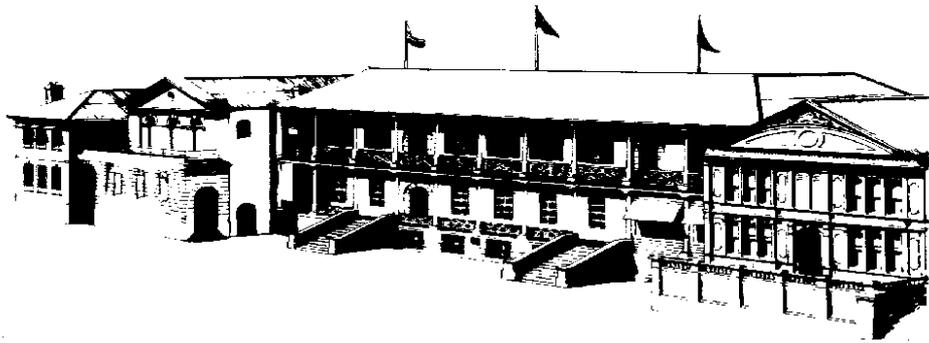




**NEW SOUTH WALES**



*Legislative Council*

**PARLIAMENTARY  
DEBATES**

**(HANSARD)**

**FIFTY-FIRST PARLIAMENT  
THIRD SESSION**

**OFFICIAL HANSARD**

**Thursday, 30 April 1998**

# LEGISLATIVE COUNCIL AND LEGISLATIVE ASSEMBLY

Thursday, 30 April 1998

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## JOINT SITTING TO ELECT A MEMBER OF THE LEGISLATIVE COUNCIL

The two Houses met in the Legislative Council Chamber at 11.30 a.m. to elect a member of the Legislative Council in the place of the Hon. Elizabeth Ann Symonds, resigned.

**The Clerk of the Parliaments** read the message from the Governor convening the joint sitting.

**The PRESIDENT:** I am now prepared to receive proposals with regard to an eligible person to fill the vacant seat in the Legislative Council caused by the resignation of the Hon. Elizabeth Ann Symonds.

**Mr CARR:** Carmel Mary Tebbutt, BEc, is an eligible person to fill the vacant seat of the Hon. Elizabeth Ann Symonds in the Legislative Council, for which purpose this joint sitting was convened. I propose that Carmel Mary Tebbutt, BEc, be elected as a member of the Legislative Council to fill the seat in the Legislative Council vacated by the Hon. Elizabeth Ann Symonds. I indicate to the joint

sitting that if Carmel Mary Tebbutt, BEc, were a member of the Legislative Council she would not be disqualified from sitting or voting as such a member, and that she is a member of the same party, the Australian Labor Party, as the Hon. Elizabeth Ann Symonds was publicly recognised by as being an endorsed candidate of that party and who publicly represented herself to be such a candidate at the time of her election at the sixth periodic council election held on 25 March 1995. I further indicate that the person being proposed would be willing to hold the vacant place if chosen.

**The Hon. M. R. EGAN:** I second the nomination.

**The PRESIDENT:** Does any other member desire to propose any other eligible person to fill the vacancy? As only one eligible person has been proposed and seconded, I hereby declare that Carmel Mary Tebbutt is elected a member of the Legislative Council to fill the seat vacated by the Hon. Elizabeth Ann Symonds. I declare the joint sitting closed.

**The joint sitting closed at 11.40 a.m.**

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# LEGISLATIVE COUNCIL

Thursday, 30 April 1998

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

**The President** offered the Prayers.

## LEGISLATIVE COUNCIL VACANCY

### Resignation of the Honourable Elizabeth Ann Symonds

**The PRESIDENT:** I report the receipt of a communication from His Excellency the Governor notifying the resignation of the Hon. Elizabeth Ann Symonds and intimating that it had been accepted with effect from 30 April. His Excellency advised also that the resignation had been acknowledged and that the Hon. Elizabeth Ann Symonds had been informed that the President of the Legislative Council had been notified of the resignation. I have acknowledged His Excellency's communication, and the resignation has been entered in the Register of Members of the Legislative Council.

### Joint Sitting

**The PRESIDENT:** I report the receipt of a message from His Excellency the Governor convening, at 11.30 a.m. in the Legislative Council Chamber, a joint sitting of members of the Legislative Council and members of the Legislative Assembly to elect a person to the Legislative Council to fill the seat vacated by the Hon. Elizabeth Ann Symonds.

## ARMENIAN GENOCIDE COMMEMORATION

### Message

**The PRESIDENT:** I report the receipt of the following message from the Legislative Assembly:

Mr PRESIDENT

The Legislative Assembly desires to acquaint the Legislative Council that on Wednesday, 29 April 1998, it agreed to the following resolution—

That this House:

1. Recognises the first anniversary of the passing of the historic motion by the Legislative Assembly condemning the Armenian Genocide of 1915.

2. Now requests the Presiding Officers to accept from the Armenian community a permanent commemorative display to be placed within the parliamentary precincts in such a manner as the Presiding Officers jointly determine.

And the Legislative Assembly requests that the Legislative Council pass a similar resolution.

Legislative Assembly  
29 April 1998

JOHN MURRAY  
Speaker

## INDEPENDENT COMMISSION AGAINST CORRUPTION

### Report

**The President** tabled, pursuant to section 78(1) of the Independent Commission Against Corruption Act, the report entitled "Investigation into Parliamentary and Electorate Travel: First Report", dated April 1998, received out of session.

**The President** announced that pursuant to section 78(3) of the Act he had authorised that the report be made public.

## PETITION

### Crimes Act

Petition praying that the Crimes Act be amended to provide a uniform age of consent for lawful sexual activity, irrespective of age or sexuality, and to remove offences that refer to male homosexuality, received from the **Hon. Jan Burnswoods**.

## FAMILY IMPACT COMMISSION BILL

### Restoration

**Suspension of standing and sessional orders agreed to.**

**Motion by Reverend the Hon. F. J. Nile agreed to:**

That, according to standing order 200, the Family Impact Commission Bill, interrupted by close of the previous session, be restored to the stage it had reached in the previous session, and the consideration of the bill in Committee of the Whole stand an order of the day for the next sitting day.

**Bill restored.**

**CRIMES LEGISLATION AMENDMENT  
(POLICE AND PUBLIC SAFETY) BILL**

**Bill received and read a first time.**

**Suspension of standing orders agreed to.**

**LEGISLATIVE COUNCIL VACANCY**

**Joint Sitting**

**The PRESIDENT:** I shall now leave the chair. The business of the House will be suspended during the joint sitting. The House will resume at the conclusion of the joint sitting following the ringing of the bells.

*[The President left the chair at 11.15 a.m. The House resumed at 11.50 a.m.]*

**The PRESIDENT:** I report that at a joint sitting this day Carmel Mary Tebbutt, BEc, was elected to fill the vacant seat in the Legislative Council caused by the resignation of the Hon. Elizabeth Ann Symonds. I table the minutes of proceedings of the joint sitting.

**Ordered to be printed.**

**WATERFRONT DISPUTE**

**Suspension of Standing and Sessional Orders**

**The Hon. M. R. EGAN** (Treasurer, Minister for State Development, and Vice-President of the Executive Council) [11.51 a.m.]: I move:

That standing and sessional orders be suspended to allow the moving of a motion forthwith that general business notice of motion No. 43 relating to the waterfront dispute be called on forthwith.

**The Hon. J. P. HANNAFORD** (Leader of the Opposition) [11.51 a.m.]: The coalition strongly opposes the motion moved by the Leader of the Government. On Thursdays the House deals with private members' orders of the day, and of particular importance to private members is the Criminal Appeal Amendment (Review of Criminal Cases) Bill, which is listed on the notice paper for debate. There is no doubt that this is an endeavour by the Government, led by the Leader of the House, to prevent debate on an important bill that has been before the House for some time. If crossbench members support the Government on this motion they will have to explain to people released from gaol as a result of findings of the Wood royal commission, such as Jonathan Manly, who was

incarcerated for nearly a year, why their opportunity to seek compensation has been thwarted.

Those crossbench members will have to tell the 60 other persons whose cases are currently with the Attorney General's Department, and the 110 people who have appealed to the Council for Civil Liberties about miscarriages of justice, perpetrated in the main by corrupt members of the Police Service, that they will not receive the benefits of the legislation. The Government's loss of control of the business of the House last evening was a farce. It could have moved this motion yesterday but chose not to, and instead sought the assistance of the Opposition to debate the Guardianship Amendment Bill.

Today is set aside specifically to debate legislation that is important for victims of a miscarriage of justice in this State, and the Government, led by the Leader of the Government in this House, has decided to frustrate that debate. Under the Criminal Appeal Amendment (Review of Criminal Cases) Bill, people who have been incarcerated on evidence of corrupt police will be able to have their cases reviewed, and they may be released. At present there is no statutory mechanism by which compensation can be sought by people who have been released following a finding of a miscarriage of justice. But the Government wants to delay debate on the legislation. What do crossbench members consider the community would regard as a priority: legislation to redress miscarriages of justice or a stunt perpetrated by the Government? The motion could be dealt with on a Monday, Tuesday or Wednesday, but the Government seeks to deal with it today because it does not want to debate important private members' legislation.

