

LEGISLATIVE ASSEMBLY

Tuesday 20 May 2003

Mr Speaker (The Hon. John Joseph Aquilina) took the chair at 2.15 p.m.

Mr Speaker offered the Prayer.

DISTINGUISHED VISITORS

Mr SPEAKER: I acknowledge the presence in the gallery of the Hon. Michael Cleary, a former member for Coogee and former Minister for Sport and Recreation.

VARIATIONS OF PAYMENTS ESTIMATES 2002-03

Mr Knowles, by leave, on behalf of the Treasurer tabled variations of receipts and payments estimates and appropriations for 2002-03, under section 26 of the Public Finance and Audit Act 1983, arising from the provision by the Commonwealth of specific purpose payments in excess of the amounts included in the State's receipts and payments estimates.

INDEPENDENT COMMISSION AGAINST CORRUPTION

Report

Mr Speaker announced the receipt, pursuant to the Independent Commission Against Corruption Act 1988, of the report entitled "Investigation into Handling of Applications for Public Housing by an Officer of the Department of Housing", dated May 2003.

Ordered to be printed.

AUDIT OFFICE

Report

The Clerk announced the receipt, pursuant to the Public Finance and Audit Act 1983, of the Performance Audit Report entitled "Department of Education and Training—Managing Teacher Performance", dated May 2003.

PETITIONS

Cudgen Creek Seaway

Petition requesting that the Cudgen Creek seaway at Kingscliff be cleared of silt, received from **Mr George**.

Dunoon Dam

Petition requesting the fast-tracking of plans to build a dam at Dunoon, received from **Mr George**.

National Accident Scheme

Petition praying that a national accident scheme be established to cover all injured patients, received from **Mr Brogden**.

Freedom of Religion

Petition praying that the House reject legislative proposals that would detract from the exercise of freedom of religion, and retain the existing exemptions applying to religious bodies in the Anti-Discrimination Act, received from **Ms Saliba**.

Age of Consent

Petition supporting a uniform age of consent of 18 for both boys and girls, opposing legislative changes to lower the age of consent for consensual male homosexual acts, opposing the retrospectivity of the legislation, supporting increased criminal penalties for sexual predators, and praying that age of consent and penalties be dealt with in separate bills, received from **Ms Saliba**.

La Mancha Cara-park Site Redevelopment

Petition requesting that La Mancha Cara-park residents be placed at the top of the public housing priority list, received from **Mrs Hopwood**.

Gordon Policing

Petition praying that Gordon police station be upgraded and that the number of police operating out of the station be increased, received from **Mr O'Farrell**.

QUESTIONS WITHOUT NOTICE

MENANGLE BRIDGE SPEED LIMITS

Mr BROGDEN: My question is to the Minister for Roads. Following Professor West's examination of the Menangle rail bridge and the subsequent imposition of speed limits on the bridge, why were 40 kilometre-an-hour freight and 60 kilometre-an-hour commuter speed limits imposed in only one direction before the election, as shown by the Rail Infrastructure Corporation weekly speed notice I have in my hand?

Mr SCULLY: It is appropriate that we now draw a line under the fact that on 2 April I was not sworn in as Minister for Transport. The Leader of the Opposition should refer all those types of questions to the Minister for Transport Services.

Mr Brogden: Point of order: My point of order relates to the Minister's responsibility as Minister for Transport. Are we meant to believe that he was not responsible at the time? Is that what he is saying?

Mr SPEAKER: Order! There is no point of order.

Mr Tink: Point of order: Under Standing Order 135 Ministers may be asked about matters relating to their portfolios or about public affairs. The matter the Leader of the Opposition asked about clearly related to public affairs when the Leader of the House was the responsible Minister. Under Standing Order 135 such question are in order because they relate to the public affairs of this State as distinct from the Minister's current responsibilities. The question is in order. The Minister is in hiding behind standing orders—and, I hope, not behind a ruling from the Chair.

Mr Scully: To the point of order: I answered the question.

CANNABIS MEDICAL USE

Ms ALLAN: I direct my question to the Premier. What is the latest information on the use of cannabis for medical purposes and the relief of suffering in the seriously ill?

Mr CARR: I thank the honourable member for her question, and I note that the Toongabbie branch of the Country Women's Association—not a radical body—proposed just such a resolution at the association's annual conference two weeks ago and, remarkably, the vote was tied 312 to 312. The State President of the association commented that that was an amazing result. That change of attitude is a vindication of the Government's decision in 2000 to establish a working party on the use of cannabis for medical purposes. After a long period of careful deliberation, the Government now intends to establish a medicinal cannabis scheme in New South Wales. A draft exposure bill is being prepared that will provide for a four-year trial of the medical use of cannabis.

Mr SPEAKER: Order! There is far too much audible conversation in the Chamber.

Mr CARR: This is a compassionate scheme. It is directed at people like the 62-year-old man with bowel cancer who came to the attention of the working party. He uses cannabis to relieve pain and to beat the nausea that stops him from eating. He made this simple plea to the working party and to us as legislators:

I hope that you can come to a decision soon whether people can grow a plant or get it by prescription at least we could get rid of the bad feeling of being a criminal just because we want to live.

The proposed scheme will also help people like the man in his 80s who is suffering from prostate cancer. He had had radiation therapy and was losing weight. More tragically, he was losing the will to live. Eating marijuana biscuits helped bring back his appetite and strengthened his determination to fight the cancer. The July 2001 "Report on Consultation on the Findings and Recommendations of the Working Party on the Use of Cannabis for Medical Purposes" quotes his wife, who is also in her 80s. She said:

We were completely naive about this and disliked breaking the law to obtain supplies... but we had no choice.

As legislators, we will determine whether people such as those and their demands can be accommodated. We should bear in mind the acute suffering that afflicts people fighting cancer and undergoing radiation and chemotherapy. Medical evidence supports the proposition that, although harmful in other respects, marijuana can relieve suffering in a number of cases. We have an obligation to minimise human pain and distress wherever we can. Under the proposal approved by Cabinet, patients will be able to access cannabis through a new Office of Medicinal Cannabis to be established within the New South Wales Department of Health. Eligibility will, of necessity, be tightly defined. Patients will be required to demonstrate that conventional treatment will not relieve their suffering.

We are talking about people suffering from wasting due to cancer or HIV/AIDS, nausea from chemotherapy, severe or chronic pain, muscle spasticity due to multiple sclerosis, and spinal cord injuries. The Government's proposal will include strict safeguards, offences and penalties. For example, patients will be required to register annually with the Office of Medicinal Cannabis, and they will need to obtain a certificate from a doctor and prove that they have a genuine and continuing medical relationship with that doctor. In addition, people will not be able to register as a medicinal user if they have been convicted of an illicit drug offence in any jurisdiction other than for a minor personal use offence, if they are on parole, under 18 years of age or pregnant. The Government will work with medical, pharmaceutical and research institutions to examine a variety of options to ensure that registered medicinal users have access to the drug.

Of particular interest is the work being done in the United Kingdom by GW Pharmaceuticals, which has developed a cannabis derivative that is sprayed under the tongue using an inhaler-type device. That medication, which was developed with the support of the United Kingdom Government, has been clinically trialled over the past three years. The company expects to submit a proposal to the British Medical Control Authority for approval as a prescription medicine. It could be ready for sale as early as the start of next year. I make one thing absolutely clear: The Government believes that the case against the decriminalisation of cannabis is stronger than ever. The most recent evidence that links cannabis use with mental illness is one part of that argument.

This measure is designed to assist a group of people who cannot be assisted by conventional treatment. The Government believes that we should make life less difficult for people such as those to whom I have referred, that is, those living with prostate and bowel cancer. This is something practical we can do to reduce the sum of misery in the world. The duty is imperative when it comes to an issue as complex as the use of cannabis. As legislators, we should be able to rise to this challenge. The complexity of an issue does not provide a licence to walk away while ordinary people suffer and acquire criminal records simply for treating their illness and relieving their suffering in the only way that works for them. With a sensible mixture of compassion and commonsense we can make a medical cannabis regime work in this State, as it works in other jurisdictions around the world. That is the Government's intention and I look forward to introducing the draft exposure bill at the earliest opportunity.

MENANGLE BRIDGE

Mr STONER: I direct my question to the Premier. Why is it that on 6 March only verbal advice was given to train drivers about the dangers of the Menangle bridge? Why was that warning rescinded the very next day, the same day on which Professor West was conducting a physical examination of the bridge?

Mr CARR: I will seek advice from the Minister for Transport Services. In the meantime, this is the very matter that is being investigated by the Independent Commission Against Corruption.

EXCEPTIONAL CIRCUMSTANCES DROUGHT ASSISTANCE

Mr WHAN: I direct my question to the Premier. What is the latest information on exceptional circumstances drought assistance for farmers in New South Wales?

Mr CARR: Earlier this month the Minister for Agriculture announced that the area of the State officially drought declared had fallen from 99.5 per cent to 92.2 per cent. Therefore, 7.8 per cent of the State has moved out of drought. That includes Maitland, some areas around Narrabri, Moree, Walgett, Manilla, Boggabri, Kempsey, Tweed-Lismore and Gloucester. These areas are now being classified as marginal and are improving. That means that they have had above-average rainfall for two months, livestock condition has improved and there is enough pasture growth to sustain normal stocking levels without supplementary feeding for two months.

I assure the farmers in these areas that they still qualify for the transport subsidy to bring livestock home from agistment. They also qualify for transport subsidies for travel from agistment to slaughter. However, there is always the danger that these improving areas could return to drought. That is why two weeks ago the State Government announced that farmers in these areas will not have to wait six months to requalify for the 50 per cent freight subsidy on transporting fodder if they fall back into drought within the next three months. It shows that while we are grateful for recent rains, we are also realistic enough to be prepared for a change in circumstances. So we welcome the news that part of the State—albeit a small part—has come out of drought conditions. Unfortunately, last week's torrential downpours on the eastern seaboard failed to have a significant impact on many other parts of the State. In the week to Monday 19 May there had been only very slight rainfalls in Cowra, Dunedoo, West Wyalong and Walgett.

The cost to our rural industries of this drought has been immense. I am advised that the gross value of agricultural production in New South Wales has fallen by \$2 billion. In 2002 we lost 75 per cent of our wheat crop. Livestock numbers have crashed, by as much as 40 to 50 per cent. I could go on detailing the implications of the drought. Farmers in the north are now sowing winter cereal crops, and that is good news. But they will need continuing winter and spring falls to guarantee a crop. I am proud to say that the State Government continues to pull its weight to help farming families. The Government expects to spend about \$85 million on drought assistance by 30 June. This figure does not include staff salaries. So far we have paid more than 18,000 transport subsidy claims, worth \$18.9 million. Last week alone we approved an extra 943 transport subsidy claims worth just under \$1 million. More than \$12.9 million has been paid under the Special Conservation Scheme, through the Rural Assistance Authority.

I am sad to report it is a different picture when it comes to the response of the Federal Government, which has still failed to approve two New South Wales applications for full exceptional circumstances drought assistance covering the southwest slopes and plains and the Young horticultural area. These applications were lodged seven weeks ago. On 9 May the Federal Government refused full exceptional circumstances assistance to 8,000 farmers in the central and southern highlands, and the central west slopes and plains. In other words, 8,000 farmers have been told by the Federal Government, "No help will be flowing your way." Mr David Cargill, a farmer from Braidwood, described the decision in this way: "If what we have been through over the last 18 months is not exceptional circumstances, what are?"

The Federal Government's interim exceptional circumstances assistance covering all of New South Wales ends on 9 June. That means that farmers in these areas will be left without any Federal drought assistance—and that is simply not good enough. But it got worse with last week's Federal budget. The Federal Government reduced its projected drought assistance funding in the Federal budget by a total of \$158 million over four years—that is an 18 per cent cut. The President of the New South Wales Farmers Association—no more a radical Labor outfit than the Country Women's Association—had this to say:

... the Federal Government is now expecting to spend \$150 million less on drought support, confirming the eligibility criteria are so stringent that farmers are being shut off from badly needed assistance.

The drought is still with us. Most farming families are not yet in the clear. That is why New South Wales Government assistance will continue for as long as it is needed—and it is why the Federal Government must get its act together.

WATERFALL RAIL ACCIDENT INQUIRY

Mr DEBNAM: My question is to the Premier. Given that on 2 February the Premier said, "Justice McInerney will have all the powers of a royal commissioner", why has the guard from the Waterfall train not been compelled to appear before the commission, and does the Premier support the union's role in preventing his testimony?

Mr CARR: As I understand it, the inquiry has the power to summon witnesses. I will respond to any request from Justice McInerney for clarification of his powers, but no such request has come to the Government.

DEPARTMENT OF HOUSING INDEPENDENT COMMISSION AGAINST CORRUPTION INVESTIGATION

Mr BROWN: My question without notice is to the Minister for Housing. What is the Government's response to a recent Independent Commission Against Corruption report on corruption in the Department of Housing?

Mr SCULLY: Honourable members would be aware of the findings of the Independent Commission Against Corruption [ICAC] in relation to a former Department of Housing employee, Mr Stephen Klimoski. The ICAC found that Mr Klimoski accepted a bribe in return for improperly approving an application for priority housing. I am sure all members would agree that any act of corruption is completely unacceptable. The ICAC has pointed out that any situation—

[Interruption]

Mr SPEAKER: Order! That is a silly remark. The Leader of the Opposition will come to order.

Mr SCULLY: The ICAC has pointed out that any situation that involves scarce resources as important as housing and shelter can lead to corruption by unscrupulous individuals. I want to emphasise that the overwhelming majority of Department of Housing employees are honest, hardworking individuals. I have met many of them as I have travelled around visiting Department of Housing offices, and I have found them to be a compassionate, committed group of people doing their best in what are very often difficult circumstances. These employees, of course, have their reputations besmirched by the very small minority who engage in dishonest and corrupt activities.

I can inform the House that other matters have been referred to the Independent Commission Against Corruption, and these matters are at various stages of investigation. Some of them involve attempts at bribery by members of the public that were rejected by Department of Housing staff. I was glad to read the positive comments of the ICAC in relation to the anti-corruption measures that the Department of Housing has in place.

Mr Brogden: How can you comment on that when you weren't the Minister then?

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

Mr SCULLY: For the benefit of the House, I am the Minister for Housing. The department has a number of anti-corruption measures in place, including a hotline, and education and training programs. The ICAC also made some recommendations for changed procedures that could improve the chances of minimising corrupt conduct. I have asked the incoming Director-General of the Department of Housing, Mr Terry Barnes, to ensure the recommendations are acted upon as soon as possible. But I believe we should go further. I have also asked the new director-general to establish a Corruption Prevention and Ethics Unit within the department. The unit will have as its focus ensuring that the Department of Housing is a robustly corruption-resistant organisation. This will include appropriate communication and education processes for the public, so that there is an increased awareness that any act of corruption is unacceptable. This new Corruption Prevention and Ethics Unit will build on the work already done by the Business Assurance Unit of the department.

I have also asked Mr John Mant to assist and advise the director-general in the creation of the unit. Mr Mant, a former acting ICAC commissioner and former director-general of the South Australian Department of Housing and Regional Affairs, has extensive experience in organisational change. He was appointed by the former Coalition Government to conduct a review of the Department of Housing in 1992. I encourage anyone with any information on possible corrupt conduct to make the information available to the department, or

directly to the ICAC. Government officials who act corruptly not only abuse the trust placed in them but also besmirch the name of thousands of honest, hardworking public servants. The measures I have outlined today will contribute to a stronger, more transparent and open Department of Housing.

NEW ENGLAND CONSERVATORIUM OF MUSIC

Mr TORBAY: My question without notice is to the Premier, and Minister for the Arts. What is the status of the Government's promise to support the New England Conservatorium of Music in Armidale, and when will classes actually begin?

Mr CARR: I thank the honourable member for Northern Tablelands for his question and take this opportunity to congratulate him on his stunning victory. I have taken the opportunity to refresh my memory of what I thought were rather arresting election statistics on the evening of 22 March. I think Joseph Stalin and Saddam Hussein were able to command big pluralities in their elections. The only rival to these improbable 99.9 per cent endorsements is the vote I have seen recorded in the stunning victory in New England, where the honourable member was able to claim 82.4 per cent of the vote. I am told that he has been driven by curiosity to door-knock every community to find anyone who did not vote for him.

Very sad though for all of us who believe in the strength of a two-party system is the drop in the National Party vote over the past two elections in his electoral district. It is a fall of 47 per cent. As a believer in two-party democracy, I can take no joy in this. During the campaign the National Party candidate, Peter Bailey, or "Big Pete" as he is apparently known, called for the sacking of Glen Innes Council because the council had the temerity to observe that the sitting member was doing a good job. In a public meeting during the election campaign in Glen Innes about the demand by the locals for a learning centre—and why shouldn't Glen Innes have a learning centre—Mr Bailey told this packed meeting, with all of the sensitivity for which he is known, that Glen Innes does not deserve a learning centre.

Mr Stoner: Point of order: The point of order relates to relevance. I believe the question was actually about a conservatorium of music, it is not to praise up the de facto Labor member for the Northern Tablelands.

Mr CARR: The defeated National Party candidate was quoted in *The Armidale Independent* on 26 March:

We were comprehensively beaten, and that is something great about the democratic process that electors have a choice and they made it.

This is where one gets into trouble—all these distractions! I want to talk about the conservatorium. The honourable member does not want this embarrassing material repeated, and he wants us to talk about the conservatorium. I am pleased to inform him that the newly formed New England Conservatorium of Music in Armidale will begin classes over the next few weeks. The Conservatorium should have 1,000 students by the end of the year. The good news is that the new Conservatorium will be operating out of the CB Newling Building at the University of New England. This is the old teachers college building, which many believe has been under-utilised since the amalgamation of the college and the university.

Although based at the university, the conservatorium will run programs in surrounding towns and communities such as, I imagine, Glen Innes, which was to be deprived of all opportunities for education, learning and cultural advancement under the policies of the National Party, but which has been spared that plight. Using quality local music teachers and coaches, classes are expected to begin in these places over the next six months. Among the schools involved in this program are: Glen Innes West Infants; Tenterfield High; Uralla Central; and Walcha Central; all schools which, coincidentally, were polling booths in the recent state election, each of which registered this remarkable level of support for the local member. I am told this is sheer coincidence.

The State Government provided \$88,000 to help set up the conservatorium, the money going to scholarships and to musical instruments. There are additional recurrent funding requirements. Its newly appointed director, Robert Harris, will head up the conservatorium. I believe that lessons will commence after this week, once he arrives in Armidale. This is part of the Government's regional conservatorium program to secure the future of conservatoriums across the State. Under this program the Government has provided \$2.6 million of the additional recurrent funding for 14 of these conservatoriums, a 400 per cent increase to the regional conservatorium budget. The New England conservatorium has been added to these, bringing the total funding to \$3 million. The 15 regional conservatoriums are: Albury, Armidale, Bathurst, Coffs Harbour, Dubbo,

Gosford, Goulburn, Grafton, Lismore, Muswellbrook, Orange, Tamworth, Wagga Wagga, Wollongong and Young. I am sure that the local member will be proud that Armidale is now on this list. He deserves congratulations for his role in securing this funding commitment.

TLC CONSULTING SERVICES PTY LTD

Mr NEWELL: My question without notice is to the Minister for Fair Trading. What is the Government's response to community concerns about an introduction agency moving its operations to the Tweed after it had a ruling in the Queensland Supreme Court?

Ms MEAGHER: I thank the honourable member for Tweed for his question, and I congratulate him on his appointment as the Parliamentary Secretary to the Minister for Local Government. The Government is concerned when traders flagrantly mislead and swindle their customers. One such company, TLC Consulting Services Pty Ltd., first commenced operations on the Gold Coast, but recently relocated its offices to Tweed Heads. TLC's sole director is Mr Zivko Dimitrijeviski and the manager of the company is his wife Helen. On their web site they claim to have more than 20,000 members in Australia and New Zealand. Late last year the Office of Fair Trading in Queensland began investigating a number of complaints against TLC. The New South Wales Government also referred a number of consumer complaints it had received about TLC, including one complaint lodged by a Western Australian farmer who paid the company more than \$90,000 and received nothing in return.

Our Queensland counterparts received more than 200 complaints about TLC since 1996—more than any other introduction agency in that State. The main area of complaint was that the female consultants were instructed to engage the male clients in lengthy and expensive telephone conversations. They employed high-pressure tactics. Once the clients paid their money that was often the last they heard from TLC. One man parted with more than \$60,000, while a further six clients were out-of-pocket to the tune of more than \$20,000 each.

In late March this year the Queensland Office of Fair Trading filed an action against TLC in the Supreme Court. About 15 men gave evidence in the case. On 30 April all respondents consented to orders permanently banning the company from sourcing new clients within Queensland. The company also agreed to pay more than \$430,000 in compensation to its former clients within four months, and legal costs in excess of \$100,000. This action against TLC by the Queensland Office of Fair Trading was assisted by the information and co-operation provided by our office here in New South Wales.

As I said earlier, TLC moved its operations to Tweed Heads during the legal battle in Queensland. Since then we have received a complaint from a resident of New South Wales. The man entered into a year-long \$6,000 contract in September last year with TLC whilst it was still operating in Queensland. When he sought a refund TLC agreed to pay him back only \$1,500. Under the Fair Trading Act I am able to issue a public warning against any trader for unfair business practices and persons who engage in those practices. The Office of Fair Trading is now looking at options to protect consumers from the unfair activities of this company. But, in the interim, and in the interest of protecting New South Wales consumers, I am issuing a warning about TLC. I would urge anyone who has encountered difficulties with this company to contact the Office of Fair Trading immediately. This is not the first time the conduct of one or two introduction agencies has blackened the name of the industry. In the mid-1990s Sydney-based Bone Fide Introduction Agency fleeced its clients of large sums of money for not much in return: one client as much as \$31,000. The New South Wales Supreme Court ordered the agency to refund more than \$116,000 to 14 of its clients, and the agency's principal was banned from working in the industry again.

In the late 1990s action was taken against the introduction agency Matchmaker. The principal of the business was banned from operating in the industry for 10 years. More recently the Office of Fair Trading has begun action in the Supreme Court against Liberty Network operating in premises at Burwood. We can and will continue to take the appropriate action against shonky operators who prey on a particularly vulnerable section of our community. There are, at least, 100 known introduction agencies operating in New South Wales. Honourable members would be interested to know that one of the Government's election commitments was to undertake a review of this industry to see whether further regulations would assist in protecting consumers. The Office of Fair Trading is currently developing an issues paper on matters relating to conduct in the industry and I expect to release the paper for public consultation in the next couple of months.

MURRAY-DARLING BASIN

Mr PICCOLI: My question is to the Minister for Natural Resources. Given that Federal Labor has announced its support for the 1,500 gegalitre option under the "Living Murray" document, what position is the Minister advocating on behalf of New South Wales with the Murray-Darling Basin Ministerial Council?

Mr KNOWLES: That is a delightful question. The Minister for the Environment, Bob Debus, and the Minister for Agriculture and Fisheries in the other place, Ian Macdonald, and I attended our first meeting of the Murray-Darling Basin Council in Toowoomba just a week ago. The fascinating thing about that council meeting, which, of course, directly affects the future lifeblood, environmental flows, economic viability and social fabric of the Murray-Darling Basin, was the lack of unanimous support among members of the Queensland jurisdiction, the New South Wales delegation, Victoria, South Australia and the Commonwealth, represented by Warren Truss, the other Ian Macdonald and the Commonwealth Department of the Environment and Heritage, represented by David Kemp.

This is a collaborative effort. I made the point in this Chamber recently that water reforms is not simply about getting the environmental flows right; it is also about reaching a balance between environmental flows and social and economic impacts. One need only read the *Land* of last week to know rural communities in New South Wales want to strike that balance. Although the council has been considering a range of options from something in the order of 350 gegalitres, 750 gegalitres up to 1,500 gegalitres—

Mr Stoner: Crean wants 1,500 gegalitres.

Mr KNOWLES: South Australia wants 1,500 gegalitres but other jurisdictions want differing amounts. I was surprised that after many years of discussion it would seem that the jurisdictions, including the Commonwealth, are no closer to resolution of this issue. From my observations as a new member of the council, a lot of work has been done on the environment and environmental impacts but very little work has been done on the social and economic impacts of those volumetric amounts. I note that the honourable member for Lachlan nods in agreement. Sensible members of the Opposition understand that this is an important issue. One cannot get too far ahead on any one of those three agendas without bringing the other two along. Whether it is water reform, native vegetation clearing or catchment management, the policy framework that I outlined recently about linking those three agendas closely together is the way forward and the way to receive support.

Whether it is the Murray-Darling Basin or any of our other river systems, it will be that balance that will come through in the end. I was fascinated by the outline of the enormous amount of science that has gone into the environmental component of determining what should constitute sound environmental flows. However, I was less than impressed—and I place this on record as the lead Minister for this State—with the lack of work done on the social and economic impacts. Farmers who rely on the river for their daily bread and farm production, and towns along that river that have their social fabric held together by river flows and availability to access it, understand that a national collaborative approach must be taken between the Commonwealth and all the jurisdictions.

This goes beyond just money on the table, although frankly it would be very interesting to see the colour of the Commonwealth's money. John Anderson is a person with whom I can work and who said in the *Australian Financial Review* a week ago that he can work with me, and I pledge my support to a national approach. John Anderson and the Prime Minister said that health and water are the big agenda issues for the Commonwealth Government in its domestic agenda for the forthcoming term, but the budget papers from Canberra last week allocated not a damn zack for water. I bet National Party members opposite would not be impressed with that. That says something about John Anderson's relationship with Federal Treasury and Peter Costello. It is a bit like the relationship with health in Canberra and Peter Costello; the Ministers are largely marginalised.

I read an interesting article in the budget wash-up last week in which Peter Costello proposes that the second tranche of the sale of Telstra will go to debt retirement. I am sure National Party members opposite will not be happy with that either. That money should go into infrastructure, river flows, environmental solutions and the "Living Murray" proposition. At this stage we have not seen one zack from Canberra to match the rhetoric of the Deputy Prime Minister, and Leader of the National Party or the Prime Minister. I suspect that when the Premiers attend the meeting of the Council of Australian Governments towards the end of this year—with water being central to the agenda—they will want to see the plan that John Howard and John Anderson have for water and how they propose to deal with the issues they have put on the agenda. Those issues include national water

trading rights and how they propose to reconcile the important underlying issues of property rights, environmental and economic impacts, and maintaining the social fabric of those river communities.

[Interruption]

The Opposition asked the question and I am giving them the answer. In my tours around the State over the past few weeks I have not met anyone who does not understand the compelling need to maintain our rivers and environmental systems so that they have something to hand on to their kids. Fifth generation farmers want to hand on their farms to the sixth generation; they do not want to be the generation who closed the farm down, and I respect that. Key environmentalists and sensible agricultural and farming groups understand that fundamentally this is about commonsense principles and striking a balance. It is about allowing all those who have a commitment to the protection of our river systems—our land, our water—to have a fair say.

Mr SPEAKER: Order! The honourable member for Gosford will come to order.

Mr KNOWLES: No matter what the water flows are in the Murray-Darling Basin, this Government will not support any proposition that does not seek to reconcile the environmental, economic and social consequences of any decision.

Mr PICCOLI: I ask a supplementary question. In light of the Minister's answer, whatever decision is arrived at by the Murray-Darling Basin Ministerial Council, is he now considering the withdrawal of the now gazetted watered sharing plans prior to their commencement on 1 July?

Mr SPEAKER: Order! That is not a supplementary question.

