LEGISLATIVE ASSEMBLY

Wednesday 21 June 2000

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

Mr Speaker offered the Prayer.

LOTTERIES AND ART UNIONS AMENDMENT BILL

Second Reading

Debate resumed from 31 May.

Ms HARRISON (Parramatta) [10.00 a.m.]: I support the Lotteries and Art Unions Amendment Bill, which will do much to regulate non-commercial community gaming activities such as raffles, lotteries and the ubiquitous football tipping competition. The principal Act does not regulate commercial lotteries conducted in accordance with the Public Lotteries Act 1996. The bill will support the community's faith that the manner in which those games of chance are conducted meets their expectations—such expectations as the game will be conducted in a fair and proper manner and that profit from the game will not flow on to undeserving individuals. The bill will ensure that the proceeds from the activity will be ultimately applied to the designated purpose or organisation. The bill will also make sure that when any breaches occur the appropriate sanctions can and will be applied.

One aspect of the community's gaming activities that this bill will regulate is the progressive lottery. The most common form of that pastime is the footy tipping competition, with which I and many other members of this House have come into contact. Tipping competitions are organised as social pastimes. Many people regard the conduct of that enjoyable and exciting fund activity as a right, as demonstrated and reinforced by the absence of public complaints against them to government bodies, Government members or the media in general.

The amendments to the Lotteries and Art Unions Act will make the conduct of those forms of lotteries lawful; it will also be lawful to offer money as a prize for such competitions and for other forms of raffles. The amendments to the Act will prohibit the offering of weapons, firearms or ammunition as prizes. They will prohibit the offering of such objects as prizes in raffles which, up until now, have not been subject to legislative prohibition for community gaming activities. In keeping with that sense of social responsibility and acting in conjunction with the report of the committee of inquiry into cosmetic surgery of 1999, the Act will prohibit the offering of cosmetic surgery as a prize. That is done in consideration of the risks that accompany the seriousness and complexity of cosmetic surgery procedures.

In general, the effect of the proposed amendments will be to maintain the status quo. Workplaces, clubs and associations will be able to continue their weekly footy tipping competitions, raffles, bingo, et cetera, but with proposed regulatory conditions that would curb any possible excesses by either unscrupulous or perhaps incompetent organisers. This will be carried out in principle to minimise improper conduct opportunities and the potential for harm, and to do so with a minimum of bureaucratic intervention. By allowing progressive lotteries in which the total of the entrance fees is less than $20,000 the interest in and excitement of tipping competitions will continue to be enjoyed as entertainment by their many participants. Competitions for the purpose of trade promotion, such as newspaper tipping competitions, will be required to continue under an authorising permit through new section 4B of the Act.

Aspects of competitions that might otherwise cause concern to the community will also be controlled; such as ensuring that profits are applied to private stake winners and not to profit-making organisations. Additionally, this amending bill will ensure that all proceeds, after deduction of proper expenses, will be paid out as prizes. Possible inappropriate practices that might arise through the payment of commissions, fees, et cetera, to persons connected with the activity will be negated by the amendment, which provides that such payments are prohibited.

The use of 1900 telephone number facilities will also be regulated by the amendments. Because 1900 calls incur extra costs, any competition organiser using this service can charge an entrant no more than 50¢, plus

the goods and services tax. The person conducting the competition will not be permitted to receive any of the amount paid by the telephone subscriber to the call provider. One aspect of progressive lotteries that up until now has been neglected, but is addressed by the amendments, is that organisers will be required to formulate and display rules relating to the conditions of entry, price calculation and distribution method, as well as provide a description of how a participant might win a prize. Gratuitous lotteries such as lucky door prizes are also addressed by this legislative amendment. The law will be changed to allow the lawful conduct of such gratuitous lotteries, provided that they are not of a commercial nature and that participation is free. To ensure that there is a clear separation between fundraising and gratuitous lotteries, the total value of prizes will be capped at $5,000 and money prizes will be prohibited.

It is proposed that the Act be amended to allow the awarding of money prizes to games of chance that previously had been restricted to "goods, wares and merchandise". This will ensure that raffles, art unions, et cetera, have a competitive advantage over other forms of games of chance. Money prizes will be restricted to the total value of $5,000 or such other prescribed amount. Currently the Act prohibits the offering of tobacco products as prizes, and prizes of alcohol products are restricted to no more than 20 litres in any game of chance. So it is with confidence that I support the Lotteries and Art Unions Amendment Bill. It will legitimise and sensibly regulate those games of chance that are an important and integral part of our State's social fabric.

Mr ASHTON (East Hills) [10.07 a.m.]: I endorse the comments of the honourable member for Parramatta. The Lotteries and Art Unions Amendment Bill, whilst not earth-shaking legislation, will regulate much of what has been happening in communities throughout the world for thousands of years. The perception that Australians will bet on two flies crawling up a wall is accurate. I do not suggest that the amendments provide for that form of betting; however, the bill recognises that the many forms of games of chance that have been enjoyed by citizens over many years have been technically illegal. For example, parents and citizens associations often conduct so-called guessing competitions to raise money for their local schools. To comply with the Act the associations have had to print tickets containing words with letters omitted to give the impression that an element of chance is not involved in the competition; that some skill is required.

The amendment recognises the expectation that a game of chance will be properly conducted and will raise money not for an individual but for a school to help it build a hall, or for a football club to buy jerseys for a football team. The amendment provides for sanctions where funds raised are not properly appropriated. We have all participated in tipping competitions. I have won several of them. Whilst the payouts were not huge, it gave me great satisfaction to support the school or other organisation that was involved. As an aside might I say that where I went wrong was that towards the end I used to pick Balmain—not a very smart move, especially in the last four or five years of football competitions that I have been involved in.

Football tipping competitions, hundred clubs, progressive lotteries and gratuitous lotteries have been conducted for decades as if they were a right. I think they are. All aspects of people's lives cannot be regulated. As has been said, some gambling will occur, with people betting on the simplest of things. For example, Melbourne Cup sweeps technically would have been illegal, yet the newspapers have published fields, jockeys' colours, starters' numbers, and other information to assist in the conduct of a draw. Some people who take part in the sweeps draw a horse, whilst others do not.

The Minister might advise me otherwise, but I would think that lucky dips come under this amendment. A lucky dip is a form of gambling. Children who go to a fete might see a stand offering lucky dips for $1, so they pay their money and win something, usually of a very trivial nature. Usually, on such occasions, money is being raised to support a football club or some other sporting organisation, or a charity. Every member of this Parliament would have been to a church fete and been involved in a raffle. We all regard money spent on a raffle ticket as almost a donation; any thoughts of winning are almost incidental. Winning is not in one's mind when buying a ticket; usually tickets are bought to support the organisation running the fete.

I have been to functions where people have rolled or thrown coins as close as they can to a bottle of scotch, with the money raised going to a football club. I hope my comments are not taken as a confession to a crime; certainly, after the passing of this amendment, that activity will not be against the law. I have complete confidence that there will be adequate sanctions to ensure that this amendment does not encourage any more gambling than is taking place at the moment. The value of prizes that can be won will be capped. This amendment recognises for the first time that money can be offered as a prize.

It is proposed to amend the law to make it lawful to conduct progressive or gratuitous lotteries. However, importantly, there will still be a prohibition against the offering of prizes such as weapons, firearms

and ammunition, and against the offering of prizes such as cosmetic surgery in particular. I think we all realise that prizes such as cosmetic surgery result in people signing agreements for surgery beyond the scope of the prize. People might think that they have won a specific prize when in fact they may be signed up for cosmetic treatments or a gymnasium course. So the result is not so much a prize as a means of getting the winner to sign up for a service for which they must pay. As I said, this amendment aims to make legal what is already happening. It will not increase the bureaucracy. We will not require hundreds of people to be out and about checking that chocolate wheels are operating pursuant to the Act.

The Government is committed to minimising the harm that can be caused to people through gambling and excessive drinking. The Minister recently attended a function in Bankstown to highlight the efforts that clubs are making to try to minimise the damage that can be done to people and families by such excesses. All clubs should by now have a healthy respect for harm minimisation in those areas. The amendment will ensure that only non-profit organisations will be entitled to benefit from gratuitous raffles and will prohibit the payment of commissions to organisers of events. Usually, the organiser will be the social secretary of the football club, a sporting organisation, church or school. Even political parties have been known to conduct the odd raffle. I think we have all been involved in raffles to fund our own election. In a sense, such activities will be legitimised by this amendment.

I am pleased that this measure deals with calls made to 1900 telephone numbers, an issue to which the honourable member for Parramatta and the Minister made reference. Those activities will be carefully scrutinised. It has been obvious to me for some time that this action has been necessary. For example, some competitions related to rugby league and cricket encourage people to ring a 1900 number, with the call being charged at a certain rate per minute. The prize may be $1,000. Years ago, in better economic times, the prizes were much greater. It must be clear to anyone, especially those in politics, that the company that successfully encourages people to ring in to nominate who was the best footballer on the field, or what was the best catch in a cricket match, has a considerable financial windfall, because 10,000 or 15,000 people may ring in. Therefore the company will pick up sometimes $20,000, which can then be distributed between the television station and carriers such as Optus or Telstra. That has been a nice little earner. I congratulate the Minister for recognising that such an arrangement is not in the spirit of the amendment. The cost of calls will be limited to 50¢ plus GST, and the organiser of such a competition will be prohibited from receiving any financial benefit from it.

A review is being undertaken to consider what restrictions should apply to the involvement of minors. Again, this is a difficult area. I recall as a student one of my friends who was a very keen gambler betting, I suppose illegally, on the races. He was able to get away with that. He would sneak into the TAB, rustle around among the discarded TAB tickets, and scurry out the door before anyone could catch him. His dad would go down and collect the winnings if my friend had found any live tickets. It is difficult to legislate for everything.

Lucky door prizes also come within the scope of this amendment. It is proposed that the law be changed to allow the lawful conduct of gratuitous lotteries on the basis that the lottery is of a non-commercial nature. The person who turns up at a function and is given a ticket when walking through the door may win a lucky door prize. However, that person has not gone out of his or her way to be actively involved in gambling. That is referred to as gratuitous gambling. Of course, someone going through the door could say, "I'm sorry, but I just want to attend the function, and I won't take a ticket." People are not forced to be involved in these sorts of lotteries.

Historically, prizes offered have been restricted to goods, wares and merchandise. However, this amendment recognises the setting of a small money prize. That is a reasonable option. It means that anyone running one of these raffles does not have to anticipate the income from it and buy a television, radio, dishwasher or washing machine to offer as a prize. Now they will be able to offer money. That will make it simpler for churches, schools, youth groups, RSL clubs and other community organisations to conduct such events. This kind of simple, gratuitous gambling is very much a part of the fabric of our society; as I have said, it is almost gambling by default. I am very happy to support the Minister in proposing this amendment to the Lotteries and Art Union Act.

As I said at the beginning of my address, against the State budget and hospital and transport issues, this may not seem to be a vital piece of legislation. However, I am sure the ordinary person on the street would say that it is excellent legislation. It will legitimise activities that have been occurring in the community for decades. It shows that the Government, in particular the Minister, is on the ball when it comes to tidying up anomalies. The Government would be remiss if it did not correct anomalies. I fully endorse the bill.

Mr OAKESHOTT (Port Macquarie) [10.20 a.m.]: The Coalition does not oppose the Lotteries and Arts Unions Amendment Bill. It will address some historical anomalies that the Minister has previously outlined publicly and in the House. Finally, the bill has been introduced after a six-month lead-up, and I am pleased that I have the opportunity to speak to it. The bill will amend the Lotteries and Art Unions Act 1901 to make lawful the conduct of progressive and gratuitous lotteries, to allow money to be awarded as a prize in certain lotteries, games of chance and art unions, and to prohibit the awarding of certain prizes.

The proposed legislation has been well and truly announced during the past six to 12 months. We have been looking forward to its introduction. I am sure that all honourable members have read on many occasions in the media that the Government will prohibit the awarding of plastic surgery as a prize. The bill will get the Premier out of trouble by making lawful his participation in rugby league tipping competitions, which has been the subject of some amusement to many members of this House and people in this State. The Premier is not known for being a great fan of rugby league. Now that he is starting to take an interest in the game, we may see the return of his home club, the South Sydney Rabbitohs, to the National Rugby League [NRL] competition.

With his new interest in rugby league, the Premier—as the leader of the State and the local member representing the South Sydney community—should join with the honourable member for Heffron, who is a board member of South Sydney rugby league club and a good member of the Australian Labor Party, to seek the return of his local team, the great South Sydney, to the NRL. The Premier should make a public announcement about his position on the return of the great red and green of the Rabbitohs. I would like to talk to the Premier and explain to him what a 40-20 kick is and who Zip Zip, Test Match, Blocker and Fatty are.

Mr Ashton: And Backdoor Benny.

Mr OAKESHOTT: And Backdoor Benny. I look forward to many such conversations with the Premier. I am currently participating in a rugby league tipping competition. Sometimes I wish that this bill had not been introduced, so that I could claim that the competition was illegal and save my money. I also participated in a Super 12 tipping competition and came stone motherless last!

Mr McBride: Who did you back?

Mr OAKESHOTT: I kept backing New South Wales, unfortunately. On a serious note, I am pleased with this bill, which will impact on all of us who get involved in community, local and friendly tipping competitions. The honourable member for East Hills raised a good point about the implications for political parties. I hope that the Minister will refer to that issue in his reply. Whilst this legislation addresses an anomaly about the way tipping competitions are run, there is potential for implications for the fundraising activities of political parties in the heated environment of election campaigns. The Minister should make it clear how political parties in New South Wales can and cannot raise funds. The honourable member for East Hills confessed that he has been raising funds through raffles, which until now has been an illegal activity. The Minister must set clear guidelines about the implications of the changes in this legislation for political parties.

The activities referred to in the bill provide social interaction at a local level throughout the community. In my community on the mid North Coast I participated in a game of Alfy in a local club. Up until that time I did not know what Alfy was; I have learned something during the past couple of years as a local member. Many people in our community are faced with loneliness—a relatively untouched issue. The club environment provides an opportunity for social interaction for many people, particularly the elderly who may have lost their lifelong partners. Community games provide an opportunity for social networking and interaction; they contribute significantly to the quality of life of many people.

The Opposition does not oppose the bill. We are pleased that it is finally on the table. We are also pleased that the Premier is no longer breaking the law by participating in rugby league tipping competitions, and that breast surgery and plastic surgery will no longer be offered as a prize in tipping competitions. We hope that in his reply the Minister will clarify the implications for political parties. Next year in the Super 12 tipping competition I will again back New South Wales if Speed Kennedy is still coach. I throw down a challenge to New South Wales Rugby Union. I hope that Speed Kennedy is retained as coach. He is a good man and a good coach. I hope that New South Wales wins the competition next year. If it does not, with Speed Kennedy as coach, I will swim from here to Manly. I await with interest to hear what the Minister has to say in his reply about implications for political parties.

Mr FACE (Charlestown—Minister for Gaming and Racing, and Minister Assisting the Premier on Hunter Development) [10.27 a.m.], in reply: I thank all honourable members who have participated in this debate. The bill is one of a number that I have introduced to address anomalies in what has become known as community gaming. I have tried to reflect in it what is occurring in other States, particularly Victoria, to overcome cross-border anomalies and issues such as those that that have arisen in the north of the State with regard to Housie and other games of chance. As to the implications for political parties, I do not know of any provision in the bill that will impede their fundraising activities. However, I take the point, and I will set some clear guidelines. As the honourable member for Port Macquarie well knows: if there is an anomaly, I will clear it up. I do not regard the fundraising activities of political parties as being any different from various other fundraising activities that have been accepted by the community for many years. I have not heard of any complaints in that regard. If any complaint had been received, I am sure it would have been about the amount of money rather than the concept. For the sake of clarity, I undertake to set some guidelines and make them available to all parties so that there is no doubt about what they can and cannot do. If any anomalies arise, I will overcome them.

What has been referred to today is what has been accepted practice over a long period. One of the bills that passed through this House corrected an anomaly relating to the playing of housie in old people's homes—something that, in the past, was clearly illegal. People were undertaking a harmless pastime to occupy themselves. As was alluded to earlier, many people lead very lonely lives. Those sorts of pastimes do not in any way affect anybody or do harm to anyone; rather, they are a form of social interaction and they help some people to pass the time. It is the policy of this Government to do away with laws that are archaic and do not reflect community standards. I commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

LIQUOR AND REGISTERED CLUBS LEGISLATION AMENDMENT BILL

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) [10.32 a.m.]: I move:

That this bill be now read a second time.

The millennium celebrations held in Sydney and around New South Wales earlier this year were by any measure a great success. Given the number of people celebrating throughout the State, the relatively low level of incidents was a tremendous outcome. Credit is certainly due to the many government agencies, volunteer groups, businesses, and hospitality venues that contributed to making the celebrations safe and enjoyable. The sensible behaviour of the vast majority of the public should also be recognised and applauded. The Government believes that an important reason for the success of the millennium celebrations was the special amendments to the Liquor Act introduced in 1999 which helped to facilitate well-managed and orderly celebrations throughout the State.

Those amendments provided additional trading hours and flexibility for licensed venues so that they could meet the public demands for hospitality services across the millennium celebrations period. Most licensed venues displayed a responsible attitude in making use of these special arrangements. It is clear that the liquor industry recognised its obligations in return for those extra trading rights and, therefore, played its part in the success of the celebrations. This was achieved because of the co-operative approach of the Government and licensed venues. Co-operation has been a hallmark of the Government's liquor harm minimisation policies and is a crucial factor in reducing alcohol-related problems, not only during the millennium New Year's Eve celebrations but at all times of the year.

It is against this background of co-operation between the Government and the hospitality industry that I introduce this bill. The bill will amend the liquor laws in this State in a number ways. First, it will provide licensed venues in New South Wales with additional hours of trading for the second instalment of millennium celebrations, along with the Centenary of Federation celebrations, at the end of this year—similar to the hours

that were provided for the celebrations at the beginning of this year. Second, it will make important changes to the law dealing with liquor licensing accords, so that accords can continue to successfully deal with alcohol-related problems in communities across New South Wales. Third, the bill will fine-tune the liquor licensing arrangements that are being put in place for the Sydney Olympic Games. Fourth, the bill will reform certain aspects of the liquor laws for restaurant and function liquor licences. Finally, the bill makes a range of other changes to the liquor and gaming laws in the public interest to ensure fairness, accountability, flexibility and accuracy.

The second instalment of millennium celebrations at the end of this year will, for those purists among us, commemorate the real millennium changeover. Those celebrations—which this year will also include Centenary of Federation celebrations—are expected to again place pressure on liquor and hospitality venues, particularly in tourist and holiday areas. It is also relevant that this New Year's Eve falls on a Sunday night, and many venues would usually be limited to a 2.00 a.m. closing. To ensure that venues can manage the demands in the celebration period, and to again facilitate orderly celebrations, this bill reapplies the 1999 legislation that I referred to earlier, with some minor adjustments. The revised hours for the five-day millennium period will see venues that do not already have 24-hour trading able to trade from normal opening time on Saturday 30 December 2000, through to normal closing on Wednesday night 3 January 2001. These venues must close for at least one hour on each of the four mornings of the period before reopening for the day, as was the case with the 1999 legislation.

The extended trading provided in the bill will be subject to a range of controls to promote the responsible service and consumption of alcohol, and to protect the amenity of local neighbourhoods. These controls mirror those that were applied in the 1999 legislation. These millennium arrangements have been proposed in a spirit of co-operation between the Government and the liquor industry to again bring about successful celebrations that meet the demands of the public. It is important that the industry, in making use of the extra benefits provided in this bill, acknowledge its obligation to continue to promote the responsible service and consumption of alcohol. I also point out that blanket extensions for hotel and liquor store takeaway sales are not proposed. Similarly, no changes are proposed for registered clubs which, under the Registered Clubs Act, have no limits on their on-premises trading hours.

I have spoken at length in the past about the good work being done by the liquor industry and the Government—again in a spirit of co-operation—to establish and promote liquor licensing accords in New South Wales. Liquor accords have been outstandingly successful in addressing alcohol-related problems. That is why the Government is encouraging the development of accords as an effective way of dealing with alcohol-related violence and antisocial behaviour in and around licensed venues. Accords have been successful because they represent a local solution that is largely driven by local stakeholders. It is a credit to those involved with accords that police have reported significant reductions in assaults, disturbance, vandalism and other antisocial behaviour where a liquor accord has been implemented.

More than 40 accords are now in place or under development throughout New South Wales They have proven to be one of the most effective strategies in dealing with alcohol-related problems—particularly in regional and rural New South Wales—in recent times. One of the earliest liquor accords was established in Taree in 1998. This accord was an initiative of local police, with support from licensees, businesses, and local government in the Taree area. Significant reductions in alcohol-related problems were attributed to the Taree accord. It is therefore with regret that I have to report the Taree accord has recently been dissolved. Legal action was taken against Taree accord members in regard to that accord's "barred from one, barred from all" provision. This provision meant that a person who was barred from one licensed premises in Taree could be barred from all licensed premises involved with the accord.

It is now clear that a "barred from one, barred from all" provision in a liquor accord is unlawful and unenforceable. The Government understands that a small number of accords include this feature, and those accords will now need to be reviewed to ensure that they do not suffer the same fate as the Taree accord. In light of the recent legal action, other issues have emerged which could threaten the existence of a significant number of liquor accords. For example, there are concerns about provisions in some accords where licensees and clubs voluntarily agree to restrict or prevent access to their premises after a certain hour, or agree to cease trading at a time earlier than their licence conditions allow. Much of the success of accords—particularly in regional and rural New South Wales—has been attributed to this commonly adopted feature. Legal advice provided to the Government has raised questions about the legality of some of these arrangements.

Honourable members will recall that the Government amended the liquor laws last year to protect this feature of accords from action under the Trade Practices Act and competition policy legislation. This was done in recognition of the central part this type of voluntary arrangement plays in the success of many accords. It would be a tragedy if New South Wales were to lose its liquor accords because of these legal uncertainties. This is especially so given the substantial effort put into accords by government, the police, the liquor industry and the community. The failure of liquor accords would almost certainly see a rise in alcohol-related problems—particularly in regional and rural New South Wales. Therefore, the bill now before the House includes amendments to the liquor laws which support accords, and address the urgent problems that have been raised.

I gave assurances to the industry that if it were found to be wanting I would do something about it, and this is the end result. The bill specifically allows restrictions on access to premises after a certain time and on liquor trading hours to be voluntarily adopted in a liquor accord. It also makes some consequential amendments that provide further legislative recognition to accords. These new provisions should address much of the doubt about accords—and the liability of participants—that has arisen in recent months. They make it clear that important access and trading hour arrangements can continue to be the foundation for many accords across New South Wales.

The bill also includes amendments that make it clear the Liquor Administration Board and Licensing Court can impose certain conditions on a liquor licence or certificate of registration. Those conditions mirror the access and trading hour restrictions in accords that I have previously referred to. I wish to point out that the bill does not make "barred from one, barred from all" arrangements lawful. These arrangements, along with other issues relating to accords and harm minimisation that have been raised, will be carefully considered by the Government—in co-operation with the liquor industry and other stakeholders—over the coming months. Whilst that is going on I was concerned, and I am now moving amendments that, at least, go most of the way to overcome problems that have arisen. The Government is aware that some liquor accord committees are concerned about the ramifications of the Taree action, and may be reluctant to continue with their accord work.

I wish to make it clear to those committees that the Government takes the threats to accords that have arisen very seriously, and is taking action through this bill, and through other measures. However, it is also important to point out that the problems that have been raised—some of which are dealt with by this bill—are not relevant to all liquor accords. Some of the fears that have been expressed are unjustified, and the Government appeals to those committees to carefully consider their actions. In December 1999, the Parliament passed legislation to provide special licensing arrangements for the Olympic Games in September and October of this year. One aspect of that legislation will allow blanket 24-hour trading by licensed premises in various parts of the State. These extended hours apply automatically to licensed premises located within the city of Sydney, Kings Cross, and in Oxford Street, Darlinghurst. In other specified areas, councils can decide whether the needs of their local areas are such that more flexible liquor trading hours are required.

During the debate on that legislation, concerns were expressed about the impact of automatic 24-hour trading during the Games on residential areas within the city of Sydney, Kings Cross and Oxford Street, Darlinghurst. To address those concerns, the bill amends the Liquor and Registered Clubs (Olympic and Paralympic Games) Act to provide additional safeguards in respect of blanket extended trading hours in the city of Sydney and other "automatic" areas. For example, if a licensed premises in an "automatic" area has a disturbance complaint substantiated by the Liquor Administration Board, the premises will automatically lose the right to trade the extended hours during the Games. Also, premises in those areas trading under the blanket extended trading hours scheme will be subject to additional harm-minimisation conditions.

Another amendment in the bill provides for the making of regulations in respect of noise and extended trading during the Games. This will ensure that all premises trading under the blanket extended trading hours arrangement are subject to similar noise conditions to those usually applied on a case-by-case basis to venues that trade late. This additional requirement will ensure action can be taken if noise is a problem—regardless of whether the licensed premises are in the city of Sydney or elsewhere. The Government believes this finetuning of the special Olympics liquor legislation is a responsible and practical response to the concerns raised that have been raised. From time to time non-traditional alcoholic products—such as alcoholic jelly, and more recently alcoholic iceblocks—have been released onto the New South Wales liquor market. There has been strong community reaction to these products, with concerns about their attractiveness to under-age drinkers and children.

In the past when undesirable liquor products have been released onto the market, the Government has sought the co-operation of the liquor industry to self-regulate and consider closely whether those products

should be stocked in liquor outlets. It is essential for a consistent and proactive approach to be taken to prevent undesirable liquor products from coming onto the New South Wales market. While the Government appreciates the liquor industry's response on this issue, it is clear that the industry is not always able to achieve what the community wants. Therefore, the bill amends the Liquor and Registered Clubs Acts to provide a mechanism for undesirable liquor products that may have a special appeal to minors to be brought under regulatory control by having them prescribed in the Liquor and Registered Clubs Regulations. Before finalising any proposed regulation, the responsible Minister will be required to consult with the liquor industry and any known manufacturer of the product concerned.

To ensure compliance, the bill also provides an offence for the sale of undesirable liquor products on licensed premises. This has been a matter of concern ever since I have been a Minister. No liquor licence category in the Liquor Act provides specifically for the sale and supply of liquor at significant, one-off events—for example, the Olympic and Paralympic Games, or the forthcoming Centenary of Federation celebrations. In fact, special, short-term legislation was necessary to provide the licensing requirements for the Games. For other major events, licensing requirements can be too restrictive to enable the event to be conducted in a manner consistent with what the community expects. The bill therefore introduces a new special events licence for events of State or regional significance. This new licence provides a tailored licensing regime for those events which are often associated with significant tourism and economic benefits to the State of New South Wales.

The new licence is similar to the existing Governor's licence, although it is more flexible, and continues in force only during the event. It will be subject to the usual harm-minimisation requirements and other appropriate controls to ensure the responsible service of alcohol at the events.

The bill also provides for the suspension of any existing liquor licences at affected premises—with the consent of the existing licensee—for the duration of the special events licence. This Government has made some important and sensible changes to restaurant liquor licensing in recent years which have provided much-welcomed flexibility so that restaurants can meet community demands for more varied eating and drinking venues. Recent examples include the dine-or-drink legislation in 1998, and the licensing of small restaurants and cafes in 1999. The bill now before the House continues this run of sensible reforms. Currently, licensed restaurants in New South Wales have to meet two different standards for the toilets they must provide. There is one standard set out in the Liquor Act, and there is also a standard required by the Building Code of Australia or by local councils. It is relevant that these two standards are not identical.

As a person who served the first 10 years of his working life as a plumber, and who still holds the licence, I thought I had long since seen the last of toilets. But this has become a matter of considerable conjecture over a period of time. However, it is stupid and restrictive on small business and this overcomes the problems. No other type of liquor licence has to meet two different sets of standards for toilets. In the case of restaurants, the two standards can lead to unreasonable delays and substantial costs for small businesses. Therefore, the bill removes the separate standard for restaurants in the Liquor Act. Restaurants will, like other licensed premises, rely on the requirements of the Building Code of Australia or the local council for toilet facilities. In those very limited circumstances where there are no such requirements, the Licensing Court will determine the standard that must be met.

The bill also makes a sensible change for restaurants, so that it is clear that patrons can take away a bottle of wine that they purchased at a licensed restaurant, where that wine was opened in the restaurant and only partly consumed. I can just imagine paying a couple hundred dollars for a bottle of Grange and being told that I could not take the rest of it away. I have never paid for Grange, but people would not be happy if that were to happen. I point out that this amendment does not apply to any other type of liquor, and it does not apply to unopened bottles that have not been partly consumed in the restaurant. It is also limited to restaurants, and will not apply to nightclubs or other similar venues that do not have take-away liquor. Function liquor licences are used by hundreds of non-proprietary associations across New South Wales each year to sell liquor at community functions.

Temporary licences are available for associations that hold less than four functions each year, while permanent licences are available to associations that hold four or more functions. Currently, the Liquor Act requires every function licence application in New South Wales to be referred to Sydney for investigation and review. This has led to complaints from regional New South Wales about delays affecting function applications. I have had a lot of complaints from people as I have moved around the country about the difficulty of decent people trying to do the right thing and having obstacles put in their way by bureaucratic red tape. Accordingly, the bill contains amendments which streamline the process for temporary functions—so that applicants can

obtain their licence in a reasonable time. The definition of "function" is also revised and updated in the bill to ensure that "trivia nights", and other legitimate non-sporting community events conducted for fund-raising purposes, are included. And that reflects very much what I have said about community gaming.

The bill will also amend the Liquor and Registered Clubs Acts to provide for the licensing of poker machine testing laboratories. In July 1999 the Liquor Administration Board granted interim accreditation to four laboratories to undertake testing of gaming machines to ensure the machines satisfy the board's technical standards. This bill introduces a licensing system for these laboratories which presently hold interim accreditation, and any other laboratory which seeks such accreditation in the future. This is essentially to ensure that the standards are met and they are complied with. The licensing system builds on the existing structure in the Liquor and Registered Clubs Acts relating to gaming-related licensees generally, and will ensure that those who seek to be licensed are, most importantly, fit and proper.

It will also require applicants to first obtain certification from the board that their skills and capacity are such as to warrant applications being made for licences. The bill also provides for the board to impose appropriate conditions on a licence. The new licensing scheme has been designed to continue current arrangements, and ensure that appropriate enforceable safeguards are in place to protect the integrity of machine gaming in New South Wales. In recent years the Government has strengthened the under-age drinking laws and increased the penalties for various under-age drinking offences in the Liquor Act and the Registered Clubs Act. The bill continues this impetus by increasing the penalties for minors who consume liquor on licensed venues, who obtain or carry away liquor from licensed venues, or who operate gaming machines.

These changes will ensure these penalties—which will rise to a maximum of 10 penalty units—are consistent with the penalties for other under-age provisions in the Acts. Again, this is something to deter under-age people. One of the most vexing problems in the community is secondary purchase and secondary service of alcohol away from licensed premises, something the community has to come to terms with. Another important strategy in reducing under-age drinking is the proof-of-age requirements. The liquor laws provide for proof-of-age documents to be used in licensed venues, and regulations prescribe the types of documents—which include the proof of age card—that are acceptable for this purpose. The card is a voluntary scheme enabling young people aged 18 to 25 years to obtain a document to prove that they are over 18 years of age and, therefore, are legally able to gain entry to licensed venues, and purchase alcohol and tobacco products.

The card has been strongly supported by young people and the liquor industry. However, that success has resulted in a significant financial burden for the Gaming and Racing portfolio, and in order to reduce that burden user pays charges were introduced last year. Proof-of-age cards are issued on behalf of the Department of Gaming and Racing by the Roads and Traffic Authority under an administrative arrangement. A Crown law advising has confirmed that the issue of a proof-of-age card is a service for which a fee may be charged. However, it is possible that the administrative arrangement could be challenged, and it is therefore desirable to enact legislation to put the issue of the card, and the power to charge a fee for it, on a statutory footing. The bill therefore includes provisions that provide for the issuing of proof-of-age cards and the collection of fees by the Roads and Traffic Authority, and enables the user pays charges to be prescribed in regulations.

The emergence of e-commerce has led to an expansion in the marketing of liquor products by licensed premises via the Internet. This is lawful provided a retail liquor licence is held. The Liquor Act has harm minimisation objects, and there are requirements for signs drawing attention to the offence of selling and supplying liquor to minors as well as other measures to promote the responsible serving and consumption of liquor. While these harm minimisation strategies are effective in on-premises situations, sales of liquor over the Internet remove the requirement for the customer to visit the actual licensed premises and be exposed to the signage ordinarily displayed in licensed venues. It is important that Internet customers are provided with information about the offence of supplying liquor to minors, and are exposed to responsible consumption messages.

The bill therefore includes an amendment to require licensees who market liquor over the Internet to publish the mandatory and recommended harm minimisation signage on their web sites in a way that will draw attention to these requirements. A transitional provision will allow this requirement to be phased in over six months for pre-existing Internet sites. The bill also includes appropriate offences for licensees and others who do not comply with these requirements. While the extent of problems with minors gaining access to liquor via the Internet is not known, these proposals are consistent with harm minimisation principles and will educate customers about this issue. The Department of Gaming and Racing will monitor the situation—as it has been monitoring everything that is done in my portfolio in recent years—and will continue to consult with the liquor industry about any further appropriate controls over the sale of liquor over the Internet that might be necessary in the future.

The bill also includes a range of miscellaneous and machinery amendments to the liquor laws. I will briefly refer to those now. The bill introduces a 12-month extended payment scheme—similar to that introduced for dine-or-drink restaurants in 1998—for the three liquor licence types that pay substantial fees. This change, which will allow nightclub, liquor store and hotel licensees to make use of their licence before they are required to pay the entire fee, is being made in the interests of fairness. The bill also addresses concerns as to whether contracted security personnel have the same authority under the liquor laws to refuse entry to intoxicated or disorderly people, and to "turn out" such people, as licensees and staff do. In this regard, amendments in the bill make it clear that an employee of a licensee or club includes persons engaged under contract—such as security officers. This matter has been of great concern to licensees for some period of time.

The bill contains amendments that provide guidance as to what constitutes a "special occasion" where a hotel or restaurant licensee applies for an extension of trading hours. It also makes it clear that where an hotelier uses his or her licence to sell liquor at a function away from the hotel premises, the function licence provisions of the liquor laws—which include appropriate controls over the sale of liquor—operate. In these circumstances, the hotel licence will be taken to be a function licence for the purposes of that function. However, the law will continue to provide that these functions are not restricted to those conducted by non-proprietary associations, and that hoteliers can apply to sell liquor at a function conducted by any person or organisation. The bill clarifies the trading hours for licensed vessels in the interests of people enjoying those facilities, and compliance by licensees.

In recognition of the increased potential for unlawful liquor sales during the Olympic Games, the bill increases the maximum penalty for certain offences—particularly relating to unlicensed liquor sales on public streets. The bill also clarifies existing controls over the use of licensed premises, and the supply of liquor-related and gaming-related services on licensed premises. Following on from the Government's recent gaming machine changes, the bill includes amendments to ensure that recently enacted gaming machine social impact assessment processes are dealt with wholly through the Liquor Administration Board—rather than the Licensing Court dealing with some and the board with others. This will reduce the burden on court resources and provide consistency of approach. The bill also allows alternative arrangements to be prescribed for the public exhibition of social impact assessment documents where premises are not constructed or not occupied by the applicant.

Finally, the opportunity is being taken to make a number of statute law revision changes to the Liquor and Registered Clubs Acts. This bill includes a range of important amendments to the New South Wales liquor laws. Some of the amendments are possible because of the co-operation of the liquor industry in recent years in promoting harm minimisation and the responsible service and consumption of alcohol. The Government wishes to acknowledge in particular the tremendous efforts made by some in the industry in recent years, and looks forward to continuing the sprit of co-operation that has been a hallmark of the Government's harm minimisation strategies. I commend the bill to the House.

Debate adjourned on motion by Mr R. H. L. Smith.

RACING TAXATION (BETTING TAX) AMENDMENT BILL

Second Reading

Debate resumed from 31 May.

Mr McBRIDE (The Entrance) [10.58 a.m.]: In late 1996 legislation commenced permitting licensed New South Wales bookmakers to accept bets on a range of sports betting events approved by the Minister. Since the commencement of bookmaker sports betting in New South Wales in March 1997 State tax has been imposed at the rate of 1 per cent of turnover. This is the same rate that applied to bookmaker turnover on racing for many years. Following representations by the New South Wales Bookmakers Co-operative for a reduction in the tax rate on sports betting during 1999, the department conducted a detailed examination of the taxation on sports betting throughout Australia and overseas. The department concluded that licensed New South Wales operators were facing severe competitive pressures as a consequence of their counterparts in several other Australian jurisdictions—for example, Western Australia, Tasmania, the Australian Capital Territory and the Northern Territory—enjoying lower tax rates.

On 1 March the Victorian racing Minister announced the abolition of bookmaker betting taxes from 3 July 2000. In its place the racing industry may now impose a bookmaker levy of up to 1 per cent on all racing and sports betting turnover. It was clear that a real risk existed that sport bookmakers would avoid New South

Wales because of its relatively greater tax burden. With the rapid growth in telephone and Internet wagering the real and growing concern was that in the absence of strong and competitive local operators New South Wales sports bettors would be attracted to betting with interstate wagering operators. The drawbacks of this are threefold. In the absence of going through those in detail, from a long-term perspective the reduced tax rate should assist in ensuring the viability of bookmaker sports betting in New South Wales.

Mr OAKESHOTT (Port Macquarie) [11.00 a.m.]: I am pleased to lead for the Opposition, which does not oppose the Racing Taxation (Betting Tax) Amendment Bill. We recognise this measure as a direction the Government wants to take. Sports betting in New South Wales is a growing issue and an increasingly preferred option for many gamblers and those who want to bet on various events. This has become an issue in all States and even federally. The Commonwealth Government also faces problems associated with keeping revenue within this country while money can be accessed from overseas operations and while preferred options are available for punters at better odds and at a lower rate. Every State Government and authority is having difficulty grappling with that issue in this new age of no borders within Australia.

The Minister and the Government must be vigilant in making sure that the accessing of operations such as those in Vanuatu, which are earning somewhat of a dubious reputation over the Internet, is kept to a minimum. Punters certainly need to have preferred options, particularly telephone betting, but we must ensure that this State remains competitive with interstate operations by allowing punters access to quality accredited New South Wales operations. The Coalition does not oppose the bill. We look forward to working with the Government to make sure that tax reform is right in New South Wales.

Mr FACE (Charlestown—Minister for Gaming and Racing, and Minister Assisting the Premier on Hunter Development) [11.03 a.m.], in reply: I thank the honourable member for Port Macquarie and the honourable member for The Entrance for their contributions. The Unlawful Gaming Amendment (Betting) Bill, of which I gave notice yesterday, if reached during this legislative program will address those problems referred to by the honourable member for Port Macquarie. I commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

CASINO CONTROL AMENDMENT BILL

Second Reading

Debate resumed from 7 June.

Mr OAKESHOTT (Port Macquarie) [11.04 a.m.]: There has been much debate about the casino over the last six to eight weeks, and this bill is an opportunity for the Government to respond to much of what has been happening. The bill is a step to try to improve what is proving to be a hornet's nest of significant problems for the Minister and the Government. I am pleased that the main thrust of the bill is the removal of the promotion of tourism, employment and economic development as an object of the Casino Control Authority. Without putting words in her mouth, I believe this was exactly the problem the former Chair of the Casino Control Authority, Kaye Loder, faced when she appeared on *Four Corners*. Ms Loder commented on that program that she was sorry that money was leaving New South Wales, later identified as illegal money being laundered through the casino by a gentleman who is now in gaol for heroin trading, despite his only legitimate business being a shop selling barbecued duck in Cabramatta.

I find it extraordinary, despite the bill, that the Government has no triggers or alarms going off when incidents such as this emerge in this State. Other examples have been raised in this House over the last two months such as an unemployed storeman putting $28 million through the casino in six months; a man who runs a photo developing shop putting through $16 million in six months; and a gentleman who has been identified as a known importer of illegal prostitutes into this country, who is being hounded by Commonwealth authorities, putting through significant amounts of money as we speak. I understand—certainly it has not been clarified by the Minister or the Government—that nothing has been done to stop this gentleman receiving the royal carpet treatment in the high rollers room at the casino.