**Question—That standing and sessional orders be suspended—put.**

**The House divided.**

**Ayes, 22**

|               |                 |
|---------------|-----------------|
| Dr Burgmann   | Mrs Nile        |
| Ms Burnswoods | Rev. Nile       |
| Mr Cohen      | Mr Obeid        |
| Mr Corbett    | Mr Primrose     |
| Mr Dyer       | Ms Saffin       |
| Mr Egan       | Mr Shaw         |
| Mr Johnson    | Mr Tingle       |
| Mr Jones      | Mr Vaughan      |
| Mr Kaldis     |                 |
| Mr Kelly      | <i>Tellers,</i> |
| Ms Kirkby     | Mrs Isaksen     |
| Mr Macdonald  | Mr Manson       |

**Noes, 18**

|               |                  |
|---------------|------------------|
| Mrs Arena     | Mr Lynn          |
| Mr Bull       | Dr Pezzutti      |
| Mrs Chadwick  | Mr Ryan          |
| Mrs Forsythe  | Mr Samios        |
| Mr Gallacher  | Mrs Sham-Ho      |
| Miss Gardiner | Mr Rowland Smith |
| Mr Gay        |                  |
| Dr Goldsmith  | <i>Tellers,</i>  |
| Mr Hannaford  | Mr Jobling       |
| Mr Kersten    | Mr Moppett       |

**Question so resolved in the affirmative.**

**Motion for the suspension of standing and sessional orders agreed to.**

**Pursuant to sessional orders business interrupted.**

**QUESTIONS WITHOUT NOTICE****CRIME STATISTICS**

**The Hon. J. P. HANNAFORD:** My question is addressed to the Attorney General, and Minister for Industrial Relations, representing the Minister for Police. Does the report of the Bureau of Crime Statistics and Research released today show extraordinary increases in crime in this State? Is it a fact that the number of offences of robbery without a weapon has risen by more than 29 per cent; robbery with a firearm by more than 33 per cent; and robbery with a weapon not a firearm—which includes knives—by a staggering 77 per cent; and that assault and motor vehicle theft have increased significantly? In the face of such massive increases how can the Government claim to be tough on crime? Will the Minister now admit that crime in this State is out of control? What steps will the Government take to regain control of our streets and assure the safety of our community?

**The Hon. J. W. SHAW:** One thing is clear: the number of crimes being prosecuted and the number of convictions being obtained have substantially increased. The number of criminal actions in the District Court has increased substantially. The throughput of matters from the Local Court as a result of the Government's reforms of the committal system has substantially increased. That is the response of a criminal justice system that is concerned to deal with allegations of criminal conduct efficiently and effectively. I reiterate: the reforms of the committal system enacted by this

Government have led to a greater throughput of cases in the District Court and Supreme Court. More crimes are being detected by the police, and the courts are convicting more people. I would have thought that is good news.

Crime statistics will fluctuate. Honourable members should note that the Government has an innovative series of strategies to deal with crime prevention. It is working constructively on plans to deter crime. I instance the local community crime prevention plans that are now proliferating through the State. Local communities are working very constructively on practical plans to prevent crime. Some members are attempting to interject about knives. What did the former Government do about knives? The answer to my rhetorical question is nothing—nil return. This Government has taken very positive steps to deal with crime, and it will continue to do so. Legislation to deal with knives will be introduced.

**CONSTRUCTION INDUSTRY  
OCCUPATIONAL HEALTH AND SAFETY**

**The Hon. A. B. MANSON:** Will the Attorney General, and Minister for Industrial Relations please inform the House about the Government's occupational health and safety approach for the construction industry?

**The Hon. J. W. SHAW:** The Hon. A. B. Manson has practical experience in the construction industry, as both a worker and a union official, and he takes a genuine and knowledgeable interest in the industry. A strategic approach to occupational health and safety is needed in the construction industry, based on a legislative framework supported by both guidance material and the highest fines in Australia for breaches of occupation health and safety legislation. The Government's procurement policy requires contractors wishing to do business with the New South Wales Government to have an accredited occupational health and safety management system in place. The Government is developing and implementing new and innovative strategies aimed at reforming the occupational health and safety performance of the construction industry through a consultative approach within industry and through the trade union movement.

A key element of the Government's strategy is extensive consultation through the WorkCover construction industry consultative committee. The committee draws together 15 peak industry associations to review the various WorkCover programs, to debate current issues and to advise WorkCover. Many of the programs in place in New

South Wales are at the cutting edge of discussion about safety in Australia. Twelve approved codes of practice are now in place.

In 1997 three new codes were gazetted: safe work on residential roofs, amenities for construction work, and concrete cutting and drilling. Some members might feel that these matters are prosaic and not really worthy of attention, but they are practical initiatives. They go beyond the rhetoric that politicians from both sides tend to engage in, and they deal with the practical problems of the industry. They have been developed by a tripartite forum comprising employers, the union movement and WorkCover experts. This is all part of a cultural change, a changed attitude in the construction industry toward safety. Significant work has been done by the participants. Collectively the industry is to be commended for working up the propositions, and the Government has been pleased to give effect to that consensual agreement.

#### GRAFTON CRIME

**The Hon. R. T. M. BULL:** I address my question to the Attorney General, and Minister for Industrial Relations, representing the Minister for Police. Is the Carr Government aware that under its administration assault charges in Grafton have increased by a massive 27 per cent, weapon offence charges have increased by a massive 200 per cent, and charges for the cultivation of cannabis have increased by 228 per cent? How does the Carr Government intend to arrest this serious law and order problem in Grafton?

**The Hon. J. W. SHAW:** I am not aware of the precise statistics on crime in Grafton, but it is a matter of importance.

#### HONOURABLE MEMBER FOR KOGARAH

**The Hon. FRANCA ARENA:** I ask the Treasurer, Minister for State Development, and Vice-President of the Executive Council a question without notice. Does the Government regard the conduct of Brian Langton—which has been found by the Independent Commission Against Corruption to be corrupt, to be dishonestly exercising a public function, and to be "knowingly, deliberately, willfully, repeatedly and in circumstances of bad faith, with the motive and intent of obtaining a (financial) advantage", within section 178BA and section 178BB of the Crimes Act—as demonstrating Mr Langton to be unfit to perform the responsibilities and functions of a member of the Legislative Assembly; as preventing the Legislative Assembly and its members from conducting its deliberations and exercising its functions with mutual respect, trust and candour; as causing to be

suspect the honour of the Legislative Assembly and the good faith of its deliberations; and as tending to bring the Legislative Assembly into disrepute and to lower its authority and dignity if left unremedied?

**The DEPUTY-PRESIDENT (The Hon. D. J. Gay):** Order! The honourable member will keep her question as brief as possible.

**The Hon. FRANCA ARENA:** In accordance with the principles in *Armstrong v Budd*, the comments in this House of the Attorney General on 11 November 1997, and the findings of ICAC that Mr Langton's conduct "could give rise to a situation in which the House could expel him", will the Government move to expel Mr Langton from the Parliament? Does the Government regard my political criticism of the Premier and the Wood royal commission on 17 September 1997 as more worthy of censure than the repeated conduct of Mr Langton?

**The Hon. M. R. EGAN:** The Hon. Franca Arena will have to await the outcome of the current inquiry by the Legislative Council Standing Committee on Parliamentary Privilege and Ethics. I have only had an opportunity to skim the ICAC report; I have not read it in detail. However, shortly before the House sat today I heard part of Mr Langton's press conference on the radio, and I want to applaud him for the dignified response that he made to the report.

Brian Langton has been a very hardworking, assiduous and effective Minister. He was certainly one of the most hardworking and effective shadow ministers. Each one of the visits he made to various parts of this State in the performance of his public duties was at some considerable personal expense to him and his family. He did not receive any travel allowance for those trips other than for transport. In other words, he was personally out of pocket each time, and I hope that fact is appreciated. Many will say that the penalty that has already been exacted in this matter is out of proportion to the offence. I happen to be one of the people who believes that.

#### CLOTHING, TEXTILE AND FOOTWEAR INDUSTRY

**The Hon. I. M. MACDONALD:** I direct my question without notice to the Minister for Public Works and Services. What is the Government doing to protect the rights of outworkers in the textile, clothing and footwear industry?

**The Hon. R. D. DYER:** The New South Wales Government is committed to protecting

workers in the textile, clothing and footwear industry. In May 1997 the Premier outlined a series of measures, including payroll tax relief, information kits for school counsellors and an information hotline for the community groups most at risk from exploitation. The groups most at risk are the outworkers, usually women from non-English speaking backgrounds working from home.

Another plank in improving the rights of outworkers was the announcement in April 1997 of a proposed New South Wales Government code of practice on employment and outwork obligations for textile, clothing and footwear suppliers. A draft code was released for industry consultation, including a Chinese language and a Vietnamese language version. Both of those ethnic communities have a large representation of women workers. Key textile, clothing and footwear industry groups, including government agencies, relevant employers, employer and industry associations, the New South Wales Labor Council, unions, and ethnic and community organisations, were consulted on the draft code.

**The Hon. Dr B. P. V. Pezzutti:** What ministry is he representing? He is the Minister for Public Works and Services. This is all about outworkers.

**The Hon. R. D. DYER:** I am pleased to announce that Cabinet has approved the finalised code. As usual, the Hon. Dr B. P. V. Pezzutti is in a state of confusion about this matter because I am talking about government procurement from the textile, clothing and footwear industry.

**The Hon. Dr B. P. V. Pezzutti:** What has that got to do with public works?

**The Hon. R. D. DYER:** If the Hon. Dr B. P. V. Pezzutti was better informed he would know that government procurement falls within domain of the Department of Public Works and Services. I realise that he is distracted by other matters. In the *Sydney Morning Herald* earlier this week the Hon. Dr B. P. V. Pezzutti said he would move a motion for the Liberal Party to stand a candidate, possibly himself, at a State Liberal executive meeting on Friday.

**The Hon. R. T. M. Bull:** He has reconsidered that. It is a non-issue now.

**The Hon. R. D. DYER:** The Hon. Dr B. P. V. Pezzutti is usually a non-issue, but it is interesting that he is distracted by this. He is described as a born and bred Lismore local whose upper House term expires in 2003. He said he was

interested in standing for the seat. I draw the conclusion that the Hon. Dr B. P. V. Pezzutti is distracted by other matters. In fact, I am so well disposed towards the honourable member that I am prepared to personally lobby members of the Liberal Party State executive in favour of his candidacy. The Hon. Dr B. P. V. Pezzutti might be an anaesthetist but I very much doubt that he will numb the National Party candidate for Lismore.

**The Hon. Dr B. P. V. Pezzutti:** That one went straight over my head.

**The Hon. R. D. DYER:** That remark might not have been appreciated by Liberal Party members but it was received with a degree of glee by members on the back bench. Those over in cockies corner were quite pleased to hear my comments. The code is an important government procurement initiative that will set a standard for the private sector to follow, lift the industry's performance, assist in minimising the exploitation of outworkers in the industry over time, and ensure that outworkers receive their minimum award rights when working on government contracts. The Government will not do business with suppliers who fail to observe the provisions of the code, particularly in respect of the meeting their employment, occupational health and safety, workers compensation, superannuation and taxation obligations.