GRAFFITI CLEAN-UP SCHEME

Miss BURTON: My question without notice is addressed to the Minister for Juvenile Justice. What is the latest information on graffiti clean-up by young people?

Ms BEAMER: I congratulate the honourable member on her resounding result in Kogarah. What was once a marginal seat is now a safe Labor seat.

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

Ms BEAMER: Juvenile justice is a lot more than youth detention centres. Unfortunately, people often only want to hear about the offending side of young offenders, but I want to tell the House that there is a lot more good news in juvenile justice. There are real positives in rehabilitation and in reducing the rate of reoffending. Detention at a young age is seen as a last resort. Juvenile justice has had great success with its youth justice conferencing—community-based negotiated responses to offences. All affected parties are involved, and reoffending has been reduced by nearly 30 per cent. That is the kind of scheme in which we have been involved. We also have residential bail accommodation, post-release support programs, rehabilitation programs and mentoring programs.

Later this month there will be a program on the South Coast involving Mal Meninga and Nova Peris-Kneebone as role models for kids. And there is the community service orders program, which involves young offenders doing community service instead of detention. Today I shall highlight one area of juvenile justice: the graffiti clean-up scheme. That scheme involves young offenders repaying their debt to their community by cleaning up their community. It involves young offenders getting rid of the scars on our urban environment. We have just reached a milestone with this scheme. In partnership with more than 20 local councils, the scheme has now clocked up more than 50,000 hours of clean-up work—50,000 hours of young people cleaning up.

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

Ms BEAMER: The 50,000-hour milestone was reached by a juvenile justice team working in a trouble spot in Blacktown. That is a very appropriate location because the first scrawl on the wall removed under this program was removed in Blacktown three years ago. So the team has been back there, 50,000 hours later, cleaning up. More than 300 young offenders have repaid their debt to society by ridding our suburbs and their environment of this unsightly blight. We have been to more than 480 sites, including Baulkham Hills, Campbelltown, Fairfield, Gosford, Hurstville, Lake Macquarie, Moree, Parramatta, Penrith, Wollongong, South

Sydney, Strathfield, the leafy suburb of Woollahra and Wyong, to name just a few. Juvenile Justice provides the supervision and the labour force; local councils identify the trouble spots and provide the clean-up materials. Our teams have been put to work on Sydney's leafy North Shore. I note that the Deputy Leader of the Opposition is waiting to hear about things that have occurred in his area. Four scout halls in West Pymble have been graffiti targets for years.

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

Ms BEAMER: The Deputy Leader of the Opposition is well aware of this. The clean-up involved 80 young offenders, 500 litres of material, and many return visits over nearly nine months, and at last report the halls were graffiti free. The juvenile justice team will be back if necessary. There has been strong praise for our graffiti busters. A letter from Shellharbour council, a partner in one of our clean-up schemes, stated:

The partnership between J.J. and Shellharbour City Council has been invaluable in reducing unsightly graffiti and I hope it continues for a long time.

That is great to hear. As the new Minister for Juvenile Justice I congratulate all those involved in this initiative: Juvenile Justice staff, councils, and young offenders, who have spent more than 50,000 hours paying their debt to the community.

Questions without notice concluded.

DISTINGUISHED VISITORS

Mr SPEAKER: I acknowledge the presence in the gallery of the former member for Port Stephens and Minister for Mineral Resources, and Minister for Fisheries, the Hon. Bob Martin.

CONSIDERATION OF URGENT MOTIONS

Exceptional Circumstances Drought Assistance

Mr MARTIN (Bathurst) [3.15 p.m.]: My motion is urgent because all members on both sides of the House would agree that we are still feeling the effects of the most crippling drought in this country's history—certainly in the past 100 years. The recent Federal budget sent the message to the rural community that things are better and that the Federal Government was able to cut back the amount of money necessary to be set aside for drought relief. There was a deficit on both sides: not only was the funding allocation cut—and that sent a message to rural communities—but the Federal Government and in particular the blundering Warren Truss have been completely ignorant in terms of changing the exceptional circumstances criteria.

My motion is urgent because we need to send to Canberra today the message that the Federal Government needs to address this issue as a matter of urgency. The Federal Government needs to send a message of support to rural communities and say that it cares about people on the land. The State Government has taken the lead on this matter from day one; it has continually made financial assistance available. As a united Chamber we need to send urgently a message to the Federal Government that it should revisit its budget allocation for drought relief. It should forget about the budget's bottom line and think about the families in rural New South Wales that are suffering. I ask members to debate my motion.

Raymond Terrace Local Court Closure

Mr TINK (Epping) [3.17 p.m.]: My motion should be debated urgently because the Chief Magistrate has taken the unprecedented decision to close Raymond Terrace Local Court on 20 June 2003 and transfer all matters to Newcastle court. My motion is urgent because victims of crime in the Raymond Terrace area will then be forced to commute backwards and forwards to Newcastle to have their matters heard. My motion is urgent because police in the Raymond Terrace area will have to taxi prisoners backwards and forwards from Raymond Terrace to Newcastle court to have their matters heard. My motion is urgent because statistics for April 2003 show that 598 criminal matters are pending in Raymond Terrace Local Court. However, the statistics do not include civil claims, Family Court matters and, incredibly, apprehended violence order matters. I understand that 40 apprehended violence order matters are listed for Raymond Terrace Local Court today.

My motion is urgent because when people in the Raymond Terrace area who might otherwise seek the help of police to take out an apprehended violence order at Raymond Terrace Local Court realise they have to travel to Newcastle they will simply not take that step, which they otherwise might take if local justice were available to them. As a result, somebody who would not have been at risk of a domestic violence attack if the court had remained in place may now be at risk. The matter is urgent because the Chief Magistrate, who is not at fault here, has been forced into this decision because the cells used to hold people in custody are no longer fit for the purpose. That is the view of the police officers attached to Raymond Terrace police station and the local police association.

The matter is urgent because according to the State capital program for 1996-97, as shown at page 76 of Budget Paper No. 4, Raymond Terrace police station was allocated \$2,628,000 for a major new works program to be completed in 1999. The matter is urgent because it is plain that only a tiny fraction of that money, if any, was spent. The matter is urgent because if that money had been spent as promised, and as allocated in the 1996-97 budget, we would not be in this mess today and the Chief Magistrate would not have had to take the extraordinary step of closing Raymond Terrace court and forcing crime victims there to commute to Newcastle—with the result that many of them will choose not to seek the protection of the courts and the police.

The matter is urgent because the honourable member for Port Stephens has repeatedly promised that the police station will be upgraded. He made this promise on 28 May 2001 at a Medowie Progress Association meeting, as reported in the *Newcastle Herald* on 31 July 2001; and he repeated it, this time to build a new station, on page 19 of the *Port Stephens Examiner* of 6 March 2003. This promise has been around longer than the current member for Port Stephens but it has been continually breached. I do not know where the honourable member for Port Stephens is but I trust that he will be here to support this motion and ensure that his and his Government's repeatedly breached promise is finally kept, because the closure of Raymond Terrace court because of the lack of satisfactory holding cells is a disgrace, not of the Chief Magistrate, but of this Government. [*Time expired.*]

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

The House divided.

Ayes, 53

Ms Allan	Mr Greene	Mrs Paluzzano
Mr Amery	Ms Hay	Mr Pearce
Ms Andrews	Mr Hickey	Mrs Perry
Ms Beamer	Mr Hunter	Mr Price
Mr Black	Ms Judge	Dr Refshauge
Mr Brown	Ms Keneally	Ms Saliba
Ms Burney	Mr Lynch	Mr Sartor
Miss Burton	Mr McBride	Mr Scully
Mr Campbell	Mr McGrane	Mr Stewart
Mr Collier	Mr McLeay	Mr Torbay
Mr Corrigan	Ms Meagher	Mr Tripodi
Mr Crittenden	Ms Megarrity	Mr Watkins
Ms D'Amore	Mr Mills	Mr West
Mr Debus	Mr Morris	Mr Whan
Mr Draper	Mr Newell	Mr Yeadon
Ms Gadiel	Ms Nori	<i>Tellers,</i>
Mr Gaudry	Mr Oakeshott	Mr Ashton
Mr Gibson	Mr Orkopoulos	Mr Martin

Noes, 32

Mr Armstrong	Ms Hodgkinson	Mr Roberts
Mr Barr	Mrs Hopwood	Ms Seaton
Ms Berejiklian	Mr Humpherson	Mrs Skinner
Mr Brogden	Mr Kerr	Mr Slack-Smith
Mr Cansdell	Mr Merton	Mr Souris
Mr Constance	Ms Moore	Mr Stoner
Mr Debnam	Mr O'Farrell	Mr Tink
Mr Fraser	Mr Page	Mr R. W. Turner
Mrs Hancock	Mr Piccoli	<i>Tellers,</i>
Mr Hartcher	Mr Pringle	Mr George
Mr Hazzard	Mr Richardson	Mr Maguire

Pairs

Mr Carr
Mr Iemma

Mr Aplin
Mr J. H. Turner

Question resolved in the affirmative.

EXCEPTIONAL CIRCUMSTANCES DROUGHT ASSISTANCE**Urgent Motion**

Mr MARTIN (Bathurst) [3.34 p.m.]: I move:

That this House;

- (1) notes the State of New South Wales is currently 92.2 per cent in drought; and
- (2) expresses its opposition to the Federal Government's decision to cut its total national budget allocation for drought-stricken farmers—particularly those from New South Wales—from \$900 million to \$742 million over four years in the midst of the worst drought in more than 100 years.

The Federal Government's cut to drought funding is a disgrace. It is as simple as that. It has stripped almost \$160 million from drought funding while country New South Wales is in the grip of the worst drought in 100 years—and there is no argument about that from anyone. This cut represents a drop of 18 per cent in the original budget allocation, down from \$900 million to \$742 million. This is the act of a mean and greedy Government that is completely out of touch with the needs of rural families and is more interested in a neat bottom line in the Federal budget. Quite frankly, it is indefensible. How can the Federal Government justify this when at least 92 per cent of New South Wales is still in drought? The short answer is that it cannot. It is putting at risk a \$9 billion industry that employs 122,000 people in New South Wales.

Country Labor will always back our farming families. It was Country Labor members of Parliament who went to the Premier and secured more than 50 separate drought assistance measures for our farmers and country businesses. The New South Wales Government knows that the drought is far from over: 92 per cent of New South Wales is in drought and yet only 2,500 of our 40,000 farmers have access to full Federal Government assistance under "exceptional circumstances" provisions. Another 3,800 have received interim aid under the Federal Government's special drought package announced in December.

Let me make this clear: just 6,300 out of the State's 40,000 farmers have been able to access drought assistance from the Federal Government. Full exceptional circumstances assistance entitles farming families to household income support similar to that available under the Newstart allowance and business interest subsidies on new and existing loans. Our farmers desperately need this assistance, but the Federal Government has seen fit to reject the application from the Central West Slopes and Plains. If the matter were not so serious honourable members might laugh at the reason the Federal Government gave for rejecting the application. The application was returned because it was too big. What a joke!

The Federal Government should be making it easier for farmers to access this assistance. Instead it sends applications back for silly reasons such as their size. The application included the areas covered by the Dubbo, Forbes, Molong and Condobolin rural lands protection boards. But NSW Agriculture, paying attention to detail, submitted inside the larger application an application for each board on a case-by-case basis. We have heard from day one about the criteria the Federal Government required in the applications. It costs NSW Agriculture hundreds of thousands of dollars over a year to prepare these applications, and it has done that diligently.

It is time the Prime Minister stepped in on behalf of farming families. Obviously, the National Party agriculture Minister, Warren Truss, cannot handle the problem. The hallmark of his stewardship from day one has been to muddle along. We remember that late last year when the first four families in the Bourke area—the member for Murray-Darling would remember this—finally met the criteria for exceptional circumstances assistance there were no application forms. The delay went on for weeks until the State Government raised the matter and the media got onto it. All Warren Truss could do was blame some bureaucrat for not printing the forms in time.

The best commentary on exceptional circumstances assistance comes from the farmers themselves. Last Thursday, 15 May, the President of the New South Wales Farmers Association, Mal Peters, was quoted in

the *Australian Financial Review* as saying, "The current system is overly complex, bureaucratic, and the criteria are difficult to meet." In a press release issued on 13 May, after the budget, Mr Peters said, "Rather than allocating less for drought support the Federal Government should have further relaxed the criteria so that more farmers could receive assistance." Everybody was hoping that would happen. As well as maintaining the dollars in the Federal budget, the Government should consider what the farming community and the State Government have been saying for a long time: exceptional circumstances assistance should be re-examined and the hurdles should be lowered so that farmers receive assistance when they need it, not when they are down and out.

By 30 June this year, the New South Wales Government will have spent \$712,000 preparing exceptional circumstance applications for farmers. That figure speaks for itself. As I said, the Federal Government has insisted on these bureaucratic documents. Members opposite criticised this Government last year for being slow with the applications. NSW Agriculture, in particular, worked extremely diligently and spent hundreds of thousands of dollars collating the detail the Federal Government wanted—some of it totally unnecessary. That money would have been better spent on farming families rather than administration.

Honourable members should make no mistake: many farming families are struggling and they need leadership and support from the Federal Government. We have seen the Prime Minister strutting the international stage over the past year or so and being involved in some very serious decisions—most of which Australians support. However, we now need him to address urgent domestic issues; they are the challenge to his leadership. The emphasis should be on education, health and drought assistance. The Prime Minister and his meddling Ministers should come up with answers to help farming families. The farmers are simply being given more forms than they can poke a stick at and 1,000 reasons that they cannot get help from the Federal Government. Country Labor has asked the Premier to fill the gaps. As a result, the New South Wales Government has come up with more than 50 drought assistance measures for farming families and businesses affected by the drought.

As of 16 May, this Government had spent \$18.89 million on transport subsidies for fodder, agistment, stock and domestic water, and to transport animals for slaughter or restocking. It had also provided \$12.8 million in special conservation loans. As of 6 May, 2,432 families had accessed the emergency relief fund to help pay their day-to-day bills and expenses at a total cost of \$3.4 million. In addition, \$3.5 million had been provided in payroll tax concessions for country businesses and \$5.2 million had been provided for town water supplies. Honourable members know that many far west towns had run out of water and, in some cases, the water supply facilities had to be rebuilt and water brought in. The Government has acted quickly to help those people. It is estimated that by 30 June this year the State Government will have spent \$85 million on drought assistance.

The Federal Government should take a long, hard look at its priorities. The New South Wales Government has made farmers a high priority and it is time that we asked the Prime Minister and the Federal Government to do the same. We know that a large proportion of the State is still in drought and we have no idea how long it will last. Farmers are already experiencing problems sowing winter crops, and they may well finish the winter without an income. Instead of Mr Costello ensuring he has a nice budget surplus to rack up points as an achieving Treasurer and to present his credentials as the future Prime Minister he should be putting that money to work where it is needed. I am sure that if the Federal Government had asked the people who are to receive \$4 a week in tax relief whether they would prefer to see it go to farming families they would have said yes.

Costello's highest priority was offering a sweetener to set himself up for the coming Federal election. That callous disregard of farming families will not go unpunished at the ballot box. I call on members opposite to join the Government in supporting this motion and sending as strong a message as possible to Canberra that it should revisit its strategies, the cuts in the Federal budget and, in particular, the exceptional circumstances drought assistance. The Federal Government must examine what can be done to simplify the criteria and make it easier for farmers to access the funds when they need them—that is, now! It is important that the House join me in supporting this motion to send an urgent message to Howard, Costello and Truss in Canberra. I commend the motion to the House.

[*Debate interrupted.*]

BUSINESS OF THE HOUSE

Urgent Motion: Suspension of Standing and Sessional Orders

Motion by Mr Scully agreed to:

That standing and sessional orders be suspended to allow four additional speakers to the motion for urgent consideration, being two Opposition and two Independent members, for up to five minutes each.

EXCEPTIONAL CIRCUMSTANCES DROUGHT ASSISTANCE

Urgent Motion

[*Debate resumed.*]

Mr ARMSTRONG (Lachlan) [3.46 p.m.]: I move:

That the motion be amended by the addition of the following words at the end of paragraph (1) "and condemns the State Government for not bringing in a crop replanting scheme" and by the addition of a new paragraph as follows:

"notes that the State Government has said 20 per cent to 25 per cent is being spent on administration."

I refer to a map of the area which is referred to in the State Government's application for exceptional circumstances drought assistance and which is the reason for this debate. I draw the attention of the House to the fact that the area extends from Coolah in the north, down through the Hunter Valley, almost to the coast at Ulladulla, nearly to Eden and along the Victorian border, across to Albury, up the Hume Highway to Gundagai, across to Murrumburrah, to Condobolin and to Tottenham. The rainfall varies from about 20 inches to a high of about 44 inches. I seek leave to table the map.

Mr SPEAKER: Order! The honourable member for Lachlan has been a member of this House long enough to know that he cannot table the map. However, he may make it available for perusal by other members.

Mr ARMSTRONG: I am delighted to make the map freely available to honourable members who may be interested, and I am sure that will be many.

Mr Scully: Is it in colour?

Mr ARMSTRONG: It is indeed. There is a special copy for the Minister to colour in. It is important that I speak to the amendment, wherein I indicated that the Government has said that 20 per cent to 25 per cent of the funds are being expended on administration. Earlier this afternoon during question time the Premier went to some pains to indicate that the cost of administration would not come out of drought funding. Either he or the Minister for Agriculture and Fisheries in another place does not know what the other is doing or they have not been talking. On 8 May, in answer to a question, the Minister stated:

As of 5 May the amount was \$73 million, of which several million dollars went to administration. Something over 400 staff, including the Rural Assistance Authority, front-line staff, and so on, have been fully engaged in drought issues. I will get the actual figure, but I estimate it would be around 20 per cent to 25 per cent of the total.

Who is telling the truth: the Minister for Agriculture and Fisheries or the Premier? They cannot both be right. For every \$50 million spent on drought assistance we are losing 20 per cent to 25 per cent. I will put that in basic terms. We are talking about feeding livestock in drought conditions. Therefore, for every tonne of grain involved, 250 kilograms is disappearing in administration. That is not good enough. The motion of the honourable member for Bathurst denigrates the Federal Government's decision on the application of exceptional circumstances drought funding for this large area of the State. He said that the Federal budget reduces the funding available for drought assistance and that that will be it. However, once again, he has not done his homework because he has failed to read the 15 May media release in which the Federal Minister stated:

Last year's Budget projected drought relief expenditure in 2002-03 of \$33.9 million, and yet, the Budget handed down on Tuesday night shows expenditure on drought relief in 2002-03 of \$279.1 million—an 823 per cent increase.

The 2002-03 Budget papers projected expenditure on drought aid through to 2005-06 of \$41 million, while Tuesday's Budget projected expenditure for the same period of \$741.8 million—an 800 per cent increase in drought aid funding.

The budget figure is merely a projection of spending on a program that is entitlement and demand-driven. All eligible farmers will continue to receive their entitlements, even if resultant Commonwealth expenditure should exceed Budget estimates.

What the Government and the honourable member for Bathurst do not understand is that no-one can estimate when the drought will finish. Implications have been made that much of the drought is over and that if we get a crop this year the matter may well be resolved. Indeed, as the Premier announced earlier today, 7.5 per cent of the State has been removed from official drought assistance. But it would not matter if 20 inches of rain fell across the State in the next week: the drought would not be over. Honourable members do not seem to understand that if we were to get one of the largest crops ever recorded in this State's history it would only fill

up the storage sheds, silos and hay sheds—which are totally depleted—and honour only some of the contracts that have been held open until the next harvest comes through. It would do nothing about replenishing the fodder, hay and grain, nor would it return the funding that has been exhausted during the drought. It would be at least 18 months, or Christmas 2004, before we would return to the non-drought situation.

Members opposite have spoken about the amount of rainfall we have had. What is going to be done about Wyangala Dam, which is below 10 per cent of its capacity, and Lake Brewster, which is minus 2 per cent of its capacity? I have never understood how a dam's capacity can be minus, but they are the statistics. Burrinjuck Dam is down to 6 or 7 per cent. Similar capacities are replicated across the water catchments of New South Wales. It is a pretty poor exercise for the Government to try to make silly politics on a matter of such great importance. The Government certainly cannot hold its head high when it comes to looking after the people during the drought, which started last year. As at the end of February this year the Government's total allocation for drought assistance funding for the 2002-03 financial year was \$5,319,703. Yet as at September 2002 the total expenditure was \$3,253,396. It would appear that some 20 to 25 per cent of the allocated funding has disappeared into administration costs. I ask the Premier to assure us, if he is true to the promise he made this afternoon, that the administration cost will not come out of the drought assistance funding. It would mean that the extra 20 to 25 per cent of Government funding released could be used to implement a crop replanting scheme. The Government has avoided implementing such a scheme.

Crop replanting schemes worked magnificently during the droughts of 1994-95 and 1972-73. At the end of the 12-month period, by 28 February the following year, there was a 96 per cent recovery by farmers when crop planting schemes were in place. The schemes assisted farmers with seed, fertiliser, fuel, repairs and, in some cases, labour to get their crop sown. The funding was provided at a concessional rate of interest, about 3 per cent. It allowed farmers to go into their local dealers, put money into their local community and get the wheels turning. It is not yet too late for that to happen this year. The majority of the crop is not yet planted. I urge the Government to bring in that State aid that has been proven over the years, well administered through the Rural Assistance Authority, and to reintroduce the crop replanting scheme. We promoted the scheme during the election campaign and the Government ignored it—I understand for political reasons—but here is its chance.

Mr Martin: We did not ignore it.

Mr ARMSTRONG: Did you accept it or reject it?

Mr Black: When it rains.

Mr ARMSTRONG: The honourable member for Murray-Darling says, "When it rains." That is when farmers need the crop to go in, so it is a mile too late. Farmers need the funding so they can buy their seed, fertiliser and fuel now, and so they can properly and adequately prepare to repair their machinery, employ their labour and get their crop in within 24 to 48 hours after the rain comes. I urge the House to support the motion with my amendments, which are practical, achievable and reasonable. [*Time expired.*]

Mr WHAN (Monaro) [3.56 p.m.]: I support the motion moved by the honourable member for Bathurst. The motion is important for the people of rural New South Wales, particularly in the Monaro area, one of the areas of the State that has missed out on exceptional circumstances funding from the Federal Government. I am in this place because country people know that Country Labor is standing up for the interests of residents of rural New South Wales. Many constituents of the Monaro and the south-eastern areas of New South Wales would be interested to know that the National Party today voted against debating in this place the most serious drought in this State in 100 years. The New South Wales agriculture industry is worth \$9 billion and 112,000 jobs to the State's economy. In the Monaro area it remains one of our most important industries. Some of the areas in the Monaro have been in drought for a shorter period than the rest of the State, but the situation is still very serious.

The State Government has been helping farmers in the area. In the Cooma Rural Lands Protection Board area the State Government has provided \$34,439 in response to 50 claims for drought assistance; in the Braidwood Rural Lands Protection Board area it has spent \$64,703; and in the Bombala Rural Lands Protection Board area it has spent \$7,567. That is important assistance for farmers in the Monaro area who have been doing it tough throughout the drought. When answering a question today the Premier mentioned a farmer who has been keeping rainfall data on his property for the last 50 years. The previous lowest recording of rain on his property was 14 inches in one calendar year, but in the 12 months to February this year only 10 inches of rainfall fell on his property. He is the farmer who asks the question, "If this is not an exceptional circumstance, what is?" It is a fair point. All we have heard from the Federal Government so far is an attempt to shift the blame for its refusal to grant exceptional circumstances assistance funding to that farmer.

Initially we heard in the media some fairly blasé comments from members of the Federal Government saying that the application was not good enough, but when we delved into what they were saying we heard the real reasons. The Federal Liberal member for the area I represent told ABC radio that he could not understand why such a large application was put in, and that he believed many other areas were more seriously affected by the drought. The Federal Government thinks that the farmers in our region have not yet done it tough enough, that some of them do not deserve exceptional circumstances assistance. I think anyone who has visited the Monaro area would agree that the farmers deserve exceptional circumstances assistance. The Federal Minister's press release indicated that with respect to some applications sufficient justification had not been shown regarding loss of income. I know that NSW Agriculture has done its usual thorough job in putting together those figures, because I have spoken to farmers in my area who have put in the data. They have put in the data showing that they deserve exceptional circumstances assistance.

It is a sell-out of the people the National Party once used to call its constituents that the Federal Government basically tells farmers in our region that they have not suffered enough. This is not the first time we have seen this happen. Some years ago when there were major drought problems in the Cooma and Bombala Rural Lands Protection Board areas the Federal Government stretched out approval for exceptional circumstances assistance by eight or nine months. So we have seen history on this; we have seen a form of this stalling. We have also seen the National Farmers Federation criticising the Federal Government for its 18 per cent reduction in budget allocations. One would have to question whether even that allocation will ever be spent. Every year the Federal Government announces programs in many areas. The Federal Government tells the public, "Aren't we terrific; we're going to spend all this money." But at the end of the year we find underspending in the budget. We find that the Federal Government is pocketing the money to boost Peter Costello's surplus, rather than—

Mr Maguire: Point of order: The honourable member for Monaro is reading from a prepared speech.

Mr SPEAKER: Order! There is no point of order. The honourable member for Monaro is referring to several notes he has in front of him.

Mr WHAN: It is amazing that the Coalition continues to try to avoid debating the issues surrounding the drought in New South Wales and the need to address them. The Coalition does not want to hear what the representatives of rural New South Wales are saying to support their constituents. [*Time expired.*]

Mr R. W. TURNER (Orange) [4.01 p.m.]: I support the amendment moved by the Coalition, which calls on the State Government to offer a seed subsidy and other genuine relief to farmers. I remind honourable members that most farmers in New South Wales did not get a crop last year. Most farmers retain a certain amount of their crop to ensure that they have seed for the following year's crop. However, this year they have had no crop. If there is sufficient rain a lot of farmers will be forced to buy seed on the open market. As we can see from prices listed in the *Land* and other publications at the moment, farmers will be asked to pay more than \$1,000 per tonne for registered seed so they can get their crop in. If the Government were serious about helping farmers it would offer them a genuine subsidy and help them put the seed in this year to guarantee them a crop this season. Instead, the State Government is playing political football with the Federal Government without any substantiation.

At this point, there is no indication that the State Government will help farmers where they genuinely need it. Instead, it is using farmers as a political football with the Federal Government. The honourable member for Lachlan referred to some of the information the Coalition has received from the Federal Government via Warren Truss, the Federal Minister for Agriculture, Fisheries and Forestry rebutting the ridiculous claims made by the State Government. The Federal Minister stated that the States have traditionally had the first responsibility to provide assistance in times of drought and that they have the responsibility of recommending the areas to be declared in need of exceptional circumstances [EC] assistance. As the honourable member for Lachlan said, the State Government has submitted a ridiculously large map with areas that—

Mr Whan: Which bits should miss out?

Mr R. W. TURNER: A number of areas have had reasonable rain. For instance, I was in the Mudgee and Gulgong area a couple of weeks ago and it now looks magnificent. However, areas in my electorate—such as Cowra—received some reasonable rain in February but they now look worse than they did in January. There are wide variations within the huge area that has been recommended by the State Government. Quite rightly, the Federal Government has knocked it back. The State Government has acknowledged that, in discussions with the

Federal Department of Agriculture, Fisheries and Forestry, it has agreed to reduce the size of the applications and even look at submitting applications based on individual rural lands protection board [RLPB] boundaries. That is what the State Government should have done in the first place: it should have consulted more with the RLPBs and looked at the areas of genuine need. Instead, it submitted ridiculous areas that will have a great chance of being knocked back by the Federal Government.

