently being touted to councils and they are being asked to invest ratepayers' money. TeleTrak Australia Pty Ltd is a shelf company with a paid-up capital of $100. The company was formed initially by a Tasmanian businessman, Mr John Hodgman, a dual bankrupt and a man associated with a number of failed companies—one of which was Sportsplay Television Systems Pty Ltd, which was the subject of court actions for non-payment of debts and which subsequently went into liquidation. Mr Hodgman is presently the director of marketing with TeleTrak.

I have been extremely concerned by the claims the company and its supporters have been making for some time. I have been so concerned that I commissioned an investigation into TeleTrak. That investigation—carried out by a New South Wales working party comprised of Mr Jim Murphy, chief executive officer of the Thoroughbred Racing Board, and Mr Darrell Loewenthal, the Director of Racing and Charities—found a number of inconsistencies in claims made by TeleTrak and identified several areas of concern. TeleTrak has been promising councils the chance to buy into the racing industry and create local jobs. These claims appear to be at best misguided and at worst misleading. Honourable members should consider the company's track record.

In mid 1996 the news media were told that the company would be building six privately owned purpose-built straight-line race tracks in Australia in order to telecast racing events from those venues to the Asian market. Despite intermittent claims that the tracks would soon be built, not one TeleTrak racecourse has commenced operation here in New South Wales or anywhere else in Australia. The Victoria Racing Club, at the request of the Victorian Minister for racing, carried out a review of TeleTrak, which found that the company could not show that its ideas had any reasonable chance of success. After the rejection by Victoria, Mr Hodgman began to focus on New South Wales. He approached my department in October last year claiming that he was intending to build at least three TeleTrak courses in New South Wales.

At the same time a Victorian council, for the central goldfields shire, wrote to councils in New South Wales extolling the virtues of TeleTrak. Councils were invited to furnish registrations of interest, at an initial cost of $3,200 to cover a presentation and briefing. When I was made aware of that approach I wrote to councils throughout New South Wales warning them not to enter any contractual agreements with any organisation involved in so-called proprietary racing. I also pointed out that proprietary racing is illegal in New South Wales and has been illegal since the 1940s; that the Gaming and Betting Act provides that a race meeting may be conducted only on racecourses licensed by the Minister for Gaming and Racing; and that I have seen nothing that would persuade me to license a TeleTrak course in this State.

Of course, TeleTrak has another difficulty—it has to have the support of the racing industry. Despite claims made by the council of the central goldfields shire in its letter to councils that "Extensive discussions over many months have taken place with the relevant sectors of the racing industry and, as a result, both we—the council—and TeleTrak are confident that an acceptable commercial outcome can be negotiated to facilitate the introduction of the concept in New South Wales with the industry taking a lead role in stewardship and racing administration", the Thoroughbred Racing Board in this State has received no formal approach from TeleTrak. I am not sure that I have ever heard anything so stupid. I cannot believe that country horse owners, trainers and jockeys would risk disqualification from thoroughbred racing simply to help line TeleTrak's pockets.

My warning to councils is, do not get hooked by Mr Hodgman. Already one council, the Murray Shire Council, has fallen for his line and is actively championing the scheme to various people, including members of Parliament. Councils should ask themselves why, if this scheme is so good and such a great potential moneymaker, TeleTrak is asking councils for money. If the scheme is as good as it sounds, why have merchant banks around the country not rushed to invest? This is clearly a case of buyer beware.

WATER MANAGEMENT

Mr D. L. PAGE: How can the Minister for Land and Water Conservation justify cutting more than $8 million from a program designed to encourage more efficient use of water at the very time he is cutting water allocations to farmers, which will cost jobs and investment in rural New South Wales? What has happened to the $8 million taken from the water use efficiency incentive scheme?

Mr SPEAKER: Order! I remind members that a number of them are on three calls to order.

Mr AMERY: I assume that the honourable member for Ballina was not at the launch at 1 o'clock today when I announced on behalf of the Government very broad-ranging reforms of water which have been worked on for some years now. I repeat my congratulations to the river management committees in bringing down flow reports. In the majority of cases the Government has adopted their consensus views. Today I was pleased to announce that river management is not about applying regulations, rules and cutbacks to our water users. The flow reductions on most of the rivers mentioned will be well under the 10 per cent ceiling established by the Government. For example, the so-called cutback was established at 4 per cent for the Murrumbidgee, is anticipated at about 6 per cent for the Namoi, and was agreed at 11 per cent for the Gwydir and at around 5 per cent for the Barwon-Darling river systems, with some further work to be carried out.

Mr Souris: A cut, a reduction?

Mr AMERY: Yes, there will be. The cut is allocated to the quality of the river. That is in accordance with the Council of Australian Governments agreement, to which the Opposition is a signatory, and in accordance with the Murray-Darling Basin cap, which the Deputy Leader of the National Party is on record as supporting. I am pleased to confirm the announcement made last year by the former Minister for Land and Water Conservation and the Premier that the $25 million water use efficiency incentive scheme will come into effect on 1 July this year.

The five-year incentive scheme will assist irrigated enterprises to plan, adopt and monitor best irrigation management practices and water saving technologies. For example, in the Murray electorate a farmer from Finley could apply to the Rural Assistance Authority for a grant of up to 30 per cent of the cost of a $5,000 irrigation and management plan. Having identified a number of new technologies he could then apply for assistance for things such as redesigning of channels and drains, changing from flood irrigation to drip irrigation or moving from open channel water supply to piping.

With $10,000 assistance per farm at least 1,350 farmers would benefit. With assistance averaging $6,000 per farm, 2,250 farmers will benefit. In addition to the $25 million, $60 million will be provided for the implementation of land and water management plans in southern New South Wales and a substantial investment of $8.5 million will result in the employment of 94 full-time equivalent positions over a period of five years in regional New South Wales. The Government brought down a balanced report on water use which has confirmed to the irrigation industry that it need not fear the reforms that are taking place.

For the first time the industry knows where the water debate is going, up to 2003, under the continuing review process. For the first time the Government has formally put in place an allocation for river quality which it has been trying to secure for some time. I commend not only those involved within the workings of Government for putting this report together but the previous Minister for Land and Water Conservation who made all the tough decisions to put policies in place. The State is now getting the benefit of these tough decisions.

Mr D. L. PAGE: I ask a supplementary question. In view of that answer, how does the Minister explain the discrepancy between $35 million allocated by the former Minister and his account of $25 million today for the water incentive scheme? Which Minister has misled the public?

Mr SPEAKER: Order! I have grave doubts as to whether that is a supplementary question because I did not hear the Minister for Agriculture refer to what the former Minister had said. However, I will allow the Minister to answer the question.

Mr AMERY: I refer to the answer I just gave about the $25 million announced today. An amount of $8.5 million will be spent on various jobs within regional New South Wales in addition to the $60 million-odd the Government is spending on various other projects, and there is more money to come.

SCHOOL WEAPON SEARCHES

Mr AQUILINA: Earlier today the honourable member for Ku-ring-gai asked me a question. I am advised that the document referred to, "Know Your Rights at School", is not a publication of the Department of Education and Training and is not endorsed by the Government. That is a publication that the National Children's and Youth Law Centre put out three years ago under his government.

Questions without notice concluded.

HONOURABLE MEMBER FOR NORTHCOTT

Notice of Motion

Mr SPEAKER: Order! In accordance with my ruling of 8 April I rule out of order a substantial part of the notice of motion given by the honourable member for Northcott earlier today on the grounds that it is argumentative, ironical, unparliamentary and has been moved in a spirit of mockery. I will permit the member for Northcott to seek the assistance of the clerks to rewrite his notice of motion. However, members who give notices of similar motions in future will not be given that privilege. I have asked the clerks to amend the notice of motion of which the member for Northcott gave notice to conform with Standing Order 146.

STATE OF ISRAEL FIFTIETH ANNIVERSARY

Mr CARR (Maroubra—Premier, Minister for the Arts, and Minister for Ethnic Affairs) [3.07 p.m.], by leave: I move:

> That this House joins with the Jewish Community of New South Wales in extending congratulations to the people of Israel and their Parliament, the Knesset, on the fiftieth anniversary of the State of Israel.

I extend my best wishes to the Jewish community on this memorial day and acknowledge the presence in the gallery of Mr Peter Wertheim, President of the New South Wales Jewish Board of Deputies, and members of the New South Wales Jewish community. On 9 April 1948 the great leader of the Zionist cause and later the first President of Israel, Chaim Weizmann, wrote an historic letter to the President of the United States of America, Harry Truman. Dr Weizmann wrote:

> The choice for our people, Mr President, is between statehood and extermination. History and providence have placed this issue in your hands, and I am confident that you will yet decide it, in the spirit of moral law.

On 8 February 1947 the Government of the United Kingdom had declared to the United Nations organisation that it would no longer uphold the mandate of Palestine which Britain had administered since 1920. The Government announced that Britain would withdraw its forces from Palestine on 15 May 1948. On 29 November 1947 the United Nations General Assembly voted for the partition of Palestine. Australia's vote and support was a significant contribution. The United Nations resolution stipulated the creation of two States in the mandated territory of Palestine: one Jewish and one Arab. The Arab States refused to accept this resolution from the beginning.

In this refusal lies the origin of the ordeal of the region and the suffering of its people during the past 50 years. Between November 1947 and May 1948 President Truman came under immense pressure to reverse the decision for an independent Jewish State. This was the immediate context of Chaim Weizmann's appeal to the President. But there was a deeper, far darker background. Dr Weizmann wrote of the choice between nationhood and extermination. To Jewish people everywhere the word extermination holds a terrible and literal meaning. Three years earlier the world had learnt the full horror of the Holocaust in which 6 million men, women and children were methodically murdered because they were Jews. On 14 May 1948 in the Museum Hall in Tel Aviv, David Ben-Gurion, the leader of the Jewish people in Palestine, proclaimed the independence of the State of Israel. Recently Dr Efraim Karsh, Professor of Mediterranean Studies at King's College, London, wrote:

> Before the day of May 14 was over, the State of Israel was proclaimed, to the elation of Jews throughout the world. For them, this represented a miraculous act of regeneration and rebirth in their ancestral homeland after a millennia of exile and persecution culminating in the tragedy of the Holocaust.

That elation and sense of rebirth were deeply shared by the Jewish community in this country, many of whom were refugees from Germany and Austria before the Second World War and a growing number of them were survivors of the Holocaust. I ask the House to remember that the day after the declaration of independence Israel was invaded by five neighbouring States; the first of five wars for survival in 50 years of modern Israel's history. No modern nation has sacrificed more to establish its right to exist within secure borders, the indefeasible right guaranteed to Israel by the United Nations.

Israel's achievement is more than mere survival. In the face of enormous pressures Israel remains a genuine democracy where, for example, people can demonstrate against the policies of the Government of the day—that is not a right that can be taken for granted in other States in the region. The support, influence and example of the great Australian Jewish community has been an important factor, helping to sustain democratic values in Israel. From the inexhaustible list of those who have contributed to Israel's achievement I have mentioned Weizmann, Ben-Gurion and Truman. I name two others, who died because they worked for peace: Yitzhak Rabin, Prime Minister of Israel and Anwar Sadat, President of Egypt. Their assassinations, in 1996 and 1981 respectively, seemed to strike mortal blows against peace. Yet, despite repeated tragedy and setbacks, the peace process survives. I wholeheartedly endorse the views of Dr Colin Rubenstein, editorial chairman of the Australian Israel and Jewish Affairs Council. In an interesting article in the *Australian* on April 20, he said:

> Progress in the peace process can be achieved only through a return to honouring existing agreements and the creation of mutual trust.
>
> It is far too early to despair of peace between Israelis and Palestinians, especially given recent developments.

He noted, among other things, that the Labor Party, the Likud, is also gradually accepting that a Palestinian State is an inevitability. The most hopeful of these recent developments is Prime Minister Blair's initiative in arranging peace talks in London this month. I am sure this House would wish to congratulate Prime Minister Netanyahu and Chairman Arafat on their acceptance of Mr Blair's invitation. Could there be a more noble way of celebrating the fiftieth anniversary of Israel's independence! If progress can be made in London towards peace with justice, and with security, it will be welcomed nowhere more heartedly than in New South Wales, not only by the Jewish community but by all of us who are proud to be friends of Israel.

Mr COLLINS (Willoughby—Leader of the Opposition) [3.44 p.m.]: It is my honour to support this motion on behalf of all Liberal and National members of this Parliament, and I strongly endorse the comments of the Premier. Half a century has passed since the hopes of the Jewish people finally became a reality and the State of Israel at last became a political truth. For 50 years the people of Australia have watched the remarkable accomplishments of Israel and its people. Sometimes we have been saddened by the trials and setbacks that have tested the Israeli people. But always we have been inspired by the perseverance and spirit that characterise that country and its citizens. On behalf of my colleagues I am proud to congratulate the people of the State of Israel and their

Parliament, the Knesset, on this important milestone in that nation's history. I am also glad to have this chance to put on record my congratulations to leaders of the Jewish community here in Australia.

I make particular mention of: Dr Ron Weisner, President of the Zionist Federation of Australia; Dr Ron Weizmann, President of the State Zionist Council of New South Wales; Mr Peter Wertheim, President of the Jewish Board of Deputies; and Ms Dianne Shtineman, President of the Executive Council of Australian Jewry, as well as organisations such as the Jewish community services, and institutions such as the Sydney Jewish Museum, which do such important work. Of all their myriad achievements, of all their lofty aspirations, the people of Israel are working towards their greatest goal right now. That goal, of course, is peace; peace with security. It is my hope, indeed the hope of all parliamentarians, that future generations will look back to the 1990s and remember this decade as the one during which peace was pursued, forged, and finally achieved.

Future generations will doubtless remember the turning points: the first tentative stirrings of peace sponsored by the United States of America in Madrid in October 1991; the spectacular breakthrough in Oslo, when peace at last seemed tangible, within reach; and the miracle on the White House lawn in September 1993, when Prime Minister Rabin and Chairman Arafat shook each other's hand. A simple gesture, a symbol that the world had waited for, and a message that the world welcomed. That simple gesture had a profound meaning. Future generations will salute the leadership of Israel's leaders and, we hope, enjoy peace with security for Israel, for the Middle East region and for the world. On behalf of the Opposition I offer my best wishes to the people of Israel, to their Parliament, and to our many Jewish friends in New South Wales. I commend the motion to the House.

Motion agreed to.

USE OF MEMBERS' CORRESPONDENCE

Privilege

Ms SEATON (Southern Highlands) [3.51 p.m.]: I rise on a point of privilege in accordance with Standing Order 101. This afternoon the Minister for Education and Training, and Minister Assisting the Premier on Youth Affairs made insulting and disrespectful comments which threatened the long-standing notion of privilege in respect of members of this place and their duty to represent their constituents. The Minister misrepresented legitimate representations made by a number of my colleagues and me on behalf of 20 families who live in my electorate who were promised dollars by this Minister under the back-to-school allowance scheme.

Mr Aquilina: On a point of order.

[*Interruption*]

Mr SPEAKER: Order! Members of the Opposition were not so sensitive about taking points of order during question time. The Minister is entitled to take a point of order.

Mr Aquilina: The honourable member has raised a matter of privilege and in doing so she needs to point out how her privileges have been affected by a member of this Parliament, not to enter into debate on the substance of what may or may not have been her representations to a Minister.

Mr SPEAKER: Order! The Chair must be satisfied that the member's privilege has been breached by disobedience of general orders or rules of the House, disobedience of particular orders, indignities offered to the character or proceedings of the Parliament, assaults or insults upon members or reflection upon their character, or interference with officers of the House in the discharge of their duties.

Ms SEATON: I can demonstrate in many ways that my privilege has been impinged upon by all those matters. The Minister has been disrespectful to me and my constituents, and the constituents of my colleagues in this House. The Minister mocked the genuine concerns of my constituents about the back-to-school allowance. He made light of their representations and requests to me for assistance in recovering moneys promised by the Carr Government in respect of the back-to-school allowance. In some cases constituents have not received the moneys, in some cases the payments were late, in some cases the moneys were received by the children of other families and in some cases the moneys were received by children in a family with a different name.

Mr Aquilina: On a point of order. The honourable member must detail how her privileges have been impinged upon. Mr Speaker, you have detailed precisely the way the privileges of members of this House can be breached. The honourable member is now detailing correspondence into which she entered. In no way has she indicated the way her privilege as a member of the House has been impeded.

Ms SEATON: I intend to demonstrate that my rights, the rights of my constituents and those of the constituents of my colleagues have been infringed. The Minister's behaviour in the House this afternoon has made it almost impossible for any constituents to believe that their representations to members of Parliament will be held in confidence and treated with respect. The Minister has brought into disrepute my roles in this House of ensuring that the Government does not break its promise and drawing my constituents' needs to the attention of the Minister.

Mr Aquilina: On a point of order. The honourable member must show how her privileges as a member of this House have been impeded. The statements she is making now do not detail the way her privilege as a member of the House has been breached in the terms set out previously. The detail and context of correspondence forwarded to a Minister do not constitute a breach of privilege.

Ms SEATON: I have received letters from constituents, as have my colleagues, regarding the Government's failure to fund the back-to-school allowance. It is my duty as an elected member of Parliament to bring any complaints, questions and requests to the attention of the Minister. No person who corresponds with me expects anything written or said to me in good faith to be turned around by a cynical Minister and used for political purposes. Many people in my electorate ask me to make representations to Ministers on their behalf. All coalition members make representations to Ministers; they take that duty seriously. The Minister should recognise the anger and cynicism in my electorate and, indeed, in many other electorates about the back-to-school allowance, and he should have the courage to see constituents and receive complaints from them.

Mr Aquilina: On a point of order. The honourable member is detailing representations she made to me as Minister and seeking to justify the correspondence to which she referred. I could debate the substance of the issues. The reality is that the honourable member has in no way shown that her privilege as a member of Parliament has been impeded.

Ms SEATON: My privileges have been impugned. All honourable members of this House, including Government members, have been impugned by the Minister's activities today. The Minister should pay more respect to the views of the mums and dads throughout New South Wales who ask members of Parliament to make representations to him. Many schools in my electorate, including Goulburn High School, Mulwala High School—

Mr Aquilina: On a point of order. At no time in the matter to which the honourable member is referring were specific schools identified. However, she has just identified specific schools.

[*Interruption*]

Mr SPEAKER: Order! The Minister need not continue speaking while members are interjecting. They disadvantage themselves by doing so.

Mr Aquilina: The honourable member, in mentioning schools and the issues relating to the back-to-school allowance, is debating government policy on the allowance. She has not explained how earlier events in the Chamber reflected upon her privilege as a member.

Ms SEATON: I shall be forced to tell my constituents, including the parents of children at the schools I referred to, that any representations my colleagues or I make to a Minister on their behalf could be used publicly by a Minister for political purposes. I move:

> That this House upholds the privilege of members to make representations to Ministers on behalf of constituents without having their correspondence misused by the Minister for political purposes.

Mr SPEAKER: Order! The member may only foreshadow her motion. If she wishes to move the motion she should do so at the next sitting. I draw the attention of the House to Standing Order 101, which states:

> **101.** A Member may rise to declare that a contempt or breach of privilege has been committed. In order to move a substantive motion immediately or to request the Speaker to have a notice placed on the Business Paper with precedence, the Member must satisfy the Speaker (in a statement limited to 10 minutes) that:
>
> (1) The matter is one suddenly arising and should be dealt with at the earliest opportunity;
>
> (2) There is a prima facie case; and
>
> (3) The Member has a prepared notice of motion and the matter should proceed forthwith or have precedence for the next sitting day.

I also draw the attention of the House to page 11 of the report of the Joint Select Committee of the Legislative Council and the Legislative Assembly upon Parliamentary Privilege, which alludes to

members' correspondence. The report is couched in terms that apply to the present circumstances. The majority of that committee believed that the issues involved in a claim of privilege were those of ethics rather than privilege. According to that view, quoting from or adverting to a member's representations was a matter of individual judgment by those who had knowledge of their contents. In this instance the member has not established a prima facie case demonstrating a breach of privilege. However, that will not preclude the member from putting her motion on the notice paper for tomorrow.

Mrs Chikarovski: So the Minister is unethical!

Mr SPEAKER: Order! The honourable member for Lane Cove will resume her seat. The Chair has given an explicit ruling. I have said that although the member has not established a prima facie case she may exercise her privilege by placing the motion, which the Chair declined to accept, on the notice paper for tomorrow.

CONSIDERATION OF URGENT MOTIONS

Federal Education and Training Funding

Mr AQUILINA (Riverstone—Minister for Education and Training, and Minister Assisting the Premier on Youth Affairs) [4.00 p.m.]: The Howard Federal Government should be condemned for its cuts to education and training funding because every day schoolchildren and TAFE students in this State are missing out on vital educational tools under the present regime of the Howard Government. Hardly a month passes without David Kemp or Christopher Ellison making a statement that interferes in some way with funds for government schools and TAFE. This motion is urgent because it will enable me to show the people of New South Wales and members of this House precisely how government schools and TAFE colleges in New South Wales have suffered under Federal funding cuts. This matter needs to be brought urgently to the attention of the public so that they are fully aware of the way the Howard Government has cut back funding to this State. The people of New South Wales will learn that as each day passes more funds are cut to education and training generally by the Howard Government and channelled from government schools to non-government schools.

This matter is urgent because over the past 12 months the Howard Government has imposed major funding cutbacks on specific-purpose payments, TAFE growth funding and funding for government schools. It is high time that the details of the Howard Government cutbacks were made public. The people of New South Wales should understand precisely how difficult it is to run an education system in any Australian State while the Howard Government continues to waste money on a superfluous Canberra bureaucracy that has more than 150 bureaucrats while at the same time it cannot provide appropriate funds to this State to help run a single school or TAFE college or employ a single teacher throughout the Commonwealth.

It is urgent that the severity of these funding cutbacks is brought to the notice of the Howard Government through the full support of this Parliament, so that David Kemp and the Federal Government can be brought to task over money they have diverted from public education and TAFE colleges. Once again the Howard Government will realise that the States cannot continue to bear the brunt of these massive cuts.

Mr Brogden: On a point of order. The Minister is not providing the House with any details that establish that the motion is urgent. He has not indicated the release of any new details or policy by the Federal Government on this issue. He is going over old ground. There is no reason this motion could be described as urgent. The Minister is unable to prove urgency.

Mr SPEAKER: Order! The point of order has some substance in that the Minister has not abided by my earlier rulings.

Mr AQUILINA: This matter is urgent because only last Thursday at meetings of ANTA MINCO, the Australian National Training Authority Ministerial Council, and MCEETYA, the Ministerial Council of Employment, Education, Training and Youth Affairs, all education and training Ministers addressed threats to withhold funding and ratified various agreements to ensure that Federal funds flowed to the States. However, all education and training Ministers expressed severe reservations about the Australian National Training Authority agreement, which will run for the next three years.

Mrs Chikarovski: On a point of order. The Minister is debating the substance of the matter and not trying to establish urgency. He has been asked to establish urgency and why this motion should have precedence over that of the Leader of the Opposition. The Minister is not entitled to go through the process of what may or may not have happened last Thursday or go over matters concerning Ministers in other States. He is required to establish urgency. I ask you to bring him back to

that point, to seek to establish urgency and not to go over all these extraneous matters.

[*Time expired.*]

Knife-related Offence Penalties

Mr COLLINS (Willoughby—Leader of the Opposition) [4.05 p.m.]: My motion is urgent for the following reasons. The Carr Government was elected on its key promise to be tough on crime and the causes of crime. The crucial test today must be debated as a matter of urgency. That crucial test relates to the Carr Government's weak-kneed and watered-down response on knife-related crime laws. In 1995 the Minister for Police promised to strengthen current laws covering knife-related offences. The Premier and the Minister have spoken about these laws during various question times, but in 1995 the Minister for Police promised to increase tenfold the current penalties for possessing knives.

Today his response to this House is completely different. The community must know why the Government wimped out on this legislation. In 1996 the Minister for Education and Training promised action "within five weeks" to stop violence in our schools. Daily news items subject us to stories about violence in schools, some from overseas and some of it causing extreme concern. My motion is urgent because we do not want our schools to go down the same path that has been followed in the United States.

This motion is urgent because we want to make sure that laws introduced in this State stem the tide of violence and the practice of carrying weapons. In 1997 the Premier promised to double the penalty for carrying knives following the stabbing murder of policeman David Carty. What happened? No action! Today my motion is urgent because after three years of inaction the legislation introduced by the Government exposes for all the world to see a government that has dropped its bundle and has gone soft on knife control laws.

The Carr Government has completely backed off on knife-related crimes. It has not delivered on its promises of the last three to four years. This matter must be debated by this Parliament urgently. The legislation this Parliament will debate will impose a lower penalty on a knife-wielding bandit than on someone who tears a page in a library book! This is the absurdity of the Government's position on laws governing knife-related offences.

Mr Aquilina: On a point of order. The Leader of the Opposition knows that he must show why his matter is urgent and convince the House to debate it urgently, otherwise other matters before the House will prevent this motion being passed. He is talking about legislation that is to be debated.

Mr COLLINS: What is your point of order?

Mr Aquilina: My point of order is that the Leader of the Opposition will have ample opportunity to debate the matter in another forum. A priority debate on a matter proposed for urgent consideration is not the time to debate legislation that has been introduced to the House.

Mr SPEAKER: Order! I uphold the point of order.

Mr COLLINS: The urgency of this matter is the major policy reversal by the Government. This policy reversal has been exposed for the first time to this Parliament and to the people of New South Wales today. My motion is urgent because we are not talking about something that may happen in another jurisdiction; we are not talking about what is happening in Canberra, as we hear daily from the Government. This Parliament is concerned with what happens in this State, and with matters within our control and influence. That is why we must debate my motion today.

The people of this State have a right to know the reason for this complete policy reversal. Why has the Government gone weak on crime and the causes of crime? The Government gave the people a pledge that entitled them to sit on the government benches. My motion is urgent because it relates to an issue that burns in the hearts of the people of this State. The community is concerned about public and personal safety. That is the issue that the urgent motion of which I have given notice seeks to address. Members opposite may not believe it is urgent but the Opposition and the people of this State believe it is. No matter is more urgent than an examination of the laws relating to the possession of knives and what this Government has failed to deliver to the people of New South Wales.

Question—That the motion for urgent consideration of the honourable member for Riverstone be proceeded with—put.

The House divided.

Ayes, 49

Ms Allan	Mr Markham
Mr Amery	Mr Martin
Mr Anderson	Ms Meagher
Ms Andrews	Mr Mills
Mr Aquilina	Ms Moore
Mrs Beamer	Mr Moss
Mr Carr	Mr Nagle
Mr Clough	Mr Neilly
Mr Crittenden	Ms Nori
Mr Debus	Mr E. T. Page
Mr Face	Mr Price
Mr Gaudry	Dr Refshauge
Mrs Grusovin	Mr Rumble
Ms Hall	Mr Scully
Mr Harrison	Mr Shedden
Ms Harrison	Mr Stewart
Mr Hunter	Mr Sullivan
Mr Iemma	Mr Tripodi
Mr Knowles	Mr Watkins
Mr Langton	Mr Whelan
Mrs Lo Po'	Mr Woods
Mr Lynch	Mr Yeadon
Dr Macdonald	*Tellers,*
Mr McBride	Mr Beckroge
Mr McManus	Mr Thompson

Noes, 42

Mr Beck	Mr O'Farrell
Mr Blackmore	Mr D. L. Page
Mr Brogden	Mr Peacocke
Mr Chappell	Mr Phillips
Mrs Chikarovski	Mr Rixon
Mr Cochran	Mr Rozzoli
Mr Collins	Mr Schipp
Mr Cruickshank	Mr Schultz
Mr Debnam	Mrs Skinner
Mr Ellis	Mr Slack-Smith
Ms Ficarra	Mr Small
Mr Glachan	Mr Smith
Mr Hartcher	Mr Souris
Mr Hazzard	Mrs Stone
Mr Humpherson	Mr Tink
Mr Jeffery	Mr J. H. Turner
Dr Kernohan	Mr R. W. Turner
Mr Kinross	Mr Windsor
Mr MacCarthy	
Mr Merton	*Tellers,*
Mr Oakeshott	Mr Fraser
Mr O'Doherty	Mr Kerr

Pairs

Mr Gibson	Mr Armstrong
Mr Knight	Mr Richardson
Mr Rogan	Ms Seaton

Question so resolved in the affirmative.