Outworkers and their families will benefit from improved working conditions and benefits, the elimination of personal intimidation and abuse, the eradication of the use of child labour, an increased awareness of their legal rights to award wages and conditions, and improved occupational health and safety. The code will be circulated widely among all prospective contractors and their service providers. An awareness campaign will be initiated to target the ethnic and community-based organisations. Arrangements have been made for the code to be translated into Vietnamese and Chinese. Guidelines will also be issued with the code to assist government agencies, contractors and their service providers in implementing the requirements of the code. This initiative is consistent with the Government's industrial relations policy, which promotes standards of fairness and the protection of employee rights.

#### PARRAMATTA CRIME

**The Hon. Dr MARLENE GOLDSMITH:** My question without notice is to the Attorney General, representing the Minister for Police. Is it a fact that in Parramatta last year people were victims of armed robbery at twice the statewide rate? Is it

also a fact that people in Parramatta have had their motor vehicles stolen at twice the statewide rate, according to the New South Wales recorded crime statistics for 1997? Crime has increased dramatically across the State, but is it a fact that it is increasing far more rapidly in Parramatta than the State increase? Why has the Government failed to control crime in Parramatta? Why does the Government refuse to introduce measures to ensure the safety of the community, in particular the Parramatta community?

**The Hon. J. W. SHAW:** I do not accept for one moment any suggestion that this Government has failed to introduce appropriate measures about community safety. Indeed, I believe it has been assiduous in its legislative program in that respect. Frankly, a rational comparison of records of legislative activity of the preceding conservative Government and the current Labor Government clearly demonstrates that this Government has been much more active in this field. As to the precise question on statistics related to the Parramatta area, I am not presently aware of the suggestions contained in the question, but I will refer the matter to the Minister for Police.

#### NATURAL DISASTER RELIEF

**The Hon. A. B. KELLY:** I address a question without notice to the Minister for Public Works and Services. Will the Minister outline how the funds are allocated for natural disaster relief, and what role does the Department of Public Works and Services have in administering the program?

**The Hon. R. D. DYER:** The Carr Government is committed to ensuring that the community is not overburdened with the costs associated with the restoration of councils' damaged property in the aftermath of a declared natural disaster that causes substantial damage to public assets. The primary objective of the natural disaster relief program is to reduce the impact of natural disasters—other than the Hon. Dr B. P. V. Pezzutti—such as storms, floods, bushfires, earthquakes and cyclones.

**The Hon. Dr B. P. V. Pezzutti:** On a point of order. I have noted over some time that on every occasion on which the Minister comes into this Chamber wearing a red tie he goes ballistic.

**The DEPUTY-PRESIDENT (The Hon. D. J. Gay):** Order! No point of order is involved.

**The Hon. R. D. DYER:** The relief takes the form of financial assistance to a local government

council for the cost of emergency works and either the replacement or the restoration of public infrastructure. The administration of the Natural Disaster Relief Fund falls across several government agencies and the local government authority concerned. Whilst the Roads and Traffic Authority provides advice on the damage to roads and bridges, the role of the Department of Public Works and Services, as the Government's key adviser on the natural and built assets of New South Wales, is to manage those public assets to minimise financial, social and environmental risk. However, it is the responsibility of local government, with this financial assistance from the New South Wales Government, to restore the assets damaged by natural disasters.

The Department of Public Works and Services is charged with the task of assessing all requests for financial assistance from local governments to ensure that they comply with the natural disaster relief arrangements. This is undertaken by the department's regional staff, who are located throughout the State and who can respond quickly when the need arises. The Department of Public Works and Services is also able to provide or arrange the necessary technical expertise specific to the disaster, and to oversight or project manage the physical works where necessary. The overall program is managed and administered by the department's operations division.

Funding is provided as follows: 100 per cent funding for emergency work in excess of normal operations to restore essential services and for the provision of emergency levee banks; and 75 per cent funding for permanent restoration of damaged council assets for the first \$100,000 and 100 per cent funding beyond that level. The department's expenditure for the 1996-97 financial year was \$4.492 million and was distributed over 20 declared natural disasters. The estimated expenditure for the 1997-98 financial year is in the order of \$4.8 million. The natural disaster relief program is a rolling program that operates over two financial years. Under the current allocation, 85 councils across the State have been offered grants to repair their assets as a result of the 20 declared natural disasters.

I would like to give two recent examples of the use of the natural disasters relief program. The first was the bushfires that swept across the State in late November and early December 1997 causing widespread damage. The worst-affected area was the outback community of Coonabarabran. The fires caused damage estimated to be in excess of \$200,000. The second recent example was on 7 and

8 February this year, when major storms damaged the south-west of New South Wales. Damage was widespread and is estimated to be in excess of \$1.5 million. The worst-affected council area was Wagga Wagga. The Carr Government understands the distressing aftermath and the devastating impact which these events can have on individuals in particular and on the community overall. The House may be assured that we will continue to administer the program with compassion.

#### ICI CHEMICAL KLERAT

**The Hon. R. S. L. JONES:** I ask the Attorney General, and Minister for Industrial Relations, representing the Minister for the Environment, a question without notice. Is the Minister aware of the appalling environmental damage done by the ICI chemical klerat, which has been responsible for a steep decline in several species of hawks and owls, including the endangered mouse owl, over the past five years? Does the Minister know whether this chemical is being used in the cane fields of New South Wales as well as Queensland and whether it is causing similar decimation of owls and hawks in this State? Will the Minister ask the Environment Protection Authority to undertake a study to determine whether klerat is causing the same damage in New South Wales and whether further action can be taken to ban this appalling chemical from this State?

**The Hon. J. W. SHAW:** The question asked by the Hon. R. S. L. Jones raises important matters of environmental consequence, and I undertake to refer it to the Minister for the Environment and obtain a response.

#### SEXUAL ASSAULT

**The Hon. PATRICIA FORSYTHE:** My question without notice is to the Attorney General, representing the Minister for Police. Given that sexual assaults have increased by 45 per cent from 1995 to 1997, and indecent assaults, acts of indecency and other sexual offences have increased by 35 per cent from 1995 to 1997, how does the Minister explain these figures in the face of his Government's promise to be "tough on crime, tough on the causes of crime"?

**The Hon. J. W. SHAW:** I am sure criminologists will argue about cause and effect in this area. It is not a simple matter, as the honourable member seemed to infer in her question, but I will refer the question to the Minister for Police.

#### CRIMINAL JUSTICE AGENCY DATA EXCHANGE

**The Hon. B. H. VAUGHAN:** My question without notice is for the Attorney General. Will the Attorney inform the House about measures being taken by the Government to ensure the efficient exchange of common data across government agencies involved in the criminal justice system?

**The Hon. J. W. SHAW:** A joint agency initiative is under way to ensure the efficient exchange of common data across criminal justice sectors. That project was established to remove information and technology barriers that have existed between those agencies with a common client base, and to further the goal of improved information sharing. It is not only the Attorney General's Department that is involved but the Police Service, the Office of the Director of Public Prosecutions, the Department of Corrective Services, the Department of Juvenile Justice, the Judicial Commission and the Roads and Traffic Authority.

The overall strategy of the project is to bring the different information technology strategies of the individual agencies into accord so as to provide a platform of complementary computer systems. Part of the strategy that is being adopted involves the development of common codes to be adopted by agencies to ensure that there is a common language between their computer systems.

The introduction of computer systems in courts and public sector agencies has not been well handled in the past. Over the past three years I have constantly received reports of incompatible systems and the like, and the waste of money in the introduction of computer systems which have had to be scrapped. One notable example is the computer system that was used in the Crown Solicitor's Office. I do not recollect which government was responsible for this so I make no point about it, but I was informed the system simply did not work. The poor solicitors—who are generally hardworking, decent and reliable—were struggling under a technology system which made their task impossible. So the Government has been able to take some practical steps to rectify the situation. I am hopeful that a very able and bright Minister, my colleague and friend Kim Yeadon, will be able to make a real contribution to that effect.

**The Hon. Dr B. P. V. Pezzutti:** Kimberley Maxwell!

**The Hon. J. W. SHAW:** He is a very able fellow and I readily acknowledge that his grasp of the complexities of new technology is superior to mine. I am sure his contribution in the public sector in regard to new and better technology will be profound.

### BOURKE CRIME

**The Hon. M. R. KERSTEN:** I ask the Attorney General, and Minister for Industrial Relations whether he is aware of the outrageous increase in crime statistics in Bourke. Is he aware that a person living in Bourke is at 10 times greater risk of being assaulted than people in the rest of the State? Is he aware also that last year in Bourke there were 8,733 assaults per 100,000, compared with the State average of 847? This shocking statistic shows that each year a person living in Bourke is about 10 times more likely to be assaulted than other people in the State. What steps will the Government now take for greater protection for the people of Bourke?

[*Interruption*]

**The DEPUTY-PRESIDENT (The Hon. D. J. Gay):** Order! The Hon. Dr B. P. V. Pezzutti may not threaten the Government.

**The Hon. J. W. SHAW:** I am disinclined to answer any questions if I have to put up with this buffoonery from the Opposition benches. I simply do not have the time or inclination to deal with questions if I cannot be heard properly. If I am given the opportunity I will say something about the people of Bourke. I take very seriously the level of crime in Bourke, or in any other area in New South Wales, as do the Government and the Commissioner of Police. I believe constructive and serious steps are being taken to deal with those problems.

When visiting country areas, including Bourke, I have discussed the question of crime with leaders of the community. They have told me that their fundamental problem is unemployment; the kids do not have jobs. There are huge problems with unemployment and socioeconomic deprivation, which is demoralising for the town and is fundamentally related to the Federal economy. Some of the most conservative leaders—either members of the National Party or fellow travellers of the National Party—have told me that the labour market programs in their towns, which have now been scrapped, used to provide something for the kids to do. The scrapping of those labour market programs by the Howard Government has significantly exacerbated rural crime. Let us get to the core issues and the basic socioeconomic causes of crime, rather than simply bandy about statistics in a cheap political way.