The State Government has delayed the process of farmers receiving immediate assistance that they deserve. The State Government has used farmers as a political football and tried to rubbish the Federal Government. The Hon. Rick Colless asked the new Minister for Agriculture in the other place how much money had been expended by the Government in relation to drought assistance. The Minister said that as of 5 May the amount was \$73 million, of which several million dollars went to administration. It has been claimed that administration might amount to, say, 20 to 25 per cent. However, I have heard unofficially that that estimate could be closer to 38 per cent. Therefore, 38 per cent of the minimal funds from the State Government are being eaten up by administration. [*Time expired.*]

Mr BLACK (Murray-Darling) [4.06 p.m.]: At the outset I note that the Leader of the National Party is not in the Chamber for this debate. In the past the former Leader of the National Party, George Souris, did not turn up for such debates. And, guess what, the new Leader of the National Party, Andrew Stoner, has not turned up for this debate today. Instead, he has left it to the grand, hoary old warrior workhorse, Ian Armstrong, to carry the flak. I will quickly go through the events of 12 and 13 May and respond to some of the comments that have been made. I quote New South Wales Farmers:

Reductions in the estimates for drought funding and an absence of any substantial infrastructure spending in the 2003 Federal Budget amount to a lost economic opportunity to sustain regional communities.

In the midst of the worst drought in 200 years the Federal Government is now expecting to spend \$150 million less on drought support, confirming the eligibility criteria are so stringent that farmers are being shut out from badly needed assistance.

The article confirms what was said by the honourable member for Bathurst:

Latest figures show that only 2,500 farm families in New South Wales have qualified for full EC assistance...

I repeat: 2,500 farm families have qualified for EC assistance out of a total of 40,000. Last week the esteemed Mayor of Lachlan shire, Terry Brady—a great leader of his community—contacted me. He sent me some notes, which I dispatched to the new Minister for Agriculture and Fisheries, protesting in the most vehement terms the fact that the Commonwealth Government had knocked back many acres within his shire in the north Condobolin area. I have the pleasure of representing the area that extends up towards Condobolin, which was mentioned by the honourable member for Lachlan earlier today. I note that John Cobb issued a funny press release. Who is John Cobb? He was the president of New South Wales Farmers and he is now the Federal member for Parkes, which includes Condobolin and a vast stretch of land from Parkes and Dubbo to the South Australian border. What did he say? He said that the decision to knock back these people for drought assistance was unsolvable. By the way, I should thank John Cobb because if it were not for his intervention in getting these people knocked back for exceptional circumstances Country Labor would not have won Ivanhoe. It is the first time in the history of Ivanhoe that it has been represented by Country Labor or Labor. We won Tibooburra and our vote in Tanilba went up to blazes. I thank John Cobb publicly for that result. A press release issued by John Cobb on 13 May stated:

I want the EC application for the Central West Slopes and Planes reviewed in one month, declared Federal Member for Parkes, John Cobb, today...

I'll be hammering home to the Minister for Agriculture, Warren Truss, that we must get this reviewed in the shortest possible time...

I urge the State Government to co-operate by providing the necessary information needed to review the case. This is a setback, but it is far from over. I won't sit back and accept this as final.

Well, Lord only knows! Within hours of issuing that press release he called all over western New South Wales and said, "Look, don't publish that. I've made a mistake. Don't put it out. No, we have got to fix this." He said that it is the fault of the State Government. He did not mention poor suffering farmers being knocked back by Warren Truss, the Federal Minister for Agriculture, Fisheries and Forestry. Warren Truss has said that the drought is over—what a beauty! The only thing that is over is his ministerial career—but that is another issue! John Cobb did an astonishing backflip and said that the State Government is responsible because of the complexity of the issue. The issue is complex because of the conditions Warren Truss enshrined when he put these ECs together.

I congratulate each and every member of the rural lands protection boards, including those in the electorate of Orange, on putting together applications. I do not think that the establishment of rural lands protection boards was the invention of Country Labor. Unfortunately, the applications were knocked back by Warren Truss and, lo and behold, John Cobb did a backflip. He claimed that the size of the application was the problem and that it did not contain enough detail of each of the areas included. However, he did say that the application contained individual economic and climatic information essential for each board. There is no excuse for John Cobb telling constituents of western New South Wales that it is all too hard and they are not eligible for exceptional circumstances assistance. The Federal Government must do something and politicians like John Cobb should back out. [*Time expired.*]

Ms HODGKINSON (Burrinjuck) [4.11 p.m.]: I support the amendment moved by the honourable member for Lachlan. The drought is certainly still with us; I have spoken about it many times in this House. Despite all the rain that fell in Sydney last week, my electorate only received two millimetres. Cattle are still being fed on the road and sheep are being handfed. Rob Peden, from "Bullamalita" in Goulburn, said in a radio interview this week that he was spending about \$4,000 a week to feed his sheep, so the situation remains serious.

Farmers from my area are experiencing considerable difficulty in obtaining grain for their sheep. The Boorowa silos no longer have grain. Over the past week I have spoken to the Australian Wheat Board and Graincorp and, even though Junee has grain in its silos, farmers will have to travel an even greater distance and the grain will not last forever. For that reason I support amended paragraph (1) of the motion, which provides:

That this House:

- (1) notes the State of New South Wales is currently 92.2 per cent in drought and condemns the State Government for not bringing in a crop replanting scheme.

Farmers would have been saved significant heartache if the State Government had had the foresight to introduce such a scheme. Cattle prices are also way down at the moment but they have picked up a little at Yass because of good local bidding. I am astounded that the Government is seeking to politicise the drought by continuing to blame the Federal Government for the lack of exceptional circumstances [EC] assistance. The State Government should be able to put together an appropriate EC application—and its map is extraordinary. Rural lands protection board staff have expressed significant concern about the processes and investigations of NSW Agriculture in formulating local EC applications.

It could be suggested that the Government has set the applications up to fail for political purposes, so that it can accuse the Federal Government of being heartless. The Government should have more sense than to formulate applications in this lazy manner. Daily I witness the dire straits of my electorate. I note that in answer to a question asked by the Hon. Rick Colless in another place the Minister for Agriculture and Fisheries, the Hon. Ian Macdonald, said that \$73 million has been spent on drought assistance and that approximately 25 per cent of funding has been spent on administration charges. New paragraph (3) states:

That this House:

...

- (3) notes that the State Government has said 20 per cent to 25 per cent is being spent on administration.

It is extraordinary for such a significant proportion to be spent on administration rather than on country areas, where it is desperately needed. Unfortunately, Southern Meats Pty Ltd in Goulburn announced today that it has stood down another 90 employees from the boning rooms and the mutton line. The owner, Neville Newton, went to extraordinary lengths to retain those workers as long as possible but the drought, the trading restrictions resulting from the severe acute respiratory syndrome outbreak in China and the lack of flock numbers in New South Wales have led to those jobs being lost. Our thoughts are with the workers of Southern Meats. Those job losses are a blow to Goulburn, particularly in view of the recent closure of Supertex Industries Pty Ltd and the loss of 110 jobs.

The Government's flippant and arrogant refusal to accept responsibility for the standard of its EC applications is outrageous. The Government is spending \$800 million on the Eastern Distributor, which is still flood prone, and only \$73 million on the drought. Its priorities are all wrong, particularly when one takes into account the size of New South Wales and the conditions that farmers are presently facing. The Government should get it right. [*Time expired.*]

Mr DRAPER (Tamworth) [4.16 p.m.]: I support the motion moved by the honourable member for Bathurst. I am not an easy person to shock but, as a new member, I admit to total disbelief that the National Party unanimously voted to debate the closure of a city courthouse rather than the drought in New South Wales. One can only conclude that the drought must be finished in all National Party electorates in New South Wales. I am amazed at the hypocrisy of National Party members, who, time and again, say one thing in their electorates and they act to the contrary when it comes to a vote in the Parliament. They continually try to justify their Federal colleagues' stance on exceptional circumstances [EC] funding. Last week Mal Peters from the New South Wales Farmers Association said:

... an 18% reduction in estimated drought funding, from \$900 million to \$742 million, has been achieved because of a shortage in farmers qualifying for assistance.

The current system is overly complex, bureaucratic and the criteria are difficult to meet.

Despite recent rain the drought in the electorate of Tamworth is far from over. Figures supplied by the New South Wales Farmers Association as at 13 May, only a week ago, indicate that in New South Wales only 2,500 farm families have qualified for full EC assistance and another 3,800 are receiving interim EC support. There are around 40,000 properties in New South Wales so less than 16 per cent are receiving assistance. Some serious anomalies arise when one talks to rural counsellors in the electorate. On the whole, graziers have been successful in applying for EC assistance while crop farmers have been unsuccessful. For crop farmers the EC criteria are based on the winter cereal crops of 2001 and 2002. Crop farmers have to prove that the yield of those crops was 50 per cent below a three-year average before the drought. The average in the electorate of Tamworth is incredibly low because of major flood events experienced in 1998 and 1999. The drought did not impact on the area in 2001. In fact, many say that was a good season.

As a result only a small handful of crop farmers have been able to get EC assistance. The Tamworth Rural Lands Protection Board is unique. Because most crop farmers have already had their applications rejected, many friends and acquaintances simply give up and do not even bother to apply for assistance. As a rule, counsellors report that families with an off-farm income below \$29,000 are successful in securing EC funding but families with an off-farm income above \$29,000 rarely receive assistance. Counsellors and the New South Wales Farmers Association also believe that the criteria are far too strict and that they do not take into account the disasters of previous years when determining eligibility. Many more farmers in my electorate should be eligible based on current circumstances, but the formula for determining assistance fails to recognise the hardships of previous years in the area.

Drought does not end with rain falling in affected areas. Farmers and regional communities will feel the effects of the drought for at least two years after it breaks. The Federal Government should not be reducing its commitment to drought-affected farming families. It should be re-examining the criteria to qualify for assistance in the electorate of Tamworth and it should recognise the impact of floods in that electorate when determining the average yield for the three years preceding the drought. The Federal Minister for Agriculture, Fisheries and Forestry, Warren Truss, has taken the manipulation of statistics to a new level. In a recent press release he claimed that at the beginning of May, 12,000 farm families were either receiving interim income support, prima facie EC or full EC. The fact that less than 16 per cent of drought-affected farm families in New South Wales are receiving assistance demonstrates the difficulty in qualifying for EC. In the same release Mr Truss came close to reality when he commented:

Because take-up rates have been less than expected, the estimates of expenditure on EC have been revised to realistically reflect committed expenditure.

That is how the Federal Government is justifying cutting back its commitment to drought-affected farmers. It makes it difficult for farmers in my electorate to qualify for assistance. Once that happens the Federal Government claims it can reduce its commitment because so few farmers are receiving assistance. From my perspective that is an extremely cynical position to take. I fully support the motion.

Mr MAGUIRE (Wagga Wagga) [4.20 p.m.]: I support the amendment moved by the honourable member for Lachlan. I am disappointed that the honourable member for Bathurst appears to have totally ignored the words of Federal Minister Truss. I watched the Minister on television when he was questioned about the budget allocation. He clearly and categorically indicated that more funds would be available and that the budget was merely something with which to work. I do not know anyone who can accurately predict when this terrible drought will end, but I watched the Minister say categorically that the Federal Government would support rural communities and review the funding allocation if it was demonstrated that that was necessary.

I am concerned that Government members initiate debates in this House but offer few solutions to the questions they pose. It is all very well to point the stick and call honourable members every name under the sun. However, I ask the Government what plans it has in place to assist farming and rural communities. It is clear that the Government has no plan, apart from throwing insinuations and criticism at the Federal Government. What does the State Government plan to do when the drought breaks? What has it said it will do to assist rural families and rural communities? Will it embark on a crop planting scheme? I would bet the answer to that is "No", because the Government fails to plan.

What is the Government doing to assist businesses that are now being affected by this dreadful drought? I have heard no mention of the small businesses and those who rely on farming communities. While farming communities are important to the infrastructure and social fabric of our communities, so too are businesses. I have yet to hear from this Government, apart from an amount of money for which people can apply through the Department of State and Regional Development, of other assistance for businesses that are falling over, particularly in the areas that have not received the benefit of the recent rain. For example, Lion Wool fell over on Friday, with the loss of a number of jobs, and Parle Industries in the electorate of my friend the honourable member for Murrumbidgee is experiencing difficulties because of the drought. In all of the Government's rhetoric there has been little mention of what plans it has in place to help them get through the drought.

The Federal Minister clearly said that the amount of funding allocated in 2002-03—some \$279 million—has increased by 823 per cent, and I understand from what I have read that he has left the door open for further applications for assistance. Like many people in the farming community and those who represent the rural lands protection boards, I was concerned when I heard about the difficulties being experienced in gaining exceptional circumstances [EC] funding. I made further inquiries from various departments, particularly the Department of Agriculture, and found that the area covered, the diversity of farming activities, the diversity in climate and the fact that some farms had received rainfall were factors taken into account. When I drove through the two areas in the past week I saw with my naked eyes that there was a disparity between the two areas I am referring to. I am talking about my area, which includes Holbrook, Tumbarumba and Wagga Wagga.

Last night I spoke to several farmers, who told me that they had never experienced such difficult circumstances. I have not experienced such a bureaucratic muddle as the State Government trying to apportion blame when the farmers simply want the problem solved. All that needs to be done is for the State Government to submit the applications. I acknowledge the work done by Department of Agriculture staff, who are hard working and dedicated. However, applications must be based on smaller areas, which I understand has been requested. I ask the State Government to support the work of the Department of Agriculture and the Federal Minister, and ensure that the funding is applied. The Government should tell us what it intends to do for small businesses, as well as large businesses, that are being affected badly by the drought. [*Time expired.*]

Mr McGRANE (Dubbo) [4.25 p.m.]: I support the amendment, for obvious reasons. Earlier in the House I gave notice of a motion calling on the Federal Government to introduce a scheme similar to the 2000 Rainfall Event Flood Assistance package, which provided financial support to farmers to buy seed, fuel and fertiliser and to put money back into the community. That successful scheme, run by the Federal Government, gave money to grain growers in New South Wales to buy the commodities to which I referred. Three years ago, that enabled grain growers to plant their crops, and in many cases that is the last crop they planted. I support the amendment because it will give relief to people in the community who need relief, that is, grain farmers in New South Wales.

The drought is much worse than it was 12 months ago, when people had fodder and financial reserves; they had the seed crop and fertiliser to plant last year's crop. Most farmers in New South Wales planted crops and got nil returns. This time round, 12 months later, they have no fodder reserves, no financial reserves and no seed because they used the seed last year to plant their crop. Grain farmers have no financial reserves to buy fuel, fertiliser and chemicals, which are a big component in growing a crop. Crops must be planted this year when suitable rains arrive. In some areas rain has arrived and people are planting their crops. However, they are putting themselves at risk because they are buying fuel without receiving any relief from their financial institutions. That means that both the State and Federal governments must provide some type of cash relief to grain farmers so that they can get back into production.

The grain industry will turn round the economy in regional New South Wales after this devastating drought. The economy does not rely on only the stock industry; it takes a long time for graziers to build up their

stock herd to start turning over cash in their community. It is the grain industry that puts cash back into a regional area. This year many farmers with low stock numbers, because of the drought, need financial help to increase the acreage of grain crops planted. I support the amendment because it gives a ray of hope. Both the State and Federal governments must come to the rescue of the grain industry. There has been a lot of argy-bargy from members on both sides of the House blaming one government or another for exceptional circumstances [EC] applications. A few Federal politicians have made ill-informed comments about the EC applications that have been made through various rural lands protection boards, and they have lumped all the boards into one. I have been informed that the applications were all considered individually.

One exceptional circumstances application comprised 148 pages. The problem is that the criteria are too severe. The exceptional circumstances applications that the boards are filling in with the Department of Agriculture are too complex and, therefore, the review committee has been knocking them back. In my area in the Central West of New South Wales five rural lands protection board applications have been knocked back. That puts pressure on the landholders in those areas. In many cases emergency funding has been extended to them on the understanding that exceptional circumstances funding would be gazetted. That has not happened. The Federal Minister lacked foresight when he said that there is a problem that has been solved and we have to work together with the State Government. The State Government's actions so far have been commendable, but a team effort between the Federal and State governments is essential. The amendment by the honourable member for Lachlan supports the grain industry, and I support it.

Mr MARTIN (Bathurst) [4.30 p.m.], in reply: I thank honourable members on both sides of the House for their contributions to this debate. Those contributions certainly varied in quality, enthusiasm and logic. One may call me biased, but in my view the most reasoned and logical speeches came from those on this side of the House. The honourable member for Lachlan spoke about exceptional circumstances funding. To an extent he was filibustering. I suppose he was filling in for the Leader of the National Party, who, it has been pointed out, preferred to discuss the plumbing in a court house on the coast of New South Wales rather than debate the drought. My colleagues the honourable member for Monaro and the honourable member for Murray-Darling made reasoned and logical contributions to the debate.

The Opposition claimed the State Government was playing politics on this issue. Following the Federal budget, the most strident critics of the actions of the Federal Government in reducing its funding estimates for drought relief and not looking at the criteria for exceptional circumstances assistance were none other than Peter Corish, the President of the National Farmers Federation, and Mal Peters, the President of New South Wales Farmers. I would be surprised if anyone claimed that they are red-hot socialists doing the bidding of a Labor Government. There has been almost unanimous condemnation of the message that Warren Truss and Peter Costello sent to farming communities. It has been said we do not know how much drought relief will ultimately cost. That is true. Why would the Federal Government revise the figures down when all the portents indicate that things will probably get worse? The Federal Government is sending the wrong message.

The honourable member for Orange made a fairly forgettable contribution. He tried the usual trick he uses in his weekly column in the *Central Western Daily*: say what you like, do not worry about it having any basis in fact. He tried to tell us that the administration costs of the New South Wales Government's drought relief measures is 38 per cent. That is preposterous. It is true that more money than anyone would like is spent on an administration, but the hoops that the New South Wales Department of Agriculture has to jump through to meet the criteria set by the Federal Government on exceptional circumstances applications are enormous. That is why the applications are taking so much time and costing so much.

[*Interruption*]

The honourable member for Burrinjuck should not interrupt. Her contribution was pedestrian. She accused farmers of being lazy in filling out their applications. She claimed that the Department of Agriculture had not filled out the applications properly and that one application was too big. She and other members opposite forget that the New South Wales Department of Agriculture filled in that huge application but broke it down, rural lands protection board by rural lands protection board, so the Federal Government could look at the whole or any part thereof. The Federal Government chose not to do so because it does not want to put its hand in its pocket to help farming families—and the honourable member for Burrinjuck knows that.

Ms Hodgkinson: Point of order: I trust you will ask the honourable member for Bathurst to direct his remarks through the Chair instead of pointing at me across the table.

Mr ACTING-SPEAKER (Mr Mills): Order! There is no point of order. The honourable member for Burrinjuck will cease interjecting.

Mr MARTIN: Once again the honourable member for Burrinjuck shows her ignorance of the standing orders of this House. I take the point made by the Independent members in this debate. The contribution of the honourable member for Tamworth was straight to the point. He pointed out the hypocrisy of the National Party when it voted to support the other urgent motion being debated.

[*Interruption*]

The honourable member for Tamworth will be around for a long time; he has already culled the National Party member in his region. The honourable member for Dubbo has great respect in his electorate and we will listen to what he has to say. However, at the end of the day the Federal Government has to get the message, and that is why I commend my motion to the House.

Question—That the amendment be agreed to—put.

The House divided.

Ayes, 35

Mr Armstrong	Mrs Hopwood	Mr Roberts
Mr Barr	Mr Humpherson	Ms Seaton
Ms Berejikian	Mr Kerr	Mrs Skinner
Mr Cansdell	Mr McGrane	Mr Slack-Smith
Mr Constance	Mr Merton	Mr Souris
Mr Debnam	Ms Moore	Mr Stoner
Mr Draper	Mr Oakeshott	Mr Tink
Mr Fraser	Mr O'Farrell	Mr Torbay
Mrs Hancock	Mr Page	Mr R. W. Turner
Mr Hartcher	Mr Piccoli	<i>Tellers,</i>
Mr Hazzard	Mr Pringle	Mr George
Ms Hodgkinson	Mr Richardson	Mr Maguire

Noes, 48

Ms Allan	Mr Greene	Mr Pearce
Mr Amery	Ms Hay	Mrs Perry
Ms Andrews	Mr Hickey	Mr Price
Ms Beamer	Mr Hunter	Dr Refshauge
Mr Black	Ms Judge	Ms Saliba
Mr Brown	Ms Keneally	Mr Sartor
Ms Burney	Mr Lynch	Mr Stewart
Miss Burton	Mr McBride	Mr Tripodi
Mr Campbell	Mr McLeay	Mr Watkins
Mr Collier	Ms Meagher	Mr West
Mr Corrigan	Ms Megarrity	Mr Whan
Mr Crittenden	Mr Mills	Mr Yeadon
Ms D'Amore	Mr Morris	
Mr Debus	Mr Newell	
Ms Gadiel	Ms Nori	<i>Tellers,</i>
Mr Gaudry	Mr Orkopoulos	Mr Ashton
Mr Gibson	Mrs Paluzzano	Mr Martin

Pairs

Mr Aplin	Mr Carr
Mr J. H. Turner	Mr Iemma

Question resolved in the negative.

Amendment negatived.

Motion agreed to.

BILL RETURNED

The following bill was returned from the Legislative Council without amendment:

Appropriation (Budget Variations) Bill

JOINT COMMITTEE ON THE INDEPENDENT COMMISSION AGAINST CORRUPTION

Mr SPEAKER: I report the receipt of the following message from the Legislative Council:

Mr SPEAKER

The Legislative Council desires to inform the Legislative Assembly that on Wednesday 7 May 2003 it agreed to a resolution appointing, under section 63 of the Independent Commission Against Corruption Act 1988, a Joint Committee known as the Committee on the Independent Commission Against Corruption.

The Legislative Council also desires to inform the Legislative Assembly that the following Members have been appointed to serve as Members of the Legislative Council on the Committee:

Ms Gardiner
Mr Primrose
Revd Mr Nile

Legislative Council
20 May 2003

M. BURGMANN
President

JOINT COMMITTEE ON CHILDREN AND YOUNG PEOPLE

Mr SPEAKER: I report the receipt of the following message from the Legislative Council:

Mr SPEAKER

The Legislative Council desires to inform the Legislative Assembly that on Wednesday 7 May 2003 it agreed to a resolution appointing, under section 27 of the Commission for Children and Young People Act 1998, a Joint Committee known as the Committee on Children and Young People.

The Legislative Council also desires to inform the Legislative Assembly that the following Members have been appointed to serve as Members of the Legislative Council on the Committee:

Ms Burnswoods
Mr Catanzariti
Ms Griffin
Ms Hale
Ms Pavey

Legislative Council
20 May 2003

M. BURGMANN
President

JOINT COMMITTEE ON THE HEALTH CARE COMPLAINTS COMMISSION

Mr SPEAKER: I report the receipt of the following message from the Legislative Council:

Mr SPEAKER

The Legislative Council desires to inform the Legislative Assembly that on Wednesday 7 May 2003 it agreed to a resolution appointing, under section 64 of the Health Care Complaints Act 1993, a Joint Committee known as the Committee on the Health Care Complaints Commission.

The Legislative Council also desires to inform the Legislative Assembly that the following Members have been appointed to serve as Members of the Legislative Council on the Committee:

Ms Robertson
Mr Clarke
Dr Wong

Legislative Council
20 May 2003

M. BURGMANN
President

**JOINT COMMITTEE ON THE OFFICE OF THE OMBUDSMAN
AND THE POLICE INTEGRITY COMMISSION**

Mr SPEAKER: I report the receipt of the following message from the Legislative Council:

Mr SPEAKER

The Legislative Council desires to inform the Legislative Assembly that on Wednesday 7 May 2003 it agreed to a resolution appointing, under section 31A of the Ombudsman Act 1974, a Joint Committee known as the Committee on the Office of the Ombudsman and the Police Integrity Commission.

The Legislative Council also desires to inform the Legislative Assembly that the following Members have been appointed to serve as Members of the Legislative Council on the Committee:

Mr Breen
Ms Burnswoods
Mr Clarke

Legislative Council
20 May 2003

M. BURGMANN
President

JOINT LEGISLATION REVIEW COMMITTEE

Mr SPEAKER: I report the receipt of the following message from the Legislative Council:

Mr SPEAKER

The Legislative Council desires to inform the Legislative Assembly that on Wednesday 7 May 2003 it agreed to a resolution appointing, under section 4 of the Legislation Review Act 1987, a Joint Committee known as the Legislation Review Committee.

The Legislative Council also desires to inform the Legislative Assembly that the following Members have been appointed to serve as Members of the Legislative Council on the Committee:

Mr Breen
Mr Harwin
Mr Oberid

Legislative Council
20 May 2003

M. BURGMANN
President

MINE SAFETY

Matter of Public Importance

Mr HICKEY (Cessnock—Minister for Mineral Resources) [4.50 p.m.]: Protecting the health and safety of workers in all sectors of the New South Wales mining industry is an absolute priority of the Carr Labor Government. Mining in New South Wales has a safety record that ranks with the best in the world, but the number of deaths and serious accidents in the mining industry is still unacceptable. In 2001-02 there was one fatality in New South Wales coalmines and 21 serious injuries. These incidents caused untold grief and pain to miners, their families and the communities in which they live and work.

I know first hand the terrible cost that mining accidents and disasters have exacted in my electorate of Cessnock. Indeed, one of my saddest duties as the local member is to attend the annual service at the Jim Comerford Memorial Wall in Aberdare, which lists the names of the 1,537 miners killed on the northern coalfields since the first lease was granted in 1801. To put the Hunter region's loss in perspective, that is three times the number of soldiers Australia lost in the Vietnam War. We owe it to their memory and to today's mine workers to ensure that New South Wales mines meet and exceed world's best practice. We must never become complacent.

The Carr Labor Government has initiated significant health and safety reforms. Its commitment to protecting the State's mineworkers has seven key components. They are increasing annual mine safety funding to \$17.9 million this financial year; rigorous enforcement policies and practices, including a departmental investigations unit—the first of its kind in Australia—and the employment of an extra 11 mine safety enforcement officers; delivering a robust legislative and regulatory framework endorsed by industry and employee representatives; establishing the Mines Safety Council in 1998, following the recommendations of the Mine Safety Review and the Gretley Inquiry; supporting a national approach to mine safety through the Ministerial

Council on Minerals and Petroleum Resources and the Joint Coal Safety Forum between the New South Wales and Queensland governments; promoting the free flow of safety information and best practice through a diverse communications strategy that includes regular conferences, seminars and publications, including the department's Mine Safety Review; and continuing onsite training and assessment of mine safety systems, processes and standards.

Training our mine rescue teams is a vital part of the overall effort for a safer mining industry in this State. Last Friday the annual Newcastle mines rescue competition was held. It was the first time this competition—which has been running for around 50 years—has been conducted as a simulated emergency. To maintain authenticity, the nominated colliery remained unknown to those taking part in the exercise until the call-out that morning. Rescuers were called from 6.00 a.m. and told that an emergency rescue exercise was underway. It was not until that point that they were informed that the exercise would take place at Newstan Colliery, near Fassifern.