FEDERAL EDUCATION AND TRAINING FUNDING

Urgent Motion

Mr AQUILINA (Riverstone—Minister for Education and Training, and Minister Assisting the Premier on Youth Affairs) [4.18 p.m.]: I move:

> That this House condemns the Howard Government for its massive cuts to education and training funding.

The education and training policies of the Federal Government raise fundamental issues about the nature of the Commonwealth's commitment to families and students in this country. Since coming to office, the Commonwealth has taken a series of retrograde steps in relation to education. I will mention only a few: the bewildering enrolment benchmark adjustment scheme; the transfer of responsibility for unemployed youth to State education and training systems through the common youth allowance; and the reduction in funding for State training systems and cuts to university places. These are all measures taken by a Government which seeks fundamentally to alter the fabric of education and training while walking away from any responsibility to adequately fund a high-quality education and training system.

What hope is there for this country to be internationally competitive when the Federal Government has no commitment to education and training? Contrast the actions of the Federal Government with the commitment of the Carr Labor Government. The Government has increased the education budget in real terms each year since it came to office. Students in New South Wales are now funded at the highest ever per capita rate. Last year the school education budget was increased by $228 million, including new funding for the $55 million back-to-school allowance. The Government has re-organised the State's education system so that its administration is, by Industry Commission standards, the leanest and fittest in Australia.

Mr O'Doherty: Who says?

Mr AQUILINA: The Industry Commission says that. I will send the honourable member a copy of the comments of the Industry Commission if he has not seen them. The Government has used the savings made in administration costs to provide more specialist teachers and TAFE places and to put more funds directly into school bank accounts. In the face of Commonwealth cuts, that has been a tremendous achievement by the Carr Labor Government. Not one word has been heard from the Opposition or from the shadow minister about the

education funding that is being taken from New South Wales. The Commonwealth has reduced funding in real terms to government schools, thereby reducing the quality and effectiveness of public education. That is a well established fact, and it is clearly stated in the Commonwealth's budget papers.

Since coming to government John Howard has cut overall funding to New South Wales by some $527 million; reduced or abandoned key programs targeted at improving the standards and quality of student learning and teaching; reduced funding to New South Wales government schools this year by $4.3 million, a figure that will increase to $30 million annually as a result of the enrolment benchmark adjustment; and introduced a common youth allowance that will cost New South Wales at least $65 million. I have heard the shadow minister for education speak a number of times about the common youth allowance. He has insinuated that the Government's approach is to allow young people to remain unemployed rather than remain at school. That is nonsense, and if he dares to raise that issue again during this debate I will have a very specific and detailed answer for him.

The Commonwealth Government has also cut vocational and training funding in New South Wales by $10 million between 1996 and 1997. Further cuts are planned. The Commonwealth has also axed $13.2 million from the labour market programs for New South Wales in 1997-98 and cut $800 million from university operating grants over the period 1996-97 to 2000-01. That will result in massive reductions in student numbers. During all of this, Dr Kemp continues to claim that the Commonwealth is continuing to provide increased funding for Government schools. He says that over and over again. It is a technique that the Liberal Party teaches aspiring Ministers at training school: a few short messages should be repeated endlessly. The honourable member for Pittwater is practising that training: the truth is unimportant, just stick to the message. There have been substantial and easily proved reductions in Commonwealth funding to government schools. For example, specific purpose payments for education have declined in real terms. Information on that decrease was tabled in the Senate late last year.

That information showed that, in constant prices, recurrent specific purpose payments to Government schools declined 4 per cent from $1.132 billion to $1.086 billion over the four years to 1999-2000. In addition, the States and Territories are required to make a compulsory fiscal contribution to the Commonwealth's deficit reduction program over the financial years 1996-97, 1997-98 and 1998-99. The payments to the Commonwealth in these three financial years will amount to $1.56 billion nationally. The cost to New South Wales State revenue will be $527 million. That contribution will dramatically reduce the State's capacity to provide resources to government schools.

There is no real increase in Commonwealth funding of government schools. Official Department of Employment, Education, Training and Youth Affairs advice, documents tabled in the Senate, and the Commonwealth budget papers confirm there will be a decline of more than $40 million in real terms compared with an increase in funding for non-government schools of some $300 million. With the implementation of the enrolment benchmark adjustment, Commonwealth expenditure on government schools will decline even further.

The recent report of the inquiry into the status of the teaching profession by the Senate's Employment, Education and Training References Committee deals with the impact on teachers of the Commonwealth's failure to provide adequate funding to schools. The committee found that the teachers regarded the inadequate funding approach of the Commonwealth as a reflection of the low priority accorded to education, which, in turn, reflected adversely on the status of the teaching profession. The Commonwealth Minister should publicly acknowledge the Commonwealth Government's budget decision to reduce funding in real terms to government schools as set out in Commonwealth budget papers.

Members of the Opposition in this House should join with me in condemning the Commonwealth's neglect of education and training, yet not one word is heard from them. In recent years the Commonwealth has sought to reduce or abandon its support for key programs which have been targeted at improving the standards and quality of student learning and teaching across Australia. For example, the Commonwealth abandoned the successful national professional development program. It also abandoned the students at risk program and is now likely to cut, if not abandon, the national Asian language studies in Australian schools, or NALSAS, program. The Commonwealth has largely rebadged funds previously provided for the disadvantaged schools program and the English as a second language general support program. That represents more than a political sleight of hand.

The Commonwealth has retreated unilaterally from a commitment to the continued provision of

funding for the teaching of English as a second language in schools. That program is very important to New South Wales as it receives almost 50 per cent of Australia's migrant intake. In a multilingual society an effective literacy strategy must entail effective support for both newly arrived and post-intensive ESL learners. The Commonwealth's changes to these programs have resulted in the imposition of additional layers of accountability for Commonwealth programs, despite previous agreements that the annual national report arrangements should obviate the need for such cumbersome requirements. The introduction of the enrolment benchmark adjustment by the Commonwealth has resulted in a reduction of $4.3 million in funding for the New South Wales government schools sector in 1998. Based on the latest costings, it is expected that the EBA will cost New South Wales as much as $30 million annually. That is despite the fact that the number of students in government schools is actually increasing. It has increased by almost 16,000 in the past three years.

What sort of government reduces funds as school enrolments increase? The Howard Government is that sort of government! The decision means that more than $100 million will be removed from government schools in New South Wales by the year 2002, despite the need to fund additional enrolments. The assumptions underlying the EBA are not only flawed in financial terms but are insidious in policy terms. The Commonwealth is presuming that it is in the interests of States to transfer resources and enrolments from government to non-government schools. The Commonwealth's actions are clearly divisive and inequitable in asking one sector—namely, government schools—to pay for increased funding of the other sector: namely, non-government schools.

When that is combined with other policy changes, such as the abolition of the new schools policy, it becomes clear that the Commonwealth is encouraging the transfer of students from public to private schools. The States can no longer apply rational major capital works planning for schools in a systematic fashion. States and Territories have the constitutional responsibility for schooling but their role is being usurped by the Commonwealth Government. It is for that reason that I have moved this motion. As I stated when arguing the need to debate this motion, this matter is urgent because as each day passes more and more Commonwealth dollars are being snatched away from New South Wales education and training, from government schools, from TAFE colleges, and from teachers, students and parents in this State.

Mr O'DOHERTY (Ku-ring-gai) [4.28 p.m.]: It is hard to know where to begin to attack such a hodgepodge contribution as that made by the Minister. He has shown clearly where he stands in relation to some of the important education issues. He does not believe in parent choice. The Minister does not stand for any kind of parent choice. He does not believe that young people should be at school; he believes they should be on the dole. The Minister does not believe that teachers ought to have the professional opportunity to work with students across a range of ability levels and ages as a result of the improvements that are taking place within their profession and the opening up of education in New South Wales to include newer plains such as vocational education and training.

The Minister stands in the way of schools that actually want the funding that was being offered by the Federal Government for the special workplace co-ordinators in government schools. In every State those people have been operating to get students into work. That is exactly what the students and their parents want. In New South Wales the Minister should be condemned because he has stopped government schools in this State from taking advantage of a scheme that has served the needs of students in other parts of Australia. The Minister does not stand for truth or for his own agreements. Only a few days ago, on 23 April, the Minister was a co-signatory to the Australian National Training Authority agreement. In a joint communique Ministers from the Commonwealth, the States and the Territories congratulated each other on the new ANTA agreement.

The Minister waited and waited to sign the agreement, but he took the first opportunity as soon as he had signed on the dotted line to condemn the Commonwealth Government. He has just signed a joint communique stating that the Commonwealth is pleased that the States and Territories collectively plan to deliver an estimated 44,000 additional student places in 1998 and that State and Territory Ministers welcome the Commonwealth's acknowledgment of the individual circumstances of each State and Territory. On 23 April the Ministers were congratulating each other but today, 29 April, this Minister has sought to condemn the Federal Government, with which he has just signed an important agreement providing 44,000 new places for training in Australia. That agreement, with the consensus of this Minister, is based on the principle of growth funded by efficiencies. The Minister for Education and Training has just signed that agreement, yet now he condemns himself for agreeing to it.

This year the Commonwealth is providing a record amount of funding for education. It is providing $3.8 billion in funding for schools. That is $127 million more than was allocated in the final year of the Federal Labor Government it replaced. The Commonwealth's assistance specifically for public schools stands at $1.5 billion, which is a massive level of support in anyone's terms. Over the period 1997-2000 the Commonwealth is providing an additional $1.8 billion for public government schools compared with the final year of the Federal Labor Government. The Commonwealth is providing increased funding for education overall and specifically for public education delivered by government schools around Australia. Those are the facts, and they contradict the distortions presented by the Minister in his contribution. The Commonwealth Government is spending more than $6.1 billion in direct assistance to public schools over the current four-year period.

The Minister has spoken about the enrolment benchmark adjustment. There is a problem created in Australia when students move from one sector to another. That is not something confined to the current period, it is an historical problem. In the past 15 years there has been a slow but steady shift as parents have made their choices. The Minister does not believe in parent choice and does not want parents to have a choice. The Minister would not want parents to be able to choose the kind of education that directly suits their family and their family's circumstances. Because of the shift between people in the two sectors over the past 15 years there has been a movement of about $3 billion from one sector to the other. The Minister speaks as though he has discovered the movement since the Howard Government was elected, but it has not happened in the past 12 months; it is a $3 billion movement that has happened over 15 years.

The movement has been made because parents are exercising choice—the choice that the Labor Party and its ideological running mates would deny parents. There is a problem when student numbers change from one sector to another, that is, the creation of inequities in funding. Inequities have resulted in the adjustment of the enrolment benchmark to allow an orderly movement of funds from one sector to another, not to punish public education. The Minister in his distorted comments to the House has not admitted that funding for public education has increased and will continue to increase under the Howard Government. If a student changes from one sector to the other there will be a small change of funds. That is because the coalition believes that the choice of parents ought to be funded to a certain degree—and by no means is the entire choice of parents funded, as any parent who sends a child to a non-government school knows.

The coalition believes that parent choice is so important that the State ought to make a contribution to the education of those children, and coalition members will not shirk from that. It was very interesting to read in the *Sydney Morning Herald* this week that it is low-income and middle-income earners who are making the shift to non-government schooling. The Minister complained about the abolition of the new schools policy. That was a Labor policy that low-income earners—battlers, the people that Labor pretends to protect—should not have the right to send their children to non-government schools. Under that policy someone who did not earn a certain amount of money had no chance of getting funding from the Labor Government because Labor would not allow the funding of low-fee paying non-government schools.

Labor's new schools policy, by ideological act, deliberately stopped the growth of low-fee paying non-government school options in Australia. Because of that the battlers, the low-income earners and the middle class were denied the choice that the Labor Party protected for high income earners through its restrictive new schools policy. If the Minister considers that he has his politics right on this issue, he should think again. The people to whom he would deny choice are those in Labor electorates—electorates on the central coast and electorates such as Riverstone; Gladesville, which is soon to be the electorate of Ryde, and the member opposite will be gone from this place; and Badgerys Creek, another electorate that will change. Those are the places in which non-government low-fee paying schools are growing under the policies of the coalition. Those are the people whose choice the Minister would deny, yet he tries to defend himself and the way he wants to take away choice from low-income earners.

I turn to vocational education and training. I have referred to the ANTA agreement, which the Minister signed as recently as a few days ago. In 1997 the commitment of the Australian Labor Party to ANTA was about $70 million for an additional 35,000 places. Under the Howard Government 44,000 additional student places have been made available for 1998, while finding efficiencies in the system. The Minister spoke about an Industry Commission report. I take it that he will make that report available to me, as promised. On every other occasion on which I have asked him for advice, a briefing or information he has denied my request—something our Westminster Parliament has not experienced before. Such politicisation by the Minister is silly, petty and does not become him.

Opposition members have asked three times for a briefing on the restructure. The Minister says that it is only a quarter of the State budget and does not matter. He says, "Accountability, go to hell." The Minister has decided that the Opposition can wait. He will have to wait for the coalition's attack in the proper circumstances. I should be pleased if the Minister could provide that information so that I can read it. Under the current ANTA agreement the Commonwealth has provided additional funding to the States and Territories every year up to and including 1997. In the remaining time available to me I wish to reflect on what the Minister for Education and Training has done. He encouraged the House to think about his great achievements.

I point out that $55 million has been taken away from the school education budget for the back-to-school allowance—plus administration costs, which will probably now be running into the tens of millions of dollars. That $55 million could have provided 1,000 teachers for government schools. That is the kind of attack that parents are telling me about; that is the kind of attack that this Minister has made on public education in New South Wales. The $55 million could have provided 1,000 literacy teachers for public schools in this State. The $55 million, escalating to $72 million in the current financial year, is funding the productivity cuts that this Minister has forced on teachers in classrooms to fund the teachers' salary increase. In the next financial year the sum will stand at $72 million, and it is coming out of the professional development allowance of teachers in classrooms teaching students. Those are the cuts that the Minister has foisted on public education in New South Wales.

Mr WATKINS (Gladesville) [4.38 p.m.]: It is clear that the shadow minister for education and training supports the Commonwealth's cuts to education in this State, and that is a shameful position. My colleague the Minister for Education and Training has detailed the shocking cuts made by the Commonwealth Government to education and training in all of the States and Territories. The cuts are detailed in the Commonwealth's own budget papers and, no matter how many times the Commonwealth Ministers or any of their lackeys in the States say they are increasing funding, the facts show otherwise. And the people of New South Wales know otherwise; they are not convinced by the big lies that are coming from Canberra.

The education community is a sophisticated community that understands funding and understands when the Howard Government is taking away its funding. When the Commonwealth robs the people of New South Wales of their fair entitlement for education the people expect us to stand up for their rights, and that is exactly what the New South Wales Government is doing. This State Government is not taking a backward step. In all forums it has pressured the Commonwealth Government to meet its obligations. It has plugged the holes in its budgets created by the Commonwealth so that a generation of families and students do not miss out on the opportunities to which they are entitled.

The Minister for Education and Training has continually put the case to the Commonwealth to restore the funding that has been cut. In doing so he has received the wholehearted support of conservative Ministers from every other State in pressuring the Commonwealth to restore funding. Virtually every politician in Australia thinks that what the Commonwealth is doing is wrong. One has to search long and hard to find anyone who will support the actions that the Commonwealth is taking, but here in this House there is such a person. On 1 April the shadow spokesperson for education spoke to James Valentine on Radio 2BL and said:

> The fact is education funding across Australia has increased in real terms significantly under the current coalition Government. End of story!

He has repeated that untruth today. James Valentine, to his credit, replied, "It's a pity the teachers and students don't feel like that." There is a deep and growing anger in our communities about the cuts imposed by the Howard Government, and teachers, parents and students do not feel like that. They want a fair share of Commonwealth funds for New South Wales education and they put education as a high priority for the security and future of children and families.

Today the Minister for Education and Training has done our constituents a service by pointing out in precise detail the extent of Commonwealth cuts to education and training, the enrolment benchmark adjustment, the common youth allowance, the cuts to vocational and training funding and the cuts to universities. These are significant blows to families with students in New South Wales. As do most actions of the Federal Government, such blows impact on those least able to bear the cost. When will the Opposition in New South Wales and John Howard realise the damage that these crippling cuts are causing to our educational system?

The impact on universities is worth noting. The funding cuts are leading to reduced student numbers, loss of courses, increased class sizes, the loss of staff positions, both academic and administrative, and the loss of research grants. This puts whole departments, and in certain regional parts

of New South Wales whole institutions, at risk. The final indignity for the tertiary sector was the recent West report which took the view that universities are businesses. Under this Government a thousand years of academic heritage, independence and inquiry are subjected to the economic imperative. More than anything this reveals the hardness at the heart of the Howard Government's view of education.

As a member of the Macquarie University Council I am constantly made aware of the impact the Federal cuts are having on that tertiary institution. That university has struggled to come to terms with Federal cuts and has caused a great impact on the functioning of the university, its staff and students and the courses that it offers. The divisive, economic rationalist approach of the Howard Government is to be seen in its new schools policy, a policy designed to frustrate, constrain and eventually destroy public education. I read a recent Productivity Commission report which made clear that that body, so held up for praise by the Federal Government, questions the whole status and reason for existence of public education.

I have no doubt that this twisted, perverse, radical approach, which is at the heart of the Federal Government, can be seen in its funding of public education. The fact is that New South Wales schools are suffering. The end result of this policy will be a wholesale shifting of funds from public schools into the private sector. In short, the Howard Government is making an absolute attack on public education. Across-the-board cuts damage the quality and long-term viability of our educational institutions, at a time when education is the central most important issue to the future of our children, our families and our nation.

Mr RICHARDSON (The Hills) [4.43 p.m.]: Here we go again with another nonsensical motion condemning the Howard Government for alleged malfeasance. We have heard about child-care funding, hospital funding, funding for housing, funding cuts to western Sydney and failure to help the tourist industry, and the adult migrant English service has been revisited today. It is not surprising that the Carr Government is mounting an attack because it cannot say anything good about itself. One only has to look at the article in this week's *Bulletin* entitled "Carr's Demolition Derby" to understand exactly where the Carr Government is going. I turn to the Government's performance on key issues, rated by the people of New South Wales.

Mr Crittenden: On a point of order. The motion as moved by the Minister for Education and Training is quite clear. If the honourable member for The Hills has no interest in education and simply refers to a newspaper article that has been referred to twice today, surely he should resume his seat. I ask you to draw him back to the leave of the motion.

Mr RICHARDSON: On the point of order. I am about to come to the Government's education rating. That is a spurious point of order.

Mr Crittenden: The point is that the honourable member for The Hills needs to be drawn back to the motion.

Mr RICHARDSON: I am about to detail the Government's rating on educational matters. On hospitals, 14 per cent of respondents rated the Government's performance as good and 80 per cent said it was poor. The Opposition can understand that. The rating on land tax on residential properties was 17 per cent to 61 per cent—

Mr Crittenden: On a point of order. The honourable member for The Hills is flouting your ruling. He is misleading the House. He said he would get back to education but then he moved on to health and other issues. I am not sure that the honourable member for The Hills knows what education is about but surely he should address the motion if he intends to speak in this debate.

Mr SPEAKER: Order! The member for The Hills said that he intended to deal with the education rating. He will do so immediately.

Mr RICHARDSON: For schools one might think it would be marginally better, but 35 per cent of respondents thought that the Government was doing a good job and 52 per cent thought its performance was poor. That rating is not surprising, because the Government lacks vision for the school system and lacks vision for training. As the Minister suggested, the Government has increased funding, but it is not improving educational outcomes and it is not going into the educational system. An amount of $55 million, a hotly disputed figure, was spent on the nonsensical back-to-school allowance, yet the Minister has complained about a $30 million cut through the enrolment benchmark adjustment from the Federal Government.

Almost twice the amount that the Minister claimed was cut from Federal educational funding for New South Wales is actually in the back-to-school allowance. The enrolment benchmark adjustment has been created because there has been a small but continuing shift of students from public schools to private schools. The Commonwealth

believes that it should share in the savings which have accrued to the State and Territory governments as a result of the enrolment shift. Articles in this week's *Sydney Morning Herald* have quite eloquently demonstrated what has been occurring in education in New South Wales. On Monday an article in the *Sydney Morning Herald* headed "The Northwest battlefield" detailed statistics on areas of The Hills and the northwestern district in my electorate.

Mr Aquilina: That shows how well government schools are doing there.

Mr RICHARDSON: That also shows how well non-government schools are doing and proves that the Opposition's policy of freedom of choice is correct. If parents want to send their children to a non-government school they should be able to do so. The Opposition supports public education. The honourable member for Ku-ring-gai and I both went to public schools. The Minister for Education and Training did not go to a public school. That point should be made. The Opposition is in favour of freedom of choice in schools, as provided for by Dr Kemp and the Commonwealth Government.

Mr CRITTENDEN (Wyong) [4.48 p.m.]: It is a sad day when the honourable member for The Hills has to introduce sectarianism into this Chamber. Sitting opposite Government members is what is laughingly called the Opposition. That Opposition has again shown its weakness and its inherent insipid nature. The Opposition has to follow meekly the line pushed by the Howard Federal Government on a range of issues as outlined by the honourable member for The Hills. The Opposition meanders along and follows like a sheep the pathetic approach adopted by the Howard Federal Government. As honourable members know, a $527 million cut has been sustained in the allocation to New South Wales. The real challenge for the Howard Federal Government is to work out whether it believes in a Federal system. New South Wales and other States cannot sustain continual erosion of the revenue base and must ensure adequate funding to provide the services that are the responsibility of State governments. The New South Wales Government is positive; it put forward proposals.

The Howard Government should massively cut its bureaucracy instead of cutting funding to New South Wales schools. The 150 senior executive service officers in the Federal department do not enrol a single student, do not manage a single school, and do not provide a single school credential. We should be looking at whether the whole-of-government system can be adjusted to make sure that funding is provided where it is needed—at the coalface, in schools and TAFE colleges. Dr Kemp has made no impression other than that he is simply propping up his bureaucratic regime. He is prepared to fund more highly paid fat cats who want to express their esoteric and philosophical views on education rather than meet the needs of children as this society heads towards the twenty-first century. Lest honourable members think that Dr Kemp is the only Minister involved, I point out that in the lead-up to the 1996 Federal election the Federal Treasurer, Peter Costello, told the national press club:

> There is enormous duplication in the administration of health and education between the Commonwealth and the States. The States and the Territories are the primary service providers. It is an altogether common pattern. The Commonwealth supplements the funding; starts to second-guess the administration; begins to supervise delivery; seeks to supplant the services . . . This is an area crying out for substantial restructure.

Sometimes even the Federal Treasurer has an ability to realise what some problems are. Unfortunately he has not addressed that problem in his role as Federal Treasurer, but simply adopted the slash and burn approach of cutting funding to the States. He has not adopted any policy position that would seek to provide some sort of equity. The Nationals can be written off, but obviously there are some elements in the Liberal Party who have thought about this issue. It is a shame that those elements are nowhere to be seen in the New South Wales Liberal-National Opposition.

The honourable member for Ku-ring-gai and his cohorts are prepared to follow that pathetic line and endorse whatever the Prime Minister says. That is why the Prime Minister has a major electoral problem and why the Opposition in this State is not fit to govern. The Opposition should adopt an independent approach in the best interests of the people of New South Wales.

Mr AQUILINA (Riverstone—Minister for Education and Training, and Minister Assisting the Premier on Youth Affairs) [4.53 p.m.], in reply: I thank the honourable member for Wyong and honourable member for Gladesville for their contributions to this debate. I will counter some of the issues raised by members opposite, whose outrageous claims lacked credibility. Firstly I address freedom of choice and the issue of government versus non-government schools. I have never said, nor has the Government ever said, that parents should not be allowed to make a choice between government and non-government schools. I

have never said that non-government schools should not have access to funding.

I have said repeatedly that non-government schools should not be financed at the expense of government schools. For that reason I and every other education Minister of every State and Territory throughout this country object to the enrolment benchmark adjustment scheme. This year New South Wales public schools are $4.42 million poorer because David Kemp decided to allocate $4.4 million away from government schools to the non-government school sector. The claim was made that a shift is occurring away from government schools into the non-government school sector and that the Federal Government is taking money away from this State for that reason.

The member for The Hills acknowledged that that shift was small, but overall enrolments in public schools are increasing at a rapid rate. New South Wales public schools received an increase of 16,000 enrolments over the past three years. The claims made by the Opposition are nonsense. Government members have not said that non-government schools should not be funded; no-one has suggested taking away the freedom of choice. The Government has said that non-government schools should not be funded at the expense of government schools.

My second point concerns the claim by members opposite that the back-to-school allowance is dragging money away from schools. The school allowance totalled $55 million. Since coming to government the Labor Party has increased funding for New South Wales education by more than $600 million, and in the past year that funding increased by $228 million. The $55 million for the allowance was not taken out of the education budget, but was over and above the education budget. Indeed, the coalition never created anything like the back-to-school allowance when it was in government. The honourable member for Ku-ring-gai raised the issue of the so-called increase in funding by the Commonwealth Government. He claimed that the Commonwealth Government had increased funding to New South Wales education by $1.8 billion.

In fact, the Commonwealth Minister speaks of a $2.3 billion increase in Commonwealth funds to government schools over four years. This elegant sophistry needs to be put into context. The difference, in nominal dollars, between the 1995-96 Commonwealth payment to government schools and the 1999-2000 payment is $832 million, not $2.3 billion. If the $832 million extra in nominal dollars is adjusted for price rises and increased enrolments at government schools, there has been no real increase per student; in fact, there has been a decline. Further, Dr Kemp announced a $2.3 billion increase for government schools by ignoring price increases, extra enrolments and rolling up the year-on-year changes. The increase between 1995-96 and 1996-97 is counted four times; the difference between 1996-97 and 1997-98 is counted three times; that between 1997-98 to 1998-99 is counted twice; and the increase from 1998-99 to 1999-2000 is counted once.

Using the same methodology, it is estimated that State-funded expenditure on government schools rises by $5.4 billion over four years. That is the kind of mathematical sophistry that the Commonwealth Government uses to hide the fact that it is cutting back on public education to New South Wales and to every other State and Territory in the Commonwealth, and to hide the fact that it is diverting money from the government school sector to the non-government school sector.

Question—That the motion be agreed to—put.

The House divided.

Ayes, 49

Ms Allan	Mr Markham
Mr Amery	Mr Martin
Mr Anderson	Ms Meagher
Ms Andrews	Mr Mills
Mr Aquilina	Ms Moore
Mrs Beamer	Mr Moss
Mr Carr	Mr Nagle
Mr Clough	Mr Neilly
Mr Crittenden	Ms Nori
Mr Debus	Mr E. T. Page
Mr Face	Mr Price
Mr Gaudry	Dr Refshauge
Mrs Grusovin	Mr Rumble
Ms Hall	Mr Scully
Mr Harrison	Mr Shedden
Ms Harrison	Mr Stewart
Mr Hunter	Mr Sullivan
Mr Iemma	Mr Tripodi
Mr Knowles	Mr Watkins
Mr Langton	Mr Whelan
Mrs Lo Po'	Mr Woods
Mr Lynch	Mr Yeadon
Dr Macdonald	*Tellers,*
Mr McBride	Mr Beckroge
Mr McManus	Mr Thompson

Noes, 42

Mr Beck	Mr Peacocke
Mr Blackmore	Mr Phillips
Mr Brogden	Mr Richardson
Mr Chappell	Mr Rixon
Mrs Chikarovski	Mr Rozzoli
Mr Cochran	Mr Schipp
Mr Collins	Mr Schultz
Mr Cruickshank	Ms Seaton
Mr Debnam	Mrs Skinner
Mr Ellis	Mr Slack-Smith
Ms Ficarra	Mr Small
Mr Glachan	Mr Smith
Mr Hartcher	Mr Souris
Mr Hazzard	Mrs Stone
Mr Jeffery	Mr Tink
Dr Kernohan	Mr J. H. Turner
Mr Kinross	Mr R. W. Turner
Mr MacCarthy	Mr Windsor
Mr Oakeshott	
Mr O'Doherty	*Tellers,*
Mr O'Farrell	Mr Fraser
Mr D. L. Page	Mr Humpherson

Pairs

Mr Gibson	Mr Armstrong
Mr Knight	Mr Kerr
Mr Rogan	Mr Merton

Question so resolved in the affirmative.

Motion agreed to.