### LEGISLATIVE COUNCIL POWERS

**Reverend the Hon. F. J. NILE:** I ask the Attorney General a question without notice. Is it true that any proposal to reduce the powers of the Legislative Council of the New South Wales Parliament must first be passed by a referendum of New South Wales voters under section 7A of the New South Wales Constitution, to prevent any direct or indirect attempts to undermine the important role and powers of this House? Is it true that this House should not pass any legislation which restricts its powers, such as may have occurred in the recent Parliamentary Contributory Superannuation Legislation Amendment Bill? Will the Attorney General seek legal advice from the Solicitor General on this important issue and table it in this House for the guidance of all members?

**The Hon. J. W. SHAW:** I believe the broad proposition with which Reverend the Hon. F. J. Nile began his question is correct: not only is it the legal position that the House could not be abolished without a referendum, but also I believe it is correct to say that its powers could not be diminished without a referendum. This entrenched provision in the Constitution has been the subject of litigation in cases such as *Clayton v Heffron* and the like.

Whether the particular legislative measure to which the honourable member has referred in his question infringes that general rule is a different issue, and I must say I had not turned my mind to that and have not obtained advice about it. However, that may prove to be an academic issue if, as I anticipate, that legislation is repealed. Therefore, without being flippant about the matter, I doubt the utility of getting too much legal advice about a legislative measure that is likely not to endure as a law of this State.

**Reverend the Hon. F. J. NILE:** I ask a supplementary question. The bill I referred to was the repealing bill.

**The Hon. J. W. SHAW:** I apologise for misunderstanding the question. I understand the honourable member does have a practical point, if there is any question mark over the validity of that bill. Indeed, as is the practice with all legislation, both the Solicitor General and I will be required to consider whether the legislation is valid and whether to recommend that the Governor assent to it.

**The Hon. J. P. Hannaford:** He asked you to table any legal advice.

**The Hon. J. W. SHAW:** The point I am making is that any legislation that is passed by both Houses of Parliament will go to the Solicitor

General and to me as Attorney General for consideration as to its legal validity. In the performance of that task, I can assure the honourable member that the Government will take on board his observations. I will discuss the matter with the Solicitor General. It may be appropriate in this case to obtain more detailed legal advice than is customarily the case with legislation that goes through that administrative process.

**The Hon. M. R. EGAN:** As Leader of the Government might I add to the Attorney General's answer? I do not want to question in any way his legal advice to the House; I simply wish to ensure that honourable members are not confused. My understanding is that a legal question was raised when the bill was going through this House. Honourable members will find the Government's response to that question in Tuesday's *Hansard*. In any event—and the Attorney will correct me if I am wrong—the constitutional validity of that section of the bill would not affect the other parts of the bill which repeal the legislation that was passed by the House late last year. I do not want honourable members to form the impression that any problem with that particular aspect of the bill invalidates the repeal of the legislation.

#### OLYMPIC GAMES ECONOMIC OPPORTUNITIES

**The Hon. Dr MEREDITH BURGMANN:** My question is addressed to the Treasurer, and Minister for State Development. Will the Minister inform the House what is being done to encourage New South Wales companies to take advantage of the economic opportunities being presented by the Olympic Games?

**The Hon. M. R. EGAN:** The staging of the 2000 Games will provide an outstanding opportunity to showcase to the world not only New South Wales business expertise but also the business expertise of other States. Shortly after coming to office the Government established the Olympic Business Roundtable, a body consisting of people mainly from the private sector, chaired by Mr Dick Warburton, the Chairman of David Jones. The roundtable suggested that we develop a program called the Australian Technology Showcase. It was my privilege to launch that program earlier this month. The first stage of the program identified 36 New South Wales companies that use world-class leading technologies.

The companies come from such diverse fields of expertise as electronics, genetic research, energy, and information and environmental technologies.

Nine of the 36 companies are from regional New South Wales. We will promote those companies to international business leaders, who will be targeted during visits to Australia in the lead-up to the Games as part of another Olympic roundtable program—Investment 2000—which will bring them to Australia to interest them in investing here. The variety and ingenuity of the products produced by the 36 companies is extraordinary. I will give only three examples, but honourable members can be assured that any one of the 36 deserves mention.

A Sydney company called K and K Designs has developed a product called Axolotyl Metal Finishes, which is a liquid that contains real metals. It can be sprayed or painted onto almost any solid surface, including concrete, custom wood, plaster, ceramics, metal, glass or perspex to form a metallic veneer of bronze, brass, copper or stainless steel. In other words, one has only to spray the product over an existing kitchen bench to achieve a stainless steel finish. A company from Bowral called Technico has developed an advanced seed potato technology. The new process can quickly breed seed potatoes in a laboratory without soil. They can then be planted, halving the time it takes to produce a commercial crop.

**The Hon. R. T. M. Bull:** It was trialled on the central coast at least 10 years ago.

**The Hon. M. R. EGAN:** I will introduce the honourable member to the technology developed by this company. I am sure he will find that it is leading-edge technology. A company from Ulladulla, Solar Sailor, has developed a boat with a solid sail. The sail doubles as a solar panel to power the vessel in place of a diesel engine in low winds. All selected companies will be able to use the Australian Technology Showcase logo on their letterheads and promotional material at their factories and offices for up to one year after the Olympic Games. They will be promoted at overseas trade shows and through other Austrade initiatives. A panel from the New South Wales Innovation Council has assessed the products in the showcase as scientifically credible, commercially sound and ready to export.

This initiative has the backing of some of the world's biggest and most established companies—IBM, Fuji-Xerox, Samsung, News Ltd, Westpac Banking Corporation, Visa, Telstra, EnergyAustralia and McDonald's Family Restaurants. They are all official Olympic sponsor companies, they support innovation in business, and they have all agreed to be patrons of the program. The Olympics created a great interest in Australia around the world. We have to do everything we can

to turn that international interest into something more, such as trade and high-quality jobs. I look forward to giving the House more information about other companies involved in the showcase in due course.

### CAMPBELLTOWN CRIME

**The Hon. C. J. S. LYNN:** My question is to the Attorney General, representing the Minister for Police. Is the Minister aware of the latest abhorrent crime statistics for the State, which include an outrageous rate of crime for the city of Campbelltown? The statistics show robberies with a weapon not a firearm at the rate of 53.1 per 100,000 people in 1997, which is above the figures for the whole of the State. Is he aware that the total number of weapon offences in Campbelltown in 1997 was 139.1 per 100,000 people, which is almost double the figure for the whole of the State? What action will the Minister take to reduce the number of assaults in Campbelltown, which, last year, was almost double the rate for the State? What action will the Minister and the Government take to reduce that level of crime to ensure that weapon-related crime, specifically knife-related crime, will be reduced in the city? Is the increase in crime in Campbelltown the real reason the local Australian Labor Party member moved his family to the safety of the north shore?

**The Hon. J. W. SHAW:** I will not comment on the latter part of the honourable member's question, but I take note of the asserted statistics in relation to Campbelltown. Obviously I will refer them to the Minister. In regard to knife offences, it is crystal clear that the Government is acting on that matter. I am a little constrained in this answer by the rule relating to anticipation of debate, but may I be permitted to say that under the previous coalition Government the carrying of a knife was not an offence. The Government is taking steps to change the law in that respect.

### TIBETAN HUMAN RIGHTS

**The Hon. I. COHEN:** I ask the Treasurer, Minister for State Development, and Vice-President of the Executive Council, representing the Premier, Minister for the Arts, and Minister for Ethnic Affairs, a question without notice. In view of the self-immolation and death of the Tibetan monk in protest against the Chinese occupation of Tibet, and in consideration of the rights violations against the Tibetan people—to quote the Dalai Lama, "The Tibetan people with their unique cultural heritage are being gradually wiped off the face of the earth"—will the Premier close the port of Sydney

Harbour to the visiting Chinese warships due to dock in Sydney on a goodwill-propaganda tour next Monday? Will the Premier act locally in defence of the human rights of the long-suffering, peaceful nation of Tibet?

**The Hon. M. R. EGAN:** I will refer the honourable member's question to the Premier.

### IRIDIUM TELECOMMUNICATIONS NETWORK

**The Hon. JAN BURNSWOODS:** My question is addressed to the Treasurer, and Minister for State Development. Will the Minister tell the House what success the Government has had in attracting Asia-Pacific call centres to this State?

**The Hon. M. R. EGAN:** Yet again New South Wales has been successful in attracting another major international investment. On Monday the Premier announced that a leading Japanese company—Prestige International—will establish its Asia-Pacific call centre in Sydney. The new call centre will provide customer service throughout the Asia-Pacific region for an entirely new satellite telecommunications network called Iridium. Iridium is a satellite-based mobile telephone network designed to allow all types of telephone transmissions—voice, data, fax or page—to any destination in the world. The Asia-Pacific centre will be one of three follow-the-sun call centres planned by Iridium. Calls to the Sydney outpost not answered in 30 seconds will be relayed to either Florida or Holland as part of a high-tech hook-up.

Iridium's partners have contributed in excess of \$3.4 billion to fund the infrastructure of this satellite project. Despite tough competition from both Manila and Singapore, Sydney's multilingual and highly educated work force, its robust information technology infrastructure and its competitive costs secured Iridium for New South Wales. The Iridium project will create more than 300 direct jobs in and around Sydney. Customer service operators will be fluent in 13 core Asian and European languages. Iridium will join more than half the Asia-Pacific region's 135 international call centres that already operate from Sydney. The industry is growing at a staggering rate of 25 per cent a year and it is estimated that in 10 years New South Wales call centres will employ 150,000 people.

Earlier this month a call centre attraction team comprising 12 of Australia's most prominent communications companies was established to promote New South Wales as the call centre capital of the Asia-Pacific region. I point out to the Hon. Dr

B. P. V. Pezzutti that we will be marketing in that regard not only Sydney but also in the Hunter, the Illawarra and country regions which, in many cases—

**The Hon. Patricia Forsythe:** Beyond the Blue Mountains?

**The Hon. M. R. EGAN:** Beyond the Blue Mountains—indeed throughout New South Wales. Many centres throughout New South Wales have the capacity to be an attractive location for a call centre. Obviously, some of the smaller country centres would not be suitable for Asia-Pacific regional call centres simply because they do not have the necessary language diversity or depth of communities such as Sydney. In fact Sydney is the most multilingual city in the Asia-Pacific region. The Hunter and the Illawarra regions are multilingual cities, to a significant extent, but they are still less multilingual than Sydney. We will be promoting New South Wales as a suitable location for call centres.