Eight teams of six people, along with four representatives from Stawell Gold Mine in Victoria, who train with their New South Wales counterparts, took part in the operation at Newstan. About 100 people took part, including assessors and assistants. The rescuers were underground for close to eight hours. During that time, breathing apparatus was tested, along with escape systems, rescue skills and processes. Once all participants were underground, team names were drawn out of a hat. In a real situation, not all rescue teams would arrive and stay together. The competition was organised by Mines Rescue, part of Coal Services Pty Limited. The New South Wales Department of Mineral Resources provided two inspectors to act as assessors.

Similar rescue exercises will be held throughout New South Wales over the coming months, in the lead-up to the national mines rescue competition in Wollongong this October. The winners of the Newcastle rescue competition were Steve Beikoff from West Wallsend, who was team captain; Stephen Slot from Myuna, who was vice captain; Daryn Baird from West Wallsend; Dave Anderson from Southland; Paul Raszewski from Southland; and Garry Young from Myuna. On behalf of the Carr Labor Government I congratulate this team on its exceptional effort, and I thank everyone who took part in the exercise.

Like all mine rescue teams, these men are volunteers from collieries who train together at least half a dozen times a year. It is this bond of mateship, dedication and diligence—beyond the call of duty—that puts our mine rescue teams at the forefront should disaster strike. By continuing to adopt a cooperative approach to addressing mine safety, involving mining operators and employee representatives, we aim to achieve major improvements in this vital area of mining. Fewer fatalities and serious accidents not only lessen regrettable human tragedy and suffering but also positively impact on mine productivity and industry competitiveness. I hope I never have to stand in this place and deliver a speech similar to that given by my predecessor, the Hon. Bob Martin, on 14 November 1996, following the shocking news of the deaths of four miners at Gretley Colliery.

[*Interruption*]

The shadow Minister is making fun of that speech. The then Minister stated:

There should be no higher priority than the safety of workers. In the mining profession, it is often said that deaths and injuries are simply part of what is a dangerous and risky occupation. It is sometimes suggested that such accidents should be expected to happen in the pits. The Carr Government does not support that proposition.

The Minister spoke eloquently on that awful day about his deep concern that a creeping ambivalence, a worrying attitude of laxity, had developed in some mining operations, which in turn had precipitated his move to establish the Mines Safety Review. Now, as then, the Carr Labor Government puts the welfare of workers first. That is why mine safety is a matter of the highest public importance. The wider community must never forget the risks and the dangers that miners encounter in their every working day. Our job as the Government is to ensure that these risks are minimised through legislation and regulation that is understood and implemented across the New South Wales industry.

Mr PICCOLI (Murrumbidgee) [4.58 p.m.]: Mine safety is a very important issue in New South Wales and throughout Australia. To echo the words of the Minister, it is one of the most important duties of the Parliament, the Government, and the bureaucracy to ensure the safety of our community, and particularly people who are employed in hazardous occupations such as mining. I do not think the importance of mine safety, and work safety in general, can be overstated. As the Minister said, over the decades the number of mine accidents and deaths has been reduced, and I am sure all members are very pleased about that. However, governments, bureaucracies and private organisations can never do enough to improve mine safety.

Coal and Allied Industries Ltd recently provided me with details about the work safety measures the company has put in place at its collieries. Indeed, there has been fantastic investment by private companies in work safety measures. I am sure that even some private companies would acknowledge that decades ago perhaps insufficient emphasis was placed on employee safety in mines. As a member of Parliament and a member of the general community, I am encouraged that so much emphasis is being placed on mine safety and that there is so much investment, particularly by private organisations, in improving mine safety. The accident record at mines is improving every year. I believe that the industry has a goal of reducing mine accidents by 50 per cent a year, which is fantastic. Indeed, I am aware that last year that goal was exceeded.

In its annual report the New South Wales Minerals Council referred to an increase in mine safety right across the sector, which is encouraging. Obviously, in the years to come even more work will be done to improve mine safety, so that miners and their families can be confident that every single matter to do with mine safety has been considered. I acknowledge the Minister's comments. I certainly hope that in the future no Minister for Mineral Resources ever has to make a speech in this Parliament about a death at a New South Wales mine.

Given the reduction in the number of injuries and deaths in New South Wales mines, as acknowledged by the Minister, one would expect that one consequence would be a reduction in workers compensation premiums, which is a significant issue for the mining industry because it costs the industry a lot of money. I believe that workers compensation premiums in the coalmining industry have doubled over the past four years. Primarily, mine safety is about reducing risks, reducing injuries, and reducing deaths, but it is also about sustaining the viability of mines. All New South Wales industries have made representations to the Government about reducing workers compensation premiums, but the mining and coalmining industries, in particular, are being hammered by the cost of those premiums.

I would like to hear what the new Minister for Mineral Resources proposes to do about reducing workers compensation premiums for mining companies. It is almost impossible for mining companies to prosper and create jobs in New South Wales when their workers compensation premiums are so high. As I said, under this Government workers compensation premiums have doubled in four years, with premium rates for some New South Wales underground coalmines being more than 30 per cent of wages. By comparison, in Queensland the average premium rates are 1.6 per cent for open-cut mines and 5.5 per cent for underground mines.

If the Minister is to really achieve something in his portfolio, he must do something about workers compensation premiums, because the statistics alone suggest that companies are being encouraged to invest in Queensland because of this Government's inaction over workers compensation premiums. In a press release, the newly elected chairman of the New South Wales Minerals Council, Wayne Isaacs, said that workers compensation costs, in particular, are heavily impacting on mining businesses and threatening their viability.

Mr Hickey: This is about mine safety.

Mr PICCOLI: I know that this matter of public importance is to do with mine safety, but mine safety has a lot to do with workers compensation. The mining industry is doing the right thing by increasing safety, investing in safety measures, and reducing the number of accidents and deaths; it is doing exactly what the Government has asked it to do. But what did the industry get in return in the past four years? Its workers compensation premiums were doubled. We cannot expect this industry to survive with a doubling of its workers compensation premiums. Something must be done about workers compensation premiums in New South Wales, particularly in the mining industry. On the figures I have quoted—do not take my word for it, take Wayne Isaacs' word—the increase in workers compensation premiums is threatening the future viability of mining in New South Wales. Unless the Minister and the Government do something about the continuing increase in workers compensation premiums, jobs will continue to go from New South Wales to other States

Mr MARTIN (Bathurst) [5.06 p.m.]: Improving mine safety continues to be a high priority of the New South Wales Government. As the Minister said, the Carr Government supports that commitment through a mine safety budget of \$17.9 million this financial year. This spending commitment is backed by some major reforms outlined by the Minister which I am pleased to be able to detail. They include the establishment of a Mine Safety Advisory Council, with industry, union and Government representatives, to provide strategic policy advice on mine safety and oversee the implementation of the mine safety review; the establishment of a special investigation unit within the Department of Mineral Resources to undertake more major investigations and improve the overall standard of investigations; the development and implementation of a comprehensive enforcement policy that came into effect on 1 January 1999; and the provision of \$1 million over two years to establish a prosecutions fund to support this policy.

Prosecuting those who commit serious breaches of mine safety legislation is now an essential component of mine safety regulation. The Department of Mineral Resources now has a record of successful prosecution, with seven convictions. A further 19 matters are proceeding with a number of parties involved. The new Act will ensure that the New South Wales coal industry has the best possible and most up-to-date standards of occupational health and safety legislation. It gives greater power to local check inspectors so they can be more effective in protecting workers. The Carr Labor Government is committed to mining industry training for all site check inspectors.

The Government will also work closely with employee representatives to develop new regulations to support the Act so they can be brought into law in the foreseeable future. In addition we have adopted the recommendations of the Gretley Colliery inquiry, and released the draft Mine Health and Safety Bill as part of the ongoing consultation process on new safety laws for metalliferous mines and quarries. This effort is producing results, with major improvements in safety performance. It is saving lives and stopping injuries. There have been relatively few accidents in the western coalfields in recent times. That said, any accident resulting in serious injury or fatality is one accident too many. My own constituency includes large parts of the western coalfields and I share the Minister's passion for the continual improvement of mine safety.

Two accidents involving the collapses of the rib wall at the Charbon Colliery in Kandos in 2001 and 2002 resulted in miners receiving broken legs. Following an investigation into those accidents the company was able to identify ways to eliminate the risk of such accidents happening again. A fatality at the Baal Bone Colliery at Cullen Bullen in September 2001 is currently under investigation and, once again, a lesson has been learned there about appropriate risk assessment and proper controls. The Minister and all Government members want to see a time when miners do not have to lose their lives or be seriously injured in order for safety lessons to be learned. While safety performance is getting better, it is an area where government, industry and employees must strive for continual improvement. A lot has been achieved, but a great deal of work remains to be done.

During this term of office the Carr Labor Government plans to introduce new legislation based on the draft Mine Health and Safety Bill, develop new coalmine safety regulations and maintain active government regulation of mine safety. This is very important. As I said, in my electorate there have been relatively few serious accidents in recent years. However, before I came to this place I worked for some 30 years in the coal industry in the western coalfields. As the personnel manager for a mining company, I had to knock on a family's door and tell them that the husband would not be home that night because he had been lost in a fall at the coalface at the Hermitage colliery.

When one is that close to the action one realises the importance of mine safety and how it impacts not only on those killed or injured but on the family and, indeed, on the community. Anyone who lives in a mining area knows the tremendous impact a fatality has throughout the community. The Minister and the department are addressing these issues and working with industry to reinforce the fact that there can be no complacency when it comes to mine safety. I am sure that the Minister and the Government will not rest on this critical issue. The elimination of fatalities and serious accidents is the call and we must not condemn the memory of all workers lost in mining accidents in this State by repeating the past. I commend the Minister for bringing this important matter before the House.

Mr HICKEY (Cessnock—Minister for Mineral Resources) [5.11 p.m.], in reply: The shadow Minister for Mineral Resources has echoed what I have said previously. It is sad that he is not in the Chamber to hear my reply. Mine safety is a major concern of the Government. The Government is doing everything to make it an absolute priority. It is putting money and solutions forward. It is ensuring that safety in the mining industry is addressed. This is not about workers compensation. The Government works in close consultation with the mining companies in relation to mine safety. However, the burden of leadership clearly rests with the Government. The Carr Labor Government does not and will not shy away from its responsibility. Our commitment is there; it has been spoken about. The \$17.9 billion this financial year is there.

The shadow Minister referred to workers compensation premiums. We are not here to discuss workers compensation: compensation follows the accident. We need to address the problem; we need to put solutions forward. The Government is trying to put solutions forward to address the issue before we get to workers compensation. We are talking about prevention through the best health and safety procedures and laws and regulations possible. The United Nations recognises the safety record of New South Wales and what the Government is doing to address a lot of the issues surrounding mine safety. I, as the Minister for Mineral Resources, am not here to address workers compensation; I am here to address and resolve mining industry

problems. It is sad that the shadow Minister does not see that. The Minister for Industrial Relations is responsible for workers compensation and the shadow Minister should have directed his comments to him. The shadow Minister's input to this debate was minimal.

Discussion concluded.

Pursuant to sessional orders business interrupted.

PRIVATE MEMBERS' STATEMENTS

EAST HILLS ELECTORATE CENTENARY MEDAL RECIPIENTS

Mr ASHTON (East Hills) [5.15 p.m.]: I shall talk briefly about the people who were recently awarded the Centenary Medal in the general division, particularly the recipients from the electorate of East Hills. Unfortunately, I have only five minutes in which to make my private member's statement, which does not allow me to talk for more than 14 seconds per person—that is not a fair reflection of their contribution to my electorate of East Hills and the wider community in Bankstown. Mr Maan Abdallah was a recipient for long and dedicated community work, particularly in the Lebanese community in my electorate. I congratulate Maan. Mr John Charles Bradfield, better known as Jack, was awarded the medal for services to the community, especially through the New South Wales branch of the Australian Labor Party. Jack is not a young man—he dedicated virtually 50 or 60 years of his life to the ALP. Ms Sue Channells earned the Centenary Medal in the general division for service to the Centenary of Federation celebrations. Sue is also involved in the Revesby Workers Club Little Athletics.

John Coates won an award for services to the community through the St Christophers football club. St Christophers is one of the great clubs in my electorate; it has produced many rugby league champions, the most recent being Brent Sherman, who is getting quite a bit of publicity at the moment with the Bulldogs. Henry James Collins, known as Harry, received a medal for services to the community as president of the Coolaburoo Neighbourhood Centre. There is not a more active person than Harry Collins in the Bankstown community. He is on one of the Premier's committees for advice on health and matters concerning the elderly. Alex Day received an award for services to the Sydney Gay and Lesbian Counselling Service. He is very active in the Bankstown community, representing the interests of people who are disaffected and disadvantaged in that community. Robert Douglas Downey received an award for services to the community going back to the early 1950s. I commend Bob Downey for reasons that many people would be aware of. Len Eickenloff received an award for long service to the Panania Returned Services League [RSL]. Len is the president of the Panania RSL and is also a welfare officer.

Bill Heard of Panania received an award for long service to the community as a welfare officer with the Revesby Workers Club. He has spent many years visiting and helping people, which he does on a voluntary basis. People are just so glad to see him turn up and say, "How are you going?" Phyllis Johnson rarely needs any introduction for the many people who have known politics in this community for many years. Phyllis received an award for her services to feminism and consumer rights. She began the Campaign Against Rising Prices [CARP] about 30 years ago. Sadly, Phyllis's husband, John Johnson, passed away a week and a half ago. Martin Klumpp received an award in recognition for the work he put into building up Bankstown Oval. Martin is also very involved with the Bankstown Bulldogs Cricket Club.

Peter Lozan was awarded for his involvement with youth through swimming. Betty Moore was awarded for long and outstanding service to women's sport in New South Wales, particularly netball. Betty is the president of the Bankstown Netball Association. Kerry Parsons received an award for her services to the community through health. When I was teaching at Picnic Point High School Kerry was always telling me I was eating all the wrong food. She tried to serve me lettuce, tomatoes and those sorts of objectionable items. I am glad to see that she has received an award. Pat Pride received a medal for services to the community through Meals on Wheels at Bankstown. Pat is also very involved in the services of the Revesby Workers Club, particularly netball.

Everyone will know of Godfrey Eugene Priest, better known as Rusty Priest. I acknowledge his award. Norma Smith is the president of the Revesby Workers Club and was awarded for a lifetime commitment to people in our area. Councillor Ian Stromborg, many times the Mayor of Bankstown, was awarded for his

services to the community through local government. I conclude by mentioning Mrs Gwen Williams, who is very involved in De La Salle College, Revesby, and also involved in looking after many people through the Panania Senior Citizens Centre. With the eight seconds remaining, I offer my congratulations to all the people I have just mentioned.

Ms NORI (Port Jackson—Minister for Tourism and Sport and Recreation, and Minister for Women) [5.19 p.m.]: I commend the honourable member for East Hills for taking the time to acknowledge the many volunteers and people within his community who have offered unstinting service to the local community. As the honourable member would know, particularly in relation to sport we rely heavily on volunteers—that is, mums and dads—as officials, fundraisers and so on. We could not get by without our volunteers. I commend the many good citizens of the Bankstown area and surrounding areas for the contribution they make to the local community and I commend the local member for acknowledging them.

SUTHERLAND SHIRE FLOODING

Mr KERR (Cronulla) [5.20 p.m.]: I speak tonight about the problem of flooding in my electorate. The honourable member for East Hills paid tribute to volunteers during his private member's statement. I pay tribute to the State Emergency Service for the work it has undertaken in my area. I note that all members in this House share those sentiments. By way of contrast, my office rang the office of the Minister for Emergency Services, Tony Kelly, to ascertain what information was available to the general public, but there was no response. Eventually something was posted on the web site but it did not contain information for ordinary home owners. I ask the Minister for Tourism and Sport and Recreation to convey to the Minister for Emergency Services that representations from my office were faxed and emailed to him, yet no information was forthcoming. I shall now refer to two of my constituents who are representative of Taren Point and Kurnell. In a letter dated 20 May the Director of Phantom Manufacturing Co. Pty Ltd stated:

We have a wire factory in 42 Bay Rd, Taren Point and among 60 or so factories in Bay Rd suffered extensive damage from the heavy rains that inundated all of the Taren Pt area on 13.5.03, with water from 1 to 3 feet deep.

It would be appreciated if you could bring the alarming widespread damage caused by this flood to the attention of Parliament, and also the Local Council being required to commence remedial changes urgently to the Stormwater Outlets, as this problem will arise again in our area if urgent changes aren't made to the outfalls to Botany Bay.

The *St George and Sutherland Shire Leader* reported the extensive problems caused by inadequate drainage in the area. I also received an email from a constituent in which she stated:

I have been a resident of the Sutherland Shire all my life, the past ten years having lived in Torres St Kurnell, more commonly known as "Torents St" when we experience weather such as we have had this week. Within two days of torrential rains our homes are again under water—up to waist deep at some points.

This type of flooding generally occurs twice a year and although I have tried on several occasions, our local council refuses to take any action that might help alleviate our problems.

Back in the 80's the council rebuilt Torres St, however they made the mistake of building it higher than the existing homes and now as a result water ponds on our properties with nowhere to drain. The S.E.S. has spent hours over the last two days pumping water out, but to no avail as the continuing downpours just exacerbate the problem.

To my knowledge, not one representative from our Council has ever bothered to make an appearance during the course of flooding in our area in the ten years that I have lived here and although they are allowing subdivisions to go ahead where they really should not, they are not willing to invest any money in improving the poor drainage systems that exist in the neighbourhood.

That should have warned Sutherland Shire Council about the problems of flooding. However, if the so-called people's local environmental plan [LEP], which allows family homes in the Caringbah area to be rezoned from residential to industrial, is implemented further flooding will occur. This LEP is commonly known as Tracie Sonda's loco environmental plan. Under the new industrial zoning, which poses under the name of employment zone, comfortable family homes on large blocks will become homes in limbo, waiting for a potential industrial purchaser. Residents of Willarong Road north, Crammond Boulevard and Woodfield Boulevard will be extremely disadvantaged by the proposal. They will face financial and lifestyle loss, and flooding will occur similar to that experienced by residents of Taren Point. The present drainage infrastructure, which is suitable for homes, will not cope with factories. As well, traffic will increase and roadways will flood. Residents of the area face the prospect of having their largest asset—their family home—taken from them through no fault of their own and the area being rezoned industrial. This will result not only in human tragedy but potential danger from these areas becoming flood plains.

SCHIZOPHRENIA AWARENESS WEEK

Mr GAUDRY (Newcastle—Parliamentary Secretary) [5.24 p.m.]: Last Friday I had the honour of launching Schizophrenia Awareness Week in the Hunter region at the Outback Art Gallery, Mayfield. The gallery is a great supporter of the Schizophrenia Fellowship and the Sunflower Club, which sponsor and present Schizophrenia Awareness Week. The fellowship has worked consistently to eliminate the stigma of schizophrenia, to ensure that its sufferers and their carers have access to services, and to provide ongoing advocacy on their behalf. Schizophrenia affects between 3 per cent and 5 per cent of our population, but directly and indirectly affects over one million Australians. Tragically, 15 per cent of people diagnosed with schizophrenia commit suicide within the first two years. That said, 25 per cent of people diagnosed recover completely because the illness can be managed with the appropriate treatment. One in five people will experience a mental illness, for example clinical depression, at some stage in their life.

The launch gave me the opportunity to thank the fellowship for its work and to particularly applaud the work of the Hunter Carer Advocate and Community Development Officer, Debra Walter, and her predecessor, Sarah Harvey. These two women work with two programs, the Community Development Officer's Role Program, which is funded by Hunter Health in the amount of \$16,000, and the Carer Support Unit, which is funded through the State. Under these programs some 200 members of the fellowship and the supporters club, most of them being carers or schizophrenics, are contacted and supported. The Carer Support Unit works with some 30 people, and Debra Walter provides ongoing support to 30 people in Newcastle and 30 people in Cessnock. It is also hoped that another group will be established in Lake Macquarie around July.

It is important that this week we note the impact of schizophrenia on the community. Accordingly, in the Hunter a support group dinner was held on Monday 19 May at the Cardiff RSL. On Wednesday 21 May a candlelight vigil and service will be held at 7.00 p.m. at Christ Church Cathedral. On Sunday 25 May at 9.00 a.m. a service will be held at St Johns Anglican Church, Cessnock, and a fellowship dinner will be held on Monday 26 May. Sydney members may attend a candlelight vigil from 5.30 p.m. to 7.00 p.m. this Wednesday 21 May at St Marys Cathedral. These significant events will give people an opportunity to show their support, solidarity and understanding of issues facing people with schizophrenia.

On Saturday 24 May a symposium will be held at the Masonic Centre in Sydney from 9.00 a.m. to 5.00 p.m. entitled "Out of the Darkness into the Light". This will discuss mental health in the 20 years since the release of the Richmond report and the 10 years from the implementation of the Burdekin report. Brian Burdekin and Nathaniel Lackenmeyer, author of the book *Outsider Journey into My Father's Struggle with Mental Illness*, will address the symposium. His father, a university lecturer, developed schizophrenia and spent his life homeless, living on the streets, which unfortunately is the case far too frequently for people with severe mental illness. They are often destitute. I note that the honourable member for Lismore is wearing the Schizophrenia Awareness Week yellow ribbon. It is important that during Schizophrenia Awareness Week we indicate our support for schizophrenia sufferers and the valuable role that carers play in the community.

Mr HICKEY (Cessnock—Minister for Mineral Resources) [5.29 p.m.]: I congratulate the honourable member for Newcastle on raising Schizophrenia Awareness Week in the House today. Schizophrenia touches each and every one of our electorates, and it is important to many people. Some 3 per cent to 5 per cent of the population are touched by schizophrenia. Clearly, we should all be aware of, and care about, those who suffer from schizophrenia. Debra Walter, who is the carer advocate and community development officer for the Hunter, works with my community. She is employed through the Schizophrenia Fellowship and looks after 30 people in my electorate. I constantly hear about people and the issues they raise, and the same issues are raised in many of our offices across the State. I congratulate Debra on the great work she has done with these 30 people. Their families work tirelessly to address the situation on the home front. Many people are destitute because of the illness. We should all be aware that the stigma attached to schizophrenia is immense. It is great that mental health is being addressed in this way in this State. I congratulate the honourable member for Newcastle on raising this issue.

NORTHERN STARS UNDER THE BIG TOP

Mr GEORGE (Lismore) [5.31 p.m.]: As a patron of Northern Stars Under the Big Top tonight I pay tribute to Greg Cloak, who is chair of the board of management of Northern Stars Under the Big Top and the district superintendent of schools in the Lismore area. He headed up a board of management that took the Northern Stars Under the Big Top from a concept to a spectacular event. What did the teachers and the students know? They had the belief that the talent was there. They knew that many students could not participate in the

Schools Spectacular in Sydney, they knew that public education deserved a local forum to show its excellence and they had a vision. Under the leadership of Greg Cloak, Robyn Ludeke and Lynne Cook, they had the experience and a connection with the arts unit. A team was formed to establish the board—which was very supportive—a production team and a logistics team. They had the schools' staff, principals, parents and volunteers. The volunteers were community members, retirees, parents, part-time staff, including teachers, students, school and Southern Cross University students, district office staff—the list goes on.

The value of the show cannot be quantified. Those people got personal satisfaction from knowing that they contributed to one of the biggest student events held in a rural community in New South Wales, with students performing at the absolute highest level in one of the biggest venues available. The show contributed to the life of the community, building its character and adding to the self-confidence of the students. Northern Stars achieved two great goals: improving student outcomes and building community capacity. It helped more than 2,500 students experience an event that most would never have dreamt of and few would have experienced, and it has left a vivid memory that says, firstly, they can achieve; secondly, they are worthy; thirdly, they have talents; and, fourthly, they can make a difference. In a letter to Greg and the committee, Hetty Cislowski, the Assistant Director-General of Secondary Education said:

The wonderful, exuberant sights and sounds of *Northern Stars* are still with me.

Thank you for inviting me to attend a sensational performance and congratulations to you and the Board for the vision and for bringing it off so well. I am still quite stunned by the logistics and the obvious pride and satisfaction of the team involved...

The involvement of so many schools and students from the North Coast is a great credit to the organisation and commitment of all involved.

The Bonalbo Central School newsletter stated:

To say the show had been a success is like saying that Phar Lap could gallop a bit.

In a quick note to Greg, Ballina High School stated:

Wow! Congratulations! Absolutely spectacular. Every one was so fantastic and happy last night.

Jiggi school sent a message to Greg which in part stated:

The show was absolutely fantastic. We were captivated by the movement and the music, the costuming and the smiling performers. We were amazed at the mammoth scale of the production—it really became obvious in the finale.

I was proud of our Jiggi participation and equally proud of this showcasing of public education.

Mullumbimby High School stated:

Thank you for the opportunity provided to Mullumbimby High students to participate in such a first class experience. It will be a memory we are sure they will value.

Another note from Peter Hudson stated:

Congratulations on a fantastic evening!

Big Top—Big Show—Huge Effort—Incredible Performance!!!

The best schools' production I have ever seen. So much talent!

Worth every cent... and more!

Think about the logistics: all those children from more than 75 schools, and the training and travelling involved. Many teachers were involved in the rehearsals, which took place on weekends for eight months. The first time the entire group came together was the day before the public performance. I recognise Greg Cloak, Robyn Ludeke, Lynne Cook, Gary Tyler and two special young ladies, Kelly and Rebecca. I recognise sponsors and also everyone who contributed to the success of the event, especially the parents who gave a commitment to support the students and to support the show. Northern Stars Under the Big Top, which was held in Lismore, was a tremendous success.

Mr GAUDRY (Newcastle—Parliamentary Secretary) [5.36 p.m.]: On behalf of the Minister for Education and Training I compliment the honourable member for Lismore for a clear indication of the quality of our teachers in public schools, the wonderful talent of our students, and the dedication and support of parents in putting on Northern Stars Under the Big Top. The honourable member rightly paid tribute to Greg Cloak,

Robyn Ludeke, Lynne Cook, Gary Tyler and the committee members who were involved in this spectacular performance. I understand that it involved 75 primary and secondary schools from the Queensland border to Port Macquarie. As the honourable member for Lismore said, some 2,500 students performed in six shows, with great support from community groups and local businesses, and sponsorship as well.

As the department said, tribute must be paid to Lismore City Council, Southern Cross University and Country Energy for their support. The event was held at the Lismore Showground, bringing together those 2,500 students after their individual work in the schools, the choreography, the discipline required, and finding a spark of talent in each of them. They were star performers at the event, working together to put on a spectacular show. I congratulate the honourable member for Lismore on bringing forward another classic example of the quality of public education, the capacity of our teachers, the talent of the students, and the dedication and support of the parent body.

TRIBUTE TO MR MAX TREUER

Mr STEWART (Bankstown—Parliamentary Secretary) [5.38 p.m.]: Today I pay tribute to one of the Bankstown region's great business leaders, Mr Max Treuer. Along with his brothers, Ron and Bill, Max is retiring from his family business of some 45 years, the West Bankstown Bus Company, after recently selling the business to another local bus operator. By any standards, Max Treuer is an extraordinary man. He has been involved not only in business activities in my local area for a number of years but also in the community wholeheartedly throughout those years. He is a well-respected person. He has been strongly supported by his life partner, his lovely wife, Ruth Treuer, who has stood by Max at all times.

Max, along with his brothers, Ron and Bill, has run a highly successful bus company that was founded by Max's father, Max Treuer senior, some 45 years ago. These people were real battlers. Max senior started as a mechanic and borrowed the money to start the business. In those days that was a big risk. He managed to talk the Rural Bank into giving him a loan, which he used to kick off the business. The rest is history. The Treuer brothers—Max, Ron and Bill—built up the business after Max senior passed on. The West Bankstown Bus Company is an institution in the Bankstown region. It is a real success story, a great example of a self-made business that over the years has earned well-deserved community respect and support for its excellent delivery of service.