NATIVE VEGETATION CONSERVATION ACT

Matter of Public Importance

Mr ARMSTRONG (Lachlan—Leader of the National Party) [5.07 p.m.]: I ask the House to note as a matter of public importance the current arrangements for regulating clearing of native vegetation in New South Wales. Yesterday between 2,500 to 5,000 people from throughout New South Wales travelled to Sydney to voice their concerns about two pieces of legislation introduced by the Government. People travelled from virtually every corner of the State, from Tenterfield in the north, from the far north coast, from near Broken Hill in the west, from as far as Bega in the south, from the Hunter, from across the central west and from the Riverina. That in itself is not extraordinary. It is worth noting that many people travelled for up to 10 hours to get to Sydney and faced a similar travelling time to return home. In view of the rain that has fallen in much of the wheat belt in the past couple of weeks, it is extraordinary that people were so moved to leave their properties, which cost them dearly as they effectively lost two days.

The concerns expressed by the people were genuine. Indeed, press reports that have emanated since referred to the absolute and total conviction of these rural people whose concerns and grievances were not mounted on a political stunt. Indeed, it was the reverse. Rural people are genuinely aggrieved by government legislation and, indeed, the Government's handling of wharf issues, which are currently delaying the free passage of their produce. However, this matter of public importance is about legislation known as State environmental planning policy 46, which was amended last year by this Government to introduce the Native Vegetation Conservation Bill. Those farmers were here to express their disgust that a New South Wales Premier could be so ignorant of the damage being done to farmers by the Maritime Union of Australia blockade of the waterfront as to actually encourage picketers to prevent cargo movement and to inflict as much damage as possible on the farming community.

The Premier interfered also with police procedural matters by instructing police not to break the picket lines in order to restore law and order and to keep the streets open. Those farmers were here to express dismay that the Government has again lashed the rural community with environmental legislation that has as its major thrust a set of demands to make farming and proper management of our grazing lands almost impossible. In short, the Government, and particularly the Minister for Agriculture, and Minister for Land and Water Conservation, has dumped the bush and walked away from these matters.

I was surprised, as most Opposition members were, at the Minister's cavalier attitude in this House yesterday. Nobody would argue that the Minister is a well-respected person for his honesty and fundamental commonsense. But yesterday those qualities deserted him when he showed his true colours and dumped on the people he has been trying to duchess. Many people said he is a bad Minister but not a bad bloke; now they believe he has dumped on them. It was a stupid thing for the Minister to do. In true Labor fashion the Minister relegated the bush to Third World status and he is now in bed with the green lobby, the snake-in-the-grass lobby, which has a foothold on Parliament House office space and attracts public funding.

Mrs Beamer: Is he in the black snake lobby?

Mr ARMSTRONG: Yes, with the black snakes as well. Indeed, there are plenty of black snakes in that lobby, and a few on that side of the House. New South Wales taxpayers are funding the people who are sending farmers broke. I assure the House that when the coalition wins government next March that practice will stop. People of rural New South Wales once thought SEPP 46 was the worst piece of Labor legislation designed to interfere with farming. They were wrong. SEPP 46 was antirural and unworkable. Even the Government eventually accepted that. Frustrated farmers finally buried SEPP 46 under an avalanche of protest, and the obnoxious Act was repealed. Farmers innocently thought the Government had come to its senses and that it had heard and understood the protests. That was not so.

The ideologically driven social engineers, with their punishment-of-farmers mentality, created a new nightmare for farmers: the totally unworkable and unattainable Native Vegetation Conservation Act. When that legislation was introduced many people in the bush accepted that it would overcome the problems. Indeed, some farm leaders said, "We should give it a go." The Opposition did not fall for such a trap, because it understood how Labor works. The Opposition was mindful of the promise the Premier made when he was elected that his Government would be the greenest in the history of Australia. The coalition carefully examined that legislation and knew it was impractical and that no-one could work within it. The legislation was flawed.

Legislation must have practicality and commonsense and attract some support, otherwise it is simply unworkable. Unworkable legislation should not be introduced and should not be gazetted. It is amazing that in its naivete the Government thinks that if land has not been cultivated for 10 years it is pristine! It is absurd to believe that grazing country that has native grasses cannot be interfered with through the introduction of new grasses or environmental factors that might require future fertilisation.

It is absurd to suggest that land will remain pristine after it has been grazed by kangaroos or burnt or affected by any number of animals or mankind. The legislation is wrong. A number of prosecutions were made under old SEPP 46. Farmers were told that native vegetation legislation would replace SEPP 46 and that no further prosecutions would be made under SEPP 46. Since native vegetation legislation was enforced, more prosecutions were laid under old SEPP 46 than before.

Farmers now have two unworkable Acts of Parliament. They are faced also with the prospect of being prosecuted under two separate Acts, neither of which they can work within. Even the most honest and conscientious public farmer who wanted to work within the legislation finds it impractical to do so. Without doubt that is the most reviled piece of legislation that could possibly be inflicted upon rural people. The rural sector employs more people than any other community sector. At the moment the rural sector across Australia has the fastest take-up of new jobs than any other agricultural industry. Yet this Government, through its naivety and absurd philosophies, by pandering to the green lobby, is constraining the very industry that creates jobs in this State, uses materials, produces export income and, indeed, develops some of the infrastructure so desperately needed by this State.

It is all very well for the Premier and the Minister for Agriculture, and Minister for Land and Water Conservation to waltz around the Royal Easter Show. It was a wonderful show, but it was all about agriculture, all about rural New South Wales and all about the history of animals, water culture, food and fibre, and the associated processes. Those very issues that the Premier and the Minister were poncing about the other day and saying how wonderful they were are now being strangled through SEPP 46. The Minister may smile, but the bottom line is that if he does not understand what the Royal Easter Show is all about, I am happy to explain to him the history, the culture and the importance of the Royal Agricultural Society, the preservation of the genetic material, and the history of our horticulture and animal life. The Minister may not realise, but the Merryville sheep stud near Boorowa, which had the supreme sheep display at the show, is attributed with having 76 per cent of the world's fine wool flocks.

The Government promised that it would consult farmers and rural communities on the impact of the proposed native vegetation conservation legislation. That was supposed to soften up the farmers after SEPP 46, but it was not done satisfactorily. Yesterday the Minister said he had done that. But who did he convince? He convinced more than 3,000 farmers to come to Sydney to say he was wrong and that he had not consulted them. Those farmers said that the Minister had let them down.

Pursuant to sessional orders business interrupted.

PRIVATE MEMBERS' STATEMENTS

FLEMINGTON POLICE STATION PROPOSED CLOSURE

Mr MacCARTHY (Strathfield) [5.15 p.m.]: The community in the municipality of Strathfield is concerned at the proposal to close the Flemington police station and move it to Auburn. A press report spoke of moving this police station into the heart of Auburn central business district, which is quite a distance away. Such action would remove the only police station in the Strathfield municipality. The Flemington police station is located close to the Olympic site and the Minister for Agriculture, and Minister for Land and Water Conservation would understand that Flemington markets is important. Flemington police station is just outside my electorate but serves most of it.

Strathfield Council and the residents are concerned, particularly as they have not been consulted. Inquiries I have made of the Minister tend to suggest that the member for the electorate in which the police station is located has not been consulted either. However, I have reached that conclusion by reading between the lines of the replies I have received. I cannot say that as a matter of absolute certainty. There is great concern in Strathfield, as there is in many parts of Sydney, about response times and the increase in the number of robberies in Strathfield South in particular, and in Enfield. When one takes into account the fact that shifts for police officers start at police headquarters, moving the station from Flemington to Auburn will only exacerbate the problems in Strathfield. I hasten to say that I am not criticising individual police officers who work there; I just wish to make my point.

Mr E. T. Page: He is giving them all a spray.

Mr MacCARTHY: I am not giving the individuals a spray; I am merely giving the Government a well-deserved spray. Everyone knows that the Enfield police station is little more than a shopfront, and people have a right to be concerned. I want to place on the record some of the reasons Strathfield counsellors believe Flemington police station is important. They referred to the extensive amount of cash handled at Flemington markets and the fact that the location of the police station nearby is a source of comfort to the business people there. The councillors were opposed to moving the station further away from Strathfield shopping centre; they reported that insurance company statistics demonstrate the extent of crime in the Strathfield local government area. They made the point that the proposed relocation will not engender public confidence in the ability of police officers to provide a satisfactory response.

The councillors also made the point that Enfield police station is closed. I appreciate that, technically, it has not been closed but it is effectively a one-man station and most times when I go past the doors are closed and it is clearly not available to the average citizen. I advised the Minister that I would raise this matter today and I am disappointed that he has not seen fit to be present in the Chamber to hear what I have to say. I received a partial reply earlier in the month which referred to moving the command administration building. That suggested to me that the Government may be proposing to move only the headquarters and leave the police station intact. My original letter to the Minister made it clear that I was concerned that the station was to be closed. That has not been denied by the Minister or on his behalf and I seek clarification from him on that aspect.

The community demands that a police station be maintained in the municipality of Strathfield. It is an important area; it is close to the Olympic site and close to the markets. Both sites cry out for a good police presence and the confidence that a station in the area will maintain. I ask the Minister for Local Government to take up this matter with his ministerial colleague, who has not come into the Chamber, and clarify the situation in relation to what is proposed. In particular I ask the Minister, as a matter of extreme urgency, to arrange for proper consultation with me as the member for Strathfield and with the council so that the needs of this area can properly be taken into account.

EDUCATION FUNDING

Mr HUNTER (Lake Macquarie) [5.20 p.m.]: Tonight I refer to education matters within the electorate of Lake Macquarie, in particular capital works improvements that have taken place since the election of the Carr Labor Government. In February 1996 I announced that the Government had allocated funds towards new classrooms at Fennell Bay Public School. It was pleasing when six months later I was invited to open four new permanent classrooms at the Fennell Bay school. Those classrooms were built at a cost of approximately $400,000 and replace the demountable buildings that had been on the site for 11 years. The school had to put up with those leaking, inadequate demountable buildings for a long time.

The Carr Government is committed to providing first-class facilities in New South Wales schools and the utility and flexibility of the new classrooms and new buildings will certainly assist the teachers at that school. I have had only positive comments since the opening of those buildings. The Fennell Bay community supported the project and assisted with landscaping and improvements generally in the grounds of the school to complement the new buildings. In July 1997 I announced, on behalf of the Government, funding of $440,000 to improve classroom facilities at two schools: Arcadia Vale Public School, which is my former public school—I grew up in the Arcadia Vale area and attended that school—and Biddabah Public School, which is in the Speers Point area.

Each school received $220,000 for much-needed permanent classrooms. Each school will receive new double kit classroom blocks that have been constructed as part of the Government's 1997-98 major capital works program. The classrooms will replace four demountable classrooms currently used by the students at the schools. Arcadia Vale school has 125 students enrolled and Biddabah has 345 students enrolled. In early 1997 I announced Government funding for new classrooms at Wyee Public School and on 3 April 1998 I represented the Minister for Education and Training at Wyee School for the official opening of the new classrooms, built at a cost of $450,000. For some time the local community had been appealing for additions to the school and replacements for demountable buildings. The new classrooms are excellent.

I draw to the attention of the House problems associated with Toronto High School. In 1994 a disastrous fire destroyed sections of the school. Insurance moneys, self-funded by the Department of Education and Training, enabled the rebuilding of those damaged sections of the school. Now work is almost completed on the $3.6 million upgrading being undertaken by Richard Crooks Construction. I have visited the school to inspect the work on a number of occasions and it is looking fantastic. It is a tremendous improvement on the school I attended from 1972 to 1977 and I am sure that the students will be very pleased to attend a school that looks so good and functions so well. This fresh, multimillion dollar expansion will provide Toronto High School with new music rooms, new covered walkways, refurbishment of the administration areas, a new block for art, computers and general learning, refurbishment of design and technology facilities, new buildings for major projects in technology and applied studies, a new bus bay in Field Avenue—which is very important for student safety—a new food and technology block, a stormwater detention system and additional car parking.

The contract work will be completed soon, bringing to approximately $6 million the amount of funds expended on upgrading during the four years since the disastrous fire. Before the last election Labor promised that, if elected, it would upgrade Toronto High School to cater for 1,000 students. With the $3.6 million upgrade almost complete that promise has certainly been honoured. Although the school community has had to put up with the inconvenience of demountable buildings since the fire, they have managed very well. They are certainly going to be rewarded with this $6 million upgrade creating a state-of-the-art school of which the entire community can be proud. I thank the Minister for Education and Training and I extend an invitation to him to visit the electorate of Lake Macquarie to officially open the $4 million expansion of Toronto High School.

COFFS HARBOUR HOSPITAL

Mr FRASER (Coffs Harbour) [5.25 p.m.]: I draw the attention of the House to the issue of Coffs Harbour hospital, the new hospital that the Minister and the Premier promised the people of my electorate. I ask the Minister for Local Government to pass the details on to the Minister for Health, because he does not want to answer questions about the issue. On 28 February 1996 the Minister for Health wrote to the Coffs Harbour *Advocate* and stated:

> The hospital will be built in the first term of this government. The people of Coffs Harbour will not have to face another round of . . . promises. By the next election Labor will have built your new hospital.

Dr Refshauge has not misled the people of Coffs Harbour; he has lied to the people of Coffs Harbour. He rarely comes to Coffs Harbour these days but time and again he has put out media releases stating that the Government is allocating money for the hospital. I draw the attention of the House to an article in the Coffs Harbour *Advocate* of 22 May 1996 which states:

> Yesterday's NSW Budget confirmed predictions it contained the $53 million needed to build a new base hospital in Coffs Harbour.

In fact, all that budget contained was $2 million for planning. That planning has never taken place. The money went to budget overruns at the hospital because the budget for the north coast hospitals and the Mid North Coast Area Health Service has been

cut. Nothing has happened, no plans have been made, and the site has been purchased. The site had already been identified by the former coalition Government and the money was in the budget to purchase the site: but there is still no new hospital. The Labor Government purchased the site in 1997, two years after the site had been identified and the money had been allocated. The Coffs Harbour *Advocate* of 21 May 1996 states:

> The new hospital will have 160 beds and be built on a "greenfields" site south of the city centre and east of the Pacific Highway opposite the indoor cricket centre . . .
>
> Work will start early in 1997, according to a spokesman for the Deputy Premier and Minister for Health . . .
>
> The new base hospital will be a level four-five hospital . . .

As I have mentioned previously in this House, five hospital beds have closed in the past 12 months. Although the Minister claims there is extra money, five beds have closed, there is no new hospital and no work has started on the greenfield site. The Minister for the Environment has sterilised half of the site, so that what was approximately 50 acres is now 25 acres because regrowth trees are on the site in case koalas may wish to take up residence at some future time. Headlines in the Coffs Harbour *Advocate* of 5 June 1997 state, "Site works for new hospital to start". The article continues:

> Dr Refshauge flatly contradicted Opposition claims that the funding for the hospital was not in the Government's budget.
>
> The provision of a new hospital for Coffs Harbour is included in the Health Department's 1996-97 capital works program at a cost of $53.6 million . . .

No money has been spent on a new hospital in the past 12 months. Again in August 1997 Dr Refshauge put out a media release stating:

> Preliminary site works on a new Coffs Harbour Base Hospital will be under way this financial year . . .

So far nothing has happened. Dr Refshauge announced a board for the Coffs Harbour Area Health Service on 20 February this year and said that site works would start. The people of Coffs Harbour still have a vacant block of land; they have health services that are deteriorating; and 1,325 people are on the waiting list for operations. The doctors in Coffs Harbour have said that 95 per cent of operations in Coffs Harbour hospital are urgent. Not only is there no new hospital, but there are insufficient funds to service the existing population.

The Minister for Health has 24 hours to keep his promise of February this year to start the site works and to start work on this new hospital. The contract for tender is not to be let until September this year, and I do not believe that this Minister, who has lied to us consistently for the past three years, will have any funding for the hospital in this year's budget either. It is high time he recognised the needs of the people of Coffs Harbour, told the truth, put out the money that he claims he has allocated and gave the people of Coffs Harbour a new hospital immediately. [*Time expired.*]

DEPARTMENT OF HOUSING ACCOMMODATION

Mr MOSS (Canterbury) [5.30 p.m.]: On behalf of a number of constituents who reside in Junee Crescent, Kingsgrove, I raise a number of problems they have with Mr Paul Ibrahim, a Department of Housing tenant residing at No. 9 Junee Crescent. For a few months the residents have continued to approach me concerning problems with Mr Ibrahim because they are experiencing from him excessive noise both day and night. Also, Mr Ibrahim often hurls verbal abuse at his neighbours and, at times, some racist remarks. On one occasion he threatened one of his neighbours with an axe. He is particularly critical of visitors to neighbours leaving the area at night. One neighbour has written to me stating that on one occasion Mr Ibrahim stood in the street at 1.00 a.m. naked, screaming at her and threatening to kill her and her son. This man also jumped out of a bush at 5.30 one morning when this woman was going to work.

What I have mentioned so far are not just complaints coming to me from residents of this street; these are documented formal complaints with the Department of Housing. Despite those formal complaints, Mr Ibrahim remains on his property. I point out that he is the sole tenant of a three-bedroom house in this street. Nothing appears to be happening concerning the possibility of Mr Ibrahim leaving the neighbourhood, though there have been three conferences: one some time back, another on 20 January this year and the third on 24 February this year. Another conference is scheduled in the not too distant future. These conferences with the residents include personnel from the Canterbury local mental health team and a probation and parole officer whom Mr Ibrahim has attended in the past. The police and the client service personnel from the Department of Housing are involved, but no-one has come up with an answer as to whether or how Mr Ibrahim should be moved. The residents have had enough of this problem, but the department and the authorities seem adamant that Mr Ibrahim should remain where he is.

I think I know why. The main reason is that wherever this gentleman is moved to he will still be a problem to the Department of Housing and the other authorities. The residents of Junee Crescent will be satisfied, but Mr Ibrahim will continue to be a worry. I can appreciate that, but I did mention earlier that this gentleman is residing in a three-bedroom home. In my electorate families are waiting up to nine years to be housed in three-bedroom Department of Housing accommodation, yet this gentleman is allowed to remain and is causing a lot of problems. Mr Ibrahim would be better off, certainly his neighbours would be better off, and a family waiting for accommodation would be better off, if he was transferred to another area.

Having said all this, I can understand that the Department of Housing does have problems when either evicting or transferring tenants who wish to remain put. One of the problems they face is coming up against the Residential Tenancy Tribunal. Tonight I appeal to the Minister for Housing to do all he can to have Mr Ibrahim either evicted or transferred, for his own sake and for the sake of the local residents, one of whom is blind and feels particularly threatened by the antics of Mr Ibrahim. I also call on the Minister, if need be, to support a change to the tenancy laws to provide simpler procedures to allow the Minister for Housing to transfer or evict problem tenants rather than go through the lengthy and expensive processes that currently exist through the Residential Tenancy Tribunal.

Mr KNOWLES (Moorebank—Minister for Urban Affairs and Planning, and Minister for Housing) [5.35 p.m.]: I thank the honourable member for Canterbury for bringing this matter to my attention in advance. I join with him in expressing my concern on behalf of his constituents about the behaviour of this person. It is true that since the deinstitutionalisation programs in many ways the Department of Housing has become the new institution for those people in need of community support. The circumstances outlined by the honourable member for Canterbury can be repeated in many areas around the State. The problems will be investigated to try to find a solution to this case. However, I make the observation that the Department of Housing has unreasonably become regarded as the landlord of last resort by those organisations, including the Residential Tenancy Tribunal, which oversee issues associated with tenancy matters.

I propose that one of the solutions should be a more broad-ranging review of the rules and requirements when matters are brought before the Residential Tenancies Tribunal. However, most importantly—and I take the opportunity to say this without being unduly political or nasty—quite clearly this is an example of where a $200 million cut to public housing funding nationally is having a devastating impact on the ability of all States and Territories, not just New South Wales, to manage these problems. I make the point that whoever is responsible for managing public housing in any State or Territory in this country has these problems. The ability to find solutions, to relocate tenants who have psychiatric illnesses or other problems, is made more difficult by the inability to provide appropriate accommodation to suit their needs and to give some relief to adjacent tenants.

DALMAR ESTATE DEVELOPMENT

Mr TINK (Eastwood) [5.37 p.m.]: I raise a matter on behalf of Cliff Walton of Valley Road, Eastwood, and the Terrys Creek Flood Committee relating to a proposed development on the Dalmar estate by Mirvac of a $50 million housing project comprising as many as 200 homes. I do not wish to go into the pros and cons of that development except in respect to flooding. In the past few years there have been a number of very serious floods in Eastwood that I have witnessed and believed to be a threat to life—a flood is certainly a threat to public safety. Floods rise in the watercourse partly controlled upstream of Terrys Creek by Parramatta City Council, then under the control of the Water Board through a central brick watercourse, and controlled downstream by Ryde City Council. On Good Friday, 10 April, rainfalls in the Eastwood area were by no means heavy compared to some of the devastating falls in other parts of Sydney. Nevertheless, I inspected the drainage channel and the upstream watercourse. It was running at peak capacity in what I thought was no more than medium to heavy rain.

The concern in relation to the Dalmar development is the run-off that will be caused which will add to the run-off already in the creek. I consider that Parramatta City Council approaches its responsibilities in this regard in a diligent fashion. My plea is that with a development such as the Dalmar estate the council take every care to ensure that the detention ponding and so forth now required by law is up to speed to ensure that there is no flooding, even with worst case scenario flood types such as those experienced in 1984 and 1989. That is one of my prime concerns. I also understand that it is in order in relation to section 94 contributions for developments of this type to be required to contribute to the upgrading of infrastructure that would be affected by the development. Mr Walton has drawn attention to the underpass, the culvert

drainage system under Valley Road, which is a choke point in the Parramatta catchment area and one that has in the past created early and severe flooding in the locality.

It is in order for me to request and push for the council in this instance, with a development of the type of Dalmar estate, to make sure that a contribution is made that will assist in the opening and expansion of the culvert so that in extreme conditions, which may not yet have been experienced, there will be extra capacity to allow in the worst case scenario for the run-off from the development to be accommodated downstream. I am very grateful that the Minister for Urban Affairs and Planning, and Minister for Housing has given of his valuable time to be in the Chamber to respond to my statement this evening.

I draw his attention to a catchment management study of the Water Board of June 1991 entitled "Terry's Creek SWC No. 91". The study makes the point that the Dalmar property, which was developed in the mid-1980s before the requirement for detention ponding, has placed a great deal of strain on the local catchment. Of course, since 1988, when the law changed, Parramatta City Council has taken a number of steps to ensure that detention ponding was in place for further developments on the Dalmar estate. I am asking that it do so again. Given the very narrow capacity for error now and the overall development of the catchment, in this instance the council should pursue that course with particular vigour, with special attention to the section 94 levy. The report makes it clear that the five-year average recurrence interval, which I understand to be the relevant yardstick, is not being met in this catchment. That is a matter of great concern and is an indication of the seriousness of the real problem being faced in this area.

Finally, I draw several options in the report to the Minister's attention and ask him to consider them. Obviously, those options require the investment of considerable resources. One option, relating to the development of a basin storage area in the Austral Brickworks pit in Midson Road, I believe should be looked at closely, given the ongoing flooding problems in the area—noticed as recently as the Easter break—and the need to be cost effective. I reiterate my appreciation of the Minister taking time to respond to my statement, which is not meant to be a criticism of Parramatta City Council or of the development. I have simply flagged an issue which is a very real problem to Mr Walton, to me and to others. I hope that the steps necessary to allay and remedy the problem can be taken. [*Time expired*.]

Mr KNOWLES (Moorebank—Minister for Urban Affairs and Planning, and Minister for Housing) [5.42 p.m.]: I thank the honourable member for Eastwood for bringing this issue to my attention. The rainfall on the Thursday before Easter and Good Friday was some of the most extreme experienced in Sydney in some time. In some parts of Sydney it reached the one-in-100-year flood limit upon which many of our systems, including our drainage systems, are designed. As a consequence of that, many of our systems were put under extreme stress. In relation to the Dalmar estate, I join with the honourable member for Eastwood in expressing my expectation that Parramatta City Council, as the authority responsible, would conduct the assessment of the proposed development in a way that would have the development approved, assuming an approval does issue, ensuring that the impact of downstream urban run-off or flooding impact is contained within those provisions which are clearly specified by way of both legislation and council codes.

As the honourable member for Eastwood spelt out, that relates to the development of appropriate and proper detention systems, including detention bases, to provide for the safety of downstream occupants and residents in the event of a flood or run-off such as we had over the Easter weekend. I am interested in pursuing the other issues raised by the honourable member in relation to the Sydney Water document on Terrys Creek. I am particularly interested in the potential of using the Midson Road brick pit. The Government now has a $60 million stormwater program, the first ever of its kind, to allow innovative ideas to deal with drainage and stormwater problems. Parramatta City Council is certainly at liberty to make application for funding to develop creative opportunities to solve these problems for its community, and I encourage it to do so. [*Time expired*.]

ASSAULT ON Ms CATHRYN PODESTA

Mr LYNCH (Liverpool) [5.44 p.m.]: I draw to the attention of the House a matter of considerable concern to a number of my constituents—a matter that is, in the minds of two of my constituents, one of life and death. The two constituents to whom I refer are Cathryn Podesta and Dean Ferrett, who live together with their two children in Webster Road, Lurnea. On the evening of 11 March Ms Podesta was at home with her son watching television. Mr Ferrett had gone out to purchase some food. What followed next is the subject of some factual dispute. I make it clear that the version of events I shall now relate is based upon what I have been told by Ms Podesta and Mr Ferrett.

People across the road from the Podesta-Ferrett home directed a stream of abuse, much of it foul, at Ms Podesta and in particular at her 10-year-old son. Two men in particular in that group Ms Podesta knew well because they had grown up in the area. I shall refer to those two men as Joe and Charlie. They are brothers, but I shall not mention their surname because I have not heard their version of the events. As I have said, I am reliant upon what I have been told by Ms Podesta and Mr Ferrett. Joe and Charlie came onto the Podesta-Ferrett property and proceeded to assault Ms Podesta. Subsequent to the assault the family doctor told Ms Podesta that she was lucky to be alive. One brother punched her on the side of the head, knocking her to the ground. She was then kicked many times whilst she was on the ground. She sustained severe bruising to various parts of her body, in particular, to her breasts, buttocks and head.

She also sustained lacerations to her arms. My personal observations of Mrs Podesta are that she is physically no match for these two men, who are in their late twenties or early thirties. Whilst she was on the ground she was lucky that the various kicks did not land on her temple. After the vicious attack in Ms Podesta's front yard was finished, the two men left. Ms Podesta, not surprisingly, was taken to Liverpool hospital by ambulance. Whilst there were no broken bones from the assault there are other sequelae, not the least of which is an apprehension of what is to come.

Mr Ferrett subsequently arrived home after which Joe and Charlie and six of their friends came back and moved to the Podesta-Ferrett house in what Ferrett quite reasonably thought was a threatening manner. They said to Mr Ferrett that they were there to "finish the fight". If by that they meant that the "fight" had started with their vicious attack on a defenceless Ms Podesta they have a fairly strange view of what a fight may be. In any event Mr Ferrett then grabbed a wooden stick to defend himself.

At that stage one of the group said, "Blow him away!" Mr Ferrett then noticed that one of the group had produced a pistol. Mr Ferrett believes it was a .38 police revolver. Talk was heard by Mr Ferrett of one of the group getting a shotgun, immediately after which Mr Ferrett observed one of the group leaving, presumably to obtain a shotgun. Mr Ferrett quite sensibly decided that discretion was the better part of valour at that stage and, in his own words, he "backed off". At this stage no charges have been laid in relation to this incident. I ask the Minister for Police to refer these facts to the relevant authorities with a view to determining whether charges can be laid.

The vast bulk of the population of my electorate are law-abiding citizens and would be as appalled as I am by a vicious lopsided attack by two men upon a woman, with a pistol being produced in a suburban street. Lurnea is not a suburb that tolerates that sort of behaviour, notwithstanding what some tabloid paper might try to make out of these events. It is interesting that clear identification evidence can be given against Joe and Charlie. Their surname is well known to Ms Podesta. Granted that such clear identification evidence exists, my constituents are particularly keen to have charges laid.