New South Wales is already having tremendous success. I told the House, I think last week, that of the 135 Asia-Pacific call centres—in other words, centres that operate not just within the national borders of the countries in which they are located—New South Wales has 65, which is half the total. Melbourne and Singapore are at a level pegging with 10 and the other 50-odd are scattered throughout locations in the Asia-Pacific region. Those figures give honourable members an indication of the tremendous advantage we have for call centres. Given the growth of the industry, not just in Australia but internationally, it will be a major employer of labour over the next decade.

#### MOREE CRIME

**The Hon. JENNIFER GARDINER:** My question is to the Attorney General, representing the Minister for Police. Is the Minister aware of growing concern in the Moree district about the breakdown of law and order in that town—concern that has received Australiawide media coverage in recent months? Is the Minister aware that the latest Australian Bureau of Crime Statistics for the Moree district confirm the gravity of the problem in that town? Is the Minister aware, for example, that the rate of assault in and around Moree is nearly three times higher than the State average; that malicious damage to property is over 3½ times the State average; and that other serious crimes, including abduction and kidnapping, theft, drug-related crime, driving offences and numerous offences against the administration of justice are significantly higher than

the State average? Does this Government acknowledge that the issue of crime in Moree continues to be a serious one? What does the Government plan to do to address the breakdown of law and order in Moree other than ridiculously trying to pass the buck to the Commonwealth Government?

**The Hon. J. W. SHAW:** I would not in any way understate the crime problem in Moree. I assure the people of Moree that the Government is concerned about the issues of law and order in that region. I believe that a number of practical steps have been taken which are calculated to address those problems. I believe the Young Offenders Act that this Parliament passed will have an impact on juvenile offenders, particularly on the youth conferencing scheme. I believe that the Premier's \$1.15 million safer communities development program will enable local communities to address their own crime problems. I am told that Moree Shire Council is consulting the crime prevention division of my department, a very professional group of civil servants who specialise in this area, about the development of a possible crime prevention plan to operate in the Moree area. I have been informed by the Office of the Chief Magistrate that a new magistrate has been appointed to the Moree circuit—a person with considerable experience in the Local Court in country areas.

#### POLICE AND COMMUNITY YOUTH CLUBS INQUIRY

**The Hon. ELISABETH KIRKBY:** My question, which is directed to the Leader of the Government, refers to the report of the New South Wales ministerial inquiry into police and community youth clubs in New South Wales. I ask the Government whether it will respond to the recommendations of this inquiry, particularly to recommendation 2, which states:

The PCYC movement and the NSW Police Service should adopt a strategic approach to juvenile crime prevention, identifying community problems, formulating jointly agreed police/community strategies and setting indicators which can be used to assess the effectiveness of local strategies.

Will the Minister confirm, as Leader of the Government and Treasurer, that sufficient funding will be made available to implement these important recommendations?

**The Hon. M. R. EGAN:** It is my understanding that the New South Wales budget funds the police citizens youth clubs to the tune of about \$4 million or \$5 million a year. In a general sense I am aware of the specific recommendation

which the Hon. Elisabeth Kirkby read to the House because of correspondence between me and the Minister for Police over the last couple of weeks. I cannot, unfortunately, remember the exact details of it, but I will be happy to refer the honourable member's question to the Minister for Police and obtain a suitable response.

#### **REGISTRY OF BIRTHS, DEATHS AND MARRIAGES DATA RETRIEVAL**

**The Hon. DOROTHY ISAKSEN:** I direct my question without notice to the Attorney General, and Minister for Industrial Relations. Will the Attorney inform the House about a pilot project that the Registry of Births, Deaths and Marriages is about to commence?

**The Hon. J. W. SHAW:** The Registry of Births, Deaths and Marriages, which has been an innovative agency over the few years that I have had an involvement with it, is about to commence a pilot program of electronic lodgment downline of death information by funeral directors to the registry's Sydney office. We are co-operating with the Australian Funeral Directors Association on that matter. The majority of funeral directors operate personal computers. Much of the information collected for a death registration is already collected by a funeral director for other purposes and keyed into his system. A significant number of firms already prepare the registration form in a computer-printed format. Enabling that data to be used electronically for registration purposes should minimise errors by capturing data closer to source and removing the need for the registry to rekey that information.

The pilot project is the first of its kind for Australian registries and it is hoped that, if successful, the system might be taken up in other jurisdictions. The registrar addressed last April's convention of the Australian Funeral Directors Association and a demonstration by registry staff of the possibilities for electronic data transfer by modem to the registry in Sydney prompted much interest among those attending. Many of the large funeral firms own or are affiliated with other businesses interstate, and common systems and legislation will help reduce the business costs associated with operating in more than one State. The registry has worked with a range of large and small funeral firms in New South Wales and several major crematoria to develop appropriate protocols for equipment and access for the pilot project. I will be watching the developments closely and I will inform the House as to what eventuates.

#### **PENRITH CRIME**

**The Hon. J. F. RYAN:** My question is to the Attorney General. In view of today's release of crime statistics which indicate that in Penrith armed robberies have increased by 80 per cent, bag snatching and other stealing offences from a person have increased by 75 per cent, sexual offences have increased by 35 per cent, malicious damage has increased by 20 instances a day and that around seven cars are stolen a day, what action will the Government be taking to reduce the incidence of crime in the area? When does the Government plan to achieve the increases in police numbers which it promised at the last State election so that additional policing resources can be allocated to areas such as Penrith to reduce the significantly increasing incidence of crime?

**The Hon. J. W. SHAW:** I refer the honourable member to my earlier answers.

#### **COMMONWEALTH-STATE MEASLES CONTROL CAMPAIGN**

**The Hon. A. G. CORBETT:** I refer the Minister for Public Works and Services, representing the Deputy Premier, Minister for Health, and Minister for Aboriginal Affairs, to the proposed Commonwealth-State government measles control campaign. Will the Minister advise what responsibilities the Department of Health will have with respect to the campaign? Who bears the ultimate legal and other responsibility for the administration of the campaign—the Commonwealth, the Department of Health, the Department of Education and Training, or any other department or agency?

**The Hon. R. D. DYER:** I thank the Hon. A. G. Corbett for his question, to which I shall obtain a response from my colleague the Minister for Health.

#### **Mr JORG BREITKOPF AND WARNERVALE AIRPORT**

**The Hon. M. J. GALLACHER:** My question is directed to the Attorney General. Will the Attorney General outline the current circumstances of the Jorg Breitkopf case involving Warnervale airport?

**The Hon. J. W. SHAW:** Jorg Breitkopf was an applicant in proceedings before the Land and Environment Court that sought to prevent the construction of a large airstrip at Warnervale. The

applicant was unsuccessful and an order was made against him for payment of costs. If I understand the matter correctly, Wyong Shire Council has sought to enforce that order for costs. It is a legally complex matter because the order was made by the court on the authority of a decision of the Court of Appeal which has since been overturned, I believe, by the High Court of Australia. The Court of Appeal took the view that public interest litigation in the Land and Environment Court should not be treated differentially from ordinary litigation where costs follow the event, but the High Court took a different view. Mr Breitkopf has made an application for an ex gratia payment or assistance to pay the costs. That application is under active consideration within the Government, which has sympathy for his position, and I expect a decision to be made shortly.

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

#### LOCAL GOVERNMENT ADMINISTRATION

**The Hon. J. W. SHAW:** On 8 April the Hon. D. J. Gay asked a question concerning Newcastle City Council. I have now been provided with the following response:

Newcastle City Council is one of several councils in the State which my administration is monitoring closely. There has been considerable contact between the Department of Local Government, the Lord Mayor and the General Manager. Intervention in the form of a public inquiry is a last resort and will only be used when there are no other options to resolve an issue. Dismissing an elected council, and holding a public inquiry must be seen as the precursor to that action, is not something which any Minister does lightly. I am, however, concerned that Newcastle City Council not become dysfunctional and will continue to monitor the situation.

#### PETER BOYS SENTENCE

**The Hon. J. W. SHAW:** On 28 April the Hon. J. S. Tingle asked a question concerning the case of Peter Boys. I now supply the following answer:

I have been advised by the Director of Public Prosecutions that Peter Gerard Boys was sentenced to two terms of imprisonment in Newcastle District Court on 17 April 1998. These were a fixed term of five years to date from 15 July 1997 and to expire on 14 July 2002, and a sentence of five years penal servitude composed of a minimum term of 2½ years to date from 15 July 2002 and expire on 14 January 2005 and an additional term of 2½ years to date from 15 January 2005. He will be eligible for release on parole on 14 January 2005.

I am informed that the transcript of the sentencing judge's remarks is not yet available. However, upon a review of the

material presently available the sentence appears to be within the appropriate range. The Director of Public Prosecutions advises me that it is not proposed to lodge a Crown appeal against the sentence at this stage. I will be asking him to consider this matter in more detail and advise me further on whether an appeal is appropriate.

#### Ms KIM MEREDITH MURDER TRIAL

**The Hon. J. W. SHAW:** On 28 April the Hon. Jennifer Gardiner asked me a question concerning the murder of Kim Meredith. I now supply the following answer:

I received advice in this matter from the Office of the Director of Public Prosecutions. He informs me that the person accused of the murder of Kim Meredith, Graham Edward Mailes, was committed for trial on 22 April 1997. On 22 August 1977 the Crown filed a notice of readiness for trial. However, on 10 October 1997, at the mention of the matter in the Supreme Court, the defence raised the issue of the accused's fitness to be tried and the hearing of that issue was listed for 15 June 1998. Orders were also made for psychiatric reports to be served by both sides.

On 10 December 1977 at the mention in the Supreme Court, the date for the fitness hearing was brought forward to 16 February 1998 at Wollongong Supreme Court. On 10 February 1998 the Crown advised the Supreme Court that the psychiatric reports called for had not been received and that the defence had refused permission for the accused to be examined by Dr R. Milton, the psychiatrist nominated by the Crown. The defence served the psychiatric report at court on that date and the hearing date 16 February 1998 was vacated, with the matter listed for mention on 20 February 1998. On 20 February 1998, the fitness hearing was listed for 11 May 1998.