Business success is only one facet of Max Treuer and his family. Max, Ron and Bill have a great passion and love for harness racing, something they inherited from their late father. That led to Max having been a director of the Bankstown Trotting Recreational Club for some 22 years and serving for a highly distinguished 19 years as president of the club. Max has also been heavily involved in the harness racing club at Bankstown, where he served on the board and was vice-president for several years. With Max's keen interest in harness racing one would naturally assume he would back a few winners. The esteemed president of the Bankstown Sports Club, Mr Kevin McKormick, tells a story that the last time Max backed a winner the horse paid in pounds, shillings and pence. Nevertheless, Max has a great love for the sport of harness racing. His input has been instrumental in driving this sport forward over the years.

From the community perspective Max has been very active. He is a former member of the Bankstown Frail Aged Homes Committee and he was instrumental in setting up that committee as a benchmark of what frail aged care should be about. So far he has spent 20 years on Bankstown council's local traffic committee as a representative of the Bus and Coach Association. He is also an active representative on the Greenacre Chamber of Commerce, where he has assisted Petroula Arthur, the President of the Chamber of Commerce, to make Greenacre shopping centre a better place. He is also a keen golfer. As I speak he is in Queensland catching up with his golf to improve his handicap. The best way to describe Max Treuer is to call him one of the Mr Bankstowns—and that is an elite list. He is a good source of worldly advice and wisdom to other prominent people in the Bankstown area, particularly to the President of the Bankstown Sports Club, Kevin McKormick, Phil Lopez, the previous Mayor of Bankstown, and Doug Shedden, my predecessor as the member for Bankstown. They have all relied heavily on Max's wisdom and worldly advice.

Max Treuer has now reached a new phase of his life. In his retirement he can spend more time with his fantastic wife, Ruth, and his sons, Raymond and Stuart, along with his grandchildren. The Bankstown community is a much better place as a result of the hard work, commitment and diligence that Max has put into his business and his community efforts. They have been outstanding. Max Treuer's brothers, Ron and Bill, have been very much a part of his success story as well. Bankstown owes Max Treuer a great deal. I pay tribute to him for what he has done through his business and community activities to make my local community a better place.

WILLOUGHBY ELECTORATE SCHOOLS

Ms BEREJIKLIAN (Willoughby) [5.43 p.m.]: Today I wish to talk about the enormous community spirit that exists within the schools of the Willoughby electorate. I regard education as the cornerstone to allowing individuals to reach their full potential, and to ensuring that our State and our country has a sufficiently trained work force to deal with the many challenges that lie ahead. Schools play such an important role in supporting our future generations to become well-rounded individuals who are able to identify their strengths and who have the ability to pursue their chosen career paths. For this to occur we need both a strong public and private school system. As the new member for Willoughby I have begun, as a matter of priority, a program to meet with every school and every school community within the Willoughby electorate: public, private, primary and secondary.

As part of this process, last week I visited Willoughby Public School, Cammeray Public School and Mowbray Public School. Willoughby Public School is very ably led by principal Sandra Marsh. Among other things, the school excels in teaching children about indigenous culture and history and, near the entrance to its library, has one of the best murals I have ever seen. Cammeray Public School is very ably led by principal Christine Taylor, and after many years the school is proud and grateful to have completed the construction of permanent classrooms to replace demountable temporary buildings. I am sure the official opening of the new buildings will be a wonderful community event and much welcomed by the school's already enthusiastic students. Mowbray Public School is very ably led by principal Anna Blakeney and is set within a lovely natural environment. I have also had the great pleasure of meeting with the school council and becoming acquainted with some of the issues the school must deal with in the near future and the many opportunities presented to it.

The common message I received from each school visit was the wonderful support the respective schools receive from the parents and local community, whether it be through voluntary efforts or fundraising. I take this opportunity to thank my many constituents who unstintingly give of their time and energy, amongst all their other responsibilities, to assist their local schools. My strong personal view is that local school communities, within the public system in particular, should not have to raise money for essential resources and equipment. Unfortunately, it seems to me that many of the dollars hard earned by the local school communities are going towards essential maintenance and equipment—services that should be provided by the State Government.

School communities should have the opportunity of dedicating their funds to those activities that are over and above essential needs. With this in mind, I will fight to ensure that all schools in the Willoughby electorate are adequately resourced. I look forward to visiting the remainder of the schools within my electorate in the very near future and to maintaining a close working relationship with all the school communities for many years to come. Most importantly, I hope to be able to assist each school to reach important milestones for the benefit of students, teachers, parents and the wider community.

HELPING HAND

Ms ALLAN (Wentworthville) [5.46 p.m.]: Last night I attended a function at Wentworthville Leagues Club. It was the culmination of a campaign initiated about 18 months ago by me, although it would not have succeeded had I not been able to draw on the strong support from both the President of Wentworthville Leagues Club, Trevor Oldfield, and the President of Parramatta Leagues Club, Alan Overton. Those two gentlemen threw their considerable weight in the community behind a movement that eventually became known in our local community as Helping Hand. Helping Hand—which I think will become a movement because a commitment has been given by both leagues clubs to continue to support this activity—provides much-needed resources to organisations and individuals who normally miss out on many of the opportunities available to others. I emphasise that the money that was forthcoming from local community representatives and the leagues clubs was in addition to other money that they provide because of their obligations under various gambling laws in this State.

I am not talking about large sums of money. The largest sum given out last night was \$1,500 to the Association for Children with a Disability. That is a small association indeed which started by two local women teachers who have children with a disability. They decided that what was lacking in my local community was a directory of assistance for parents of children with a disability. They have been working busily for the past 18 months or so and the \$1,500 they were provided with last night will confirm that their directory will be published.

On 28 February this year Wentworthville Leagues Club and Parramatta Leagues Club collaborated on a Helping Hand breakfast, which was attended by the Mayor of Holroyd, Mal Tulloch, the Mayor of Parramatta, Paul Garrard, other local dignitaries and me. We joined local business representatives to raise money. Last night most of that money was distributed. It went to small organisations such as the Association for Children with a Disability and to individuals such as Gary Foley from Wentworthville, who acts as a sport and fitness trainer for people with a physical disability. He received \$500 to help in his training campaign. The Toongabbie branch of the Country Women's Association, which was mentioned in this Chamber this afternoon, received \$500 to help paint its security fence; it has a small heritage building in the shopping centre at Toongabbie.

Our Lady of the Way Centre for mature aged, homeless single women, which is associated with the St Vincent de Paul Society and also based in Wentworthville, received \$500. The Persian Evangelical Anglican Church—until it made representations to me it was a church that I had not heard of—received the total amount that it applied for, \$850, to ensure that the English language is taught to Iranian and Afghanistani people. The Pendle Hill Church of Christ received \$500 for its feeding and care program. It feeds and cares for homeless people from Pendle Hill to Parramatta. Literally hundreds of people use its resources. The St Vincent de Paul Society received money for providing food and clothing, separate from the previously mentioned grant.

Some of the bigger community organisations such as Ronald McDonald House, the Parramatta Mission, the Holroyd Community Aid and Information Service, and Aunties and Uncles also received grants. As I said, what came through and what Alan Overton and Trevor Oldfield also remarked upon at the time, was that despite comprehensive Federal and State government grants, many organisations, groups and individuals that deal with needy people do not have sufficient resources. Often they do not even get the opportunity to apply for some of the larger packages of money that become available. Last night Tony Toohey, the club manager for Wentworthville Leagues Club, indicated that the club would be more than happy to continue the Helping Hand program. We hope to have a fundraising event before the end of the year.

WOOLGOOLGA SPEED LIMIT

Mr FRASER (Coffs Harbour) [5.51 p.m.]: Tonight I bring to the attention of the House and the Minister for Roads the speed limit at Woolgoolga from the southern town limit, where the 60-kilometre-an-hour zone finishes and the 100-kilometre-an-hour zone begins, through to a road known as Graham Drive North, which leads in from Sandy Beach. On this stretch of road is the Bosworth Road industrial estate and the Colonial Sunset Caravan Park, which has 95 permanent sites. Numerous businesses are located in the industrial estate. For more than two years now I have been lobbying the Coffs Harbour City Council traffic committee, of which I am a member, the Roads and Traffic Authority [RTA] and the Government to reduce the speed limit from the southern side of Woolgoolga through to Graham Drive South to 70 kilometres an hour. I have sent dozens of letters to the Minister and the RTA on the issue and I have huge support from the community. However, the response is that the RTA wants to keep speeds on the highway constant, so the speed limit cannot be reduced. The distance involved is about 1½ kilometres.

Traffic movements in this area are immense. Since the opening of the Chinderah bypass the RTA estimates that an extra 350 heavy vehicles per day are using the highway. Woolgoolga, the northern beaches and north of Woolgoolga into the electorate of Clarence are growth areas. New residences are being constructed and when the sewerage is finally connected and completed there will be even more growth. Woolgoolga is about 15 kilometres north of Coffs Harbour and the area is growing. Woolgoolga is becoming more self-sufficient and local residents are using the industrial estate regularly. A new hardware store has opened. There is a primary production store to provide the supplies of banana growers. It is a fully blown light industrial estate with numerous smash repair establishments, fuel outlets and cabinetmakers, and it therefore attracts a lot of traffic movement.

Tragically, about three weeks ago an elderly woman was dropped off at the caravan park by a relative or by a bus. After she crossed the road from the western side she turned around to get whatever she had forgotten, or to deliver a message or whatever it may have been. This 80-year-old woman was hit by a vehicle. I do not know how fast the vehicle was going but I would suggest, after statements by the Minister in the last sitting week that 50 kilometres an hour is a safe speed limit—in this area I am suggesting that 70 kilometres an hour would be safe—the poor driver of the vehicle did not have time to stop, and the woman has died. I do not believe that the RTA any longer can put up the excuse that reducing the speed limit would unduly slow traffic on the Pacific Highway. From Coffs Harbour to Newcastle vast areas of the highway north of Taree and around Karuah have a speed limit of 80 kilometres an hour because of roadworks. I am amazed that the speed limit is 80 kilometres an hour in one section, because the roadworks are a good distance from the existing highway. However, I accept the judgment of the RTA in that case. Speeds need to be reduced because trucks and heavy machinery are entering and leaving the highway.

I ask the RTA to accept my judgment and the judgment of the community that vehicles turning east and travelling north into the industrial estate, vehicles coming out of the industrial estate, vehicles trying to traverse the highway into the caravan park and vehicles coming out of the caravan park are bound to be involved in accidents while there is a speed limit of 100 kilometres an hour. In the two-lane section of high-speed area just south of Graham Drive heading north and at the intersection of Graham Drive there are many near misses because the slower traffic has to merge with faster traffic in the 100-kilometre-an-hour zone. For the safety of the residents and the safety of the highway traffic I implore the Minister and the RTA to reduce the speed limit now. I have the support of Coffs Harbour council and the majority of members of the traffic committee. It is high time that the RTA swallowed its pride and agreed to a reduction in the speed limit. A death has now occurred and we do not want any more. I again make a plea to the Minister and the RTA to reduce the speed limit to 70 kilometres an hour. [*Time expired.*]

CANTERBURY ELECTORATE COMMUNITY SERVICES

Ms BURNEY (Canterbury) [5.56 p.m.]: As the member for Canterbury I have been emboldened by the level of community support and activism in my electorate. Areas of support are as diverse as the people who reside in Canterbury—with migrant services, aged services, vibrant and progressive educational institutions, support for women, and local councils eager to take on the challenges of the ever-changing faces of the Canterbury community. Another asset in my electorate is the faith organisations of all denominations that reach out to lend support. As I indicated during my inaugural speech, my electorate houses people of over 130 different nationalities, and I am delighted that the provision of migrant assistance somewhat matches the needs of my electorate. Of course, there is always a need for more resources, and as the local member I am going to do my best for my constituents to gather support from all tiers of government.

I particularly mention the work of some of the largest migrant groups in Canterbury. I have visited both the Chinese Australian Services Society and the Korean Resource Centre. These two groups provide a wide range of settlement services and recreational activities for people of all ages. Additionally, the Canterbury-Bankstown Migrant Resource Centre targets people from many other countries including Eritrea, Ghana, Indonesia, Italy, Samoa, Spain and Vietnam and assists people in the right direction. There is also the Australian Centre for Languages in Campsie. I focus in particular on the Canterbury-Bankstown Migrant Resource Centre, which is headed by Violet Roumeliotis, who has a Greek background, and Maggie Moa, who migrated to Australia 10 years ago from Tonga. The two women job share the position.

The centre provides direct settlement services to newly arrived migrants and refugees. It is the first port of call for many new arrivals who seek assistance with immigration, Centrelink and housing issues. They help people who have little English and who may have come from traumatic situations, had dislocated families and who are frightened. Not only does the centre assist in these matters; it also provides a tenancy service and conducts English classes for senior Arabic people and another class for a Spanish group. I sat in on this class and could not help noticing the great atmosphere.

Social trips are also on offer. In fact, the centre provides client representation in all areas of life. Its clientele are predominantly on low incomes and are struggling to settle. They may have arrived in Australia on humanitarian grounds and as a result have emotional and other issues that need addressing. The Canterbury-Bankstown Migrant Resource Centre recognises the vast array of needs presented by our new citizens and caters for these challenges with a variety of appropriate programs administered by a dedicated team of staff who look at their role at the centre as more than just a job. They derive great satisfaction from their achievements. One example is a pregnant woman who found herself in a dreadful domestic violence situation. With the assistance of the centre, she was moved to emergency accommodation and away from that threatening environment. She now faces a bright future.

As I said in my opening remarks, I am proud of the community support in the Canterbury electorate. The Canterbury-Bankstown Migrant Resource Centre is only one such service. There are too many other groups to name individually. However, all can be assured of my support as the member for Canterbury. I thank them publicly for their extraordinary efforts. It should be noted that 59,000 people, or 45 per cent, of Canterbury residents were born in non-English speaking countries, although 44 per cent of them come from four countries: Lebanon, Greece, Vietnam and China. In fact, the local residents come from 128 source countries. In addition, 6.4 per cent of the residents of the electorate who were born overseas cannot speak English well or at all. That figure compares to 14 per cent of overseas residents in the Sydney statistical division.

Since the 1991 census there has been a significant increase of 9.9 per cent in the number of residents who speak a language other than English. Major growth by language groups occurred in those who speak

Cantonese, Mandarin and Vietnamese, and a notable decline occurred in the number of Greek and Spanish speakers. As honourable members can see, support for men and women who are new to our country is crucial to enable them to fit into our society, to allow them to live full and productive lives and to celebrate their commitment to Australia with the knowledge and comfort that they will receive culturally appropriate services.

THE SPIT BRIDGE WIDENING

Mrs SKINNER (North Shore) [6.01 p.m.]: I speak yet again about traffic issues in my electorate. It seems to be the most common topic raised in my private member's statements—and it will continue to be, given the Government's lack of action. On this occasion I specifically raise an issue that was the subject of a public meeting held on 7 May. I could not attend the meeting because Parliament was sitting, but I arranged for a representative to attend. Since the meeting I have spoken to the Mayor of Mosman, Councillor David Strange, who convened the meeting, and to a number of local residents. The meeting was convened to discuss the proposal submitted by the Roads and Traffic Authority [RTA] for the widening of the Spit Bridge.

The meeting was attended by about 360 people, who were unanimous in their condemnation of the proposal put forward by the RTA on behalf of the Government. Unfortunately, RTA representatives were not present at the meeting. A later mayoral minute noted that that was disgraceful, particularly given that the mayor had appointed an independent facilitator to ensure that the RTA representatives would get a fair go. Of course, they snubbed the people of the area by not turning up. I will refer to a couple of the problems which summarise this issue and which were addressed in a letter from a constituent. It is one of a number received since the meeting. Karyn Pile's letter, which was addressed to the General Manager of Mosman Municipal Council, stated

My objection to the proposal is for the following reasons:

- The proposal will not solve the Spit and Military Road deadlocks and is nothing more than a costly short term band aid solution by the RTA... ;
- The traffic flow along the bypass roads such as Ourimbah Road is already well in excess of acceptable levels and the speed at which cars travel along these roads are well in excess of current speed limits. The widening of the Spit Bridge will not solve the traffic issues currently being faced by Mosman and if anything will create knock-on problems for the residents of Mosman;
- The lifestyles of all residents within the Spit Bridge area will be dramatically affected by the proposal...
- Businesses around the Spit Bridge Marina will be dramatically affected by the proposal...
- The only long-term viable option for the residents of the lower North Shore and Northern Beaches is an express tunnel.

I will now refer to some of the comments in the RTA development application that clearly demonstrate that the authority realises that the application is flawed. These matters were addressed by the mayor when he spoke at the public meeting on 7 May. In regard to traffic flow he stated:

I am totally confused by the RTA's own documentation. In the Statement of Environmental Effects—Review of Environmental Factors submitted as part of the DA it states, and I quote, "At present the Spit Bridge itself is not the most significant choke point along the corridor for peak direction commuters. The volume of traffic flowing onto the bridge is regulated by the intersections at Seaforth and Spit Junction. However, the easing of the bottlenecks on either side of the bridge would result in the bridge itself becoming the major bottleneck."

The mayor also said:

I could read that again for you, but it doesn't make any more sense however many times you read it.

It clearly indicates there is no sense in the application. The mayor also stated:

In regard to safety, again referring to the RTA Review of Environmental Factors to the proposed weekend and public holiday clearways on Spit Road, again I quote from the RTA's own document, "Spit Road has a high accident rate due to relatively narrow lane widths, steeper sections of road pavement and sections of poor horizontal and vertical alignment..."

He went on to point out that the RTA is not heeding its own advice about the accidents on this poor stretch of road, its dangerous camber and so on. I could speak for hours on this topic, but I am about to run out of speaking time. Suffice it to say that everyone at the public meeting and every constituent who has approached me opposes the RTA proposal. I call on the Government to look for long-term solutions to this major nightmare.

TAMWORTH WEST PRIMARY SCHOOL

Mr DRAPER (Tamworth) [6.06 p.m.]: I speak tonight about the current state of the Tamworth West Primary School. This school is technically located in the Tamworth central business district and has a declining enrolment due to a number of factors. The school has been the subject of much debate over the past 10 years because a prominent developer wanted to expand the Shoppingworld Centre into the block currently occupied by the school. It sought to have the land rezoned to accommodate its plan, and in return offered to fund the building of a new school for the long-suffering school community. Yesterday the planning authorities rejected the proposal, and now the school students, their parents and teachers deserve to know what the future holds.

The parents and citizens association has expressed great disappointment about the decision. It believes that it is back at square one and that no real progress has been made in the past 10 years. Due to the uncertainty over the school's future and the lack of investment in school infrastructure, enrolments have declined to only 275 students. A letter to the association from Mr Martin Bowles, Deputy Director-General, Corporate Services, with the Department of Education and Training, dated 7 May 2003 stated that if rezoning were rejected, consideration would be given to the inclusion of work in a future school improvement program. That statement provided cold comfort to the school community. We need a concentrated effort to push improvements to the top of the list. The same letter stated that if the rezoning were rejected the department would undertake a full assessment of the school's facilities to determine the extent of improvements required. That appears to rule out constructing a new school as an option. Why is a new school an option only if someone else is prepared to pay for it?

The school community is extremely concerned that no representative from the department, apart from District Superintendent Rob Lewis, has visited the school or spoken to parents or teachers since the debate began. I toured the school last week, and I was very concerned by the state of the infrastructure. The Government will say that work has been done at the school over the past 10 years, and it is correct. However, not enough work has been done. Country kids deserve better. The school has not rocked the boat and the kids are not agitators or stirrers. They have not played games in the media; they want a fair go.

During my visit, which was on a day on which it happened to be raining—it rarely happens these days—I saw kindergarten kids walking to the toilet in the rain. I saw other children soaked by a sheet of water pouring from the guttering. I also saw children walking in the rain to the canteen and the library because those basic facilities cannot be accessed without walking in the open. There are no covered walkways. Water was pooling on the quadrangle and not getting away. I was ankle-deep, standing under the only piece of shelter in the entire school.

Inside the classrooms, individual heaters have been fixed, but the total system needs upgrading. By mid morning in winter, the heating system has basically run out of gas and the school classrooms begin to cool down considerably. The white ants that have destroyed cupboards, skirting boards and doorjamb, among other wooden items, have now been treated. However, the problem will recur because asphalt work outside the buildings is covering up the air vents. Simply put, the white ants might be gone for now but they will come back tomorrow.

The school has now addressed the mouse problem, but it had to spend money out of its own budget to do so. Lattice has been installed on a second-storey verandah, but many other obvious safety risks remain. I observed a number of extremely dangerous areas whose access, just in the last week or so, has put the safety of schoolchildren at risk. As I walked around the school I observed many other leaking gutters. I also observed additional temporary posts that had had to be installed to support a sagging roof, as well as rotting wooden walkways with nails popping up. Despite the diligent efforts of school staff, they cannot contain the problem.

In the computer room, some 29 computers were operating on a system of power boards running from three power points. In this day and age that is simply not good enough. During my visit I observed downpipes discharging water directly onto the playground, and many other problems. I have written to the Minister for Education and Training asking him to come to Tamworth at his earliest convenience to see the problems first hand. Hopefully, we will be able to work towards a solution for the school.

Private members' statements noted.

[Madam Acting-Speaker (Ms Andrews) left the chair at 6.11 p.m. The House resumed at 7.30 p.m.]

BUSINESS OF THE HOUSE

Inaugural Speeches

Motion by Mr Scully agreed to:

That the business of the House be interrupted to permit the honourable member for Heffron to make her inaugural speech forthwith.

INAUGURAL SPEECHES

Ms KENEALLY (Heffron) [7.30 p.m.] (Inaugural Speech): In the 1999 State Election campaign the seat of Ryde was a marginal seat. It was an important seat, held by the Labor Party, but necessary for the Liberals to win to take back Government. Walt Secord, Director of Communications to the Premier, keeps a close eye on a targeted seat like Ryde, and one afternoon Walt rang the Ryde campaign office. A young woman answered the phone. Walt spoke to her briefly and then asked to be put straight through to one of the campaign directors. And what was Walt's first piece of advice that day? "Get that woman with an American accent off the telephones." Well, I got off the phones that day, but today I have the floor.

It is a great honour and privilege to stand here as the member for Heffron. I thank you, Mr Speaker, and my colleagues for the opportunity to address the Legislative Assembly tonight. I enter this Chamber as an American-born Australian citizen—the first in the New South Wales Parliament, and only the second in an Australian Parliament since King O'Malley entered the South Australian Parliament in 1896. O'Malley later won a seat in the first Australian Federal House of Representatives. He was an energetic and innovative representative who made many contributions to Australian life, including founding the Commonwealth Bank. While I seek to emulate his energy, I do not suggest that we take up one of his most notorious pieces of legislation: introducing prohibition in the Australian Capital Territory. I think Canberra is dry enough already.

What Walt did not know when he rang the Ryde campaign office that day is that I am the granddaughter of a lively Brisbane barmaid, Patricia Anderson, who fell in love with and married an American GI, George Powell. My grandparents had a daughter, my mother Catherine, while they lived in Brisbane. She, in turn, grew up and married an American serviceman, my father John. And I have married an Australian—though not a serviceman—my husband, Ben. So you see, the ANZUS alliance has a very particular meaning in my family. In the United States I was active in politics as a registered Democrat. I worked my way through university on the factory floor of a fibreglass manufacturing company, and I was a member of the Teamsters Union.

In my last year of university I worked as an intern for Ohio's Democratic Lieutenant Governor, and I was president of the National Association of Students at Catholic Colleges and Universities, a peak body representing roughly 40,000 students. I first came to Australia in 1992 and I moved here as a permanent resident in 1994. My previous work and political experience meant that I immediately found a natural home in the Australian Labor Party, and within a few months of getting off the plane I was stuffing envelopes and letterboxing for John Watkins in Ryde. I continued volunteering for the party in marginal seats and in local campaigns. In 2000 I became a citizen and proudly joined the Australian Labor Party.

Tonight I would like to speak about three ideals that animate my life and motivate my political activity. I hope these ideals will inspire me to make a distinctive and valuable contribution to this Chamber and to my electorate. These ideals are a passion for social justice, the importance of community, and an energy and enthusiasm for life itself. The first is a passion for social justice, and throughout my life I have been committed to helping people. This includes a year in voluntary service immediately after university, teaching in a primary school adjacent to a Navajo reservation. My students were a mixture of indigenous, Mexican and Spanish.

One little boy, Sylvester, was from the Navajo reservation. He was 12 years old and in year 3. He could not read or write, and he barely spoke to anyone who was outside his immediate family. To be honest, in the beginning I had no idea how to help him. But I soon discovered that Sylvester had an amazing talent for art. Indeed, he was a fantastic artist. I got him to draw the words in his spelling tests, rather than write them. He started to show a bit more interest in school. The other students noticed and admired his abilities. By the end of the year Sylvester had made great improvement: he had started reading and writing and had even started on maths. Most significantly, his social skills leapt ahead: he made friends and participated in class.

More recently I worked as New South Wales Youth Co-ordinator for the Society of St Vincent de Paul. The young people I recruited and trained for Vinnies did amazing things, like running night patrol vans through Kings Cross and visiting people with mental illness in boarding houses in Ashfield. Working with Vinnies and with students like Sylvester taught me that a society is only healthy when its most vulnerable members are supported, included and protected. Only in the ALP do I see this same commitment to social equity, and that is why I am a member of the Labor Party.

My passion for social justice has its roots, without a doubt, in my Catholic faith. The Catholic Church has a proud tradition of social teaching, starting with the papal encyclical *Rerum Novarum: The Condition of Labor* in 1891, and continuing with strong statements about peace, the environment, and economic justice. However, the church has had another significant influence on my life: it made me a feminist. I became a feminist activist at age eight, when I rang the local bishop on a talk-back radio program to ask why girls could not be altar servers. His unsatisfactory answer prompted me to see how women are disadvantaged in the church and in society. My feminist agitation continued, including writing a feminist column for my university newspaper and getting a graduate degree in feminist studies in religion. By the way, it is common for girls to be altar servers today, but I still think we have a long way to go to achieve equal opportunity in my church, and indeed, in the wider society.

But what is equal opportunity? Feminism appropriated the liberal tradition of equal rights for all to fight for women's right to vote, for equal pay for equal work, and to break down the formal and informal power structures that have excluded women. This was necessary and good. Yet feminism cannot continue pursuing gender rights without recognising that class can be just as oppressive to women. Let me give an example. The right to work in paid employment has long been a feminist goal for women. In 1884 Friedrich Engels recognised that the ideology of women as weak and timid was fundamentally a bourgeois myth designed to shape the families of middle-class men whose economic position did not require their wives to work. Meanwhile poor women were working, not timidly, not weakly, but out of economic necessity in factories, coalmines and domestic labour.

Today in Australia the women with the highest work force participation are those who are married to men with full-time jobs. Feminism has helped turn on its head the myth that Engels described. But women with the lowest work force participation are single mothers: 75 per cent of single mothers are not in paid employment. The next level of low work-force participation is among women who are married to unemployed men. It used to be that women worked because the economic conditions required them to do so. Now it seems that the better one's economic situation, the more likely one is to work.