If it is claimed that it was not Joe and Charlie who were responsible for these events, presumably a court should determine the matter. If conflicting evidence exists I would have thought that the appropriate way to deal with it would be to have it decided before a tribunal. Another relevant point is that Ms Podesta and Mr Ferrett have been resolutely determined to have charges laid. Their behaviour is not consistent with any action on their part having contributed to the situation. When the incident occurred they foolishly listened to advice of one of their neighbours, who directed them, incredibly, to the office of a local Federal member of Parliament. That office then quite stupidly referred Ms Podesta and Mr Ferrett to a State member of Parliament outside of Liverpool. Not surprisingly that referral did not finalise the issue.

Mr Fraser: Why didn't they go to the police?

Mr LYNCH: They had been to the police and that is why the matter has come to me. My constituents are concerned for their own safety. They are also concerned about why the matter has not progressed further. They believe that a member of the New South Wales Police Service used to rent premises from the mother of Joe and Charlie, who have suggested they know people who are important in preventing any further action being taken. [*Time expired.*]

WINGHAM HIGH SCHOOL LAND PURCHASE

Mr OAKESHOTT (Port Macquarie) [5.49 p.m.]: I wish to speak about the future of agricultural learning at Wingham High School. Wingham is a community in the Manning Valley which can proudly boast a heritage steeped in the traditions of timber, beef and dairy farming. At a

time when many men and women of the land are turning their backs on the hardships of farming life, the community of Wingham is continuing the tradition by keeping farming alive and well in the face of many obstacles. Wingham High School, like a number of high schools throughout New South Wales, offers to students a course of agricultural studies.

The school's agricultural land has been expanded from 1½ hectares prior to 1990 to 15 hectares with the purchase of an additional 13½ hectares site, which is part of an old dairy farm. The land has allowed students and teachers to dramatically improve the farm by demolishing a derelict hayshed, filling a dangerous silage pit, removing broken concrete troughs, removing blackberry and lantana bushes, installing mains power and a bore for irrigation, improving pasture in some paddocks, planting five hectares of lucerne for hay, planting a citrus orchard, fencing the entire property, installing cattle yards and developing a breeding herd that now exceeds 50 cows.

The problem the school now faces is the purchase of another three hectares adjoining the school farm which has come onto the market. The school offers agricultural studies to students in years 8, 9, 10 and 11. The students assist in the running and management of the farm as a commercial venture. It is now producing an income of approximately $30,000 per year which is being used to help finance the farm. It will also be used in the future for the provision of other educational programs. I therefore appeal to the Minister for Education and Training to support the school's application for assistance to buy the property. The asking price of the land is $50,000, but the good word is that it is possible to negotiate a lower price. The three-hectare site adjoining the current school farm is of significant agricultural value to the community.

The number of students who have continued their agricultural studies after attending Wingham High School has been impressive. Wingham High School is the only school in the Manning Valley offering agricultural studies for the higher school certificate. Since 1990, 22 students have gone on to attend the Tocal Agricultural College at Maitland, with a further 150 students finding employment in rural industries. The number of students studying agriculture has increased annually during the last six years—so much so that one-third of all students attending Wingham High School are now involved with the program. They are responsible for the day-to-day running of the farm. They learn about cattle management, irrigation of crops, planting and maintaining crops, hay making, tractor maintenance and safety, breeding programs, grooming and presentation of animals for show and veterinary procedures.

The experience the students have derived from the agricultural studies course has proved successful during recent years, with many outstanding results having been achieved in shows around the State. These include champion lead steers at Wingham Beef Week every year since 1990, class winners in Sydney in 1994, 1995, 1996 and 1997 in both the hoof and hook divisions, the 1995 Heavyweight Schools Champion at the Sydney Royal Easter Show, as well as class winner at the Brisbane Royal Show last year. The enthusiasm and support for what the school is doing does not stop with the students and teachers; the community of Wingham is also behind the school.

Parents, beef and dairy cattle producers, local produce companies, the veterinary clinic, the cattlemen's union, the Pastures Protection Board and local livestock carriers have all donated time and expertise to the school and the students to help them achieve their great results. The lessons learned do not stop on the farm. The students are also involved in a local landcare group as part of the total catchment strategy for the Manning River. The students, together with teachers and community members, have planted hundreds of trees along the river bank to help stabilise the bank and to prevent erosion. These practices and lessons learned by future farmers are desperately needed on farms throughout Australia to help stop land degradation and improve water quality.

The program not only helps students to learn about farming life. It also teaches them the importance of looking after the environment. People are often told they have to help themselves. Wingham High School deserves to be acknowledged and rewarded for doing just that. It is getting the results which will enable the tradition of farming to continue in the Manning Valley. At a time when smaller farms are being swallowed up and the farming sector continues to lose employees, these lessons are invaluable. I again call on the Minister for Education and Training, who controls an education budget of $5.6 billion, to consider spending approximately $40,000 on this three-hectare site to allow agricultural studies at Wingham High School to be expanded.

ANZAC DAY

Mr NAGLE (Auburn) [5.54 p.m.]: Anzac Day has now passed. I went to the dawn service this

year, as I have for the last 20 years, being a member of the sub-branch. It is amazing how the few become fewer. At each dawn service and each service I attend at the Auburn Returned Services League Club, the Auburn Bowling Club and the Regents Park Bowling Club the number of old diggers is decreasing. Captain Duffy was a captain in the 2/30 battalion in Malaya. In fact, he was my uncle's commanding officer. The manner in which Captain Duffy was released from Changi was expressed in these words:

> There was not much that was left to him, his manhood, humanity and dignity had been stripped away. In those years of captivity, all the misery and agony he had endured and the only day of happiness in three and a half years was the day they released him. Many years previous he should have been rescued and they expected him to be thankful.

That can be related to the theme of Anzac, which states:

> On this day above all days we recall those who, in the great tragedy of war gave their lives for Australia and for the freedom of Mankind, who still sleep amid the ridges of Gallipoli and the terraced hills of Palestine, in the lovely cemeteries of France or the shimmering haze of the Libyan Desert, amid the mountains and olive groves of Greece and the Middle East, and in the jungles of Malaya . . .

On 14 January 1942 in the jungles of Malaya at a place called Gamez Australian soldiers of the 2/30 engaged the Japanese in an ambush. Approximately 800 Japanese came across the Gamez bridge and were ambushed by the 2/30. My uncle was the first Australian soldier to give his life in that engagement. My aunt never knew how her husband died until she received a letter from Captain Duffy which was written in April 1946. After Captain Duffy had been told that my uncle, Athol Nagle, had been shot through the neck, he moved across to where Athol's body lay, looked at him, and wrote:

> I must confess that I was quite stunned as I sat beside him there and held him in my arms—the light was not good as it was only about three/quarters hour to darkness and the lightness in the enclosed jungle was feeble at the best of times. To describe my sensations at the time is somewhat difficult as I found it hard to believe that Athol had left us. Hard to believe that it was Athol—for not only was it my first casualty but I always regarded Athol as a close personal friend and thought a great deal of him and was in fact was very fond of my quiet loyal orderly room sergeant.

The letter then described the sensation he felt after he took Athol's dog tags, rifle, and pay book and crossed his arms and walked away. He looked back at Athol and, as he wrote in the letter:

> He looked as if he was sleeping peacefully, yet a sleep so profound.

It was not until April 1946 that Maisie Nagle first knew how her husband had died. They had three daughters, my cousins, and when Athol left in 1941 to go to Malaya he did not know that his wife was pregnant, as she had failed to tell him. He was due to return to Australia on 14 December 1941. Unfortunately, Japan attacked Pearl Harbour on 7 December and Malaya, England and Australia were at war. For 42 years from 1950 to 1992 I never saw my cousins, until the honourable member for Bathurst brought to my attention a death notice relating to the stepdaughter of Maisie Roberts. From that I was able to track down one cousin, and we all got together again.

They are the tragedies of war. When I go to memorial services and functions at the Lidcombe, Auburn, Bass Hill and Chester Hill RSL clubs and see people like Ted Hedges, Ray Cross, Dave Eagleson and the women from the women's auxiliaries of those clubs, I realise that the few are getting fewer. It is a tragedy that Australians owe so much to so few of the Australian soldiers who gave not only their lives but their youth to fight for their country. The important words are:

> The tumult and the shouting dies
> The Captains and the Kings depart
> Still stands thine ancient sacrifice
> A humble and contrite heart.
> Lord God of Hosts, be with us yet
> Lest we forget. Lest we forget.

Lest we forget.

ANZAC DAY HONOUR GUARD FIREARMS

Dr KERNOHAN (Camden) [5.59 p.m.]: Yesterday I attended a service at St Stephen's Church to honour victims of violence and to commemorate the second anniversary of the Port Arthur massacre. Last weekend I attended five services to honour the victims and survivors of the greatest violence that has occurred this century—war. At my first Anzac service this year I saw other victims, people affected by the Port Arthur massacre, in the general community. They were members of the Australian Cadet Corps who could not participate in the service with full military tradition and those ex-servicemen and women present to whom such honour was due. Traditionally, on Anzac Day a war memorial or cenotaph is flanked by a special catafalque party which performs a precise rifle drill to honour and guard the symbol of those who died in battle.

At Picton the catafalque party was mounted by the local army cadet unit, which stood empty

handed, their heads bowed, arms hanging full length with hands crossed in front of them—a position that is difficult to maintain for an extended period. I felt sorry for the cadets. I asked why they were empty handed and was told it was too difficult for them to obtain the four drill-purpose rifles necessary for the ceremonial drill. On investigation I discovered that drill-purpose rifles have certain parts welded to classify them innocuous and are further treated by armourers who put lead in the barrel so the rifles cannot be reconverted to fire. The *Macquarie Dictionary* defines "weapon" as "any instrument for use in attack or defence in combat, fighting, or war, as a sword, rifle, cannon, etc." The ceremonial swords constantly used in military parades could cause as much damage or more in battle than drill-purpose rifles, yet their use and storage are neither controlled nor curtailed.

After the Port Arthur massacre a directive from Canberra ordered all cadet units to hand in their drill-purpose rifles, including those not belonging to the Commonwealth. Chevalier College owned 84 such rifles, and Camden Air Training Corps owned 20 rifles. Moreover, the latter was forced to relinquish its rifles even though they were stored in an armoury at St Marys. Currently, there are 500 drill-purpose self-loading rifles stored at the defence national storage and distribution centre, at Moorebank, for use by army cadet units. However, the army classifies them as weapons and if they leave the depot they have to be transported in Commonwealth vehicles with the firing mechanisms in one vehicle and rifle bodies in the other, with a permanent soldier of the rank of corporal or higher as an escort. I wonder why firing mechanisms are necessary for catafalque duty.

Under the New South Wales gun laws any citizen with an appropriate licence can store lethal high-powered rifles in a properly constructed locked cabinet at home. Why cannot a commanding officer or an officer of a cadet unit similarly store and be responsible for four drill-purpose rifles that cannot be made to fire a shot? Cadets could then have rifles on Anzac Day and would have been properly trained and practised in their handling for the ceremonial catafalque drill. I call on the Minister for Police, when firearms are next discussed at national level, to raise this matter with the armed services so that victims of war can be honoured with the traditional military ceremony that is their right and due, just as yesterday the civilian Port Arthur victims were honoured with a traditional church service with its necessary ceremony and accoutrements.

WATERFRONT REFORM

Mr HARRISON (Kiama) [6.04 p.m.]: I speak today about the topical subject of waterfront reform. When I joined the waterfront industry in 1955 there were 27,500 waterside workers working around the Australian coast. Today there are 3,500. The throughput in the intervening period has increased at least twenty-fold, and that amounts to waterfront reform. That reform had been occurring by natural processes, and it will continue. Mr Reith and his co-conspirators regard waterfront reform as the sacking of unionists, deunionising the industry and introducing scabbery. I refer to the Drewry report, which was publicised in the *Sun-Herald* on 26 April. Before those opposite have a chance to take a point of order I vouch for the authenticity of the article, which stated:

> Australian wharfies have almost reached global benchmarks for the movement of cargo containers, according to a new international report.
>
> Local stevedoring companies averaged 18.5 container movements an hour, the report by the London-based Drewry Stevedoring Consultants said.
>
> One of the world's foremost shipping consultancies, Drewry said the international benchmark for Australian ports was 19.1 containers an hour because an average of 40 per cent of a ship's cargo was loaded or unloaded—the exchange rate—each time it docked.

That is an accurate explanation of the situation in Australia. One cannot compare the port of Sydney to the port of Singapore. That is like comparing apples to oranges. Sydney is a relatively small port compared with Singapore and because it does not empty everything out or take on full loads it becomes necessary to move cargo. One of the most prestigious firms in the world has said that the discharge rate in Australian ports is comparable with other ports around the world. The Howard-Reith idea of waterfront reform is to sack union workers and replace them with scabs. I make no apology for that statement.

The course adopted by the National Farmers Federation has the distinct danger of eventually resulting—and I hope this does not happen—in a ban being placed on Australian primary products by other countries, especially the United States and Europe. Overseas markets cannot be turned on and off. If American longshoremen imposed a ban on the unloading of primary products from Australia all farmers in America would throw their stetsons in the air and cheer because they do not want to compete with imported primary products.

The use of savage dogs and balaclava-clad thugs, and the reported use of chemical sprays against unionists by the NFF means that it is running the risk of being described as a Neo-Fascist Front. I do not make the same remark about

farmers, who are the backbone of this country. Most farmers are the salt of the earth. I appeal to the farmers to get rid of the thugs and fascists who are acting as their spokesmen. If the NFF wants to demonstrate, it should do so outside the Parliament in Canberra, because the Federal Government is causing all the problems—not this Government. Journalists and current affairs commentators who have chosen a particular path should think about their future.

Honourable members should remember the whipping at Wapping handed out by Rupert Murdoch when he sacked all his printing staff and most of his journalists. Those who managed to return to his employ did so in the most humbling circumstances. No-one likes scabs. Employers use scabs but privately despise them. The name "scab" never wears out. I respect the forms of the House but on this occasion my message to Reith, Corrigan and their co-conspirators is printed on this T-shirt which I now hold up and which I am proud to wear whenever I am on the picket line. My message to them is: MUA here to stay. [*Time expired.*]

Motion by Mr E. T. Page agreed to:

That standing and sessional orders be suspended to extend private members' statements to permit a further statement from the member for Bligh.

BLIGH ELECTORATE CRIME

Ms MOORE (Bligh) [6.09 p.m.]: I raise an extremely important matter to the electorate of Bligh. Over the past 6 months I have held a series of community meetings with residents in my electorate to discuss their concerns about crime and safety issues. Everywhere I go the story is the same: drug dealing, assault and antisocial behaviour on the streets in the Bligh electorate is worse than it has ever been. In October last year I held a meeting with about 60 residents and business owners at Kinselas to discuss policing around Oxford Street and Taylor Square. They welcomed the increased police presence at that time. Since then, however, that presence has decreased and the problems have worsened as violent attacks on Oxford Street increase.

I shall tell some real stories about what is happening in my electorate. In March a Paddington resident was whacked across the back with a piece of plumbing pipe by a gang of thugs passing in a car, knocking him into oncoming traffic. The incident occurred directly outside my office in Oxford Street. The resident chased the car to Taylor Square, looking in vain for uniform police to assist him. Outside Cafe 191 he was beaten up by the same thugs. He had to have surgery to his face, and he has lost his job because of time spent off sick recovering from the attack. The police have been unable to make an arrest.

Last week another man and his friend were bashed in a homophobic attack on Oxford Street. Although one of the victims rang for assistance on his mobile telephone at the time of the attack, which occurred around the corner from the police station, police were unable to locate him and provide assistance. He is now seeing a psychiatrist to help him deal with the trauma of the attack and the real possibility that he could have been killed. Many residents have complained to me about prostitutes illegally soliciting in the residential area in Forbes Street, Darlinghurst, and surrounding areas. Residents are tired of the intimidation and threats and of the voyeurs who cruise up and down their streets at all hours of the night. Police are getting nowhere as they have fewer resources to enforce the law relating to soliciting in residential areas and in view of public buildings.

Two community meetings I held in Kings Cross in December and March were attended by well over 100 residents and business people who were angry and frustrated about the overt drug dealing and antisocial behaviour they were experiencing in the area. They told local police what the police already knew—that drug crime in Kings Cross is out of control and residents live in fear of walking down their local streets because of begging, threats and intimidation by scores of intoxicated or out-of-it drug users and drunks. I know that policing resources are stretched to the limit in the high crime areas of the Kings Cross and Surry Hills patrols and that police are doing their utmost to deal with the problems, but the cracks are showing. Business owners in Taylor Square and Roslyn Street are despairing and moving out of Sydney. Residents are being worn down by daily encounters with human degradation and intimidation.

Last year Woolloomooloo was well served by police efforts to crack down on juveniles vandalising and breaking into cars and threatening residents. It seemed that the situation was under control with the increased police presence but that has fallen off as a result of increased pressures. Only last week I attended a meeting of angry business owners who say that the situation is desperate again. I call on the Minister for Police to address these problems. I know that the prime problems in the Bligh electorate are linked to social, addiction and housing issues and are symptoms of the immense social pressures on the disadvantaged who live in the inner city, and that police are doing their best under extremely difficult circumstances.

Tonight I call on the Minister for Police to respond to the overwhelming crime problems we face in the Bligh electorate. I ask him to provide an adequate uniform police presence on the beat to supplement current covert police operations. Citizens in the most densely populated area of the State are becoming desperate. What use are surveillance cameras in George Street to Darlinghurst residents who are being bashed 15 minutes walk away in Oxford Street? What use are crackdowns on drug-dealing in Cabramatta and Fairfield to the drug problem in Kings Cross? If anything, these operations are worsening our problems in the inner city through displacement. The Minister should not only quote statistics and announce new operations. My constituents want long-term solutions; they want to feel safer on the streets. I call on the Minister to give them the increased uniform police presence that they desperately need. Having served the Bligh electorate for 10 years, I know that the situation is out of control when constituents start calling my office every day about the problem on the streets, and I ask the Minister to act urgently. [*Time expired.*]

Private members' statements noted.

[*Mr Acting-Speaker (Mr Mills) left the chair at 6.14 p.m. The House resumed at 7.30 p.m.*]

BUSINESS OF THE HOUSE

Suspension of Standing and Sessional Orders

Motion by Mr Whelan agreed to:

That standing and sessional orders be suspended to allow:

(1) Notice of Motion (General Business) No. 119 standing in the name of the member for Gladesville concerning the anniversary of the Armenian genocide to be moved forthwith; and

(2) the mover and one Opposition speaker to speak for a maximum of 10 minutes each prior to the question being put.

ARMENIAN GENOCIDE COMMEMORATION

Mr WATKINS (Gladesville) [7.32 p.m.]: I move:

That this House:

(1) recognises the first anniversary of the passing of the historic motion by the Legislative Assembly condemning the Armenian genocide of 1915;

(2) now requests the Presiding Officers to accept from the Armenian community a permanent commemorative display to be placed within the parliamentary precincts in such a manner as the Presiding Officers jointly determine; and

(3) sends a message to the Legislative Council requesting it to pass a similar motion.

On 17 April 1997 this Parliament passed an historic motion condemning the Armenian genocide of 1915. That motion to mark the eighty-second anniversary of the genocide was an important step in increasing acknowledgment of that evil act. It was a sacred step in the commemoration of the 1.5 million men, women and children who perished in that genocide. It is important that we take the opportunity on this first anniversary of that historic motion to again mark the 24 April commemoration. This motion seeks to mark that commemoration by calling for a permanent memorial to be erected in the parliamentary precincts. This opportunity should be used to again make clear the reality of the Armenian genocide.

The Armenian genocide, the first of this most violent century, had its beginning in the latter part of the nineteenth century when pogroms by the Ottoman regime against the Armenians began. It was not until April 1915, under cover of the international conflict of World War I, that the terrifying reality of the start of a full-scale campaign to exterminate the Armenian people was reached. It began on 24 April with the arrest and murder of over 200 political, religious and cultural leaders. The campaign then moved on to the ordinary Armenian men, women and children throughout the Ottoman empire.

Within the next few years approximately 1.5 million of a population of 2.5 million Armenian people were put to death. Many were executed in their homes across the Ottoman empire, many were forced on death marches into the deserts of Syria, and many others were sent to detention camps where they were worked to death. The Armenian people were caught in a firestorm of death and dislocation for no other reason than their race. A mass of displaced survivors, traumatised and grief-stricken, were then forced to flee their ancestral lands in a desperate flight from the horror of Turkish destruction. Those 500,000 or so survivors fled in a diaspora that took them to every nation open to them.

It was to Australia's merit and its long-term benefit that many thousands made their way to its shores. Today more than 35,000 Australians of Armenian descent live in our communities. They include survivors and the children of survivors of that genocide. It is important that we take the opportunity in this place to again acknowledge this

terrible reality, especially since the perpetrators of the genocide, the Ottoman empire and subsequent Turkish governments, have never acknowledged the reality of the genocide. This denial stands in the face of official and eyewitness accounts.

For too long outside the Armenian community it was a forgotten tragedy. However, the Armenian people have never forgotten. How could they? They have fought to insist upon acknowledgment of this crime against their people, their land and culture. In recent years that struggle for recognition has been successful. Now throughout the world, but importantly here at Macquarie University in the Centre for Genocide Studies, important work is being undertaken in research to reveal to modern Australia the tragic reality of the Armenian genocide. Last year in the debate I said it was a sombre and sacred duty to speak. It remains such a duty. I said also:

> The victims and their descendants are custodians of the tragedy they experienced. In remembering the tragedy they remind us all that acts of genocide must not happen again. Their sacred act of remembrance must touch us all. The memories they cherish should become part of our memory.

Some people may ask why it is appropriate that the New South Wales Parliament commemorate the Armenian genocide. The Premier answered that question in his speech supporting the 1997 motion. He said it was appropriate to commemorate it and further said:

> First, because it was the first known genocide of the twentieth century. This century will be seen as a tragic one, in which crimes against humanity dwarf all except, perhaps, those of ancient times. The first great genocide of this century was that which befell the Armenian people. Second, it is appropriate that the Parliament carry this motion because the Armenian community is part of the Australian community. Armenians in Australia understand that we welcome them to our shores as part of one of the world's unique cultures, and they wear their Australian citizenship with pride.
>
> That is what we mean by our multiculturalism. They are the reasons why it is appropriate for the Parliament to weigh the implications of this motion and endorse it with the support of all members.

He said further:

> We stand alongside representatives of the Armenian people in our State in saying that the world must acknowledge this tragedy that we commemorate today.

The motion, passed 12 months ago, called on this Parliament to honour the victims, condemn the genocide, recognise the need to remember and learn, condemn attempts to distort the historical truth, and designate 24 April as a day of remembrance in New South Wales. This motion to mark the genocide by a permanent commemorative display within the precincts of Parliament House is a natural development of that historic motion.

When that permanent reminder comes to fruition it will become a special place for the Armenian people of New South Wales. It will be a public statement to all visitors to Parliament House of the reality of the genocide and the importance with which the New South Wales Parliament holds the commemoration. The Premier said he hoped it would be instrumental in a growing awareness of the Armenian experience, that it would be a place to make New South Wales citizens stop, learn and think about the tragedy of the genocide. He hoped that the words of the 1997 New South Wales Parliament resolution could be inscribed on that commemorative plaque.

I am sure a permanent memorial will be supported by both Houses of Parliament. Its detail will grow from the whole Armenian community. I am pleased that the Premier has asked me to assist in overseeing the project and to particularly ensure that the Armenian community is involved. Last year's motion called on the Federal Government to condemn the Armenian genocide. At that time I urged the Federal Government to take that course and reminded it that it would not be standing alone. The European Parliament in 1987, the Duma of the Russian Parliament in 1994, the Canadian Parliament in 1996 and in the past few months the Belgian Senate, the Argentine Senate and the California State Assembly all condemned the Armenian genocide. The time is right for the Australian Parliament to do the same.

In early April this year the United Nations Human Rights Council unanimously approved a resolution that was introduced to mark the fiftieth anniversary of the United Nations Convention of Genocide Prevention and Punishment. That resolution was introduced by the Armenian delegation, and called on all countries to more actively work towards realisation of the convention's provisions. Importantly, Australia was a co-sponsor of that resolution.

The tide of international attention is flowing in favour of recognition of the reality of the Armenian genocide. The New South Wales Parliament, the oldest in Australia, is rightfully in the forefront of that change. It is an honour for me to speak to the motion establishing the Armenian commemorative display in the precinct of the New South Wales Parliament. The display that is being proposed today will probably involve the erection of an Armenian Khatchkar and a plaque upon which will be

inscribed the full text of the Armenian Genocide Commemorative motion unanimously passed by the New South Wales Parliament in April last year.

The erection of that display within the precinct of the New South Wales Parliament building will serve as a lasting commemorative display of the motion of the Legislative Assembly. It will bring to the attention of all people who visit Parliament House the tragedy of the Armenian genocide. It will serve as a symbol of the resilience, courage and spirit of the Armenian people. Finally, it will serve as a permanent reminder of this House's determination to play its part in recording for all time the feelings of the people of New South Wales by placing on record its wish to rid the world of the horror of genocide. I would like to conclude by acknowledging leaders of the Armenian community in the gallery tonight. It is a great pleasure that they have been able to join us for this historic occasion. I commend the motion to the House and I look forward to the bipartisan approach that I am sure will be taken by the Leader of the Opposition.

Mr COLLINS (Willoughby—Leader of the Opposition) [7.41 p.m.]: As the mover of the motion to which the honourable member for Gladesville referred, the motion that was unanimously supported by this House last year, I am again delighted to support the Armenian cause. I am also pleased to support this motion that comes so soon after the 1998 commemoration of the Armenian genocide which, together with members of the Armenian National Committee who are in the gallery, I shared last Friday night. A number of members of this House, including the honourable member who has just spoken, were also in attendance. I am personally proud that I moved that motion one year ago. It is fair to say that it is the only motion that I can recall this Parliament having carried in either House which is to be commemorated in this way.

That unique privilege, which is bestowed by this motion, says a great deal, not merely for the Armenian people but also for this Parliament's abhorrence of genocide and our recognition that genocide must be extinguished as a form of human behaviour. It is intolerable whenever, wherever and to whomever it occurs. The theme of the speech I made one year ago was that history can perhaps be denied but that history can never be forgotten. To recap on that history: we recognise again tonight in this motion that it commemorates an extraordinary coincidence in the lives of Australians and a distant and distinguished and ancient nation, Armenia. Our two cultures were thrown together on 24 and 25 April, 1915, because, as the allied fleet nearing Anzac Cove moved into position, on that very night the round-up began of Armenian community leaders—political, cultural, business, professional and religious leaders—and a nightmare began for the Armenian people.

That nightmare can only be extinguished by a recognition by the world of what happened to the Armenian people; and in particular a recognition by the Government of Turkey about what happened to the Armenian people, commencing on 24 April 1915, which resulted in the loss of 1.5 million Armenian lives. Tonight this House is making a commitment, an historic commitment, something which has never happened in my experience in this Parliament. In my 16 years no resolution of the Parliament has been remembered, enshrined if you like, in this way. We are reminding ourselves, each other and the community that our collective memory of the Armenian genocide will not dim with the passage of time. In the year that has passed since my resolution was so generously supported by members on both sides of the House and carried unanimously, we have kept alive the memory of the 1.5 million Armenians who died during the genocide.

We remembered it as we heard wonderful news about another landmark motion passed through the Belgian Parliament recently. We remembered it together last week in the genocide commemoration held in my own electorate, which is really the home of the Armenian community in New South Wales, the landing point for many Armenian families who have moved out into surrounding electorates during the past two or three decades. I am proud to say that both Government and Opposition members will remember it together as we keep the memory alive with the permanent plaque in this Parliament. It is fitting that such a memorial should exist here in the mother of Australian parliaments, in the ceremonial meeting place of the people of this State, as a reminder to the many visitors who will pass through this building this year.

To once again put it into perspective: we all know that Sydney is the greatest city in Australia and has been recognised over the past two years as the most desirable place on earth to visit. To recognise the Armenian people in this Parliament is, may I say, more significant because of the number of people who will visit this Parliament—more, perhaps, than any other in the land. It will be a permanent reminder to school groups and to citizens of this State who come to see their Parliament at work. Importantly, it will be a reminder to all of us who discharge our duties in this place each day that Parliament sits; and those of us who make the laws which govern the State and its people. In this

Parliament the leaders of this State meet to transact the daily business of law-making. In this Parliament meet the political, cultural, business, professional and religious leaders of our society—the same sorts of leaders who were the first to die at the hands of the Ottoman Government in Constantinople back on that day in April 1915.