The member's comments concerning court delays are noted. However, on this occasion the delay appears to have been caused by the court's need to determine the fitness of Mr Mailes to stand trial. It is inappropriate for me to intervene as it is a fundamental principle of our system of justice that courts remain independent of Government control or interference. In relation to delays in hearings in the District Court, I note that although there was a slight increase in the number of trials finalised in 1997 as compared to 1996—1.3 per cent—there has been an increase of 18.5 per cent in the number of criminal trials registered. As a result there has been an increase of 22 per cent in the pending trial caseload of the same period.

Similar trends have occurred in the first two months of this year, with increased registrations of criminal trials of 6.9 per cent and the pending caseload increasing 8.8 per cent. The Chief Judge has increased the sitting allocation for crime from 1,563 weeks in 1997 to 1,672 weeks in 1998. In addition, the Government has approved the appointment of an additional judge to the court to sit exclusively in the area of crime. The Chief Judge will continue to monitor the increased activity in the court's criminal jurisdiction and take what action it can to deal with delays.

In other measures, the Government has, in co-operation with the judiciary, put in place a significant court delay reduction program. The former Government discontinued the successful acting judicial officers' scheme which had been running in New South Wales for many years. In doing so, it reduced the

courts' ability to tackle delay, when and where it accumulated. In 1996 this Government restored the program for 1996-97 and 1997-98. Some \$5.8 million in additional funding has been made available over those two years. More than that, the entire scheme has been now more targeted than ever before.

The respective heads of jurisdiction had raised their disquiet at no longer having a flexible resource to attack delays in specific areas. Following the publication of the District Court's strategic plan in July 1995, the Chief Judge sought additional funding to trial the abolition of the traditional July vacation. He saw the opportunity to target pre-1996 cases, those filed before that court's new civil case management system came into force. The Government agreed and approved almost \$2 million over the 1996-97 and 1997-98 financial years. To the end of December 1997, those resources and the efforts of the District Court have seen a 42.4 per cent reduction in the total number of pending civil cases. At the same time the number of pre-1996 cases has fallen by 87 per cent.

A reduction in delay in civil cases means more court resources may be directed to criminal matters. The benefits of those investments are beginning to show through. The old backlog of cases has been quarantined and acting judges are being used to target it. The new case management regime in the District Court is ensuring that the new cases are on a tight management schedule driven by the judges. Other delay reduction initiatives include the introduction of litigant-funded arbitration in the District Court, allowing for greater access to justice in regional areas, and transferring 2,685 personal injuries matters from the Supreme Court to District Court.

### CHILD ABUSE PENALTIES

**The Hon. J. W. SHAW:** On 31 March the Hon. Patricia Forsythe asked me a question about a child abuse matter. I supply the following answer:

I am advised that on 30 March 1998 a woman was charged at Newcastle Local Court with failing to provide adequate protection to a child under section 26 of the Child (Care and Protection) Act 1987. A charge of abusing a child was not proceeded with. I can confirm the defendant was placed on a bond under section 558 of the Crimes Act 1900 to be of good behaviour for a period of 12 months, in her own surety of \$600. I am informed that this was the defendant's first offence, though, naturally, I am not aware of the role this played in the magistrate's sentencing decision. These charges were prosecuted by the police.

I am advised that the normal procedure for lodging an appeal against the inadequacy of the sentence in matters where the police have conducted the prosecution is for the prosecutor who had carriage of the matter to submit a report to the Legal Service Branch of the Police Service, which then refers the papers to the Director of Public Prosecutions. The Director of Public Prosecutions makes the final determination on whether an appeal should be lodged. In some instances the Director of Public Prosecutions may call for the court papers of his own volition.

I am advised that the papers have been forwarded to the Director of Public Prosecutions. As I stated in the House on 31 March 1998 in response to the honourable member's question, decisions of this nature should be made by independent judges. The Director of Public Prosecutions is in the best position to make these decisions given his expertise, his impartiality and his constant involvement in assessing the adequacy of penalties. I await the decision of the Director of

Public Prosecutions and will communicate it to the House when it is received.

### Questions without notice concluded.

### MINISTRY

**The Hon. M. R. EGAN:** I advise the House that this morning His Excellency the Governor accepted the resignation of the Hon. Brian John Langton, MP, as Minister for Fair Trading, and Minister for Emergency Services. His Excellency then commissioned the Hon. Jeffrey William Shaw, QC, MLC, as Minister for Fair Trading and the Hon. Robert John Debus, MP, as Minister for Emergency Services.

*[The President left the chair at 1.02 p.m. The House resumed at 2.30 p.m.]*

### WATERFRONT DISPUTE

#### Order of Business

**The Hon. R. D. DYER** (Minister for Public Works and Services) [2.30 p.m.]: I move:

That general business notice of motion No. 43, relating to the waterfront dispute, be called on forthwith.

**The Hon. J. H. Jobling:** On a point of order. It has always been my understanding that a matter that has been commenced and then interrupted by question time must recommence from the beginning, and not part way through. Therefore I submit the Minister is out of order.

**The Hon. R. D. Dyer:** On the point of order. The only respect in which the matter has been commenced is that the procedural motion was carried following a division. In no other respect has the matter been commenced. This is merely the second leg of a procedural motion, following on from the previous motion to which the House agreed.

**The PRESIDENT:** Order! There is no point of order. The matter may proceed.

#### Motion to call on business agreed to.

#### Motion

**The Hon. I. M. MACDONALD** [2.34 p.m.]: I move general business notice of motion No. 43 standing in my name on the notice paper for today. For the benefit of honourable members opposite, I will read the motion, which I have carefully crafted, because it hits at the heart of the matter confronting

Australian society today. On the cusp of the decision in the High Court of Australia, I move:

That this House condemns the Howard Government for:

1. Failing to resolve the waterfront dispute; and—

in other words, for failing to act in a way to settle the dispute, to be conciliatory, to try to find ways through the divisions that face our society in respect of this particular dispute—

2. Acting in a partisan manner by supporting the misuse of corporate law to sack 2,000 Patrick workers.

The second point gets right to the heart of the matter.

**The Hon. D. J. Gay:** On a point of order. I seek clarification on what the honourable member has moved. I know he has a matter on the notice paper, but part of the way into moving the motion he appeared to me to digress. Am I to understand that, through this digression, the honourable member has moved a different motion?

**The Hon. I. M. MACDONALD:** I will read the motion without digression, so that the Hon. D. J. Gay, who has difficulty with parenthesis-style narrative, can understand it:

That this House condemns the Howard Government for:

1. Failing to resolve the waterfront dispute; and
2. Acting in a partisan manner—

you know that word—

by supporting the misuse of corporate law—

**The Hon. D. J. Gay:** I raise two points of order. First, the honourable member, in purporting to move the motion, failed to utter the words "I move". Second, in reciting the motion he made comment which I understand is not part of the motion. I seek clarification on what is being moved.

**The Hon. R. D. Dyer:** On the point of order. When the Hon. I. M. Macdonald rose to his feet he said, "I move general business notice of motion No. 43—"

**The Hon. D. J. Gay:** He did not.

**The Hon. R. D. Dyer:** He did. I heard the honourable member say, "I move general business notice of motion No. 43 standing in my name on the notice paper for today." The honourable member then read from the notice paper. If the Hon. D. J.

Gay had paid more attention he would have heard what was said.

**The PRESIDENT:** Order! The Hon. I. M. Macdonald may move his motion in one of two ways. He may say, "I move notice of motion No. 43 appearing on the business paper in my name." Or, if he prefers to read the whole motion, he should say, "I move" and read the motion without expansion.

**The Hon. I. M. MACDONALD:** I read exactly what the Minister said, because the Minister had—

**The PRESIDENT:** Order! Do one or the other, but do not debate the issue.

**The Hon. I. M. MACDONALD:** I will read again what I read before. I move general business notice of motion No. 43 standing in my name on the notice paper for today. As *Hansard* will verify, I have already said that twice today. This motion hits at the heart of this matter. It is most unfortunate that the Hon. D. J. Gay is now leaving the Chamber. He cannot handle the heat, because the National Farmers Association, which he supports, is part of a conspiracy against every member of the Australian work force, not just those on the docks. This whole affair is taking on monumental proportions for the Howard Government. If one looks to our history one will find that many aspects of what Mr Reith and Mr Corrigan have been up to, supported by the Prime Minister, bear great resemblance to the loans affair of 1975. The loans affair was about a Minister pursuing a certain economic gain—without lawful authority but admittedly for society—and using a strange and questionable intermediary. It involved Rex Connor and Tirath Khemlani.

In the MUA dispute Chris Corrigan is very much like Khemlani. This is the loans affair of the Howard Government in 1998. This is the prelude to the Howard Government's defeat at a Federal election, as every poll taken in the past couple of weeks indicates. Howard and Reith are in a loans affair. Mr Reith could be called Rex Connor and Chris Corrigan could be called Tirath Khemlani. They have the same relationship, because, as the court documents that I will shortly refer to show, they have acted unlawfully against Mr Reith's very own Workplace Relations Act in a conspiratorial endeavour to sack not 1,400 but 2,000 workers across the nation, regardless of their level of productivity and commitment. They took a blanket decision, which the courts have not and will not accept, and which I believe the High Court will uphold.

Justice Thomas of the High Court in the United Kingdom dealt with this matter just recently. He threw out Patrick's endeavour to secure an injunction against the International Transport Federation's black-banning shipments coming through Patrick. Justice Thomas said that on the night of 7 April this year Patrick took a pre-emptive strike against its own work force. From the evidence that had been presented to him he determined that there was considerable documentation to suggest that that pre-emptive strike was well planned and executed, and that in its consideration Patrick could have anticipated that there would be a reaction, which would include the seeking of international support to black-ban Patrick's endeavour around the world. Justice Thomas was absolutely right when he said that injunction could not stand, that Patrick knew exactly what would happen, and that it brought it on itself. He further said the courts cannot be used to frustrate the endeavours of people who want to support the 2,000 workers who were sacked.