Also raised in this House was the allegation that the casino—really the Casino Control Authority—has been encouraging people into the high rollers room to spend their money without checking on where that money

came from or the background of gamblers using that facility. Examining this issue over the last 2½ months has been an eye-opener for me. I am disgusted at the lack of attention to this issue not only by the regulatory bodies but by the Government and the Minister. This matter lingered for up to four years with nothing being done until the Chair of the Casino Control Authority made comments on a national program, which resulted in the Premier asking for her resignation within 18 hours and the Minister only a week later on radio 2BL commenting that money laundering could be going on.

The Minister made a similar comment in the first estimates committee hearing last week. He has all but confirmed that he is aware it goes on, yet nothing is being done about it. All we get from this Government is platitudes, half inquiries and mini inquiries. At the moment five inquiries are shooting around the issue but all are missing the point that the regulatory bodies that run the casino are failing. The section 31 inquiry is examining the operator's licence in a compulsory three-year review. A mini version of that inquiry, the section 143 inquiry, has kicked off to examine allegations raised in this House. I am told that an internal police inquiry is following up some of these issues, and that an upper House standing committee is pursuing the issue. The weekend media said that TabCorp, the organisation that runs the casino, also kicked off its own internal inquiry.

The five inquiries are all dancing around the issue. The Government is introducing legislation to try to look tough and talk tough but the problem remains. The regulatory bodies are failing in their responsibilities to ensure that casino gaming in New South Wales is conducted in an appropriate, transparent and accountable manner. Nothing is being done to review the performance of the two regulatory bodies and to ensure that a legal casino in New South Wales can operate without the perception of criminal elements hanging around. It is extraordinary that six to eight weeks ago the Minister stood in this House, the so-called home of democracy in New South Wales, and said that he fears for his safety. There has been no follow-up since then. The Minister has simply said that the problems are not inside the casino and that matters are being dealt with appropriately.

I ask the Minister why he fears for his safety and why he points across the Chamber at me, saying that if anything happens to him he will hold me responsible. That is a direct attack on the democratic processes of this House. The problem has been clearly identified but the Minister's response is basically to say that I have to shut up and not raise allegations and concerns. That is not the way business is done in this Parliament. As a member of Parliament I have a responsibility to raise in this House concerns expressed in the community. The Minister should respond appropriately in the House. He should not say that he will hold me directly responsible for issues that I, or any members of this House, raise. That extraordinary response relates to democracy as much as to the operations of this place.

A significant culture of fear surrounds the casino. The Minister will not state why he fears for his safety. Staff and former staff will not give evidence to any of the inquiries because they fear for their safety, their jobs and their job prospects. Despite last week's comments from Peter McClellan, people are still uncomfortable about coming forward. Something has to be done to encourage them. They should feel comfortable that this is a transparent process and that their safety, their jobs and their job prospects are not at risk. That is why two weeks ago we called for the Minister to issue a section 5 ministerial directive to encourage staff members and former staff members to come forward. We have to crack the culture of fear surrounding the casino. At an estimates committee meeting the Minister said that he did not have a problem with doing that. I will be interested to hear the Minister, when he speaks in reply, state why that has not been done.

There is a lack of action to deal with this serious issue. I encourage the Minister to reconsider issuing a section 5 ministerial directive. At an estimates committee meeting on Monday the director-general of the department said that the liquor and hospitality union has approached the Government on the issue. The union representing the workers at the coalface wants a section 5 ministerial directive issued. However, I understand that the Government has rejected this course. The Government is still living in a world of unreality. It claims that avenues are there to deal with issues such as intoxication and sexual harassment. If that is the case, why are they not being used? Why are people constantly coming forward to say that they are the meat in the sandwich? Patrons are abusing them and management is not listening to them. These people are working in the casino on behalf of all of us.

The union is constantly complaining about sexual harassment and irresponsible service of alcohol. A couple of weekends ago there was a small newspaper article quoting local area commander, Superintendent Graham, whose area includes the casino. He said that muggings outside the casino are not being reported. The article states that residents have witnessed unreported muggings. The article claims that the muggings are not reported because people leaving the casino are so intoxicated. Yet the Government continues with the blinkered attitude that this is not going on. It does not want to know. The Opposition will have to continue its campaign of having staff members, former staff members and even current high rollers providing information to us to present in this House until the Government deals with the issue.

The five mini inquiries under way are unco-ordinated. All have failings in their own ways. They will all get some of the picture. We support all of them chasing part of the picture. The missing link is a Minister co-ordinating the process. It should be under the one umbrella to make sure that the full story comes out. The Government may look at this as a media or political campaign but it should look at it as an issue of great importance. A man in a local bread shop in my electorate of Port Macquarie has just been charged with trading heroin over the counter. I understand that he has the same surname and is related to one of the roosters in the high rollers room that serious allegations have been made against. The tentacles are spreading throughout New South Wales.

Twelve months ago the Government proclaimed that it was doing great things following the Drug Summit. Many recommendations were made and that was great stuff. But the Government can do more about drugs by cleaning up the high rollers room than by implementing any of the recommendations of the Drug Summit, which I understand still have not been touched. The entire State would be better for it if the Government chased the roosters in the high rollers room. We want answers about why the Minister fears for his safety. We will push this campaign until we get the answers and the issue is dealt with. I again sincerely encourage the Minister to deal with the issue and throw some muscle around in his ministerial position to clean up the operations not just of the casino and its operator. Most importantly, the regulatory bodies which the Minister is responsible for and which are clearly failing should be reviewed.

Both the Casino Control Authority and the Casino Surveillance Division are failing in their duties. I ask the Minister to respond directly to those comments. That failure has been broadly acknowledged yet the Government has not responded. I hope that at some stage during the next week or two our continued campaign will get under the skin, if not of the Minister, of the Premier and a full, independent and accountable inquiry will be announced. If that inquiry is not held into the Casino Control Act, the Casino Control Authority and the Casino Surveillance Division, there is the real danger of a continued perception of suspicion that at best something is wrong in the high rollers room at the casino and at worst there is a potential cover-up.

The Minister should flush this out through the introduction of a broad-ranging, open, public, accountable, responsible, transparent inquiry or this culture of fear will continue. Staff are reluctant to talk and high rollers are encouraged to do whatever they want—sexual harassment, intoxication, loan sharking, moneylending, money laundering, prostitution, people going missing and a whole range of other activities that have been alleged. Staff have confirmed that this is still going on. The Opposition commenced this campaign following information in 1996 and the matter has been debated since 1998. In the past week all honourable members would have become aware through casino staff that these activities are still continuing, yet the Government has done nothing.

Ken Brown, the Director-General of the Department of Gaming and Racing, a good man, had the honour to turn up on Monday and take the heat for the Director of the Casino Surveillance Division and the Chair of the Casino Control Authority. That poor man was left carrying a baby that really is not his and was left fielding questions that he could not answer. Yet he had the honour to turn up on Monday and respond to many of the questions and allegations the Opposition has raised in the House.

Unfortunately, on Monday an extraordinary thing happened. Despite being invited to attend, the Director of the Casino Surveillance Division and the Chair of the Casino Control Authority failed to appear at the upper House committee. I accept that the Minister had a longstanding engagement and wrote a letter in support of it. My concern was not that the Minister was unable to attend but that the Director of the Casino Surveillance Division did not attend even though the meeting wanted to ask him about what was going on, his role in the process and how he distributes information. Not only did he fail to show, he failed to apologise and explain the reason for his non-appearance. I find that extraordinary. He need not attend until a subpoena turns up on his desk. He can run but he cannot hide.

If the Director of the Casino Surveillance Division and a representative of the Casino Control Authority, preferably the chairman, fail to attend again, they will be subpoenaed. The Opposition feels there is more to this issue than meets the eye and will take the somewhat unusual step of calling some of the frontline inspectors from the Casino Surveillance Division. We will pick at random perhaps 10 of those frontline inspectors and continue the flavour of the last couple of days. It will not be a witch-hunt; we just want to discover the truth of what is going on, and those inspectors will be able provide that information.

I note looking at the telephone listings that one inspector is the son of a Labor Party member of Parliament. I will be interested to learn what that inspector has to say, whether he has previously given

information of his concerns to the internal workings of the Labor Party and whether the Labor Party has responded. Next week will be an interesting exercise because he, amongst others, will be given the opportunity to come forward and provide information and put on the table any concerns. The Minister and I both know that those inspectors are not happy. They have been decimated by budget cutbacks. The Minister knows that, the Opposition knows that, and the Treasury should also know. I am sure the Treasury submission in the last budget said that. There was a $1.8 million cutback and staff numbers over the last 12 to 18 months have been halved. On any one roster there is only one Government inspector from the Casino Surveillance Division to watch 1,000 closed-circuit television monitoring cameras—an impossible task. The Minister knows that, and I know that, so why does Treasury not know that and respond to it?

The Premier and the Treasurer have made headline announcements about wanting to grapple with gaming in New South Wales and seeking to take a proactive approach to problem gambling in New South Wales yet the Casino Surveillance Division has been gutted. It has been ripped apart and halved. Significantly, there have been breaches within the high rollers room and the Minister cannot tell me that those breaches are still not continuing. However, there are not sufficient resources and personnel for those matters to be reported. The number of unreported incidents in the casino are significant, yet the Treasury response has been a $1.8 million cutback to staffing in the Casino Surveillance Division. That is disgusting. This Government is willing to talk big about problem gambling yet when it comes to delivering, it cuts the stuffing out of the department. If the Minister wishes to assert that this was a decision by Treasury and nothing to do with him, why does he not put on the table his submission to Treasury? We would all be interested to read that in good faith or perhaps he could leak it to someone. However, the department's position on this issue should be out in the public arena.

Mr Ashton: Is this a filibuster? Are you trying to break the record of upper House member John Jobling?

Mr OAKESHOTT: The honourable member for East Hills does not realise the significance of this issue with regards to the casino. It is the most important issue for the Government at the moment. If he wants to joke about it, he should be condemned with the rest of them. At Labor's next caucus meeting he can put pressure on the Minister and the Premier to deal with the issue seriously and introduce a full-scale independent inquiry. If he does not, he is with the rest of them.

Mr Ashton: What about the Wood royal commission?

Mr OAKESHOTT: The honourable member for East Hills mentions the Wood royal commission. I am pleased he mentioned a royal commission. Come in spinner. This is heading towards such a broad-scale inquiry as a royal commission. Five mini inquiries are under way, but no-one is co-ordinating them. There are no broad-ranging opportunities to subpoena witnesses. We must pick apart the issue bit by bit and ensure that the activities in the high rollers room and the culture of the casino are clean. If the Minister wants a royal commission, we will be happy to provide one. It will be interesting to see how Government members vote: that will be their test. If that is the direction in which the Minister wants to take this debate, we will be more than willing to give him the opportunity to vote with the Opposition to ensure that the casino is cleaned up and that Sydney in particular and New South Wales as a whole are better for it.

We do not oppose these proposed changes, but we will monitor them closely. Under this legislation, the few inspectors who are left will have the power to issue on-the-spot fines. That is great, but it is a pity that only about 20 inspectors remain. Few breaches will be detected. We are yet to have risk management introduced at the casino, despite the Government's argument that it has moved from current casino practices to a risk management approach. If the Minister wants to give inspectors quasi-police powers, I hope he will ensure that they are fully trained and resourced to take on that role. This is a step in the right direction, but it is a shame that there are only a few poorly resourced inspectors remaining. The Minister is giving inspectors more powers but offering fewer resources to back them. The Minister said in the budget estimates hearing that if the casino continues to fail and the problems remain, he will go back to Treasury and hope that it will respond in good faith. I would support such action wholeheartedly. More inspectors must work at the casino for the benefit of the community.

I also support the Minister's efforts to clean up, from the top down, the operations of the Casino Surveillance Division and of the Casino Control Authority. There is a potential structural problem at the casino in that the Director of Casino Surveillance has all incident reports and all information about activities at the casino. All background checks and criminal intelligence checks go to this one individual: he is the gatekeeper of

the information flow regarding the casino, particularly the high rollers room. That is an extraordinary amount of power to vest in one individual. The Minister must agree that the Director of Casino Surveillance has more control than he has in this area. For example, the Minister does not have access to the casino exclusion lists. That is absolutely extraordinary. I understand that no Government frontbencher has access to that exclusion list, not the Minister for Police or even the Premier.

I understand the Minister's reasons for not wanting to know who has been excluded from the casino. When the heat is on, as it has been in the past month, the Minister can then claim that he does not know anything because the issue does not involve him. However, this matter involves the Minister, which is why the legislation gives him the opportunity to access that exclusion list. I hope that the Minister will seek that access because, as the Minister of the Crown responsible for the casino, he needs to know what is happening there. It is the Minister's baby, yet he claims that he does not know, and does not want to know, who is excluded from the casino. I argue that the Director of Casino Surveillance has more control and more power in the context of the casino than the Minister or anyone else on the Government front bench.

It is extremely dangerous to give one public servant, although he may be a good man, that amount of power in the organisational structure. There are no cross-checks, probity checks or audits; the director simply makes calls as he sees them. The Minister should address that structural issue. He must ensure that the proper checks are in place and that he is aware of information about, and activities at, the casino. As long as the Minister continues to argue that he does not know, and does not want to know, what is going on at the casino, the suspect activities and the allegations will continue because the Minister cannot respond to them. The Opposition could allege that the honourable member for Coffs Harbour had done all sorts of things at the casino and the Minister could not verify the truth of those allegations. That is disappointing and a fundamental flaw in the process. It is a failing of ministerial responsibility regarding activities at the casino. The issue is a mess and a disgrace. It is disgusting that the Government has not done more in this area.

The Premier's silence on this issue is deafening. He was the headline man 18 hours after the Chair of the Casino Control Authority was sacked; he was the strong man who got rid of her. The Premier said that he did not want such activities to occur. Where has the Premier been for the past six weeks? He has disappeared off the face of the earth. He has not once commented publicly on the activities—and allegations about the activities—at the casino, the Minister's role, or the related structural issues. We have had only internal leaks from the Labor Party about the machinations behind the scene as to who will roll whom at the next preselection. That is not the issue. Although it makes for great gossip, we do not care about that. The point is that there is a problem in the high rollers room that must be resolved. I hope this legislation will go some small way towards achieving that aim.

Debate adjourned on motion by Mr Ashton.

FAIR TRADING AMENDMENT (ENFORCEMENT AND COMPLIANCE POWERS) BILL

Second Reading

Debate resumed from 9 June.

Ms HARRISON (Parramatta) [11.38 a.m.]: I am pleased to support the Fair Trading Amendment (Enforcement and Compliance Powers) Bill, which will be greeted by the community as sensible and timely. It will be used to stop shonky rogue dealers from continuing to operate even as their operations come under suspicion. A wealth of evidence and case studies demonstrate the necessity for this bill. Those case studies include the real estate agent who continued to trade despite the discovery that $170,000 was missing from a trust account and the pawnbroker who received 40 mobile telephones from the same person in one month but neglected to advise the Department of Fair Trading about the suspicious goods. The main purpose of the bill is to protect consumers by enabling the director of the Department of Fair Trading to suspend immediately a trader's licence for up to 60 days to facilitate the investigation of breaches of Acts relating to the Fair Trading portfolio.

The Department of Fair Trading is presently responsible for the administration of the licensing schemes covering a multitude of dealers including employment agents, motor dealers, pawnbrokers, travel agents, and many others. While I realise that the majority of the operations of those dealers are carried out in an honest and laudatory manner there will, unfortunately, sometimes be dealers who seek to profit unfairly from their dealings by using unscrupulous or incompetent methods. This amending bill is aimed at those few disreputable traders.

Through enforcement of the bill the community will be better protected against that type of depredation. It is apparent that when the provisions of this amending bill are in place, a loophole allowing the continuance of unethical activity by dealers, even while they are being investigated, will be closed off. It will provide not only a sure protection for the community but also a warning to other nefarious dealers that their operations are also at risk.

It is important to note that provisions of the bill will be enforced only when the Director-General of the Department Fair Trading has reasonable grounds to believe that the licensee has engaged in conduct that, within the licence conditions, constitutes grounds for suspension or cancellation of that licence, that the licensee intends to continue to engage in that conduct and that there is a danger that the person or persons may suffer significant harm, loss or damage as a result of that conduct. The bill will also enable the Director-General of the Department of Fair Trading to revoke the suspension if the circumstances which gave rise to the suspension change. The bill also contains a provision allowing licensees to apply to the Administrative Decisions Tribunal for a review of any decision taken to suspend a licence.

The bill also allows an investigator appointed under the Fair Trading Act to inspect and copy documents which might demonstrate a contravention of the Act relating to any legislation administered by the Minister for Fair Trading. Ultimately, this amending bill will give New South Wales the strongest powers in Australia to immediately stop people contravening consumer laws. Traders who defy suspension by continuing to trade will face further penalties, including fines of as much as $11,000 for each offence. One example is a negligent home builder. Presently a derelict or disreputable home builder can continue to operate and enter into new contracts. That means that more and more home owners continue to be harmed until such time as the legal processes are completed.

In addition, this amending bill will protect the community in circumstances in which it may be physically at risk, such as when an electrician who is facing allegations that his work is unsafe can continue to operate while suspension of his licence is being sought. The bill will ensure that that type of circumstance will no longer occur. If the licensee continues to pose a threat to New South Wales consumers, the bill allows the Department of Fair Trading to take strong and swift action against that licensee. The bill provides stronger powers to enter properties, examine goods and copy documents. The bill will complement and strengthen the present Fair Trading Act while providing a consistent approach, ensuring that all traders are subject to the same enforcement regime.

The bill will overcome present inconsistencies in various laws administered by the Department of Fair Trading relating to the differing powers given to inspectors. The bill overcomes those inconsistencies and establishes one simple, effective power. Under existing legislation, licences issued by the Department of Fair Trading can be cancelled in a variety of ways. That has sometimes allowed a rogue trader to continue operating until the case against the trader was finalised. In short, the Fair Trading Amendment (Enforcement and Compliance Powers) Bill will enable rogue and shonky dealers to be pulled up short and stopped in their tracks. I therefore commend the bill to the House.

Mr HARTCHER (Gosford) [11.43 a.m.]: The Coalition does not oppose the legislation, but a number of matters need to be placed on the record. The Fair Trading Act already gives very wide powers to the Minister and to the Director-General of the Department of Fair Trading. The Minister has the power to issue directions to the director-general. An examination of the Act reveals that wide powers reside in the director-general. The real issue with fair trading is not legislation, it is enforcement. The complaints that one constantly receives as a member of Parliament, and the complaints that I am sure the Minister's office receives, do not relate to a lack of power in the Act but to a lack of people on the ground to ensure that there is due compliance with existing legislation.

Until that issue is addressed and until the Minister ensures, through the budgetary process, that his department has adequate staff to enforce the law and to respond to people's complaints within a reasonable time frame, the ongoing problems with Fair Trading will continue. When people have a fair trading problem they do not want to wait a long time to have it addressed. The staff of the department cannot be blamed for the delay. They are conscientious people who do their work to the best of their ability, but, by and large, they receive many more complaints than they have resources to deal with them. The onus falls on the Government not to take the easy way out and simply amend the legislation and give itself wider powers and the Minister more opportunities to issue press releases and look tough on television.

The onus lies with the Minister to do the hard work, and that is to fight his colleague the Treasurer to get a sufficient funding base for the enforcement and compliance division of his department. The onus lies on a

Minister to not simply go to Parliamentary Counsel or to Cabinet to get more words on paper to enhance the powers of his director-general. On the face of it, this bill looks good: it gives the director-general the temporary power to issue suspension of licences. However, the bill provides under new section 64A (2) (c) that if there is a danger that a person or persons may suffer significant harm, or significant loss or damage, as a result of that conduct unless action is taken urgently the director-general may suspend the licence for a period of not more than 60 days.

The bill does not contain a definition of "significant harm" or "significant loss of damage". Presumably that is in the eye of the director-general. I note that the decision by the director-general will be subject to the right of appeal to the Administrative Decisions Tribunal. In a sense, the final decision as to what constitutes significant harm or significant loss or damage will end up in the tribunal. The whole idea of fair trading legislation, of course, has been to try to avoid ongoing resort to the courts. We have always had the common law to work out the rights of people under contracts for the purchase of goods and services. Under the common law there had to be fairness and the parties had to live up to their representations.

It was the expense of seeking relief at common law—the cost of going to court and the delays involved—that led to the establishment of the Department of Consumer Affairs as a speedy, bureaucratic system of remedying consumer concerns. However, as the director-general accumulates more powers and people accept the idea that a public servant has wide powers, he should be subject to some form of review. There has been a swing back to seeking relief through the court process. Therefore, costs and delays continue to accumulate and the idea of a speedy remedy for consumers becomes lost. The Minister should have insisted that there be some statutory parameter to what constituted "significant", rather than leaving it to the eventual determination of the Administrative Decisions Tribunal.

In the Minister's second reading speech he should have informed the House of the compliance rate of his department. I was not present at the budget estimates hearing, but I would have appreciated him answering questions about how many complaints his department received, the return time on them, and how many were satisfactorily resolved. I understand that at the budget estimates hearing the Minister and his ministerial staff were not able to answer the simplest of questions and took question after question on notice. They were unable to give adequate and timely information to the committee, which, in a sense, is a reflection of how the department runs. The department is unable to answer questions. People are logged on telephone queues for hours; they are unable to secure access to inspectors or to get a timely response from them. The Minister's office and the senior levels of his department reflect the inadequacies of the department itself.

The Minister needs to answer those points. They will be debated in another place. The Government can push legislation through this House because it has the numbers to do so; it can ignore debate and force matters through. However, it does not have the same power in the Legislative Council. It has to listen to the arguments that are put forward in the other place and it has to be prepared to defend itself, rather than merely give the cursory replies that we receive in this Chamber. The Government will have to answer questions when this bill is debated in the Legislative Council. The department and the Minister need to do more than grandstand. The classic example of that is the price of petrol, in relation to which the Minister has been caught out again and again. The Minister's only claim to fame in 1999-2000 was running around New South Wales telling everyone that the price of petrol was rising—as if there was anyone who did not know. Then he pretended that he would do something. The Minister failed to realise that people would then ask the next question: What are you going to do about it? The Minister could not do anything about it, and has not yet done so.

When the price of petrol increases to more than $1 per litre, which the Minister thought would be a good thing, we will remind people that the Minister for Fair Trading talks a great deal about petrol prices but does not do anything about bringing them down. The Minister and Country Labor, the group the Minister thought he was backing, will be answerable. The Government says that the Labor Party is in power and it is looking after country New South Wales. Yet petrol prices continue to rise. Everywhere in country New South Wales petrol prices are increasing. Country people can say, "Thank you, John Watkins, for being such a fearless advocate; thank you for getting on your white horse." He did that a few months ago but, of course, he does not do it now.

When I visited the North Coast I was told, "I wish John Watkins would stop talking about petrol prices; every time he talks about them they go up the next day." There is a relationship between the price of petrol and what the Minister's says, it is usually an increase. The honourable member for Wagga Wagga has campaigned vigorously in his electorate for a sensible approach to petrol pricing. He rightly points out to this House that it is a question of trying to do something for the people rather than trying to grandstand. The Minister must realise

that. The Government has failed to address continuing problems in the building industry. The large volume of complaints of shoddy workmanship that deluge the offices of members of Parliament and the Minister are not addressed. The Minister does not even try to grandstand on that issue; he has given up. He has moved to softer targets.

At the end of the day the Minister will be caught out. As time goes on once again his failings will be illustrated. How many people were prosecuted in relation to contaminated fuel? What action has been taken in respect of the contaminated fuel? Where is the evidence of any investigation by the department of contaminated fuel? Under the Act the Minister can direct the director-general to suspended licences for 60 days for causing significant harm. Contaminated fuel would certainly cause significant harm. What will the Minister do to resolve the problem of contaminated fuel? The problem is ongoing but the Minister no longer issues press releases about it.

The Minister administers by press releases. His idea of action is to stand in front of a television camera. His idea of protecting people is to attack someone in an area outside of his control, such as in the oil industry. The Minister governs by grandstanding. We will be pleased to have this legislation passed if it provides real protection to consumers. However, given the present administration of the department, we doubt that it will provide any protection. We challenge the Minister to show the necessary level of compliance. He should issue a schedule detailing how many complaints are received, how many complaints are resolved to the satisfaction of the complainant, how much time it takes to resolve those complaints and how long it takes to get back to the complainants.

If the Minister wanted to run his department effectively he would establish those benchmarks. If he were prepared to set benchmarks we would know whether legislation was necessary. At this point we do not know. I conclude by indicating that the granting of additional powers is not the remedy to problems in society; the remedy is the effective use of existing powers. The indications are that that is not happening with the Department of Fair Trading. If it were, the Minister and his staff would have given a much better performance at the budget estimates hearing, where they took question after question on notice. Someone said during the proceedings that if the Minister were asked if he wanted a glass of water his reply would be, "I will take that on notice".

Mr WATKINS (Ryde—Minister for Fair Trading, and Minister for Sport and Recreation) [11.56 a.m.], in reply: I thank members who took part in the debate. I will ignore most of the contribution of the honourable member for Gosford. However, I will respond to one point. In the Fair Trading budget estimates hearing I took one question on notice—and that was from a member of the Australian Labor Party! Members of the ALP ask difficult questions. I thank the honourable member for Parramatta for her contribution. As the member who represents Sydney's second central business district, which has a large commercial centre, she understands the need for the powers provided in this amending bill. The Department of Fair Trading bases the majority of its activities in her electorate in Sydney. I thank her for her comments. I also thank the only member of the Opposition who spoke in this debate for his comments.

It should not be forgotten that at the heart of these amendments is the need to protect consumers. The amendments are directed at a small group of people operating in the marketplace who consistently abuse their responsibility to their professions and to consumers. These people should not be working or trading and they should not be allowed to take part in their professions. It is essential that we do all we can to stop these people participating in the marketplace. Following Cabinet decision to approve the reforms contained in the bill, the department wrote to the key industry groups informing them of the proposal. I extended an invitation to meet any or all of those groups, and many of them accepted the invitation. The huge bulk of people who responded said they were pleased.

I met with representatives of the following industry groups: the Stock and Station Agents Association, the Institute of Strata Title Management, the Australian Property Institute, the National Real Estate Franchise Association, the Building Industry Skills Centre, the Australian Institute of Conveyancers, the Property Industry Council, the Service Station Association and the Travel Agents Association. Those groups overwhelmingly supported the proposals in the bill. They felt that there were concerns in their industries about rogue traders who were consistently ripping off consumers. They should not be in the marketplace. It is with great confidence that we bring this amending bill to the House. The bill is about protecting consumers. It provides another layer to ensure that vulnerable consumers are protected from rogue traders; we cannot forget that. I thank Chris Aird from the Department of Fair Trading who worked hard to ensure the legislation could be passed this session. He is another example of the fine officers from my department who are working hard for consumers in the marketplace. I commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

HOME BUILDING AMENDMENT BILL

Second Reading

Debate resumed from 7 June.

Mr HARTCHER (Gosford) [12.01 p.m.]: The bill was presented to the House following a review of the decision of the Supreme Court in *HIH v Jones*, which was handed down on 10 May and held that the developer who engaged a builder to erect a complex of 15 home units was entitled to be covered under the Home Warranty Insurance scheme. The bill seeks to retrospectively exclude developers from the scheme, but not affect any existing court actions, or the judgment of the Supreme Court in the case to which I referred. The Coalition does not oppose the bill. The Coalition is supportive of the Home Warranty Assurance scheme and accepts the principle that the scheme is designed to protect consumers of homes. The scheme is not designed for the benefit of developers, as they have a major say if not in the actual building at least in the use of materials and subcontractors. They certainly are not parties who would normally need to avail themselves of the benefits of home warranty insurance.

It is extremely relevant to point out that home owners who have problems do not want to resort to insurance, they want to have their homes fixed. They do not want to be told they can make an insurance claim, they want to know that they will have a home to live in that is up to their expectations and that it is the home they contracted to buy. There is no way that the Government can assume the responsibility of building people's homes, but it can administer a scheme whereby builders are obliged to honour the requirements of their contracts. Once again, the department is fobbing people off to the insurance scheme. This has become a feature of the department in recent years. The Minister is shaking his head because he does not want to answer that type of allegation. He knows it is substantial and he knows it is a concern.

The Minister receives complaints in his ministerial office and his electoral office from people whose only recourse is through the warranty insurance scheme, which cannot enforce compliance or the law. If a builder is not doing his job right, home owners want to be able to go to the department knowing that there is some process to ensure that the builder will do the right job and delivers the job for which they contracted. There is enormous dissatisfaction in the community with the way in which the department operates. I am sure the largest number of complaints the department receives relate to the building of people's homes. If there is one area in which people feel they have an enormous interest, it is their home, because it is the biggest single financial investment in most people's lives. People want to know that a departmental process is available that will protect and assist them; they do not want to be fobbed off to the Home Warranty Insurance scheme.

It would be interesting to know how many complaints are received by the department, how quickly they are dealt with and how many complainants are satisfied with the process. The Minister will not be able to give us those details because the department will not have that information available. However, I am sure that he would be required to give those statistics in the Legislative Council because he cannot flog off matters in the Legislative Council as he can in the Legislative Assembly. I would think that any Minister who sought to bring legislation before the Parliament to change, in however small a way, the administration of the Home Warranty Insurance scheme would have that sort of information at his fingertips and would be able to stand up in this place and proudly boast of how well he is doing, what the percentages are, what the turnaround time is, how many people are satisfied with the administration of the department and how many people go home at night and think, "Thank God! The roof is still there and it is because of John Watkins and his department." I will not say what my opinion is, but I would venture to have an opinion on the answer to that question.

Mr WATKINS (Ryde—Minister for Fair Trading, and Minister for Sport and Recreation) [12.06 p.m.], in reply: Modesty forbids me from responding to the challenge. The bill represents a minor amendment to protect the Home Building Insurance scheme that will reinforce the original intent of the bill as outlined in the second reading speech. The bill is designed to protect consumers, not developers. I acknowledge the Opposition's recognition of that important principle in the amending bill before the House. The insurance scheme will ensure that people's homes can be fixed. Thousands of successful claims are made every year under the scheme. It was important to bring this amendment before the House urgently to ensure that the Home Warranty Insurance scheme was not undermined. I thank members of the Opposition who spoke in the debate. I acknowledge the work of Mr Chris Aird, from the Department of Fair Trading, who had a lot to do with this bill being brought to this stage at this time.

Motion agreed to.

Bill read a second time and passed through remaining stages.

OCCUPATIONAL HEALTH AND SAFETY BILL

Second Reading

Debate resumed from 7 June.

Mr HARTCHER (Gosford) [12.08 p.m.]: The Coalition has indicated in the Legislative Council, where this bill was introduced, that it does not oppose the bill. The shadow Minister for Industrial Relations, the Hon. Mike Gallacher, made a number of pertinent points in debate, which I will not repeat. They revealed some of the good points of the bill and they also revealed some of the areas that the bill should look to. Occupational health and safety is an important concern for everybody in the community. Every member of this House and every member of the wider community would support a program that worked towards a safer workplace. This bill was preceded by a report of the Legislative Council's Standing Committee on Law and Justice. The bill has certain merits, especially the fact that it is expressed in plain English, therefore making it more readily understandable for people who are unfamiliar with legal or bureaucratic terminology.

The legislation sets up a consultative process for employers and employees where there are more than 20 people in the workplace. That procedure must be commended. Occupational health and safety is not simply an obligation upon employers; it is an obligation upon everybody in the workplace—employees as well as employers. The only way it will work effectively is if everybody acknowledges that responsibility and works towards it. The review I spoke about earlier was a tripartite panel chaired by Professor Ron McCallum. His report was presented to the Legislative Council's Standing Committee on Law and Justice for its inquiry into workplace safety. That committee published an interim report in December 1997 and a final report in November 1998. The bill has had a degree of industry consultation through the consultative committee.

The Coalition has sought to obtain the views of various interested parties on the ramifications. Those views were expressed quite well in the Legislative Council debate by the shadow Minister and Leader of the Opposition in the Legislative Council. Accordingly, we are keen to see this legislation go forward, but we are keen also to see it monitored. We believe that legislation like this is not effective if it is simply passed and regarded as final. Occupational health and safety issues change, especially with technological change and community economic circumstances. Legislation must reflect those changes and be written to ensure that it does not become a handbrake rather than a support system. All that legislation can do is set programs in which parties can operate their legal relationship; the real issue of safety will only come about through individual consciousness brought about by awareness and education.

The most important aspects of this bill are that it is in plain English, which makes it easy to understand, and its consultation process seeks to involve everybody in workplace safety. The bill also allows victims impact statements to be tendered at court when someone has been killed through an occupational health and safety offence. Therefore, when cases come to court families can provide victims impact statements, as occurs in criminal matters. That is an important step because it helps the court to understand not just the technical nature of the problem that led to the death but also the human consequences flowing from the failure to observe a high standard of care in protecting people in the workplace. The Coalition will not oppose this bill.

Mr DEBUS (Blue Mountains—Minister for the Environment, Minister for Emergency Services, Minister for Corrective Services, and Minister Assisting the Premier on the Arts) [12.14 p.m.], in reply: I have been heartened to hear that there is general support from the Opposition for the Occupational Health and Safety Bill. The Legislative Council's Standing Committee on Law and Justice is to be commended for providing the blueprint for workplace safety in the new millennium. As previous speakers have indicated, the Occupational Health and Safety Bill incorporates the key legislative recommendations of that committee. The bill has been drafted in plain English to promote accessibility and understanding. I assure the House that the WorkCover Authority will undertake various activities to educate employers, employees and others in the provisions of the bill. Those activities will be designed to reach everybody affected, including those with limited English language skills.

I am concerned that during the debate there was a suggestion that the bill will somehow miss certain persons at certain workplaces. The bill does not expressly refer to volunteer or emergency workers, or to others, but there is no need to do so. Under clause 8 employers are responsible for the health, safety and welfare of their employees, wherever they work, and all other persons at the employer's place of work—this extends to volunteers, visitors and so on. Clause 9 has the same requirement for self-employed persons. There are also duties on controllers of work premises, and designers, manufactures and suppliers of plant and substances used

at work to ensure workplace safety. The WorkCover Authority now has its service delivery based on industry teams and there are 13 industry reference groups. Both structures are designed to target and provide industry-specific advice and practical solutions on how to meet the requirements of the Act.

For those concerned about community and emergency workers, I can report that there are teams specific to health and community services and to government. WorkCover is involved also in addressing violence in the workplace and will continue in this area. A similarly wide provision is clause 22 which makes it an offence for an employer to impose a charge or permit a charge to be imposed on an employee for anything done or provided to meet a requirement of the Act. It is employers and not employees who are responsible for providing personal protective equipment, occupational health and safety training, and so on. Any breach of this provision will be actioned in that way. I am gratified at the level of support given by honourable members in this House and another place to the consultation arrangements. For the first time, all employers, including small business, will have a general duty to consult with their employees.

The penalty for non-compliance is significant. While details in regulatory provisions are to be clarified, I can comment on some of the issues that have been raised in the debate in this place and in another place. Clause 16 of the bill allows for one or more occupational health and safety committees and/or occupational health and safety representatives and/or other agreed arrangements. The clause is intentionally flexible to allow for all types of businesses and workers, including seasonal, casual, temporary and shift workers, and workers of labour hire companies. The bill allows for employees to identify how they want to be represented. In deciding on the most appropriate arrangements they will need to consider the total number of employees, the different types of work performed, the areas or places of work, whether employees are seasonal or move from place to place, the time work is performed, overtime and shift work arrangements, and the type of risks involved.

Many workers carry out their functions in mobile workplaces and changing locations. Examples include all types of transport and construction workers, home carers, cleaners and temporary staff. The WorkCover Authority and the Occupational Health and Safety Council, who are working together to develop the regulation, are committed already to ensuring that provision is made for representation in all those types of situations. The flexibility of arrangements will benefit organisations such as labour hire firms which in part rely on host employers to carry out their health and safety responsibilities, as well as workplaces with temporary or seasonal employees who may be in a workplace for only a short time. I anticipate that once the new arrangements are implemented co-operative consultation between employers and employees will lead to improvements in occupational health and safety and will have other positive flow-on benefits

Finally, during the debate in another place matters were mentioned that are not in the bill. The new occupational health and safety regulation, which is nearing finalisation, will reduce the current plethora of prescriptive provisions. Further, it will provide the systematic management of risk. The regulation is the proper place for these matters. As was mentioned when the bill was introduced, there are other recommendations of the workplace safety reports that are still under consideration. Not all the recommendations require legislative change and it is anticipated that further implementation will occur administratively. The Occupational Health and Safety Bill can deliver improved workplace safety if those who have supported its development also commit themselves to its implementation. I commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

TRUSTEE COMPANIES AMENDMENT BILL

Second Reading

Debate resumed from 7 June.

Mr HARTCHER (Gosford) [12.22 p.m.]: The Coalition parties do not oppose the Trustee Companies Amendment Bill, which is essentially a technical bill which has the support of the trustee companies. It amends the Trustee Companies Act 1964. Its purpose is to allow trustee companies to collect the goods and services tax [GST] from the States. Nobody will quibble about that: it is necessary machinery legislation in view of the introduction of the GST from 1 July. The bill will ensure that shares held by a trustee company in itself are not included in the shareholding of its directors when applying the 10 per cent relevant interest test. I will not go over the same ground as has been covered in the Legislative Council, but it is important that there be appropriate consultation with the trust industry.

When I met with representatives of the trustee industry there was concern that it was taking a while to get a response from the Government on its position. This bill is very late in the day. It is now the end of June and the GST begins on 1 July. This bill covers one of the last aspects to be dealt with in preparation for the GST. It is clear that the Government has allowed this matter to dawdle. The Government can take no credit for the fact that it is introducing important legislation such as this barely a week before massive change takes place to the whole taxation structure, which involves the administration of the States and the administration of trusts, as from 1 July. But it is now coming about and the trustee companies wish it to come about. That is the position that has been put to me on behalf of the Coalition and it is not opposed by the Coalition parties, nor is it opposed by the Federal Government. We have consulted the office of the Minister for Financial Services and Regulation, the Hon. Joe Hockey, who also accepts the necessity for the legislation as preparatory for the introduction of the goods and services tax.

Mr DEBUS (Blue Mountains—Minister for the Environment, Minister for Emergency Services, Minister for Corrective Services, and Minister Assisting the Premier on the Arts) [12.25 p.m.], in reply: I point out that the Government was in negotiation with the trustee companies for quite some considerable time before it introduced this bill. Those negotiations took time because it was necessary to introduce a bill that exactly met the requirements of those companies. I thank the Opposition for its support for the bill and commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

CHILDREN AND YOUNG PERSONS (CARE AND PROTECTION) AMENDMENT (PERMANENCY PLANNING) BILL

Bill introduced and read a first time.

Second Reading

Mrs LO PO' (Penrith—Minister for Community Services, Minister for Ageing, Minister for Disability Services, and Minister for Women) [12.27 p.m.]: I move:

That this bill be now read a second time.

I am pleased to table the Children and Young Persons (Care and Protection) Amendment (Permanency Planning) Bill**.** This has been prepared as a draft exposure bill, to enable public comment and consultation over the next three months. This bill aims to improve the case management of abused and neglected children who have been removed from their birth parents, where it is unlikely they will ever be able to safely return home. The bill proposes amendments to the Children and Young Persons (Care and Protection) Act 1998 that will place greater emphasis on the need for permanency planning for children in out-of-home care. There is a general presumption in this State's child protection work that most children are better off with their birth parents, and that the Children's Court should only consider removal as a last resort. This bill does not seek to alter this fundamental practice, but it does aim to improve the experience of those children who must be removed.

However, it is important to note that these proposals do not involve any shift in the policy on the removal of children from their birth parents. They relate only to the management of these children's placements after they have been removed from their birth parents because of demonstrated abuse or neglect. It has been well documented that multiple placements for children in out-of-home care are damaging for the children concerned. There is broad agreement amongst child protection professionals that greater emphasis needs to be placed on permanency planning for children in out-of-home care. Good casework practice requires that a safe, stable and loving family environment should be sought and maintained for these children. This bill aims to provide a clearer focus for courts and child protection workers on this important issue, and to put some legislative checks and balances in place. It seeks to ensure that permanency planning is firmly on the agenda when decisions are made about a child's future.

The Children and Young Persons (Care and Protection) Act 1998 already contains a reference to a need to consider whether there is a realistic possibility of the child being returned to his or her birth parents. The bill proposes that this concept be elevated as a threshold issue to be considered by the courts before a final order is made. The court's finding as to whether a realistic possibility of return to the birth parents exists will then

determine the sort of case planning required. If it is found that a realistic possibility of return exists, then the court will require the preparation of a restoration plan. If not, then a plan for another form of permanent placement must be developed. A permanent placement must provide a stable long-term home for the child. It may include adoption as the most permanent long-term option available, although the bill recognises that this may not be feasible in all cases.