It is something with which we as politicians should all identify, but, more importantly, more universally, as human beings. It is therefore right that this Parliament be a focal point in our memorial to the victims of this genocide and, indeed, every genocide. As we remember and revere the past, it is right that we also pay tribute to the Armenian community here in Australia today, the 30,000 to 35,000 people from 20 countries around the world who joined together in our land to commence a new life. For more than 30 years the Armenian community has shaped the vibrant, cosmopolitan culture which we are proud to say characterises Australia.

I am especially proud to say it characterises the electorate of Willoughby, my own electorate. As member for Willoughby for 16 years I have watched the Armenian community grow, prosper, contribute and participate. I have seen so many Armenians arrive here often from war-torn homelands. In Australia they have built new lives and thriving businesses; they have educated community leaders; they have injected fresh talent into the professions; and they have taught us the values which all of us, Australians and Armenian Australians alike, have in common: tolerance, enterprise, opportunity. I commend the motion.

Motion agreed to.

LIQUOR AND REGISTERED CLUBS LEGISLATION AMENDMENT (COMMUNITY PARTNERSHIP) BILL

Suspension of standing orders agreed to.

Bill introduced and read a first time.

Second Reading

Mr FACE (Charlestown—Minister for Gaming and Racing, and Minister Assisting the Premier on Hunter Development) [7.50 p.m.]: I move:

That this bill be now read a second time.

This bill contains amendments to the Registered Clubs Act 1976 and the Liquor Act 1982. The amendments will give effect to the community partnership enhancement package of reforms announced by the Treasurer and me on 20 February this year. The package is the product of an extensive and exhaustive consultative process undertaken by the Government with representatives from both the club and hotel industries over the past several months. The package of reforms will deliver significant tax relief for clubs; greater certainty for both clubs and hotels with the freezing of rates for club and hotel gaming machine duty until 1 February 2001; a co-ordinated and systematic approach to dealing with problem gambling to be developed and funded by the registered clubs themselves—a further major step in the right direction for this State—and potential benefits for the soon to be privatised TAB Limited and smaller hotels, with the granting of an exclusive licence to enable the TAB—either alone or in joint venture with the hotels' peak industry body in this State—to take a proprietary role in both stand-alone and linked gaming machines in hotels, should those individual hotels so choose.

This is a good package for all those concerned—clubs, hotels, TAB Limited, and in particular for the taxpayers of this State. The amendments will provide gaming machine venues with greater flexibility and certainty. They will also ensure that the single largest operator of commercial gambling activities in this State—the club industry—itself puts concrete measures in place to directly and effectively deal with the harmful effects of gambling and promote the responsible service of gambling. As part of the community partnership enhancement package this bill provides for a number of important benefits for clubs, hotels and TAB Limited.

For clubs it will provide tax relief in the form of a reduction in the top rate of tax applicable to profits in excess of $1 million, from the current 30 per cent to 26.25 per cent, with the tax on club gaming machine profits of between $200,000 and $1 million to be reduced from 22.5 per cent to 20 per cent. These changes will be backdated to 1 February 1998. This will provide a significant tax break for the hundreds of medium to large clubs in New South Wales. The tax-free threshold of $100,000—introduced by this Government in 1997—remains, with the tax rate applicable to gaming machine profits over $100,000 but under $200,000 also to remain unchanged at 1 per cent. This will be of significant benefit for those smaller clubs, namely bowling and golf clubs and small ethnic clubs.

For the larger clubs, this community partnership bill also provides for an additional allowance of up to 1.5 per cent of the profit which

exceeds $1 million for amounts spent on approved community support measures. The bill provides that the guidelines for what is to constitute community support expenditure are to be as approved by the Minister in consultation with the Registered Clubs Association. This specifically recognises the valuable role played by registered clubs in their local communities and provides the Government with a more effective method of rewarding clubs for the support they provide to those communities, something I have long advocated. These arrangements will replace the existing welfare expenditure scheme under the Registered Clubs Act.

Appropriate transitional measures will also be put in place to facilitate the continuation of that scheme until the commencement—from 1 February 1998—of the new community support expenditure arrangements. In addition—and in response to concerns expressed by the club movement—the bill also contains amendments allowing clubs which operate from more than one separate and distinct location to treat each premises as a separate entity for duty purposes. This means that clubs operating from more than one site, such as clubs which have amalgamated or intend doing so, will be able to optimise the benefits provided by the tax-free threshold. Once again, this is a measure that has been of some concern to New South Wales clubs for some time.

As I have mentioned, this bill provides clubs with greater commercial certainty by entrenching these duty rates until at least 1 February 2001, with a report on club gaming machine duty rates to be prepared in consultation with the club industry and finalised by 31 January 2001. However, this fixed time frame is conditional upon the publication of an appropriately funded and enforceable problem gambling policy by the Registered Clubs Association. Under an agreement reached with the industry the association will finalise and publish this policy by 31 May this year. The Government considers this to be a vital component of the community partnership package and is determined to ensure that the clubs formulate and introduce the policy on time. Once again that is something that has been proposed by me for some time and also is part of the harm minimisation legislation that will be introduced during this session.

Accordingly, the Government has also decided to include penalties for any delay in the finalisation by the clubs of their problem gambling policy. If the Registered Clubs Association delays the finalisation of the policy, every month's delay, or part thereof, will result in the moving forward by two months of the Government's review of applicable duty rates for clubs. For hotels, very significantly, this bill provides greater flexibility, with the abolition of the requirements preventing hotels from holding more poker machines than approved amusement devices or card machines. This is in response to concerns from hoteliers that card machines are unprofitable and unattractive to their customers in comparison with poker machines.

The amendments provide hotels with maximum flexibility to install any mix of poker or card machines, within the current ceiling of 30 gaming machines overall per hotel. There are no changes to the ceiling of 30 machines contemplated by these amendments to the legislation. However, for those hotels which wish to operate more than 15 poker machines, the Government will conduct a competitive sale process for the right to hold more than 15 poker machines—with 2,300 poker machine permits being made available this year. No further permits will be sold for three years. Hotels also stand to benefit from a freezing of current rates of duty to at least 1 February 2001, with a report on hotel gaming machine duty rates to be prepared in consultation with the hotel industry and finalised by 31 January 2001.

Hotels will therefore benefit from increased certainty and greater flexibility provided for in the amendments contained in this bill. The TAB privatisation legislation passed last year enables TAB Limited, for the first time, to expand its business beyond wagering and into the dynamic gaming industry in this State. Members will be aware that the legislation passed last year provides for the granting of licences to TAB Limited to conduct statewide linked jackpots within registered clubs and hotels, together with a central monitoring system, which will significantly enhance regulatory capabilities over gaming machines in this State. As part of the statewide linked jackpots arrangements, linked jackpot pools in clubs will be authorised under a separate licence from linked jackpot pools in hotels.

This bill extends the potential scope of TAB Limited's gaming business by abolishing the regulatory impediments which currently prevent it from taking on a proprietary role in relation to stand-alone gaming machines in hotels. The effect of the bill will be to allow TAB Limited to enter into agreements with individual hotels—either alone or in joint venture with the New South Wales Australian Hotels Association, and at the complete discretion of those individual venues—to purchase stand-alone or statewide links machines, or to place machines in those premises and share in profits derived from those machines.

In the case of clubs, the Government respects the wish of that industry's representatives at this time that the TAB's role in relation to stand-alone machines not be extended to clubs. However, TAB Limited is authorised to own, supply, and finance—either alone, or in joint venture with the Registered Clubs Association—gaming machines which are connected to the clubs' statewide linked system. This is expected to promote the viability of the statewide links in clubs and also to assist smaller clubs. TAB Ltd will of course be subject to the same regulatory requirements applying to existing gaming licence holders and operators as provided for in the Registered Clubs Act and the Liquor Act. Also, any involvement by TAB Limited in gaming machines in hotels will be subject to the amendments contained in this bill concerning the maximum number of machines and the competitive sale of licences for poker machines in excess of 15 in any one premises.

In addition to the benefits for clubs, hotels and TAB Limited to which I have referred, the bill provides for a number of other amendments raised by clubs and hotels during the consultative process. I will briefly outline some of the most significant of those changes. The bill creates specific offences for gaming machine players in clubs and hotels who dishonestly claim prizes or otherwise cheat when playing on the machines. This will supplement existing offences in this area by bringing the provisions into line with those already in place under the Casino Control Act. Further, at the request of clubs and to overcome building constraints existing in some clubs, amendments will be incorporated to allow minors to pass through—but, I emphasise, not stop in—gaming machine areas of clubs. It will in no way compromise the strict prohibition on people under the age of 18 playing gaming machines. When a minor passes through the gaming area he or she will have to be accompanied by an adult, I wish to make that point plain.

This is a practical amendment, of assistance to smaller clubs, which allows minors, only when in the company of a responsible adult, to walk through areas in which gaming machines may be operating, on their way to other parts of the club. This is a provision that clubs have been seeking for some time. It is not to be construed that the situation will be as for Queensland or Victoria, where minors can remain in the gaming area. The bill also creates a specific regulation-making power in the Registered Clubs Act authorising regulations to prescribe matters associated with minimum levels of payments to directors of registered clubs. Regulations under this new power will be developed in close consultation with the club industry and will also balance the needs and expectations of club members. This is an amendment which will work to ensure that registered clubs are able to attract directors with the necessary experience and ability, and is recognition of the increasingly complex and sophisticated operations of the very large clubs in this State.

The bill provides for all of the necessary and appropriate ancillary, transitional and consequential amendments to put in place the elements of the Government's community partnership enhancement package to which I have referred this evening. As part of this, clubs' accrued entitlements to credits for duty in respect of duty instalments before 30 November 1997 are not affected. This bill provides for an important and balanced package of reforms for registered clubs, hotels and TAB Limited. The package contains a number of commonsense reforms which deliver tax relief for clubs, and increased flexibility and greater certainty for all gaming machine venues. Overall, this partnership is achieved while preserving government revenue derived from gaming machine operations.

Finally, this bill also signals a more rigorous approach for the industry to confront the harmful effects of problem gambling in this State, and to embrace the responsible service and promotion of gambling activities. In this regard, I foreshadow that I will shortly, as I indicated earlier, bring forward to this Parliament an innovative and comprehensive legislative package which will set the scene for upgrading and streamlining regulatory controls over a range of matters relevant to the responsible conduct of gaming and wagering in this State. So much is the interest in this situation that even a commercial television station in Britain recently screened part of what the Government is doing.

This package will build upon an array of measures already in place in more recent gaming and wagering control legislation in New South Wales and will supplement important harm minimisation and patron care measures adopted by a number of individual operators and outlets to date, including many of the clubs which have already, despite the fact that there has been no overall policy, done their best to try to address the problem, accepting the moral responsibility that goes with it. In addition, the package will include balanced and sensible measures relating to the advertising and promotion of gambling activities, problem gambling counselling signage, training in the responsible service of gambling, involvement by minors, access to cash, and other important reforms. Much of the detail of the substantive parts of these new measures will be the subject of full community consultation

during the period. I look forward to speaking further about them soon. I commend the bill to the House.

Debate adjourned on motion by Mr MacCarthy.

INDUSTRIAL RELATIONS AMENDMENT (UNFAIR CONTRACTS) BILL

Bill received and read a first time.

LISTENING DEVICES AMENDMENT (WARRANTS) BILL

Bill received and read a first time.

BILL RETURNED

The following bill was returned from the Legislative Council with amendments:

Co-operative Housing and Starr-Bowkett Societies Bill

NATIVE VEGETATION CONSERVATION ACT

Matter of Public Importance

Debate resumed from an earlier hour.

Mr AMERY (Mount Druitt—Minister for Agriculture, and Minister for Land and Water Conservation) [8.06 p.m.]: In response to comments made by the Leader of the National Party I point out that the Government would not have any difficulty with the wording of the matter of public importance, because it merely notes the current regulations dealing with the clearing of native vegetation. To take this matter in its full context it is necessary to consider the question asked in the House yesterday by the honourable member for Broken Hill about several new procedures and changes made to the operation of the native vegetation legislation, and my answer to that question. I have no doubt that in the weeks and months ahead many more announcements will be made about that.

It is only because the Government was very tolerant that points of order were not raised during the contribution made by the Leader of the National Party. Native vegetation was one of the issues raised in a rally held outside Parliament House yesterday and organised by the New South Wales Farmers Association. The Leader of the National Party spoke about the number of people who attended the protest and noted the genuineness of the farmers in their concerns and in their reasons for coming to Sydney. I have no doubt that those comments were accurate in relation to the great majority of the farmers attending the rally, who had been told by New South Wales Farmers Association officials about so-called draconian provisions in the native vegetation legislation.

The rally was organised very much in the heat of last week's publicity of the wharf dispute, about which the Leader of the National Party made several comments. The honourable member stated that yesterday's rally was not a political stunt—it is obvious that he was very sensitive to that. Following yesterday's rally I made the point in the news media that the rally was the second very large demonstration organised by the New South Wales Farmers Association executive since I have been a Minister. The first demonstration was held at Orange in the week before the 1996 Federal election. This week, with the wharf dispute at its peak and the Federal Government very much in focus, there has been another rally.

It is obvious that the issues of the day and the attacks on the Federal Government prompted senior members of the New South Wales Farmers Association to organise a rally and serve it up to the State Government. That is my response to the efforts of some members of the association, who have in recent weeks said that they are under a lot of pressure from branch members who are calling on the association to be more active in taking the issue to the Government. Many farmers have told me as I travelled around the State that executive members have been under that pressure from their own branches. I reject the comment of the Leader of the National Party that the Premier and the Government are ignorant of the concerns over the wharf dispute and its effects on farmers. Any rally protesting about native vegetation, the wharf dispute or the like should surely be held outside the Parliament of the Government that caused the dispute in the first place. In this instance clearly the Federal Government supported Patrick stevedoring.

Mr D. L. Page: Your Premier is aligned also with the MUA.

Mr AMERY: Read the public record. Patrick's sackings were supported by the Federal Minister and supported and financed by the National Farmers Federation. Farmers should be made aware that a lot of the money paid to associations like the New South Wales Farmers Association is a capitation fee for the MFF. Many farmers are in need as a result of the drought, commodity prices and the like, and they should be told that their membership fees go towards playing wharf and union politics.

I am aware that many members of the farming community are questioning why their membership fees go towards such non-farm related matters. The Leader of the National Party talked about the effects of the wharf dispute on farmers produce. I hark back to the point that this dispute has been caused at a national level by the Federal Government. It would be appropriate for New South Wales Farmers Association members to rally outside Parliament House in Canberra because of the disruption the Federal Government has caused to this country as a result of its actions in the wharf dispute.

The Leader of the National Party moved onto the subject of this debate, that is, the native vegetation legislation, after he was about five or six minutes into his speech so it is probably fair that I do so now. He said that native vegetation clearing will stop when the coalition wins office. Will the shadow minister for land and water conservation clarify whether it is a promise of the State Opposition to scrub not only the Native Vegetation Act but land clearing management controls in this State?

Mr Smith: Repeal the legislation.

Mr AMERY: The honourable member for Bega interrupted and said "Repeal the legislation." I hope that the Opposition spokesman on land and water conservation, the honourable member for Ballina, will clarify that point. It is important for farmers to realise that under a coalition Government there will be no management or proper controls.

Mr Smith: There will be proper management.

Mr AMERY: The honourable member for Ballina might clarify that. The Leader of the National Party then said that the legislation is simply unworkable. Yesterday I conceded that under State Environmental Planning Policy 46 and under the process of applying to clear land too many farmers had to wait for too long to get an answer to their application. Reducing that delay has been at the forefront of my role as the Minister. I have tried to streamline the processes to make sure that when a farmer makes an application he is assisted as soon as possible.

The processes the Government has put in place now will ensure that there is a tiered system according to the level of clearing that has been applied for. The approval process will be turned around and hopefully that will resolve the farmers' concerns about the operation of the Act. I reject as defeatist the assumption of the Leader of the National Party that the legislation is simply unworkable. This is the fourth State to introduce such legislation and it will not be the last. The Leader of the National Party was vague when he spoke about the number of prosecutions. He gave a reference to a pristine country but no further detail in that regard.

Another subject he addressed in his multifaceted contribution was the Royal Easter Show. I agree with his comments about the great Royal Easter Show, which is supported by the farming community. The farmers involved in the show gave a positive farming message to the people of Sydney who attended the show. What he said was important. However, the Leader of the National Party did not show leadership when he rejected my application to have a pair so that I could attend the official opening of the show. The Opposition played politics even on a non-political event such as the opening of the Royal Easter Show. The Leader of the National Party made an interesting assessment of the show, because he certainly did not put the show above party politics.

Time does not allow me to repeat all the announcements I made yesterday. At Walgett I addressed a meeting of 300 or 400 farmers at which I announced the process of trade-offs that will ensure that the management of farms is working satisfactorily, preserving conservation in some parts of the farm and allowing clearing in others; the abolition of the $100 application fee; the doubling of staff to deal with applications; the tiered structure to ensure that routine applications are processed quickly, with a more elaborate process depending on the extent of the clearing. As I mentioned yesterday if 20,000 hectares is to be cleared, obviously the approval process will be a little more involved. Overall the Government is confident that the new procedures will make this legislation workable.

Mr D. L. PAGE (Ballina) [8.16 p.m.]: I welcome the opportunity to participate in this debate and I commend the Leader of the National Party for bringing on debate on this matter of public importance to deal with native vegetation conservation. The Minister for Agriculture, and Minister for Land and Water Conservation spent six minutes talking about things other than native vegetation, and I do not intend to carry on that tradition. Does the Minister want to know why there were 3,000 farmers outside State Parliament yesterday? They were there because the Premier and the Government have been aligned directly with the Maritime Union of Australia on the waterfront dispute. The Premier went down to the wharves and stood side by side in the picket lines with the MUA members. The Minister will live to regret that.

I now move to the matter of public importance: native vegetation conservation. The Opposition opposed, for good reasons, the Native Vegetation Conservation Bill when it was introduced in Parliament. The Opposition is supportive of good, sound management of native vegetation and supports the objects of that legislation. The Opposition does not support the mechanism chosen by the Government to implement the protection of native vegetation in this State. Contrary to the proposals that were forward prior to the introduction of the Native Vegetation Conservation Act a white paper was circulated and a native vegetation forum was conducted.

Despite the recommendations contained in that paper and in those discussions the Carr Government chose to manage native vegetation under a totally different mechanism from that which had been suggested, by means of the Environmental Planning and Assessment Act. That Act was designed essentially to deal with the built environment. But we are dealing with natural resource management. The Environmental Planning and Assessment Act is a totally inappropriate vehicle for achieving what is needed in regard to native vegetation. The Opposition opposed that legislation because it was the wrong mechanism.

This is the latest example of a government, in this case the Carr Government, implementing on an ad hoc basis a management regime to deal with a particular environmental challenge. Native vegetation cannot be considered in isolation but needs to be examined in conjunction with a broader range of issues. The essential reason the Opposition opposed the legislation was because it is totally unworkable. It is the son of SEPP 46. Those who thought that SEPP 46 would be abolished and replaced by something sensible are sorely disappointed.

Under SEPP 46 the average application was some 30 pages in length. Many applications for clearing more than two hectares of land are still not decided upon within 12 months; and some take longer than that. That is totally unsatisfactory, because in many cases people need to know that they can go ahead and plough a paddock or clear land in order to put in a new crop and make some money if the opportunity is available and seasonal conditions are appropriate.

The Opposition opposed the legislation because it is unnecessarily bureaucratic, time consuming, expensive to farmers and extremely prescriptive. I have spoken in support of this matter of public importance for the same reasons. This legislation does not educate farmers. It is about prescription and the determination of Macquarie Street. It is inconsistent with the recommendations of the native vegetation forum. The legislation has a number of other associated problems. For example, a farmer who wants to clear more than two hectares of land has to go through a comprehensive development application process. Following that process the Minister for the Environment can still advise against granting the application. If the Minister for Land and Water Conservation disagrees he has to put his reasons in writing.

There is no time constraint on the Minister for the Environment providing that advice. The Opposition supports the concept of regional vegetation management plans, but the Government should bear in mind that the legislation deals with the clearing of privately owned land. The committee of 15 members includes only four land-holders, and does not require any of those members to reside in the region for which the regional management plan is developed. An environmentalist from Sydney may be a member of that committee without being required to live in the region. The legislation deals with local government boundaries. How sensible is that? It ought to be dealt with on a catchment management basis because water quality, native vegetation, soil management and other matters are integrated matters. Yet the Government wants to implement a regime under the Environmental Planning and Assessment Act, which is based on totally inappropriate local government boundaries. [*Quorum formed.*]

Mr ARMSTRONG (Lachlan—Leader of the National Party) [8.21 p.m.], in reply: I thank members for their contributions, particularly the shadow minister, the honourable member for Ballina. An attempt by the Government to defend its position failed abysmally. His remarks on fact and structure have fully answered the Government's attempt to defend its position. The bottom line is that yesterday more than 3,000 farmers came to Sydney motivated by the fundamental desire to persuade the Government to acknowledge that it had made a mistake and to give the farmers an assurance that the mistake would be rectified.

However, the opposite occurred. Despite the protestations of farmers and the hundreds of hours of consultation they have held with the Government about native vegetation the Government, through the Minister for Agriculture, has steadfastly refused to acknowledge that it has right on its side or that the legislation is fundamentally flawed. In his contribution the Minister refused to acknowledge that the legislation is unworkable and impractical. The Minister has not indicated that he is prepared to

listen to farmers or to environmentalists, who want to do the right thing by the environment.

Mr Amery: I am on their side.

Mr ARMSTRONG: The Minister claims he is on their side. However, yesterday he went to great pains to show that he was not on their side, because he effectively called them liars. He said that those 3,000 farmers who protested outside Parliament House yesterday were not representative of the 60,000 farmers in this State.

Mr Amery: No, I did not.

Mr ARMSTRONG: Yes, you did. I will check *Hansard*. That is what the Minister said. It will go down in history and will be his political epitaph. He cannot squirm out of it. The bottom line is that he is hoist with his own petard. That will be acknowledged by the entire farming community, which should not be taken too cheaply.

Mr Amery: I certainly do not.

Mr ARMSTRONG: The Minister has taken them cheaply, because he has not listened to their pleas. They want to work with the Minister, but he has denied them that opportunity. He had an opportunity today to prove he would listen, but he failed. [*Time expired.*]

Discussion concluded.

BUSINESS OF THE HOUSE

Order of Business: Suspension of Standing and Sessional Orders

Motion by Mr Aquilina agreed to:

That standing and sessional orders be suspended to postpone business with precedence notice of motion No. 1 until after consideration of the following bills:

Crimes Legislation Amendment (Police and Public Safety) Bill
Listening Devices Amendment (Warrants) Bill
Farm Debt Mediation Amendment Bill
Marketing of Primary Products (Murray Valley Wine Grape Industry) Special Provisions Bill
Saint Andrew's College Bill

SAINT ANDREW'S COLLEGE BILL

Bill introduced and read a first time.

Second Reading

Mr AQUILINA (Riverstone—Minister for Education and Training, and Minister Assisting the Premier on Youth Affairs) [8.27 p.m.]: I move:

That this bill be now read a second time.

Saint Andrew's College is one of a number of student residential colleges located in the vicinity of the University of Sydney. As one of the older residential colleges associated with this university it is located on land which was received in trust on behalf of the college and transferred in a subgrant by the University of Sydney. The relevant subgrant is dated 1873 but the college predates this event, with the council having first met on Saint Andrew's Day eve, 29 November 1870. The college currently houses in three buildings 200 undergraduates, five resident fellows and 11 postgraduate resident tutors. Its income, like most other residential colleges, derives largely from residency fees and gifts.

Unlike most university residential providers within this State, a number of colleges associated with the University of Sydney are established by their own legislation. This was originally done due to the infancy of company legislation within this State in the middle of last century, and this legislation has been continued for these few colleges until the present day. Members may recollect that legislation to amend the Women's College Act was only passed by this House last year. The legislation which this bill proposes to repeal dates from 1867 and has been amended only rarely since that time.

The current legislation linked the college with the Presbyterian Church in a number of ways. These included the college having to provide its students with systematic religious instruction in accordance with the principles of that church, the principal of the college and certain other councillors are to be ordained ministers of that church, the visitor is to be the moderator of that church and certain appeals are to be heard by the general assembly of that church. Despite these links, the college is an independent educational body.

Since at least 1992 the council has been having discussions with the Presbyterian Church and others with a view to revising its legislation to ensure that it properly reflects the governing instrument of an educational institution which is building on its heritage while at the same time moving into the new millennium. Quaint references in the current legislation to such things as the council being able to exempt students from attending lectures in ethics, metaphysics and modern history may be relevant to the history of the college but have no place in the governing legislation of a contemporary college.

With the agreement of the Presbyterian Church and with the concurrence of the University of Sydney, the council has sought as part of its general updating of the language of its Act to also alter

some of the governing provisions. I will briefly discuss the more significant of these changes in turn, but in summary they concern the connection between the college and the Presbyterian Church, the powers of the governing body and the nature of residence at the college.

As I said, the college has had strong links with the Presbyterian Church and it is hoped that these will be maintained. However, these links can be misconstrued if it is assumed that the college is a formal part of the church and totally governed by the church. That is not the case. Just as other colleges have strong links with, say, the Catholic Church, this college is part of the protestant heritage of this State and has had a significant role in supporting students who attended the University of Sydney. These roles should be, and are to be, maintained. Connections with a particular church which could cause embarrassment to both the college and the church and which are now inappropriate or even misleading should be clarified.

This bill clearly sets out the place of the college within these protestant and Christian traditions while resolving tensions which might arise from the involvement of the general assembly and of the moderator of the Presbyterian Church. For example, appeals from the principal or staff concerning employment conditions will no longer be heard by these church bodies. Instead, these staff will have the same opportunity to appeal as any employee. The moderator will no longer have vague powers to duly observe the conduct of the college and hear appeals. Instead, the visitor will now have the same ceremonial functions as the visitor at any university in this State.

With the continuing emphasis on the role of this college in the educational world rather than the theological world, the visitor will now be the Chancellor of the University of Sydney. These changes will position St Andrew's College in the modern world, secure in its past but confidently equipped for a new century. The council of the college presently has powers to govern in every respect the college and to appoint or remove the principal. The full ambit of what these powers might involve is unclear, so clause 7 has been prepared to set out those functions needed in a residential college in 1998. The clause also incorporates modern management practices of subjecting the employment of the principal to performance reviews by the council.

While the bill gives to the council as broad a power as possible to administer this independent body, care has been taken in clause 9 to ensure that if the college is given the benefit of the use of Crown land in the future it cannot transfer or deal with that Crown land without first obtaining the Minister's consent. Unlike most comparable bodies, members of the council have no present protection from personal liability when they act in good faith and in accordance with statutory obligations. While that protection may not have been thought relevant in 1867, it is a consequence of modern society that this assurance must now be provided to those who voluntarily participate in promoting educational excellence in this State. Clause 16 provides for that protection.

The present Act requires the college to only offer students of the University of Sydney "residence and domestic supervision with systematic religious instruction . . . and also efficient tutorial assistance". The modern college does this, but it also does more. The college provides computing facilities, excellent sporting and recreation opportunities and access to academics who might be staying in the college outside more formal structures and financial assistance in the form of scholarships. These benefits should also be available for neighbouring educational institutions like the University of Technology, Sydney, or any other educational body set out in a by-law.

The possibility of using college facilities outside term time with conferences and other functions are other needs which must now be accommodated. The bill recognises these needs of a modern college. As in the current Act, there is no restriction placed within the legislation on the residents being male. Finally, transitional and miscellaneous amendments are made to ensure a smooth transition of operations. This bill aims to update the legislative structure of one of Australia's oldest university residential colleges while preserving much from the past. By this means the bill will facilitate the college providing educational benefits within this State for many years to come. I commend the bill to the House.

Debate adjourned on motion by Mr MacCarthy.

FARM DEBT MEDIATION AMENDMENT BILL

Bill introduced and read a first time.

Second Reading

Mr AMERY (Mount Druitt—Minister for Agriculture) [8.36 p.m.]: I move:

That this bill be now read a second time.