I believe that this dispute will rewrite Australian industrial law. Clearly the Reith Workplace Relations Act is not working, and has not worked in this circumstance. That Act was devised to, in effect, free up the marketplace and industrial relations. But in doing so it provided some protections for the unionised work force. Section 298K(1) provides that an individual cannot be sacked because that person is a member of a union. That is the section upon which Justice North based his devastating critique of what Patrick had done to its work force, which I will refer to in more detail later. This Workplace Relations Act has failed Australia and it will fail in the future, and we have to do something about it. As the worm has turned on the Federal Government, the press and the populace of this country have come to see that this Act is failing. Changing the Act neutered the umpire, the Industrial Relations Commission, so that it could not effectively intervene in these disputes, get the parties together and achieve resolution. That is what happened: Reith neutered the umpire, and he is now being hoisted on that neutering.

Honourable members of this House are anxiously awaiting the decision of the High Court. I believe that the court will rule in favour of the MUA's original application that was heard by Justice North and later by Justice Wilcox and his brother members of the bench. Reith must go. There is no doubt that he has been one of the great failures of politics of this century. One has only to look at the wonderful decision making and proposals he put forward in 1992 and 1993 that helped to ensure that Labor won the election that was impossible or improbable for it to win, the true believers election.

Reith made that possible. He has been an absolute star for the Australian Labor Party. He has given us such a policy impetus. He has given us something to whack over the heads of the conservatives of this country. He always goes right over the top in trying to divide society. He tried to do that with the goods and services tax, and now is trying to divide society over industrial relations. He is trying to achieve that division at precisely the time when we should be seeking negotiation and discussion and working through the various problems we have to ensure our society is more competitive and productive. Reith must go. I believe that in the final wash up in the Federal Parliament, and when various inquiries into the surreptitious and deceptive manoeuvres of September 1997 commence, much that will come out will be devastating to the Federal Government.

As we have already seen, Howard has had to step into this dispute. He had to summon Mr Corrigan to Canberra. After Mr Corrigan visited his lawyers and tried to work out their next approach in the High Court battle he was summoned to the Federal Parliament. He was dragged over there but could not find an entrance that was not surrounded by a bevy of press waiting to see him. Finally he tried to enter through the ministerial car park but was thrown out. He probably said, "The Prime Minister has asked me to come here," and they said, "Who?". In a worst case scenario for him, he had to go through the front door like any normal individual. So he was seen parading into the building for a two-hour meeting with Howard. He was summoned there to find out what they would do about this horrible mess—this horrible, stealth-in-the-night, 11.00 p.m. sacking of 2,000 workers across the country on 7 April, forced by Reith and his Khemlani partner.

I will deal with some of these matters in more detail later, but I would like now to refer to one matter. Negotiation is the only solution to this predicament on the wharves, and negotiation should have taken place before this. Patrick is claiming that it is poor, that it is broke, and therefore that it has to sack its work force. Yet its three labour hire companies—previously they were just part of Patrick, but following the September manoeuvre they are called labour hire companies—enjoyed increasing profits in the previous years.

Patrick crying poor and saying it was broke was only part of a smokescreen. Negotiation is needed to solve this problem. Even McGauchie from the National Farmers Federation, who has been such a strident participant in this conspiracy against the entire Australian work force, finally admitted at a national press conference yesterday that negotiations

are needed to solve this dilemma. Right from day one the New South Wales Government sought a negotiated settlement and refused to participate in the orgy of self-indulgence occurring at a Federal level: the attack on waterfront waters and the support of Corrigan.

The New South Wales Government acted as an umpire, a non-partisan viewer of the situation, and sought a negotiated settlement at all times. And that is exactly how the Federal Government should have acted. The social result of the dispute is 2,000 unemployed workers with 2,000 deleteriously affected families. I and a number of my colleagues, including the Hon. R. S. L. Jones, the Hon. I. Cohen, the Hon. Janelle Saffin, the Hon. P. T. Primrose, and the Hon. A. B. Kelly, visited the dock site at the first opportunity. We were fortunate to be there just prior to the arrival of Bob Carr, who shook hands with the workers and gave them some encouragement. We went down there to support the work force.

The Hon. Sir James Samios is not interested in 2,000 wharfies—a wharfie would never be made Lord Kythera or a knight—so he may ridicule the Premier's courage and strength in going to Darling Harbour to support the wharfies. Reverend the Hon. F. J. Nile went to the docks and held a prayer meeting with the wharfies. When Reverend the Hon. F. J. Nile and I can march arm in arm to support the wharfies, by any definition that is definitely broad community support. The Hon. J. M. Samios is smiling because he acknowledges that wharfies have broad community support and that they have overcome the terrible forces marshalled against them. They are on the cusp of a major victory not only for themselves but for every worker in this country.

The wharfies have beaten the onslaught of Corrigan, Scanlon, the other media barons and the 1980s-style corporate raiders. They have beaten Rex Reith, they have beaten Tirath Khemlani, they have beaten the gullible media, and the National Farmers Federation, that poor old eunuch, into submission. In the High Court this morning the Queens Counsel representing the National Farmers Federation apologised to their honours for getting it wrong on Monday and Tuesday. He said the farmers were not supporting the endeavours of Reith and Corrigan, and that they did not have an expectation of employment after the workers were sacked. The 2,000 Patrick workers across this country, supported by their families, have been thrown into poverty for the new Reith Tirath Corrigan crime: being a union

member. It is intolerable that a party that espouses support for the individual generally would take such action.

*[Interruption]*

I will deal with productivity in great deal at a later stage. There is no doubt that throughout this sorry affair the Howard Government and Corrigan have acted together. Mr Reith tries to distance himself from it all. He is a little like General Custer. He is probably getting a little nervous as the indians start to move in and he is probably becoming a little worried as his troops fall all around him. The Federal *Hansard* shows that Reith has made very definitive statements about his non-role in most of these matters, the non-role of his department, and the non-role of his office. However, as things have unravelled, a series of documents point precisely towards his role, and the role of his department in the unlawful and illegal sacking of 2,000 workers. It was probably just coincidence that at 11.00 p.m. on 7 April when Corrigan finally sacked the work force and when an army of men arrived clad in dark outfits and balaclavas, clutching vicious dogs and cans of mace to squirt at anyone—even members of the police force—Reith issued a press statement saying that Patrick was acting quite reasonably.

He also said that the Federal Government would give the company \$260 million to bring about a more competitive industry, but that everyone would have to pay a bit to achieve that. A \$10 or \$5 levy on boxes would be introduced to look after Patrick. Everyone can pay in this beautiful world of creating a scenario in which Patrick can have dogs and mace on the docks. It is a wonder Reith did not employ the Hon. M. J. Gallacher as a consultant. He would have gone down there with a bat and got stuck into them. As the conspiracy unravels there is no doubt that it will put Mr Reith, his staffer Mr Webster, Mr Corrigan and Mr Scanlon, that great representative of corporate raiders and bottom of the harbour schemers—

**The Hon. Dr B. P. V. Pezzutti:** On a point of order. This matter is currently before the High Court and is sub judice. The Hon. I. M. Macdonald is out of his depth.

**The Hon P. T. Primrose:** On the point of order. This matter has been canvassed widely in the electronic and print media and in the community generally. Therefore, anything said in this place would have been debated already in the media. It is perfectly in order for the Hon. I. M. Macdonald to continue to raise these matters.

**The Hon. Dr B. P. V. Pezzutti:** Further to the point of order.

**The DEPUTY-PRESIDENT (The Hon. J. R. Johnson):** Order! I have heard enough. I doubt that the High Court would be influenced by what is said in this debate.

**The Hon. Dr B. P. V. Pezzutti:** On a point of order. Mr Deputy-President, without reflecting on your ruling, are you suggesting that this House, the mother of all Australian parliaments, is of so little moment that the High Court of Australia would not take notice of what is said here?

**The Hon. R. D. Dyer:** On the point of order. The Hon. Dr B. P. V. Pezzutti is being mischievous, disruptive and obstructive, and he is canvassing your ruling. He really ought to behave himself and desist from taking spurious points of order.

**The DEPUTY-PRESIDENT:** Order! I have ruled on the point of order.

**The Hon. I. M. MACDONALD:** I want to say a few words about the National Farmers Federation, which I think has demonstrated a rather curious bias and a lack of wisdom in its endeavours over the past few months.

**The Hon. R. S. L. Jones:** The NFF does not represent ordinary farmers.

**The Hon. I. M. MACDONALD:** As the Hon. R. S. L. Jones just said, the NFF does not represent ordinary farmers. Although I must say that, under the future president, Ian Donges, there will be a great improvement. Ian Donges is not a wealthy, upper class Victorian like Mr McGauchie; he has a more common touch and he has an ability to negotiate and discuss issues with all sides in this debate. He might give the NFF a bit of credibility by being able to deal with these issues. Evidence will show that over the last eight or nine months the McGauchie-run NFF has been part of this unlawful conspiracy, hence Justice North's finding that there is an arguable case. Despite the endeavours of Patrick's Queen's Counsel to try to wriggle out of the situation today in the High Court, when the evidence finally hits the light of day—if people have enough money or a decent subpoena they might be able to get some of it—I think we will find some nasty developments concerning the NFF and its role in this affair.

I want to ensure that everyone realises that Mr Howard has been a total supporter of Peter Reith in this matter, even despite the fact that last night he

dragged Mr Corrigan to Canberra to try to arrange some sort of deal. Let me give honourable members an idea of the flavour of Mr Howard's position so that he will not be able to worm out of this in the end. I will quote briefly from a few publications. As I have said, Prime Minister Howard has shown less sympathy than Corrigan for workers sacked for no apparent reason other than their MUA membership. A few weeks ago in the Federal Parliament Lindsay Tanner, a good mate of mine and a perceptive fellow, asked the Prime Minister why he supported the sacking of workers at Townsville who had quadrupled throughput since 1991 to world best practice levels without going on strike. Howard replied, "They brought the situation upon themselves, as members of a union."