The adoption of children in long-term foster care has always been technically possible, although not well utilised, under our existing system. These proposals aim to more actively encourage consideration of adoption as an option for children who may otherwise spend their entire childhood in long-term foster care. I am aware that there are some who will say that there is nothing wrong with long-term foster care, and that there is no need to encourage consideration of adoption. I am also aware that most foster carers are wonderful, dedicated people, and I would be the first to pay tribute to the work they do for these children. Despite the dedication of the foster carers, foster care itself has one fundamental disadavantage—it can never guarantee the children permanency, as it cannot protect the children from future legal appeals. This uncertainty is always there, in every foster placement, no matter how committed the foster carers and how settled the child. The only option which offers real permanency and real security is adoption. This uncertainty associated with foster care is all too real for those concerned.

I am aware of numerous cases in which birth parents, after many years without any contact, have decided that they want to reclaim their children—as if they are lost property—and the courts have actually decided to return the children to virtual strangers. I am advised by judicial officers that the legislation as it stands obliges the courts to attempt to balance the rights of the parents with the rights of the children. In my view there should not be a contest between the rights of the child and the rights of their parents in child protection matters. When children have been abused or neglected, then their rights must be considered ahead of those of their parents. After all, we are talking about child protection legislation here, not parent protection legislation.

While the rights of parents need to be recognised, the legislation needs to make it crystal clear that the rights of a child who has been removed from his or her parents must be paramount over any rights of the parents. This bill proposes such amendments. Children are much more than the chattels of their parents—and when those parents cannot be trusted to provide a safe and nurturing environment, then the children are totally reliant on the child protection agencies and courts which intervene on their behalf. We owe it to these children to get this right for them. There has to be a point, in some cases, when enough is enough and we need to more actively protect children from incapable parents. We have to draw the line somewhere. Every time we give the parents another chance we are risking the future development of the child.

Childhood is finite. Early years are precious, and we owe it to the children not to squander it by giving the parents too many chances to get their act together. We can only draw the line with adoption—it is the only permanent legal option where there is no possibility of return to the birth parents. Significantly, I note that adoption now is not what it used to be. Adoption often has a bad name because of past practices, which caused a lot of pain and suffering for all concerned. Thankfully, we are now more enlightened in our approach—we are more open about the process, and encourage those affected to maintain a sense of their true identity and the potential for a meaningful relationship with their birth family. When I talk about more proactively considering adoption I am talking about modern adoption practices.

It is interesting to note that there is talk of a convergence of long-term foster care and adoption—that best practice actually reflects the best features of both, and avoids the worst features of both. That is precisely what this bill attempts to promote. Adoption is one option in the spectrum of out-of-home care services and it needs to be actively considered in this light. It has a place for some children, and it should be part of a seamless array of services on offer, available to meet the individual needs of each child as required. This bill is significant in that it directly challenges the prevailing assumption amongst some child protection professionals that eventual restoration to birth parents is the goal to be pursued at all costs, in every single case. I accept that restoration will continue to be—and should continue to be—the best option for most children who are removed from their birth parents due to abuse or neglect. However, I simply do not accept that restoration is an outcome that must be sought in every case, no matter how hopeless it appears, and regardless of the risks posed to the child.

We need to conduct a risk assessment on a case-by-case basis, to identify those children whose safety will very clearly be at risk if they are returned to their birth parents. This bill proposes a transparent mechanism for doing this. For the children's sake, we simply cannot afford to let them experience failed attempts at

restoration, accompanied by multiple foster placements. This is a recipe for disaster and an indication that we have failed as a society to offer these children the safety and protection they need. For those children for whom a return to their birth parents is not considered a realistic prospect, we need to work harder to ensure that the quality of care they receive is optimal. Quality of care is something that is being tackled on a number of fronts and involves far more than legislative amendment. However, the legislation provides the foundation and framework for the development of sound policy and practice.

The bill also recognises that critical issues concerning permanency planning need to be determined at an early stage. Research on children's development has highlighted how crucial a stable and nurturing environment is in a child's early years. In addition to challenging the notion that restoration to birth parents is something which must be pursued in every single case, this bill also proposes a number of mechanisms to ensure that cases are dealt with by the Children's Court as expeditiously as possible. This reflects the fact that children need stability and security. Unresolved and lengthy court proceedings are not in the children's best interest. The bill contains a number of proposed measures to limit unnecessary delay and uncertainty. It seeks to prevent a drift—a situation in which a temporary placement continues on an indefinite basis, and the court and responsible agencies avoid having to confront the need for long-term planning for that child. Finally, the bill proposes a five-year review, after the introduction of any amendments, to assess whether it has been effective. I commend the bill to the House.

Debate adjourned on motion by Mr Fraser.

ADOPTION BILL

Bill introduced and read a first time.

Second Reading

Mrs LO PO' (Penrith—Minister for Community Services, Minister for Ageing, Minister for Disability Services, and Minister for Women) [12.38 p.m.]: I move:

That this bill be now read a second time.

The current Adoption of Children Act 1965 was enacted some 34 years ago in an era when community attitudes towards ex nuptial birth, the role of men and women in society, de facto relationships, and many other aspects of family life were vastly different from the community attitudes and expectations of today. The nuclear family, headed by a legally married husband and wife, was not only perceived to be the norm but was considered by many to be the only truly acceptable form of family life. Australia had yet to establish itself as an essentially multicultural society. There was no developed and widespread awareness of the value of other cultures, in particular, that of indigenous people. The process of reconciliation with indigenous peoples had not begun.

Since that time legislation in many fields has been enacted or amended to reflect social change. This is particularly apparent in the area of the care and protection of children, family law, law relating to indigenous people, anti-discrimination and reproduction technology. International law and trends in the development of children’s rights have placed new international obligations on Australia. On 27 November 1992, more than 70 years after the commencement of adoption as a child-care practice in this State, the then Attorney General referred terms of reference for a review of the Adoption of Children Act 1965 to the Law Reform Commission. After a period of comprehensive review, extensive research and community consultation extending over four years, the Law Reform Commission referred its report—report No. 81—to the Attorney General, the Hon. Jeff Shaw.

The report of the Law Reform Commission contains 110 recommendations for the provision of adoption services in this State and proposes a new approach to adoption law through the amalgamation of the recommendations for reform and the Adoption Information Act 1990. The Parliament is also aware of the many concerns about past adoption practice expressed to the Legislative Council Standing Committee on Social Issues by birth parents and adopted people. This inquiry into adoption practices in the 1960s and 1970s is continuing and has become known in the media as the stolen white baby inquiry.

The reform of adoption law is eagerly awaited. The new law will actively involve parents in planning a secure and loving home for their child's future and does not undervalue the importance of continuing to maintain

a relationship with their child. In bringing forward the Government's response to the Law Reform Commission's report, I will address the principal proposals for adoption reform. Since the Government's initial consideration of the Law Reform Commission's report, the Children and Young Persons (Care and Protection) Act 1998 has been passed by the Parliament and the Australian Government has ratified the Hague convention on the protection of children and co-operation in respect of intercountry adoption. These two significant changes to current law and practice are reflected in the provisions of this bill.

The Law Reform Commission recommended that adoption legislation be characterised by openness and be no longer shrouded in secrecy; that it conform with Australia's international obligations; and that it be brought into line with other areas of child law, as well as with prevailing community expectations and attitudes. The welfare and interests of the child are the paramount considerations, and the bill contains clear objects and adoption principles to guide the court and other persons and bodies in making a decision about the adoption of a child.

In determining the best interests of a child, a decision maker must, among a number of considerations, have regard to the need to protect the child from physical or psychological harm caused by being subjected to abuse, ill treatment, or violent or other behaviour. In such circumstances, the court, if satisfied that it is in the best interests of the child, can override the wishes of the parent. The bill establishes clearly that adoption is a service to provide a child with the most appropriate and secure family. Except in extreme cases, an adoption order will be made only when it makes better provision for the best interests of the child than other care arrangements and parenting orders under a law of the Commonwealth or the State.

The bill makes provision for the parties to the adoption to agree on an adoption plan before an order is made. An adoption plan can contain provisions for matters such as exchange of information and the means and nature of continuing contact between the parties to an adoption. There is recognition in this bill of a child's capacity and right to participate, commensurate with the child's age and level of maturity, at all stages of the adoption proceedings and to have his or her viewpoint respected. The secrecy surrounding adoption in the 1960s and 1970s is no longer sanctioned, and this bill promotes openness and honesty. The Adoption Information Act 1990, although considered by some to be a breach of the social contract of the time, promotes openness and enables adult adoptees to access information about their origins and to have contact with birth parents once they have reached 18 years of age. In response to the commission's recommendation, the Act is merged with this bill. Integrated legislation reinforces the lifelong nature of adoption and the interrelationship of adoption services before and following an adoption.

Separate from this recognition of the rights of adults who have been affected by an adoption is the need for openness from the start of the adoption process and during the adoptee's childhood. Provision for the exchange of information between a parent and the adoptive family about the progress of an adoption is provided in the bill. The previous adoption Act was unclear, particularly as it applied to birth fathers of adopted children, and there has been confusion as to how birth fathers could establish their rights. The bill clarifies the rights and entitlements of birth parents. The jurisdiction for the making of adoption orders will remain with the Supreme Court of New South Wales and provision is made for the prescribing of circumstances when a preliminary hearing to address issues prior to the final hearing can be undertaken. Parties to the adoption have access to the court at any stage of the adoption process, and the court will now have the power to appoint a guardian ad litem and provide representation for the child in appropriate cases.

At present, a step-parent wanting to adopt his or her stepchild must make a joint application with the custodial parent, who must first relinquish his or her child for adoption. Not surprisingly, this requirement is considered by most applicants to be offensive. A step-parent will be able to make sole application without having legal effect on the custodial parent's relationship with the child. However, step-parents and foster parents are required to have an established relationship with the child. The bill has responded to the concern expressed by many parents about their vulnerability and capacity to consider properly the effects of an adoption immediately following the birth of their child. The period of time before consent can be given has been extended from three to 30 days after the birth of the child. The order for adoption cannot be made before the expiration of a further 30-day revocation period. This period of 60 days will enable adoption counselling for the parent and for better consideration to be given to the most appropriate caring arrangement for the child.

Selection of adoptive parents has been a controversial area. Under the Adoption of Children Act 1965 and regulations, adoptive parents were required to satisfy criteria relating to age, marital status, health and character. The court was also required to consider the applicant's religion, convictions, if any, and his or her education. The focus of this bill is the selection of the best and most appropriate parent and care arrangement for

a child. The role of this legislation is to set only minimum requirements for eligibility. Couples living in a heterosexual relationship or recognised traditional and customary marriage, and single people, will be able to express an interest in adoption and be assessed as to their suitability to adopt. A foster parent who has had the care of a child for a period of more than two years under an approved adoption plan will be able to adopt.

The law and practices of this Government have responded to an increasing awareness and recognition of the significance of cultural heritage for the people of this State. The adoption of children from an overseas country and the mulitcultural society we now share require administrators and those who exercise authority under adoption legislation to ensure culturally appropriate placements for children. Special provision is made for Aboriginal and Torres Strait Islander children because of the unique features of their culture. The identification and preservation of the culture of children who enter Australia from another country and Australian-born children of another culture is also provided for in the cultural recognition features of the bill. All adoptive parents are required to have the capacity to assist the child to develop a positive, healthy cultural identity; a willingness to learn about, and to teach the child about, the child's cultural heritage; a willingness to foster links with that heritage in the child's upbringing; and the capacity to help the child if the child encounters racism or discrimination.

While responsibility for the provision of adoption services to the children of this State rests with the director-general, charitable institutions can apply to become accredited adoption service providers. Accreditation will provide for a range of adoption services, including intercountry adoption. These provisions ensure all adoption services are subjected to the same standards of professional practice and conform to international obligations for the protection of children. In the absence of a State law, the provision of intercountry adoption services is currently legislated by the Commonwealth.

The bill replicates provisions of the Commonwealth Family Law (Hague Convention on Intercountry Adoption) Regulation 1998 relating to administration of intercountry adoption services and will bring all adoption arrangements in New South Wales under State legislation. I do not propose to go through the provisions of the bill in detail. Members have access to the report of the Law Reform Commission and the bill addresses the recommendations of that report. There are adequate explanatory notes attached to the bill, and I emphasise that considerable care has been taken to ensure that concerns expressed in relation to the protection of our children and more up-to-date and appropriate adoption practices are addressed in the provisions of the bill.

The bill merges the principal objectives of the Adoption Information Act 1990 without substantive change and addresses some finetuning of the provisions to address those arrangements that have been difficult to administer. The bill contains a provision to ensure the policy objectives of the legislation remain valid and the terms of the legislation remain appropriate for securing those objectives. A review is to be undertaken by the responsible Minister as soon as possible after the period of five years from the date of assent of the bill. It is not proposed that the legislation come into force immediately. A number of recommendations of the Law Reform Commission relate to administrative and procedural matters that have been implemented, and other recommendations will be responded to prior to commencement of the Act. The most significant of these is the publicising of the legislation.

The reason for the delayed enactment of the provisions of the bill is to facilitate the remaking of the regulations and to enable co-ordination with the commencement of the Children and Young Persons (Care and Protection) Act 1998. It is proposed that extensive publicity, training and the opportunity for consultation will be provided during the making of the regulation, including requirements to support the provisions contained in the bill. I expect that there will be detailed discussion about the regulations which will continue the commitment given by the Government to the consultation process that has surrounded the reform of adoption legislation. It is the Government's view that this legislation deserves the support of all members of the House and I commend the bill to the House. I seek leave to table an explanation of the provisions of the bill.

Leave granted.

Document tabled.

Debate adjourned on motion by Mr Fraser.

[*Mr Acting-Speaker (Mr Mills) left the chair at 12.54 p.m. The House resumed at 2.15 p.m.*]

PETITIONS

Willoughby Paddocks Rezoning

Petition praying that the Legislative Assembly will advocate for the retention of all vacant land in the area historically known as the Willoughby Paddocks and its development as public parkland for the enjoyment of the community, received from **Mr Collins**.

Surry Hills Policing

Petition praying for increased police presence in the Surry Hills area, received from **Ms Moore**.

Bondi Pavilion Olympic Stadium Proposal

Petition praying for opposition to the construction of a stadium at Bondi Pavilion for the volleyball event during the 2000 Olympic Games, received from **Ms Moore**.

Northside Storage Tunnel Gas Emissions

Petition praying for the installation of an acceptable system to address health risks associated with the discharge of sewage gases from the northside storage tunnel, received from **Mr Collins**.

Macksville Hospital Health Funding

Petition praying that sufficient recurrent funding be allocated to Macksville and District Hospital to enable restoration of hospital services to the level that existed prior to cutbacks instituted by the Mid North Coast Area Health Service, received from **Mr Stoner**.

Standard Time Amendment Act

Petition expressing strong opposition to the proposed two-month extension of daylight saving, and praying that the House consider the adverse effect on rural families in New South Wales and take immediate steps to repeal the Standard Time Amendment Act, received from **Ms Hodgkinson**.

TAFE Funding

Petition praying for opposition to any funding cuts to TAFE, received from **Ms Moore**.

Windsor Road Upgrading

Petitions praying that Windsor Road be upgraded and widened within the next two financial years, received from **Mr Merton, Mr Richardson** and **Mr Rozzoli**.

Oxford Street Pedestrian Crossing

Petition praying that an additional signalised pedestrian crossing be installed on Oxford Street, Paddington, received from **Ms Moore**.

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**.

Moore Park Light Rail

Petition praying that consideration be given to the construction of a light rail transport system for Moore Park, received from **Ms Moore**.

Eastern Distributor Tunnel Ventilation

Petition praying that air purification systems be installed on the Eastern Distributor and cross-city tunnel, received from **Ms Moore**.

Old-growth Forests Protection

Petition praying that consideration be given to the permanent protection of old-growth forests and all other areas of high conservation value, and to the implementation of tree planting strategies, received from **Ms Moore**.

Dairy Farmers Assistance

Petitions praying that the House will seek the provision of a State-based assistance package to New South Wales dairy farmers, received from **Mr Fraser, Mr Souris** and **Mr Stoner**.

Animal Experimentation

Petition praying that the practice of supplying stray animals to universities and research institutions for experimentation be opposed, received from **Ms Moore**.

Animal Vivisection

Petition praying that the House will totally and unconditionally abolish animal vivisection on scientific, medical and ethical grounds, and that a new system be introduced whereby veterinary students are apprenticed to practising veterinary surgeons, received from **Ms Moore**.

Queanbeyan Ambulance Station

Petition praying for the allocation of funds for the construction of a permanent ambulance station in the Queanbeyan central business district to ensure faster response times and prompt emergency care for the residents of Queanbeyan and the surrounding region, received from **Mr Webb**.

White City Site Rezoning Proposal

Petition praying that any rezoning of the White City site be opposed, received from **Ms Moore**.

BUSINESS OF THE HOUSE

Routine of Business

[*During notices of motions for urgent consideration*]

Mr SPEAKER: Order! I call the honourable member for Wakehurst to order. I call the Minister for Transport to order. I place the honourable member for Murrumbidgee on two calls to order. I place the honourable member for Wyong on two calls to order.

QUESTIONS WITHOUT NOTICE

STAR CITY CASINO STAFF MONITORING

Mrs CHIKAROVSKI: My question is directed to the Minister for Gaming and Racing. Will the Minister instruct the Casino Control Authority to immediately tighten casino employee checks and upgrade staff monitoring in light of new allegations that at least one senior VIP host in the high rollers room at the Sydney casino has, or recently had, a stake in a Riley Street brothel?

Mr FACE: I will immediately call for a report and report back to you.

STAR CITY CASINO ENDEAVOUR ROOM MEMBERSHIP

Mr SOURIS: My question without notice is directed to the Minister for Gaming and Racing. In light of the evidence given to the section 31 inquiry that high-class prostitutes have membership of the high rollers Endeavour Room at Star City Casino, will the Minister instruct the Casino Control Authority to ensure such privileges are withdrawn immediately?

Mr FACE: I will immediately draw it to the attention of the Casino Control Authority.

STUDENT BEHAVIOUR

Mr PRICE: My question is directed to the Minister for Education and Training. What is the Government's response to the recent incidents of unacceptable student behaviour in Sydney's west and in Newcastle?

Mr AQUILINA: Within the past few days two secondary schools have been involved in incidents that have disappointed everyone who is proud of public education. As I have said time and again, unreasonable student behaviour will not be tolerated. The Government's position is well known. I am sure that honourable members of this House are aware of the media story today about students at Rutherford Technology High School boycotting classes in protest about the school's rules. This incident has a much longer history than has been reported. School rules are written and agreed to by the school community, and that includes the students. That is the case at Rutherford Technology High School. Let me make it clear that the students involved in this incident are a small group of 20. Originally the protest was in support of a student facing possible expulsion for numerous incidents of abuse and aggression. Two of the group's representatives met with the school executive and district staff to discuss their concerns that day, and most students returned to class.

The group of 20 had a further meeting with school and district authorities. Further consultation about matters of concern had been scheduled for this week, but the classroom boycott pre-empted that meeting. The principal at Rutherford, Sharon Parkes, has my complete support. When I spoke to her today to assure her of my support, she told me she has been inundated with messages of support from her staff and from other principals. I understand she has received scores of calls of support from parents; not one caller supported the protest. Even the parents of the student originally at the centre of the dispute have agreed with the principal suspending the child; they have since withdrawn her from the school. I shall read to the House a joint public statement of support from the Department of Education and Training, the school's parents and citizens association, the school council and the school's Student Representative Council. They express their unqualified support for the principal and stated:

> The school has dealt fairly with the students involved, establishing a consultation process ... The School is still optimistic that the concerns raised can be worked through, notwithstanding the action taken by the students since the agreement was reached.
>
> It is important that such concerns are heard properly, but the vast majority of parents and students have fully supported the school in dealing with the concerns, wholly within the context of the school's Discipline Code.
>
> The Code applies equally to all students and is the product of extensive consultation with students, parents and the wider school community within the Discipline Guidelines of the Department.

Principal Sharon Parkes has dealt with this situation in a fair and considered way. But she took a firm stand. She followed the school's welfare and discipline code, and she should be applauded for upholding standards and values at her school. Earlier today I asked her to fax to me a copy of the code. I have read it and applaud its content and the way in which it was put together. The Government has given principals like Sharon Parkes greater power to deal with disruptive behaviour. She has used that power responsibly. She has publicly and personally offered the students the opportunity to return to the school. She will discuss the issues with them, and the school's welfare and discipline code will apply.

This morning Sharon Parkes said, "If the students are happy to return to school to work, I am happy to have them back." That is why students go to school; they attend to study. As Minister I will not allow the school's standards, values, teaching and learning to be compromised and disrupted by a small group of students and parents who openly defy the rules. If a small group of students has concerns about certain aspects of the school's administration, there are appropriate channels through which to voice those concerns. The principal has been more than fair. Last week she gave them opportunities to spell out their concerns in a formal and adult way. The offer is still open.

Sharon Parkes and principals like her should be supported. These students' claims are unreasonable: students cannot smoke at school; students cannot swear at school; and their kissing demands will not be met. There have to be limits. If parents do not like the set of values a school is trying to uphold, then clearly it is up to them to do something about it—they can take their children out of the school. I make it quite clear, we are the public education system, we are a big system, we support one another and we have collegiality. Public schools have standards. If these young people, who are beyond compulsory school age, do not wish to abide by the standards and values of that school, then they can get out of the school.

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

Mr AQUILINA: I offer my support also for another principal, Keith Miles of Cranebrook High School, near Penrith. Keith Miles is a great teacher, someone I had the privilege of teaching with in my early teaching days at Shalvey High School. He is now the principal of a great school in Sydney's west. I am advised that last Friday night an ugly scene followed a three-day school excursion to the Snowy Mountains. During the excursion there was an incident involving three year 10 students involving insults, threats and personal aggressive behaviour.

I am advised further that when the bus returned to the school after the excursion it was met by a group of 10 to 15 youths, most of whom were not school students. The group attacked the bus. The sides of the bus were beaten, the bus was rocked, a window was smashed and a beer bottle was thrown through it. A parent was covered in glass. The poor driver was forced to drive off with some students still on the bus. Principal Keith Miles acted swiftly in response to the matter; a male student has been suspended and a number of parents have been called to the school. This kind of behaviour is not acceptable whether or not the culprits are students or members of the wider community. The Government has made it clear that it takes a tough stand on behaviour: respect yourself, respect others' rights and accept the responsibilities that come with being members of the community. Finally, I am advised that the police have been notified of this incident and, of course, they will take appropriate action.

MINISTER FOR GAMING AND RACING AND STAR CITY CASINO PATRON

Mr OAKESHOTT: My question is to the Minister for Gaming and Racing. Has the chair of the section 31 inquiry, Mr Peter McClellan, advised the Minister that a witness to the inquiry who is currently a high roller in the Endeavour Room has stated that he has a personal relationship with the Minister and that he would not bother him on matters relating to the Endeavour Room, only on serious issues such as gaming licence applications?

Mr FACE: Mr McClellan has not raised the matter with me.

EMPLOYEE ENTITLEMENTS

Mr ASHTON: My question is to the Premier. What is the latest information on the Federal Government's workers' entitlements scheme?

Mr CARR: Over the last two years I have repeatedly urged the Federal Government to implement a national scheme that fully protects workers' entitlements.

Ms Seaton: What about the local government recycling co-operative workers?

Mr CARR: The honourable member for Southern Highlands interjects. She should have shown a little loyalty to her leader. She voted against her leader. She assured her leader of her support but she voted against her. She ought to be ashamed of herself for such a display of disloyalty. After telling her leader she would back her she voted against her. And she interjects! She is the last person to throw an interjection across the Chamber after her display. The Government has repeatedly urged the Opposition's colleagues in Canberra to establish a national scheme that looks after workers when company directors let them down. Never has the Coalition responded to our representations.

Indeed, the Commonwealth opts for a poor, poor substitute. It relies on taxpayers picking up the responsibilities of company directors with harbourside mansions and yachts bobbing on the waters. It is the view of Peter Reith that when those company directors protect all their own interests but deny workers their

entitlements the taxpayer ought to move in and pick up the pieces. We say that that is not good enough and we will not join Peter Reith's scheme. One of the factors that shaped my view that the Reith approach would not work is a document called "Future Directions in Industrial Relations", an issues paper produced by the New South Wales Coalition in March this year.

Mr SPEAKER: Order! I call the Leader of the National Party to order.

Mr CARR: In the section devoted to a basic payments scheme the issues paper states:

> One disadvantage of a basic payments scheme would be to provide unethical employers with an opportunity to avoid meeting their legal obligations.

I agree with that. That is why we will not be part of the Reith approach that says that whenever one of these companies goes under State and Federal taxpayers should throw some money at the problem on an ad hoc basis. It is interesting that a Coalition Government has now joined the Labor Premiers and said that the Reith approach will not work and we should not throw State taxpayer funds at the problem.

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

Mr CARR: No less a person than Mr Robert Lawson, the workplace relations Minister in South Australia, announced that the Olsen Government will not participate in the Reith scheme. He described the scheme as unfunded and open-ended. That is what I have been saying throughout the national debate. He went on to say:

> There is no law saying there is an entitlement—[the Federal Government is] just giving money away.

I continue to quote him:

> I've every sympathy for workers, but does the Government have to bail out companies to the extent of meeting their [financial] obligations?
>
> If the director of a company has not left the company with adequate resources, that is not South Australian taxpayers' fault.

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

Mr CARR: All the States are concerned that, first, the current Commonwealth Corporations Law is inadequate and, second, the scheme will provide as little as 20 per cent of employees' legal entitlements. In addition, this week two newspaper reports have raised serious questions about the constitutional validity and appropriateness of Commonwealth payments to National Textile workers. Country Labor members will pay particular interest to this. The money the Commonwealth provided for National Textile workers, on a strictly ad hoc basis, came out of the regional assistance program. So regional assistance programs throughout regional Australia were reduced to allow Peter Reith to make this ad hoc payment.

By contrast, when we assisted those workers we drew the money from the budget. That was reported in the 2000-01 budget for the Department of Industrial Relations. That approach is totally in accord with the provisions of the Public Finance and Audit Act. We support the full protection of workers' entitlements. They must come from a properly funded scheme. Entitlements must not rely on ad hoc payments made whenever it suits the Commonwealth in the interests of holding one of its marginal seats. I again call on the Commonwealth Government to develop an appropriate long-term alternative to protect workers' entitlements and amend the Corporations Law. Any scheme must not let bad company directors off the hook and rely on Australian taxpayers to pick up the tab.

LISMORE INJECTING ROOM

Mr GEORGE: My question is directed to the Minister for Police. Why has the Minister failed to take any action to close down an illegal injecting room that has operated since last week in Lismore by Mr Dufficy with the knowledge of local police officers?

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

Mr WHELAN: I am advised by the commissioner's office that police have not condoned the setting up of a safe injecting room in Lismore. Claims that one is operating are currently being investigated by local detectives in Lismore.

EDEN DEVELOPMENT FUND

Mr W. D. SMITH: My question is to the Minister for Local Government, Minister for Regional Development, and Minister for Rural Affairs. What is the latest information on the Eden Development Fund?

Mr WOODS: The Heinz-Wattie's cannery closed last July, resulting in the loss of 145 jobs. On 7 July, two days before the cannery closed, I announced that the State Government would jointly establish a $500,000 Eden Development Fund along with Heinz-Wattie's. The fund was created to attract new business investment as well as expand existing local businesses. The fund also demonstrates the importance of partnerships between the State Government, local government and industry. That partnership in the southern region has been working well. In fact, since we established the joint half million dollar Eden Development Fund we have offered assistance to 14 companies or projects in the Eden area. That will lead to investment of some $15 million. It is projected to create more than 180 full-time equivalent jobs over the next three years. That is well above the target that was set when the fund was established.

The fund has offered assistance to the Broadwater group, a boatbuilding and marine engineering firm. That could lead to the creation of 70 jobs and the retention of 14 jobs. Another firm that we are assisting is Goldbat, a fish processing company. That firm is investing some $1 million into expanding its operations, and will create 10 jobs. That is what we are about: looking for the new opportunities in regional New South Wales, working alongside local government and industry to deliver those jobs and prosperity to regional New South Wales. That policy is different from what honourable members opposite say they would do. It is in direct contrast. The Leader of the National Party has been engaging in distortion and duplicity and telling lies to his own people, the members of the National Party, for a long time. At the conference at Tweed Heads last week he said:

> When you look around rural and regional towns, you see optimism, you see success everywhere and you see industrious people getting on with the job with hope in the future, thanks to partnerships and entrepreneurship from people in the regions ...

Nobody would disagree with that; I do not disagree with it. The Leader for National Party went on to say, "This is no thanks to the Carr Government," and he gave some examples. In other words, the Leader of the National Party said that those people are doing great jobs—and they are; they are employing people. However, he then said that they were getting no help from the Government. That is what he told the good people at the National Party conference. He then named several businesses that he said the Government is not assisting. He referred to Britax in Taree, Blackwatch Boats in Chinderah, Shellden abattoir in Singleton and the Heinz cannery redevelopment. The Leader of the National Party is having his own people on because what he said is just not true; he is in denial.

Every one of the businesses I have just mentioned, the same businesses the Leader of the National Party mentioned in his speech at the National Party conference at Tweed Heads, has been helped by the State Government—and plenty of others have been helped as well. Those businesses have received assistance to the tune of a total of more than $2 billion, but the Leader of the National Party has denied that to his own people. That assistance included payroll concessions, expansion grants, establishment grants, relocation assistance and infrastructure funding. The Leader of the National Party should realise that he will not get away with that sort of thing. Not only do the people of New South Wales deserve better, members of the National Party deserve better. They deserve honesty. They should not have to put up with that sort of dishonesty from the Leader of the National Party. He also spoke about what a great job the macadamia industry is doing on the North Coast. But he again claimed that is without State Government support.

Mr Webb: Point of order: I was interested in the Minister's reply he went off the track. The question specifically related to the Eden Development Fund. I do not want to hear about the rest of the State. I want to hear an answer to the question.

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

Mr WOODS: Is it any wonder that the National Party is now down to 3.5 per cent in the polls? It is descending faster than Captain Nemo in the *Nautilus*.

Mr Carr: Point of order: The Minister ought to be brought to order.

Mr SPEAKER: Order! I call the Leader of the National Party to order for the third time. I call the honourable member for Gosford to order. I call the honourable member for Gosford to order for the second time.

Mr Carr: The Minister referred to a poll published in the *Bulletin* today which shows that support for the National Party is down to 3.5 per cent.

Mr SPEAKER: Order! If there is another outburst on either side of the Chamber I will have the member responsible removed from the Chamber.

Mr Carr: The Minister needs to confirm that today's *Bulletin* and the full print-out of the poll are in fact the source of his comment.

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

Mr WOODS: I appreciate the Premier pointing out to me that the *Bulletin* poll shows that support for the National Party is down to 3.5 per cent.

Mr Webb: Point of order: I draw your attention to the fact that the question referred to the Eden Development Fund. What the Minister has said has no relevance to that at all. I ask that you direct him to make his answer relevant to the question.

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

Mr WOODS: It cannot be true. May we have a copy of it? National Party members deserve better. They should not have to put up with this sort of dishonesty from their leader. As I have already said, the Leader of the National Party also spoke about what a great job the macadamia industry is doing on the North Coast—again, he claimed, without State Government support. Yet I find the department has provided financial assistance to McNuts at Nambucca and Macadamia Oils of Australia on the North Coast. The claims of the Leader of the National Party are outrageous and untruthful. What was he thinking? Did he honestly think that he could name those businesses and we would not know that we assisted them? Did he think he could tell those sorts of untruths?

Mrs Chikarovski: Richard doesn't know anything. Why would we think you do?

Mr WOODS: At least the Leader of the Liberal Party has gone into her party room and had the votes counted. She won. I do not think the Leader of the National Party would get the same treatment. After all, the people who put him here are gone. When the Leader of the National Party was giving these examples and telling all these success stories, it was almost as though he was reading directly from the Government's Beyond 2000 jobs plan. I do not know whether it was deliberate or plain ignorance on his part, but it demonstrates culpable and criminal incompetence. The good people of the National Party deserve better. Many of them are my friends and they tell me about this. I tell them about these untruths, this dishonesty, these con jobs and they do not like it.

Mr SPEAKER: Order! I place all members who have been called to order on three calls to order. I suggest to the Minister that if he directs his remarks through the Chair there will be fewer interruptions.

Mr WOODS: The good people of the National Party, who sat attentively through the speech of the Leader of the National Party, deserve better than to be told untruths. The Leader of the National Party also told the party faithful that after 18 months in the job—it is a long time since the last election—he has begun the process of developing and reviewing policy. In the same breath he told them to go out and sell the policy. But he has not developed it, he has not reviewed it, it is not there! The Leader of the National Party is taking the National Party to depths that Captain Nemo did not dream of taking the *Nautilus*.

CABRAMATTA CRIME

Mr TINK: My question is directed to the Minister for Police. In light of yet another attempted stabbing murder at Cabramatta this morning, when will the Minister stop deceiving the public about crime rates in the area and order police to list such serious incidents on crime index?

Mr WHELAN: I thought I gave a rather detailed answer to the House yesterday about the only official crime statistics, those compiled by the Bureau of Crime Statistics and Research. I told the House that all forms of crime are, in the words of Dr Weatherburn, trending down. Dr Weatherburn said that crime figures in New South Wales are unmistakably good. Crime in New South Wales is at 1996 levels and is trending down. I

thought I said that yesterday. The incidence of motor vehicle theft is down by 10 per cent and sexual assaults are down by 12 per cent. I thought I had already mentioned that. I understand the honourable member's question; I hope he was in the Chamber to hear my answer yesterday.

Mr Hartcher: We were, but we didn't believe you.

Mr WHELAN: Perhaps you should have. I am pleased that the honourable member for Epping mentioned Cabramatta. Through Operation Puccini, 618 people have been arrested in Cabramatta alone. Of those, 83 were charged with the serious offence of supplying heroin. Operation Portville, which was also conducted in Cabramatta, has been responsible for a number of important charges. Four men have been charged with a range of gun-related offences and one has been charged with shooting with intent to murder. Cabramatta is not the only focus of police attention. Police have conducted four major controlled operations in Kings Cross in the past six months.

Some 51 offenders have been arrested on 329 charges covering the full spectrum of drug offences, including conspiracy to supply and supplying a prohibited drug. Three people have been charged with murder, two with manslaughter and 690 have been charged with more than 1,700 offences, including kidnapping, aggravated sexual assault, arson and armed robbery. The fight continues against crime and against the insidious problem of heroin and drugs in our community. Full marks to the New South Wales Police Service. I just wish that the New South Wales Opposition would one day support New South Wales police.

Mr TINK: I ask a supplementary question. If this attempted murder had been a simple assault, would it not have been counted in the crime index? However, as an attempted murder, it is not counted.

Mr WHELAN: The honourable member fails to understand that there is one public document.

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

Mr WHELAN: It is prepared by the Bureau of Crime Statistics and Research and it is the official public document.

Mr Tink: Point of order: The police commissioner must be able to use the crime index to defend the situation in Cabramatta.

Mr SPEAKER: Order! There is no point of order. The honourable member for Epping will resume his seat.

Mr WHELAN: I answered that question today and yesterday and I have answered it on previous occasions. I cannot educate the honourable member further.

MANUFACTURING TARIFFS

Mr CRITTENDEN: My question is directed to the Minister for Small Business, and Minister for Tourism. What is the Government's response to the Productivity Commission's recommendation that manufacturing tariffs should be abolished by 1 July 2001?

Ms NORI: I commend the honourable member for his interest in this important policy matter. Honourable members may recall that last year I informed the House of my concerns that the Howard Government had sent a reference to the Productivity Commission on tariff reductions for the manufacturing industry. At that time I said that I would make a submission to the Productivity Commission, and I have done so. My submission to that inquiry strongly recommends that the tariff should be not abolished unilaterally, but used as a bargaining chip in trade negotiations. For the past 30 years this country has led the way in reducing tariffs and making our manufacturing sector more competitive. We removed our tariffs unilaterally; we did the hard yards in the 1980s as we restructured.

Any economist will confirm that it was during this phase that we achieved the big productivity gains and efficiencies in manufacturing, even though we reduced our tariffs unilaterally. The gains to be derived from removing the remaining tariffs would be miniscule. They are estimated to be worth about $3 in consumer savings per person per year. However, the costs would be much higher. Even the Productivity Commission concedes that the costs of the tariff are slight but that abolishing the tariff would impact on industries, regions

and people. In essence, jobs would contract. In an economy with a floating exchange rate, the 5 per cent tariff plays an important role.

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

Ms NORI: A weak Australian dollar is one of the reasons some of our manufacturers are experiencing export growth despite trade barriers. However, if the value of the dollar improves, making our goods more expensive, the combination of a higher Aussie dollar and restrictive barriers to overseas markets could harm our manufactured exports. The current 5 per cent tariff rate that the Productivity Commission wants to abolish constitutes the barest minimum of buffers for our manufacturers. Plenty of people would argue that, in the context of a floating exchange rate, a 5 per cent tariff is effectively a zero tariff rate. That is why I was extremely concerned when, early this year, the commission issued its draft report calling on the Commonwealth to abolish unilaterally the remaining 5 per cent tariff on manufactured goods by 1 July next year.

The commission is arguing this at a time when our major trading partners are either not moving their tariff rates or, in the case of the United States and Canada, are putting up their rates of protection. The commission is being driven by economic theory while our major trading partners are being driven by self-interest. Any move to unilaterally abolish tariffs has the potential to seriously harm the State's manufacturing industry and put thousands of jobs at risk. I know of some firms that would be forced to lay off staff and possibly cease manufacturing if the minimal remaining tariff were removed.

Small businesses account for 98 per cent of Australia's manufacturing firms, and many of them are located in regional areas. For example, there are approximately 2,700 manufacturing enterprises in country New South Wales that employ about 43,000 people directly and have an estimated turnover of more than $7 billion. Because of their size, those businesses will find it harder to compete against cheaper imports. Last Friday, I raised this issue at the national trade consultation ministerial meeting, and I am pleased to say that I won unanimous support from all State and Territory governments—Labor, Liberal and National—for rejecting the Productivity Commission's recommendation. This calls for a complete shift in the Commonwealth's position on trade negotiations. It is now up to the Commonwealth to protect the jobs of workers in the manufacturing industry.

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

Ms NORI: It is a clear message that any reduction in the remaining 5 per cent general tariff should be undertaken only within the framework of ongoing multilateral trade negotiations that provide improved market access. Let us be clear: the position taken by State Ministers is not anti free trade; it is about saying that free trade must mean free trade. Free trade must be made to work; it cannot be one-sided. We demonstrated our goodwill in the 1980s, and New Zealand adopted a similar position. Our position on Friday recognises that, as we produce much more than we consume, we must be exporters to survive. If we are to export successfully, we must have access to markets.

It is not fair to expect Australian small businesses to compete against protected overseas companies. New South Wales manufacturers must be reassured that, if they are required to compete in the global marketplace, their international competitors will be forced to do so as well. We must not return to the days of fortress Australia. We did well from tariff reductions in the 1980s that made our industries more competitive. However, we have no obligation under any agreements to reduce our tariffs further until 2010. Why go early? Why give up our only bargaining chip now? Last week our position was about tactics. We led by example in the past, now it is time to get tactical and strategic.

At the National Party conference at Tweed Heads last weekend the Federal trade Minister, Mark Vaile, said that he had found that in trade negotiations it is better to go in with a few cards up your sleeve. Last weekend he endorsed that position at the National Party conference. But as we have seen with the goods and services tax on caravan park residents, what the National Party wants is not always what the Liberal Party is prepared to give. The Productivity Commission findings present a challenge for the National Party. If the National Party is serious about protecting country jobs it will demand that the Liberals reject the Productivity Commission report. I will make a further submission to the Productivity Commission inquiry, and I know I will have the support of Government members. I ask the members opposite to join them.

PUBLIC HOUSING TENANTS EMPLOYMENT PROGRAM

Mr TRIPODI: My question is to the Minister for Housing. What is the Government doing to help public housing tenants find jobs?

Dr REFSHAUGE: I commend the honourable member for his ongoing interest in public housing tenants and their welfare. I am delighted to inform the House about the Tenant Employment program, a program initiated and run by the Department of Housing to get public housing tenants into jobs. First, I must not miss the opportunity to welcome Wayne "Mullet" Merton back to the front bench. He has not been a member of the front bench for some years, so it is great to see him back. The honourable member for Baulkham Hills' reappearance on the front bench has increased the Opposition's frontbenchers in this House with ministerial experience by 25 per cent—a real win.