The objective of the Farm Debt Mediation Act is to provide for a farm debtor and creditor to mediate before the creditor can take enforcement action with respect to a farm debt. A review of the operation of

the Act has now been publicly released and final consultations have taken place. These amendments, plus administrative changes by the Rural Assistance Authority, will complete implementation of the recommendations of the review. As at 28 February, three years after the commencement of the Act, 1,044 notices indicating the availability of mediation and intention to take enforcement action had been issued under the Act by the major banks.

Some 827 certificates have been issued by the Rural Assistance Authority indicating that the Act no longer applies to a particular farm mortgage. In 556 of those cases the certificates have been issued on the ground that satisfactory mediation has taken place. When the Act provides that a creditor must offer mediation before enforcement action can be taken, banks are now offering mediation to farmers sooner rather than later. This provides a better opportunity for farmers to turn their financial position around and remain on the land. The Act provides for the farm debtor and creditor to mediate through structured discussion.

Of the cases that have gone to mediation since the commencement of the Act, 87 per cent have resulted in a formal agreement being signed. Frequently, mediation between the farmer and the creditor is a long and very exhausting process occurring over one day. At the end of a long mediation session, farmers may suffer from mediation to the point of exhaustion and may be inclined to sign an agreement to get it over and done with. Such sessions are not conducive to reality testing the agreement and in many cases, owing to cost constraints, the farmer does not have legal advice during the mediation. The principal change proposed in this bill is for a 14-day cooling-off period for such agreements.

During the cooling-off period the farmer has the right to rescind the agreement. This amendment is not intended to allow for any stalling of the proceedings. Whether the farmer goes ahead with the agreement or rescinds the agreement, the creditor will still be able to apply to the Rural Assistance Authority for a certificate stating that the Act no longer applies to the farm mortgage. One of the grounds on which the Rural Assistance Authority may issue a certificate stating that the Act no longer applies to the farm mortgage is that satisfactory mediation has taken place. The Rural Assistance Authority does not need evidence that an agreement was reached to be satisfied that satisfactory mediation had taken place. Similarly, satisfactory mediation may have taken place regardless of a farmer's decision to rescind an agreement.

The 14-day period is intended to allow a farmer adequate time during which he or she can seek professional or other advice on the agreement that has been reached at mediation. In 1996 this House passed an amendment to the Act which placed a time limit of three years on the certificate issued by the Rural Assistance Authority certifying that the Act no longer applied to a farm mortgage. This amendment proposed to provide the benefits of the Act for farmers who had been to mediation, restructured, traded out of trouble and later experienced problems.

It was also intended to dissuade banks from issuing notices to commence mediation to farmers when they do not intend to take enforcement action in respect of a farm mortgage. The amendment passed in 1996 placed a three year expiry period on the life of a certificate. The life of the certificate was calculated from the date of issue. However, a creditor may apply and receive a certificate stating that the Act no longer applies to the farm mortgage at any time after compliance with the provisions of the Act.

There is no limit placed on the interval between the date of compliance and the application for the certificate. This could lead to creditors being given an unfair advantage by extending the life of a certificate by virtue of the creditor's own delay in applying for the certificate. This bill contains provisions which limit the life of the certificate to the third anniversary of the date that the creditor complied with the provisions of the Act. Where satisfactory mediation has taken place the certificate will have a life expiring on the third anniversary of the date of completion of the mediation.

These amendments recognise the physical isolation of rural farm families and communities in their dealings with financial institutions and the financial constraints on them in seeking professional advice. They are designed to make the mediation sessions less stressful for farm families by providing for a formal review period for agreements. This will allow time for rural families to access professional advice before agreements become binding on them. Mr Acting-Speaker, as the member for Bathurst I am sure you are pleased with the success of this legislation. You introduced the concept of farm debt mediation to this House and you also chaired a review of the legislation. I extend my congratulations to you for that. I commend the bill to the House.

Debate adjourned on motion by Mr Smith.

MARKETING OF PRIMARY PRODUCTS (MURRAY VALLEY WINE GRAPE INDUSTRY) SPECIAL PROVISIONS BILL

Bill introduced and read a first time.

Second Reading

Mr AMERY (Mount Druitt—Minister for Agriculture, and Minister for Land and Water Conservation) [8.44 p.m.]: I move:

That this bill be now read a second time.

The matter addressed by this bill is procedural and straightforward. The House is being asked to extend for a further 12 months the current life of the Murray Valley (New South Wales) Wine Grape Industry Marketing Order 1994 without the need for any steps to be taken or procedures to be followed under the Marketing of Primary Products Act 1983. The issue is the same as was addressed by the Marketing of Primary Products Amendment Act 1996, which extended the M.I.A. Citrus Fruit Promotion Marketing Order 1989 as an interim measure while a competition policy review was completed.

I am pleased to inform the House that following that competition policy review and a successful poll of citrus growers in March 1998 a new order has since been made. The new order continues the role of the M.I.A. Citrus Fruit Promotion Marketing Committee as a provider of various services to citrus growers in the Murrumbidgee Irrigation Area. The Murray Valley (New South Wales) Wine Grape Industry Marketing Order 1994 was made under the Marketing of Primary Products Act 1983 and relates to the Murray Valley (New South Wales) Wine Grape Industry Development Committee.

The development committee provides various services to wine grape growers in the Murray Valley region of New South Wales and administers the order. The order, as was the case with the M.I.A. Citrus Fruit Promotion Marketing Order 1989, is approaching a sunset date. In particular, the order will lapse on 2 June 1998 unless action is taken to extend it. Under the Marketing of Primary Products Act 1983, the order cannot be extended unless certain steps are taken, including the holding of a poll of wine grape growers which demonstrates the necessary support for the order's continuation.

Representatives of the Murray Valley wine grape industry have already indicated a desire for the order to continue. However, the order is the subject of a competition policy review, which will ultimately determine its fate some time after June 1998. Commonsense decrees that the order should be extended for a further 12 months to allow the competition policy review to be completed. If the review supports the continuation of the arrangement, wine grape growers may then be polled on the question of whether they support the continuing arrangement. In this situation, the growers will be able to vote in the certain knowledge that the order, with the necessary support, may continue for a further period.

Under the provisions of the Marketing of Primary Products Act 1983, the only way in which this situation can be accommodated is by what is proposed in the bill. To complement the proposed extension of the order, the bill provides for an extension of the term of office of the current members of the development committee. The bill also seeks to correct a minor omission in the published version of a proclamation relating to the initial constitution of the development committee. I commend the bill to the House.

Debate adjourned on motion by Mr Smith.

CRIMES LEGISLATION AMENDMENT (POLICE AND PUBLIC SAFETY) BILL

Second Reading

Debate resumed from an earlier hour.

Mr RICHARDSON (The Hills) [8.47 p.m.]: The bill provides a range of reasonable excuses for possession of a knife. That range of excuses hedges the provisions of the bill to such an extent that it will be difficult for police to prove that a confiscated knife was intended to be used for unlawful purposes. I note also that scouts are not mentioned, unless it is held that the scouting association participates in lawful entertainment, recreation or sport. The Minister might care to address that issue in his reply.

The bill has so many caveats on the carrying of knives that it is essentially unworkable. If a $550 fine is imposed for possession of a knife, who will pay it? Will it be the young person's parents? If they refuse to pay, what will happen? I was interested to hear the remarks of the Minister for Education and Training in response to a question today about the powers of teachers to search students' bags. The Minister was asked why, if teachers had those powers, this legislation is needed? The Minister clarified the position by saying that if a student refused to allow his bag or person to be searched for

a knife, the school authorities could then call in the police. Obviously, by the time the police got there the knife would have long since disappeared. That seems to me to be largely unworkable as well.

There are several other aspects of the bill that I would like to address. The first relates to the warnings that police can give to people whose behaviour or presence is obstructing another person or traffic, constitutes harassment or intimidation of another person, or is likely to frighten another person. The police are empowered to move that person on. Once again, the legislation so hedges about their actions that one really wonders whether the bill is fair dinkum. Proposed section 28G of the bill, which relates to the limitation on exercise of police powers, states:

> This Division does not authorise a police officer to give directions in relation to an industrial dispute or organised assembly, protest or procession.

Honourable members know why that limitation has been placed on police powers. That seems to me to be another aspect of the bill that is essentially unworkable. The same criticism can be made about proposed section 563(1) in schedule 2 to the bill, which states:

> A police officer may request a person whose name or address is, or whose name and address are, unknown to the officer to state his or her name or residential address (or both) if the officer believes on reasonable grounds that the person may be able to assist in the investigation of an alleged indictable offence because the person was at or near the place where the alleged offence occurred, whether before, when, or soon after it occurred.

Then follows a list of the rigmarole that a police officer has to go through to obtain that information. As with the rest of this bill, one wonders whether all of those additional actions that the police have to take will actually make the bill completely unworkable. The Opposition is aware that Ann Symonds, from another place, has mounted a campaign against this legislation, suggesting that it goes too far and intrudes on people's civil liberties. We on this side of the House can see through that. We understand very clearly why the Hon. Ann Symonds has been allowed to go out on that issue and make the comments that she has made. It is essentially because this bill does not do the job that the police want it to do and it does not do the job that the community wants it to do. What the Hon. Ann Symonds' comments tend to do is to create the illusion that in fact the bill is a damned sight tougher than it really is.

Mr WHELAN (Ashfield—Minister for Police) [8.52 p.m.], in reply: I thank honourable members for their contributions to the debate. Let me relate the facts. Under the coalition Government carrying a knife was not an offence; under the coalition Government wielding a knife in a public place or school was not an offence; under the coalition Government failing to allow a search for a knife was not an offence; under the coalition Government failing to obey a direction from police to stop harassing or intimidating others was not an offence; under the coalition Government possession of an offensive implement carried a penalty of six months imprisonment, a penalty that has been quadrupled to two years by this Government.

Under the coalition Government police had no power to search for a knife or weapon; under the coalition Government police had no power to confiscate a weapon. Under the coalition Government assaults on a police officer causing grievous bodily harm carried a penalty of five years; under this Government the penalty is 12 years. Under the coalition Government assaults on police causing actual bodily harm carried a penalty of five years; under this Government the penalty is seven years. This bill puts in place the Government's commitment to the protection of the public against knife-wielding thugs. This is zero tolerance for knives. These provisions will get knives out of circulation; these provisions will get knives off the street. It is landmark legislation and the Opposition is scratching around, trying desperately to find a flaw.

I will respond to some of the stupid comments made by the honourable member for Eastwood. First, he started to suggest, wrongly, that I had promised that the new offence of mere possession of a knife would carry a five-year penalty. That is a lie. The honourable member said that his amendments show that mere possession of any knife should mean a five-year gaol term or an $11,000 fine. That is stupid. What the honourable member fails to understand is that this new offence is in addition to a wide range of existing knife offences. For the record the Government's bill contains five new powers and offences. All the offences contained in the bill could have been passed by the coalition but were not. They are all additional to the existing law.

The new offence of possession of a knife in a public place or school is a very wide provision and applies to any knife carried by any person in any public place. It will apply to bowie knives, carving knives and pen knives. It will apply to any knife carried without good cause in a public place in this State. If persons have more than an ordinary knife in their possession we will throw the book at them. If they have a prohibited weapon, such as a flick-knife,

in their possession they will face a penalty of up to 14 years in gaol and, for the first time, police will have the opportunity to search them. Any persons who have an offensive implement will face two years in gaol and police will have the opportunity to search them. If a person produces a knife visibly in a public place in a manner that causes fear, he or she will face two years in gaol.

The honourable member for Eastwood has criticised me for not taking up the over-simplistic option of increasing penalties. The honourable member only ever chooses simplistic options; he has no real solutions to real crime problems. I will tell the House why I have not taken up his suggestion. I actually wanted to do something about solving the problem. Solving the problem means not only increasing the penalties, which the Carr Government has already done, but also increasing the risk of being caught and giving police the power to search for weapons. It is consistent with the advice I have received from the Bureau of Crime Statistics and Research. It is also what a spokesman for the Police Association has said. On radio station 2GB this morning Mark Burgess, the Senior Vice-President of the Police Association, indicated that the association had deliberately refrained from calling for increased penalties. He said:

> What we have been advocating is a greater power for searching because it is like the random breath test analogy. If people think they are going to get caught then they are less likely to carry one of the knives around. That is what the Government has done and that is why this legislation will work.

The power to search created by the bill will be available to police in public places and schools where they suspect, on reasonable grounds, that a person has a knife or other dangerous implement. As I indicated in my second reading speech, the bill specifically provides that the fact that a person is in an area with a high incidence of violent crime may be taken into account by police when deciding whether to search the person. The Police Association has advised me that it is pleased with the way the provisions are framed. Last night the honourable member for Eastwood promised that his bill would mirror the search provisions of section 50 of the Western Australian Police Act. He said that that is the way to go in regard to searches. He does not know what he wants. He has obviously never looked at section 50 of the Western Australian Police Act.

Section 50 of the Western Australian Police Act has nothing to do with search powers: it relates to name and address powers. With regard to the reasonable directions provisions of the bill, I am pleased to advise that the Police Association also expressed satisfaction on radio this morning. I also note that the honourable member for Eastwood proposes moving the provisions which prevented the use of the new reasonable directions power in situations involving pickets and protests. He said that he has fully and properly consulted with the Police Association in preparing his legislation. Well, once again, he did not do a very good job. The Police Association is opposed to the new provision being used against protesters and picket lines. The Police Association's submission states:

> It is important, though, that this authority not be used to break up demonstrations or industrial action and those particular issues should be specifically addressed within the legislation to ensure that these powers could not be used by a government or employer to suit their ends.

The Government therefore opposes the amendment proposed by the honourable member for Eastwood. This legislation has been carefully crafted, but the Opposition has failed to understand its intent. It is intelligent legislation aimed at preventing crime and ensuring community safety. It is aimed at addressing real problems with real solutions, not knee-jerk solutions. That is why the Opposition does not understand it; that is why members opposite oppose it. This legislation breaks new ground. Extensive safeguards have been put in place. The honourable member for Eastwood has problems with the double warning built into the search provisions of the bill. Last night I went through this bill line by line with representatives of the Police Association. They made no adverse comment about this requirement; it is not an onerous requirement. In the heat of the moment a person who objects to being searched may initially refuse. Rather than him facing immediate arrest, the bill simply requires the police officer to warn the person and give him a chance to consider his position. It will take a matter of seconds.

This legislation will be monitored by the Ombudsman from the time of its commencement. It will be reviewed after the first 12 months. However, I have given an undertaking to the Police Association that if it has any difficulties with the implementation of the legislation or with any unintended consequence I will move the necessary corrective amendments to it. The Government has the right balance. The honourable member for The Hills asked me what would happen if a young person who is fined $550 under the Government's legislation does not have the money to pay. All I can say to him is if he wants an answer to that question he had better ask the shadow minister for police how a young person is going to find $11,000 while he spends five years in gaol.

Motion agreed to.

Bill read a second time

In Committee

Schedule 1

Mr TINK (Eastwood) [9.02 p.m.]: I move Opposition amendment No. 1:

No. 1 Page 4, Schedule 1, line 23. Omit "5 penalty units". Insert instead "100 penalty units, imprisonment for 5 years, or both".

This is one of the key concerns of the Opposition with the bill, and the reason we are moving amendments this evening. The Opposition believes, as I indicated in my contribution to the second reading debate, that a penalty of five penalty units, which amounts to a fine of $550, for the crime of the custody of a knife in a public place or school is totally and manifestly inadequate as a deterrent. It is a new offence but is an offence which, to have any effect, must carry a penalty which is designed to deter. A story on the front page of today's *Sydney Morning Herald* indicated that 120,000 people in the community are not even paying their fines.

A fine of $550 for the sorts of people who would carry knives in public places or schools would be no deterrent at all, and they probably would not pay it. It is important to note that the amendment would provide a five-year maximum gaol term. It is just that—a maximum gaol term. It would not cover, as the Minister tried to tell the House today, every person carrying a knife in all circumstances. There are a significant number of exceptions, reasonable excuses, which would cover every day-to-day situation. The five-year penalty would apply to the worst case. It may be that for a first offence a fine would be imposed, and nothing more. It may be that for a second offence a fine would be imposed.

Mr Whelan: That is not what your amendment says.

Mr TINK: Maximum penalty, five years.

Mr Whelan: Are you saying a graduated scale?

Mr TINK: No, I am saying the maximum penalty of 100 penalty units, imprisonment for five years, or both. One could be sentenced to either or both. I do not want to be combative about this. Let me put it this way, for the benefit of the Minister: the amendment would provide a maximum penalty of 100 penalty units, imprisonment for five years, or both. Therefore, it would be open to a court to impose a fine, imprisonment or both. It is simple. Under these amending provisions, for a first offence one would probably end up with a fine. For a second offence one may well end up with a fine. I am saying that the problem with the possession of knives and the crimes that are being committed with knives is such that repeat offenders have to get the message the hard way, and that is with the imposition of a gaol sentence. So if customers are coming before the courts for the third time for having a knife in a public place without reasonable excuse, considering all the grounds set out in the bill, or they are in possession or custody of a knife in a school without one of the excuses set out in the bill, and they do that repeatedly, so far as I am concerned those people ought to see the inside of a gaol cell, and I make no apology for that whatsoever.

Unfortunately everyone is aware of the deaths of a significant number of people, including two police constables in the past 12 months, who have died at the hands of people wielding knives. That is a measure of the seriousness of the matter, the arming of the community: action, reaction, arming, rearming and counter-arming. This House has to ensure that the law is such that people across the board are deterred from arming themselves in this way and do not feel they have to arm themselves in this way. The only way those penalties will have any effect is if the repeat offenders face the real prospect of a significant gaol penalty.

That is why I believe this proposal is quite appropriate, and why I believe that is what was proposed following Peter Savage's murder in 1995. It was the right advice then and it is the right advice now. If the worst-case, hardened, repeat offender possesses a knife without reasonable excuse in public or in a school, that person should see the inside of a gaol cell, and should see the inside of a gaol cell for some time. The public reaction to this today has been most interesting. Relatives of victims of knife crimes have spoken on programs such as *A Current Affair* and others. As far as I am aware they are all, to a person, strongly behind the need for a custodial sentence for this offence.

People believe that this kind of deterrent is needed for hard-nosed offenders who will not get the message—and we are dealing with some very hard-nosed people when it comes to the custody of knives. I have referred to the provisions relating to the damage of library books, which provide a relevant comparison to the penalties proposed under the bill. It is absurd that a person who damages a library book can be liable to imprisonment for a year but a person who goes packing a knife into a library without a reasonable excuse within the meaning of the legislation—remembering that a

library is a public place—is liable only to a fine. The penalties are out of whack. The penalty relating to library books has been on the statute book for a long time and nobody has had a problem with it. That is why Opposition members have a problem with the provision in this bill and why we seek to increase the penalty to 100 penalty units or imprisonment for five years or both.

It is not only comments made by the Government following the stabbing murder of Peter Savage that are relevant; comments made in 1993 by the Minister for Education and Training, then the shadow minister, when he introduced his Education Reform (School Violence) Amendment Bill are also relevant. The honourable member for Ku-ring-gai may refer to this in more detail. The present Minister in his 1993 bill proposed a penalty of 50 penalty units or imprisonment for two years or both. The Government in this bill, dealing with the custody of knives at a school, has provided for a monetary penalty only. The courts will have no alternative—the choice is between a monetary penalty or nothing. There is no effective deterrent for repeat offenders who will not get the message, who have no money to pay a fine and who would probably find their names on the front page of the *Sydney Morning Herald* in that respect.

Several honourable members have spoken in the debate, some more emotively than others and some perhaps more intelligently than others. One point has been evident in more than one contribution, and in this regard I listened with great interest to what was said by the honourable member for Hurstville, because I think he got it right. In the debate about where one stands on law and order issues there is a view that much of the legislation is picking on youth. The concern and the view of the honourable member for Hurstville, which I share, is that a significant number of young people are most put upon by gang activity and are most at risk from gang activity. Their lives are at risk from gang activity and from the packing and carrying of knives in public places and in particular in schools.

This bill is designed to send a message that such conduct is not on. Far from the legislation being anti-youth, it is pro-youth because it is designed to deter the small but very dangerous number of people with lethal weapons who are preying on people their own age. That is why Opposition members believe that a custodial sentence is appropriate for the worst cases. If people do not get the message they should face a gaol penalty for repeat offences. Opposition members believe, reasonably and properly, that is the way this legislation should be interpreted, and that is why we are pushing the amendments.

Mr O'DOHERTY (Ku-ring-gai) [9.13 p.m.]: I wholeheartedly support the position put by my friend and colleague the honourable member for Eastwood. I shall begin by addressing his final comments. In this debate we are talking about the need for adult society, represented by this Parliament, to send to those young people who want to live in a society that is free of knives and free of violence a clear message that their Parliament supports them. Recently my six-year-old son went to a birthday party at McDonald's. The kids were playing on the equipment there—they were in tunnels and so on, out of sight of their parents. I was standing by the side and watching, as were many parents. McDonald's provides well for the kids; it is a corporation that takes its responsibilities seriously.

I was horrified to see a youth who appeared to be about 10 or 12 years of age who had a flick-knife, which he was proudly displaying to anyone who would look at it, come and stand beside the equipment in which my three-year-old and six-year-old were playing. The youth, with his flick-knife, was about to go into the labyrinth of tunnels in which my two children were happily playing with other children. Any parent would be horrified at the sight that confronted me. I was about to deal with the situation when, thankfully, the boy removed himself from the area. As an addendum to the story, I note that the boy's parents were at the same fast-food restaurant and obviously either condoned his behaviour or as individuals felt that they were unable to stand up against a culture in which this young boy feels that he should have a flick-knife because everybody else has one.

Mr Whelan: It's a prohibited weapon.

Mr O'DOHERTY: It was a small flick-knife. It was the sort of flick-knife—

Mr Whelan: On a point of order. The honourable member should know the law. A flick-knife is a prohibited weapon.

Mr O'DOHERTY: That is not a point of order.

Mr Whelan: This is a point of order, and the honourable member should not be wasting the time of the Parliament. A flick-knife is a prohibited weapon. People carrying flick knives could be subjected to 14 years in gaol.

Mr O'DOHERTY: On the point of order. The Minister was not there. He does not know what the knife looked like. I was there. It was a small knife.

Mr Whelan: You are an idiot! It was a flick-knife. Could it kill?

Mr O'DOHERTY: The answer is, yes, it could kill, if my three-year-old son—

Mr Whelan: Fourteen years gaol.

Mr O'DOHERTY: You goose! You absolute donkey! You foolish idiot!

Mr Whelan: For murder, life in gaol. Give the answer.

Mr O'DOHERTY: If my three-year-old son had fallen on the knife in this equipment, as it was open he could have died—and the Minister tells me that I am an idiot. The Minister tries to tell the Parliament that parents do not care about that kind of thing happening in their community. If the Minister does not care then I do. This Parliament, to a man and woman, would stand with me in saying that we need to help adults say to young people that it is not acceptable to carry knives. The point made by the honourable member for Eastwood is one that I take on board wholeheartedly. This Parliament, by sending a strong message with a tough maximum penalty as described by the honourable member for Eastwood, would be saying that this is a culture that we do not accept. As shadow minister for education and training, I have a particular interest in school education. I explained to the House why the Opposition believes that a maximum penalty—

Mr Whelan: What a fool!

Mr O'DOHERTY: The *Hansard* record ought to show that the Minister is now talking in the corner to his advisers. He is saying, "It's a joke, it was only a little flick-knife."

Mr Whelan: You are a joke. It is a prohibited weapon.

Mr O'DOHERTY: I am a parent who believes that my son should not have to put up with that kind of threat in the community.

Mr Whelan: I agree, absolutely.

Mr O'DOHERTY: For that reason, I believe that the amendment moved by the honourable member for Eastwood should be passed by the Parliament. If the Minister wants to take a contrary view, he should tell his own electorate that he does not care about the safety of the children. The carrying of weapons is a significant problem in schools. Opposition members believe that a tough maximum penalty ought to be established so that the culture within which schooling takes place can be spelt out by Parliament as being a culture in which the carrying of weapons is unacceptable. There should be no excuse.

The Opposition believes that there is no reason for a child to bring a weapon to school. Parliament needs to set a tough maximum penalty—so that discretion can be observed in its application but so that a message can be sent to the community. The carrying of weapons has been a serious problem in the past three years. In October 1996 a teacher was stabbed by a 14-year-old boy at Marrickville High School. In November 1996 a 14-year-old boy was stabbed with a knife during a schoolyard fight over drugs at Hunters Hill High School.

In January 1997 gangs of students from one school in the west of Sydney harassed students from a nearby school, assaulting them at knife point and setting their hair on fire. In February 1997 two 17-year-old former students were bashed by a year 10 student at an inner west high school. In March 1997 an armed security guard was employed to patrol the grounds of Tempe Languages High School. The Government sent a departmental officer to tell the guard to remove his firearm because of the community's sensitivity to firearms on school premises. Articles about the incident that appeared in the newspapers in March 1997 sent a message to the community about the unfortunate state of our schools. We need to send a different message by imposing tougher penalties.

In May 1997 police were called to a western Sydney high school to charge a 15-year-old boy who had allegedly threatened a teacher with a knife and committed offences including assault. Also in May 1997 two students on the north coast were assaulted by a man who had allegedly entered the school grounds. In June 1997 police were assaulted during a brawl at a western Sydney high school. A fracas broke out after police arrived, and a serious situation developed. In June 1997 several youths entered the school grounds of a south-west high school and assaulted the principal and several teachers. Those last three incidents occurred within days of each other. Again in June 1997 a brawl erupted between players and schoolyard intruders during a rugby league match at an inner-west Sydney high school.

In June 1997 police and ambulance officers were called to a western Sydney high school after a

group of youths, one armed with a knife, had entered the school grounds and started a fight with a student. In September 1997 a 13-year-old western Sydney boy was questioned by police after stabbing another student at school. In October 1997 in a private action a 10-year-old had an apprehended violence order taken out against him after bullying an eight-year-old boy. The list goes on. What has the Government done in response to those incidents? It has doubled the penalty for intruding on school premises. The penalty for intruding on school premises, being there without permission, trespassing without lawful intent, is now $1,000. If an intruder refuses to leave the penalty is $2,000.

That amendment passed through Parliament just before we rose last year and it came into effect on 1 January. If the Government has its way, New South Wales will have the ridiculous situation that a person who intrudes on school premises and refuses to leave will be fined $2,000 but a person who possesses a knife at school will be fined only $550. The honourable member for Eastwood made a telling point: where is the relativity between the message being sent by Parliament and those penalties? It is government by press release. The Government responds to the problems today, does just enough to get a good headline and then does not worry about them again. That is how Government members think.

I draw the attention of the House again to the fact that in 1993 the now Minister for Education and Training thought that this issue was so important that he introduced a private member's bill and argued for a fine of 50 penalty units, two years' imprisonment or both for possession of a knife at school. That was in the days when he wanted to take action to prevent violence in schools. In 1998 the Minister for Education and Training will come into the House and vote for a fine of five penalty units and no gaol sentence. In 1993 he thought the fine should be 50 penalty units. Something has happened to cause the Minister to go completely against community attitudes.

The Minister for Education and Training said earlier that the government of the day opposed his private member's bill. I will put it plainly on the record: the government of the day opposed his private member's bill in 1993 because it was a political stunt. He had reached the stage where the principals' councils and the Teachers Federation, from memory, had complained to the Labor Council about the then shadow minister, the member for Riverstone, dragging the names of schools through the mud by repeatedly alleging they were violent and terrible places. Members will note that I was careful in my contribution not to name schools. I did name Hunters Hill High School which has been proclaimed by the Government in its latest drug education package for having come to grips with the drug problem. That school has dealt with a difficult situation, and the coalition takes its hat off to it.

In 1993 the then shadow minister was so off side with teachers that the Teachers Federation and the principals' councils were asking the Labor Council to intervene. He was drumming up an issue for political purposes and causing alarm in the community. His proposal to introduce a series of measures was merely political grandstanding because such measures were already in place. He proposed that principals should have the power to confiscate weapons. At that time principals did have power under the guidelines to confiscate weapons. His proposal did not go one zot beyond the then policy of the department, except for the imposition of 50 penalty units, about $5,000 at the time, for carrying a knife at school. Now he thinks the penalty should only be $550. The Minister's understanding of community feeling about this issue is going completely in the wrong direction. I have pleasure in supporting the maximum penalty that is proposed by the honourable member for Eastwood.