The statistics about the lives of sole mothers on income support paint a bleak picture. A recent study by the Centre for Mental Health Research shows that 70 per cent of sole mothers on income support experience multiple problems such as childhood adversity, domestic violence, alcohol problems and depressive illness. Compared with other mothers, they were three times as likely to have been raped, physically assaulted, or threatened with a weapon or to have suffered other significant psychological trauma. My fear for feminism is that it does not sufficiently advocate for this group of women. All too often feminism's public debates, particularly those in the editorial pages of our papers, are concerned with the challenges faced by university-educated, highly skilled and extraordinarily advantaged women accessing more benefits and better job opportunities. Unless feminism more fervently takes up the challenge of class as well as gender, it risks becoming a marginalised movement and, ironically, a movement that marginalises. As American feminist Rosemary Radford Reuther said:

Equality at affluent levels remains token. Its visibility and acclaim only serves to disaffect poor women, working-class women, minority women, and women as housewives from feminism.

The second ideal that motivates me is the importance of community. My parents instilled in me a practice of community involvement by the example they set. What I learned growing up is that we are all responsible for the community in which we live. I hope I have been able to give something back to my local area in the past few years through volunteer work at my sons' preschool and at my parish in Kensington. My local community is a fantastic and exciting area of Sydney. I live in the heart of Heffron, in Eastlakes, which is a diverse and friendly community. In Heffron the community has long involved both residents and industry. Much of the light industry is moving out and residential development is coming in.

I am proud to say that the Carr Government has already supported the infrastructure to meet the needs of our growing community, including the Eastern Distributor and the southern arterial roads project. But we also must ensure that remaining industry, such as Port Botany and Sydney airport, are good neighbours who respect

the desire of residents for a safe, clean and pleasant environment. To that end I am proud of the Carr Government's commitment to get container trucks off Botany Road and I pledge to work hard to make sure that heavy traffic does not increase on our local streets.

Although getting planning and infrastructure right is essential to developing healthy communities, even more important is the task of supporting the people who live and work in them. The element of community is often most important when tragedy strikes. Many families in Heffron were struck by the Bali bombings. They lost loved ones or friends and the local community supported them. Recently I attended the dedication of a memorial garden at Tempe Public School for one of its former students, Abbey Borgia, and her mother, Debbie. Abbey and Debbie were well known at Tempe Public School as Debbie was an active member of the schools parents and citizens association and Abbey had a wide circle of friends.

I spoke with Abbey's father, John Borgia, after the dedication and he told me what a zest for life Abbey had. He said that the most difficult thing for him and his sons, Blake and Ben, was the quietness of their house now. Our community cannot bring Abbey and Debbie back but the beautiful garden, the lovely ceremony held by the students of Tempe Public School, and the presence of the community gave that family support. John, Blake and Ben now know that many people in the community share their sadness and miss Abbey and Debbie. For an afternoon at least, their community filled the quiet in their lives.

Abbey's passion for life is a worthwhile example for each of us. Life on this earth is short and each day that we have is a gift. This leads me to my third ideal: living life with energy and enthusiasm. Nothing has taught me more about the importance of living life to the fullest than becoming a mother. The most important and instructive experience I have ever had is that of nurturing new life, bringing a new and unique person into the world and giving that child the opportunity to learn, love and grow. Each of my three children—Daniel, aged five, Brendan, aged two and Caroline, who died at birth—have, in their own way, opened a new dimension of love and enthusiasm in my life. [*Extension of time agreed to.*]

My children remind me that small things matter; that learning to do up the buttons on your pyjamas or pouring your own cereal is important. In their eyes it is even more important than winning the State election. This perspective has enlarged my life and, I hope, made me more empathetic and determined to value each day as a chance to do something, no matter how small, to bring happiness to the people around me. I do not always succeed in this task. Tiredness and stress intrude and often my children do not get the best of me. But I love my kids more than anything and I hope that if I pass something on to them it is compassion for others and a passion for life itself.

Finally, I acknowledge that I stand here today as the member for Heffron in large part due to the hard work and support of many people. I would like to recognise them and thank them. To start, I want to thank the former member for Heffron, Mrs Deirdre Grusovin, for her years of service to the people of the electorate. Mrs Grusovin was known in the electorate as a hard worker and I hope to be similarly known. I also thank the voters of Heffron. I am humbled by their overwhelming support and I pledge that I will fight for our area.

I am also honoured by the support I received from ALP branch members in Heffron. Sadly, time does not permit me to name each of the 100-plus booth workers who helped on election day, but I hope they know that the party and I gratefully acknowledge their contribution. A number of branch members were key supporters and campaign workers. I thank Lola Neilley, Ross McInnes, Selina O'Connor, Yolanda Kelly, Ron Duff, Brian Troy, Peter Chambers, George Glinatsis, Graham Tier and Isabel Leguizamon.

The campaign team was the heart and soul of the Heffron ALP campaign. I express my heartfelt appreciation to Nikos Paipetis, Warwick Neilley and particularly Matt Thistlethwaite and my campaign director, Mark Castle. I would like to thank Tim Gleason, who not only gave great advice but also is proof that Eastlakes produces great people. I thank the ALP head office for its fantastic support, especially Eric Roozendaal, Mark Arbib and John Johnson. I would like to acknowledge the significant backing from Randwick Labor Club and its director, Ken Murray, the Greek consultative committee, and Harry Andrews. In addition, thank you to the South Sydney Leagues Club and George and Noelene Piggins for their help. Go the Rabbitohs!

I would like to thank the Government Ministers who gave assistance by visiting the electorate during the campaign—the Premier, Bob Carr, as well as Carl Scully, Michael Costa, Morris Iemma, Frank Sartor and John Hatzistergos. I give thanks also to my ALP colleagues at the Federal and council levels for their assistance, namely, Anthony Albanese, Tony Pooley, Anthony Andrews and George Newhouse. I would like to especially thank the Mayor of Botany Bay, Mr Ron Hoenig, for his support. Along with the Premier, Ron is undoubtedly one of the most successful Labor politicians in the country and I am grateful and lucky to have him as a mentor and friend.

I express appreciation to my friends who supported me in various ways during the campaign—Jeff Kildea, Peter McNamara, Rachel Morris, Tim Mitchell, Penny Wright, Kate O'Rourke, James Hmelnitsky, Emma Maiden, Chris Siorokos, Adam Searle, Allison Chivers, Cathy Sherry and Catriona Webster. I must also acknowledge and thank my former flatmate, Andrew West, who was the first to encourage me to stand for preselection in Heffron. Without Andrew's relentless insistence these last two years that I ought to run for Parliament I might not be standing here today.

Finally, I would like to thank my family, who rallied behind the campaign, doing whatever was required—babysitting, fundraising, you name it. A big "thank you" to John and Jane Keneally, Tom Keneally, Josie and Matt Byrne, Kate and Dan Copping, Patrick Keneally, Elsie Keneally and Bonnie Malkin. Finally, I thank my husband, Ben, whose support for me has never wavered, whose belief in me has never failed, and whose love for me has never faltered. Without Ben's support and willingness to reorganise his career to become the primary carer of our two children, none of this would have been possible. I tell him often that he is the greatest husband and father in the world, and now it is on the record. Ben, life has been an adventure since we met, and this is one of the best trips we have had together.

Mr Speaker, thank you again for the time I have had this evening to address the Legislative Assembly. I hope that the ideals I have spoken about tonight—a passion for social justice, the importance of community, and an energy and enthusiasm for life—will guide me through my time in the Legislative Assembly and assist me in making a worthwhile contribution to the people of Heffron.

Mr SPEAKER: I congratulate the honourable member for Heffron. I acknowledge the presence in the gallery of a large contingent of members of her family and friends. I acknowledge also the Hon. John Johnson, a former President of the Legislative Council.

LOCAL GOVERNMENT AMENDMENT (NATIONAL COMPETITION POLICY REVIEW) BILL

Bill received and read a first time.

Second reading to stand as an order of the day.

CRIMES AMENDMENT (SEXUAL OFFENCES) BILL

Second Reading

Debate resumed from 7 May.

Mr TINK (Epping) [7.52 p.m.]: On Tuesday 6 May the Attorney General indicated that this bill would be introduced into the Parliament. On that day the Leader of the Opposition indicated that Liberal MPs would be allowed a conscience vote, and that is our position. However, notwithstanding that, one issue I seek to revisit—it has already been raised once in the Chamber—is the proposal to split the bill to allow the age of consent and the increase in penalties to be considered separately. Coalition members have the strong view that those matters could and should be considered separately.

I am sure that every member of this House would support increased penalties for people who commit sex offences against minors. However, I suspect there is a genuine and strong difference of opinion on the part of many members on both sides of the House in relation to the age of consent. If the bill is not split, there would be a considerable difficulty for members, who must, ultimately, consider the two issues together when it comes to the final vote. It would come down to a difficult choice for many members who are not prepared to support a reduction in the age of consent and would therefore have to vote against increasing penalties for people who commit sexual offences against minors.

I regret the Government's decision to keep the two issues linked in this bill. I believe that it is unnecessary. When the Federal Parliament considered embryos and cloning there was a successful, reasonable, measured and appropriate splitting of two questions. That Parliament recognised that many members wanted them considered separately so there could be a conscience vote. While the Attorney said in his second reading speech that Government members would be given a conscience vote on this bill, I do not think honourable members thought that that conscience vote extended to, was directed at, or was necessary in terms of increased penalties for people who commit sexual offences against children. Many members on both sides of the House find themselves in a quandary about that matter.

I repeat on the record that it is a totally unnecessary quandary from the Coalition's point of view. Honourable members should not have to face that quandary. If due regard was paid to what is the conscience issue for many members, as recognised by the Government in this bill, the proper, fair and reasonable thing would have been to split the issues. I trust that, should the bill pass, nothing will be said about the members who voted against it or about a member's bona fides on the other issue. That would be an appalling and dishonest outcome. I am sure the Attorney would not do that, but it is important to place that on the record.

I happen to be speaking first as the shadow Attorney General and I shall speak about perhaps more general significant matters in a minute, but my position is that I have carefully considered the matter, as I am sure all members have. I have views on it. I have read the royal commission report and it is important that one recommendation of the royal commission is that consideration be given, with appropriate community consultation, to the introduction of legislation under which a gender-neutral approach is taken. I suppose that, to some extent, this bill gives effect to that. I think it is fair to say that the commissioner was also at pains to indicate that the age of consent should only be changed after community consultation. On page 1079 of the report the commissioner said:

The question whether there should be any change in the age of consent is uniquely a matter for the community...

Of course, it is a matter for us in terms of changing the law. It is a matter for us, having regard to what each of us believes is the community's view and the electorate's view. However, there are times when it is important for us to have regard to our own views and to stand accountable for those views in the electorate and in the eyes of the people we represent.

In my electorate people in favour of the bill have communicated with me, as have people who are against it. I have no doubt that they have communicated with me in the utmost good faith and I take their communications accordingly. I refer to a view Mr Justice Wood canvassed in the arguments against change, and I am not suggesting it is his view. At page 1078 of his report he stated:

The arguments against change turned upon the propositions that—

There are a number of arguments, but the one that weighed with me so that I am unable to support this bill stated:

physical and emotional development was said to occur about two years later in boys than girls, so that extra time should be allowed for boys to determine their sexual identity and preference.

Mr Justice Wood put that argument as one of the views against change, and it happens to be my view. I understand that people in my electorate will support that view and that others will be opposed to it. I have to make a decision, and there it is. My decision is based on that point. As I read the royal commission report—the Attorney General will correct me if I am wrong—there is nothing to suggest that increased penalties as proposed by the Government should be linked with the age of consent in the bill. In his report Mr Justice Wood said that the age of consent is uniquely for the community.

Therefore, I do not think this bill, in the form it has been presented to this Chamber, represents the question that the royal commission wanted put to Parliament. The age of consent question should be determined separately so that there is no overlay, no concern with people having to consider other issues that might lead them to vote differently. I am sure that all honourable members would vote in favour of an increase in penalties for people who commit sexual offences against minors. Clause 49, on page 7 of the bill, refers to previous consensual homosexual acts. The Attorney General in his second reading speech on 7 May made passing reference to it. He said:

Under clause 48 of the bill—

I think it is clause 49—

consensual male homosexual acts that took place before the commencement of the amendments between persons who were not less than 16 years of age at the time will cease to be unlawful.

That is the only reference made to that point. Subclause (1) of clause 49 reads:

It is a defence to a homosexual offence that is alleged to have occurred before the commencement of the *Crimes Amendment (Sexual Offences) Act 2003* that:

- (a) both parties were not less than 16 years of age at the time of the alleged offence, and
- (b) both parties consented to the act concerned, and
- (c) the Act concerned would not, if it had occurred after that commencement, otherwise be unlawful.

It seems to me that this provision has retrospective effect to make legal after the fact offences currently illegal. I looked to see whether there was a similar provision in the 1984 Crimes Amendment Act relating to homosexual intercourse, and I cannot see retrospective application of that Act. I have not been able to do an exhaustive search of the legislation in this State to find whether there is another example of retrospectivity to make lawful what is currently unlawful. If there is such precedence, I ask the Attorney General to indicate in his reply what it is. I cannot support the retrospectivity of this bill. For the benefit of all members, before the bill comes to a vote in the Chamber the Minister for Police should make inquiries of every local area command and every local area commander around the State to find out whether any matters are known to police that are offences as the law stands. Before a vote is taken the Minister for Police needs to indicate to the Chamber that he has made an inquiry and what the response is.

The Minister then needs to go to every joint investigation response team—according to the *Police Service Weekly* of 18 November 2002 there are 21 joint investigation response teams around the State who assist the child protection squad—and make the same inquiry. The Minister for Police then needs to go to the Child Protection Squad—previously known as the Child Protection Enforcement Agency—to make the same inquiry and let every member of Parliament know whether there is outstanding any matter that could under current law lead to an offence having been committed. Every member of Parliament needs to have that information. It may be a nil return all round, but the Minister for Police needs to take affirmative steps to find out so we know before we make a decision on that provision. Next, inquiries have to be made of whatever material was left over from the police royal commission. I think the papers went to the Police Integrity Commission.

Some inquiry needs to be made about whether any outstanding matters from the royal commission may be affected by this amendment. For the sake of completeness that includes, both with respect to the royal commission and with respect to the police, basically any file that is not closed. I trust that after a royal commission inquiry that dealt with paedophilia police are in a position to provide such information without delay. Those records should be readily available and their provision should not unduly hold up consideration of this matter.

New section 49 provides that one of the elements that has to be satisfied in the defence is that both parties consented to the act concerned. The difficulty that is presented there—this is why I cannot support this provision and why at the very least inquiries need to be made and known to the Parliament—is that a person may have consented and subsequently still make a complaint. I understand that under the present law in that situation it would still be open to the police and the authorities to take action. So the mere fact of consent at the time is not an answer on this issue. As the law currently stands, because there was consent, that does not mean that a crime was not committed. The issue is whether the act took place, and that remains as the crime. Of course, there has to be a complainant. There may be a complainant; there may be more than one. We do not know what the position is in those circumstances, but we better find out.

Perhaps we are anticipating debate but another bill currently before the House deals with the victims of crime. It makes some very reasonable changes to the law that we will support in relation to victims being better notified or consulted about a whole range of issues relating to plea bargaining and all sorts of other things. There is a growing recognition by Parliament that more work needs to be done with the victims of crime. They need to be better and more effectively consulted about a whole range of things. Therefore, it seems to me that if anybody is a victim of what is still a crime there needs to be consultation, at least in the sense of doing the audit I have just described. We should find out whether anybody is affected so that the House can know about it and make an informed decision on that basis. For Liberal members the way they vote on the issue is entirely a matter for them. No doubt, many views will be expressed. As with Government members and as with my constituents, all those views are honestly and strongly held. People have done a lot of thinking about this bill. It is not often that we have a debate such as this. I am sure the debate will be interesting and I await the outcome with interest.

Ms NORI (Port Jackson—Minister for Tourism and Sport and Recreation, and Minister for Women) [8.14 p.m.]: I will not take up very much time of the House this evening, because this issue for me is very clear. For me the decision that needs to be made is very simple. It was 20 years ago that the then Premier of New South Wales, Neville Wran, first attempted to create an equal age of consent. New South Wales is the last State in Australia to discriminate in this way—28 years after South Australia and 20 years after Victoria amended

their laws in this regard. The vast majority of jurisdictions in the Western world have a uniform age of consent. In the United Kingdom it is 16, which is what we are proposing here; in France, 15; Italy—surprising to me as an Italian—14; and Spain, 13. What does that tell us? I think that tells us that there is no obvious, logical age necessarily at which one might grant the consent to young people to first have sexual intercourse. What it tells me is that up to a certain point it is obviously culturally determined. It is obviously something that different people at different times have different views about. In other words, it probably comes down to how much courage you have.

I was reminded of that great line in *Romeo and Juliet* where the Capulet parents are exhorted by a potential matchmaker that girls "younger than she are mothers", and she was 13. Quite clearly it is not something that we as a culture or a society have always had the same view on. It obviously is something that changes depending on society's mores at any one time. It is 2003 and it is very clear for me at least where we ought to go. In my view the current legislation has a detrimental effect for health programs that attempt to combat HIV-AIDS and provide other health information at a vital stage in the development of a young male. There are reports from doctors who are quite genuinely torn between the law and policy and the need to put the health of their patients first. What is the correct response to a 16-year-old gay male who walks into a doctor's surgery asking for information on safe sex from his doctor? One doctor quoted by the gay and lesbian rights lobby stated, "I always wanted to protect the health of my patients"—not surprisingly—"and had advised them to be safe but often felt that the law prevented me from doing so."

The iniquity of the current situation also reinforces the prejudices of those who perpetrate discrimination and anti-gay violence. Growing up—whether you are gay or straight, male or female—is a difficult process for teenagers. Growing up as a young gay male must be very difficult indeed. And the law as it stands must reinforce the feelings of isolation felt by these young men. This leads to quite palpable and demonstrable detrimental impacts on the mental health of young men. Gay young men are 300 per cent more likely to commit suicide than their heterosexual peers. That is not a small statistical discrepancy; that is a huge difference that can be attributed only to the fact that coming out at a young age must be a difficult process at the best of times. The Wood royal commission found that the unequal age of consent could encourage corrupt law enforcement practices and possible extortion of young gay men. I believe it is time it was removed and New South Wales came into line with the rest of Australia.

The bill provides a number of additional safeguards to protect children. First, the bill removes the existing defence of mistaken age against a charge of carnal knowledge. Second, it contains a new circumstance of aggravation for offences involving child sexual assault by people in a position of trust and where the alleged victim was under the influence of alcohol and drugs. The bill rationalises Crimes Act offences to bring greater consistency to penalties involving child sexual assault. These changes make it clear that we will not tolerate abuse of children. As the Minister for Women, I remind the Chamber that the majority of sexual assaults—80 per cent—are committed against girls. Removing the logical anomaly of different ages of consent will not affect our work in protecting children. It is through the criminal law and the protections provided in the Crimes Act that this is appropriately addressed.

I am speaking early in the debate but I will anticipate some of the arguments that will be raised by other honourable members. We will undoubtedly hear honourable members ask what would happen if a young person were forced to have sex. If force is involved, the sex is not consensual and the act constitutes sexual assault. It does not matter whether a person is 19 or 90; if he or she does not agree it is sexual assault. The other point that will be raised is that boys mature at a slower rate than girls. I have a son and a daughter, and I know that that is correct. However, that does not make a cogent difference. Do we specifically make allowances for boys to sit the Higher School Certificate exam two or three years later than girls? No, we do not. If that were the case, surely we would have a lower age of consent for young heterosexual men and women, but we do not.

Boys and girls are criminally responsible at the same age: that is, 14 years of age. If the two mature at different rates, should we lower the age at which girls can be dealt with under the criminal law? Of course not. Young people of both sexes can obtain a licence to shoot at 14 and a driver's permit at 16. The law recognises that young men are mature enough to undertake a wide range of adult activities at 16 and the alleged differential in maturity does not apply to those activities—that is, driving a car, shooting a gun, getting a job and a host of other things. Why should it apply to sexual activity? As the mother of two young children I would prefer the age of consent to be about 40, but that is a mother's point of view. We must recognise that young people are sexually mature a lot earlier than 16 years of age. We try to guide them, but at the end of the day the choice is theirs.

This legislation is designed to correct two anomalies. The first is the difference between straight and gay men. However, the current legislation does not refer to lesbian sex. We are told that at an Executive Council

meeting dealing with the law relating to the banning of homosexuality—it must have been a very interesting meeting—Queen Victoria refused to believe that women indulged in lesbian sex. That is the reason for the anomaly. This legislation addresses not only the difference between heterosexuals and straights but also lesbians and gay males. This is a very difficult area to legislate.

We try to protect young people, perhaps from their own innocence and immaturity. We try to find a balance between protecting them long enough to make a rational decision and recognising that they must be allowed to determine their own sexuality and when they first become sexually active. Above all, the law must reflect reality. One can argue very strongly against the age of consent being 12, 13, 14 or 15. However, whether as parents we like it, by the time our children reach 16 years of age if they are determined to have sex then they will do it. Let us hope that we have given them the self-confidence to know that the choice they are making is one with which they will be happy and that they have the knowledge to observe safe sexual practices and not harm their health. However, we should not turn them into criminals for doing what young people will inevitably do.

Ms MOORE (Bligh) [8.25 p.m.]: I welcome the Crimes Amendment (Sexual Offences) Bill, as do gay and lesbian people across New South Wales. Reform of the State's discriminatory age of consent law was an important commitment I made during the recent election campaign. I suspended work on an amendment bill when the Government announced legislation to provide equal treatment before the law. This legislation is an improvement over previous proposals defeated in the New South Wales Legislative Council and will provide long-overdue equality, human rights and social justice. It is 19 years since this House ended criminal sanctions against consensual adult male homosexual activity. Although that was a significant reform, it retained an unjust inequality—an unequal and discriminatory age of consent. Neville Wran acknowledged that problem when he introduced his law reform bill in 1984. He preferred an equal age of consent but pragmatically decided that "half a loaf is better than none". He expressed the hope that a future Parliament would legislate for equality. This Parliament is not acting in haste by completing the job left unfinished 19 years ago. Neville Wran had been in office and introduced this reform after four election wins. This Government has acted after eight years in office.

Equalising the age of consent is no longer a radical reform. New South Wales is now the only Australian State with an unequal age of consent. It stands almost alone among Western democracies and is one of the last Westminster parliaments to pursue this reform. In February 2000 the United Kingdom adopted an equal age of consent of 16 years after almost 10 years of community and parliamentary debate. Last year the Western Australian Parliament voted for an equal age of consent at 16. In Western Australia the equalisation of the age of consent was achieved through an omnibus bill—the Acts Amendment (Lesbian and Gay Law Reform) Bill. That bill not only addressed the age of consent but also systemic discrimination against lesbians and gay men throughout Western Australian law. It was a Government bill and represented the Western Australian Labor Government's commitment to equality, human rights and social justice. All Labor members of Parliament supported it.

In the United Kingdom the move to an equal age of consent was supported by all major organisations concerned with health and welfare, particularly those involved in the health, welfare and protection of children. Those organisations included the National Society for the Prevention of Cruelty to Children, Save the Children, Barnardos, the National Children's Bureau, the British Youth Council, the National Coalition for the Homeless Action for Children, Childline, the Family Welfare Association, the Family Planning Association, the Health Education Authority, the British Medical Association, the National Association of Probation Officers, the British Association of Social Workers, the Royal College of Physicians and the Royal College of Nurses. These are not gay and lesbian organisations, nor could they be described as radical organisations. Indeed, the National Society for the Prevention of Cruelty to Children publicly supported an equal age of consent by saying:

In our view, there should be equality because continuing discrimination in law against homosexuals stigmatises young people growing up gay, it hinders them from developing a positive self image and prevents them from seeking information and health in coming to terms with their sexuality.

The United Kingdom's approach was similar to that being adopted by this Parliament. The legislation was a Government bill, but members had a free vote. Because of the opposition of the House of Lords, it took three votes in the House of Commons and the invoking of the Parliaments Act before an equal age of consent became law. The third and final vote was overwhelmingly carried with 263 voting in favour and 102 opposed. Several prominent Conservatives, among them the former Foreign Secretary Michael Portillo, supported the bill. Among those Conservatives who voted for the change was David Bercow, who represents Buckingham, a safe Conservative constituency in the shires. Southern Highlands is probably the closest New South Wales equivalent. According to the London *Daily Telegraph*, David Bercow entered Parliament identified with the

hard right. In 1999 he voted against equalising the age of consent. In February 2000 he changed his mind, admitting to the House of Commons that he had been wrong. His explanation for changing his mind is worth consideration; it might help those honourable members who have doubts about opposing the bill but who are looking for reasons to support it. During the House of Commons debate several members of Parliament spoke about their gay constituents. David Bercow began by acknowledging that he had homosexual constituents and stated:

The idea that they exist in every other constituency, but not in that of Buckingham, is preposterous. I have a proportion of homosexual constituents. They are human beings; they are civilised; they have rights and obligations as well. And I am duty bound to take account of their interests.

They are salutary words for honourable members in this place. Members of Parliament who oppose this bill should also consider their gay constituents, particularly young gay constituents. Bligh may be the electorate with the highest gay and lesbian population in Australia, but many have come to my electorate to escape homophobia, which is supported by discriminatory legislation. Many lesbians and gay men in regional and rural areas, and in Sydney's outer suburbs, find it difficult to publicly identify themselves and express their views. Anti-gay attitudes, including the attitudes of some members of this House, are a strong deterrent. I say to my parliamentary colleagues: Your gay constituents' silence is created by fear of rejection, discrimination, hostility and ostracism. Their reluctance to advocate for their rights is not an excuse for you to deny those rights.

In the United Kingdom, David Bercow gave three reasons for changing his vote, that is, for supporting an equal age of consent at 16. These are equally relevant to us, and they are: first, retaining the status quo is discriminatory but provides no benefit; second, many other countries have an equal age of consent, particularly in continental Europe; and third, there is strong support for change by people and organisations with expertise and experience in health and welfare, particularly the health and welfare of children. I commend those reasons to members of this House.

When speaking about the United Kingdom, David Bercow suggested that there is no evidence that a discriminatory age of consent reduced homosexual activity, minimised the spread of infection, or increased protection for young people. This equally applies in New South Wales. In fact, there is evidence that the present law is damaging. Considerable research, including the most recent by Richard Roberts and Peter Maplestone of the University of New South Wales, suggests that the current law discourages young gay men from seeking information, counselling, advice or support, particularly about HIV-AIDS prevention or health matters. They are afraid to do so because they are afraid to admit that they are engaged in criminal activity.

The current law impacts on the self-esteem and wellbeing of young gay men. The hostility generated by publicly expressed anti-gay attitudes and discriminatory laws contributes to the stress and low self-esteem in young gay, lesbian and bisexual youth, with serious and fatal consequences. One study for the United States Department of Health revealed that suicide is the leading cause of death among gay male youth. Gay males were six times more likely to attempt suicide than heterosexual males. A majority of the suicide attempts by homosexuals took place at age 20 or younger, with nearly one-third occurring before age 17.

Other studies found that a major factor in youth suicide is low self-esteem, brought about by feelings of being isolated, discriminated against and ostracised. The current law delivers a recipe for confusion, misery and fear. Those who defend the status quo must show what benefits it provides and what negative impacts would result from the passage of this bill. During the House of Commons debate, one of David Bercow's Conservative colleagues suggested that the law protected young, impressionable boys who might be pressured into homosexuality. No doubt we will hear this claim during this debate. David Bercow admitted that he had once been persuaded by this view, but he changed his mind. He said:

There have been a plethora of studies, in this country and overseas, and the general conclusion seems to be that an individual is unlikely, as a result of an experience in his youth, to be propelled into a homosexual existence that would not otherwise have occurred.