Wayne, you may have had only three months on the front bench, but we were there for you, we saw you coming back and it is great to have you back. Last year the Department of Housing established the Tenant Employment program to find ways to get unemployed public tenants back to work. For example, Lynn Wilson had been out of work for more than three years when she signed up for the program. With the help and encouragement that this program provides, Lynn and a group of other tenants are setting up a curtain making business.

Mr SPEAKER: Order! The honourable member for Swansea and the honourable member for Illawarra will remain silent.

Dr REFSHAUGE: They aim to sell their curtains not only to the Department of Housing but also to nursing homes and motels. Another tenant, who lives on a large public housing estate in western Sydney, had been unemployed for four years. Through the new employment project she applied for a six-month clerical job in a local housing office. Within a few weeks she was an important member of its team and has gone on to the new position of client service officer. A third tenant, a single mum living on a public housing estate, had been out of the work force for 10 years. Although she was keen to find work, she lacked the skills and the confidence to apply for a job. Through the workshop run by the new Tenant Employment project she learnt how to write a job application and to prepare for interviews. Within a short time she had found work, outside the department, helping people with disabilities.

Those are but three examples from the 182 people who have found work through the department's new employment scheme. This pilot project began helping tenants find employment in May last year. It provides training and job opportunities for housing tenants, especially those who have been unemployed for a long time. The project works mainly in two ways: the department employs tenants or tenants are employed by companies that are doing work for the department. For example, two tenants are working as clerical officers in the department at both regional and head office level. Another eight tenants have been employed by contractors who provide maintenance on the department's properties.

Mr SPEAKER: Order! I place the honourable member for Oxley on two calls to order.

Dr REFSHAUGE: The tenants bring with them first-hand experience and understanding of the issues that tenants face and are eager to grow and develop in the new jobs. Another important part of the project is the training it offers. At Bidwill and Cranebrook in western Sydney the department's building and construction contracts require the employment of two trainees for 12-month traineeships. If the trainees like the work and the company likes them, those traineeships can grow into four-year apprenticeships. So far one trainee has been employed by the contractor at Bidwill and another two trainees are due to start work at Cranebrook in the near future. In addition, 20 tenants are setting up their own small businesses with the help of this project. The tenants have completed accredited training in small business management. Some tenants are establishing handyman and maintenance services.

For example, a group of five tenants has established a business offering cleaning and ground maintenance to local businesses in the Campbelltown area and will also tender for Department of Housing contracts. The Olympics are also offering wonderful training and job opportunities for our tenants. So far 155 tenants had been offered work during the Olympics and Paralympics. Of those, 60 jobs are in housekeeping and 95 are in food and beverage. Training for those jobs has begun and will include Olympic-specific training as well as job-specific training. Housekeepers will receive nationally accredited certificates in housekeeping operations. Of those who have been offered jobs, 79 per cent are long-term unemployed, and some of those have

been out of the workforce for up to 10 years. In the longer term, the experience and discipline provided by the Tenant Employment program will help people move into the general workforce. This great project will ensure that public housing tenants can get back into the work force and contribute to society in the way they would like.

Questions without notice concluded.

BUSINESS OF THE HOUSE

Bill: Suspension of Standing and Sessional Orders

Motion by Mr Whelan agreed to:

That standing and sessional orders be suspended to allow the introduction and progress up to and including the Minister's second reading speech of the Industrial Relations Leave Legislation Amendment (Bonuses) Bill, notice of which was given this day for tomorrow.

INDUSTRIAL RELATIONS LEAVE LEGISLATION AMENDMENT (BONUSES) BILL

Bill introduced and read a first time.

Second Reading

Mr YEADON (Granville—Minister for Information Technology, Minister for Energy, Minister for Forestry, and Minister for Western Sydney) [3.16 p.m.]: I move:

That this bill be now read a second time.

The Industrial Relations Leave Legislation Amendment (Bonuses) Bill will amend the Annual Holidays Act 1944, the Long Service Leave Act 1955 and the Long Service Leave (Metalliferous Mining Industry) Act 1963 with respect to bonuses. The purpose of the bill is to resolve uncertainty which has recently arisen as to whether leave earnings, which are meant to reflect the ordinary pay received by workers when leave is not being taken, should take into account amounts received by way of annual and related bonuses. This issue has arisen particularly in relation to the termination of employment of executive employees following company acquisitions, when a right to receive unpaid leave entitlements has arisen. Earnings received by way of bonuses were introduced into the definition of ordinary pay in the Annual Holidays Act and the Long Service Act in the early 1960s.

It seems clear that the relevant provisions were directed at the situation in which non-managerial workers received bonuses as part of their regular income. However, it is unclear whether often lucrative annual bonuses received by highly paid executives in areas such as the finance and banking industry are required under the terms of current legislation to be taken into account in calculating the earnings. The issue involved is that whereas it may seem unnecessary that employees in receipt of large bonuses should get a second consequential benefit through greater leave earnings, it is equally important not to disadvantage employees in some industries who are not high-income earners and who are employed on the basis that a significant proportion of the income will be derived from performance bonuses and related incentive schemes.

The uncertainty about the position in this area does not assist business confidence. There is a need to make the position clear, so that everyone knows where they stand. The approach taken in the bill is to provide that bonuses will be taken into account and reflected in ordinary pay leave earnings unless the annual amount of the worker's ordinary pay, excluding bonuses and related amounts, exceeds an amount to be prescribed by regulation. Although it is not anticipated that there will be a flood of claims from executive employees who did not have bonuses reflected in their leave earnings, it should be pointed out that the first regulation prescribing the maximum annual amount of a worker's ordinary pay will be able to have retrospective effect. New section 4 (2) provides:

A relevant regulation may be made with effect on and from a date that is earlier than the date of its publication in the Gazette (including a date that is earlier than the commencement of this Act).

However, it should also be noted that any such regulation will not have retrospective effect where payment has already been made or where legal proceedings concerning disputed entitlements have been commenced. The capacity to prescribe what is, in effect, an income limit above which bonuses and related payments will not be

reflected in leave earnings will enable a distinction to be made between the position of highly paid executive workers and that of other workers. This approach is both fair and equitable. While no further decision has been taken as to what amount might be prescribed by regulation, a figure in the order of $100,000 would probably be appropriate. However, the setting of the amount to be prescribed will be the subject of consultation with relevant parties before any regulation is made.

Finally, the Government intends to introduce new legislation which consolidates and simplifies the existing legislation dealing with annual holidays and long service leave, and which places the revised leave provisions in the Industrial Relations Act 1996. However, it is intended that the bill which does this will be released as an exposure draft to enable interested parties to provide comments. Because of the need to resolve the bonuses issue quickly, it is being dealt with separately in the bill currently before the House. I commend the bill to the House.

Debate adjourned on motion by Mr R. H. L. Smith.

CONSIDERATION OF URGENT MOTIONS

Banana Industry

Mr NEWELL (Tweed) [3.22 p.m.]: The New South Wales banana industry is worth more than $45 million. On the North Coast, where the industry is principally located, there are approximately 1,000 banana growers. However, they are not all full-time growers; a percentage of them earn off farm income. Throughout the year those 1,000 growers employ more than 3,000 people in various stages of their operations. This motion is urgent because of the threat—

Mr Fraser: Point of order: The honourable member for Tweed is debating the substance of his motion. Although he has just mentioned the word "urgent"—and I know that he does not need to use that word in his dissertation—he should not debate the substance of the motion. He should tell the House why his motion is more important than the motion to be moved by the honourable member for Hornsby.

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

Mr NEWELL: This motion is urgent for a number of reasons, including the threat to the industry from imports from the Philippines, an area that has almost every banana disease known to man.

Mr SPEAKER: Order! The honourable member for Hornsby is not present in the Chamber to present reasons why his motion should receive precedence.

Question—That the motion for urgent consideration of the honourable member for Tweed be proceeded with—agreed to.

BANANA INDUSTRY

Urgent Motion

Mr NEWELL (Tweed) [3.24 p.m.]: I move:

That this House:

(1.) recognises that the New South Wales banana industry is worth more than $45 million a year to the North Coast economy and employs 3,000 people;

(2.) expresses alarm that the New South Wales banana industry faces a threat from cheap Filipino bananas if imports are approved;

(3.) notes comments by the Banana Industry Committee that the "Philippines has virtually every banana disease known to man" and urges the Federal Government to maintain its quarantine restrictions despite the threats in Manila of a trade war;

(4.) supports moves to improve the Tweed Valley's position as a major horticulture marketing and production distribution centre for the New South Wales banana industry; and

(5.) urges the Federal Government to maintain current quarantine restrictions on Filipino bananas.

The New South Wales banana industry is not, in dollar terms, a large industry compared to other agricultural and horticultural enterprises within Australia. However, the two areas in New South Wales where bananas are principally grown—the Tweed and Brunswick valleys and Coffs Harbour—are a major contributor to the North Coast economy. New South Wales produces about 18 per cent of banana production in Australia; Queensland produces about 75 per cent. Other banana-growing areas that would be affected are in the electorates of Clarence, Ballina and Lismore.

Mr Stoner: What about Oxley?

Mr NEWELL: I acknowledge that bananas are grown in the electorate of Oxley as well. This vital industry has undergone a number of changes in the past 10 to 20 years. That is not symptomatic of the banana industry, but of the restructuring of the agricultural industry in general. Some years ago the New South Wales banana industry produced almost 50 per cent of Australia's production. The industry has now contracted, with the remaining banana growers becoming more efficient. The banana industry is under serious threat from cheap banana imports from the Philippines because of a potential trade war between the Philippines and Australia. The Federal Government must address this issue quickly. In 1991 or 1992 there was an application to import bananas from South America.

The then Federal Labor Government, of which I was a member, acted swiftly and decisively to ensure that the Australian Quarantine and Inspection Service [AQIS] carried out stringent and thorough research of the position in South America to assess the disease threat to Australia and New South Wales if the banana imports were allowed. At that time, a number of State and Federal National Party backbenchers were very vocal in ringing the bell about the threat to the banana industry in New South Wales. They approached various local organisations in their electorates to rail against the then Federal Government. In 2000 we face importation of bananas from a different country but with the same threat of diseases. Yet we have not heard a single word from a National Party member. I do not think it even got a mention at the National Party conference at Tweed Heads last week.

Mr Fraser: You were not there.

Mr NEWELL: I am not a member of the National Party.

Mr Fraser: You would not even come and talk to the dairy farmers.

Mr NEWELL: It obviously did not get a mention at the conference, as acknowledged by the honourable member for Coffs Harbour. They are not interested. In 1991 or 1992 the State members of the National Party were very vociferous. At that time the member for Murwillumbah and other State members were critical of the Federal Government and railed against it. We are now in the year 2000, and we have not heard a word from them. I urge all honourable members—whether they are members of the National Party, the Liberal Party, Independents, my colleagues in Country Labor or the Labor Party—to get behind this motion.

The $45 million banana industry is critical to the economy of the North Coast. Imports from the Philippines are definitely a threat. My motion notes the comments of the Australian Banana Growers Council that the "Philippines has virtually every banana disease known to man". The council urged the Federal Government to maintain its quarantine restrictions despite the threats in Manila of a trade war. Obviously, other factors are involved. This House must stand up for industry in New South Wales, in this case the banana industry. It is important that this House gets behind the motion and lets the Federal Government know just how we feel about this potential threat.

Although all the diseases have not been assessed at this stage, a number of them exist. I mentioned the threat of disease from South America and the work done by AQIS in that regard. It worked very hard on the South American imports. Because of the presence of moko and black sigatoka in that country, AQIS quite correctly ruled out and prevented any prospect of the importation of bananas from it. Panama disease, which is the serious disease threat from the Philippines at the moment, poses a very serious threat to subtropical banana production—the type of banana production in New South Wales. I understand that New South Wales Agriculture is assisting the industry through research and development projects.

I acknowledge that the Federal Government, through the Horticultural Research Development Corporation, also contributes money to research to the Australian Banana Growers Council. In response to an earlier interjection by the honourable member for Coffs Harbour, yes, we have diseases such as bunchy top in

bananas on the North Coast. With the help of the Department of Agriculture the disease is well and truly under control and the incidence of it will be reduced as different cultural practices and varieties of bananas are introduced. There are other ways in which the Government is assisting the banana industry. I acknowledge the presence in the Chamber of the Minister for Regional Development. Recently the Minister was able to assist the banana industry and other industries on the North Coast, particularly around the Tweed, with a proposal to establish a central pack house facility.

The Minister has facilitated the appointment of a consultant to provide information on where the facility might be located and how it might be operated. It will be a further boon to the industry in the Tweed and the Brunswick Valley. The motion is urgent and should be supported by all members of the House. It is not only a $45 million industry, but it employs up to 3,000 people, generally on a part-time basis. The North Coast has high levels of unemployment, and it needs all the assistance it can get. The assistance it is crying out for at this time is assistance from the Federal Government through AQIS to ensure that diseased bananas are not imported from the Philippines through the simplistic notion of a trade war with that country, which the Federal Government should be in a position to deal with immediately and thus protect our industry on the North Coast.

Mr FRASER (Coffs Harbour) [3.34 p.m.]: I support the motion moved by the honourable member for Tweed. However, I ask him to accept an amendment to paragraph 4 of his motion. I move:

> That the motion be amended by leaving out the words "Tweed Valley's" in paragraph (4) with a view to inserting instead "North Coast's"

The honourable member for Tweed outlined not just the importance of bananas to the Tweed Valley but to the whole of the North Coast. Amending the motion in the manner I have suggested would broaden the understanding of the problem and the community's perception that we must be ever vigilant about diseases that could affect the banana industry on the North Coast. As the honourable member quite rightly indicated, when he was the Federal member for Richmond there was a threat to import from overseas bananas affected by black sigatoka. I took that matter up in the public domain and I wrote to the Federal Government in an effort to ensure that bananas that might be diseased not be imported into New South Wales or Australia. In the Philippines 28 diseases are known to affect bananas, including moko, which is a blood disease, black sigatoka, and a number of others.

I have spoken to the Chairman of the Australian Banana Growers Federation, Mr John Robinson, who happens to come from Coffs Harbour. I have also spoken to the Chairman of the Banana Industry Council, Mr Ron Gray, who comes from Woolgoolga and, I am sure, is well known to the honourable member for Clarence. Mr Ron Gray is also Chairman of the Australian Banana Growers Committee. Both those gentlemen have relayed to me their grave concerns about what may happen to the industry if overseas fruit is brought in. I support the honourable member opposite in calling on the Federal Governed to ensure that no overseas fruit is brought in. We must understand that the banana industry has been a mainstay industry from the Tweed right through to Nambucca Heads for 50 years or more.

Although Coffs Harbour was settled with sugarcane as its main crop, the community soon learned that bananas were better suited to the climate and the steep slopes, and it has been the stable source of the majority of agricultural income since that time. As result, we have the Big Banana, which is one of the most visited tourist attractions in Coffs Harbour. It was the first of the "Bigs". I would imagine that anyone in this House who has travelled up the North Coast would have a photograph of themselves or their families out the front of the Big Banana. The banana industry is viable not just at Coffs Harbour, Nambucca or the Tweed, it is viable right across the North Coast. As the honourable member for Tweed said, the banana industry creates more than 3,000 jobs.

I am glad the Minister for Regional Development is in the Chamber because he has indicated that he will give some sort of packing facility to the banana industry in the Tweed. I challenge him to look after the Indian banana growers in Woolgoolga who are screaming for a packing house. They are doing something about it themselves. I ask the Minister to support them. I lay down the challenge: put some money in and give them some assistance to get a packing shed to ensure that the quality of New South Wales fruit is maintained, and so that growers who get greedy cannot put second-grade fruit into cartons, send it off to market and as result have the North Coast fruit rejected. Major players such as Woolworths and Coles now insist that they buy their fruit from Tully in Queensland so that they can ensure constant quality.

If the Minister were to assist both the lower North Coast as well as the far North Coast to provide packing sheds, growers would be encouraged to constantly pack high-grade fruit and put it on the market. All

honourable members from the North Coast know that the taste of Coffs Harbour bananas and North Coast bananas is far superior to the taste of Queensland bananas. It is only for the look of them that Woolworths has done something about it. Last Week the Minister for Agriculture got up in this House and said that he would investigate the end result of mark-ups on agricultural produce to see who is making the lion's share. At the moment for the information of the honourable member for Tweed and the honourable member for Clarence, the growers on the North Coast are currently receiving between $6 and $7 a carton. The price is moving up. At the moment some growers are picking up to $10, but the average price is between $6 and $7. The retail price is equivalent to $26 to $30 a carton.

The grower cops all costs of freight, packing and even the carton. The product comes to Sydney where the retail price is $26 a carton. That is almost a 500 per cent increase on the price the grower receives. I challenge the Minister for Regional Development, and Minister for Rural Affairs and the Minister for Agriculture to do something about that. Twenty years ago growers used to receive 60 per cent of the retail cost of a banana; these days growers do not make 30 per cent. Is it any wonder that the industry is going downhill. Apart from Queensland competition and the industry needing support from the State Government in marketing and packing, retailers are ripping off the growers. That happens in all industries, including the dairy industry, which has been the subject of recent debate.

I support the motion and ask the Government to appeal to the Federal Government to stop banana imports. I fully support the Government in that request. I also call on the Minister for Regional Development and the Minister for Agriculture to investigate why the price is so poor to the grower yet so high to the consumer. Someone in the middle is ripping off the system, and we need to know who is doing it. If a further 20 per cent of the retail price can be returned to growers on the North Coast and in the Coffs Harbour area, the industry will profit and more people will be employed.

The banana industry has high employment. Because of the hilly nature of the land on which bananas are grown on the North Coast, manual labour is required to harvest and pack the fruit. A higher price to growers will give them an opportunity to improve the quality of the fruit they send to market. The industry will generate more profits and jobs, and decent bananas will be readily available once more on the Sydney market. I ask the honourable member for Tweed to indicate whether he is prepared to accept the amendment to add "North Coast" to the motion as this is a North Coast issue. The Coalition will definitely support the Government in its common endeavour to ensure that bananas from the Philippines are not brought into Australia.

I ask the honourable member to support me by lobbying his Minister for Regional Development and Minister for Agriculture to get hold of some of the $800 million the Treasurer talks about and reinvest it in the North Coast banana industry. Such reinvestment will enable our banana industry to achieve the highest standards of agricultural production and also stimulate the tourist industry. Many people visit just to look at the green carpet of bananas on the hills around Coffs Harbour and right through to the Tweed. I ask the honourable member for Tweed to support us in that endeavour. I congratulate the chairman of the Banana Growers Federation, Mr John Robinson, on the great job he has done over many years, and also the Chairman of the Australian Banana Growers' Council, Ron Gray, who comes from Woolgoolga. Both men are from Coffs Harbour electorate. I compliment them both on the great job they do not only watching for disease and other threats to their industry but supporting the industry as they have done for many years.

Mr COLLIER (Miranda) [3.43 p.m.]: This motion asks for a formal statement of support by the New South Wales Parliament for one of this State's oldest and strongest rural industries. The banana industry has been the mainstay of the Tweed and North Coast regions for decades. It directly employs more than 3,000 people and supports thousands more in North Coast shops, transport and service industries. The Australian Bureau of Statistics estimates that New South Wales has approximately 1,000 banana growers. The banana industry delivers more than $45 million a year to the New South Wales economy. It is a clean, green industry; it is sustainable and earns millions of dollars a year in domestic and international sales.

Today our banana industry faces a battle for its future. The Philippine Government seeks a licence to export bananas to Australia. Our Federal Government has received a formal request to open Australia to Philippine banana and pineapple growers to allow their produce to compete with ours. I understand the application is before Federal Cabinet. The Federal Government will determine the application within the next few weeks. In the meantime the Philippine Government is putting pressure on Canberra by restricting access for Australian beef to its market.

To its credit the Federal Government to date has not given in. It has maintained the former Hawke Government policy of a ban on banana imports on quarantine grounds. I congratulate the current and previous Federal governments on supporting the banana industry. However, I understand some members of the current Federal Government ministry argue for export approval for Philippine bananas and pineapples to Australia on two grounds, both fallacious.

The first is that the risk to Australian quarantine is overstated. Some people in Canberra say the Philippine Government can guarantee its produce will be free of exotic disease when it reaches our shores. Others argue the case for unfettered free trade. They say that allowing Philippine bananas into Australia will reduce the overall cost of that produce in Australia, and if local jobs are lost they were never efficient and deserved to go. I reject both arguments as fallacious! The Australian Government maintains strict pesticide and health controls for primary produce. Despite recent lapses in the poultry and fruit industries, the Australian Government maintains also tight quarantine measures. None of these things are true in the Philippines.

The Australian Banana Industry Committee stated earlier this month that the Philippines is home to every banana disease known to man. Whatever assurances may be given by the Government in Manila, the reality is that the Philippine Government would be unable to prevent some of these diseases being introduced through its produce into Australia. The argument for free trade does not stand up to scrutiny. According to World Trade Organisation rules, a nation can refuse import approval so long as there is a genuine quarantine risk. This was the case for poultry when Thailand sought to import uncooked chicken meat to Australia. It is also the case with bananas. Geography and strict quarantine have kept Australian bananas largely disease-free.

We cannot risk our record for the sake of blind adherence to free trade. Like dairying, the New South Wales banana industry is dominated by family farms of four hectares or less. Queensland is home to the larger banana producers, but the New South Wales industry remains small and local. The average New South Wales banana grower employs only a handful of workers outside the immediate family. Some banana farms have passed from parents to children for decades. Honourable members may be tempted to dismiss this as a purely rural issue of concern only to Country Labor and other North Coast members of Parliament. Nothing could be further from the truth.

If importation is approved, Philippine bananas will be sold in every fruit shop and supermarket in every electorate. Every time our constituents buy Philippine bananas it will be costing New South Wales jobs. Honourable members will recall that last year I urged this House to support the New South Wales lamb industry when it faced crippling United States of America tariffs. I urged honourable members to take to their constituents the message that all families should buy Australian lamb. If every Australian had one extra lamb meal each week, Australian jobs would be protected. Such is the case with the banana industry.

Should the worst happen and the Federal Government grants licences for Philippine banana and pineapple growers to import their produce, I would urge all honourable members to once again encourage their constituents to buy Australian bananas and help save North Coast jobs. I urge fruit sellers and supermarkets in Sydney and elsewhere also to make sure the country of origin of the produce they sell is clearly labelled. They will find the public is more than willing to buy Australian bananas when given the chance. It is a simple and effective message that every member of Parliament can send to the community: Buy Aussie bananas, and help protect Australian jobs both in New South Wales and elsewhere in Australia.

Mr STONER (Oxley) [3.48 p.m.]: I support the motion moved by the honourable member for Tweed, and I support the amendment as this issue applies to the entire North Coast and not just the Tweed Valley. The New South Wales banana industry is worth $45 million to the economy. It provides 3,000 jobs, many of which are in my electorate, particularly in the Nambucca Valley. Of course, the Nambucca shire is one of the most disadvantaged shires in New South Wales. The banana industry is a significant contributor to that shire's local economy.

This is a very critical issue for my electorate of Oxley. I have to say that the Nambucca Valley bananas are the best—not only the best in New South Wales but the best in Australia. They are far superior to Queensland bananas. Although Queensland bananas may be larger and grow more quickly, size does not count: Nambucca bananas are certainly more tasty. Anyone who has driven along the Pacific Highway and stopped at Warrell Creek at Sutton's fruit stall or at Ussher's fruit stall between Macksville and Nambucca Heads will know that the Nambucca bananas are absolutely beautiful. My friends Michael and Tara Martin and Fred and Cecily Bond are banana growers. They are great people and for a long time they have been making a good, honest living out of growing bananas. I recently sampled the frozen chocolate bananas at the Nambucca Valley agricultural show.

Mr Fraser: They were invented at the Big Banana.

Mr STONER: They were. I participated in the opening of the Macksville show with Ronnie McNeill, a legend on the Nambucca. It is a great product. The threat of imports from the Philippines is very serious. As honourable members from both sides have stated, an enormous range of diseases have the potential to harm the New South Wales banana industry. This issue must be addressed, particularly by the Australian Quarantine and Inspection Service. If possible, bananas should be prevented from entering our shores. Another aspect is that cheap and exploited labour is often used in South-East Asian countries, and other countries, which enables undercutting of the cost of Australian bananas. It is not fair to introduce into our marketplace lower quality products at a lower price.

Banana farmers are already struggling to survive on the present low prices. The honourable member for Coffs Harbour mentioned that supermarkets are buying Queensland bananas, which look better on the shelf. New South Wales farmers are struggling in the face of such purchasing policies by the big supermarkets. I believe that the Banana Growers Association is considering a campaign to market the New South Wales banana as the tastier banana and looking at different varieties of bananas. I am glad that the Minister for Local Government, Minister for Regional Development, and Minister for Rural Affairs is in the Chamber. Perhaps he will be able to assist the Banana Growers Association in its endeavours to capture a greater market share and to raise the price paid for New South Wales bananas. There is bipartisan support for the motion, particularly as amended to include the full banana growing area on the North Coast. There are huge risks to the banana industry. Where the dairy industry is threatened there is a case of double jeopardy. We must deal with this issue in the most serious way possible. I will raise this issue with my Federal colleague, the Minister for Trade, the Hon. Mark Vaile, and would support other members in doing the same thing.

Mr WOODS (Clarence—Minister for Local Government, Minister for Regional Development, and Minister for Rural Affairs) [3.53 p.m.]: Once again it is Country Labor highlighting the issues that affect regional families, putting the issue of creating jobs and economic growth on the agenda. It is enlightening to see the National Party supporting Country Labor. I note that at the recent conference of the National Party there was a motion to get away from the term "Coalition". Whilst it did not succeed, the thought is certainly there. I noticed a directive to National Party members to drop the word "Coalition". So obedient are they that John Anderson, in his speech to the conference, did not mention "Coalition" once. The Leader of the National Party in this House mentioned it but once, but mentioned the Labor Party 56 times. It takes Country Labor to put pressure on the Federal Government when it comes to protecting primary producers such as banana growers from low-quality Philippine imports.

As the honourable member for Tweed said, New South Wales banana production accounts for up to 12 per cent of the $230 million Australian banana industry. It is estimated that the industry contributes some $55 million directly and indirectly to the State and national economies. Bananas are produced on the North Coast from the Tweed down to McAllen in my electorate and from South West Rocks to Woolgoolga. The motion refers in the first and second points to the New South Wales industry, which encompasses the whole of the coast, which makes the amendment moved by the honourable member for Coffs Harbour somewhat obscure and unnecessary. As the honourable member for Tweed outlined, the industry employs around 3,000 people on the North Coast alone. That is why in May this year I announced that the State Government was delivering on our commitment to establish a sustainable horticultural industry in the Tweed Valley. As a result of this, a major horticultural marketing and product distribution centre will be established in the Tweed Valley, making the area the hub for the growing Northern Rivers industry.

The State Government is providing assistance to fund a consultancy to advise on the establishment of the centre. The Banana Growers Federation Co-operative Limited is matching the Government's contribution dollar for dollar. Governments have to be committed to partnerships with business and communities such as those with the banana growers in the Tweed. However, governments must also act in the best interests of the industry. That is why we must maintain our quarantine regulations at a national level. And we must continue to do so to protect our valuable investments in horticultural industries against disease and lower quality imports.

An outbreak of Panama disease, or bunchy top, would have a disastrous impact on the local banana industry. This is not a debate about free trade versus tariffs; it is about ensuring the quality of our banana industry by keeping out inferior and diseased bananas. The Federal Government must stand up for the banana growers. It should not be bullied by the Filipinos. At the moment the Philippine agriculture secretary is

withholding import permits for Australian live cattle, dairy and horticultural produce in retaliation for what he claims is Australia's slow consideration of import applications for Philippine fruit into Australia. Until this year the Philippines was the number one export market for Australian cattle, with trade worth $190 million in 1999. Two weeks ago Manila announced that it would cut Australian live cattle exports to the Philippines by 20 per cent over five years, from 250,000 a year to 200,000. So this is a test case for the Federal Government. It will show what courage it has in standing up for rural industries. It has been found to be significantly wanting in the past. Mark Vaile, the trade Minister, told ABC radio on 31 May:

> There's nothing I'm not doing to try and resolve this. Now maybe there can be new and improved faster ways of doing these things and we are talking about that at the moment, but at the end of the day, our industries expect and deserve that sort of quarantine protection.

We will hold Mark Vaile to his word. Country Labor is standing up for the banana growers of this State. I am very appreciative of the National Party supporting Country Labor. We are working with the banana industry in the Tweed to boost the industry. We are standing up for its rights and concerns in this House. Country Labor is looking forward to November when we will be in Coffs Harbour, the home of the Big Banana, for our annual country conference.

Mr NEWELL (Tweed) [3.58 p.m.], in reply: I thank members from both sides of the House who have participated in the debate this afternoon and supported my motion. It was illuminating to listen to some of the arguments, and it was good to hear support for the industry from both sides of the House. I appreciate the offer of bipartisan support from the National Party members who spoke, the honourable member for Coffs Harbour and the honourable member for Oxley. I also thank the honourable member for Miranda, the Minister and the honourable member for Clarence, who also contributed to this important issue.

As the honourable member for Coffs Harbour stated in his remarks, the banana industry is important for both primary production and tourism. The Big Banana at Coffs Harbour has been a very successful tourist attraction for a long time. I understand that 3,000 people are employed in the industry, and their continued employment is a deep concern. It is critical that the Federal Government acts to maintain quarantine restrictions on banana importation, particularly from countries where disease is prevalent. Banana importation may also threaten employment in Australia generally, because standards of agricultural and chemical control in other countries may not be as high as expected and demanded in Australia. The amendment moved by the honourable member for Coffs Harbour is a little obscure and unnecessary because paragraphs 1 and 2 refer to the New South Wales banana industry.

Mr Fraser: You are not going to support the whole of the North Coast?

Mr NEWELL: The motion expresses support for the whole of the North Coast banana industry. Paragraph 4 of the amendment relates to the Tweed Valley as one area of production on the North Coast. There are two major areas: the Tweed and Brunswick valleys and Coffs Harbour and surrounding areas. Paragraph 4 also deals with assistance the Minister has given in the past, and hopefully will give in the future, to Tweed Valley to help establish a marketing, production and distribution centre. The honourable member for Coffs Harbour has such a centre in his electorate, so the Government is not ignoring the lower North Coast industry when it rejects the amendment as being unnecessary.

In conclusion, this is a test case for the Federal Government, as the honourable member for Clarence suggested. The Federal Government must address any possible Philippines trade war smartly and it must go in to bat for Australian industries. It has to be prepared to send in the Australian Quarantine and Inspection Service [AQIS] to ensure that the banana industry and other industries are protected from the threat of imports that might carry diseases. I appreciate support from my colleagues on both sides of this House and I urge all honourable members to support the motion to ensure that the Federal Government maintains its current quarantine restrictions on banana imports from the Philippines.

Question—That the words stand—put.

The House divided.

Ayes, 47

Ms Allan	Mr Greene	Mr Orkopoulos
Mr Amery	Mrs Grusovin	Mr E. T. Page
Ms Andrews	Ms Harrison	Mr Price
Mr Aquilina	Mr Hickey	Dr Refshauge
Mr Ashton	Mr Hunter	Ms Saliba
Mr Bartlett	Mr Iemma	Mr Scully
Ms Beamer	Mrs Lo Po'	Mr W. D. Smith
Mr Black	Mr Lynch	Mr Stewart
Mr Brown	Mr McBride	Mr Tripodi
Miss Burton	Mr McManus	Mr Watkins
Mr Campbell	Mr Markham	Mr Whelan
Mr Collier	Mr Martin	Mr Woods
Mr Crittenden	Ms Megarrity	Mr Yeadon
Mr Debus	Mr Mills	*Tellers,*
Mr Face	Mr Newell	Mr Anderson
Mr Gaudry	Ms Nori	Mr Thompson

Noes, 35

Mr Armstrong	Mr Kerr	Mrs Skinner
Mr Barr	Mr Maguire	Mr Slack-Smith
Mr Brogden	Mr McGrane	Mr Souris
Mr Collins	Mr Merton	Mr Stoner
Mr Debnam	Ms Moore	Mr Tink
Mr George	Mr O'Doherty	Mr Torbay
Mr Glachan	Mr O'Farrell	Mr R. W. Turner
Mr Hartcher	Mr Oakeshott	Mr Webb
Mr Hazzard	Mr D. L. Page	Mr Windsor
Ms Hodgkinson	Mr Piccoli	*Tellers,*
Mr Humpherson	Mr Richardson	Mr Fraser
Dr Kernohan	Ms Seaton	Mr R. H. L. Smith

Pairs

Mr Gibson	Mrs Chikarovksi
Mr Moss	Mr Rozzoli
Mr Nagle	Mr J. H. Turner

Question resolved in the affirmative.

Amendment negatived.

Motion agreed to.

OLYMPIC GAMES FUNDING

Personal Explanation

Mr ARMSTRONG, by leave: Earlier today I gave notice of a motion in which there were drafting errors. The motion stated that $100,000 was guaranteed to the Australian Olympic Committee, but the figure should have been $100 million. The $140,000 figure should have been $140 million and $40,000 should have been $40 million. The motion therefore acknowledges a cash contribution in real terms by the State of $280 million, not $280,000.

Mr SPEAKER: Order! If there are drafting errors in a notice of motion the normal procedure is to withdraw the notice and give notice of the correct motion the following day. However, the Clerk has reminded me that the motion of which the honourable member for Lachlan has given notice has not yet been printed. The

honourable member for Lachlan may therefore change the wording of the notice by handing an amended notice to the Clerk. The terms of notices of motions cannot be changed if the notices have been printed.

INTERNATIONAL DAY IN SUPPORT OF VICTIMS OF TORTURE

Matter of Public Importance

Mr LYNCH (Liverpool) [4.14 p.m.]: I ask the House to note as a matter of public importance the third International Day in Support of Victims of Torture. Next Monday, 26 June, is the third International Day in Support of Victims of Torture, which was first proclaimed by the United Nations in 1998. The Service for the Treatment and Rehabilitation of Torture and Trauma Survivors [STARTTS] has organised a function to be held in this building next Monday to commemorate the day. STARTTS is based in south-west Sydney and has been doing invaluable work in this area for a considerable time; it has certainly been mentioned favourably in this place. The function will feature several important speakers, including Justice Michael Kirby; Chris Sidoti, the human rights commissioner; and Sister Josephine Mitchell from the Mary MacKillop Institute for East Timorese Studies, who is well known to some of us. There are several legalistic definitions of torture. The United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, dated 10 December 1994, defines torture as:

> Any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanction.

An earlier legalistic definition is provided in the United Nations Declaration on the Protection of All Persons From Torture, dated 9 December 1975. Article 1 states:

> Torture means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted by or at the instigation of a public official on a person for such purposes as obtaining from him or a third person information or confession, punishing him for an act he had committed or is suspected of having committed, or intimidating him or other persons.

There are of course some far less legalistic definitions. In her book *The Politics of Cruelty: An Essay on the Literature of Political Imprisonment*, Kate Millett wrote:

> Torture is conquest through irresistible force. It is to destroy opposition through causing it to destroy itself in despair, in self-hatred for its own vulnerability and impotence. It is to defile, degrade, overwhelm with shame, to ravage.

In a document that it has prepared for next Monday, STARTTS says:

> The ultimate goal of torture is to wipe out the soul, to kill the mind, not the body. To make the human a thing with no past or future by destroying its character and personality.

The purpose of having an international day is obvious. Kate Millett said:

> Nothing in the world frightens as much as torture, nothing so outrages, cries out as hard to be cried out against.

She continued:

> Ultimately, as individuals we are all helpless before the State, the collective power of armies and governments, the voices that order us to halt in the street or command that we push the buzzer and let them up the stairs. When the group that has come to get us is at the door, it is late to begin considering the possibilities of organised opposition. But the knowledge of torture is itself a political act, just as silence or ignorance of it have political consequence. To speak of the unspeakable is the beginning of action.

We sometimes hold debates of that nature in this place at which I, representing this side of the House, and the honourable member for Gosford, representing the other side of the House, are present. We sometimes wonder whether other members attach as much significance to these debates as we do. The point is that we must bear witness against these sorts of actions: to sit back and say nothing is to acquiesce and to be part of the atrocities that are being committed. Torture is hardly a modern invention. For example, Roman law institutionalised torture. For much of imperial times, the law forbade torture of Roman citizens but allowed it for barbarians. Slave owners were allowed to torture their slaves legally until 240 AD. A thousand years later, torture was again institutionalised. Kate Millett says:

> After more than a millennium of Christian proscription, the Inquisition restored Roman practice into canon law, permitting and regulating the practice of torture from the time Pope Innocent IV issued his decretal ad extirpanda in 1252 until the holy office was at last forgone in Spain in the nineteenth century after long and determined campaigning by enlightenment forces.

That is not an obscure historical reference. Historians in this field—Kate Millett is one example—argue that there have been two great outbreaks of torture in the Western world since the end of Roman times: the first was during the Inquisition and the second was in the twentieth century. Legal historians would argue that by the end of the eighteenth century, at a statutory level torture had been abolished in western Europe. Russia abolished torture in 1802, and Japan in 1847. It seems the achievements of those 200 years are being overturned. In 1985 a legal historian, Edward Peters, estimated that one in three countries practise torture. STARTTS quotes Amnesty International figures that estimate various types of torture are used by about 120 governments in the world.

STARTTS estimates that around 30 per cent of refugees have been directly exposed to torture, and notes recent research suggests that in some refugee populations that figure may be closer to 70 per cent. Its figures for refugees to Australia are that 60 per cent have suffered torture in their country of origin. Regrettably, there is a plethora of notorious examples of torture: Hitler's camps, apartheid atrocities in South Africa, the torture of Algerians by the French, and the British and the Royal Ulster Constabulary atrocities in the northern counties of Ireland. There is the string of atrocities in southern and central America: Pinochet's Chile, which I have spoken of before; Somoza's El Salvador; the generals' Argentina; Medina's Uruguay; Stroessner's Paraguay; and the lengthy horror of Guatemala.

Geographically closer, there were the 25-year atrocities inflicted by the Indonesian military on East Timor. Predating that was the atrocity that the Indonesian military visited on the Indonesians in the mid-1960s. Prior to that were the horrors that the Dutch inflicted on Indonesian nationalists in camps like Tanah Merah. I could continue to cite instances of torture in exotic locations and give many figures, but there are problems with that. One problem is that that tends to make those experiences remote from ours; it tends to objectify them as something we do not have to care about because they are so distant and exotic. The other problem is that we focus so much on the history, politics and figures that we forget about the horror. We become obsessed with the numbers and the scale. We become amazed rather than horrified. That is similar to what the writer Hannah Arendt called the banality of evil. People become overwhelmed with the figures and forget the centrality of the evil.

A way to avoid that is to focus on the victims. That is something that the people of south-western Sydney have to do, because a significant number of torture victims are residents of those suburbs. That is a matter of demographics. The vast majority of victims of torture who come to this country come here as refugees. That follows as night follows day, when one thinks about the definition of "refugee". Because of socioeconomic factors most refugees end up in south-western Sydney. I personally know 50-odd people who have been victims of torture. Previously I have spoken of Lilian Montenegro and Maria Orostegui, who were victims of Pinochet's Chile. I know of others from East Timor, southern Iraq, Kurdistan, the Balkans and parts of Latin America who have been victims of torture and are trying to rebuild their lives in Australia. It is in that context that organisations such as STARTTS are important. That organisation commenced in 1988. Its establishment arose from a recognition that mainstream medical services could not cope with the victims of torture and trauma. It is a largely State-funded organisation, with lesser funding from the Federal Government. Its management committee is appointed by the Minister for Health. The mission statement of STARTTS is:

> To develop and implement ways to facilitate the healing process of survivors of torture and refugee trauma and to assist and resource individuals and organisations who work with them to provide appropriate, effective and culturally sensitive services.

STARTTS provides services to clients on a sessional basis. In addition, it provides training, support, and consultancy services to other mainstream health services who could benefit from its specialties and expertise. Obviously it has a range of counsellors who speak a range of languages and have a lot of multi-disciplinary skills. If we are to have a day to commemorate the victims of torture, inevitably in this State we come back to STARTTS. It is the pre-eminent agency that deals with the extraordinary difficulties that victims of torture suffer from on a regular basis. For that reason, of course, it is appropriate that STARTTS has organised a function for next Monday for the large number of people who suffer from the after-effects of torture. We have a commitment to the United Nations Convention relating to the status of refugees.