Mr MacCARTHY (Strathfield) [9.25 p.m.]: I also want to support the amendment moved by the honourable member for Eastwood. The Minister for Police said in opposition to the amendment that it was a lie that a promise had been made in 1995 in response to the Peter Savage murder to increase penalties. At the time there were many examples of that promise being made to the public. An article in the *Sydney Morning Herald* of 28 August 1995 under the heading "State to toughen penalties for carrying knives" in the opening paragraph stated, "The maximum penalty for carrying a knife will increase from six months to five years in gaol." That is the crucial point. Later the article stated, "The proposed new laws will increase the maximum penalty for possessing a knife from six months gaol and a $1,000 fine to five years gaol and a $10,000 fine."

Essentially, the amendment of the honourable member for Eastwood conveys that promise, which was made to the people of New South Wales in August 1995 in response to the sad stabbing murder of Peter Savage. The amendment provides for a maximum penalty of 100 penalty units—which is slightly more than the penalty in the promise, but we should allow for inflation—or five years' gaol, which is identical to the penalty included in the promise conveyed to the people of New South Wales. Let the record state clearly: that promise was

made by the Minister in August 1995. It is not surprising that it has taken from August 1995 to April 1998 for the Minister to do anything. But the Opposition is trying to help the Minister keep his promise and is trying to deliver to the people of New South Wales what the Minister promised. The honourable member for Eastwood is seeking to bring to reality a promise that was made by the Minister for Police in August 1995.

My second point relates to the importance of having a high maximum penalty. I repeat the point so that the Minister and Government members will understand. A maximum penalty sets the upper limit, and a natural corollary is that anything below that limit is an option available to the courts. As the honourable member for Eastwood said, a case of a young child caught with a penknife in the wrong circumstances might attract a small fine.

Mr Whelan: Like $100?

Mr MacCARTHY: I will not put a figure on it but within the range that a judge can impose.

Mr Whelan: From zero to $11,000?

Mr MacCARTHY: Within that range.

Mr Whelan: So it could be half way?

Mr MacCARTHY: That is a matter for the discretion of the judge.

Mr Whelan: You are in a dream world.

Mr MacCARTHY: The Minister for Police may talk about a dream world but there are people in the community who would consider that an offence of repeatedly being found with a large knife should attract a gaol term. Being confronted with a sharp weapon held in one's face definitely concentrates the mind. As a young man a sharp screwdriver was held at me once and it caused me a great amount of fear. I was only threatened but I was petrified at the time. Many people who suffer these kinds of assaults and have been injured with knives know about that fear. The community wants judges to have the opportunity to impose a gaol penalty, as promised by the Minister.

As a corollary to the Minister's point about the risk of being caught, if one is sure of being caught it does not matter if the penalty is small as the deterrent is not great. A deterrent relies upon a combination of the probability of being caught and the result of being caught. It is no good having increased possibilities for people to be searched and so on if the penalties are not there. For the thugs that threaten people in George Street, murderers of policemen, young teenagers and so on a small fine of $500 is not a deterrent.

Mr Whelan: You are in a dream world. Murder means life imprisonment.

Mr MacCARTHY: I am not talking just about murder, I am talking about threats.

Mr Whelan: You are. Threats are indictable offences that attract 14 years gaol. Please sit down, you are an idiot.

Mr MacCARTHY: People know that the Government is out of touch. This bill will be passed by the Parliament but the Opposition hopes it will have provision for a reasonable penalty to give effect to the 1995 promise by the Minister for Police, who is trying to weasel out of his commitment.

Mr SCHULTZ (Burrinjuck) [9.32 p.m.]: I support the amendment by the honourable member for Eastwood, the shadow minister for police. I have heard a number of contributions tonight in which good points have been made about legislation. Speakers were correct in saying that the general community has an expectation that legislators will pass laws that are relevant to crimes committed. I commend the Minister for introducing a bill that applies to the possession of knives. In past months there have been horrific incidents with knives. One tends to forget incidents, until a further incident reminds one of previous occurrences. I received briefing paper No. 9/98 from the New South Wales Parliamentary Library Research Service. It relates to street offences and crime prevention. The library has done an enormously constructive job on briefing honourable members. I will read into *Hansard* the relevant introduction from that document. It states:

> Matters relating to the police, police powers and the safety of people in their homes and on the streets are under more or less constant scrutiny from the media and other quarters. In this State, as in almost every other comparable jurisdiction, these are the key themes in the contemporary "law and order" debate. Statements are made, here as elsewhere, asserting that street crimes are on the increase and that members of the community are more and more fearful about a whole range of offences, from stalking to robbery and assault through to road rage. Moreover, adding to the sense of unease, the argument is made that aggression and rudeness are becoming the accepted language of social interaction: it is felt that civil society is less civil than it was, that a social order based on manners is giving way to a society of disorder in which "attitude" is the norm.
>
> In NSW in recent weeks many of these issues have been discussed with renewed intensity, arising out of a series of

> incidents, including the fatal stabbing on an Ultimo street of an off-duty police officer, Peter Forsyth, and the wounding in the George Street precinct of the city of a teenager, Eron Broughton. Indeed, the attack on Eron Broughton was reported to be one of five serious assaults and robberies to occur over the weekend of 7-8 March in the City Central Patrol district: a young man was robbed and assaulted by three teenagers at the intersection of George and Bathurst Streets; a 15-year old boy and a man were robbed in separate incidents near Town Hall station and in Pyrmont respectively, by different men armed with blood-filled syringes; and five teenagers, one armed with a steak knife, surrounded and robbed a man as he was walking across Pyrmont Bridge.

A proliferation of knives and knife use is evident in the community. As a person who spent 30 years in the meat processing industry using knives I am well aware of the massive injuries that knives can inflict on a person either by slashing or stabbing. I am concerned that we as legislators send the wrong message to the community by introducing legislation such as the bill, which says that an individual after being searched by police and found to have a dangerous implement such as a knife in his or her possession is only liable to a $550 fine. That is not a sufficient penalty given the way some irresponsible members of our community, many of whom are young, have inflicted serious injury, and in some cases death, on innocent bystanders and on police performing their duties.

Some time ago I was alerted to a serious case in a town in my electorate of a young man being stabbed with a screwdriver so seriously that he nearly died. That is an indication of terrible injuries inflicted by morons and criminals on innocent people in our community. I am also aware that police have to be careful when they pull up people and search them and do find knifes in that person's possession. Two or three years ago a person was prosecuted for selling what was supposedly an illegal implement described as a flick knife. The person was accused of having in her store, which supplied sporting goods as well as camping equipment, a flick knife similar to one I purchased many years ago in a fishing supplies shop. It was serrated and folded into a handle.

At the time I went to great lengths to argue with the then Minister, the Hon. Terry Griffiths, that the woman was unjustifiably accused of selling in her shop an implement that was available to the general public, for example, fishermen. A "prohibited weapon" must be carefully described in the bill. Having said that I am also aware that people in the community will pick up implements used by fishermen responsibly and use them as dangerous weapons on people. The police must tread a fine line in making a judgment on whether the weapon is a prohibited weapon. Laws are only as good as the ability of the police to use them in the manner in which they were designed to be used.

We have to make sure that there is an in-built safeguard mechanism to protect people involved in recreational pursuits or on the land going about their workplace activities with something in their possession which could be interpreted as an offensive weapon by an overzealous police officer. The community should see that our action is not tokenistic; we are horrified at some of the crimes committed against innocent people by offenders with illegal implements such as knives. I have referred to the case resulting in the death of a very fine young police officer who was going about his lawful duties. We will not tolerate such crimes and we will bring in penalties commensurate with community expectations. A fine of a little more than $500 for a person found with a weapon that could be used to maim or kill an individual is not good enough. An appropriate penalty will make people realise that it does not pay to carry such a weapon. More importantly, the use of such a weapon will incur an even heavier penalty.

I hope that responsible Government members in the Chamber tonight support the amendment moved by the shadow minister and vote with the Opposition to provide an appropriate penalty in the bill. This will send a message not only to the people who carry such weapons but to members of the general community, who expect us to do something positive to solve the problem of young people and irresponsible elements carrying implements in the pursuit of crime. Such implements can be used during the commission of robberies and other crimes to threaten people. People who threaten and abuse other people with such weapons must pay an appropriate penalty. Despite the bleatings of the civil libertarians, we have to respond to the commission of heinous crimes involving the use of implements such as knives. I refer once again to the briefing paper by the New South Wales Parliamentary Library research service. At page 10 it refers to relevant newspaper editorials on crime and knife-carrying criminals. It states:

> Commenting on the Police Commissioner's view that society is becoming more violent, *The Daily Telegraph* said, 'If the community demands streets where citizens can walk without a feeling of insecurity or fear, legislators must give police the appropriate powers, despite the wails from civil libertarians.' Later *The Daily Telegraph* editorial responded to news of the reform package announced on 31 March 1998 with the comment: 'The law-abiding citizens of NSW will today applaud new laws that give police the power to act against knife-carrying criminals . . . It is a long overdue move that can only make our streets safer'.

> *The Sydney Morning Herald's* editorial of 10 March 1998 was different in tone warning that it is possible to reach 'a point of diminishing returns' where new laws do not have much real effect.

That is what I have been referring to. The briefing paper goes on to state:

> It continued: 'Possible clarification of existing police powers is necessary. But those proposing increased police powers are obliged to be specific. That is the only way it will be possible to see whether the changes are first, necessary, and second, more beneficial than detrimental in terms of the degree of personal freedom the community might lose in exchange for the promise of a peaceful, ordered society'.

I agree wholeheartedly with those comments. The community should understand that we are not acting politically to get mileage out of media reaction to serious crimes; we are seriously bringing in legislation that will do what the community expects it to do.

Ms MOORE (Bligh) [9.46 p.m.]: Unlike the other speakers, I strongly oppose the amendment. It is unreasonable, draconian and politically expedient. I am very disappointed in the honourable member who moved it. The amendment could apply to anyone carrying a Swiss army knife for any reason. Such a person could be subjected to five years gaol. This approach requires more police time and resources for prison and court duties and less on the beat, where the community expects police to be. As I have said twice today in relation to this issue, to increase community safety we need a real commitment to support police and to provide the resources they need. I spoke about this in a private member's statement tonight. In my electorate the situation has reached crisis point. Bligh electorate has probably the highest crime rate in the State. We do not need this sort of politically expedient, draconian legislation; we need more uniformed police on the beat. The Government must provide the resources to achieve this. That is what will increase safety, not this sort of draconian, politically expedient proposal just to get the support of the *Daily Telegraph* and Alan Jones.

Mr KINROSS (Gordon) [9.48 p.m.]: In the spring session last year I gave notice of this motion:

> That this House notes that . . . in the Gordon Police Patrol area—

where generally Labor members criticise things for being quiet, peaceful and rich—

> . . . there was a:
>
> - 50% increase in Assault;
> - 35.5% increase in Break and Enter;
> - 175% increase in Drug Detention;
> - 142.9%increase in Robbery; and
> - a 116.7 per cent increase in Stolen Vehicles.

Police can confirm that a substantial proportion of those offences involved knives. The amendment has been moved by the honourable member for Eastwood, the shadow minister for police. New section 11C shows that what is being asked by the Opposition is commonsense. Subsection (1) states that a person must not, without reasonable excuse, proof of which lies on the person, have in his or her custody a knife in a public place or a school.

Subsection (2) goes on to list a myriad of circumstances which give that reasonable excuse. Under subsection (3) the reasonable excuse may be self-defence as long as there is another purpose for holding the knife. That is why the word "solely" is used. Schedule 1[3] proposes a new section 11C(3) which provides that "it is not a reasonable excuse for the purposes of this section for a person to have custody of a knife solely for the purpose of self defence or the defence of another person." In other words, if one is acting in self-defence or defence of another person, one may be justified in carrying a knife as long as they have another excuse.

Mr Whelan: Untrue.

Mr KINROSS: What does the word solely mean?

Mr Whelan: Exactly what it says.

Mr KINROSS: "Solely" means for no other purpose, so that if the purpose is self-defence or defence of another and another purpose, one is thereby probably entitled to have a knife in one's custody. If the Government introduces a penalty of $550, which is far less than the penalty for public mischief, or destroying or defacing a library book in a public library, it will make a mockery of the law. Schedule 1[3] also seeks to insert new section 11C(2)(a)(i) which provides that a farmer may carry a knife in the lawful pursuit of his occupation. Today a farmer rang John Stanley's program on 2UE and said:

> The Government does not know what it is talking about, because I probably cannot carry a knife.

He has that excuse under proposed subsection 2(a)(i). The court does not need discretion, the common law is not obligatory and the statute clearly provides an excuse. The Government, allowing for the excuses set out, proposes a penalty of only $550. This is Ann Symonds' last hurrah in this Parliament. This is her quid pro quo.

Ms Moore: What a pity she is going. We could do with a few more like her in this place.

Mr KINROSS: Yes. This was her quid pro quo for not having to say anything about the lying Carr and his Labor Government. She has at last got something on the statute books. The New South Wales public will not wear this legislation, because it is not fair, it is not sending out the right message. It is not sending out the right message because it allows a myriad of excuses to be given to a court. Even after a myriad of excuses, an offender may be given a slap on the wrist. What message does that send out about law and order and about the causes of crime and crime itself?

Crime can be lessened by imposing deterrents. We all know Associate Professor David Brown and other professors of criminology will say that deterrence plays a serious part in crime prevention. Young street kids who roam in gangs around railway stations will not be deterred by the Government's proposed penalties because, when caught, they will come up with yet another excuse. Bear in mind that Schedule 1[1] defines knife. My friend the shadow minister for education made a point about a flick knife but nothing in the Minister's comments suggested that will be a prohibited weapon or that it will be excluded. The definition is not exclusive, it is inclusive. There may well be an inconsistency in the operation of the statute so that the offence of simply carrying a weapon, as the shadow minister for education mentioned, could attract a substantially lesser penalty than that stated by the Minister for Police. As I said, schedule 1[3] will insert new section 11C(3):

> However, it is not a reasonable excuse for the purposes of this section for a person to have custody of a knife solely for the purpose of self defence or the defence of another person.

On 17 October 1996 an article in the *Canberra Times* referred to a High Court ruling delivered on 16 October 1996. The article stated:

> It is probably unlawful for the vast majority of Australian women to carry a spray can of mace or other irritant in their handbags for protection from attackers . . .
>
> In a 4-3 decision, the court rejected claims by a Sydney woman that she was acting in self-defence when she was carrying a pressurised canister of formaldehyde to defend herself.
>
> In NSW, people are not permitted to carry in a public place an irritant or any substance capable of causing injury unless they can convince the court that they had a reasonable excuse.

The Government has provided some excuses but the subsection needs to establish more than that to satisfy the defence. If that defence were not established, the Government would impose a penalty of only $550, which is probably less than the fine for exceeding the speed limit by more than 30 kilometres per hour. What a joke! It is probably less than the fine for writing something undesirable about a teacher in a library book. But with all the excuses in the world, what message does a fine of $550 send to someone who carries a knife? I concede that the fine will probably be indexed for inflation and when negative geared next year will reduce to about $495. And, as Joe the Gadget Man would say, "Bring your money with you."

I return to the High Court authority, which is one of the most stupid judgments I have ever read. As part of its reasons for being careful about the operation of "lawful excuse" the High Court ruled that self-defence—which this Government is giving for a whole range of circumstances, along with reasonable excuse—is neither a reasonable excuse nor a lawful purpose. Rarely do I put the boot into the judiciary or the High Court, but this decision was a joke. The rationale given by the four justices of the High Court, including the Chief Justice, Sir Gerard Brennan, and Justices McHugh, Toohey and Gummow, stated:

> If it were otherwise criminals, hoodlums and members of street gangs would be free to carry prohibited weapons in public because they had a well-founded fear of attacks from other criminals, hoodlums or street gangs.

That is an absolute farce—what about the public?—and the Government is adding to it by providing a maximum penalty of only $550. I say no more, I rest my case, as will the people of New South Wales when they vote this Government out of office next March.

Mr WHELAN (Ashfield—Minister for Police) [9.57 p.m.]: The honourable member for Gordon read from a High Court decision and referred to the Prohibited Weapons Act. Under that Act, which is strict in its application, a spray can of mace is clearly a prohibited weapon. The honourable member for Bligh said that her electorate needs more police, and I can understand that. New South Wales has record police numbers but I emphasise that the legislation will give police additional powers. The legislation not only makes it an offence to possess a prohibited weapon but gives the police the power to search, obtain a name and address, and other powers.

Ms Moore: That is what the police want.

Mr WHELAN: Yes, the police want to make arrests on the streets. There is no use having one

without the other, no use having additional police unless they have additional powers. And that is very important. The honourable member for Ku-ring-gai made one of the most lamentable, remarkable contributions to debate that I have ever heard in this Parliament. His comments about a little flick knife, which is a prohibited weapon for which there is a penalty of 14 years gaol under the existing legislation, were incorrect. There is no such thing as a little flick knife, but there are little prohibited weapons. People who use them will be given 14 years in gaol.

Mr Chappell: No, that is not correct.

Mr WHELAN: It is totally correct. The specific instances the honourable member referred to are serious crimes attracting gaol penalties. The honourable member for Ku-ring-gai read a litany of events that took place in schools and referred to a case where someone was murdered with a knife. People who kill with knives or other implements are charged with murder, which carries a life sentence. The honourable member for Ku-ring-gai also said that there is no excuse for taking a knife to school. The mother of little Johnny will have to be careful not to put a plastic knife in his lunch box because under the Opposition's amendment little Johnny could face five years gaol and be fined $11,000.

The honourable member for Strathfield made some interesting comments. He told honourable members that this measure is not about $11,000 or five years imprisonment but about the court's discretionary powers. He did not specify what he regarded as an appropriate penalty, although he said that $11,000 was far too high. I assume that he believes the pecuniary penalty to be applied should be somewhere between $1 and $11,000. Interestingly, he was not ambivalent about the five years imprisonment and did not withdraw from that. New section 29A refers to section 11C, which the Opposition seeks to amend, and to penalty notices. The Government suggests that the penalty notice should be for $550 but the Opposition asserts it should be $11,000.

The Opposition's proposed penalty notice would be the first in a western democracy to stipulate a fine and a five years gaol sentence. That is farcical; an absolute joke! It is nothing more than an attempt by the Opposition to engage in a phoney war about increased penalties that will achieve better political results, which is all the Opposition is interested in. It will not result in improved policing on the streets. How will the Opposition tell parents that children who carry knives will be taken to court? Does it realise the trauma children must face at court? In 1996 in New South Wales there were 2,000 robberies involving knives. More than 100,000 knives are being carried by young people in our community. The Opposition is giving the police power to confiscate knives from those 100,000 people. The honourable member for Strathfield has let the cat out of the bag. Those people will be fined between $1 and $11,000 and may also receive five years imprisonment. What an absolute joke! The honourable member for Bligh was right.

The Opposition will make the biggest mistake of all by taking police off the streets and putting them into the courts. At Cabramatta 40 to 50 police officers were waiting for the court to process drug-related crimes. However, 20,040 police will be waiting in the New South Wales court system to deal with the large number of knives that we know are ever present in the community. The bill creates a new offence of mere possession of a knife in a public place, in addition to the wide-ranging existing knife offences. The new law will apply to any knife carried without good cause. Police will be able to confiscate a knife on the spot. However, the Opposition wants these matters to be adjudicated upon in the court system by a magistrate. That will waste the time of police and take them away from their jobs, because there is no way that police on the night will be able to effectively complete their jobs. They will have to take every offender back to the police station, charge them formally and obtain bail.

Mr Fraser: Tell Peter Savage's mother that. I bet she did not agree with you.

Mr WHELAN: I have already done that. The Opposition does not know what it is getting into. It is taking police away from the jobs they are meant to do and weakening the legislation. It will involve the New South Wales Police Service in a massive bureaucratic legalised system. This bill is instant law. This is the law that will apply in the streets of Sydney and New South Wales without the interference of judges and magistrates. If the bill is passed unamended, it will enable police to do their jobs unfettered on the street. The Opposition's amendment will involve the police in a maze of bureaucratic nonsense, judicial gobbledegook and appeals through the court system that will render the bill inoperable.

The Opposition has not mentioned that the Government is proposing to have the Ombudsman examine and monitor the operation of the bill, to work with police and report in six months. I have not suggested that this bill should not be examined at a later stage. I will have consultation with those on the job, with the police on the ground. I will take

advice from the Police Service, monitor the situation and report the results obtained from the Police Service and the Ombudsman's findings to Parliament. This bill is a chance to give the police in New South Wales clear and unambiguous power, power that they have sought and won through their association. It is an opportunity for the New South Wales Parliament to show that it agrees with the Police Service and the Police Association that members' safety is vital and that it does not want police to be caught up in a bureaucratic nightmare. It is the toughest legislation to be introduced into this Parliament. In view of the erroneous statements in this debate, I wish to table a document entitled "Knives, Weapons and the Government's New Laws", which I have signed at the bottom.

The CHAIRMAN: Order! The Minister is out of order when he seeks to table a document in Committee.

Mr TINK (Eastwood) [10.09 p.m.]: The Minister's contribution contained a number of misapprehensions and errors. I refer to his example of a school student who takes a knife to school in his bag with his lunch. If the Minister understood this bill he would know that new sections 28A(1) and 28A(2)—

Mr Whelan: That is not what the honourable member for Ku-ring-gai said.

Mr TINK: The Minister should let me continue. New section 28A does not cover possession of a knife for the preparation or consumption of food. That is only one of many reasonable excuses not set out in this bill. I make no apology for saying that the bill does not cover all situations in which persons possess a knife without a reasonable excuse. Parliament can deal emphatically with those situations by not only creating an offence but also imposing a penalty. That is the Opposition's intention in this amendment.

If the Committee accepts this amendment I emphasise that penalty notices will still be an option. The Opposition recognises that although it has proposed maximum penalties for possession of a knife, first offenders need only be issued with a penalty notice by a police officer. The Minister said that if this amendment is accepted police will be tied up with a lot of paperwork. That will not be the case. Police will have discretion to issue penalty notices to offenders whom they do not consider should go to court. The Opposition would not want it any other way. It recognises that the proposed penalties will apply in most cases, and that is appropriate.

The Opposition is concerned that in some cases the knife that a person has in possession will not necessarily fall within the definition of "prohibited weapon" and it will be difficult for the police to prove, in accordance with the Summary Offences Act, that the knife is an offensive weapon or that the offender had intent. The Minister referred to paperwork and police time in court. This amendment would not result in police having to prove intent under section 10 of the Summary Offences Act. That is not an issue. By parry of reasoning, when an offender does not fall easily within the intent provisions or when a person is not packing—if I can use that expression—a prohibited weapon or knife listed in the schedule to the Prohibited Weapons Act but whom any person with commonsense can see is carrying a weapon in George Street, Sydney, or on the main street of Cabramatta, Fairfield, Eastwood or Waratah without a reasonable excuse, the Opposition is of the view that the penalty should be a little more than a fine that is only a fraction of the penalty for a person damaging a library book.

If a person repeatedly carries a weapon the matter should be heard by the court. One hopes that the penalty imposed on a person who offends repeatedly will involve spending some time in prison. In some cases the time spent in court by police which results in persons who offend repeatedly being taken off the streets and taught a lesson that may deter them from packing a knife and incidentally threatening police constables and others is a good investment. I refer to the two terrible murders that have occurred recently.

The Opposition is of the view that this amendment provides a more appropriate range of penalties. The Minister said that many young people are horrified at the thought of going to gaol. No-one wants anyone to go to gaol. However, it is a question of weighing the rights, privileges and responsibilities of all law-abiding people against those of all law breakers. People who repeatedly pack a knife in a public place or a school are potentially endangering others. The only way to break the cycle of repeat offending is for offenders to spend some time in custody. If imprisonment is what it takes for a repeat offender to get the message that it is not appropriate to carry a knife in a public place or a school without a reasonable excuse, so be it.

All members of Parliament, especially the Minister for Education and Training, have a duty of care to take all reasonable steps to ensure that students entering schools are not armed in such a way that they will fall within the provisions of this bill. That is what this matter is all about. Recently

there have been some appalling examples of violence in schools in the United States. The shadow minister for education and training has repeatedly demonstrated that violence in our schools is a reality, as have disturbing reports in the press which appear monotonously and regularly. Kids are arming and counter arming themselves because of perceived problems.

The duty of care to protect children in our schools is fundamentally important. Compulsory school attendance is another reason to ensure that the school environment is safe and appropriate. I believe that repeat offenders who do not understand that it is inappropriate to carry a knife in a public place should receive a custodial sentence. Sadly, it is an indictment of our society that some of the worst criminals serving time in institutions for the most heinous crimes ever committed in this State are juveniles. Some of the worst and most disturbing crimes are committed by people barely in their teens. That sends a bad message about our society and broadly shows that all members of Parliament have a lot of work to do across a number of policy areas.

First and foremost, the Government must recognise that the incidence of knives and weapons in schools is increasing and must have the fortitude to put in place substantial penalties for repeat offenders. The penalties in this amendment are intended to deter repeat offenders as well as protect all students who attend school to learn, make friends and become decent citizens. The Government's priority is to protect students against those who constantly carry a knife without reasonable excuse and who have not heeded the message the second time, third time and fourth time.

Progress reported from Committee and leave granted to sit again.

BUSINESS OF THE HOUSE

Extension of Sitting

Motion by Mr Whelan agreed to:

That the sitting be extended beyond 10.30 p.m.

CRIMES LEGISLATION AMENDMENT (POLICE AND PUBLIC SAFETY) BILL

In Committee

Consideration resumed from an earlier hour.

Mr WHELAN (Ashfield—Minister for Police) [10.21 p.m.]: The honourable member for Ku-ring-gai said that there was no excuse, reasonable or otherwise, for a knife to be taken into a school. He therefore says that little Johnny's mum cannot pack a plastic knife in Johnny's lunch because little Johnny will be subject to an $11,000 fine and little Johnny could spend five years in gaol because he wants to peel his orange. The Opposition thinks this is a terrific amendment. It is just a joke, it is laughable, and it is embarrassing that the Opposition should seek to proceed with it. The shadow minister said that is the maximum penalty. I have just been passed a note which reads, "We will have to cancel cooking classes because of this idiotic amendment." What a ridiculous suggestion! Members of the Opposition are all over the place. Friends of mine are in the gallery. They must be embarrassed by what they have heard from the Opposition. Subject to the secrecy of the ballot provisions, I can inform the House that they are Liberal voters, and they are embarrassed by what members of the Liberal Party are saying.

The shadow minister has said that lower penalties cannot be ruled out. That is evidence that this is a stunt by the Opposition. A $1 penalty for the offence of carrying a knife cannot be ruled out! The Opposition claims a court may say a $1 penalty is sufficient for the offence of carrying a weapon. The Opposition claims that $11,000 is the appropriate penalty. Even if the Opposition is right about the $1 or the $11,000, what about the gaol sentence? The Opposition would send young people to gaol. When the conscience of the honourable member for Eastwood got the better of him he said, "No-one wants our young people to go to gaol." What is the Opposition's position? There is no certainty in its amendment, it is not sure what the penalty should be, and it is not sure what the term of the gaol sentence should be. Compare that to the Government's position: certainty, clarity, and increased power. The Opposition is all over the shop.

The Opposition gave examples of police officers being stabbed by people resisting arrest. I have a table that I want to refer to. It shows that under section 33B of the Crimes Act the penalty for the offence of using a weapon to commit an indictable offence or to resist an arrest is 12 years gaol. The Opposition talked about wielding a knife in a public place or school. That is a summary offence. The Government quadrupled the penalty for that offence to two years or 50 penalty units, and the current legislation also provides for confiscation. Under proposed new section 28 the penalty for having custody of a knife in a public place or school without reasonable excuse is five penalty units and confiscation. The former coalition Government introduced nothing; it did not believe there was a problem.

The Government has produced a totally comprehensive package which is clear and unambiguous. The Opposition is all over the shop—from $1 to $11,000, from gaol to gaol. What is the Opposition trying to do to young people? The Government will take knives off them instantly, and police will be able to get on with the job of taking knives off other people found to be carrying them. The Opposition is telling the Police Service that its officers will be tied up putting young people in the back of a paddy wagon, taking them down to central, charging them, and putting them in the slammer. That will create a bureaucratic nightmare for the police. It might also introduce young people to a lifetime of crime. Young people will learn more in one day in a cell at Eastwood police station than they will at school. They will learn to use bigger knives, they will learn to use guns, and they will learn all the horrible things that people learn in gaol. The Opposition should see the error of its ways and give young people a go. The honourable member for Eastwood's exact words to me and this House were, "No-one wants our young people to go to gaol." The Opposition should follow its conscience and withdraw this stupid amendment.