While the causes of homosexuality are still not precisely known, overwhelming scientific, medical, psychological and social science research suggests that a homosexual orientation is formed at an early age. The seduction or recruitment theory is a dangerous myth used to justify prejudice. Prejudice and homophobia are the only explanation for a discriminatory age of consent. That was the conclusion drawn by Adele Horin in an excellent article in the *Sydney Morning Herald*. She wrote:

It is fear and hatred of male homosexuality that is behind NSW's discriminatory laws. And it is especially men's fear and hatred of male homosexuality that is an issue in the current debate. As the male-dominated NSW Parliament considers whether to equalise age of consent laws, it is salutary to recall that almost 40 per cent of Australian men think sex between two men is always wrong, according to new findings from the Australian National Sex Survey.

Ms Horin continued:

Dress it up as they will, homophobia is the real reason for the continued discrimination against young gay men. If the MPs were concerned about teenage sex per se, they would lift the age of consent for boys and girls to 18. This would turn about half the state's 16-year-olds into criminals, given the sex survey's findings on sexual initiation.

Ms Horin exposes the inconsistency of those who have tolerated a situation where an older man can have a consensual sexual relationship with a 16-year-old girl, whereas a 16-year-old gay male supposedly needs protection from older men. It is inconsistent, hypocritical, offensive and insulting to young women that, for 19 years, they have supposedly not needed the same protection from predatory males as young gay men. The proposal to raise the age of consent is at least acknowledgement that young homosexual men should enjoy equality with young heterosexual men and women, but raising the general age of consent to 18 is no solution. No other country has achieved equality by raising the general age of consent. David Bercow, who describes himself as a Euro-sceptic, pointed out that many continental European countries have an equal age of consent of either 15 or 16. He challenged opponents of an equal age of consent to produce evidence of the damaging consequences flowing from this. He said:

If they could show that the incidence of homosexual activity was greater, that the spread of infection was bigger, that the protection for young people was weaker, they would have the kernel of an argument. They have not been able, at least to my satisfaction, to demonstrate anything of the kind. The position is no worse in those countries, as far as I can discern. Indeed, arguably the position in many other countries is far better than it is here.

[Extension of time agreed to.]

Victoria has had an equal age of consent of 16 for two decades. In the Australian Capital Territory 16 has been the age of consent for several years. There is no evidence from Victoria or the Australian Capital Territory to suggest that those children are more at risk or that damage has been done to the social and moral fabric of Victoria and the Australian Capital Territory. Any damage arises from inconsistent and absurd laws. A 16-year-old or 17-year-old male who happens to be in Wodonga or Canberra can engage in consensual homosexual sex without any fear of prosecution. However, if he crosses the border into Albury or Queanbeyan, it is a criminal act.

Justice Wood, in his final report from the Police Royal Commission, concluded that there was no rational reason for retaining a discriminatory age of consent. That report substantially dealt with issues relating to child protection. Justice Wood had available to him the best expert advice and research on this subject. His commission conducted a thorough examination into the relationship between child protection and the criminal law. It is perhaps the most thorough examination conducted in this State in recent times. At the end of that examination Justice Wood recommended an equal age of consent.

In the United Kingdom, David Bercow found he could no longer ignore the overwhelming support for change from those organisations and individuals concerned with the health, welfare and protection of children. A similar range of organisations support reform here, including the AIDS Council of South Wales, the Australian Medical Association, Family Planning Australia, the Law Society of New South Wales, the New South Wales Parents and Citizens Association, the New South Wales Council for Social Services, as well as many gay and lesbian organisations. These organisations have the experience and expertise to understand the consequences of change and of retaining the status quo. Their conclusion is that change would be beneficial; retaining the status quo would continue to be damaging to young people.

In 1993 the former member for Campbelltown and former Minister for the Olympics spoke to my private member's bill, the Anti-Discrimination (Homosexual Vilification) Amendment Bill. On that occasion he said that a person does not suddenly wake up one morning and say, "I think I will become a homosexual", as though it were a free choice, a choice made after considering the options and saying, "What is there? There is heterosexuality, celibacy, homosexuality, bisexuality. Homosexuality looks good today." The former member for Campbelltown went on to say:

... the debate is not about whether people want to be homosexuals, whether it is good to be a homosexual, or whether one wants to bring up one's children as homosexuals. The debate is about the precise area of whether it is appropriate for people to bash homosexuals, to incite violence and hatred against homosexuals.

This debate is about continuing a law rooted in prejudice and homophobia, a law which has no positive benefits and is damaging to young people, or supporting the bill, which will ensure equality of human rights and social justice.

Mr McLEAY (Heathcote) [8.39 p.m.]: I have spent the past week or so, since the bill was introduced, wrestling with my conscience, discussing it with my family, consulting with my community and talking with my God. A couple of weeks ago in my first speech I made reference to my Catholicism. I did not think my religion would become in issue again in this Chamber—or at least so quickly. I am a Christian and I cannot take my Christian hat off when I am in this Chamber. I believe Christ is with me and lives through me in everything I do. That is why I support the bill.

As a Catholic and as a Labor member of Parliament I hope people will find a healthy expression of their sexuality in marriage. Catholic teaching does not condone homosexual activity. However, the legal position in New South Wales is different to the church's position. Homosexual activity has been decriminalised in New South Wales, and this bill does not touch on those matters. It should be remembered—and this is an important part of the bill—that anyone under the age of 16 is a child. If anyone under 16 is sexually assaulted, whether consensual or not, that is an offence. The law is confused as it relates to those between the ages of 16 and 18. There are different rules for boys and girls—or perhaps I should say young men and young women. I want everyone to realise that all sexual activity under the age of 16 is illegal. Keep it at 16, keep it simple, make it stick. The bill provides protection for people between the ages of 16 and 18 who are involved in consensual relationships.

The proposed legislation gives proper recognition to the seriousness of offences against children. Paedophilia is one of the greatest affronts to human dignity and the bill contains tough new penalties for paedophiles and for those who abuse positions of trust involving children. Those penalties must be enforced. Eighty per cent of sexual abuse victims in New South Wales are female, and it is unjust that a man who attacks a child is treated differently depending on whether his victim is a girl or a boy. That should not be the case. The bill will toughen the penalties for all forms of sexual abuse involving children.

I believe in the Gospel message of God's love and I want to encourage a society in which young people are accepted and supported through their adolescence. Adolescence is a time when young people are struggling with a range of choices about education, careers and relationships. I am aware of Archbishop Pell's statement that parliaments should not enshrine the ideological claim that homosexual and heterosexual activity are morally equivalent. However, the bill does not make that moral judgement. It draws a necessary distinction between child sexual assault and homosexuality. The extra protection this proposed legislation gives our children and the need for clarity, consistency, equity and social justice are the reasons I support it.

Ms BURNEY (Canterbury) [8.44 p.m.]: I do not want to speak at length on this bill. However, I want to be deliberate and to make my position clear. I speak in favour of the bill in its entirety. My reason for doing so is not because of ideology or an attempt to take a particular moral position. I do so for logical reasons based on the notion of equitable treatment of young men and women. The bill seeks to do two things: to bring about uniformity in the age of consent and to bring about equity in criminal penalties for sexual assault against children and young people.

At present the existing penalties for male on male offences are greater than those for male on female offences. I am advised that the current penalty for consensual homosexual intercourse where one person is younger than 18 years old is about 10 years, yet the maximum penalty for sexual assault against a child between 10 and 16 years old is only 8 years. I find that to be highly unacceptable and unfair. In fact I would go as far as to say it is discriminatory. The object of the bill is to provide equal treatment of sexual offences against males and females. That is the question we are considering. It is not whether we agree with homosexuality or, for that matter, heterosexuality; it is about equal treatment.

To achieve equality involves standardising the age of consent for both young men and women. The Crown Advocate has said that the rationalisation of child sexual assault offences can be brought about only by equalising the age of consent. The two are inextricably linked. One relies on the other, and it is critical that when members make their decision on this bill they remember how the two issues are linked. I am told that New South Wales is also the only State, apart from the Northern Territory, where there are no uniform laws for the age of consent for both young men and women. I find it incongruous. I do not pretend to understand the history of why New South Wales is in that position. I find it unacceptable. I am aware that many countries throughout the world have moved to standardise the age of consent. I know that previous speakers have spoken about this, but let me do so as well. In Belgium the age of consent is standardised: the age is 16; in Bosnia it is 16; Croatia, 14; Finland, 16; Georgia, 16; Germany, 16; Greece, 15; Italy, 14; the Netherlands, 12; New Zealand, 16; Russia, 16; Switzerland, 16; Ukraine, 16; United Kingdom, 16.

For me the important matter is not the age of consent, it is the principle of uniformity. I cannot understand why people, including some members of this House, can accept that the age of consent for a young woman is 16 and believe that for some reason the age of consent for a young homosexual man is 18. Some of the arguments that have been put to me are just not logical. Let me run some of them past the House.

Mr Kerr: Who are they from?

Ms BURNEY: From letters I have received from interest groups, from church groups, from individuals. One of the arguments was this: why is it lawful for a 16-year-old girl to have a sexual relationship with an older man and, conversely, not lawful for a young man to do so? That is the point. One of the arguments was this: in a society of broken marriages, drug and alcohol issues, and teenage suicides, young boys need more protection. Let me read out a letter I received from a man I know, Frank Barnes.

As a gay man fast approaching 60 who was arrested because of my sexuality over 40 years ago, while luckily not being imprisoned, I came very close to taking my own life a number of times as I felt demeaned by the attitude of my church, family, friends and society to what was seen as my "weakness". I also saw too many of my peers succeed in committing suicide and therefore denied the full life they deserved. I have been fighting for this inequity to be fixed for most of my life ...

I also received a letter from South Sydney City Council which stated:

Recent research has found that suicide remains, by a wide margin, the leading cause of death for young gay men in NSW, particularly in rural areas and regional centres. Young gay men are, in fact, up to 300% more likely than their heterosexual peers to commit suicide.

I shall dwell on that for a moment. I come from a small town, as do many other members in this Chamber. I have seen first-hand the effects of both homophobia and the present rules and laws on young gay men. Young gay men in rural New South Wales are isolated and afraid, unable to see any other way than to take their own lives. The statistics, the names and the crosses are all there—and that is because of the attitude of some in society towards homosexuality. I hope the debate is not influenced by the homophobic attitudes of some parts of our society. We cannot put our heads in the sand. Speaking of that, one church group that wrote to me said that sex should only take place within the confines of marriage. I think I have made my point.

The big claim is that girls mature physically— and, therefore, by extension, emotionally—more quickly than boys. I am not sure of the basis of that claim. I refer honourable members to the 1994 report of the British Medical Association on the age of consent. I should like to quote the part of the report that relates directly to the opinion of the association about the claim relating to the slower biological development of boys. The report stated:

Previously the BMA proposed that the age of consent of homosexual men should be set at 18 to reflect their slower rate of biological development. However, most researchers now believe that adult sexual orientation is usually established before the age of puberty in both boys and girls.

The final conclusion of the British Medical Association stated:

The purpose of the age of consent legislation is to protect vulnerable people from sexual exploitation and abuse, but there is no clear justification for a differential age for homosexual male activity and other sexual activity. Although homosexual experimentation may be quite common among adolescent boys, extensive research does not indicate that men aged 16-21 are in need of special protection because they may be "recruited" into homosexuality. Unwelcome sexual attentions of a seriousness warranting criminal prosecution are equally offensive whether the victim is a man or a woman: the same law should therefore apply to all.

The final argument against support for the bill is that boys would be able to participate in sexual acts that they cannot watch at the movies. That intrigued me so I looked on the Internet for the definitions of the relevant classifications. Under the MA rating sexual activity may be implied. Depictions of nudity in a sexual context which contain detail should not be exploitative. Under the R18+ rating sexual activity may be realistically simulated; the general rule is simulation. Nudity in a sexual context should not include obvious genital contact. Verbal references may be more detailed than depictions. Those definitions do not advance the argument. I was touched and interested to read the position of AIDS Council of New South Wales [ACON] on the unequal age of consent. ACON states:

[It] creates an environment in which young gay men are less likely to come forward for information about sexual health including STDs and HIV-AIDS for fear of prosecution;

[It] reinforces the prejudices of those who perpetrate discrimination and anti-gay violence—particularly between peers in a school environment; and

[It] contributes to low self-esteem among young gay men, with resultant homelessness, drugs, alcohol and tobacco use and a rate of suicide 300% higher than that of young heterosexual men.

Young gay men are often isolated from the usual support, such as family, because of the stigma of being gay. Access to information support services such as ACON is even more important in circumstances when families or peers are unable or unwilling to assist. My concern centres on health and welfare issues for young gay men because of the unequal age of consent. First, inequality creates an environment in which young gay men are less likely to come forward and it reinforces prejudices. I spoke to some young women about this issue and, in fact, I spoke to my daughter just prior to coming into the Chamber. She was unaware that there was an unequal age of consent. Those who know my daughter would agree that she is not backward in coming forward. She was gobsmacked. She said:

Mum, that's ridiculous. It should have been changed years ago. That's unbelievable. Young people, no matter what their sexual preference is, should have the same rights.

The power of a conscience vote is that it allows us to be guided by the people our vote will directly affect and by our own conscience. I was touched by the comments of the honourable member for Heathcote, who, as a practising Catholic, has worked through this issue. He came to the conclusion that the bill is about morality and social justice. A conscience vote does not depend on the size of the Catholic constituency, ethnic groups or age groups. Honourable members must be able to come to terms with their decision and how it will impact on those it will affect. We do not often have the opportunity to exercise a conscience vote. I want the bill to pass in its entirety. Splitting the bill will defeat its purpose. By accepting the bill in its entirety we will bring New South Wales out of the dark ages. The bill should be supported for the following reasons, if on no other basis: first, it is about equality; second, it is about protecting the rights of all young people; third, it is about decency; and, fourth, we might even save a few lives.

Mr STONER (Oxley—Leader of the National Party) [8.57 p.m.]: Now that the election is out of the way the Government has embarked upon an agenda of radical social change. I instance the medicinal use of marijuana, embryonic stem cell research, cloning and lowering the age of consent. They are all controversial issues that Labor was not prepared to take to the electorate prior to 22 March. The proposal to lower the age of consent for homosexual acts can only be categorised as left-wing social engineering for which the Government has no mandate. At no stage during the election campaign did Labor indicate that this proposal was on the agenda and now it is one of the first pieces of legislation introduced in this term of the Parliament. Based on feedback I have received from many members of the public I suggest that the Government has nothing like a mandate for its proposal to lower the homosexual age of consent. In an opinion piece in the *Sydney Morning Herald* dated 9 May, Al Stewart, chief executive officer of Youthworks, an arm of the Anglican Church that ministers to children and youth, stated:

Do we really believe that on one day a 16-year-old is in need of protection, while he is still young and vulnerable and trying to sort out the issues of sexuality, and on the next day legislation could be passed to make the 16-year-old an adult?

Sexual decisions or mistakes made at the age of 16 can have lifelong consequences for young people.

I have worked in youth ministry in Mount Druitt, Liverpool and in the eastern suburbs. I also have four children of my own, three of whom are teenagers. I understand fully how vulnerable kids are in their mid-teens and their need to be protected.

Anyone who believes that an age of consent of 16 will not be taken advantage of by predatory older males is living in a fantasy land.

An email I received on 15 May stated:

As a very concerned father of a 16-year-old intellectually disabled boy, I want you to be aware of my very strong disapproval of any moves to lower the age of consent for homosexual sex. I know my boy is still growing and is far from mature enough to make any sensible decision in regards to such an important issue that would have major ramifications on the rest of his life. In fact, when only 14, he was actually approached in a public toilet but speedy intervention fortunately prevented any serious abuse from occurring. Unfortunately, the feeble response from the police was to say that because my son, even though he kept saying "No", succumbed to continued harassment and put his arm around the other person and because he looks much older because of his height, the other person could claim it was "consenting" and therefore proceeded no further other than giving a warning to the other party—at our request! Under the proposed legislation, would the predator who approached my son now get away with abusing a 12-year-old using the same arguments?

Mr Debus: Absolutely not! You know that's not true.

Mr STONER: I am simply quoting from a document. The email further stated:

The law considers a 16-year-old a child and as such is not permitted to:

1. Buy alcohol or cigarettes
2. Gamble (even a \$2 Scratchie)

3. View an R-rated movie
4. Enter into a financial contract by themselves
5. Vote
6. Get married without parental consent

In light of this, what right as sensible thinking adults do you have to open the door further for homosexually-inclined paedophiles to molest our children?

If as some would argue, there is a need to bring equality in legislation, why not increase the heterosexual age to 18 and so make it harder for paedophiles to abuse any child?

I ask you to vote against this harmful legislation and live up to the title "Honourable".

Another email of the same date stated:

I wish to object strongly against the proposed "Age of consent legislation".

Lowering the age limit will in my opinion just give older paedophiles the cover of our legal system to lower their sights by two years.

Would you like your 16 year old son raped by such a person? How would you feel that the law was on their side?

A further email dated 13 May stated:

I am sending this message to urge you not to support legislation which lowers the age of consent for male homosexuals. It is a great tragedy that homosexuality is not publicly condemned as an obnoxious practice, responsible for much disease and violence amongst the homosexuals themselves. At a time when sexual abuse on the young is so much in the news, and with some calling for further legislation for the protection of the young, it is disgusting that legislation such as this is introduced into Parliament.

Child protection groups were quoted in the *Daily Telegraph* of 9 May, including Hetty Johnson from Bravehearts Australia, who agreed that lowering the homosexual age of consent to 16 would allow offenders to target younger boys and claim confusion about their age. She said:

The lower the age of consent, the more opportunities there are for paedophiles to abuse the law.

Clare Pascoe Henderson from Clergy Abuse Victims Education, Advocacy and Support said that the bill needed to be expanded to ensure that teenagers were protected from the advances of adults. She said:

There were also significant problems associated with tacking increased penalties for child abuse on to the end of a controversial Bill like this one.

I think that whenever you have proposed changes to the law like that they should be separated because you have exactly the possibility [that MPs will want to vote for one and not the other].

Parliamentarians should not be put in that position.

In a letter dated 15 May a church leader on the mid North Coast stated:

I have been in touch with a number of Church Leaders and we are concerned with the lowering of the age of consent for males to be voted on in the NSW Parliament.

Whilst we agree with the equality of the sexes, we would rather see the minimum age for both male & female raised, rather than lowered.

I am sure you are aware of the sickening number of children being sexually abused in our community. We need to do everything we can to protect our children against paedophiles and rape attacks. Lowering the age of consent does not seem to us a sensible way to protect our children.

We hope you will consider the concerns of the majority of Churches and thousands of like-minded people in your electorate when making your conscience vote on this issue. Even more important, consider the lives of the thousands of children we have elected you to protect and serve, who as yet cannot vote for themselves.

Yet another email, dated 14 May, stated:

First of all I must say that I find it somewhat disturbing to learn that as a community we are considering lowering the age at which homosexual males can legally engage in sex. Given the widespread community outrage relating to cases of paedophilia, should we be considering lowering this age?

I know that the Attorney General believes that his proposed changes will simply remove a level of perceived discrimination against homosexual males that does not apply to heterosexual males. Yet this argument I believe misses the purpose of the existing legislation.

As far as I can determine, the existing legislation was designed to protect the young in our community from committing acts that they might regret. Specifically the legislation currently protects the young from significantly older persons coercing them into committing acts that they wouldn't normally have decided to commit.

For example, the main target of heterosexual adults is girls. Females, however, mature on average two years quicker than males, and as such it is right that this section of the community be protected from these men. The age set down for this maturity is 16.

On the other side of the coin, the main target of homosexual adults is boys. They also need to be protected from these men, and if the maturity difference is to be trusted, then it is right that this age be set at 18.

As such, whilst this discrimination exists, it is appropriate. Lowering this age would surely damage our community with little or no gain. I urge you to cast your conscience vote against this proposed change.

That is just a sample of the feedback I have received. I am sure that most would agree that this correspondence contains many compelling arguments against lowering the age of consent for homosexual acts. So, clearly there is no mandate for this action, and the Government is cynically seeking to ram through an agenda aimed at appeasing its Left wing while banking on the electorate's failure to remember the issue in four years time. To be fair, I received a few emails in support of the change. However, they were significantly fewer in number and, following my responses to the issues raised, drew no further comment.

The issue arising from this bill is essentially this: We have a law in this State which sets as 18 the age of consent for homosexual acts, in recognition of the biological difference in maturity rates for males and females. Why change this quite effective law? I see no compelling reasons to do so. Government members have argued that other States have a lower age of consent for homosexual men. Why should we be led by what another jurisdiction does or does not do when our own law is effective and appropriate? They also argue that it is discriminatory to have an older age of consent for male homosexuals. However, this line of argument does not recognise the fact that girls mature earlier than boys and that boys between the ages of 16 and 18 may not only be mentally immature but also confused about their sexuality and therefore at risk from predatory older men. How often have we heard about a young man's life being ruined by the sexual predation of an older man? It is a rare event indeed to hear of sexual predation of a young man committed by an older woman.

[*Interruption*]

Why is that funny? Another argument raised is the increased risk of suicide among young homosexual men—a tragic statistic indeed. But might this increased suicide risk be due to the pressure of participating in homosexual sex, possibly with an older man, or have some connection with other observed facets of the gay lifestyle, such as increased medical problems and drug use? The Government has also argued that the 1997 Wood royal commission recommended changes to the homosexual age of consent. However, nowhere did it acknowledge the fact that the Wood report states that "physical and emotional development is said to occur about two years later in boys than girls so that extra time should be allowed for boys to determine their sexual identity and preference".

The Wood report also acknowledged that a change in the age of consent would be seen as "an encouragement of paedophiles" and that legal symmetry could be achieved by raising the age of consent of females to 18. The existing law has been soundly based, with its sole purpose the protection of immature youths from the advances of older predatory males. Where has the push to change the law come from? Not from the 16-year-old to 18-year-old men who may or may not engage in homosexual acts—the law does not seek to prosecute them if they do. Rather, the pressure to change the law must logically come from those who stand to be prosecuted under the current law—that is, older homosexual men. [*Extension of time agreed to.*]

Clearly, the proposed changes to the Crimes Act would result in older homosexual men being able to legally pursue younger men than they can now. This is the outcome desired by the proponents of this bill. The motive behind the legislation is exposed by clause 49 of the bill, which states that consensual male homosexual acts that took place with youths between 16 and 18 before this legislation will cease to be unlawful. This bill contains the extraordinary provision that persons previously regarded as having committed a crime will be given full immunity from future prosecution. This provision is almost without precedence in Australian legislation—a carte blanche immunity, possibly for convicted paedophiles and for those identified by police for their homosexual activities involving young boys but not yet prosecuted.

Numerous reports have appeared in the media arising from the Wood royal commission of cases involving high-profile homosexuals utilising venues such as Costellos and the notorious Wall at Darlinghurst to have sex with under-age boys. Under this legislation, provided the sex was consensual and the boy was over 16, all convicted and suspected persons would be let off scot-free. This is scandalous! The National Party will seek

to have this provision removed. I ask the Attorney whether this provision could expose the State to claims for criminal compensation from persons convicted in the past, no matter how long ago, of having sex with youths aged between 16 and 18?

In his second reading speech the Attorney General devoted only one short sentence to this highly controversial proposal—a sentence hidden in the middle of a lengthy speech. No wonder he did not want to draw attention to his get-out-of-gaol-free card. Clearly the agenda is being driven by older homosexual men—many of whom, according to various commentators, including a former member of the Legislative Council, occupy positions of high office, including in the legal profession. The issues surrounding this bill include a lack of any mandate, and pressure for change driven not by those whom the community would seek to protect but by those who stand to be exempted from prosecution related to their sexual proclivities.

Another issue surrounding the bill relates to the way the Government has packaged the controversial issue of reduced age of consent for homosexuals with a range of higher penalties for other child sex offences. Despite the Government's rhetoric that it is allowing its members a conscience vote, it is placing a huge amount of pressure on its members, including many new members, to support the bill in toto. How can any members of Parliament oppose tougher sentences for child sex offenders? Yet, this is what they must do if they wish to oppose the lowering of the age of consent.

The Government has put members between a rock and a hard place by linking the controversial with the eminently sensible. That is why the National Party has called on the Government to split the two main provisions of the bill—the lowering of the homosexual age of consent and the tougher penalties for child sex offences. The Premier has refused this eminently sensible request, which would give effect to a true conscience vote on the controversial issue of the age of consent. I do not accept the Premier's reasons for refusing to split the bill and I will move amendments aimed at removing the age of consent provisions. If these amendments are accepted, the Government can reintroduce its proposals for lowering the age of consent. That will allow proper consideration of that important issue without it being clouded by other matters.

In conclusion, the National Party reflects the views of the regional, rural and coastal communities it represents in expressing concerns about the Government's proposal to reduce the age of consent for homosexual acts. It has no mandate for this action. This agenda is being driven not by those whom the existing law is intended to protect but by those who stand to gain from the immunity that this legislation would bestow on their activities.

[Interruption]

Why is that funny? Members on the Government side can giggle amongst themselves, but it is a scandal, including a blanket retrospective immunity to alleged paedophiles. This aspect of the legislation, as well as the inappropriate coupling of age of consent and increased penalties provisions, will be addressed by amendments to be introduced by the National Party.

Mr LYNCH (Liverpool) [9.15 p.m.]: I support the Crimes Amendment (Sexual Offences) Bill. Specifically I make it clear that I support its provisions in relation to age of consent. I support equal treatment of sexual offences regardless of the gender of the victim or perpetrator. I support an equal age of consent for sexual activity regardless of gender. One can make many substantive and serious arguments in support of this legislation, and I will do so in a minute. My instinctive reaction to the age of consent issue is that the present age of consent provisions are ridiculous. It is absurd to have different ages of consent based on sexuality or gender. It looks silly and it sounds ridiculous.

The first and most obvious substantive argument is that there is no rational basis for the distinction. That is the way it was put in the summary of argument in support of this change in the royal commission report and that is a sensible and logical way of looking at it. Another view that would support this legislative change to the age of consent is also associated with the report of commissioner Wood. That is, that equalising the age of consent, reducing the age of consent for homosexual behaviour from 18 to 16, would reduce the potential for extortion and police corruption. That argument is similar to arguments used in support of changes to the law in relation to prostitution.

However, there is a more fundamental argument in support of this legislation: the discrimination argument. Once one accepts, as we have in this State, that homosexuality is legal, it seems utterly unreasonable and illogical not to have the same age of consent. If you do not have a common age of consent you have an

arbitrary difference that has no good grounding in law, commonsense or reason. One can only assume that the maintenance of different discriminatory ages of consent is the last bastion of homophobes who are not prepared to accept that homosexuality is legal in this State.

There are some practical reasons to support the legislation and the changes proposed to the age of consent. The first has been touched on by other speakers but it is worth restating because of its significance. It is that health professionals and social workers report quite regularly, on good grounds, that they are restricted in the services they can provide to males under 18 who might be involved in homosexual activity. That includes advice and treatment in relation to HIV, AIDS and sexually transmitted diseases. It extends logically to providing advice about safe sexual practices. Clearly there must be risks for any health professional or social worker in that field who does anything that can be seen as supporting what is now regarded as a criminal activity. I have seen legal advice that would confirm that fear.