Mr HARTCHER (Gosford) [4.24 p.m.]: In commemorating 26 June as the Third International Day in Support of Victims of Torture, on behalf of the Coalition I acknowledge the wonderful work that is done by so many people in promoting the response of Services for the Treatment and Rehabilitation of Torture and Trauma Survivors [STARTTS] to torture. People in Australia assist victims of torture, many of whom are refugees from

countries in which they had been subjected to horrible and horrific treatment. Recently a friend of mine, Steve Pratt, launched a book which outlined his experiences while working for CARE, the international aid agency, in Kosovo. He wrote about the torture and physical beatings that he was subjected to. He was placed in a cell next to his friend and compelled at night to listen to his friend being physically beaten. He was forced to listen to the screams of people whom he knew as they were terrorised and physically beaten by the secret police.

That brings to mind the thousands of people who have come to our land who have experienced terrible treatment. It is important that we pay tribute to them and acknowledge the assistance they need. State and Federal governments have the important responsibility of providing that assistance to people in special need. Regrettably, torture is a fact of life in many countries; it probably happens in more countries than not. There is no point in Australians being sanctimonious and saying that we are wonderful and therefore we should pat ourselves on the back. We should be grateful that torture is not accepted in Australian society and that all sections of the community join in condemning it. The only way it will not happen is if we remain vigilant and maintain a strong stand that no matter where, when or by whom in the world torture is inflicted, it must be condemned.

As the honourable member for Liverpool said, torture has been virtually systemic in many societies, including our own, until a couple of hundred years ago. It had its most terrible manifestation in the twentieth century with the vast torture machines established in Hitler's Germany and Stalin's Russia. Literally millions of people were subjected to the most horrendous treatment as a matter of course. Most of them died, and those who did not die were permanently broken. Currently in western New Guinea the fighters for freedom against Indonesian rule in Irian Jaya are subjected to torture. Torture has occurred in East Timor, and in countries in south-eastern Asia. Recently there was a manifestation of it in Burma. It has occurred in Vietnam. It happens daily in countries close to our own. It is therefore important that from time to time we take stock and not only do our best to look after the victims of torture but join in voicing our condemnation of it. Countries which inherit the Commonwealth tradition of the United Kingdom sometimes fall by the wayside. Recently I read a study of the assassination of Mahatma Gandhi. The police report on the assailants stated that it was difficult to obtain evidence against the assailants until strict measures were taken against them.

We are aware of the many euphemisms for torture. In Northern Ireland the British paraforces or special forces used a system of sensory deprivation. People were hooded, locked up in darkened rooms and deprived of their senses of smell, taste, hearing, sight and touch. Having all one's senses denied for a few minutes may not expose an ordinary human to a great sense of terror, but after many hours it builds up an extraordinary sense of terror, although no physical pain is inflicted. Torture can take place in many ways. The system I have described was conducted in the United Kingdom, a country that has rightly been praised as one of the most law-abiding societies on earth. When one looks at the history of the United Kingdom over the past 100 years, it is evident that that country, above all others, has maintained a great respect for the rule of law. Yet in our own time and within the United Kingdom's borders such practices were carried out—not illegally but with official sanction.

It is important that the Coalition acknowledge this matter of public importance. I am pleased that a commemoration is to take place, as the honourable member for Liverpool has said, at the Parliament House theatrette on Monday night. I want to pay tribute to people such as Justice Kirby and Chris Sidoti who have long raised their voices against torture, and organisations such as Amnesty International which seek to bring comfort and support to the victims of torture throughout the world. We join with them and express our prayers that their efforts may be more successful.

I conclude by raising one current matter. I refer to the 13 Iranian Jews who were arrested 12 months ago in Shiraz in southern Iran. They have been held in communicado in prison for 12 months and recently had confessions attributed to them, even though no charges have ever been laid. It is an extraordinary situation that they can confess without being charged with committing a crime. The international Jewish community and all those who abhor torture are rightfully concerned about the extraordinary nature of those confessions and that they have been obtained under duress. There have been worldwide appeals for justice for these 13 Iranian Jews from Russia. A statement has been issued from Argentina, and Reverend Jesse Jackson in the United States has taken up their cause. I hope their cause is also taken up in Australia.

The case of the 13 Iranian Jews is publicised in the latest edition of the *Australia/Israel Review*, which points out the salient fact that many times we think of these issues in terms of statistics. I am sure the honourable member for Liverpool knows individuals in his electorate who have been subjected to torture. I do not have that experience in my electorate, although I am conscious of it. These 13 Jews in Iran are ordinary people who have lived ordinary lives and, simply because of their religion, they have been taken away and

terrorised by a government. It is reasonable to assume that they have been tortured by government agents and are now facing the death penalty. This is not an historical event; it is happening today. All of us who decry the Holocaust and the terrible anti-Semitism that has afflicted society for many hundreds of years cannot ignore the fact that it is taking place not 10, 15 or 50 years ago but today in June 2000. On behalf of the Coalition I acknowledge this matter of public importance and express our support for those who are victims of torture and for agencies throughout the world that assist them and seek to bring State-sponsored torture to an end.

Ms MEGARRITY (Menai) [4.34 p.m.]: One of the worst traits, if not the worst, of human beings is their capacity for cruelty. Intentionally inflicted acts causing physical or mental pain and suffering cannot be justified by any rational explanation. It is a sad fact that the history of mankind has recorded countless examples of man's inhumanity to man, sometimes on a mass scale. Tragically, countless instances of cruelty and torture against individuals and whole communities would also have gone unreported, and cases are still occurring without proper retribution. For many victims there has been no justice for the pain and suffering they have endured. In some cases, the perpetrators of the crimes have been identified and convicted. But it would be impossible to totally erase the horrific traumas of the victims who have experienced the persecution, torture and extreme violations of their human rights.

That is why an event such as the Third International Day in Support of Victims of Torture— Monday 26 June 2000—is a significant and symbolic commemoration. It is important to remember the abuses and losses suffered by victims of torture and to support those who have survived. This international day was first proclaimed by the United Nations [UN] in 1998. The definition of torture contained in the December 1984 UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment has been quoted by the honourable member for Liverpool. I should like to recall another definition from the United Nations Declaration on the Protection of All Persons from Torture in December 1975. Article 1 states:

> Torture means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted by or at the instigation of a public official on a person for such purposes as obtaining from him or a third person information or confession, punishing him for an act he had committed or is suspected of having committed, or intimidating him or other persons.

The theme for this year's International Day in Support of Victims for Torture is "Reparations". It recognises that even after human rights abuses may have ceased, societies affected by torture must confront the impact on the community and ensure that those affected by human rights abuses have access to justice. It is estimated that 44 million to 50 million people around the world are affected by a war and violence today. They are found in every part of the world, and Australia is one of the top three countries where refugees settle to be free of harm. The United Nations High Commission for Refugees [UNHCR] is the major international agency responsible for assisting refugees and those in refugee-like situations. In 1999 the High Commission estimated that there were almost 21.5 million people in the world who were "of concern" to the agency. Therefore, a further 20 million to 25 million people who are affected by war and violence are not within the mandate of the UNHCR for a variety of reasons.

The term "refugee" has a popular meaning, but it also has a precise meaning under international law. Two United Nations documents provided a definition of a refugee as a person who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership in a particular social group, or political opinion, is outside the country of his nationality, and is unable to or, owing to such fear, is unwilling to avail himself of the protection of that country. During the past five years Australia accepted refugees and humanitarian entrants from about 55 different countries around the world. That again shows the extent of violent conflicts and suffering throughout the world. The Service for the Treatment and Rehabilitation of Torture and Trauma Survivors [STARTTS], which is based at Carramar in Sydney, correctly states:

> Torture is also used not merely against the individual but against all of society, as the victim is released back into the community as a potent reminder of what voicing dissent can bring.

Unfortunately, there are many common forms of torture. I will not take the time of the House to list them all. I am sure that most honourable members would prefer not to hear them. Certainly no-one should ever have to experience them. The psychological and physical effects of torture are also extensive. I do not need to list them because I have seen the effects in the eyes of the refugees at the safe haven camp at East Hills, which is in my electorate. The Kosovar and East Timorese people gathered together there as a result of extraordinary events. The STARTTS program in East Timor, which the Minister for Health is launching this week, is also significant. One joyous statement I wish to make about the safe haven camp at East Hills is that the Kosovar and East Timorese children within hours of their arrival were playing ball games together in mixed teams. We should let them rule the world!

Mr LYNCH (Liverpool) [4.39 p.m.], in reply: I thank the honourable member for Gosford and the honourable member for Menai for their contributions to this discussion. I would like to pick up on a couple of points that were raised. The honourable member for Gosford referred to the atrocities committed in Northern Ireland as result of the British occupation of Northern Ireland. As he and many other people would know, that is a matter very close to my heart and my heritage. The history of the past 25 years of the Northern Counties of Ireland is an utter tragedy. The case study aspect of it is interesting in that the British have attempted to structure its infliction of torture in a very legalistic way. It introduced a whole series of legislation: the Special Powers Act was introduced in 1971, the Emergency Provisions Act was introduced in 1973 and the Prevention of Terrorism Act was introduced in 1975.

The British introduced a special set of courts called the Diplock Courts, which were ratified by the Diplock Commission in 1972. They allowed, in a legalistic sense, a whole range of things to be done that would absolutely horrify most of us. There was certainly sensory deprivation and those sorts of things that the honourable member for Gosford mentioned. In some ways, in most of the books and the histories written about torture what was done in the north of Ireland, particularly to people like Bobby Sands and the H block prisoners, is now regarded as almost the archetypal example of sensory deprivation. Bobby Sands and his comrades embarked on a hunger strike as the only way to defeat that sort of regime and, in a political sense, they were victorious even though, tragically, they lost their lives.

Certainly, the Irish Republican Movement or the Nationalist Movement would regard that as the crux of historical developments that allowed the peace process to develop. I also direct attention to a book by Gerry Adams entitled *Before the Dawn*. The book contains some quite horrific descriptions of some of the things that were done to some of his colleagues, particularly to one of his relatives, Kevin Hannaway, who was arrested in 1971 in an interment swoop. Adams makes the point that following the arrest of a whole range of people, such as Hannaway, the British were able to perfect their methods of torture. They were able to experiment on the people who were picked up in those interment raids.

It is interesting to note as an aside that Adams gives quite a grotesque twist. He quotes the Royal Ulster Constabulary Police Commander who said, in June 1977, that Republican prisoners were deliberately injuring themselves to discredit the RUC, rather than being tortured. In Orwellian terms that deserves some sort of prize. One of the other points that was made quite legitimately in this discussion was that you can sometimes get carried away with the statistics and the history of it all and forget about the impact it has on individuals. I made the point earlier that if you are member of Parliament or a community activist in south-western Sydney you have a very personal experience of these things because so many victims of torture live in south-western Sydney. It is worth referring to the material that STARTTS provided, which talks about the consequences of torture. That organisation says:

> Physical consequences which are frequently exhibited by survivors include: chronic pain, fractures which have not healed correctly, injuries to eyes, teeth, ears, genitals, urinary tract, rectum and reproductive organs, arthritis, cardio-pulmonary disorders, brain damage, diseases arising from starvation, and extremes of heat and cold.
>
> These symptoms can arise from physical harm inflicted during torture and as a result of experiences of flight where an individual may be exposed to the elements, face long periods without food and have no access to adequate health care.
>
> In some cases physical pain is a manifestation of psychological difficulties being experienced by the individual because of their experiences. Because severe trauma is outside the range of normal human experience it has a profound impact on the survivor's ability to integrate those experiences in their understanding of the world. It is this lack of integration which causes symptoms that interfere with the survivors' ability to function.
>
> The most common psychological symptoms which can be observed in survivors include: depression; severe anxiety; panic; sleep interruption, especially nightmares; survivor guilt; loss of self-esteem; lack of trust, particularly of those seen as authority figures; severe memory and concentration problems; intrusive thoughts and flashbacks; difficulties in social functioning and relationships; and family conflict.

I reiterate a comment I made earlier. These discussions are significant because they are a declaration by elected representatives in this State that these things occur in other parts of the world. To stay silent is to be part of the problem.

Discussion concluded.

STATUTE LAW (MISCELLANEOUS PROVISIONS) BILL

Second Reading

Debate resumed from 6 June.

Mr CRITTENDEN (Wyong—Parliamentary Secretary) [4.45 p.m.], in reply: I thank the Opposition for its recognition of the importance of this omnibus bill that will result in only inconsequential amendments to

existing legislation. During the past two sitting days no matters of concern have been raised by the Opposition about the legislation. I commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

MEDICAL PRACTICE AMENDMENT BILL

Second Reading

Debate resumed from 9 June.

Mrs SKINNER (North Shore) [4.46 p.m.]: The Medical Practice Amendment Bill is primarily aimed at better protecting the health and safety of the public through several proposed mechanisms. The first of these is the implementation of performance pathways, which involves the assessment and retraining of medical practitioners as required. I know, because I was initially briefed three months ago about the proposed pathways by the New South Wales Medical Board, that a great deal of work has gone into the development by this body. When the proposals were described to me in some detail they appeared to be of a positive nature with the focus on increasing the skills of the doctors to benefit all; in other words, if a problem was found the doctor was assessed and a positive procedure enabled the doctor to overcome any shortfalls.

Under the procedure proposed in the bill the Medical Board may assess the performance of a practitioner when there is an indication that his or her performance is unsatisfactory, although this provision does not cover serious matters because they are dealt with in another way. Under the provisions the board may appoint one or more assessors to conduct an assessment of the professional performance of a practitioner. The assessment may be limited to particular aspects of the performance. An assessor has various powers for the purpose of conducting an assessment, including power to enter premises used by a practitioner, power to question a practitioner, power to inspect records and power to require a practitioner to take part in an assessment exercise.

It is noted that under the provisions of the bill information provided by the practitioner for the purpose of assessment cannot be used in proceedings against him or her. The assessor is required to report and make recommendations to the board regarding the assessment. The Medical Board then has several options as to how it proceeds with the matter. These include: taking no further action, making a complaint about a practitioner, or requiring a performance review panel to conduct a performance review in relation to the professional performance of a practitioner. If the Medical Board decides to have the professional performance of a practitioner reviewed, the board must establish a performance review panel to conduct a performance review. The panel has the power to call witnesses and obtain documents for the purpose of the review. The practitioner is entitled to be present. At the end of the review the panel may make recommendations to the board as the panel considers appropriate.

If the panel finds the professional performance of the practitioner is unsatisfactory, it may exercise certain powers, which include imposing conditions on the registration of the practitioner, ordering the practitioner to attend educational courses or taking advice in respect of the management of his or her practice. The panel can require also a further reassessment of the practitioner's professional performance. My remarks have been taken from the explanatory notes within the bill because it is quite complex. Once a matter comes to the attention of the board a series of events occurs making the board think an assessment is necessary. When I met with the board I was impressed that a great deal of thought had gone into this process. I believe it is a positive process instead of just being a matter of somebody being accused and a punitive measure being taken. The process engages in practices in which some of the solutions are built.

I am happy to support the bill on behalf of the Coalition, although concerns have been raised with me. I would appreciate the Minister in his reply responding to the issues I raise during my contribution. How will the implementation of the programs be funded? The Government must make it clear whether it will cover the cost of retraining programs should they be necessary under the assessment review, or whether the medical profession or the individual doctor will be asked to pay for the cost of the retraining and re-education. Will the colleges or learned bodies be involved? I believe it is a fair question that deserves an answer to satisfy the concerns of those who raised it with me. The bill prohibits doctors from offering or accepting kickbacks, as they have become known, for making referrals and recommendations. It prohibits also corporations engaged in medical practice from offering or accepting pecuniary benefits for patient referrals.

I cannot imagine anyone thinking of the best possible outcome for patients would not support such measures. The bill provides also for disciplinary action to be taken against a doctor or anyone who employs a doctor from directing or encouraging that person to overservice or engage in unsatisfactory professional conduct. Again I believe that is an appropriate provision. However, I would appreciate the Government indicating the person or body that will determine what is considered overservicing. The bill allows the Medical Board to establish a code of conduct for registered medical practitioners and for the Minister to direct the board to establish such a code. The bill requires doctors to submit an annual return to the New South Wales Medical Board, which includes notification of criminal convictions, certain criminal proceedings and details of any significant illness or educational activity.

Concerns raised with me about these matters include the proposition that it should be the job of courts to notify the Medical Board of such convictions. However, if the individual is to be responsible for reporting such information, the Government must provide a long and widely publicised campaign to inform doctors of their rights and responsibilities in this regard. If the onus is to be placed on doctors to meet the requirements for lodging these annual returns, the Government must make sure they are well advised and well informed of that requirement. The bill makes further provision for registration and deregistration to include the disclosure of convictions and pending criminal proceedings for a sex or violence offence. It has been suggested that a medical practitioner, like any other individual, should be given the presumption of innocence if he or she faces criminal proceedings and, therefore, should be expected to inform the Medical Board only if he or she is found guilty of an offence. I ask the Minister to respond to that proposition.

The bill allows for refusal of registration or deregistration where an applicant has been suspended in another jurisdiction for reasons of misconduct or because of the person's physical or mental capacity. The bill introduces provisions requiring the board to give a statement of reasons for its decision to reject an application for registration even when an inquiry is not held. The board will be required also to inform a rejected applicant about his or her appeal rights. This is a welcome step, particularly in relation to some complaints the Coalition received over a long period of time about the process and procedure particularly by overseas-trained doctors, who were experiencing difficulty getting feedback or making an appeal to the board about their failure to receive registration. The bill gives the board power to impose conditions on a person's registration or to suspend registration if it is considered necessary to protect the life, or physical or mental health of a person. I do not believe anyone would argue against that.

Under the bill the maximum period for which the Medical Board may suspend a person's registration will be increased from 30 days to eight weeks, with a further eight-week extension. Of course, no-one questions the propriety of legislation aimed at protecting the life, or physical or mental health of a person, but concerns have been raised about the length of the suspension. The view expressed to me is that the Medical Board has an obligation to any practitioner under investigation to carry out that process in a timely and efficient manner. I ask the Government to provide that assurance. The bill makes further provisions in respect of practitioners who suffer from an impairment, including the requirement to consult the Health Care Complaints Commission about whether a matter should be referred to an impaired registrants panel, the requirement to undergo a medical examination and confidentiality of reports.

The bill provides also for the board to include in its annual report information about the performance assessment program and to make available to the public, on request, information about conditions imposed on the registration of a doctor. The Coalition welcomes that move as it is important if the patient is to be put first in the health care system. Finally, the bill amends the Public Health Act to create a defence in relation to false, misleading or deceptive advertising or which creates an unjustified expectation of beneficial treatment. With increasing publicity through print and electronic media about some of the wild claims made about cures and treatments of this kind, that provision is important for the protection of the public. On behalf of the Coalition, I support the amendments introduced in this bill. I ask the Government to respond to the questions I have raised.

Mr SPEAKER: I acknowledge the presence in the gallery of students from Yeshiva Ladies College, Bondi, who are accompanied by their headmistress, Mrs Wendy Barrel.

Ms HARRISON (Parramatta) [4.58 p.m.]: It is with a great deal of pleasure that I support the Medical Practice Amendment Bill. Resort to medical resources is a necessity at some time in our lives. The scope of modern medical treatment is now so wide that it makes necessary the introduction of such a bill. The relationship between the medical practitioner and patient obviously is of a close personal nature and with the possibility of severe damage being caused to either the patient's person or, indeed, purse, this bill is timely. I support the bill because it will be effective in several areas of health which up to now have been lacking in

proper control and access to disciplinary action. Two separate ministerial committees of inquiry identified separate areas where there was the potential for patient care to be seriously compromised—cosmetic surgery and impotency treatment.

The bill will address that potential for damage to the public through overservicing or, in some cases, improper servicing. The fields of impotency and cosmetic surgery are ones in which corporate medical companies are becoming more prevalent than individual medical practitioners. Whereas maladroit medical practitioners can presently be disciplined; corporations have largely remained outside the scope of the Medical Practice Act. It is easy to see that in situations of such personal interest as impotency or cosmetic surgery patients' anxiety about these matters could very well blind them to overservicing or unnecessary servicing.

This bill will create an offence that prevents persons and corporations from providing improper medical services—that is, services that are excessive, unnecessary or not reasonably required. There will be power in the bill to convict a person or corporation of unethical or improper practice. Persons or corporations that have been convicted of two offences in a 10-year period will leave themselves liable to be prohibited from practising. Additionally, the bill's provisions will prohibit medical practitioners from other unethical practices—such as receiving kickbacks for making referrals or recommendations. The bill will stamp out any practice whereby a benefit is received from a practitioner in return for such a referral. The bill will, for the first time in Australia, give a statutory basis wherein underperforming medical practitioners will be assessed and, if necessary, retrained. More serious matters will continue to be dealt with using existing discipline restructures.

The public will be better served by the bill because it provides a performance program with the following objectives: assessing overall professional performance rather than investigating specific incidents; being educational and co-operative rather than adversarial; and, above all, being fair, thorough and objective by complementing the existing disciplinary areas and the work of the Health Care Complaints Commission. Before patients are put at risk persons will be encouraged by the bill to bring any concerns to the Medical Board—a stage before a medical practitioner's practice deteriorates to a hazardous level. Charlatans, people who prey on the weak and vulnerable with promises of the quick fix or fallacious cures offered to the desperately ill, will also be targeted by the bill. Currently, the Medical Practice Act has a number of offences that apply only to unregistered persons, prohibiting them from representing themselves as qualified, willing or able to treat and cure a range of diseases, even cancer.

These restrictions have proven difficult to enforce, falling short of effective protection to the most vulnerable members of the public. They are likely to take up any chance of a cure even though they know that the chances might be slim and the treatment provider might not be registered. They are willing to try anything. It is these vulnerable people that we need to protect. The bill will replace the existing offences with a comprehensive offence within the Public Health Act. This will apply to all health service providers whether registered or not. The maximum penalty for a first offence will be $11,000. A second offence will incur a maximum penalty of $22,000, which is a strong deterrent indeed to deceptive claims. Proper standards are expected of our medical practitioners. The community expects this and the bill will ensure a more robust and transparent system of registration and renewal.

Registrants will be asked to provide information from the previous 12 months about convictions other than minor traffic offences, sex or violence offences proved against them even if no conviction has been recorded, significant illnesses that may adversely impact upon their capacity to practise, and suspension, deregistration or refusal in another jurisdiction. The bill will extend the obligation of courts to notify certain offences involving medical practitioners, including proven sex and violence offences. The community rightly expects the best protection from medical sham, ineptitude or excessive servicing. The Medical Practice Amendment Bill will fulfil these expectations and both the community at large and the medical profession will be better for it. I understand that the Australian Medical Association and the doctors are supportive of the bill. I happily commend the bill to the House.

Ms ALLAN (Wentworthville) [5.05 p.m.]: It is wonderful that the students of Yeshiva Ladies College are here today, but I think that they are perhaps getting a flawed impression of the dominance of women in the Chamber. The last three speakers have been women—

Mr Fraser: We always bow to you.

Ms ALLAN: This is the sort of behaviour we regularly have to put up with! It is wonderful to see so many women participating in this debate when at most we represent about 23 per cent of members of

Parliament. It is my pleasure to support the Medical Practice Amendment Bill this afternoon. The Government, as a result of the ever-changing nature of modern medicine, has had two separate ministerial committees of inquiry into impotency treatment services and cosmetic surgery. As a result of the findings of the inquiries the Government has brought forward this bill. The inquiries identified the potential for commercial considerations to compromise patient care as a serious issue of concern. The bill will address the potential of unethical or improper commercial practices in two key ways.

At present private corporations have, for the most part, largely remained outside the auspices of the Medical Practice Act. It has become increasingly obvious to the Government that the potential for the community to be at risk from unethical or improper practices would be greatly reduced by the introduction of a bill that would create an offence that would prevent both individuals and corporations from referring and supplying such services that are excessive, unnecessary or not by any fair measure required for the patient's wellbeing, or otherwise engaging in unsatisfactory conduct. After all, we are talking about the types of services that can do tremendous damage to people, particularly cosmetic surgery.

We can see from the amount of media attention to cosmetic surgery that an abundance of this type of surgery is being performed, and the amount will increase. In many cases the surgery can be wrong. The bill will ensure that that does not occur. It will also be an offence under the bill for medical practitioners to accept or offer inducements for making referrals and recommendations. It will also be an offence to accept an inducement from a medical practitioner for a referral or recommendation. As both sides of the House would agree, these practices are unethical and prey on vulnerable sections of the community and must be stamped out. I commend the bill to the House.

Mrs GRUSOVIN (Heffron) [5.07 p.m.]: I support the Medical Practice Amendment Bill, which I believe will improve the standards of medical practice in New South Wales and protect the public from unethical practices. A performance assessment system will be implemented to focus on the ongoing education of practitioners to ensure that they are able to practise medicine safely. The availability of such a program will also encourage persons who have concerns with a practitioner's performance to bring those concerns to the attention of the Medical Board before patients are at risk. The Medical Board, which devised the program, has conducted extensive consultation with stakeholders over a three-year period and all groups have been positive about the approach. The impairment program introduced by the 1993 Act has been successful in rehabilitating practitioners whilst ensuring the protection of the public.

This bill represents an opportunity for finetuning of that program. Two separate ministerial committees of inquiry into impotency treatment services and cosmetic surgery have identified the potential for commercial considerations to compromise patient care as a serious issue of concern. We would all be well aware of the recent events that brought these matters to attention. The bill will address the potential for public harm by creating an offence that prevents persons and corporations from providing medical services that are excessive or to otherwise engage in unsatisfactory professional conduct. Medical practitioners will be prohibited from unethical practices such as offering or accepting kickbacks for making referrals and recommendations.

The bill will seek to protect the public from charlatans who falsely claim that they can provide cures. The Medical Practice Act currently contains a number of offences that apply only to unregistered persons and prohibit them from holding themselves out as qualified or able to cure a range of specified diseases. These restrictions have proven difficult to enforce and have failed to provide effective protection to vulnerable members of the public against people who offer quick fixes and fallacious cures. The bill will better protect and inform the public by providing a comprehensive offence in the Public Health Act that will apply to all health service providers. It will prohibit advertising or promoting health services in a false or misleading way. A more robust and transparent system for annual renewal of registration will be provided to improve the protection of patients. Registrants will be asked to provide information about convictions, sex or violence offences and charges, significant illnesses, suspension and advice on continuing medical education.

The bill will extend the obligation on courts to notify certain offences proved against practitioners even though no conviction has been recorded. There have been a number of cases of indecent and sexual assault offences where medical practitioners have been found guilty but no conviction has been recorded. In each of these cases, significant issues were raised about whether the practitioner was unfit in the public interest to practise medicine. Accordingly, the bill will require courts to notify the Medical Board of practitioners who have been the subject of a criminal finding in respect of a sex or violence offence. That is an offence involving sexual activity, acts of indecency, child pornography, physical violence or the threat of physical violence.

Practitioners will also be required to notify the Medical Board within seven days of the types of matters that courts will be required to report. In addition, practitioners will also be required to notify the Medical Board within seven days if they are facing criminal proceedings or a sex or violence offence. That is not to say that a charge for a sex or violence offence will constitute the basis for taking disciplinary action against a practitioner. Rather, the charge and the circumstances surrounding it may be relevant to a practitioner's overall ability to practise and to the question of character. There will be improved transparency and accountability of board processes, which will mean that the Medical Board is effectively implementing the new program.

The object of the bill is public protection and the board must exercise its statutory functions consistent with that object. The Medical Board is obligated to give reasons for its decisions. The Health Care Complaints Commission will be able to appear at inquiries held by the Medical Board. The Minister will be able to direct the Medical Board to make a code of conduct on a particular issue, such as a response to a community concern. The bill will improve public access to information about the registration of practitioners. Protection of the rights of medical practitioners will also be assured under the performance assessment program. The Medical Board will be responsible for instituting procedures to ensure that notifications are carefully considered prior to any decision for assessment. The assessment process cannot be treated by anonymous notifications.

A practitioner will have a right of appeal to the Medical Tribunal, which will ensure that performance review panels act fairly. The Medical Board will be required to review and report to the Minister on both its processes and the effectiveness of the legislation that underpins the program three years after its commencement. A key feature of the program is the ability to transfer matters to and from the performance, health and disciplinary pathways if it becomes apparent that a matter should be dealt with in a different way. For the first time in Australia this bill will give a statutory basis to a comprehensive and proactive program for assessing and retraining medical practitioners who have been underperforming. Safeguards been developed to ensure that more serious matters continue to be dealt with using the existing disciplinary structure. I support the legislation.

Mr MILLS (Wallsend) [5.13 p.m.]: I support the Medical Practice Amendment Bill and would like to concentrate on the particularly innovative area of peer assessment review. I first came into this area when I had the honour of chairing the Joint Committee on the Health Care Complaints Commission. I well recall the National Health Care Complaints Conference held in Sydney in May 1997. Dr Horvath, President of the Medical Board, and Andrew Dix, Registrar of the Medical Board, caused considerable interest by proposing that the Medical Board would seek sweeping investigations of medical practices to weed out incompetent doctors. This controversial move would give the board powers to investigate the entire practice and records of doctors, as has been described. Andrew Dix in the *Sydney Morning Herald* on 23 May 1997 stated:

> The board had become aware that we have got better and better with dealing with misconduct and impairment but not with issues of incompetence.

He had been in Canada looking at review models. As well as targeting a particular doctor, they also targeted at-risk groups of doctors for incompetence. For example, elderly single doctors who worked in single practice in Canada were found to be an at-risk group. This bill has come from the models considered by the board, and the review process that was described by the Parliamentary Secretary in the second reading speech has led to the bill being formulated in this way.

Pursuant to sessional orders business interrupted.

PRIVATE MEMBERS' STATEMENTS

TAXI INDUSTRY

Dr KERNOHAN (Camden) [5.15 p.m.]: I should like to bring to the attention of the House a number of problems associated with taxis. For some time people in the Camden area have had great trouble getting taxis. I must admit that more recently the local company, Premier, has been working with the community trying to solve the problem. However, I am told that many taxidrivers believe that Camden is a very dangerous place and do not want to go there because it is too dangerous for them. Yet I understand that residents of Kings Cross, Cabramatta, Liverpool and Campbelltown do not have any trouble getting taxis at night. I should also like to talk about taxis in Sydney. During the nine years that I have been a politician I have caught many taxis in this city, mainly from Parliament House to the Royal Automobile Club of Australia, which most people know is at

the end of Macquarie Street. I have caught taxis mainly at night because I did not want to see headlines that stated, "Female MP mugged in Macquarie Street". I might point out that over the years the situation has not improved; it has got worse.

On average only one in five drivers knows where the Royal Automobile Club of Australia is situated. The club has been there since 1934 and is one of Sydney's most famous clubs. Worse still, over this period I have found five drivers who did not know where Parliament House is. Four of those taxis were at the other end of Macquarie Street and one was outside Police Headquarters in College Street, and the drivers practically could have seen this Parliament House site from both locations. Everybody knows that I am not politically correct so I can say that all those gentlemen who did not know their way around spoke with heavy accents, indicating that they were rather new citizens of the country. An article in the *Sunday Telegraph* of 5 September headed "Cabbie's lament" carried a thoughtful note from a taxidriver, a registered driver-operator with Taxis Combined, who stated:

> Yes, I agree with you on drivers not knowing where they are going, but it wasn't our idea to get foreign drivers do the exams in their mother language and then turn them loose on an unsuspecting public.
>
> Too bad the street signs aren't multi-lingual. Don't let reality get in the way of good old political correctness.

All taxidrivers should have extensive knowledge of Sydney. I hate to think how many of them find their way around the suburbs. What will happen during the Olympics? Thousands of visitors who catch cabs will be unable to direct a taxidriver to their destination. Something must be done about checking and improving their knowledge of Sydney and its suburbs—or remedying their lack of knowledge in many cases—not just to assist Olympic visitors but to properly service Sydney taxpayers who hire taxis. Finally, I make comment about taxis in general. The *Macarthur Advertiser* of 6 October 1999 reported the situation of Donna Carlson, who had six-month-old twins at that time; they had been born six weeks premature, one with a cleft palate. She stated:

> You can't get buses because the driver can't get out to help you with the pram, and juggling two babies plus a pram is impossible on your own
>
> I can't even get trains sometimes. The doors don't open up enough to get the pram through.

Ms Carlson needs to take her children to hospital regularly. Premier Cabs spokesman Leon Payne said:

> No taxi in Sydney is fitted with two lots of safety bolts for the capsules to be attached onto. Even if a taxi did have the necessary bolts, taxis did not have the space to carry two capsules around … Legally, the lady must take two cabs.

A little commonsense is required here. During a hearing of the Regulation Review Committee, I asked how many babies had been killed in taxi accidents. The answer was a long time coming, but I was eventually told that no babies had been killed. Regulations are introduced as necessary. This is a ridiculous regulation that leaves mothers with babies standing in the pouring rain; it is completely antisocial and non-humane. This regulation should be examined and changed as there is no proof whatsoever that it is necessary.

BEN CHIFLEY MEMORIAL

Mr MARTIN (Bathurst) [5.20 p.m.]: Various groups in the city of Bathurst are attempting to erect a memorial to the late great Australian Prime Minister Ben Chifley and his wife, Elizabeth. As honourable members will be aware—Labor members especially—Ben Chifley is one of Australia's great Prime Ministers, if not the greatest. He was born in Bathurst in 1885 and lived in the city all his life. The modest cottage that he and his wife shared in Busby Street has been kept intact as a permanent museum. Next year marks the fiftieth anniversary of the death of Ben Chifley and the centenary of Federation. With that in mind, a public meeting was held in Bathurst on 21 May to discuss erecting a memorial to Ben and Elizabeth Chifley. The meeting was organised by the Rotary Club of Bathurst and I commend Geoff Fry, who is the driving force behind the idea.

The meeting, which was chaired by the Federal member for Calare, Peter Andren, was certainly bipartisan and non-political. It was well attended by senior citizens and members of services clubs, the medical profession and, not surprisingly, the Bathurst branch of the Australian Labor Party, of which Ben Chifley was a member and where his political ambitions were born. Members of the Chifley family also attended the meeting, and Ben's nephew, John Chifley, spoke passionately about his uncle and his beliefs. Members of the general community were present, many of whom had been friends and acquaintances of Ben Chifley.

The meeting quickly developed into a fairly lively discussion as there were many passionate ideas about how Ben Chifley should be remembered. There was no shortage of suggestions as to what sort of

memorial should be erected. However, we should remember that Ben Chifley was a modest man. He worked as an engine driver and educated himself, particularly in the field of economics. At an important time in our history during Australia's postwar development, Ben Chifley was Treasurer and Prime Minister. Chifley did not want elaborate personal monuments, and he made that view known to family and friends before he passed away.

As the meeting continued, there were divergent views about the nature of the monument. Suggestions ranged from building a new public hospital to be named after Ben and his wife—as the local member of Parliament, I would be keen to see such a facility—to erecting the ubiquitous statue. The Labor Party branch members made the particularly appropriate suggestion, given Ben Chifley's personal feelings, that a scholarship endowment be established at Charles Sturt University, for example, to assist young people who are not from wealthy backgrounds to gain a tertiary education. Chifley believed strongly that the path to success for the working class lay in better education, which was clearly the key to betterment. Chifley did not have that opportunity as a young man, but he recognised the great benefits of education.

There are many reminders of Ben Chifley throughout the Bathurst area. We should remember that the seat of Macquarie that Ben represented then extended from Bathurst to Penrith—the situation has changed markedly since then. When I was Mayor of Greater Lithgow City Council, there was some debate about a painting of Ben Chifley that the artist had given to the city. Some Conservative councillors thought it was wrong that Chifley's portrait should hang higher than those of the Queen and the Duke of Edinburgh. The problem was quickly resolved, but Ben Chifley remains in that pre-eminent position in the Lithgow council chambers because, to the people of Lithgow in particular, Ben is royalty. I look forward to the deliberations of the committee that was formed as a result of the public meeting in Bathurst on 21 May. I am sure that, after further community discussion and deliberation, we will decide upon a fitting tribute to Ben Chifley to mark the fiftieth anniversary of his death and the centenary of Federation next year.

CANOBOLAS POLICE LOCAL AREA COMMAND

Mr R. W. TURNER (Orange) [5.25 p.m.]: I am pleased to speak today about the Canobolas local area command and to welcome the new local area commander, Superintendent Peter Gallagher. The Canobolas command area includes the towns of Cowra, Canowindra, Molong, the city of Orange, and several small villages with one-man police stations at Manildra, Cudal and Cumnock. Superintendent Gallagher took up his position on 12 June and I note that he is the seventh commander of the Canobolas local area command in three years. Previous commanders retired, resigned or used the Canobolas command as a step up the ladder. The Canobolas command is a category three command and previous commanders have used it as a stepping stone to category two commands.

Everyone working within the command, including the police officers, want to see Canobolas upgraded to a category two command. Command categories are determined by crime figures, and those for Canobolas are a fraction below the level needed for category two status. While I do not want to see an increase in crime—it is a pity that that is the criterion—if Canobolas remains a category three command, we will be denied a much higher calibre of officers. Commanders would be more likely to stay for several years if Canobolas were a category two command. In view of our record—seven commanders in three years—I hope that Superintendent Gallagher will remain with us for at least five years. I understand that he is on a 12-month assignment, and I seek an assurance from the Minister that that will not be used as a reason to transfer the superintendent. A newspaper article of 15 June states:

> Superintendent Peter Gallagher began work yesterday in Orange as the new Canobolas Local Area Commander with a warning for criminals and the promise of transparent policing.
>
> 'I really like the idea of targeting people … What we want is when a person becomes a target of police, for very good reasons, and we can justify why that is, then that person is told they are a target and they become paranoid. They become paranoid enough that they get out of the business they're in,' he said.
>
> 'If you become a target of police in the Canobolas Local Area Command you've got a major problem.'

I hope that the local criminal element will listen and heed those words. We all know that, in most towns, the majority of crimes are committed by a small minority. As I mentioned before, at times police become as frustrated as residents when they know who is committing the majority of the crimes but are unable to do anything because of the lack of concrete evidence. This week, as part of the new professional approach, the police were alerted to a stolen car and officers were despatched immediately. Over the previous few weeks a pattern had developed, and the police knew where the car would be taken to be stripped and burnt out. The officers arrived at a known location before the stolen car and the offenders. As a result, four offenders were

arrested. That is an example of what can happen if enough officers are on patrol and available for duty. I hope that trend will continue. I and everyone within the command area wish Superintendent Peter Gallagher and his officers well and hope his command is lengthy and successful.

CENTRAL COAST SECONDARY EDUCATION

Mr CRITTENDEN (Wyong—Parliamentary Secretary) [5.30 p.m.]: Over the past few months on the Central Coast there has been debate about the future of secondary education in that area, particularly about the need for improvements in opportunities for students who stay at school to complete years 11 and 12. I concur with any proposal that will help students in the senior school to maximise their results in the Higher School Certificate and, more importantly, to maximise their life opportunities. I am pleased that after discussing this matter with the Minister for Education and Training he is taking a personal interest and will approach the community with various options for the establishment of a senior school.

The Central Coast community can debate this issue in a realistic and sensible way and consider the options available to educate our young people, to determine exactly what they want to achieve and, importantly, the costs involved. With the junior secondary school system, years 7 to 10, and the senior colleges, years 11 to 12, perhaps additional bus costs will be involved. The honourable member for Fairfield, who is the Chairman of the Public Accounts Committee, is presently conducting an investigation into school conveyance costs. It is important to recognise that any changes that occur in the provision of secondary education on the Central Coast do not lead to a bonanza for bus companies.

Education is for students and it is important that we ensure that there is educational merit in the proposals put forward. I am keen that the Minister becomes involved in this issue, and he has undertaken to do so. Many people on the Central Coast are supportive of the concept of a senior school. However, it is critical that this matter progress in a sensible way. I have received a letter from the parents and citizens association on behalf of the parent body of Wadalba Community School containing a submission for the future provision of secondary education on the Central Coast. That submission stated:

> The community—

that is the Wadalba community—

> expects resources saved in the senior school to be shared with other campuses in the collegiate. Restructuring is not acceptable in any form if these resources are lost from the system.

That is a reasonable point. The submission continued:

> Staffing of the collegiate is seen as a problem by the community. Wadalba Community School is attempting to build an effective middle school taught by staff with an empathy for this philosophy. The foundation head teachers and deputy principal have this empathy for middle schooling as it formed part of the criteria for their merit selection.

The Wadalba Community School also raised the question of the redistribution of staffing. Its submission stated:

> The redistribution of staffing within a collegiate and the appointment of staff must be considered in at least the whole district and preferably within the State to ensure that the needs of each subschool within Wadalba Community school are met.