Mr TINK (Eastwood) [10.26 p.m.]: I welcome the Liberal voters in the gallery. I would like to know whether they come from Ashfield or Terrigal. Perhaps we will find out one day. Both the Government and the Opposition are talking about maximum penalties.

Mr Whelan: We are not talking about gaol.

Mr TINK: I listened to the Minister for Police in silence. We will all go home early if he extends the same courtesy to me. Under the Government's legislation the minimum fine could be $1. It has a range of penalties up to a maximum of $550. The Opposition has the same scheme; it has a range of penalties up to a maximum. It contends that if public safety is to be preserved, a fine is not appropriate in the worst cases for repeat offenders.

Mr Whelan: The bill does not refer to repeat offenders.

Mr TINK: For the benefit of the Minister, if a person is brought before a court on a second or third occasion and charged with an offence under the proposed new section and has, for example, three prior convictions under section 11C of the Summary Offences Act, or whatever section it might be, the magistrate might say, "This is the third or fourth time you have offended under this section. The only way you are going to learn not to carry a knife into a public place or school without reasonable excuse is if you spend some time in custody." That is what these maximum penalties are all about. They provide an avenue by which the courts can deal with repeat offenders more severely than simply continuing to impose fines that they will never pay.

The police have the power to confiscate weapons. The Opposition will not seek to amend those provisions. With one exception it supports the remainder of the bill. The Opposition has no quibble with the confiscation of knives, but the sad fact is that the proliferation of knives and the carrying of knives in the community, particularly by younger people, will continue because young people are scared and want to protect themselves. One knife may be confiscated but the worst offenders will soon get others.

Unfortunately, it is not hard to get a knife or to take it into a public place or school without having a reasonable excuse to possess it. Confiscating knives will not necessarily prevent the person from whom it was confiscated getting another one. Those people just keep getting knives. In the public interest, when dealing with a repeat offender and weighing up public safety, especially of children who may be at risk of injury from a person carrying a knife, I support the children at risk and not those committing the crime.

The Minister brandished a schedule that contained information about the more serious penalties for those who wield knives and cause grievous bodily harm, actual bodily harm and all sorts of other injuries. Any idiot knows that those offences carry far more serious penalties. The purpose of the Opposition amendment is to deter these offences at the source. The proposed alternative penalty attempts to disarm those who carry knives so that they will not be faced with having to make split-second judgments that may result in a life imprisonment sentence being imposed because they stabbed somebody with the knife they were carrying.

Arguably that may happen in self-defence, but situations occur, such as an affray, and suddenly someone is convicted of murder. If a 10- or 11-year-old commits murder, he or she is in deep trouble. Rather than have half-baked monetary penalties, which many kids will ignore and will continue to carry knives because everybody else ignores the penalties, the deterrent should encourage everyone to be disarmed and not pack a knife in the first place.

If the incentive for deterrence for repeat offenders is to disarm themselves, people will not be confronted in a pub brawl and stabbed and killed by

a person with a knife. Of course, the person responsible would be sentenced for murder, as stated in the schedule. The Opposition is trying to stop people from carrying these weapons in the first place, so that murder or any of the other offences listed in the schedule never happen. That is the reason for the Opposition's amendments. At the end of the day people will be disarmed and the community will be a lot safer. That will not happen with a $550 penalty.

Mr WHELAN (Ashfield—Minister for Police) [10.33 p.m.]: A harsher penalty will not disarm those intent on carrying knives. The honourable member for Eastwood must understand that the purpose of this legislation is to take away the knife. The bill talks about possession and the honourable member mentioned the worst case of mere possession. Perhaps the honourable member could explain that worst case of possession. He cannot mean wielding or using a knife, because that is covered by the Summary Offences Act, the Prohibited Weapons Act or the Crimes Act. The provisions of this bill relate to a person who has mere possession of a knife.

Mr Fraser: Mere possession?

Mr WHELAN: Mere possession in legal terms means that a person holds a knife on their person. I ask the honourable member for Eastwood to clarify the worst scenario about possessing a knife. He cannot be referring to wielding a knife, showing it, using it in a threatening manner or stabbing someone, because those actions are covered by other Acts.

Mr TINK (Eastwood) [10.34 p.m.]: The worst case is somebody repeatedly turning up at school armed with a knife without having a reasonable excuse for possessing it. In that context anything might happen in or near that school or in a public place nearby to cause a more serious offence to be committed. In that circumstance somebody's life might be at risk. When someone turns up at a school regularly with a knife and has no reasonable excuse for carrying that knife, it is obvious that the message is not getting through and that improvements are needed to the imposition of fines.

Mr FRASER (Coffs Harbour) [10.35 p.m.]: This evening I happened to see on a current affairs program two youths who said they carried knives for self-defence. That is not an excuse for being in possession of a knife. They said they will carry a knife, whatever size it may be, for self-defence because they think someone else who may confront them may possess a knife. The honourable member for Eastwood mentioned guns earlier, as I did during the second reading debate.

The provisions of legislation introduced to try to combat the use of unlicensed guns in the commission of offences resulted in farmers being turned into criminals. They were told that penalties existed for having in possession unlicensed guns. Yet the Government now says that more serious actions involving knives, not just possession, are covered under the Crimes Act, the Summary Offences Act and the Prohibited Weapons Act.

The Opposition is talking about the provisions of this legislation. This bill was introduced because the public has had a gutful of knife-related offences. The Minister should examine the crime rate figures related to assaults and murders. Knives are being used in those offences, not guns. The fresh-faced teenagers I saw tonight on that current affairs program said they carried knives for self-defence. The Opposition wants to send a message to those kids and to the kid next door that it is not okay to carry knives for self-defence. If no-one has a knife, there will be no problem. That can only be achieved through strong legislation and not by a $550 fine, which mum or dad can take out of petty cash.

Mr Whelan: What about $11,000?

Mr FRASER: That is the maximum penalty that can be imposed. The law always operates with a maximum penalty that the court may impose.

Mr Whelan: What about gaol?

Mr FRASER: Yes, why not gaol, especially for a repeat offender who threatens someone with a knife?

Mr Whelan: That is different. Big mistake.

Mr FRASER: The Minister says that is when the Crimes Act or Summary Offences Act comes into play. This bill was introduced as a smokescreen to Peter Savage's mum and dad. The Minister promised them the penalty would be five years gaol, but now through this legislation the penalty will be $550. It is not good enough. If the Minister believes in his legislation and understands the way courts work, as he proclaims to understand, he knows the maximum penalty is not imposed for the first offence.

The Minister knows that courts have an opportunity to exercise leniency. The courts must

send out a strong message that anyone possessing a knife without reasonable excuse will be punished severely. The honourable member for Bligh said, "I do not agree with what the Opposition is doing", but she screams all the time about wanting more police in Kings Cross. The Minister and I know Ray Adams, who used to be officer-in-charge of Coffs Harbour patrol. He should have the power to send the message to the kids in the Cross that it is not acceptable to carry a knife. If the penalty that offence attracts is severe, it will be respected. A $550 fine is not a deterrent to a drug dealer who carries a knife and makes up to $5,000 a day. If he commits a second offence it is another fine of $550. If he commits a third offence it will be another fine of $550. The Opposition wants the bill to provide a reasonable penalty. The Opposition wants the Government to include a penalty that will deter people from carrying knives.

Stabbing murders occur in Coffs Harbour. For six years I had a caravan park. People were stabbed in the park. One night I disarmed a fellow who was armed with an axe. He wanted to kill his wife. The honourable member for Bligh may think that is funny, but those sorts of things happen in the bush. The message must be sent that that sort of behaviour is unacceptable. If the honourable member for Bligh wants to clean up her electorate, if she wants to scream at the Minister about more police, she has to give the police the legislative power to ensure that people do not repeatedly arm themselves with knives. I am a licensed firearm owner. If I break my rifle and I want to replace it I have to wait for 28 days. I do not agree with that. It is stupid. However, that process does not apply in relation to knives.

Over Easter I was in Charlestown Square at Newcastle. A knife shop there sells every type of knife one could possibly want for a kitchen. At the other end of the shop one can buy all sorts of knives, weapons of offence and defence such as Crocodile Dundee knives. As the kids said tonight on television, they carry them for self-defence. I do not want to see those weapons on the streets. I am sure the honourable member for Bligh does not want to see them on the streets of her electorate. A message must be sent to the community that the court has the power to remove from society those who are caught carrying such weapons, using them or intending to use them. A $550 fine will not do that.

It is all very well for the Minister to say that the Crimes Act and the Summary Offences Act deal with those offences, but the law must be enforced. The Minister should tell the courts to enforce the law. At the same time we must send a message to the kids that carrying these weapons of self-defence is not acceptable. I agree with the honourable member for Manly, who said that more youth programs are needed. These kids should have the opportunity to be trained in a civilised fashion and to become part of society. The Summary Offences Act was repealed by Frank Walker, and these kids are now making the most of it. They carry knives for both offensive and defensive reasons without any fear of the law. I would rather face someone with a gun than someone with a knife. If someone using a knife is sufficiently close to his victim, he could severely injure his victim or even kill him. A gun may injure a person, but one can deflect a gun if it is held at close range.

I cannot stress strongly enough to the Minister that a message must be sent to the kids we are trying to help through the police citizens youth clubs that Parliament is not prepared to accept the use and possession of knives. My son has a pocketknife to use around the farm. He has a fold-up knife that he puts in his pocket, and he is proud of it. But he has been taught by his mother and by me to use it for peaceful purposes—for whittling a bit of bark, for cutting a guava off a tree, for peeling an orange—and not as a weapon of offence or defence. We have told him that the knife is to be used only around the farm; it is not to be taken off the farm.

We have to send the message to the kids that the law will be hard on them if they carry a knife to use either for offence or self-defence. I could be talking about anyone's son. If kids intend to use knives in a manner that will cause grievous bodily harm or death, the courts should be able to impose a penalty that will discourage them from carrying knives. This amendment will achieve that objective. If the Government cannot send that message, the Opposition will. Government members should have listened to tonight's current affairs programs. They should listen to reaction from the public and agree to this amendment.

Mr WHELAN (Ashfield—Minister for Police) [10.44 p.m.]: Whether or not the honourable member for Coffs Harbour likes it, the offences to which he referred are already dealt with by the Crimes Act. The basic tenet of the legislation is that the proposed penalty is for mere possession and nothing else. The honourable member for Coffs Harbour has proposed that the mere possession of a weapon could result in a young person going to gaol. The offences the honourable member spoke

about have already been dealt with tonight. Mr Burgess, the Deputy-President of the Police Association, said on the radio this morning that this bill specifically refers to the offence of custody of a knife in a public place or school. I suggest that will bring some relief to a large number of concerned teachers and parents. The Police Service will now have to liaise closely with the Department of Education and Training to decide how the legislation will be policed. Mr Burgess went on to say:

> Now, what we're saying is if people are fearful that they will be detected carrying a knife because police have greater search powers, then perhaps that will deter them from carrying them in the first place.

We all hope that will happen, but the Opposition cannot explain why mere possession, the non-use of a weapon, means an $11,000 fine and/or gaol for five years, or both.

Mr TINK (Eastwood) [10.46 p.m.]: I understand the comments made by the Deputy-President of the Police Association. I simply reiterate that the Opposition believes worst-case offenders require custodial sentences of some sort. I cannot say any more than that. That is the position taken by the Opposition.

Question—That the amendment be agreed to—put.

The Committee divided.

Ayes, 40

Mr Blackmore	Mr Peacocke
Mr Chappell	Mr Phillips
Mrs Chikarovski	Mr Richardson
Mr Cochran	Mr Rixon
Mr Cruickshank	Mr Rozzoli
Mr Debnam	Mr Schipp
Mr Ellis	Mr Schultz
Ms Ficarra	Ms Seaton
Mr Glachan	Mrs Skinner
Mr Hartcher	Mr Slack-Smith
Mr Hazzard	Mr Small
Mr Humpherson	Mr Smith
Mr Jeffery	Mr Souris
Dr Kernohan	Mr Tink
Mr Kinross	Mr J. H. Turner
Mr MacCarthy	Mr R. W. Turner
Mr Merton	Mr Windsor
Mr Oakeshott	
Mr O'Doherty	*Tellers,*
Mr O'Farrell	Mr Fraser
Mr D. L. Page	Mr Kerr

Noes, 46

Ms Allan	Mr Markham
Mr Amery	Mr Martin
Mr Anderson	Ms Meagher
Ms Andrews	Ms Moore
Mr Aquilina	Mr Moss
Mrs Beamer	Mr Nagle
Mr Clough	Mr Neilly
Mr Crittenden	Mr E. T. Page
Mr Debus	Mr Price
Mr Face	Dr Refshauge
Mr Gaudry	Mr Rumble
Mrs Grusovin	Mr Scully
Ms Hall	Mr Shedden
Mr Harrison	Mr Stewart
Ms Harrison	Mr Sullivan
Mr Hunter	Mr Tripodi
Mr Iemma	Mr Watkins
Mr Knowles	Mr Whelan
Mr Langton	Mr Woods
Mrs Lo Po'	Mr Yeadon
Mr Lynch	
Dr Macdonald	*Tellers,*
Mr McBride	Mr Beckroge
Mr McManus	Mr Thompson

Pairs

Mr Armstrong	Mr Carr
Mr Beck	Mr Gibson
Mr Brogden	Mr Knight
Mr Collins	Ms Nori
Mrs Stone	Mr Rogan

Question so resolved in the negative.

Amendment negatived.

Mr O'DOHERTY (Ku-ring-gai) [10.56 p.m.]: I draw the attention of the Committee to the lack of clarity in this bill and in the provisions generally relating to the operation of schools and the power to search for weapons, in particular knives and other implements, and drugs. As the Opposition demonstrated today, a body as august as the National Children's and Youth Law Centre has upheld that there are no clear rules for teachers and principals to search students for knives, or even for drugs, at a school. There is no clarity at all. The Minister for Education and Training countered today that this bill goes to the heart of that question by providing that police are able to now search students at schools. When I raised this matter during question time today, the Minister said that the bill currently before the Committee will include a provision that

police can go and search students for all of these things, but that is not a satisfactory outcome for the teachers who have to go about their business. It is a serious matter for schoolteachers that they have no clarity about their power to keep schools safe, as their duty of care requires them to do. The National Children's and Youth Law Centre quite clearly states in its advice:

> It is an assault and a criminal offence if a teacher searches you—

this document is directed at school students—

> or grabs your school bag or clothing without your permission unless there is a real threat to the safety of other students.

As I understand it, after discussion with lawyers, the last part of that sentence is equally in doubt. If teachers try to confiscate a weapon or search a student for a weapon, they may be liable for a criminal assault charge just for trying to keep schools safe. That is the duty that the Government says it wants them to do. Dangerously, that is the duty that the Minister for Education and Training says they must perform. The Minister said, "We have given principals and teachers unprecedented powers to search and suspend." And the rhetoric goes on. No power has been established by a statute of this Parliament. The Minister for Education and Training is leaving teachers open to a dangerous situation where, on his say so, they will be potentially liable for a criminal assault charge, just for doing what the Minister says the Government wants them to do.

The Opposition believes that there is a compelling case for the Government to clarify the power of teachers. The honourable member for Hurstville interjected as he left the Chamber and said that there is a strong case for the Government to clarify the law as it relates to the power of principals and teachers to search students at schools. This legislation clarifies the power of police. I ask the Government to clarify the powers of teachers to do the same thing. When I spoke to people at the National Children's and Youth and Law Centre this afternoon the advice I was given was quite clear. In taking these matters into account the courts would look at four different things. First, they would look at statute law. No statute of this Parliament gives the undeniable right to teachers to search students. No law exempts them from the provisions of the criminal code, and that matter has to be clarified. Second, the courts would have to look at case law. Case law in this matter is difficult to establish. It is a complex matter.

Third, the courts would have to look at the common law. That is a difficult matter to establish. Fourth, they would have to look at the administrative guidelines put in place, for example, by the Director-General of Education and Training. That is the basis on which the Minister says, "We have given teachers the power." What he means by that statement is that the director-general has issued a memo and the Minister has established a fair discipline code which states, "We want schools to be safe of weapons and we want teachers to search students." That is the only basis on which the Minister says to teachers that they have an undeniable right to search students. Not surprisingly, the Teachers Federation and the principals council do not buy that argument. Because there is no clear statute from this Parliament that makes that exception for teachers and states, "You have the power; you are exempt if you are carrying out proper procedures"—frame it as one might—most of them will not do so because, when push comes to shove, they are concerned about their personal legal position.

I am simply asking the Government to clarify the matter. I do not want to extend debate on this matter tonight. Because I anticipate that the Minister for Education and Training may say something in reply to my statement I make it plain that the document from which members of the Opposition quoted today is a current document. I have a draft rewrite of the document entitled "Know Your Rights at School", published by the National Children's and Youth Law Centre. Undeniably, this document was first published in about 1994. The document from which members of the Opposition quoted today, which was released to the media—I am happy to give the Minister a copy—is the draft which is currently being rewritten. The point of that is this: lawyers have gone through the Minister's fair discipline code; they even make mention of it. Even on the strength of the Minister's fair discipline code they still say that there is no absolute power to search. So the document to which we have referred is a current document. There are none of the smokescreens that the Minister attempted to put up in the press gallery tonight.

This document, which is a current document and which takes into account the Minister's fair discipline code, still states that there is no power to search. We still say that the Minister must clarify this law and bring his proposals to the Parliament so we can debate them. Finally, I anticipate that the Minister will say, "This is not an official document. Besides, the National Children's and Youth Law Centre has asked the department whether it is right." It has not asked the department whether it is right; it has sent a copy to the department for its comments.

Mr Aquilina: You are wrong.

Mr O'DOHERTY: I am advised by Michael Antrum, the director, that a copy of this document

has been sent to the Minister's department for comment. The department may come back and say, "No, we think our fair discipline code transcends all those things"—the things that I mentioned; the lack of a statute, the lack of clear case law, the lack of clear definition in the common law and the lack of procedural guidelines. No doubt the department will stand by the Minister's fair discipline code. But the lawyers have already looked at the fair discipline code, and their opinion is quite clear. This independent advocacy body states, "There is no clarity to the guidelines." I am not attacking the Minister; I am simply asking, for the safety of students and for the protection of teachers, "Please clarify the position and bring those proposals to the Parliament so we can debate them."

Mr AQUILINA (Riverstone—Minister for Education and Training, and Minister Assisting the Premier on Youth Affairs) [11.07 p.m.]: I will refer to a few of the issues raised by the honourable member for Ku-ring-gai. First, he talked about the document entitled "Know Your Rights at School", which was referred to this afternoon in question time. The honourable member referred to that document as though it had been accepted by government schools in this State. As I indicated to the House this afternoon, that document is not a departmental document. Despite the way in which the honourable member for Ku-ring-gai framed his question, which implied in some way that it was a departmental document, it does not have the endorsement of this Government.

A number of attachments were appended to the press release sent out by the honourable member for Ku-ring-gai. One of the attachments stated that the document was being circulated to schools not to verify whether it was current policy but to verify whether it was in line with current procedure and practice. The honourable member ought to read what is contained in his press releases. Clearly, the press release put out by the honourable member was an inference directly in contrast to what he tried to portray in the House this afternoon. This evening he referred to the need for the department to verify the situation in schools and establish whether or not that situation was legally tenable. I put it to the honourable member for Ku-ring-gai that we do not need to go into what the department states because I spelled it out in my own terms as long ago as 30 November 1996. I said, under my own signature and on my letterhead, in a letter to all government school principals in this State:

> Schools will not be havens from the law. Where behaviour is criminal, or there is evidence of a suspected crime, the Police Service will be called to the school.

I went on to say:

> While there is no expectation that teachers and other staff will perform the duties of police officers, they should be aware that their duty of care and responsibility to safeguard students permits them to conduct a search of a student's desk or bag where they have reasonable grounds to suspect that other people may be in danger. Where students refuse to have their bags searched, the police should be called.

When students refuse to allow their bags to be searched police should be called. That specific direction has been given to principals and teachers in government schools since 13 November 1996. It is not the subject of a memorandum from the director-general, it is a direction from me, under my ministerial letterhead, to the principals. It is absolute nonsense for the honourable member for Ku-ring-gai to suggest today that there is some equivocation or lack of clarity about the powers of teachers. Once again today the honourable member has been found out for not doing his homework. Before he spoke today he should have informed himself of the nature of memorandums in schools, who authorised them and whether or not they have the endorsement of this Government. He did not do that research, and as a result he has misled this Parliament and made a fool of himself.

Mr O'DOHERTY (Ku-ring-gai) [11.11 p.m.]: I wish to clarify to matters. First, I did not claim in this Chamber, outside this House or in my press release that the memorandum was a departmental document. The Minister can search the record as much as he likes; he will never find any such suggestion by me. He has deliberately misled the Committee. I was very specific in the question I asked as I was very specific in my press release. I will not defend myself further against such ridiculous claims.

The second matter I wish to clarify is that the memorandum did not come from the director-general. In fact, principals have received a letter from the Minister. Is it, therefore, suggested that if a student takes a teacher to court on a charge of criminal assault for having searched the student's bag or person the teacher may stand up in court and say that he had the power to conduct such a search? Is it suggested that the teacher may call the Minister as a witness to say that he signed the letter and that, therefore, the teacher can ask to be let off? The Minister knows that it does not work that way. Why is the Government introducing this bill if the powers to search by police are so clear? It has been argued that even among police the powers to search are not clear. How much less clear then are they if principals and teachers are armed only with a policy letter signed by the Minister for Education and Training?

I am not here to attack the Minister. I am here on behalf of teachers who want to go about their

business of keeping schools safe without the fear of finding themselves liable to legal action. I am here on behalf of students who wish to go to school confident in the knowledge that other students do not have weapons. I represent those two groups. I plead with the Minister to clarify the powers that are the subject of this amendment to the law of the State of New South Wales. If he cannot or will not do that, I ask him to, at the very least, produce advice from the Crown Solicitor confirming that a policy document signed by the Minister is sufficient protection under the law. If he is able to do that, I shall concede that he has done what I have asked. But he cannot produce such an advice. Lawyers advise that far more is required than a letter signed by the Minister. This matter must be clarified if we are to have safe schools.

Mr AQUILINA (Riverstone—Minister for Education and Training, and Minister Assisting the Premier on Youth Affairs) [11.14 p.m.]: Once again the honourable member for Ku-ring-gai is being too cute by half. Despite the matter contained in his press release the honourable member inferred in his question that the document "Know Your Rights at School" was a departmental document. That is the impression he left every member with. However, he was caught out because I was able to advise that it was not a departmental document, that it was a document produced by an organisation outside government, that it does not have the endorsement of Government, and that it was circulated to schools as long ago as 1994, when the honourable member was the chairman of the education committee of the previous Government.

The honourable member said also that the authority given to principals and teachers to search bags would not stand up in a court of law because it was given by virtue of a memorandum from the director-general. He suggested that only the director-general had given a direction in relation to this matter. I advised that it was not the subject of a director-general's memorandum, that it was the subject of a letter from the Minister which had the full weight of the Government behind it. The honourable member knows that a letter from the Minister which has the full weight of the Government behind it—a ministerial directive no less—carries much more weight legally than a memorandum from the director-general. He is also fully aware of legal precedent that supports that contention. Once again he has been caught out because he does not know what he is talking about. He attempted to mislead the media this morning and the Parliament this afternoon and he has been caught out. He should be ashamed of himself.

Mr O'DOHERTY (Ku-ring-gai) [11.16 p.m.]: Will the Minister please provide to the Committee legal advice from the Crown Solicitor that confirms what he has just said?

Mr TINK (Eastwood) [11.16 p.m.]: I move amendment 2 standing in my name:

No. 2 Page 13 schedule 1 lines 1 to 4. Omit all words.

The Opposition takes the view that everybody must be equal before the law. One is treading dangerous ground when one starts treating individuals and groups differently for the same offence. I am indebted to the honourable member for Manly for advising that although under section 28G it will be illegal for one to be in possession of a knife in a public place or school, it may not be illegal for one to be in possession of a knife at an industrial dispute, organised assembly, protest or procession.

It is an interesting point, and it is a practical demonstration of the dangers inherent in treating one group of people differently from another under the criminal law. Of course, at law young people of an age below that which it is deemed not possible to form a specific criminal intent and people who have a disability that affects their capacity to form an intent to commit a crime are treated differently from those who are able to form the necessary intent. Such distinctions are well known in the criminal law. However, people of sound mind and body who are of legal age must be treated equally under the law. Dangerous precedent is set when one moves away from that fundamental and most important principle. I believe that this proposal is a shift away from that principle, and for that reason I move this amendment.

Mr WHELAN (Ashfield—Minister for Police) [11.20 p.m.]: The honourable member for Eastwood proposes to delete the provision that prevents the use of the new reasonable direction power in matters involving pickets or protests. He has said that he has consulted fully and properly with the Police Association. The Police Association is opposed to the new provision being used against protesters in picket lines. The association in its submission to me stated that it is important that its authority not be used to break up demonstrations or industrial actions, and that those particular issues should be specifically addressed within the legislation to ensure that the powers could not be used by governments or employers to suit their own ends. In answer to a question asked by the honourable member for Eastwood, I point out that the provision is contained in division 4. I also point out that the amendment proposed by the honourable member for Eastwood is contrary to sections 4 and 7 of the State Emergency and Rescue Management Act, which was passed by the coalition Government in 1989.

Mr TINK (Eastwood) [11.21 p.m.]: I wish to clarify one issue. The limitation on proposed new section 28G relates only to division 4, so it does not apply to knives. The provision is limited to powers to give directions.

Mr WHELAN (Ashfield—Minister for Police) [11.22 p.m.]: I should have referred to two Acts passed by the coalition Government that contain this provision: the State Emergency Service Act 1989 and the State Emergency and Rescue Management Act 1989. Those Acts contain identical provisions.

Ms MOORE (Bligh) [11.22 p.m.]: I oppose this amendment because it has the potential to violate basic human rights to peaceful and currently lawful protest and because it is a suppression of the democratic rights of the average law-abiding citizen.

Question—That the words stand—put.

The Committee divided.

Ayes, 46

Ms Allan	Mr Martin
Mr Amery	Ms Meagher
Mr Anderson	Mr Mills
Ms Andrews	Ms Moore
Mr Aquilina	Mr Moss
Mrs Beamer	Mr Nagle
Mr Clough	Mr Neilly
Mr Crittenden	Mr E. T. Page
Mr Debus	Mr Price
Mr Face	Dr Refshauge
Mr Gaudry	Mr Rumble
Mrs Grusovin	Mr Scully
Ms Hall	Mr Shedden
Mr Harrison	Mr Stewart
Ms Harrison	Mr Sullivan
Mr Hunter	Mr Tripodi
Mr Iemma	Mr Watkins
Mr Knowles	Mr Whelan
Mr Langton	Mr Woods
Mrs Lo Po'	Mr Yeadon
Mr Lynch	
Mr McBride	*Tellers,*
Mr McManus	Mr Beckroge
Mr Markham	Mr Thompson

Noes, 41

Mr Blackmore	Mr D. L. Page
Mr Chappell	Mr Peacocke
Mrs Chikarovski	Mr Phillips
Mr Cochran	Mr Richardson
Mr Cruickshank	Mr Rixon
Mr Debnam	Mr Rozzoli
Mr Ellis	Mr Schipp
Ms Ficarra	Mr Schultz
Mr Glachan	Ms Seaton
Mr Hartcher	Mrs Skinner
Mr Hazzard	Mr Slack-Smith
Mr Humpherson	Mr Small
Mr Jeffery	Mr Smith
Dr Kernohan	Mr Souris
Mr Kinross	Mr Tink
Mr MacCarthy	Mr J. H. Turner
Dr Macdonald	Mr R. W. Turner
Mr Merton	Mr Windsor
Mr Oakeshott	*Tellers,*
Mr O'Doherty	Mr Fraser
Mr O'Farrell	Mr Kerr

Pairs

Mr Carr	Mr Armstrong
Mr Gibson	Mr Beck
Mr Knight	Mr Brogden
Ms Nori	Mr Collins
Mr Rogan	Mrs Stone

Question so resolved in the affirmative.

Amendment negatived.

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

House adjourned at 11.33 p.m.