Another particularly practical aspect has also been touched on in this debate: gay male youths are 3.7 times more likely to commit suicide than their heterosexual peers. That stems from a number of factors, obviously, but certainly some research in the United States of America and in Australia argues quite convincingly that the homosexual suicide rate stems directly from the isolation and the alienation that young gay men suffer, which is significantly and causally related to the criminality that the law currently imposes upon them. They simply want to act out their sexuality without there being any criminal consequences, in the same way that heterosexual people of the same age can. That is a very real social cost that is being imposed upon a component of our community for no particularly good social policy that I can see.

The Australian study of health and relationships reported that 44.6 per cent of men who had a homosexual experience had their first such experience before they reached 18 years of age. If that is the case, our present law is criminalising people and imposing all of those social costs and the sorts of problems I have just referred to. In a broader sense, we are simply catching up with the rest of the world if we introduce this change. As I read it, no other State in this country has a similar regime to the one we have. Apart from the Northern Territory, we are the only jurisdiction in Australia that discriminates in the way we do.

The vast bulk of overseas jurisdictions do not have these sorts of distinctions. A study of the ages of consent in various countries indicates that they are similar for the various sorts of sexual activity. And the ages of consent are not just 16; a number of countries such as France, Greece, Hungary, Italy, Korea, Malta and Spain have an age lower than 16. I note that there was some dispute earlier about Malta but my reading of the Parliamentary Library briefing paper is that Malta has an age of consent of 12.

It seems to me that in that sense we are just catching up with the rest of the world. There is a considerable amount of authority in support of this change to the legislation. One of those sources is the Wood royal commission. The Leader of the National Party was quite deceptive—that is the nicest way of putting it—when he quoted from the royal commission report and claimed that it supported his proposition. In fact, the section of the report that he quoted was simply outlining the arguments without adopting them or rejecting them. It ill behoves the Leader of the National Party to play those sorts of semantic games with this House. Paragraph 14.32 of the report states:

The question whether there should be any change in the age of consent is uniquely a matter for the community, rather than for this Commission to determine. However, upon the material available, the Commission is able to state that it sees no reason:

- to perpetuate a distinction between consensual homosexual and heterosexual activity; or
- to suppose that legislative change to achieve uniformity in this area would bring about any behavioural shift, or that it would, in real terms, expose any more children to the risk of paedophile activity than are presently exposed to that risk (that is, so long as the age of consent does not go below 16 years).

Accordingly, it considers it appropriate for the relevant legislation to be the subject of further review in the light of community opinion, and in light of matters identified in this Report.

The Leader of the National Party also launched a quite extraordinary attack upon the Attorney General for hiding away the terrible fact that some activity is to be retrospectively made non-criminal. I suggest to the Leader of the National Party that if he wants to continue that argument he ought to read the bill, because that point is made in very clear and undeniable terms in big, bold, black letters right on the front of the bill in the explanatory note, in the overview. So the suggestion that it is somehow being hidden is, frankly, a cheap debating point that has no substance.

As I have said, a number of bodies support the proposal in this bill. I have referred to the royal commission. The Model Criminal Code Committee of the Standing Committee of Attorneys General has proposed a code that would be consistent with what we are putting here today. The AIDS Council of New South Wales, known as ACON, in a letter dated 15 May 2003 stated to me, among other things:

The unequal age of consent:

- creates an environment in which young gay men are less likely to come forward for information about sexual health including STIs and HIV/AIDS for fear of prosecution
- reinforces the prejudices of those who perpetrate discrimination and anti-gay violence particularly between peers in a school environment; and
- contributes to low self-esteem among young gay men, with resultant homelessness, drug, alcohol and tobacco use and a rate of suicide 300% higher than that of young heterosexual men.

Young gay men are often isolated from usual support such as families because of the stigma of being gay—access to information and support services such as ACON is even more important in circumstances when families or peers are unable or unwilling to assist.

I briefly turn to some of the arguments against the bill. The first one from the Leader of the National Party today was interesting. He said, "This is the product of a rabid, extreme, left-wing, socialist government." I am inclined to say: If only! That is certainly news to my ALP branches. The second argument is that the proposition should be amended so that the age of consent is made standard but is increased to 18 years rather than reduced to 16 years. That perhaps has the virtue of consistency, but it certainly suffers from the vice of utter unreality.

It is certainly true that any age we choose is arbitrary. No one age will cover every conceivable situation that is appropriate. But anyone who has the slightest comprehension of the level of sexual activity of people under 18 and actually thinks we ought to lift the age to 18 has no connection with the real world. All that we would do by lifting the age of consent to 18 for all forms of sexual activity would be to criminalise about half the young people between 16 and 18. It is just not a viable option.

The current absurdity of a distinction in the age of consent did not come about because someone sat down and wondered what, in the best of all possible worlds, looking at all the logic and all the arguments, would be the most appropriate age? The present age of consent for male homosexual behaviour is the result of vagaries of political compromise that came out of this place a couple of decades ago. It was the best deal that could be cobbled together by a group of people trying to pass legislation at that time. To suggest that it has any other strength than that is just absurd; it defies not only the logic but also the reality of what happened.

Another argument that is used to oppose the proposed changes is that it would allow predatory males to exploit young boys. I find that argument hypocritical because the people who put that argument forward do not at the same time, for the most part, say, "We have to raise the age of consent for heterosexual behaviour from 16 to 18." They manage to forget the fact that the vast bulk of sexual assault is by men upon young girls. The real problem of sexual assault is not about predatory males chasing after young boys; it is about predatory males chasing after young girls. If we were seriously worried about predatory behaviour we would not be getting uptight about reducing the age of consent for homosexual behaviour; we would be dealing with other issues altogether. The Bureau of Crime Statistics and Research is the authority for the proposition that 80 per cent of child sexual assault is by men upon young girls. [*Extension of time agreed to.*]

One of the arguments against the proposed changes is that it is inappropriate to reduce the age of consent to 16 years because 16-year-olds cannot vote, cannot drive and so on and so forth. That is a clever—I use the word sarcastically—debating point but it really does not go to the substance of the issue here. In a whole series of areas there is a difference between people but we impose limitations based on age, and it does not follow at all that we can jump from voting and driving cars to sexual activity.

There is also a related argument that boys mature more slowly than girls and therefore there should be different ages of consent. That is fine, but if the people who are putting that proposal really want to pursue it, they should also support 18 as the age of consent for heterosexual activity for boys and 16 as the age for girls. But that is not being advocated. The people who are using the argument about the difference in the ages of maturity are grasping at straws and simply putting the argument as a way to block this change in the age of consent for homosexual activity.

Another argument that has been put to me at various times in opposing the bill is that it is wrong and is immoral. I have a letter that quotes various books from the *Bible*—Romans, Leviticus and Corinthians. There are

two things I should say about that argument. First, for some time now there has been a separation of church and state in our society. The mere fact that there might be some religious beliefs does not necessarily mean that they have to be embodied in legislation. The Reformation and the separation of the church and state occurred a fair while ago. I for one am delighted that it happened, and I would rather like to keep it that way. We do not need the *Bible* to tell us that murder is wrong. Some of us actually understand that without having religious authority rammed down our throats. It seems to me that that is not a proper basis upon which to base legislation.

The outrageousness of those arguments is the assumption that if one is a Christian one cannot support this bill. That is nonsense. A number of honourable members who are practising Christians support this bill. The honourable member for Heathcote spoke very sensibly and with some thought about that issue earlier this evening. The people who use those arguments do not want to address the core issue. Adele Horin stated:

Dress it up as they will, homophobia is the real reason for the continued discrimination against young gay men. If the MPs were concerned about teenage sex per se, they would lift the age of consent for boys and girls to 18. This would turn about half of the state's 16-year-olds into criminals, given the sex survey's findings on sexual initiation. But at least that would be consistent.

I am delighted to support this bill. It is about implementing fair and non-discriminatory laws in this State and ensuring equal treatment of all people before the law.

Ms SEATON (Southern Highlands) [9.30 p.m.]: This is one of the most important issues that honourable members have considered since the new Parliament began sitting, and probably one of the most important we have all considered for some time. In exercising my conscience vote this evening, I have regard to my views, which are the result of consultations with my husband, and to the fact that I represent 43,000 people in the electorate of Southern Highlands. I have sought the views of my community and I will comment on that later. The aim of the Crimes Amendment (Sexual Offences) Bill is to establish a uniform age of consent and to increase penalties for certain types of sexual assault against young people. The bill makes specific provision for teachers and their behaviour with pupils and for possible grounds of defence. Those issues should be separate from a uniform age of consent and I will support any moves to split the bill. The Government is trying to be too clever in grouping these issues. Penalties for sexual assault should be separate and not a matter of conscience; they are no different from the vast majority of matters that this House considers along party and policy lines. The sexual assault penalty provisions cannot be opposed and I will not do so.

The real issue is uniformity of the age of consent and I have given it a great deal of thought. I note that all other Australian States have a uniform age of consent. We do not discriminate between males and females in respect of the age at which they are responsible for their behaviour on our roads, if they have stolen or vandalised property or if they have caused malicious damage. We also do not say that a female is subject to adult laws two years earlier than a male. If legislation were introduced in this Chamber involving a difference in the age of responsibility for boys and girls or men and women, every honourable member would reject it. I am not suggesting that decisions about sex and sexual activity are equivalent to the lawfulness or otherwise of behaviour dealt with by criminal law in other areas. Human sexual behaviour is complex and subjective and, for many people, guided by expectations of morality and religious frameworks. Understanding that, I sought input from my community about this bill and these propositions. I issued invitations on radio and in the print media, and I thank local media organisations for their interest and for participating in and facilitating the debate by devoting time and space to it.

However, I am surprised by the small number of responses. I received fewer than 30 telephone calls, emails and letters. However, I treated each and every representation with great respect and will note the concerns people have raised. One family was tragically affected by a paedophile and others said that 16 years of age was too young. I have a great deal of sympathy for their concern and agree that 17 years of age might be preferable. However, I am sure that psychologists, parents, counsellors, teachers and individuals could credibly make a case on the evidence available about the capacity of certain individuals to make good, sound decisions from, say, the age of 13 possibly to a person's early 20s. I accept that although 16 may seem too young to some, I do not have the expertise or capacity to determine whether 16, 17 or 18 is the right age. On that basis, I believe that the principle that should be upheld is that of fairness under the law and that uniformity of the age of consent is the key. The opportunity presented in this bill to support the principle of gender equity is impossible to bypass.

As a woman in this place I have campaigned for equality of opportunity in many aspects of life and law. I see no difference in the principle we are considering in this bill. For those reasons I support the bill—on the principle of equality of men and women under the law and the need for tougher penalties for sexual assault against young people. I have one reservation relating to implementation of the legislation and I am interested to

hear the Attorney General's response. If we suddenly change the law and implement a uniform age of consent, it is important that families have a chance to discuss the implications and to have some period of adjustment and reflection. I am not sure that, if this bill were assented to immediately and proclaimed, we might not have some unintended and unnecessary difficulties.

I have reached this decision with great respect for those who have expressed opposition to the bill, and I thank them for their counsel. The mail I received directly addressed to me—apart from the mail I received from organisations—included five expressions of support for the bill and one of opposition from the Sydney area. I have received nine direct representations from my local area opposing the bill and two in favour of it. I also made my decision as a Christian, a parent and a member of the Liberal Party who believes it is best to educate and resource individuals to make good and sound decisions for themselves free of government interference in their private lives. Above all, I made my decision keeping in mind the principles of equality of all before God and the law.

Mr KERR (Cronulla) [9.38 p.m.]: Before the last election I attended a meeting at which the candidates for the seat of Cronulla were asked questions about their support for or opposition to various policies. The Labor candidate was Scott Docherty—the Attorney General might know him. We were both asked whether we would support a reduction in the age of consent for men to 16 years of age. It was a pity that Tracie Sonda did not attend the meeting. She apologised and I am sure she had a good reason for not attending. She could have answered the question about the age of consent and the people of Cronulla are entitled to know what she would do. Scott Docherty said he would support a reduction in the age of consent to 16, but we do not know Ms Sonda's view and the people of Cronulla are entitled to know.

The arguments of the proponents are based on the fact that New South Wales is out of step with other States, that the female age of consent is 16 and that there should be equality of the sexes. The honourable member for Liverpool addressed the equity argument, and he quoted with approval Adele Horin, a *Sydney Morning Herald* columnist, who said it would be consistent to raise the female age of consent to 18, and no-one could argue with that. In our society a person becomes an adult at the age of 18 years. The minimum voting age is 18. The underlying principle is that 18 years is the minimum age at which males and females are reasonably capable of being mature enough to understand the consequences of their actions, to make reasoned decisions and to be considered no longer an adolescent. For that reason, people under the age of 18 years do not enjoy the same degree of autonomy in their lives as do people over the age of 18. Many of them are at school and still live at home. Our society does not permit people under the age of 18 to vote, buy tobacco products or alcohol, join the armed forces, marry, change their name or obtain a passport.

At 16 years of age, neither sex is regarded as mature enough to hold a drivers licence. It is extraordinary to suggest that a juvenile who cannot buy alcohol or cigarettes should be allowed to have sexual intercourse. I wonder whether the honourable member for Bligh and the honourable member for Liverpool regard sexual intercourse as so trivial that it is less important than buying alcohol or cigarettes. The Opposition supports the bill's increase in penalties for sexual offences against children, for many reasons. The Leader of the National Party referred to volume V chapter 14 of the royal commission report, which detailed the arguments against change. It would be interesting to know whether the honourable member for Bligh regards the Wood royal commission as homophobic. That view was certainly put forward in her electorate, as she would be aware. It would be interesting to hear the honourable member's views about whether the royal commission engaged in homophobic activity. In its report the royal commission outlined the following arguments against raising the age of consent:

- physical and emotional development was said to occur about two years later in boys than girls, so that extra time should be allowed for boys to determine their sexual identity and preference;
- amendment of the law would be seen as an encouragement of paedophiles, and would mark the beginning of a progressive relaxation or erosion of child sexual abuse laws;
- lowering the age of consent would increase the opportunities for paedophile networks to expand; and
- homosexuals were suggested to be more likely to seduce boys if the age of consent was lowered, a proposition which assumes that laws can modify sexual behaviour, and that adolescent males are less capable of resisting sexual advances than their female counterparts.

Mr Debus: They were arguments put before the royal commission by other folk.

Mr KERR: They were, and they were published by the royal commission. I have said nothing more than that, as the record will show. The House is entitled to hear all arguments on this issue, not simply the politically correct arguments. I received a letter from the Anglican Archbishop of Sydney, who is entitled to have his views put forward—

Mr Corrigan: As we all are.

Mr KERR: As the honourable member for Camden rightly says, as we all are.

Mr Debus: He's very cunning, the member for Camden.

Mr KERR: "Cunning" may not be an adjective of endearment in politics, I inform the honourable member for Camden. In his letter the Anglican Archbishop of Sydney wrote:

The Anglican Diocese of Sydney welcomes and supports the Bill's attempts to increase penalties for those who sexually abuse children. However, this is an entirely different matter to the lowering of the age of consent. One is about protecting children by deterring predators through harsher penalties. The other encourages predators as lowering the age of consent takes away the onus of responsibility on adults to act with integrity towards young people. Therefore we support calls to split the Bill so that the two issues may be debated and voted on separately.

Who could argue with that? The Archbishop went on to say:

The question at hand concerns the age at which a teenager can participate in a sexual relationship on equal terms with their partner. Perhaps the legislation needs to concentrate more on the age difference between partners rather than setting an arbitrary age limit. However, if an age limit is to be set, we argue that 16 is too young. Considering that health and psychological research suggests that there are great risks associated with early sexual activity, it is irresponsible to permit adults to relate to 16-year-olds in a sexual manner. We do not allow 16-year-olds to participate as equals in our community in other aspects of life. What then are our motives in saying that they are able to participate as equals in a sexual relationship? Moreover, it seems that a lower age of consent would put mature 14 and 15 year olds at particular risk as they may be targeted for seduction, which could be defensible on the grounds that the child "appeared to be 16".

I put the Anglican Archbishop's view to the House for its consideration. It would be interesting to know whether the honourable member for Bligh would regard the Anglican Archbishop and the Catholic Archbishop of Sydney as homophobes. I am sure that even the Attorney General would acknowledge that they are entitled to their views, which would be influential with members of this House. As I said, this is important legislation and the issue is of considerable concern to the people of my electorate. The issue was not put before them during the last election campaign. It would have been interesting if it had been put before the people at that time and a mandate sought in relation to it, but that was not done.

It would have been useful if the legislation had been separated and put before this House in the form of an exposure bill. In question time today the Premier spoke about exposure in relation to cannabis and its use in alleviating people's suffering. I am sure that even the honourable member for Bligh and the Attorney General would agree that this is extremely important legislation, that given the consequences that will flow from it people are entitled to have their view, and that therefore an exposure draft would have been of great assistance. An exposure draft would have given members representing the electorates of Manly, Lismore, Ballina and Strathfield the opportunity to discuss the issue with their constituents without undue haste. However, they have been denied that opportunity. It would be interesting to know what consultation the honourable member for Manly has had on the issue with groups in his electorate. If the honourable member speaks to the bill, he will no doubt detail fully the communication that has taken place in his electorate.

The Opposition has quite rightly sought to split the legislation because it is eminently self-containable in relation to two bills: one that deals with lowering the age of consent for homosexual boys and another that deals with the increase in penalties, and ironically expresses horror, in relation to exploitation, predatory behaviour and sexual assault. It is a great pity that the approach taken by the Government has sought to blend one intention with the other, because there is a degree of debate. Lowering the age of consent does not have unanimous support. However, there is unanimous support for the increased penalties contained in the bill. It is a great pity the issues are dealt with as one parcel of legislation.

Mr CORRIGAN (Camden) [9.50 p.m.]: I acknowledge the arguments that have been put so far in this debate. Unfortunately, I have been absent from the House and I have not heard some of those arguments. I heard the speeches of the honourable member for Liverpool, the honourable member for Cronulla and the honourable member for Southern Highlands. I agree with the honourable member for Liverpool and the honourable member for Southern Highlands. I am the father of three boys aged 24, 22 and 19, and a daughter aged 14. I represent a very conservative electorate, but I believe that the people of Camden deserve to know why I am going to vote the way I am. It is quite a simple argument. When this issue was brought before the Labor Caucus I at first thought it was a difficult argument. I thought, "Gee, what a horrible thing to be stuck with during the first session of Parliament: a conscious vote on a matter that is controversial." However, when the issue is looked at closely it is not that controversial; it is simply a matter of equity.

I acknowledge what the honourable member for Cronulla said, but I point out that girls of 16 do have all the rights he talked about. Girls of 16 have the right to engage in sexual activity. Boys of 16 do not have the right to engage in sexual activity with those of the same sex. That is the crux of the matter. Although this might appear to be a difficult issue, it is simply a matter of treating both sexes equally. And that is why I will vote in support of the bill. The Attorney General, who represents the electorate of Blue Mountains, and I have conservative electorates. My constituents voted for me to represent their views. Although Camden might be a very conservative electorate, it is a very liberal electorate as far as its constituents' views. My constituents would expect me to do what I thought was right. I think it is right to vote for the bill. I will use two simple examples to illustrate my reasoning. If I had 17-year-old twins—one a boy and one a girl—and the girl had consensual sex there would be no trouble. However, if the boy had consensual sex with a male he would be a criminal. There is something wrong with that. There is something wrong when a 17-year-old is treated as a criminal because of his choice. If a 17-year-old daughter made that choice with an opposite sex or same sex partner she would be treated differently. They should both be treated equally.

I ask honourable members to note that I said 17-year-old and not 16-year-old—I tried to get that little bit of age differential. We are entitled to believe that our children will be treated the same. I do not have twin children, but a colleague of mine on Camden Council has just had twins and it occurred to me that he could be in an invidious position in 16 or 17 years time should this situation occur. I want to correct that situation now. I can understand the opinion that boys and girls mature at different ages, and I certainly agree with that. On Saturdays I see 14-year-old girls who play netball with my daughter—some of them are sexually mature and some are not. When I watch my son play football I see 16-year-old boys—again, some are sexually mature and some are not. Ultimately, these young people have the right to be treated equally under the law. This bill allows that to happen.

The second argument I advance was put to me by a teacher in my branch of the Australian Labor Party. A young man came to her and said, "I am concerned. I had sex and the condom broke. I am concerned that there might be some disease involved." The teacher counselled him on what he could and should do. However, she was concerned that as a teacher her legal obligation was to report his action as a criminal act to the police or to youth and community services. She sought advice from the Teachers Federation, from the department and from others. I do not intend to tell the House what decision she made, but she was placed in an invidious situation. A 17-year-old boy went to her and explained a sexual problem that had caused him great concern and she was being forced to report him as a criminal. It was not a criminal act—it was an act of sex or love. It was a consensual act—he told her that—but he would be treated as a criminal. That is not a way to treat young men who are born this way, as was put to me by a member of the gay community at Campbelltown. I know a number of members of the gay community and a lot of them are good friends of mine. I have sought their advice as to the right way to go on this bill. They said that everyone should be treated equally in the of the law, irrespective of gender—whether they are 16-year-old boys or 16-year-old girls they should be treated equally. I cannot get away from that argument and I will be supporting it.

Mr PAGE (Ballina—Deputy Leader of the National Party) [9.57 p.m.]: The Crimes Amendment (Sexual Offences) Bill contains two main elements: one increases the penalties for sexual offences committed against children, which I support; the other reduces the age of consent for homosexual men from 18 to 16, and I have serious reservations about that aspect. Those two concepts are separate issues: one is about protecting children by deterring predators through harsher penalties; the other is about lowering the age of consent for homosexual sex, which could encourage predators to legally target 16-year-old boys. The bill should be split. If it is not split members who support increased penalties for sexual offences against children will be forced to vote against it if they do not agree with the lowering of the age of consent for homosexual sex for men. Therefore, members will be placed in an invidious position. In examining this bill I resisted the temptation to come to an instinctive conclusion.

I preferred to examine the arguments for and against lowering the age of consent. The Parliamentary Library produced an excellent briefing note on this legislation, just as it did in 1997. Without traversing all the arguments I have heard in the Chamber tonight, many of which came from the briefing note, I believe the Attorney General outlined fairly comprehensively in his second reading speech the arguments in favour of lowering the age of consent. The Government relies on the argument that we should not discriminate between homosexual and heterosexual people by having different ages of consent. There is certain logic to that argument, but what should be the age of consent for a homosexual and heterosexual relationship? If the key element is to prevent young people, male or female, from being preyed upon, the argument could be mounted that instead of lowering the age of consent to 16 years, it should be raised to 17 or, indeed, 18 for both sexes.

In South Australia and Tasmania the age of consent for both sexes is 17 years. Although South Australia was the first State in Australia to legalise homosexual activity, it is interesting to note that it has legislated that 17, not 16, is the appropriate age for consensual homosexual sex. Some evidence suggests that boys mature more slowly than girls, so it could be argued that 18 years should remain the age of consent. In the United Kingdom the Wolfenden report on homosexual offences and prostitution comprehensively argues that boys who may not have determined their sexual orientation until the age of 18 years should be given protection until that point.

It is probably true that boys mature more slowly than girls. As a father of three sons, one of whom is almost 21 and a daughter who is 20, I am equally concerned about people sexually preying on my daughter, or anyone else's daughter, as well as my sons, or anyone else's sons when they were 16 years of age. To that extent I am committed to the concept of equal treatment for males and females. However, it should be noted that it is against the law for young people to drink, gamble, bet or watch X-rated videos until they are 18 years old. Indeed, they are not able to vote until they are 18, but this bill provides that it is okay for both males and females to have sex at 16 years of age.

I believe that sex is a special part of any relationship, whether it is homosexual or heterosexual. Sexual relationships are enhanced if the participants have a level of maturity and certainty about their own sexuality. I would like the importance of sex in a relationship to be elevated to the level it deserves, that is, something special. The consequences of sexual intercourse can be significant for the parties involved. Furthermore, if we are worried about discrimination we should err on the side of caution and protect our young people. We must not forget that the fundamental intent of the legislation is to protect young people from offences committed by sexual predators. I would not want to make criminals out of two 17-year-olds who have consensual sex. However, I do not want young people, male or female, to be sexually exploited by older people. Frankly, I believe this bill needs redrafting because the appropriate consultation has not been undertaken. As the honourable member for Cronulla said, many members have not had an opportunity to consult properly with their constituents.

Ms Moore: It has been around for 19 years.

Mr PAGE: It might have been around for the honourable member for Bligh for 19 years because she is switched on to this issue, but for many people this is fairly new legislation. This was not in the election policy of the Labor Party; it was not a hot issue during the election campaign. We should seriously consider the South Australian and Tasmanian models, which provide 17 years as the age of consent for both homosexual and heterosexual relationships. I believe the bill should be split and that consideration should be given to raising the age of consent to 17 years.

I am concerned about the retrospective aspect of the bill. The bill is retrospective in that it ceases to make unlawful male homosexual acts between persons who were not less than 16 years of age. In other words, a prior unlawful act will become lawful with the passing of this bill. To make matters worse, clause 50 of schedule 1 provides an ongoing defence for people who believe the person to have been 16 years of age when they were only 14 years of age. People charged with having homosexual sex with a 14-year-old prior to this bill being passed will have a defence under section 77 (2).

In principle I do not support retrospective legislation, and I certainly do not support retrospective legislation that lets paedophiles off the hook. With the passing of the bill people such as those who were charged following the police royal commission will not be able to use the defence that they believed a person was 16 years old when the person was only 14 years old. However, the retrospective aspect of the bill allows for continuation of that defence for those charged under the existing law. I urge the Attorney General to specifically address this matter in reply and to explain in a logical fashion why this bill cannot be split.

Mr BARR (Manly) [10.06 p.m.]: I support the Crimes Amendment (Sexual Offences) Bill. The debate involves narrow morality versus wider morality. The exponents of narrow morality are those who disapprove of homosexuality and believe that it can be cured or prevented. The bill legislates for wider morality so as not to discriminate and punish a certain segment of society because of sexual preference and gender. The Crimes Act presently stipulates that the age of consent for heterosexuals is 16 years for females but 18 years for gay homosexual men. Discrimination on social grounds should not continue to be entrenched in law; rather, it should be removed.

Over the years there has been considerable debate about homosexual behaviour. Scientific therapies have been put forward and experimentation undertaken. One grotesque example of that is the behavioural

therapist who tried to modify sexual behaviour through aversion therapy on the notion that the sexuality can be moulded. I do not believe it can be. There is sufficient evidence to demonstrate that if people are not born with a particular sexual preference, it develops at an early stage. We must consider how to legislate for sexual preference, which is dangerous and difficult territory. Sexual behaviour is a constellation of emotional, physical and behavioural traits. It is more complex and cannot be simplified to mere genital behaviour. The ability of people to express their sexuality is fundamentally a human rights issue. We must protect young homosexual males, who suicide at three times the rate of the rest of the population. Having a legislative regime that punishes them only exacerbates their problems.

We must remove discrimination and acknowledge the difficulties faced by homosexual males. We should help them, as we help all adolescents, and ensure that they are not discriminated against in law. We should encourage them to access the appropriate social and medical help. As I said, the complexity of human sexuality is something that we all struggle to come to grips with, not only in adolescence but throughout our lives. However, adolescence is a particularly volatile time, and we must ensure that we do all we can to help people and not discriminate against them. For those reasons, I support this bill.

Debate adjourned on motion by Mr Mills.

BILLS RETURNED

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

Conveyancers Licensing Bill
Valuers Bill

SPECIAL ADJOURNMENT

Motion by Mr Scully agreed to:

That the House at its rising this day do adjourn until Wednesday 21 May 2003 at 10.00 a.m.

The House adjourned at 10.11 p.m.