We cannot look at that statewide. Rather, we are looking at the Central Coast and making sure we get the best possible result for the Central Coast. We need to make sure that we recognise the unique opportunities we enjoy on the Central Coast. We intend to promote those opportunities. I was educated in public schools—Broken Hill High and Barraba Central School. I am supportive of any moves that lead to an improvement in education outcomes for students on the Central Coast. More than ever education is vital to ensuring that people share in the wealth of this country, unless, of course, they have significant family resources or a parent who is in a position to give them special opportunities. Most people do not have those opportunities. That is why today education is more important than it has ever been, and that is why I believe we should look at any proposal put forward. In the end, it is critical that the community has ownership of the decision. It is equally important that any decision that does not have the support of the Central Coast community is not thrust down the throat of the community by bureaucrats in Sydney or anywhere else.

ARCHITECTS ACT REVIEW

Mr COLLINS (Willoughby) [5.35 p.m.]: I raise a matter that a constituent, Mr Chris Hornsby, of Chatswood, brought to my attention concerning the proposed repeal of the Architects Act. As members of this

House would be aware, the Productivity Commission is undertaking a review of architects throughout the Commonwealth and is conducting a series of hearings around capital cities during June. This matter is of concern not only to my constituent but to me as a former Minister for Consumer Affairs, someone who has a passion for the built environment and a sensitivity and awareness of architectural design issues as they affect this great city of Sydney in particular and the State as a whole. The pretext for the review is the underlying belief of the Productivity Commission that somehow consumers are bearing an unnecessary cost in architectural fees. In the preliminary report on the net benefits of the Architects Act, which is an Act of the State Parliament not the Federal Parliament, chapter 8 entitled "Assessing Benefits and Costs" concludes:

> 8.3 Net benefits
>
> Though community costs are limited because competition in the market for building design and related services is not hindered significantly, the Commission considers that the public benefits of the current system, in terms of consumer protection, information provision, and community-wide effects are negligible. The Commission, therefore, is of the view that the costs of current legislation regulating architects outweigh the benefits, and that net public benefits are negative.

That refers to State legislation. I want to take issue with that and with the Productivity Commission undertaking what I regard as a dismantling of consumer protection for those who use the services of an architect in this State. It is all very well for the Productivity Commission to decide it will deregulate architects, but I ask whether the same fervour is shown by the commission when it comes to legal practices or medical practices. Members of this House must consider, when this final report comes down—a Federal report on State legislation—whether there is any benefit to the community in stripping away the consumer protection inherent in the regulation of lawyers, doctors or architects. In the next few years are we going to have a society in which anyone will be able to call themselves a lawyer? We know the term "bush lawyer"; there are plenty of them in this Parliament.

The question is whether consumers will be adequately protected. We are at the tail end of a generation of consumerism. Consumer protection has been demanded by the community and has finally been put in place. Through the Productivity Commission, many of the protections are now being stripped away. Will people using the title "architect" be able to design whatever they like, with consumers having no recourse? We must remember that builders are the biggest source of consumer complaint. If builders think they are architects and decide to do some designing here and there, where will it end? It is one thing to design a backyard shed; it is another thing to design a suburban shopping centre or a block of flats. Design defects will start to creep in because architects will not be regulated. The Government and all members of Parliament need to give this legislation serious consideration. We have to be wary before we strip away this modest protection for consumers. By all means update the Act that regulates architects, but do not strip away the necessary protections for consumers. If those protections are stripped away the State will have to foot the bill for a great many more complaints.

PALMS RESORT DEVELOPMENT

Mr TRIPODI (Fairfield) [5.40 p.m.]: I express deep concern about the impact of a proposed new megaclub will have on clubs in the electorate of Fairfield. Canterbury-Bankstown Leagues Club plans to build a new club and hotel known as Palms Resort at Woodward Park, Liverpool. The development will include an arena for the Western Sydney Razorbacks basketball team, a stadium for the Bulldogs, shops and apartments. The development will also feature a wave beach, a 50,000-seat stadium and a transport system that includes a road link to the M5. Of major concern to me is the fact that the development will house between 600 to 800 poker machines and will trade 24 hours a day, seven days a week.

The Fairfield-Liverpool district is well serviced by long-established clubs that provide sufficient facilities and social amenities for those wishing to gamble. The proposal of Canterbury-Bankstown Leagues Club to move into the Fairfield-Liverpool district virtually overnight and provide a significant number of poker machines will undoubtedly cripple many of the smaller clubs in the area and have an adverse effect on some of the larger clubs as well. The development will also drain small businesses, restaurants and pubs across south-western Sydney. The amenities that local clubs have provided for the benefit of the community over the years will be reduced—and in some cases eliminated—with predictions that some smaller clubs will be forced to close.

There are already an ample number of clubs in the Fairfield area where residents can play poker machines. The area does not need another club with more than 600 poker machines to offer people more opportunities to gamble. Unemployment in Fairfield is extremely high, 11.3 per cent of people are out of work That is the highest unemployment rate in the Sydney metropolitan area. Research has shown that unemployed people are at risk of becoming addicted to gambling as they try to win money through gambling to help them

survive financially or to pay off debts. The Woodward Park development will increase the opportunities for gambling, and that will result in more people throwing away their disposable income. The Fairfield area has a high rate of gambling addiction. Figures released last year revealed that the Fairfield area generates one of the highest levels of poker machine profits from pubs and clubs in New South Wales. These figures, coupled with the high unemployment levels in the Fairfield area, mean that the club proposed, Canterbury-Bankstown Leagues Club, will have a severe and detrimental effect on the Fairfield area.

Clubs in the Fairfield-Liverpool district play an extremely important role in the local area. They have contributed to the community for many years by the creation of new jobs, supporting local businesses and companies, and rendering assistance with sport and recreational activities and community development. The clubs in the Fairfield-Liverpool area are renowned for their generous financial and in-kind support for the community. Establishments such as Club Marconi, Mt Pritchard and District Community Club, Fairfield RSL, St Johns Park Bowling Club and Cabravale and District Ex-Active Servicemen's Club have all developed with the local community over the past 30 to 40 years. These clubs started from rather humble beginnings and have progressively built up trade, facilities and patronage on a steady basis. All of the clubs have thrived from the healthy competition from neighbouring clubs and have provided outstanding facilities for their members and guests. In turn, the community has demonstrated its appreciation by patronising the clubs in large numbers.

The local community also appreciates the generous support given by the clubs to local sporting organisations, to the development of sports clubs, and to local community projects, schools and charities. At present the 60 registered clubs which may be affected by the proposed club contribute in total an estimated $35 million to $40 million to community and charity funding. The commitment of those clubs to the Fairfield-Liverpool community is commendable, balanced in its discretion and historic. As a direct result of the proposed development, the same clubs, which have earned the respect of the community, now face a potential loss of revenue and, consequently, will be unable to support community organisations and charities to the degree they have.

Canterbury-Bankstown Leagues Club has failed to secure financial backers for the project. All funds to develop the site will probably be borrowed. The club, therefore, will be highly geared to debt repayment and heavily focused on promoting gambling. The club also plans to run regular bus services throughout the region to pick up people and transport them to the club. A similar bus system is used by Star City to take people from south-western Sydney to the Darling Harbour casino site. That bus trawling will further impact on the viability of all clubs in the Fairfield-Liverpool area and will undoubtedly worsen gambling addiction in an area where the problem is already widespread. I am particularly concerned about the level of debt that would be needed for a development of this size. Once the club has that level of debt, it will have an obligation to service it. In an attempt to pay back those debts, the club will have to focus intensely on achieving targets in gambling and turnover. The unscrupulous methods it may introduce to do that are of great concern to me and to the community of Fairfield.

STATE PARKS GATE ENTRY FEES

Ms HODGKINSON (Burrinjuck) [5.45 p.m.]: I wish to address an issue of equity relating to New South Wales State park trusts which has been brought to my attention by Mr Ken Medway, Trust President of Grabine State Park, which is located near Bigga in my electorate of Burrinjuck. An inconsistency exists between the eight State parks in New South Wales in relation to gate entry fees. Of the eight State parks operated by trusts in this State, only seven, including Grabine, have to charge gate entry fees. On 2 June, Mr Medway, with other State park trust presidents, members, staff and bureaucrats, attended a conference in Sydney to deal with the implementation of the GST, which will affect park entry fees, together with a number of other matters. During the course of the day, the Director-General of the Department of Land and Water Conservation [DLWC], Mr Bob Smith, together with several other bureaucrats, addressed the conference. Mr Medway's grievance does not lie with the conference, which he says in the main was informative and helpful to him and the others in attendance.

However, Mr Medway discovered at the conference that not only was there a lack of capital funding for the second year in a row, but that an anomaly exists with the State park network in that the Killalea State Park at Shellharbour is not charging a gate entry fee. That is obviously a gross inequity. All the other State park trusts within New South Wales must enforce a gate entry fee. While the seven parks charging entry fees debated whether they would incorporate an increase in the price of their gate entry upon the implementation of the GST, the Killalea park trust sat back secure in the knowledge that it will not have to charge an entry fee.

According to Mr Medway, that is another example of the Carr Labor Government using the bush to prop up the city. Maps show that the metropolitan area ends at Windang Bridge, a few kilometres from the

Killalea State Park, so the majority of people regularly using the Killalea State Park are from the metropolitan area. While people from the country go out of their way to assist people from the city in their hour of need—whether it is putting tarpaulins on roofs for days on end after a massive hailstorm in Sydney, fighting bushfires in metropolitan areas, or pulling city bushwalkers out of tricky situations—enough is enough. It is time that city people started pulling as much weight as their country counterparts when it comes to using and paying for the maintenance of State facilities.

The spectacular Grabine State Park has to lure tourists and others who travel by car, and often tow a caravan or boat, over 22 kilometres of treacherous gravel road, about which I have made representations to Ministers in this place, including the Minister for Agriculture, and Minister for Land and Water Conservation. He obviously does not care, given the letter he sent back to me, which did not respond to my concerns. Meanwhile, the Killalea park trust, which has an enormous customer base, allows people to come and go as they please. It does not ask "Please help us become self-sufficient and pay $5 entry." Park trusts such as Grabine have to take yearly funding cutbacks. For the second year in a row it will not receive any capital funding, even though it is the most isolated park and the only park without sealed road access. On the other hand, the Killalea park trust languishes on the coast in the knowledge that it will be fully funded.

Although the Department of Land and Water Conservation is pushing all parks to become self-sufficient, when will Killalea become self-sufficient if it does not charge an entry fee? As I mentioned in my contribution to the budget debate, the Burrinjuck Waters State Park Trust, which is headed by Mr John Glover, recently had to cart potable drinking water from Yass to Burrinjuck and return, which is a 110-kilometre round trip, to ensure that tourists to the park had drinking water over the busy Easter period as there had been an outbreak of blue-green algae. The department contributed a small amount of funding for that, but the cost involved for the Burrinjuck Waters State Park Trust has been intrusive on its self-sufficiency.

Who is to say that if Killalea had experienced the same problem during the peak tourist period such as Easter and had to import massive amounts of potable drinking water, the State Government would not have paid for the lot? I think it would have. I know that equity is not only a matter of concern to the Grabine State Park. It is also a matter of concern to the trust board of Lake Keepit State Park, which is in the electorate of Tamworth. I call on the Minister to provide equity and ensure that it is all or nothing. There must be equity and fairness on this issue. Either all State parks charge an entry fee, or none charge it.

Mr MARKHAM (Wollongong—Parliamentary Secretary) [5.50 p.m.]: Over the years I have had a lot to do with Killalea State Park. I can assure the House that when it was suggested that entrance fees should be charged there was an incredible public outcry in the Illawarra. A number of major demonstrations were held at the entrance to that park to make sure that fees were not put in place. The honourable member for Burrinjuck claimed that Killalea is not too far from Windang Bridge, which is on the edge of my electorate. I can assure her that it is a fair way away. It is on other side of the city of Shellharbour, which is 15 kilometres away from the entrance to Lake Illawarra.

BADGERYS CREEK AIRPORT SITE

Ms BEAMER (Mulgoa) [5.51 p.m.]: Once again I speak about an issue that is of grave concern to people in my electorate. The people in my electorate have lived with the spectre of a second airport at Badgerys Creek hanging over their heads for the past 17 years, yet we still do not have a firm decision. We are continually told that a decision is imminent, and I understand that we can now expect a decision from Canberra in late August. In this year's budget the last of the land surrounding the airport site at Badgerys Creek was bought by the Government. However, no money was put forward for the construction of the airport. It seems as though a war of attrition is being waged against the people in my electorate, who have worked so tirelessly to voice their concerns about whether a second airport is needed and their opposition to Badgerys Creek as the site for that second airport.

Mr Kerr: What did Mark Latham say?

Ms BEAMER: I commend the members of Community Against Airport Western Sydney [CAAWS]—Kay Vella, Felicity Tilley and others—who have been tireless in their fight against Badgerys Creek being used as the site for a second airport. I support the Federal representatives from my area, both Liberal and Labor, and, of course, the National Party members in this House and Labor Party members representing country and regional electorates, who know the devastating effect a second airport out in the boondocks will have on regional and rural New South Wales. The people around the original site will be most affected if a second airport is constructed at Badgerys Creek.

It is all very well for honourable members opposite to say, "What about Mark Latham, Anthony Albanese and Joe Hockey, who are in favour of a second airport." The Prime Minister is also in favour of a second airport. It is important to get the Federal member for Macarthur, John Fahey, and the Treasurer, Peter Costello, on side and tell them that they have the support of western Sydney: We do not want the airport to go ahead either. We should consider alternative proposals that have merit; we should think outside the square. It is time that both the New South Wales Government and the Federal Government considered other proposals.

Honourable members might remember that four tenders were considered for the Sydney to Canberra speed rail, which is part of a staged development of a speed rail between Brisbane and Melbourne. That has now been narrowed down. The project may not necessarily be Sydney-centric, which may be one of the reasons the rest of Australia has been so against the speed rail proposal. What would a speed rail proposal mean to the people of western Sydney? Apart from creating some 15,000 construction jobs and in the order of 2,500 permanent jobs, the project would meet environmental standards that have been called for. The speed rail would save energy and reduce greenhouse gas emissions. Travelling between Canberra and Sydney by car involves more than double the greenhouse gas emissions of speed rail and travelling from Canberra to Sydney by plane more than quadruples the greenhouse gas emissions.

A Sydney to Canberra speed rail would increase Canberra's position as a regional hub. It would also enable areas like the Southern Highlands and the Goulburn district to absorb the growth of Sydney. The proposed Canberra speed rail is a project as visionary as the Snowy Mountains scheme, and would mean as much as that scheme to both New South Wales and Australia. It is important that we start to think outside the square and start to support Federal and State members from our area, whether they be Liberal Party or National Party members, in their protest against the construction of an airport at Badgerys Creek. [*Time expired.*]

HOMELESSNESS

Mr KERR (Cronulla) [5.56 p.m.]: I speak about the increasing problem of homelessness. As honourable members would be aware, there has been a trend for the homeless to flee the city centre for the suburbs. I was pleased to note that the *Daily Telegraph* of 1 May drew attention to the problem of homelessness and referred to the fact that many of us will be able to look forward to sleeping soundly and warmly in our beds tonight, secure in the knowledge of our future and status, while thousands of our fellow citizens will sleep wherever temporary shelter beckons. The article stated that these citizens sleep hungry and cold in doorways, in parks and, in my electorate, on beaches. They wake in the morning to the chilly despair of another day of aimless wandering.

It is a picture of heartbreaking futility. However, as the *Daily Telegraph* mentioned, there are rays of hope, particularly as a result of the work done by Mission Australia and many caring people throughout our community. It is not appropriate for Sutherland Shire Council to dismiss homeless people as vagrants. A comprehensive report on homelessness released in America stated that many people who become homeless have suffered severe hardships, including childhood physical and sexual abuse, poverty, poor education, physical disability and physical disease. A number of private and government programs in America have been successful in providing help for the homeless. The report stated that homeless people are locked out of America's prosperity, but we have the key to let them in. Assistance programs can replace the nightmare of homelessness with the American dream of a better future. I urge Sutherland Shire Council to start working with Mission Australia and government and private agencies to seriously consider the American report, which is the most comprehensive yet released.

It is essential that Sutherland Shire Council carry out a survey of the housing needs of the shire. It would be interesting to know what working liaison is presently on foot between the council and the Department of Urban Affairs and Planning. I have indicated to the House my concern that Tonkin Oval will not be able to accommodate the mass of people that will converge there for the Olympic torch relay. As the torch travels around Australia far larger crowds than originally anticipated have congregated. If the council is determined that Tonkin Oval remain the venue, it must produce a disaster plan. Security measures should not be made public, but a disaster plan should reveal what measures would be taken in the event of an emergency.

The public is entitled to have its say on that aspect. I have a number of questions that must be answered on this issue. Has any disaster plan been formulated? If so, the council should take the general public into its confidence. The council has said it wants to remove the picket fence that surrounds the oval. That fence may have heritage value. What guarantee can the council give that the fence, having been removed, will be replaced? Is there a timetable under which the fence must be restored to good condition? The fence certainly has not been

in good condition for years. In fact, I drew the attention of the council to the risk it faced because it had not repaired the fence. Subsequently, it repaired the more dangerous aspects of the surrounds of that oval.

RUTHERFORD TECHNOLOGY HIGH SCHOOL STUDENT BEHAVIOUR

Mr PRICE (Maitland) [6.01 p.m.]: A matter of some concern in my electorate is the current student administration dispute at Rutherford Technology High School, which is in the city of Maitland. The principal of the school, Ms Sharon Parkes, has a formidable job ahead of her. She runs a large and comprehensive high school with approximately 923 students attending daily. Over the years Ms Parkes, her staff, members of the executive and the parents committee have established rules that are the basis for order and discipline within that school. In the past 48 hours a rather ugly situation has developed with those rules being challenged. Some students above the school leaving age but who still attend the school have attempted to disrupt the program and place certain demands on the principal and staff.

The initial protest has been reduced to a small nub of protesters who have made what I consider to be rather unreasonable requests, some of which perhaps should have been made to the parents and citizens association in a more organised and positive fashion than appears to have been the case so far. Minimum standards are vital in any public school and must not be compromised. The principal of this school is in control. I have visited the school several times and I am aware of the significant initiatives it has introduced. During question time today the Minister for Education and Training gave his support to the principal's action in maintaining order and discipline during this difficult time. This morning I spoke to the district superintendent from Maitland, Terry McGuire, in the same vein. He was at the school offering support. I have seen copies of documents from other school principals throughout the lower Hunter supporting Ms Parkes in her attempt to maintain reasonable order and high standards at her school.

The present attitude of some students can be disruptive and in many ways can interfere with the good order and progress of other students who are anxious to get on with learning and trying to do something about their circumstances. The vast majority of parents and students, through various media outlets, have openly and publicly offered their support to Ms Parkes and her staff, and just want the school to get back to normal: "Forget the heavies, let's get on with it!" The genesis of the protest was the expulsion of a disruptive student. That student has now voluntarily left the school at the request of her parents. The present protest is a carryover that I believe will settle down quickly. Rutherford Technology High School is a progressive high school. Ms Parkes, along with staff from Grossman High School, Maitland High School and eventually Francis Greenway High School, which are all within the Maitland city boundary, devised a successful co-operative collegiate movement between those schools so that senior students would have the opportunity to study particular subjects at centres other than their own school.

That may have precipitated the idea for establishing a senior high school. That is certainly some years off, but co-operation between those schools has been of significant value to the students. I would not like student disruption to put any such system in jeopardy. The community undoubtedly endorses the school's rules and supports the principal. In public education there is a duty to set the standard and maintain the rules. That does not exclude reasonable debate on aspects that may require review from time to time. That offer has been made to the students. I support Ms Parkes in her firm stand. I look forward to a rapid, peaceful and sensible resolution of the present problem and a return to normal school operations as soon as possible. Public education is a government showcase, no matter who is in office. We have an obligation to make sure our schools are free and open, that minimum standards are maintained and that there can be frank discussion between students and staff.

WELLINGTON CRIME PREVENTION PLAN

Mr McGRANE (Dubbo) [6.06 p.m.]: I draw the attention of the House to a problem in my electorate that is common to many electorates throughout Australia. I refer to the drug problem. I should like first to congratulate Wellington Council on formulating its crime prevention plan. Last month I led a delegation from Wellington Council to the Special Minister of State, John Della Bosca, to ask him to extend the Drug Court concept now being trialled at Parramatta to regional areas such as Wellington. The delegation comprised representatives from the council, police, the local magistrate and, of course, the community. We spoke to the Minister regarding the innovative program called Aiding Our Own, which is a great concept that has been built into the management plan.

I place on record also the appreciation of Wellington Council and myself for the provision by the Carr Government of funding to formulate this crime prevention plan. Wellington's approach to drugs should be an example to other regional communities who battle the drug problem. Wellington shire has approached this challenge by acknowledging that the problem exists and no Big Brother government can help it. The local community realises that it must devise strategies to ensure that those who have been trapped in the drug cycle can be helped. Wellington has initiated strategies aimed at ensuring that those at risk are educated and that other methods are available to help those involved in drugs overcome their problems and get back into society. That will then lead, of course, to economic benefits for communities. Part of the plan includes strategies such as increased traineeships and apprenticeships, the appointment of a part-time youth development officer and programs designed to teach life skills to those who recognise they have been at risk. The working plan involves all the community: the local Aboriginal community, police, the business sector and the council, which has been the facilitator in formulating the strategies.

Last week I was one of the few members of Parliament who attended the Drug Summit held in this building. It was of great interest to hear international speakers describe strategies in other parts of the world to overcome the drug problem. The common objective was the prevention of drug use. Experts from countries that have made significant headway in the reduction of drug use shared their success stories. Following the Premier's Drug Summit last year, New South Wales is leading in implementing anti-drug programs. The programs in my electorate have been excellent. There has been funding for a project manager for a drug and community action program, a regional position to cover the western and north-western area of New South Wales and based in Dubbo. It will facilitate establishment of local drug action teams to address local problems. An important group of people will bring together government agencies, police, local government, schools, churches and other community leaders.

Funding for a new drug and alcohol counsellor for the Macquarie Area Health Service is a plus. There is funding for a general practitioner program to equip local doctors with training and support to treat drug and alcohol patients. There is funding for a new residential facility in Dubbo to provide suitable rehabilitation programs for young people, with a focus on young Aboriginal people and young offenders. The plight of the families of drug users is often overlooked. I urge the Government to focus on families so that they can remain as the best pillars of support for those needing help in their fight against drug addiction.

Mr MARKHAM (Wollongong—Parliamentary Secretary) [6.11 p.m.]: It is important to recognise the battle against drugs. I was fortunate to be in the electorate of the honourable member for Dubbo on Thursday and Friday of last week. I attended a function with him at Peak Hill, where 400 acres of land had just been handed back to the local Aboriginal community, which the elders were very proud of. That is another way in which we can address some of the issues of drug abuse within the Aboriginal community. The Bulgandramine Mission, which was opened in 1907 and closed in 1941, has fond memories for many Aboriginal people in the Peak Hill, Dubbo, Gilgandra and Narromine area. On 10 June there was a major ceremony at the mission at which the title deeds were handed back to the local people. They saw that as a great event. About 400 people attended. Young people in the area supported the elders. Such events can go a long way towards helping to address drug issues in Aboriginal communities. I know that the honourable member for Dubbo was pleased to see this happen.

Private members' statements noted.

[*Mr Acting-Speaker (Mr Lynch) left the chair at 6.13 p.m. The House resumed at 7.30 p.m.*]

QUESTIONS WITHOUT NOTICE

Supplementary Answer

LISMORE INJECTING ROOM

Mr WHELAN: Earlier today the honourable member for Lismore asked me a question to which I am now able to provide an answer. I am advised that Lismore police have charged a 47-year-old local man under the Drug Misuse and Trafficking Act following inquiries into the use of premises as an alleged safe injecting room. The man was taken into police custody at the premises in Conway Street at 3.20 p.m. today and taken back to Lismore police station. I am advised that Lismore detectives began inquiries after the matter was first brought to the attention of local police last night. The man was charged by local detectives with one count of advertise or hold out that premises are available for unlawful administration of prohibited drugs. I am advised that he was granted unconditional bail and will appear at Lismore Local Court on 17 July.

MEDICAL PRACTICE AMENDMENT BILL

Second Reading

Debate resumed from an earlier hour.

Mr MILLS (Wallsend) [7.32 p.m.]: I was referring earlier to the presentations by the Medical Board to the National Health Care Complaints Conference in Sydney in May 1997. The Registrar of the Medical Board, Andrew Dix, told the conference that the aim of the proposed scheme for the peer assessment and professional review was that doctors would be encouraged to improve their education and that the aim was not to punish doctors. He went on to say that a classic example of the type of doctor who might be caught under the new system would be a doctor who had missed a diagnosis but in respect of whom a wider investigation revealed much broader failings, for example, a lack of records and failure to carry out basic practices, such as taking blood pressure. At that time the Medical Secretary of the Australian Medical Association, Dr Craig Lilienthal, told the *Sydney Morning Herald*:

> There are some bad apples but we do not support any over-the-top investigations. It is too invasive.

It is clear that this legislation is not over the top and is not too invasive. The Parliamentary Secretary in his second reading speech said that the object of the bill is to protect the health and safety of the public, and that the initiatives in the bill are designed to ensure that practitioners are fit to practise. He went on to describe a category of doctors who, while not fitting readily within the current disciplinary or impairment streams, would benefit from a program of professional assessment and retraining. For the first time in Australia the bill gives a statutory basis to a comprehensive and proactive program for assessing and retraining doctors who have been underperforming. As Chairman of the Joint Committee on the Health Care Complaints Commission I undertook a study tour in 1997 to examine a number of matters. One of the matters we looked at in Canada was the mandatory reporting of sexual misconduct by medical colleagues and the health professional peer assessment review process. The delegation from the Joint Committee on the Health Care Complaints Commission consisted of the Hon. Dr B. P. V. Pezzutti, the committee director and me.

The report encouraged the Medical Board of New South Wales to continue to give consideration to the introduction of this program of health professional peer assessment review. In essence, the bill encapsulates that recommendation, and I am pleased about that. The physician assessment review program was developed by the Colleges of Physicians and Surgeons of the Canadian Provinces in an attempt to be proactive about maintaining standards of medical practice. Alberta and Ottawa have a physician assessment review program and under the peer assessment review process we found that the Canadian people were proceeding, consistent with the comments of the Registrar of the Medical Board. Page 32 of the report stated:

> The peer assessment program of the College of Physicians and Surgeons of Ontario has emphasised the identification of physicians practising at unacceptable levels of care and the provision of educational assistance to these physicians for the correction of deficiencies.

Part 5A of the bill is important and I wish to refer to that. The board may obtain performance assessment, and the board does not have the power to refer serious matters for assessment. Again, this links up with the Health Care Complaints Act where the board may find that a matter raises a significant issue of public health or safety or raises a prima facie case of professional misconduct or unsatisfactory professional conduct. Any such matter must be dealt with as a complaint. New section 86E states that the board is not to have the professional performance of the practitioner concerned assessed on the basis of that notification if it is made anonymously. That measure provides a protection to the practitioner and I welcome that.

The Health Care Complaints Commission may refer professional performance matters to the board but the new section does not affect the functions of the board in relation to a complaint made to the commission or a matter referred to the commission for investigation. New section 86J refers to action that may be taken by the board after receiving the report of an assessor. It can determine no further action, it can require a performance review panel to conduct a review of the professional performance of the practitioner, it can make a complaint against the practitioner, refer the matter to an impaired registrants panel or counsel the practitioner. Division 4 of the bill outlines the performance review and the performance review panel system that is proposed under the legislation. Frankly, the legislation is self-explanatory on that point. The board may carry out monitoring following a performance review, and the board is to monitor compliance with any orders made by the panel and from time to time evaluate the effectiveness of those orders in improving the professional performance of the registered medical practitioner. I welcome those measures.

I am pleased that the bill provides in new section 99A a code of professional conduct. The provisions of a code of professional conduct are a relevant consideration in determining for the purposes of this Act what constitutes proper and ethical conduct by a registered medical practitioner. Division 3 contains other restrictions and prohibits against accepting benefits for recommendations or referrals and prohibits against offering or giving benefits for recommendation or referrals. That applies not only to the practitioner but also any employer of the practitioner, an exception being any recommendation made in a public advertisement. Part 8A refers to overservicing and unprofessional conduct. New section 127A is a more rigorous process for renewing the annual registration of medical practitioners and I commend that section to honourable members to read. Practitioners must report any convictions, findings or court proceedings in which they have been involved when they make their annual return. I support the bill.

Mr McMANUS (Heathcote—Parliamentary Secretary), on behalf of Mr Knowles [7.39 p.m.], in reply: I appreciate the opportunity to reply to the contributions of honourable members to the second reading debate. I am particularly pleased, as I am sure the Minister will be, that the bill has received bipartisan support. With regard to the matters raised by the honourable member for North Shore, I assure her that I will advise the Minister of her concerns and ensure that she receives answers to those concerns in a timely manner. I acknowledge also the contributions of members representing the electorates of Parramatta, Wentworthville, Heffron and Wallsend. Clearly, the bill has received bipartisan support because it is not a punitive bill.

As has been said, the bill will ensure that quality of service is delivered to the public of this State. At the same time, if it is necessary to introduce measures to assist doctors to become better doctors, obviously the Government must ensure that that occurs for the benefit of everyone. I appreciate the fact that many members who have contributed to tonight's debate have clearly indicated that not only is the bill good for the doctors, t it is also good for members of the public. I commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

CHILDREN'S COURT AMENDMENT BILL

Bill introduced and read a first time.

Second Reading

Mrs LO PO' (Penrith—Minister for Community Services, Minister for Ageing, Minister for Disability Services, and Minister for Women) [7.42 p.m.]: I move:

That this bill be now read a second time.

This bill is to change the way the Children's Court will operate once legislative amendments, which have already been made to the Children's Court Act 1998, are proclaimed later this year. These changes complement significant changes to child protection practices that will arise following the proclamation of the Children and Young Persons (Care and Protection) Act 1998. That Act will also be proclaimed later this year, at the same time as changes to the Children's Court Act. This bill is part of a package of changes which are being introduced as part of the Government's commitment to openness and consultation before legislation is brought into effect. In late 1999, this House passed the Children And Young Persons (Care and Protection) Act along with the Children and Young Persons Legislation (Repeal and Amendment) Act 1998.

Amongst other matters, the legislation created the Office of Children's Registrar in the Children's Court. The Office of Children's Registrar was established with a view to efficiently easing the increasing workload of magistrates sitting in care matters in the Children's Court. It was also established to divert matters that can be more appropriately resolved using other mechanisms, such as alternative dispute resolution, away from the delays and legalistic arguments of court hearings. As such, that role is pivotal to the efficient functioning of a new Children's Court. This new court will be directed to act in the best interests of our children, work to reach decisions quickly, and strive to avoid further harm arising from the very process which is deigned to help them. The legislation presently provides that the Children's Registrar is to have such functions as may be conferred or imposed by the Children's Court Rule or by or under any other Act.

However, advice received from the Parliamentary Counsel's Office indicates that the rule-making powers under the Children's Court Act do not permit the delegation of functions from the Children's Court to the

Children's Registrar. Unless addressed, this limitation will seriously impede the capacity of the Children's Court to respond to the court's expanded care functions under the Children and Young Persons (Care and Protection) Act, while the Children's Registrar will be underutilised. The solution proposed is a rather simple amendment similar in provision to that found in the Supreme Court Act 1970 and the Commonwealth Family Law Act 1975. Both of these Acts contain a mechanism which enables those courts to delegate to their respective registrars such functions of the court as are identified in the court rule. This amendment to the Children's Court Act will allow for the development of rules similar to those operating in other courts.

The role of the Children's Registrar is to provide a means for consensual decision making with the object of reducing the length of time children and young people are involved in care proceedings and the damaging effect some proceedings can have on these children and young people. Where agreement can be reached quickly and with a recognition of the need to care and protect the child or young person, it will be possible for some to have their circumstances resolved without the need for a formal hearing. This will not be the case where a major decision, like altering who has parental responsibility, has to be made. For those major decisions a magistrate will still have to decide. As part of a bundle of changes which I am introducing into this House to help with the continuous care of our children and young people, this amendment makes an enabling change which is no less important because that is its limited role. The change is important because it will permit a new Children's Court Rule to be developed in consultation with all relevant bodies and by these means a new Children's Court will emerge. I commend the bill to the House.

Debate adjourned on motion by Mr R. H. L. Smith.

CHILDREN AND YOUNG PERSONS (CARE AND PROTECTION) MISCELLANEOUS AMENDMENTS BILL

Bill introduced and read a first time.

Second Reading

Mrs LO PO' (Penrith—Minister for Community Services, Minister for Ageing, Minister for Disability Services, and Minister for Women) [7.48 p.m.]: I move:

That this bill be now read a second time.

When I introduced the Children and Young Persons (Care and Protection) Act 1998 into Parliament I indicated that the Act would not be immediately proclaimed, so as to allow some time for this new legislation to be considered. Since that time a very active review process has been undertaken, with a wide range of comments having been received from organisations such as the Community Services Commission, the Association of Children's Welfare Agencies, Burnside, the Foster Care Association, the Senior Children's Magistrate, the Law Society, Legal Aid of New South Wales, as well as from members of this House and government agencies.

The extensive initial training and information seminars that the Department of Community Services has been conducting statewide have also attracted a tremendous amount of interest in the new care Act and led to further comments being made. More than 700 people attended one seminar held in the Sydney central business district. There have been impressive attendances at country sessions, with well over 100 people attending seminars in Wagga Wagga and Dubbo, for example. Requests for additional seminars continue to be made, and my department is hard-pressed to meet the demand. This has generated enthusiasm and support for this legislation. It has also assisted in identifying operational difficulties that normally would not be identified until after the Act was proclaimed. New legislation will always have the potential to raise these practical concerns. We have, therefore, been fortunate to have this opportunity to consider the need for amendments to the Act prior to its proclamation.

This bill proposes amendments of an operational nature relating to both child protection and out-of-home care services. The amendments do not represent policy changes, but seek to enhance the functioning of the Act. Any proposed changes that sought significant policy shifts in the legislation passed by this House, with the support of all parties, have not been included. I turn first to the issue of child protection. The amendments effect a myriad of changes and I wish to draw the attention of this House to only a few. Within the field of child protection, the amendments stipulate the record-keeping requirements to be observed by the Director-General of the Department of Community Services [DOCS] in regard to reports of children and young people at risk of harm, control the use of reports about children or young people who are at risk of harm, and permit the Director-General to withhold copies of videos in certain limited circumstances.

Record keeping and the documenting of why and when decisions are taken is a vital role in any system of child protection. It is good practice. This new provision does not alter this. What it does do is make this best practice an express and clear requirement for all departmental officers. In doing this, it recognises that a lack of record keeping is one of many areas in which the department is seeking to improve the way in which it serves our children and young people. Both the 1987 and the 1998 care and protection Acts recognise that it is essential to preserve the confidentiality of people who report abuse.

The bill clarifies three aspects of this protection. The first is to make sure that details of a report cannot become publicly available through other non-care court proceedings. A prohibition that simply stops the use of a report in evidence has been found to be insufficient as courts have allowed this sort of information into an open court room. The bill seeks to impose an absolute prohibition in all except care proceedings. Likewise, courts and tribunals are increasingly asking my department to justify whether a disclosure is in fact a report of abuse and so liable to protection. To justify this decision, departmental officers are being required by these courts and tribunals to disclose details of the report, thereby defeating the entire purpose of the provision.

This amendment proposes to introduce an efficient way of avoiding this difficulty without removing the opportunity of someone to challenge a departmental decision as to what is a report. A substantial decision can also be the subject of a complaint to, or an inquiry by, the Community Services Commission. This Government has introduced and funded innovative investigative techniques involving video and audio recording of evidence. This is particularly helpful in recording the evidence of children and seeks to avoid the child being further harmed through abuse by the very system intended to protect him or her. In the area of criminal law, my colleague the Attorney General has already introduced legislation that prevents copies of this sort of evidence being made available to child abusers to feed their prurient interests.

This provision introduces similar controls in the care jurisdiction. It does not prevent access to any evidence where this is needed by someone to prepare a case but it does stop ongoing misuse of these recordings of children. It has also been a long-established offence to identify any child or young person who is involved or might be involved in care proceedings. These children and young people may already be victims and have suffered as a result of inappropriate and wrong adult behaviour. Why should they suffer further by having the most intimate details of their lives broadcast for all to see or hear? Why should they be further tainted by unwanted publicity?

The 1998 Act tried to overcome some loopholes that the print media had already exploited to identify children when it was obvious from the story that these children were about to be, or had been, involved in care proceedings. What it did not do was extend these provisions to details about children involved in care proceedings posted on the Internet. This oversight is now being corrected. Provided that the material can be accessed by someone in this State, people will no longer be able to escape punishment when they publicise the details of children and young people just because they have used a server interstate or overseas nor because they scanned the material onto a web page across the State border.

The second group of issues concerns the operation of the Children's Court. The amending bill also refines how the Children's Court functions. The amendments introduce more flexibility surrounding the holding of preliminary conferences. They allow a Children's Magistrate to act in the place of a Children's Registrar. They ensure that the Director-General of the Department of Community Services is consulted prior to being required to supervise access between a child or young person and some other person when the contact involves some degree of risk. They also recognise the valuable assistance that can be provided to the court by support persons when there is no official interpreter for any of the parties to a hearing who do not sufficiently speak or understand English. The 1998 Act was designed to establish a user-friendly statewide Children's Court that brought specialist knowledge of dealing with children to all of our children and young people—no matter where they might live. These changes will help this come to fruition.

The third group of changes is about compulsory assistance orders. When the Act went through Parliament, some concerns were raised regarding the making of compulsory assistance orders. These orders may be made only by the Children's Court on the personal application of the Director-General in regard to a child or young person who has suicidal tendencies or who is engaging in self-destructive behaviour. The proposed amendments will require the Director-General to notify the Children's Guardian whenever an application is made for such an order, or when an interim order is made. The Children's Guardian will be able to be a party to such proceedings and, if not a party, must now be notified of the making of such an order. The other change that is proposed to this part of the Act is to introduce the capacity for a range of persons to approach the court to seek to have such an order varied or revoked. These additional requirements will ensure that such orders are not used in ways that Parliament did not intend.

The final group of issues is about out-of-home care. In regard to children and young people in out-of-home care, problems arose in regard to the definition. One of the difficulties was that, until a child or young person had been in care for the specified number of days, the operation of the Act did not take effect. Thus foster carers were not able to provide the care that the Act envisaged until they had had the care of a child or young person for 14 days if on a court order, or 28 days if a voluntary placement. The proposed amendment overcomes this problem by recognising that once children and young persons enter into a formal care situation they are regarded as being in out-of-home care. Related to this amendment, a number of groups and some carers have expressed concern about the existing provisions concerning the physical restraint of a child or young person.

Accordingly, it is proposed to amend section 158 to ensure that restraint can be used only in serious situations when injury to the child or to other people is likely. Any use of restraint must be consistent with any behaviour management requirements in the child's or young person's care plan. The Act also requires a carer to follow appropriate DOCS guidelines. This requirement is maintained. These changes now allow a right of review to ensure that any physical restraint applied to children and young people is appropriate and reasonable. A number of other amendments are proposed to broaden the financial assistance that may be made available to carers, to clarify decisions reviewable by the Administrative Decisions Tribunal, to resolve a number of definitional problems and to introduce a number of regulation-making powers. These amendments will make a good Act even better. They will mean that, when the Act is proclaimed later this year, all those involved in its administration can apply it, confident that significant matters that were identified as problematic have been resolved. I commend the bill to the House.

Debate adjourned on motion by Mr R. H. L. Smith.

ADMINISTRATIVE DECISIONS TRIBUNAL LEGISLATION AMENDMENT (REVENUE) BILL

Bill introduced and read a first time.

Second Reading

Mr McMANUS (Heathcote—Parliamentary Secretary), on behalf of Mr Whelan [8.01 p.m.]: I move:

That this bill be now read a second time.

This bill amends the Administrative Decisions Tribunal Act 1997 to create a revenue division of the Administrative Decisions Tribunal and to provide for its constitution. Members of the division will have jurisdiction to review decisions of the Chief Commissioner of State Revenue which are reviewable pursuant to the Taxation Administration Act 1996 as amended by this bill. The amendments to the Taxation Administration Act 1996 are made to confer jurisdiction on the Administrative Decisions Tribunal with respect to review of decisions of the Chief Commissioner of State Revenue made pursuant to the taxation laws set out in the Act—namely, the Accommodation Levy Act 1997, the Debits Tax Act 1990, the Duties Act 1997, the Health Insurance Levies Act 1982, the Land Tax Act 1956, the Land Tax Management Act 1956, the Parking Space Levy Act 1992, the Pay-roll Tax Act 1971, the Premium Property Tax Act 1998, the Revenue Laws (Reciprocal Powers) Act 1987, the Stamp Duties Act 1920, the Unclaimed Moneys Act 1995, or a regulation under any of those Acts.

The bill contains replacement provisions for the existing section 86 and part 10, division 2, of the Taxation Administration Act, rather than attempting to make ad hoc amendments to a large number of the existing provisions. In redrafting these provisions, the principle that decisions of the chief commissioner should be subject to external review has been retained, except in two cases. The first is a compromise assessment made under section 12 of the Act, which is specified to be a non-reviewable decision in the current Act because such an assessment represents an agreement between the chief commissioner and the taxpayer. The second non-reviewable decision under the proposed amendments is a decision of the chief commissioner not to reassess a taxpayer's liability if the time limit within which the taxpayer may lodge an objection has expired.

This restriction is implied by existing provisions, which impose time limits within which taxpayers may object against an assessment or decision, but is made explicit in the new section 86 (2). This clarifying amendment has been accompanied by an amendment to omit existing section 86 (1b), which purported to prevent a taxpayer from appealing against a decision of the chief commissioner not to refund an overpayment of tax. This restriction was introduced into the Act in 1999 to prevent taxpayers from circumventing the time limits

within which objections may be lodged. Taxpayers whose time for lodging objections had expired were instead seeking a refund, and then objecting if the chief commissioner decided that a refund was not due.

However, this provision unduly restricts taxpayers' rights. New section 86 (2) (c) will achieve the purpose intended by the 1999 amendment without the present restriction on seeking a review of a refund decision. The bill provides that the jurisdiction of the Administrative Decisions Tribunal to review decisions of the chief commissioner is to be concurrent with the existing jurisdiction of the Supreme Court to review such decisions. The jurisdiction of the Land and Environment Court with respect to decisions concerning land values is maintained. This will ensure consistency between the review processes for land tax valuation matters and values determined by the Valuer-General for council rating purposes.

The procedure presently set out in the Taxation Administration Act requires a taxpayer to have lodged an objection with the chief commissioner and that objection to have been determined by the chief commissioner before an application for review of the original decision may be made. This procedure is like the internal review process required by the Administrative Decisions Tribunal Act and has been maintained by the amending bill. The analogous provisions in the Administrative Decisions Tribunal Act have been excluded. The time frames set out in the Taxation Administration Act have also been retained in preference to the time frames in the Administrative Decisions Tribunal Act. The maintenance of the existing objection process is intended to ensure that there is minimum disruption to the internal administrative processes of the Office of State Revenue with respect to objections and reviews of decisions of the chief commissioner that are in place. It also maintains consistency with a number of other States which have introduced similar administrative provisions in recent years.

The bill also maintains the existing requirement, founded in the principles of revenue law, that the taxpayer, at both the objection and review stages, has the onus of proving their case. Similarly, the requirement to pay the amount originally assessed by the chief commissioner at either the objection or the review stage is not stayed. However it should be noted that, with respect to review proceedings the bill, under new section 103 (2), provides that the relevant court or tribunal in which the review proceedings have been brought may exercise any power that they have to order a stay or otherwise affect the operation of the decision under review. The bill incorporates an important element of the Administrative Decisions Tribunal Act by requiring, under new section 93 (2A) of schedule 2 to the bill, that the chief commissioner must give his reasons on determination of an objection or other decision in accordance with section 49 (3) of the Act.

This requirement is rooted firmly in the common law relating to administrative decision making. Accordingly, the chief commissioner's reasons must set out: the findings on material questions of fact, referring to the evidence or other material on which those findings were based; the administrator's understanding of the applicable law; the reasoning processes that led the administrator to the conclusions the administrator made. It is anticipated that, by conferring concurrent jurisdiction on the Administrative Decisions Tribunal and the Supreme Court, taxpayers who are presently deterred from pursuing a review of the chief commissioner's decision past the objection stage because of the complexity, expense and delay associated with Supreme Court proceedings will take advantage of access to the cheap and flexible review mechanisms offered by the Administrative Decisions Tribunal.

Conversely, those taxpayers who wish to access the judicial expertise of the Supreme Court because their particular matter involves highly technical and difficult legal issues or the amount of tax in issue is substantial can do so. Members should note that new section 101 of the bill makes it clear that the Administrative Decisions Tribunal may apply section 88 of the Administrative Decisions Tribunal Act. Consequently, matters brought in the Administrative Decisions Tribunal will be the subject of a costs order "only if it is satisfied that there are special circumstances warranting an award of costs". This is in contrast with proceedings in the Supreme Court which has, pursuant to section 76 of the Supreme Court Act, a wide discretionary power in relation to costs. Similar concurrent jurisdiction is available in relation to like matters in Victoria and federally.

The Office of State Revenue has estimated that access to the Administrative Decisions Tribunal for review of decisions as permitted by the Taxation Administration Act may jump from the present figure of approximately 15 appeals per year in the Supreme Court to approximately 200 reviews per year in the Administrative Decisions Tribunal. This will also represent a sizeable increase in the jurisdiction of the Administrative Decisions Tribunal. The Office of State Revenue has indicated that it is anticipated that many of these new applications for review will be with respect to land tax assessments and advise that the office is gearing up for an education campaign concerning these new rights of review in the Administrative Decisions Tribunal. The education campaign will be particularly targeted at those taxpayers who are dissatisfied about the office's assessments or other decisions.

In conclusion, I advise members that this bill is the product of extensive consultation and negotiation between officers of my department and the Office of State Revenue, with the assistance of Parliamentary Counsel. The views of the Chief Justice, the Chief Judge of the Land and Environment Court, the President of the Administrative Decisions Tribunal, the President of the Bar Association and the President of the Law Society as well as a number of Office of State Revenue standing liaison committees were sought on a draft of the bill. Where appropriate, their views are reflected in the bill. I commend the bill to the House.

Debate adjourned on motion by Mr R. H. L. Smith.

RURAL ASSISTANCE AMENDMENT BILL

Bill introduced and read a first time.

Second Reading

Mr AMERY (Mount Druitt—Minister for Agriculture, and Minister for Land and Water Conservation) [8.10 p.m.]: I move:

That this bill be now read a second time.

This bill proposes a number of important amendments to the Rural Assistance Authority Act 1989. The amendments have arisen as a consequence of a review conducted in accordance with the requirements of the National Competition Policy Agreement. The review critically examined the impact on the wider market of the farm family welfare and farm business support aspects of the Rural Assistance Authority Act. As honourable members would be aware, the New South Wales Rural Assistance Authority, or the authority as it is often referred to by its clients, provides financial and other assistance to farmers and helps small businesses in the wider community in times of natural disaster. The provision of assistance to farmers has a long history in New South Wales. It is therefore no coincidence that the authority is seen to have played an important part in the development of the agricultural sector in New South Wales, which is among the most efficient and productive in the world.

It may be of interest to members to know that the authority has its origins in the Moratorium Act, which was introduced by the Lang Government in 1930-31. This Act effectively provided a buffer between borrowers and their creditors in the Great Depression by giving them additional time to pay their debts. The Farmers Relief Board, which was established by the New South Wales Government in 1932 under the Farmers Relief Act, was modelled on this earlier legislation. The major role of the Farmers Relief Board was to issue a stay order, which prevented creditors taking final action against indebted farmers. Soldier-settlers and other small-holding farmers and share farmers struggling to survive in the depressed economy of the time were among those protected by stay orders. In 1939 the Farmers Relief Board became known as the Rural Reconstruction Board; in 1971 it became known as the Rural Assistance Board; in 1989, following the passage of the Rural Assistance Act, it became the Rural Assistance Authority.

The authority continues to play a very important role in rural and regional New South Wales and I am, therefore, pleased to introduce this bill to ensure that this tradition continues. Some indication of the significance of the organisation to the regional economies of our State can be seen in the fact that the authority provides about $10 million in low-interest loans to primary producers in New South Wales in an average year. In 1998-99—which, as many members will recall, was when much of the northern part of the State was affected by floods—it provided some $20 million in low-interest loans. In total, the Rural Assistance Authority provided some $30 million in assistance during the 1998-99 financial year. Most of that $30 million went to people in rural communities.

As we all know, farmers are operating in an extremely challenging business environment. The modern farmer has to be an efficient and competitive business person as well as be a good producer of wool, grains, vegetables, cotton or dairy products, or of any other commodity for that matter. In many instances it is the various forms of assistance provided through the authority that have made the difference between a positive and a negative on-farm cash flow. In the 18 months since December 1998, the authority provided more than $10 million in farm business training grants to more than 10,000 New South Wales farmers through the FarmBis business training program. This is almost 30 per cent of all registered farmers in the State. Any banker or operator of a rural supply chain would give their eye teeth to have this degree of market penetration.

In the case of the FarmBis program, which is an Australia-wide joint Federal-State program providing farm business training assistance, I would like to acknowledge the role played by Ellen Howard and John

Newcombe. Both Ellen and John oversaw the introduction of FarmBis in this State. They should take some credit in the fact that the New South Wales program is regarded as the benchmark for the delivery of FarmBis in Australia. The authority also played a major role in the delivery of the joint Federal-State rural partnership programs which offer structural adjustment assistance tailored to the needs of individual regions. Two examples which come to mind in the case of the authority are: first, the Kickstart Sunraysia program, which provides adjustment assistance to horticultural industries in the Riverina area of New South Wales and Victoria.

This program has been shepherded through its development and implementation phases by Don Cameron, Regional Manager, Southern Region. Second, the West 2000 program provides important assistance to western New South Wales graziers hit by the twin effects of falling wool prices and extended drought conditions. In that case it has been John Mills, Regional Manager, Western Region, who has represented the authority on this project. Over the same period the authority has also been an important part of the New South Wales Government's response to natural disasters, providing invaluable help to many farmers who are affected by floods, bushfires, hailstorms and the like. As we know, disasters strike anywhere, and often when they are least expected. While the emergency services take the lead role in dealing with any disaster, the authority plays an important role in the post-disaster recovery phase.

Examples which spring to mind include: the earthquake that hit Newcastle on 27 December 1989 and the floods that affected Wollongong in October 1999. The authority provided $14.6 million in assistance to the farmers and small business people in northern New South Wales who were affected by severe flooding in the winter of 1998. At this point it is appropriate that I acknowledge the role of Bruce Glover, Regional Manager, Northern Region, who co-ordinated so much of the financial assistance provided to farmers and small businesses affected by those floods. The authority was also involved in the Newcastle disease outbreak which affected 70 or so poultry meat producers at Mangrove Mountain in April 1999. Some $300,000 in the form of low-interest loans was provided through the authority to these farmers, who are still waiting to be provided with exceptional circumstances assistance by the Federal Government—more than 12 months after the event.

Reflecting the help it provides to small businesses, the authority also provided some $241,000 to businesses affected by the hailstorm which devastated so much of inner-Sydney in April 1999. I firmly believe that the staff working in the authority are responsible in large part for the success of the organisation. We often lose sight of the fact that much of the work of the authority continues long after the visible effects of a disaster have gone. I am, for example, still responding to matters which arose as a consequence of the Newcastle earthquake, which, as I said, occurred in December 1989. It is appropriate, therefore, to acknowledge the work of the many administrative staff at the authority. These back-room people help to make the authority the most efficient rural adjustment delivery organisation in Australia.

It is, of course, inevitable that some of the authority's clients become unhappy from time to time when the authority refuses their application for assistance due to prudential or other reasons, or insists that they repay their low interest loans, or strongly resists their attempts to rewrite the eligibility criteria which apply to its assistance programs. Overall, however, the fact remains that nearly three-quarters of all applications received by the authority are approved for assistance. In the case of FarmBis, this proportion is as high as 90 per cent.

These statistics lie behind the strong positive endorsement of the authority's farm family welfare and farm business assistance programs in the submissions to the national competition policy review. All of this has been achieved by a body which, at times, must take on the role of rural banker, albeit a benevolent one, when possible. Also, the authority, through the Farm Debt Mediation program, managed by Kevin Ekerick, has the difficult task of oversighting discussions between the various parties when a relationship between a bank or another finance institution and its client goes sour, for example, when people default on a mortgage agreement.

The extremely good performance of the authority under the guidance of its General Manager, Steve Griffith, was also borne out by other findings of the competition policy review of the authority. For example, the competition policy review report noted that the average number of applications for assistance processed by the authority increased almost threefold, from 2,797 to 7,820 per annum over the period 1990-91 to 1995-96. In the current financial year the authority expects to process some 5,000 applications from individuals and groups of farmers. When we consider that this includes several thousand individual farmers participating in FarmBis training programs, this is an impressive result. It demonstrates the ongoing commitment of the Carr Labor Government to rural and regional New South Wales—a commitment, I might add, that was borne out by my decision to relocate the authority from central Sydney to Orange, and, by doing so, putting 100 per cent of the authority's staff in direct contact with its rural client base.

The findings of the competition policy review vindicate the decision to relocate the authority, as do the performance statistics, which show that the authority continues to move from strength to strength. The

competition policy review also found that as well as delivering improved client support, the authority's administration costs have also decreased from $4.6 million per annum in 1995-96 to $3.8 million in the current financial year. These figures clearly reflect a substantial increase in efficiency and productivity within the authority and, no doubt, lie behind the finding of the review. At page 7, paragraph 2.31, the review stated that when compared to similar rural assistance bodies in the other States, the authority is "the most efficient rural assistance delivery agency in Australia".

The authority currently administers a loan portfolio of $78.3 million. Again reflecting the good financial performance of the authority, repayment arrears administered by the authority have decreased from $25 million in 1989 to a much more respectable $9 million in the current financial year. This reduction is important when we bear in mind that this type of result cements the relationship between the authority and the New South Wales Treasury and the authority and the Federal Government. At the end of the day, both these bodies expect the capital assistance provided by them and channelled from them through the authority to be managed prudently.

The findings of the competition policy review and the current performance results are a credit to all authority staff. I take this opportunity to congratulate them. The authority's effectiveness is also a tribute to the authority board, which acts as a sounding board for government policy and helps to finetune authority assistance programs. I would like to recognise at this point the efforts of the board under the guidance of its chairperson, Fran Rowe, who, as well as undertaking other roles, including farming, is a rural financial counsellor with the Lachlan Advisory Service. It is not surprising that the competition policy review found, at page 10, that the authority board was "of considerable value to NSW rural communities and the general public".

The amendments to the Rural Assistance Act I am putting forward today reflect the very positive assessment of the authority by the review team. This amendment bill is therefore more about finetuning the current operations of the authority than about making dramatic changes. The major amendments are: one, to change the objectives section of the current Act so that the Act is more clearly linked to the adoption of efficient and sustainable farming practices and to the delivery of other support in times of natural disaster; and, two, to reduce the largely administrative distinction between the current general, special and relief assistance programs, by consolidating these three categories into a single program of assistance.

The bill provides, therefore, that these sections of the Act be replaced with a single section providing for programs of assistance which have clearly defined purposes. The first of these purposes is the protection of agricultural land and water resources by facilitating the use of more sustainable land and water management practices. The second purpose is to enhance farmers' ability to put into practice measures to manage adjustment pressures and industry downturns—for example, through the provision of training opportunities such as FarmBis. The third purpose is to ensure the availability of short-term assistance in times of natural disaster and, lastly, to initiate any other programs with purposes connected to the carrying on of farming operations or rural industries, as the Minister determines to be appropriate.

The third major amendment addresses the lack of a clearly defined role for the Rural Assistance Authority Board in the current Act by setting out the functions of the board explicitly as: advising the Minister in relation to rural assistance and disaster relief; where appropriate, determining program guidelines to give effect to policies of the government; and reporting annually to the Minister on the effectiveness of programs and service delivery of the authority. This provision merely proposes to clarify the existing functions of the Rural Assistance Authority Board. The advice the board currently provides to the Government on rural assistance and disaster relief matters is valuable and highly regarded.

The new requirement for the board to provide annual reports on aspects of the authority's operations will assist the Minister to evaluate whether the authority's programs are meeting Government objectives and thereby to evaluate the overall performance of the authority. The fourth major amendment is to assist the board to perform its advisory role by authorising the authority to provide relevant information to the board. The fifth amendment is to ensure that the composition of the board adequately reflects community views by introducing provisions to review the composition of the board every five years.

The Act currently requires the membership of the board to represent farmers and to also consist of persons with qualifications in banking, farm management and/or an associated area that the Minister considers necessary to enable the board to carry out its functions. At present at least one board member has qualifications in farm family welfare. The review group confirmed that these areas of expertise on the board are appropriate at the moment. However, at the recommendation of the review group, this bill provides for the regular review

every five years of the representative positions on the board to ensure they continue to reflect major areas of community interest in relation to rural assistance and disaster relief.

For example, the review noted that it may be appropriate at some stage to include a board member with expertise in the environment. This bill also removes one legislative provision from the current Act: the protection order. A protection order enables the authority to temporarily stop a mortgagee or other security holder from enforcing their rights against secured property. Historically, as I mentioned earlier, providing a buffer between farmers and their creditors was an important role of the authority in the depression era and shortly thereafter. However, as the review found, not one protection order has been issued for more than ten years.

The review noted that the protection previously afforded to farmers by these orders is now being very successfully provided through the Farm Debt Mediation Act 1994 and that, in effect, the existing provision is now redundant. This legislation will ensure that programs to achieve the important work of the authority continue. I believe that this bill ensures that the authority will continue to remain closely focused on current rural assistance issues and that it has an improved capacity to respond to emerging industry and farm family assistance needs. I commend the bill to the House.

Debate adjourned on motion by Mr R. H. L. Smith.

UNLAWFUL GAMBLING AMENDMENT (BETTING) BILL

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) [8.29 p.m.]: I move:

That this bill be now read a second time.

In 1998 the Government introduced a package of legislation to reform and update the former Gaming and Betting Act 1912. One part of that package of reforms was to modernise the regulatory controls for lawful wagering, and also to ensure that the public is not taken advantage of by wagering operators not licensed by the New South Wales Government, particularly offshore operators who utilise emerging technologies. These provisions also protect racing industry and government revenues derived from lawful wagering on racing and sports betting.

Such racing industry revenues are vital to the continued viability of that industry, including maintaining the opportunities for employment with particular regard to regional economies. Generally speaking, at the time of the legislative reform in this area the existing controls over advertising wagering services and over licensed bookmakers were carried forward and modernised. Internet wagering provisions were developed to meet the challenges posed by the marriage of electronic wagering and global e-commerce development.

Subsection (3) of section 8 of the Unlawful Gambling Act makes it an offence for a person in New South Wales to bet on an Australian horse, harness or greyhound race by telephone or electronically, for example, the Internet, subscription pay TV or other online communications systems, unless the bet is made with a bookmaker or totalisator operator licensed by an Australian jurisdiction. That provision has been a focus of a legal challenge threatened by an offshore operator. That operator is free riding on Australian racing by targeting local betting clients and not paying local taxes. No contribution is made to the racing industry or the New South Wales Government, which is a major concern, because our industry is dependent on making certain that it remains viable.

The operator is an expatriate Australian citizen who has been convicted many times in several Australian jurisdictions of illegal SP bookmaking. Accordingly, there are significant consumer protection concerns, including: whether the operator has integrity and is a fit and proper person; whether the operator's services are fair; whether the operator provides responsible gambling; and whether there is a guarantee for payment of winning bets. The threat of a legal challenge gives a strong indication that the Government's legislative initiative in this area is on the right track. The Government is committed to ensuring that persons in New South Wales are not exposed to offshore wagering operators who have a dubious or uncertain reputation; and recognising the economic benefits that flow from the racing industry to the State's economy with particular regard to the regional economy.

In relation to the threatened legal challenge to the provision in the Act, the Government's legal advice is that there is a respectable argument that the existing provision is sound. However, the Crown Solicitor has also recommended that for the purposes of putting the issue beyond doubt the relevant provision might be strengthened to clarify that it has extra-territorial application. The Government has recognised the precautionary nature of that advice. It should be noted that the proposed amendment is in the nature of a clarifying statute. In practical terms that means that the amendment has the effect of clearing up the extra-territorial issue from the date of the commencement of the parent provision. I commend the bill to the House.

Debate adjourned on motion by Mr Oakeshott.

BUSINESS OF THE HOUSE

Bills: Suspension of Standing and Sessional Orders

Mr FACE (Charlestown—Minister for Gaming and Racing, and Minister Assisting the Premier on Hunter Development) [8.32 p.m.]: I move:

> That standing and sessional orders be suspended to allow the resumption of the adjourned second reading debate and the passage through all stages at this sitting of the following bills:
>
> Adoption Bill
> Industrial Relations Leave Legislation Amendment (Bonuses) Bill
> Liquor and Registered Clubs Legislation Amendment Bill
> Unlawful Gambling Amendment (Betting) Bill

Mr OAKESHOTT (Port Macquarie) [8.34 p.m.]: I have only just been given a copy of the Unlawful Gambling Amendment (Betting) Bill. It is a little unfair to ask members of the House to try to debate the bill now. On behalf of my colleagues in the Coalition I express grave concerns about trying to argue the case one way or the other. The bill might be the world's best legislation, the finest bill ever introduced into this House, and we might well support it. However, until we are given the chance to read the bill and be briefed on it, it is very difficult for us to debate it.

Mr FACE (Charlestown—Minister for Gaming and Racing, and Minister Assisting the Premier on Hunter Development) [8.35 p.m.], by leave: I seek leave to amend the motion to remove the Unlawful Gambling Amendment (Betting) Bill.

Leave granted.

The motion will then be in the following terms:

> That standing and sessional orders be suspended to allow the resumption of the adjourned second reading debate and the passage through all stages at this sitting of the following bills:
>
> Adoption Bill
> Industrial Relations Leave Legislation Amendment (Bonuses) Bill
> Liquor and Registered Clubs Legislation Amendment Bill

The removal of the bill from the motion will give the shadow Minister the opportunity to deliberate on it. I will make officers available to brief him. I might say, however, that this course is in line with what the honourable member has said previously. That is why the bill is urgent. It will have serious ramifications on State revenue and will intrude into the gaming industry.

Mr OAKESHOTT (Port Macquarie) [8.36 p.m.]: I also express concern about the Liquor and Registered Clubs Legislation Amendment Bill. The Coalition received copies of that bill only this morning. Although we have received briefing papers, it would be fairer if we had a chance to meet as a group to discuss the bill. In the light of other events, particularly relating to the portfolio of gaming and racing, we have not had an opportunity to do that today. I would appreciate it if we could deal with this bill first thing in the morning or at some time tomorrow. If the Minister gives us the time to do that I will ensure that I have the views of all my colleagues and I will be able to debate the bill thoroughly.

Mr Hazzard: Point of order: I understand that the Minister has included a number of bills in the motion. They are certainly not cognate bills. They are quite different bills. One of them is the Adoption Bill, which was only introduced into this place this morning. There has been no opportunity for public consultation or for the Opposition to examine the bill.

Ms Allan: Point of order.

Mr ACTING-SPEAKER (Mr Mills): Order! The honourable member for Wentworthville cannot take a point of order before the Chair has ruled on the point of order taken by the honourable member for Wakehurst.

Mr Hazzard: There are rules in this place about the presentation of bills to this House. A motion for suspension of standing orders should relate to each bill, otherwise the bills are treated as cognate bills. With the greatest of respect, the Adoption Bill is fundamentally different to the other bills before this House, and it was introduced only this morning. The Opposition has had no opportunity to examine the bill and there has been no community consultation on it. We have not had the opportunity to prepare our views on it for presentation to this House. This is not good governance. I ask that the House rule the motion as it presently stands out of order to ensure that the Adoption Bill is not considered unless the standing orders of this House are adhered to.

Mr ACTING-SPEAKER: Order! The Clerk has confirmed my opinion that the motion is in order. It is a matter for the House to decide whether standing and sessional orders should be suspended. There is no point of order.

Mr Hazzard: I accept that is your decision, but obviously it is fundamentally wrong that the Adoption Bill should come before the House tonight.

Mr ACTING-SPEAKER: Order! Whether debate on the Adoption Bill accords with good governance is not relevant. The standing orders take precedence over political considerations. I propose to put the question.

Question—That the motion as amended be agreed to—put.

The House divided.

Ayes, 44

Ms Allan	Mrs Grusovin	Mr E. T. Page
Mr Amery	Mr Hickey	Mr Price
Ms Andrews	Mr Hunter	Dr Refshauge
Mr Ashton	Mr Iemma	Ms Saliba
Mr Bartlett	Mrs Lo Po'	Mr Scully
Ms Beamer	Mr Lynch	Mr W. D. Smith
Mr Black	Mr McBride	Mr Stewart
Mr Brown	Mr McManus	Mr Tripodi
Miss Burton	Mr Markham	Mr Watkins
Mr Campbell	Mr Martin	Mr Whelan
Mr Collier	Ms Megarrity	Mr Woods
Mr Debus	Mr Mills	Mr Yeadon
Mr Face	Mr Newell	*Tellers,*
Mr Gaudry	Ms Nori	Mr Anderson
Mr Greene	Mr Orkopoulos	Mr Thompson

Noes, 34

Mr Armstrong	Mr Kerr	Mrs Skinner
Mr Barr	Mr Maguire	Mr Slack-Smith
Mr Brogden	Mr McGrane	Mr Souris
Mr Collins	Mr Merton	Mr Tink
Mr Debnam	Ms Moore	Mr Torbay
Mr George	Mr Oakeshott	Mr R. W. Turner
Mr Glachan	Mr O'Doherty	Mr Webb
Mr Hartcher	Mr O'Farrell	Mr Windsor
Mr Hazzard	Mr D. L. Page	
Ms Hodgkinson	Mr Piccoli	*Tellers,*
Mr Humpherson	Mr Richardson	Mr Fraser
Dr Kernohan	Ms Seaton	Mr R. H. L. Smith

Pairs

Mr Crittenden	Mrs Chikarovski
Mr Gibson	Mr Fraser
Mr Moss	Mr Rozzoli
Mr Nagle	Mr J. H. Turner

Question resolved in the affirmative.

Motion agreed to.

ADOPTION BILL

Second Reading

Debate resumed from an earlier hour.

Mr Hazzard: Point of order—

Ms Saliba: Why don't you take your medication?

Mr Hazzard: I would not joke about this. This is quite a serious bill.

[*Interruption*]

Mr SPEAKER: Order! The honourable member for Wakehurst seeks to take a point of order. However, I will not give him the call if he behaves in the way he has just conducted himself.

Mr Hazzard: I certainly do not want to carry on but if they incite me—

Mr SPEAKER: Order! What is the point of order?

Mr Hazzard: There have been discussions with the Leader of the House with regard to this bill. If the Leader of the House wishes to debate the bill when it was introduced only this morning, that is highly inappropriate. It is a very important bill.

Mr E. T. Page: What is your point of order?

Mr Hazzard: Why don't you talk to Deirdre and find out?

Mr SPEAKER: Order! The honourable member for Wakehurst has the call.

Mr Hazzard: This is such a fundamental bill: it is about adoption, children's rights and children. I ask the Leader of the House to have some decency about it. If the Opposition reserves its right to speak and for me to lead on this bill on another day and for some Government members to speak tonight, that is acceptable. Anything less than that is in complete defiance of parliamentary procedures and standing orders.

Mr SPEAKER: Order! There is no point of order. The honourable member for Wakehurst will resume his seat.

Mr Hazzard: Point of order: Perhaps the fact of the matter is that the Leader of the House has overlooked the five-day rule in this place. A bill cannot be debated for five days after it is introduced. The Adoption Bill was introduced today. As a matter of equity, fairness and substance—

Mr SPEAKER: Order! The honourable member for Wakehurst will address his remarks through the Chair.

Mr Hazzard: For the good of the community this bill should be deferred to allow debate. If Minister Lo Po' and Minister Whelan do not allow that to happen it will be a complete abrogation of both the standing orders and their responsibility for children and adoption procedures.

Mr O'Doherty: Point of order—

Mr Richardson: Point of order—

Mr SPEAKER: Order! I will hear no further points of order at this stage. The honourable member for The Hills will resume his seat.

Mr Richardson: I have a genuine point of order, a new point of order.

Mr SPEAKER: Order! The honourable member for The Hills will resume his seat. The honourable member for Wakehurst seeks to canvass a decision of the House, which has carried a resolution suspending standing and sessional orders to allow the resumption of the adjourned second reading debate and the passage through all stages at this sitting of a number of bills. One of those bills is now before the House. The Chair will abide by the decision of the House. Member who have a problem with that decision will have an opportunity at the appropriate time to elaborate on their concerns. No proper point of order has been taken at this stage. The Chair has extended a degree of latitude to members in allowing them to express their opinions.

Mr Richardson: I have a point of order.

Mr SPEAKER: Order! The honourable member for The Hills claims he has a legitimate point of order. If the Leader of the House and the manager of Opposition business want to argue I suggest they do so behind the chair. The honourable member for The Hills has the call.

Mr Richardson: The honourable member for Wakehurst spoke about Standing Order 198, which provides that there should be five days clear notice given for a bill. That standing order has been suspended. But Standing Order 199 says:

> The procedure for the consideration of a bill as an urgent bill is as follows:
>
> (1) Sufficient copies being available to Members a Minister, after making a second reading speech, may declare a bill to be an urgent bill.

No copies of the bill were provided to anyone. The bill has not been declared to be an urgent bill. It is absolutely impossible to debate a piece of legislation without having copies of the legislation on the table.

Mr Whelan: To the point of order: It is true that the House has made a decision. However, it is also true that I indicated to the Opposition in relation to the Adoption Bill that there would be only two Government speakers tonight. The matter would then be adjourned and, if Opposition members wished to speak, they could. In relation to the Liquor and Registered Clubs Legislation Amendment Bill, my understanding was that it was agreed that the bill would proceed through all stages. There obviously has been a change of mind, as there was with the Unlawful Gambling Amendment (Betting) Bill.

Mr R. H. L. Smith: By you.

Mr Whelan: No, there has been no change of mind by me.

Mr SPEAKER: Order! The Minister will ignore interjections.

Mr Whelan: In relation to the Industrial Relations Leave Legislation Amendment (Bonuses) Bill, for reasons known to the shadow minister—and I ask the Opposition to consult with him—the bill will not be considered tonight.

Mr R. H. L. Smith: To the point of order: The agreement that we came to was that there was to be a briefing on the bills of the Minister for Gaming and Racing. There was no agreement given on those bills and an agreement was broken. The Leader of the House has bunched them all in together in the one motion.

Mr SPEAKER: Order! As I said earlier, the House has made a decision about the routine of business to be adopted this evening. The Leader of the House has said that there will be some changes to that routine and I would have thought those changes would benefit the Opposition.

Mr MARKHAM (Wollongong—Parliamentary Secretary) [9.00 p.m.]: I support this bill wholeheartedly. However, there are three sections of it that I wish to speak about specifically. They are part 2,

which relates to the placement of children for adoption, division 2 of part 2, which relates to the placement of Aboriginal children and division 3 of part 2, which relates to the placement of Torres Strait Islander children. The Adoption Bill repeals and replaces the Adoption of Children Act 1965 and the Adoption Information Act 1990. The bill gives effect in general to the principal recommendations of the New South Wales Law Reform Commission in its Report No. 81 entitled "Review of the Adoption of Children Act 1965". The bill seeks to ensure that adoption is to be regarded as a service for the child concerned. The bill ensures that Aboriginal people and Torres Strait Islanders are able to participate in decisions about placement for adoption of Aboriginal and Torres Strait Islander children.

The bill provides that the Aboriginal child placement principle is to be followed. In particular, the bill provides that an Aboriginal child may be placed with a non-Aboriginal only if the person has the will and the capacity to maintain that child's culture and heritage. The Torres Strait Islander placement principle makes similar provision for Torres Strait Islander children. The Department of Community Services Aboriginal reference group has been consulted on the proposed bill and its recommendations have been incorporated. As is only appropriate, Aboriginal people and relevant Aboriginal organisations have been consulted on this bill and in general approve the proposed changes. There are particular requirements for consent to adoption of Aboriginal and Torres Strait Islander children: counselling by an Aboriginal adoption consultative organisation and/or provision of written information on Aboriginal culture and customs, and any other matters that the Director-General of the Department of Community Services or other officer considers necessary, with a requirement to ensure that the person has understood the material. If a person refuses such adoption counselling, consent is not to be given until at least seven days after the information is provided.

Those provisions are necessary to provide against any repeat of the shameful history over many years of New South Wales Aboriginal children being taken from their families and their culture. The New South Wales Government is making every effort to redress the wrongs of the past and is committed to putting policies and practices in place to ensure that nothing of the kind can happen again. It was the New South Wales Ministry of Aboriginal Affairs publication, under a Labor government, that first brought to public knowledge the shameful history of Aboriginal children removal in this State. That was *The Stolen Generations: The Removal of Aboriginal Children in New South Wales 1883-1969*, by the respected academic and researcher Peter Read. This groundbreaking publication was revised and republished by the Department of Aboriginal Affairs in 1998. More recently, the New South Wales Government published "Securing the Truth", its submission to the "Bringing them home" inquiry conducted by the Human Rights and Equal Opportunities Commission. The New South Wales Government also published its co-ordinated response to the recommendations of the "Bringing them home" report.

All people regard family as important, but it can be argued that family and kinship are particularly important to Aboriginal people. One of the most moving scenes in the powerful *Bringing them home* video, which is still available at ABC shops for $14.95, is where the Aboriginal mother says again and again, "We're family people! We're family people!" All children have the right to be safe and secure in their family and culture. Because Aboriginal culture was so widely disregarded and denigrated in the past, the State has a special responsibility to acknowledge Aboriginal cultural values as different and equally valid, and to make sure that all Aboriginal and Torres Strait Islander children can enjoy their right to grow up in their own culture. Aboriginal traditions, customs and beliefs in the past did not support adoption. In fact, it can be said that there was no such thing as adoption in traditional Aboriginal society.

The bill virtually ensures that no Aboriginal child can be brought up outside his or her culture. Any placement with a non-Aboriginal family is only as a last resort, and only if that family can assure the Supreme Court that the child will be brought up in the knowledge of his or her own culture, and even then only with the consent and approval of the relevant Aboriginal community. From the early days of European invasion, from 1788 onwards, Aboriginal people were forcibly removed from their lands. This practice included the removal of indigenous children for virtual slave labour and, more seriously, to eradicate the Aboriginal race. These children have come to be known as the stolen generations. With British invasion came massacres and atrocities. When reports of that brutality were passed on to the British Government, it responded by establishing a select committee to inquire into the conditions of Aboriginal Australians.

Aboriginal people were forced onto the edges of non-indigenous settlements and survived on government rations. They generally could not find work and suffered from malnutrition, introduced diseases and abject poverty. Aboriginal people were considered a nuisance and were an embarrassment to the British Government. The unique and ancient Aboriginal peoples of Australia were becoming a dying race and extinction seemed inevitable. Throughout these early times in Australia's history massacres and atrocities

continued. The dispossession of Aboriginal people from their land continued, with more and more land claimed by settlers. Governments had almost total control of every aspect of indigenous people's lives. Reserves were established for the exclusive use and control of Aboriginal people and by 1911 every State and Territory, except Tasmania, had some form of indigenous legislation enforced by local police.

Protectors appointed by the government were given guardianship over indigenous children without parental permission. Aboriginal children were removed from their parents and placed in children's homes or dormitories on the reserve. Parental access was non-existent. Almost all children who were forcibly removed never saw their families again. It did not take long for the number of Aboriginal and Torres Strait Islander people with mixed heritage to increase. That caused further problems for authorities because Aboriginal people were not dying out. The removal of children continued for many generations, with governments ensuring rigid control over their lives. Government officials believed that the removal of children from their families and communities would ensure that over time they would merge with the rest of society. The view was that children with lighter skin colour would be quickly accepted into broader society. The removal of children seemed the most effective way of achieving assimilation. Over many years of trial and error, it was evident that the assimilation model was not working. Aboriginal people simply refused to give up their culture.

With time came change, and for the first time the notion of self-determination was policy and Aboriginal people began to make decisions about the way they wanted to live. The removal of Aboriginal children began to decline rapidly. No-one really knows how many Aboriginal children were stolen and no-one will ever know that true effect of forcible removal of Aboriginal children generation after generation. Due to the lack of adequate records the actual number of indigenous children removed from their families is impossible to calculate. It is estimated that between 1910 and 1970 one in three children were forcibly removed from their families or an estimated 25,000 to 100,000 children. Forcible removal of indigenous children is a tragic and very real part of Australian history.

Not so many years ago, in 1995, the Human Rights and Equal Opportunities Commission launched an inquiry into the removal of indigenous children from their families. The inquiry lasted 20 months and gathered evidence from governments, church groups and indigenous people in every State and Territory in Australia. "Bringing them home: The Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families, was tabled in the Australian Federal Parliament on 26 May 1997.

The report made 54 recommendations for positive change, and addressed the continuing devastation of the lives of indigenous Australians caused by the laws and policies that removed Aboriginal children from their families. The recommendations included reform of juvenile justice, health, community welfare, employment, compensation and law and order, amongst others. The children who were removed have typically lost the use of their languages, been denied cultural knowledge and inclusion, been deprived of opportunities to take on cultural responsibilities and are often unable to assert their native title rights.

Indigenous children constitute 2.1 per cent of children in New South Wales, yet they constituted between 7.7 per cent and 9 per cent of notifications for neglect and abuse over the period from 1991-92 to 1994-95. Indigenous children are between 3.5 and 4.5 times overrepresented in notifications to the Department of Community Services. Indigenous children constitute 21.3 per cent of children in substitute care and are approximately 11 times overrepresented in that area. The large increase in overrepresentation from the point of notification to substitute care orders is consistent with national records.

In Aboriginal communities, the responsibility for children generally resides with an extended kinship network and the community as a whole. Children are important to the future of the culture and their community has a right to their contribution. Raising children in Aboriginal communities commonly involves children living with kin and the extended family taking responsibility for them. Children are the responsibility of the entire family rather than the biological parents alone. Many Aboriginal people have been "grown up" by family members other than their biological mother and father, and this practice of "growing up" children remains widespread today. The involvement of extended kin networks, close supervision of very young children, a high level of autonomy among older children and an emphasis on providing comfort and affection rather than discipline are features of Aboriginal child rearing that are widely recognised in communities in different geographic locations with different lifestyles.

In western societies, the child's absence from the nuclear family regularly or over a period of time is considered abnormal and indicative of a problem within the family. For many indigenous communities, the welfare of children is inextricably tied to the wellbeing of the community and its control of its destiny. Their

experience of the welfare system has been overwhelmingly one of cultural domination and inappropriate and ineffective servicing despite attempts by departments to provide accessible services. Child welfare models should be sufficiently flexible to accommodate the varying aspirations, capacities and awareness of the many different Aboriginal communities in New South Wales. Ultimately, child welfare appropriate to each community and region should be negotiated with those whose children, families and communities are the subject of the system. Negotiation clearly implies empowerment of indigenous parties and a recognition of their true partnership in the reform process.

Aboriginal people's attitude to adoption differs significantly from that of Torres Strait Islanders. Aboriginal traditional values and laws oppose adoption. It is alien to Aboriginal philosophies and incompatible with the basic tenets of Aboriginal society. Failure to appreciate different child-rearing values in indigenous societies leads non-indigenous social workers and others to dismiss as neglectful the common practice of shared parenting. In the context of adoption, it also leads adoption agencies to ignore the rights of indigenous extended family members to have a say in the placement of the child and to dismiss the possibilities of placement orders less permanent than adoption in favour of the extended family.

Children are the most precious of cultural resources. Adoption practice that emphasises their retention in their communities will best enable those communities to secure their cultural survival. Indigenous societies in Australia have very different cultural concepts of childhood and youth. They generally do not impose the same separation or exclusion of children from the adult world as non-indigenous society does. Cultural difference, particular different family structures, can lead to adverse decisions by juvenile justice, welfare and other agencies, particularly where cultural difference is not understood. At its worst, cultural difference can be treated as a type of abnormality or pathology because it differs from a perceived dominant cultural norm. In other words, if indigenous child-rearing is regarded as pathological or abnormal, indigenous families will be more susceptible to intervention by social workers, police and the courts. Assimilation can become an implicit result as the values of the dominant group are imposed on indigenous people. I support this bill completely. I believe the indigenous people of this State will find warmth in the Minister's approach.

Ms SALIBA (Illawarra) [9.15 p.m.]: Contrary to what the honourable member for Wakehurst believes, I, more than most other honourable members, understand the seriousness of adoption. I should declare at the outset my personal involvement in adoption and the joy that adopting children from an overseas country has brought to my family. According to the overall understanding of adoption, intercountry adoption is a relatively new but specialised area of adoption practice. Intercountry adoption arose out of the interest and commitment of a small number of families who, using their own resources, pursued adoption in selected overseas countries. There were initial misunderstandings and some of the early practices were questionable. Overseas newspapers even accused people of taking children for body parts.

I am pleased that this bill responds to the need to protect children from exploitation and adopts the principles arising out of the Hague intercountry adoption convention. By adopting the principles of this convention, we can help to ensure that there is no illegal trade in children. Adopting parents and the adopted child are assured that the arrangements will be recognised in New South Wales and that they conform to the highest standards of professional practice. Intercountry adopting parents are in a unique position in that, for us, adoption is very public. We are unable to disguise the fact that our children share another culture. When my son was about eight or nine months old, I remember a friend asking whether I would tell him when he was older that he was adopted. I looked at my friend with a blank expression and said, "I think he'll know". My son is Korean, so I was sure that he would see that he was not like me.

The requirement for all adoptive parents to assist their child in developing a positive and healthy cultural identity will benefit both the child and the adoptive family. There are many opportunities within our multicultural community to experience other cultures. Weekend cultural schools make provision for language experiences, cultural activities and the special festivals and celebrations of the birth country. Members of a Korean church in my local community invite families with adopted Korean children to celebrate a special children's day with them. We are also invited to other Korean festivals. My children have the opportunity to experience their culture in a warm and friendly environment and they are embraced by the Korean community.

By allowing for the accreditation of intercountry adoption agencies, the opportunity will exist to develop a relationship with overseas organisations and to foster links with those organisations to enable exchange visits, access literature about children's origins and even exchange information with biological families. Post-adoption support for birth and adoptive families was neglected in past legislation, and it is most pleasing to note that this important aspect of adoption practice is now formally recognised. During the winter

recess, my family will take the opportunity to visit the homeland of our adopted children and to experience the unique features of their culture. We will visit the orphanage that my children came from and the hospital where they were born. We will meet significant people in my children's early lives, including their foster mothers, social workers and the organisation that was responsible for implementing the adoption process from the Korean side. People are committed to teaching children about their background. It is very important that children understand their origin, their culture and their family. They need to know where they have come from because it is part of them. This is about recognising their identity, about knowing who they are. I look forward to this new area in adoption practices, and that is why I support the bill.

Debate adjourned on motion by Mr R. H. L. Smith.

LIQUOR AND REGISTERED CLUBS LEGISLATION AMENDMENT BILL

Second Reading

Debate resumed from an earlier hour.

Mr OAKESHOTT (Port Macquarie) [9.21 p.m.]: I am pleased to lead for the Opposition on the Liquor and Registered Clubs Legislation Amendment Bill, which makes substantial changes to operations in Sydney and New South Wales. It appears that there are nine particular changes within a range of miscellaneous changes to the Liquor and Registered Clubs Act. However, I point out that there is a significant impact on local liquor accords. That change is of great concern to me at a local level and the problems that have arisen, which have been a challenge to the legislation, have stemmed from the successful liquor accord established by the community of Taree. All local clubs and hotels developed an arrangement under which a limit was placed on the times at which people could walk from one location to another in the community. As a result, alcohol-related crime was almost halved in the Taree community.

It was one of the first liquor accords in the State and, undoubtedly, it has been one of the most successful. It has been the impetus for the Minister and the Government to expand liquor accords across the State. Unfortunately, the accord was challenged by an incident in Taree. An individual did not take kindly to being kicked out of premises. At one meeting the liquor accord tried to teach this fellow a lesson and keep him out of all premises. As a group the accord decided to make the point that the community will not put up with inappropriate behaviour. I understand that subsequently legal action was taken and that individual was successful in challenging the powers of the liquor accord. He was successful in throwing liquor accords throughout New South Wales into a spin concerning the critical power that all club and hotel owners thought they had in establishing codes of practice in dealing with individuals who challenge the responsible service of alcohol and of gaming.

The Minister for Gaming and Racing can correct me if I am wrong, but I understand that the police were thrown into a spin. They have pulled out of all liquor accords in New South Wales because of concerns about the legal implications of being involved in such bodies. They were concerned about their powers, or lack of powers. That is of great significance, because without doubt the entire strategy of this Government regarding alcohol-related crime in premises has been to establish community consultative committees, or liquor accords. For the police to not be involved is significant. I hope that the Government can address that change. In Taree the community, many hoteliers and club owners have expressed their concerns at a local level. They have one hand tied behind their backs in dealing with patrons who directly challenge their authority. There is some cynicism developing. They question the point of being involved, because when they try to make a stand all they get for their trouble are legal costs. They do not get any real benefit in dealing with difficult patrons.

While the legislation deals with liquor accords and codifies the procedure for clubs and pubs being able to agree on access times, such as 12.30 a.m. or 1.00 a.m., they can all agree that patrons are not allowed to move from location to location beyond a particular time. I think that that is great. However, I also hope that over the coming months the Government can address the barring of individuals from certain locations, and giving liquor accords, or community consultative committees, the powers to restrict access to all premises in that location. If a patron is being difficult in one location the accord should be given the right, authority and power to make a decision to kick that individual out of all locations. That will certainly teach individuals a lesson and will send a strong message to the entire community. It will do a lot to address the very reason why liquor accords were established—to deal with alcohol-related crime in local communities such as Taree or the other 60 locations across the State in which liquor accords have been established.

I hope that the Minister will respond to the access provisions and the concept of one out, all out. I turn now to address a range of concerns regarding the legislation. First, I refer to the millennium celebration trading

hours. The legislation provides an automatic extension of trading hours for hotels, restaurants, nightclubs and similar venues for the millennium New Year and the Centenary of Federation celebrations. Interestingly that is from 30 December 2000 to 3 January 2001. For anyone who argued the case that the new millennium commenced this year, they are proven wrong by this legislation.

The millennium party has not happened yet—it is coming. That is what I argued: last year was not the end of the millennium; technically this year is when the new millennium should be celebrated. What the heck! It looks like we are going to have two parties, and they are both to be called millennium parties. I am pleased that the Government is providing those extended trading hours. I hope that the Government provides for the responsible service of alcohol, appropriate policing, and appropriate resources hand in hand with this party period. The legislation eliminates the existing double standard for toilets in licensed restaurants. Restaurants will now only have to meet the requirements of local councils. The legislation also permits a bottle of partly consumed wine to be taken away from a licensed restaurant, as long as it has been resealed.

Ms Allan: I know that you do not leave anything in the bottle, but some people do.

Mr OAKESHOTT: Obviously some people do leave a bit in the bottle which they want to take with them, so long as they do not drink it on the way home. The Coalition does not have a problem with that part of the legislation, but we hope that the principle of responsible service of alcohol goes hand-in-hand with that initiative. The bill includes a provision about which the Minister has received some publicity—that is, the sale of undesirable liquor products, particularly alcoholic iceblocks. In this case the regulations will give a better explanation than the legislation does. As to whether it is an offence for prescribed products to be sold on licensed premises, the regulations will be finalised after consultation with the liquor industry manufacturer. That seems to imply that consultation has not yet taken place. Again, the Coalition does not have a problem with that provision, and we wait to see what comes out of the consultation with the liquor industry manufacturers.

The Minister for Gaming and Racing will be able to authorise the Licensing Court to issue a special events license for an event of State or regional significance. What is the definition of an "event of State or regional significance"? For example, does the Minister consider that a National Party or Labor Party conference is of State or regional significance? What, in the Minister's mind, is an event of State or regional significance? Although I make light of it, the Minister has been given significant discretionary powers. Before we go down this path, we should know in specific terms what this Minister, or future Ministers, will use as a reference for defining an event of State or regional significance. I hope in the Minister's reply he provides the House and the community with some direction on this basic issue.

The bill ensures that the automatic extended trading hours during the Olympic Games and Paralympic Games apply to areas controlled by the Darling Harbour Authority and the Sydney Foreshore Authority. These two growing authorities, which are becoming almost the fourth level of government in Sydney, have been given extended powers. The amendments impose new conditions that promote the responsible service of alcohol in areas where automatic extended trading hours apply and provide that disturbance complaints against premises in these areas can result in the automatic loss of extended trading hours. The amendments also allow noise limits to be prescribed for licensed premises trading under the blanket arrangements in all areas. The Coalition will watch this with great interest, particularly during the Olympic Games—supposedly the biggest show in town ever. How seriously will the Government enforce these conditions?

During the Olympics many people will be in Sydney and many parties will be taking place. With the new extended trading hours, celebrations will be held late at night. Will the Government act on noise complaints at premises that are holding a great party following Kieren Perkins' victory in the 1,500 metres final? If there are a couple of noise complaints from neighbours, will the Government act on its words? It will be difficult for the Government to enforce these conditions at that time. However, I again refer to the responsible service of alcohol and the proper resourcing of police at that time. I hope that the Minister and the Government are true to their words and monitor noise issues in the Darling Harbour Authority and Sydney Foreshore Authority areas. I ask the Minister to indicate how it will respond to noise complaints about one of the best parties in town.

The bill includes a range of miscellaneous and machinery amendments. I want to highlight the streamlining of the process of temporary function licences by deleting the requirements for a report by the Director of Liquor and Gaming. This will have direct benefits in assisting country function applications. This has been an issue of great concern in many rural and regional areas, with complications in accessing temporary function licences and meeting some of the requirements, such as securing the boundary of locations. In some locations the requirements have proven to be absurd. One that springs to mind was the Carrathool races, which is held at a small country racetrack. A small dividing fence had to be erected in a paddock between patrons who had brought their own alcohol and those who had access to the bar.

The race patrons were in a paddock with a half-baked fence running through the middle. It was impractical and affected the atmosphere of the show. The vast majority of patrons were on one side of the fence and a handful of people were out in the middle of nowhere, 100 kilometres west of Griffith, sitting in the bar area. There needs to be flexibility at some locations, such as country shows, which have been extremely successful for many years. They feel restrained and have difficulty meeting many of the new regulations and some of the legislation. Although the Coalition only had a day's notice on this extensive piece of legislation and did not have the opportunity to consult, we will not oppose this legislation. However, we will, as we do with all legislation, keep an eye on it and make sure that the Government is true to its words. We will make sure that the Government fulfils its obligations, particularly in the proper resourcing of police and the responsible service of alcohol. I hope that the Government will meet those commitments.

Ms ALLAN (Wentworthville) [9.38 p.m.]: I take this opportunity to congratulate the Minister for Gaming and Racing on bringing forward this legislation in this session of Parliament. This is the first comprehensive overhaul of the Liquor Act and other associated Acts for many years. Most of the sections of the Act, which, I am pleased to say, the shadow Minister constructively commented upon, have been crying out to be addressed for a long time. The legislation introduces fresh initiatives—for example, the millennium celebration trading hours. That has to be a fresh initiative because it is not often that we celebrate our millennium New Year and our Centenary of Federation activities. I know that they will be welcomed by the Centenary Federation Committee and its chairman Barrie Unsworth, who have been working very hard over the past couple of years to ensure that the celebrations are effective.

I was sceptical when it was initially proposed last year that we would extend trading hours for the New Year period. I am always a little conservative when it comes to initiatives that involve extended trading hours. It worked well in Sydney last New Year, and it will work well again as we celebrate the millennium and the Centenary of Federation. We may not have, or at this stage we do not expect to have, the same sort of hype that we had last year, but because Sydney loves a good party—as the honourable member for Port Macquarie indicated—excitement about the celebrations for the Centenary of Federation post the Olympic period will probably heighten, and we will see considerable demand on licensed premises during this period. Extending trading hours is an excellent initiative. I am not an expert on liquor accords, and I am more than happy to defer to some of the National Party members in this State who have been involved in various areas, such as Taree. I am pleased to see that they also welcome the initiative.

I like going to good restaurants, and I have been disappointed over the years when I have attempted to leave various restaurants with what was left of a bottle of wine and found that I have not been able to do so. At this stage many restaurants break the current law by allowing their patrons to take their leftover wine with them, but they are taking a risk as their patrons leave. That anomaly in the law will disappear. We have heard about the alcoholic ice blocks, which do not interest me, but I am a little bit older than the honourable member for Port Macquarie who might still be at the alcoholic ice blocks stage. However, as a result of representations that were made to me from constituents about the increase in the more dangerous variety of alcoholic products coming onto the market, I am pleased to see that the legislation will address those matters. I am very impressed with the way in which the legislation has dealt with special event licences.

I am not trying to pre-empt what might be said by the honourable member for Bligh, but over the years I have had the experience of the Centennial Park Trust trying to organise events, usually the Gay and Lesbian Mardi Gras. The steps one had to take simply to enable alcohol to be made available and sold at the event were quite tortuous. I can remember various weekend and early morning phone calls in the lead-up to the Gay and Lesbian Mardi Gras because the Centennial Park Trust could not easily work its way through the legislation to ensure that adequate facilities would be made available for the event. That is the sort of special event that will benefit from these changes. The honourable member for Port Macquarie was wondering what the special events were. Special events, like the Gay and Lesbian Mardi Gras and others, are increasingly occurring in Sydney, a city of almost four million people, a city where, increasingly, people are staging activities and they want the opportunity to serve alcohol. Special event licences will enable that to occur.

As the honourable member for Port Macquarie noted, events in rural areas will benefit from greater flexibility by the introduction of temporary licences. Special event licences are particularly relevant for the big events that are occurring in Sydney on an increasingly regular basis. The legislation confirms the extent of liquor trading hours post the Olympics and the Paralympics. I may not look forward to crisscrossing Sydney on public transport during the Olympics period, but I am certainly looking forward, in addition to attending events, to being able to have a meal at midnight in a restaurant that has chosen—there will be no compulsion for them to remain open—to open during this extended period.

The other very attractive part of the legislation is the increased awareness of problems arising from under-age drinking. That matter was also highlighted by the honourable member for Port Macquarie. We cannot underestimate the concern within the community about this matter. There are loopholes in the current legislation that this amending bill seeks to close as part of an ongoing campaign that has been waged by the Carr Labor Government. I congratulate the Minister. It is good to hear some positive feedback from the Opposition in this portfolio. I appreciate that the Minister, his departmental officials and his staff have put an enormous amount of work into these amendments. Nothing like this was ever attempted under the previous Coalition Government, despite the fact that many people in Conservative constituencies also benefit from these types of proposals. I thank the Minister for his competent work in this regard.

Ms MOORE (Bligh) [9.45 p.m.]: I welcome the Liquor and Registered Clubs Legislation Amendment Bill. The major benefit of the bill for the area I represent is the new provisions to deal with problems raised during debate on the Liquor and Registered Clubs (Olympic and Paralympic Games) Bill in November 1999. That bill contained a serious problem likely to result in ongoing disruption to densely populated inner-city residential areas during the Olympic and Paralympic Games. The central problem was the bill's aim to give a blanket approval for extended hours to licensed venues in all Sydney City Council and South Sydney City Council areas. With many licensed venues directly adjacent to high-density apartments and terrace houses, the provisions would have resulted in serious sleep deprivation for many residents who, for two months, would not have been able to rely on a venue closing to ensure peace and quiet for the remainder of the night.

Some problems in the bill were addressed before it passed through the Legislative Assembly particularly through limiting access to the provisions to licensed premises in the Kings Cross and Oxford Street entertainment precinct. I welcomed that at the time. However, a fundamental flaw remaining in the legislation is the absence of any environmental impact assessment or mechanism to ensure that problems are properly addressed and disturbances halted. Once problems occur relating to venues operating 24 hours a day during the Olympic period it seems likely that residents will take time to mobilise, and administrative inertia will prevent quick action so that the Games will be over before a solution could be found. I called upon the Minister to respond. I commend the Minister for taking further action to address some of these problems.

Item [2] of schedule 3 inserts new section 9 (9A) which increases conditions for the responsible service of alcohol by venues taking up extended hours provisions, including limitations on promotional activities that encourage excessive drinking, increased responsibility for service-of-alcohol signage and availability of low-alcohol drinks. Item [3] of schedule 3 inserts new section 9 (11A) which enables extended operating hours to be immediately revoked if a member of the Liquor Administration Board [LAB] issues a warning or imposes a condition following a conference convened under section 104 of the Liquor Act 1982. I ask the Minister to ensure that the LAB has sufficient resources to act quickly on any complaints and to convene any necessary conferences promptly. Schedule 3 [4] allows regulations to be made to control noise from licensed premises.

I ask the Minister to provide assurances that the Government will regulate for: stricter noise limits than currently apply, which already results in frequent complaints to my office; local councils and the Environment Protection Authority being able to effectively monitor noise levels where there is a complaint; and adequate policing levels to enforce regulated noise levels. The bill has a number of provisions that provide for better protection and are also to be welcomed. Item [3] of schedule 1 inserts new section 4 (1) and item [2] of schedule 2 inserts new section 4 which introduce a wider definition of "local liquor accord" into the Liquor Act and the Registered Clubs Act to better reflect the scope of such accords to responsibly restrict the service of alcohol and manage negative impacts on the surrounding area.

Liquor accords have a vital role in Bligh, an inner-city area that includes densely populated residential areas immediately adjacent to metropolitan-wide entertainment precincts. The establishment of the Kings Cross liquor accord has been very successful. Licensees have co-operated. There has been a real improvement in the operation of premises and there has been a real improvement in the social environment of that entertainment precinct, which is totally welcomed. Item [8] of schedule 1 inserts new section 20 (2B), item [28] inserts new section 104, and item [29] inserts new section 104E, all of which allow for the court, the LAB or, by agreement of the parties, a local liquor accord to impose restrictions on the hours of operation and customer access.

Schedules 2 [4], [5] and [9] allow similar conditions to be imposed on registered clubs. This is a vital provision in areas like Bligh, Surry Hills, Potts Point, Darlinghurst and Paddington where hundreds of residents can be kept awake by noisy, drunken customers from poorly managed hotels. The provisions of the schedules guarantee action when persistent problems have led to a deterioration of amenity in the neighbourhood and informal discussions between residents, licensees, police and council have not reached an effective solution.

Schedule 1 [35] brings the law into line with standard practice by allowing patrons to take with them a partly consumed bottle of wine bought from a licensed restaurant as long as it is corked, and there has been much discussion about that. Schedule 1 [31] and schedule 2 [6] increase the penalty for under-age drinking and under-age use of gaming machines from five to 10 penalty units, that is, around $550 to $1,100. Schedule 1 [36] increases the penalty for unlawfully having alcohol for sale from 10 to 20 penalty units. I welcome those reforms.

Schedules 1 [34] and 2 [7] enable regulations to declare a product an undesirable liquor product and prohibit its sale on licensed premises. While these products are intended to include confectionery items that may appeal to minors—we have had discussion about alcoholic iceblocks—I would appreciate the Minister's advice on whether this provision can be used also to prevent the sale of methylated spirits for consumption. The homelessness crisis is growing in the inner city. Consumption of methylated spirits is a significant problem as it results in serious health problems and brain damage for many homeless persons. The bill contains also a number of problem areas and questionable provisions. One matter I wished to discuss with the Minister, but there was not time before the debate was called on, related to special event licences particularly because of the nature of the area I represent. Many special events end up taking place in my electorate. I appreciate the Minister indicating he will cover this issue in his reply. I have been involved in the long and tortuous negotiations over the Gay and Lesbian Mardi Gras. I understand such a provision will relate to the granting of a licence to a responsibly conducted function.

The bill removes special provisions for restrooms. This was another issue I wished to raise with the Minister and I ask him to respond to my concerns. Schedule 1 [18] removes special requirements in the Act for restroom facilities for licensed restaurants so that restaurants are obliged to meet local council requirements. Given the diuretic effects of alcohol, the Minister must ensure that local government provisions are adequate. Again this is a serious issue for my electorate as street urination is a constant problem, which is often related to the use of sporting stadia and hotels. I assure the House that the constituents I represent do not particularly like people urinating on their doorstep.

The bill makes provision for the sale of alcohol over the Internet. This is an entirely different and significantly complex area. Schedule 1 [32] provides for Internet sites that sell alcohol to have the required signs concerning the sale of liquor to minors and alcohol harm minimisation signs. This provision is a step in the right direction, but the question remains whether alcohol should be available for sale over the Internet. This issue should be of great concern to us. The legislation appears to assume that the sale is made by a New South Wales based licensee who is covered by existing New South Wales legislation.

However, Internet sales can cross State and national borders with ease, and purchasers are essentially anonymous. Internet sales do not enable licensees or staff to see the customer and assess important information such as the person's age. While Internet sales generally require a credit card for purchases, a minor can easily obtain a card from parents, a brother, a sister or some other adult. Internet sales of alcohol could introduce enormous risks of misuse, particularly by minors. I would appreciate the Minister advising me of the work that has been done to identify what regulation of Internet alcohol sales is appropriate or possible. Could the Minister advise also how this Act will be enforced for Internet sites outside New South Wales. I shall conclude by expressing my appreciation to the Minister for responding to the serious concerns I raised during debate on the Liquor and Registered Clubs (Olympic and Paralympic Games) Bill in November 1999.

Mr KERR (Cronulla) [9.54 p.m.]: The Liquor and Registered Clubs Legislation Amendment Bill contains a number of important aspects. I was surprised that the honourable member for Bligh, who has been so keen on charters of Parliament, made no mention of the procedure under which this bill comes before the House. I understand that the second reading speech was given this evening. Therefore, honourable members do not have the *Hansard* record of what the Minister said. Standing and sessional orders were suspended to allow this debate to proceed. Standing and sessional orders are in place, as the honourable member for Bligh would know because she was responsible for formulating them, to give notice of debates in this House. She made no protest when this debate was called on without honourable members having had access to the second reading speech. Their constituents, whom they represent, would not have had access to material on an issue that directly affects them.

The honourable member for Bligh mentioned the effects of alcohol abuse on her constituents. Her constituents and the proprietors of restaurants or hotels would not have been able to read the second reading speech, but for reasons known only to the honourable member for Bligh she did not protest about the abuse of parliamentary procedure. The bill contains a number of important matters, and I shall take up first the matter dealt with by the honourable member for Bligh regarding the purchase of alcohol via the Internet. Surely that is

one issue the Government would have benefited from if it had provided honourable members with more notice of this bill so they could consult with their communities, with the liquor industry and with other interested bodies. I shall comment also on liquor accords and the amendments proposed to them. As the shadow Minister said, the accords were a worthwhile innovation but they are only as effective as their enforceability allows.

A mockery was made of the liquor accords when they were unenforceable during an occurrence in Taree. I do not believe the bill will address that type of situation entirely. If notice had been given about the bill, consultation could have taken place and recommendations could have been made by the industry and by those with considerable experience and knowledge on these matters. Liquor accords are probably one of the most worthwhile innovations for responsible drinking and for dealing with antisocial behaviour caused by alcohol. Accords have enabled the liquor industry to prevent people who cause trouble from entering places where liquor is sold. We also welcome the amendments regarding the sale of undesirable liquor products, which has become a serious problem. The desire to make a buck is often a great incentive to ingenuity.

Markets have been identified where under-age drinking can be encouraged by putting alcohol in fairly innocuous products such as iceblocks, or in milk containers or anything that is likely to attract minors. If adequate notice had been given, the bill could have been drafted more comprehensively. The liquor industry is well aware of many instances of abuse and could have assisted in preventing it happening. Once again I welcome the bill as it addresses under-age drinking and the use of gaming machines by minors. I was chairman of the ministerial advisory committee on the liquor industry.

The liquor industry was very concerned to ensure that under-age drinking was dealt with because it is a blight on the industry and ruins the future of young people. I have to say that since the Minister for Gaming and Racing was appointed he has taken a considerable interest in underage drinking and has brought in a number of provisions that have benefited the community in this regard. Once again, it is a great pity that this important bill was brought in at short notice and that the normal courtesies were not extended. It does not particularly matter whether they were extended to me or the shadow minister as individuals; what does matter is that a number of people who are skilled and experienced were not able to provide advice and guidance in regard to the bill. Indeed, the community was prevented from having a say before the second reading debate took place. The honourable member for Bligh apparently does not think that that is important but Coalition members think it is.

Mr GEORGE (Lismore) [10.01 p.m.]: There is no need for me to elaborate on the Liquor and Registered Clubs Legislation Amendment Bill. I agree with the comments of the honourable member for Cronulla in relation to the notice members have had of the bill. As a former hotel licensee I say it is good that the Minister is attacking the problems associated with the liquor accords. Hoteliers often are placed in the position of having to expel—for want of a better description—a person from their hotel. The person can then go on to other hotels and cause the same types of problems. The provision preventing a person who is barred from one hotel being admitted to other hotels in town will be of benefit to the person for his own wellbeing and of assistance to the community and to the hotel and club industries.

My experience was gained at Casino in northern New South Wales in Lismore electorate. Casino and Lismore were among the first towns to adopt liquor accords, which worked very well. However, the liquor accords have lost their power since the problems in the Taree-Hastings area undermined liquor accords in the local communities. The Minister for Gaming and Racing, and Minister Assisting the Premier on Hunter Development may need to seek support from the Minister for Fair Trading, and Minister for Sport and Recreation to give power back to the liquor accords to enable local communities to decide to bar people from entering licensed premises. The special event licenses will allow the Minister for Gaming and Racing, and Minister Assisting the Premier on Hunter Development to authorise the Licensing Court to issue a special events licence for an event of State or regional significance. I ask the Minister to clarify the definition of such an event. In recent times, when applications had to be approved by the office of the Minister for Gaming and Racing, there were delays caused by disputes. I hope that special country events will not be held up because of this provision.

I turn now to under-age drinking and the use of gaming machines by minors. In the practical world this is a real problem. Licensees and staff of hotels do not go out onto the street to gather minors and bring them into their premises. However, hoteliers caught with minors on their premises are treated as the culprits. It is good that the problem is being attacked by the bill. The penalties for certain underage drinking offences and offences by minors who operate gaming machines will be increased. I hope that they will be made just as much responsible as licensees of hotels. I am very pleased that the miscellaneous and machinery amendments will clarify various points such as the operation of the law enabling hotels to serve liquor at functions away from premises by making it clear that temporary functioning licence provisions apply.

Clarification of these points by the bill will make it easier for licensees and staff of registered clubs and hotels. I am pleased that the bill will streamline the processing of temporary function licences by deleting the requirement for a report by the Director of Liquor and Gaming, which will assist country function applications. When organisations in country areas realise 28 days out from an event that they need a licence and have to seek approval from a department miles away, they often find it impossible to get a licence in time. The bill will formalise the provisions for applications for and issuing of proof-of-age cards. This is another problem faced by the industry, which and I am sure will appreciate the changes. I do not have any real problems with the bill but I would appreciate it if the Minister could clarify the points I have raised.

Mr FACE (Charlestown—Minister for Gaming and Racing, and Minister Assisting the Premier on Hunter Development) [10.08 p.m.], in reply: I thank the honourable member for Port Macquarie, the honourable member for Wentworthville, the honourable member for Bligh, the honourable member for Cronulla, and the honourable member for Lismore for their contributions to the debate. The honourable member for Cronulla made play of the fact that there was a lack of consultation. I agree that we moved with some haste to have the bill passed. It is the end of the session. But as the shadow minister and several other members of the House would know, the bill has been prepared for some period.

A fair amount of comment has been made on the liquor accords tonight. The bill was held back until I was able to insert provisions in the bill to put the situation beyond doubt following the Taree case. In every session since I became Minister I have introduced legislation in bite-sized chunks reforming liquor legislation. The bill has been out in the industry for nearly six months and no major concerns have been raised by the industry. The shadow minister would have heard if concerns had been raised. That would normally be the case in an industry such as the liquor industry. Therefore, whilst I apologise that the bill has been introduced with haste, it has to be passed for a variety of reasons, most importantly to put the accords beyond doubt. I can understand the "barred from one, barred from all" provision, but its future in the liquor accords has been rightly raised. The provision was at the centre of the Taree legal action and because the accord was considered to be unlawful it was dissolved. That is unfortunate.

However, it was always going to happen somewhere along the line that someone would challenge it. The Government is aware that there are past supporters of the "barred from one barred from all" provision as an effective means of dealing with certain alcohol-related problems. However, it is important to point out that there are complex legal and equity issues associated with this type of arrangement, and serious concerns about natural justice and its impact on certain groups in the community have been raised. If it was humanly possible for me to have inserted the provision in this bill, I would have done so. That has been deferred but it must be recognised that the "barred from one barred from all" provision is open to abuse and could be again open to legal challenge if adopted in accords. Another case similar to the Taree occurrence would create uncertainty. Therefore, the bill does not legitimise the "barred from one, barred from all" provision in the application of liquor accords, or in any other circumstances.

A person might be barred from a hotel, a club or a restaurant, but it would be unfair to bar a person from a bottle shop. That happened under the Taree accord, despite the person purchasing liquor from the bottle shop and not creating a problem. the liquor accord must be applied fairly. The Liquor Stores Association has been supportive of the liquor accord. Fundamental issues need to be dealt with properly in consultation with many stakeholders before legal recognition of the "barred from one barred from all" provision can be considered. I am undertaking that with two other Ministers, and the Government will be looking at this matter over the coming months. There is no backing away from it; it is just a matter of what can be achieved at this time. I repeat, the last thing we need is to end up in court with this provision again.

Mr Oakeshott: Have the police been told of the liquor accords?

Mr FACE: That is a good point and I will cover it. Police were concerned about that, and following the passing of the bill I will take the matter up with the Minister for Police. Several honourable members on both sides of the Parliament have expressed concern. Police obviously reacted to a legal requirement. Hopefully, the measure will proceed full steam ahead. I will take the matter up with my colleague the Minister for Police after the bill is passed through the House. We will try to ensure that the best is made of a sad experience.

Honourable members might ask why the new special events licence is required. The new licence is required to cater for events of regional or State significance. Following recent experience it is apparent that some events just do not fit into the existing liquor licensing regime, and in the past unusual arrangements have been forced on these events so that they could fit in with the liquor laws. Despite what some people might say, I

have introduced a licence for just about everything that can possibly be done, with the least inconvenience. This has resulted in complex arrangements that can be difficult to enforce, and in increased costs to organisers and the Government. Special events may be held in the Sydney metropolitan area and also in country centres, where they will help attract tourists. Therefore, each event should be considered on its own merits.

The liquor laws exist to protect and enhance the public interest. They are not in place for any other reason. Forcing event organisers to implement unreasonably complex arrangements or to substantially modify their events, just because the law is inflexible and does not cater for those events, does not achieve the best outcome for the community at large, as I have found as Minister. In the post-Olympic period we are likely to experience many changes that we do not expect in this State and this country. We want to be in a position to maximise opportunities. I represent a regional seat. I do not want any country centre to be disadvantaged in any way if its community wants to organise a significant function that does not fit in with the conditions of a caterer's licence or other licence.

The new special events licence is a modern, flexible tool that caters to the needs of staging these events, while also embracing appropriate controls and promoting harm minimisation and the responsible service and consumption of alcohol. Examples of the types of events for which a special event licence may be useful include the tall ships visit to Sydney last year, which met with some difficulties, the current production of *Cats Run Away to the Circus*, which is touring New South Wales, and various music and food and wine festivals, which are becoming very popular both in metropolitan and country areas and in regional centres. I repeat that all these events are economically important to the regions and the State as a whole, and they also provide substantial cultural and social benefits to the public in many ways.

There is no special agenda to create difficulties for communities. I can understand that the major concern is about what controls will be placed on special events licences. It will be a flexible licence tailored to meet the needs of particular events and will add to the economic fabric of the State. The licence will be issued by the Licensing Court following an authorisation from the Minister responsible for the Liquor Act. I am not going to preside over every detail, nor should I or any subsequent Minister. The legislation provides that, before the licence is issued, the Minister may request a report from the Liquor Administration Board, from the Commissioner of Police, or, more probably, from both. The provisions also require the Minister to be satisfied that responsible service of alcohol and harm minimisation practices will be in place during the event. No licence of this magnitude or variety would be issued without harm minimisation standards being entirely embraced.

The new licence can be subject to whatever conditions are imposed by the Minister. Of course, it is also relevant that section 2A of the Liquor Act requires all persons who have functions under the Act to have due regard to the need for harm minimisation when exercising those functions. It is important to point out that the licence will remain in force only for the duration of the special event and will not be a permanent licence. The honourable member for Bligh raised several points and I shall briefly deal with those. Despite her concerns, which are genuine, I have kept my commitment to address as many of the issues she raised during the November legislation, having in mind that I had to get legislation through for the end of the last millennium. I incorporated various aspects of the Olympic legislation to make certain that that provision was in place. Quite rightly, a period of time was allowed for discussion and to ascertain whether any anomalies exist. That is why this bill has been introduced and, therefore, I have kept my commitment to her.

The honourable member for Bligh is concerned whether the bill will provide additional safeguards in respect of blanket extended trading hours in the city of Sydney and other areas, including a defined portion of South Sydney, in which application of the provision will be automatic. She is quite rightly concerned because there are many residential areas in South Sydney. For example, if a licensed premises in an automatic area has a disturbance complaint substantiated by the Liquor Administration Board—and action will be swift as I have already taken that up with the Liquor Administration Board—the premises will automatically lose the right to trade in extended hours during the Olympic Games period. I do not think I can do better than that. I repeat that if a noise disturbance complaint is substantiated—and the honourable member said it could go on for the period of the Games, but that will not happen—premises will automatically lose their right to trade under that licence. Another emerging concern is the expanded use of e-commerce in the marketing of liquor products by licensed premises via the Internet. This activity is lawful, provided that a retail liquor licence is held.

I understand the cross-border concerns. Unfortunately, as a Minister, one quickly discovers that, although other jurisdictions will co-operate at times, that is not the norm. I am out on my own when it comes to the vexed problem of Internet gambling, although I have the tacit support of Western Australia. The Federal Government is trying to resolve that problem by banning such gambling or initiating State, Territory and Commonwealth complementary legislation. I do not know what the other States will do in this area. I am sure that honourable members are aware of section 90 or section 92 of the Act.

The Liquor Act contains harm minimisation objectives and a requirement for signs to be displayed drawing attention to the offence. Liquor licensees will be required to publish on their Internet web sites the mandatory and recommended harm minimisation signage in a manner that will draw attention to the requirements. A transitional provision will allow that measure to be phased in over the next six months. The requirement is not in place at present. However, something is better than nothing so I am proceeding on that basis. I do not have an answer as to what is likely to happen on an interstate basis. There is no forum for liquor Ministers to meet and discuss such matters because the administration of liquor-related provisions is the responsibility of many different State portfolios. However, I will take it up with my colleague the Attorney General who, from time to time, attends conferences where those sorts of issues are raised.

The honourable member for Bligh also referred to the misuse of methylated spirits. That has always been a problem. When I was with the Police Service, vagrants would mix methylated spirits with water, a mixture which was known as a white lady. At one stage, methylated spirits was sold in what was called the plastic stubby. In my early days with the police, I thought that vagrants were living the high life until I found out that they were not drinking beer but methylated spirits mixed with water. That has been a continual problem for health Ministers. Because methylated spirits is not defined as a spirit under the Act, health Ministers from governments of different political persuasions have not been able to decide how to stop the misuse of methylated spirits for consumption while making it available to those who would purchase it for valid purposes.

The honourable member for Bligh also mentioned the problem with restrooms. Rather than reducing standards, the legislation is introducing some sanity into this situation. At present, the Liquor Act makes provision for toilets located on licensed premises, and building construction is often delayed because of difficulties in this area. When I go to the theatre or to other public entertainment, I almost always see a queue outside the women's toilets because there is only one cubicle. Men are able to satisfy their needs somewhat more quickly as there is usually a urinal and one water closet in the men's toilets. That is ludicrous. Architects working interstate often draw up plans for a small business in this State believing that they are abiding by Australian standards.

However, in New South Wales, provisions for toilets are incorporated in the Liquor Act. This legislation will ensure that toilets on licensed premises come under the Australian building standards code. It will not matter whether an architect is working in Sydney or Melbourne because the results will be the same. That is in the best interests of small business. I thank all honourable members for their contributions to this debate. This legislation has been introduced because problems with the accords needed resolution. Most of these changes are long overdue and introduce some sanity into the State's liquor laws. I commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

BUSINESS OF THE HOUSE

Allocation of Time for Discussion

Mr WHELAN: On behalf of the Premier I intimate to the House, that it is the intention of the Government to deal with the following business tomorrow pursuant to Standing Order 100:

Nature of Business	Stage to be dealt with	Specified time for completion of Business		Date
		In the House	In Committee	
Casino Control Amendment Bill	All remaining stages	12 noon	12 noon	22 June 2000
Children and Young Persons (Care and Protection) Amendment (Permanency Planning) Bill	All remaining stages	12 noon	12 noon	22 June 2000
Adoption Bill	All remaining stages	12 noon	12 noon	22 June 2000
Industrial Relations Leave Legislation Amendment (Bonuses) Bill	All remaining stages	12 noon	12 noon	22 June 2000
Children's Court Amendment Bill	All remaining stages	12 noon	12 noon	22 June 2000
Children and Young Persons (Care and Protection) Miscellaneous Amendments Bill	All remaining stages	12 noon	12 noon	22 June 2000
Administration Decisions Tribunal Legislation Amendment (Revenue) Bill	All remaining stages	12 noon	12 noon	22 June 2000
Rural Assistance Amendment Bill	All remaining stages	12 noon	12 noon	22 June 2000
Unlawful Gambling Amendment (Betting) Bill	All remaining stages	12 noon	12 noon	22 June 2000

Standing Order 100 has been invoked to enable the Government to proceed with its legislative program. All of these bills require adequate and genuine debate. Some bills—particularly those for which the Minister for Community Services, Minister for Ageing, Minister for Disability Services, and Minister for Women is responsible—will be laid upon the table. The fact is that some Opposition members wish to speak to those bills and some do not. They should not make the same mistake that the honourable member for Wakehurst and the Deputy Leader of the Opposition made earlier tonight regarding the procedures of the Parliament. It is absolutely ridiculous to suggest that the Government will gag debate on the Adoption Bill and force it through Parliament.

However, we must decide whether debate will conclude now or in August. I encourage Opposition members to speak in that debate. If debate on this bill were to continue tomorrow, I would have to move another suspension in relation to other legislation such as the Liquor and Registered Clubs Legislation Amendment Bill or the Industrial Relations Leave Legislation Amendment (Bonuses) Bill. Such suspensions would be a waste of the Parliament's time. I have told Opposition members that there is a briefing available should they wish to take advantage of it. Ultimately, these bills must proceed through this Chamber to the Legislative Council where Opposition members and the Independents hold the balance of power. I do not suggest for one moment that the Government is determined to proceed with all stages of those bills. We recognise that honourable members deserve the right to speak to legislation that is currently before the Parliament, and the Government is ready.

Mr HARTCHER (Gosford) [10.30 p.m.]: Obviously the Opposition does not agree to invoking Standing Order 100. To have a bill as significant as the Adoption Bill subjected to that standing order—

[*Interruption*]

We did not take a point of order because we believe in democracy and freedom of speech. It is interesting that other members believe in that too. We will not agree to the Adoption Bill being rammed through. If the Minister indicates that a bill as significant as the Adoption Bill can be subject to Standing Order 100, when the undertaking by the Minister in charge was that it would lie upon the table—

Mr Whelan: But I cannot.

Mr HARTCHER: No, you cannot. But why did you put it under Standing Order 100? You have given a whole list of bills under that standing order.

Mr Whelan: So that members can speak on it.

Mr HARTCHER: They can speak on it anyway. You only have to list it on the notice paper.

Mr Whelan: No, I cannot.

Mr HARTCHER: You could list it on the notice paper. There was no need to put a Standing Order 100 notice on it.

Mr Whelan: I cannot. Five days have not expired.

Mr HARTCHER: That is right. You could have suspended the standing orders to allow the debate, and not rammed it through all stages.

Mr Whelan: I would have to do that five times.

Mr HARTCHER: No way in the world. That is totally unacceptable. It will become a major issue. If a significant social issue like adoption is rammed through this Parliament under Standing Order 100—

Mr Whelan: We are not doing it.

Mr HARTCHER: The Minister called out, "We are not doing it", even though five minutes before he put it under the provisions of Standing Order 100. We also object to the various other bills being subject to Standing Order 100, but I make the principal point that the Adoption Bill is of enormous social significance and we strongly oppose it being rammed through under Standing Order 100.

Mr WHELAN (Strathfield—Minister for Police) [10.32 p.m.]: I agree with that. I indicate to the House that the Government will not proceed tomorrow, except by consent, with any further debate on the Adoption Bill.

BILLS RETURNED

The following bills were returned from the Legislative Council without amendment:

Appropriation Bill
Appropriation (Parliament) Bill
Appropriation (Special Offices) Bill
Appropriation (Further Budget Variations) Bill
State Revenue Legislation Amendment Bill
Unclaimed Money Amendment Bill

SPECIAL ADJOURNMENT

Motion by Mr Whelan agreed to:

That the House at its rising this day do adjourn until Thursday 20 June 2000 at 10.00 a.m.

House adjourned at 10.33 p.m.