What an incredible statement! The Prime Minister did not acknowledge the efforts of those workers. He simply said, "They brought the situation upon themselves, as members of a union." With statements like that being made in the Federal Parliament it is no wonder that Justice North found that there was case to answer of a conspiracy against section 298K(1) of the Workplace Relations Act—Reith's own Act. It is so clear cut. When asked how workers who had not been on strike at Burnie, Darwin, Port Kembla, Newcastle, Cairns, Mackay and Bell Bay could be described as engaging in "persistent industrial thuggery", Howard said it was because all those union members had "embarked on a systematic campaign to send Patrick into bankruptcy".

That occurred at the same time as Corrigan said in the directors' report that Patrick had made good profits and that the industry was improving dramatically. At the same time he was doing that he was planning this pre-emptive strike against the work force. That is a shameful position for a Prime Minister to take! He does not care that workers were sacked because they were members of a union. It has been said that the workers were trying to send Patrick bankrupt, but its profits have been increasing dramatically—of the order of 300 per cent in some areas. Mr Howard summoned Chris Corrigan to Canberra for a meeting for one reason. Tirath Corrigan, Khemlani Corrigan—

**The Hon. Dr B. P. V. Pezzutti:** Khemlani was Whitlam's friend.

**The Hon. I. M. MACDONALD:** No, Khemlani was not a friend of Whitlam; the honourable member has got it wrong, as always. Mr Howard summoned Khemlani Corrigan to Canberra last night because he had suddenly seen the polls. Earlier in the year he read a secret Liberal Party

poll. Fortunately, over the past 30 years the Liberals have misread their own polls, with the result that the Labor Party has been in government throughout Australia on more occasions than they have. Mr Howard read a secret Liberal Party poll—an article in the *Australian Financial Review* dealt with this matter in great detail—about how Australians supported doing something about waterfront reform. The questions that were not put to them were: How do we achieve waterfront reform? Do we sack everyone? Do we use corporate thuggery to achieve it?

These polls are getting so damning that I will not labour the point. Suffice to say that on a two-party preferred basis, the Labor Party has 53.5 per cent of voting intentions and the coalition, for what it is worth, has 46.5 per cent. "That is a beautiful set of numbers", to quote someone as famous as me. It is clear that what drove Howard to this desperate move last night was the fact that the polls had gone so heavily against him. I should like to deal now with this nonsense about wharf efficiency. I am sure that the Hon. M. J. Gallacher, who would have read the Productivity Commission report, will be loaded up with information about wharfies earning \$70,000 a year, moving 18.3 to 18.5 boxes an hour—there is a dispute about the correct figure—and about throughput on the wharves. Some of that was detailed in the *Australian Financial Review* and other press reports over the past few days.

A lot of the debate about waterfront efficiency is very misplaced. There has been much comparison of apples with oranges. By that I mean that, in debate about the number of boxes moved each hour, many of the ports that Australian ports have been compared with handle entirely different types of cargo. For instance, Antwerp and Singapore deal with larger and more bulky cargo than that dealt with in Australian ports. More cargo goes through those ports and, because of their container rates, they have far more efficient machinery. For instance, they have cranes that lift two boxes at once. We do not have that luxury in this country.

Following the Waterfront Industry Review Authority inquiry in the 1980s and early 1990s there was a decline in efficiency in the movement of containers per hour in 1993-94, but that was rectified to some extent by an upgrading of machinery by the major stevedores. The Hon. D. F. Moppett has probably never seen a crane at work in a port. Capital equipment at our ports lags behind capital equipment at the major ports with which we are compared. For instance, there are no double-box cranes in this country. Most cargo ships dock at

Sydney and Melbourne, lift cargo from each port and move it around in their hulls. Efficiency on the wharves could be increased by using double-box cranes. The Opposition refers to figures without analysing and assessing them and without knowing what occurs on the wharves.

**The Hon. D. F. Moppett:** They managed better at Wilcannia in the early days than they do now at Port Botany.

**The Hon. I. M. MACDONALD:** I doubt that a double-box crane was available at Wilcannia.

**The Hon. D. F. Moppett:** They moved the stuff by working.

**The Hon. I. M. MACDONALD:** Is the Hon. D. F. Moppett talking about the wharves at Bourke? I thought they were closed in the 1890s. Efficiency on Australian wharves has increased. Under the WIRA program the labour force was reduced by 57 per cent. If the Federal Government wanted a reduction in the work force it should have supported a redundancy program such as the one that was implemented in the 1980s. Chris Corrigan, Patrick's chief executive, said that the company is making a profit of only \$80 million or \$90 million a year and cannot afford superannuation and redundancy payments in one hit. Efficiency could be improved, if it is possible, by the implementation of a redundancy program. In the 1980s the Hawke-Keating Government provided \$419 million assistance for a redundancy program that was funded through the industry. The Federal Government could have done that in this case. Instead it provided \$261 million after every employee was sacked. It went about restructuring in the wrong way: by providing money after all the employees had been sacked.

**The Hon. D. F. Moppett:** After 10 years of frustration.

**The Hon. I. M. MACDONALD:** There have not been any years of frustration. The work force has been reduced by 57 per cent in the past 10 years. The Hon. D. F. Moppett does not care because as a quite wealthy member of society who lives in the bush he does not need to face circumstances such as no jobs for his children or a reduction of the Federal public sector by 77,000 employees in one year. The Hon. D. F. Moppett is happy to go along with entrenched unemployment. He thinks it would be great to sack a few more workers.

**The Hon. D. F. Moppett:** What happened with the grain handling terminals?

**The Hon. I. M. MACDONALD:** The Hon. D. F. Moppett makes a mistake when he compares bulk cargo with general cargo. A recent UQU study concluded that the sacking of even half of the work force on the wharves would result in a benefit of only 0.01 per cent in gross domestic productivity. So we must be careful not to think of waterfront reform as the salvation of Australia's economic situation. We repeatedly hear that Australia needs waterfront reform. But the outcome of reform will relate to tens of millions of dollar, not billions of dollars; and it will relate to jobs and people's lives. Programs should be implemented to fund redundancies, if they are needed, and to improve capital equipment on the wharves.

**The Hon. D. F. Moppett:** The Government has opened up the electricity industry to competition. Why does it shelter the wharves? What is the difference between sacking electricity workers and wharfies?

**The Hon. I. M. MACDONALD:** Redundancies. The Hon. D. F. Moppett needs some time to examine the various issues in detail because he is constantly confusing and misinterpreting them.

**The Hon. D. F. Moppett:** You are assiduously avoiding them.

**The Hon. I. M. MACDONALD:** I am not. The Hon. D. F. Moppett should read yesterday's *Australian Financial Review* article about Sea-Land Adelaide, Australia's most successful port because of its different management culture. The management collaborates with the work force and keeps employees—who are members of the Maritime Union of Australia—informed about workplace issues. The Hon. D. F. Moppett should note that the Productivity Commission stated that the transformation at Sea-Land was due to three factors: increased competitive pressure following the introduction of a dedicated Adelaide-Melbourne rail link, which put the port of Adelaide in direct competition with Patrick's Melbourne terminals; the small size of the workplace, which fosters direct employee communication; and a different management style from that of rival stevedoring companies.

**The Hon. R. S. L. Jones:** American management.

**The Hon. I. M. MACDONALD:** Exactly. Sea-Land has introduced a co-operative management system on its wharf. Management listens to the people on the wharves and works with them. That is a completely different approach to that taken by

Patrick at Port Botany or Melbourne. Melbourne could have quickly improved efficiency in its ports by allowing Orient Overseas Container Line to take over one of its wharves. What happened? Premier Kennett was pressured by Patrick and P&O and knocked back the company's bid. With a bit of luck OOCL will set up at Port Botany. Then New South Wales will have a third stevedoring company which has made it clear it will welcome members of the MUA—not like the hybrid, pretend stevedoring company set up by the National Farmers Federation, which is dedicated to smashing unionism in this country. That is a very unAustralian approach. To make it clear that I am just not speaking for my part, a study by the Productivity Commission stated that Australia is disadvantaged by the thinness of its shipping trades. It further stated:

Not only is the level of cargo throughput lower, it is more difficult to provide a high quality of service because demand is more variable.

As a consequence, costs can be expected to be higher or the level of service lower than at the largest overseas ports, other things being equal.

I will later hand that document to the Hon. D. F. Moppett for his information. When the honourable member attacks the levels of productivity and efficiency on the Australian waterfront, in many circumstances he compares apples with oranges. Honourable members should obtain a copy of the fine report undertaken by the Parliamentary Library research service called "Reforming the Waterfront: Background to the Current Debate", which contains a passage about the so-called inefficient and unproductive Australian waterfront workers, and try to reconcile it with the repeated ideological attacks made by Mr Reith in the media. The report states:

The ABS data also shows the services to water transport sector generated just under \$200 000 in output for every person employed last financial year compared with \$64 000 for the whole economy.

In other words, following the WIRA process of the 1980s and early 1990s, the waterside workers have ensured that productivity on the Australian waterfront is more than three times the level of productivity of the general Australian worker. Let us go beyond the lies about the work force on the Australian waterfront. I refer honourable members to an article by Alan Ramsey on 25 April in which he details a number of the lies told by Peter Reith. It contains all the factual information to trounce the approach taken by Reith, that failed Minister.

**The Hon. D. J. Gay:** They are not reading it in Yass.

**The Hon. I. M. MACDONALD:** I will ensure that you get "with compliments" slips with it. The heart of the matter is an artificial device created by Corrigan, in league with Reith in the latter part of 1997 to, in effect, sack the work force. This conspiracy led to the—

**The Hon. D. J. Gay:** Coombs is a farmer in Crookwell, but farmers in Crookwell cannot be wharfies.

**The Hon. I. M. MACDONALD:** The Hon. D. J. Gay may speak later. The conspiracy led to a series of court decisions. It is this artificial device that I want to concentrate upon.

**The Hon. D. J. Gay:** Half the blokes in his home town would love to be wharfies, to get the extra money and do less work.

**The Hon. I. M. MACDONALD:** That is in no way pertinent to the discussion. When I told the Hon. D. J. Gay that I was contemplating going back to the bush from whence I came he said, "Look, son, don't go out there. Save your money. Invest in something else. Don't go farming."

**The Hon. D. J. Gay:** I do not remember saying that.

**The Hon. I. M. MACDONALD:** You said it all right. The Hon. D. J. Gay was pointing to the fact that there are difficulties in the bush, but they are not of the wharfies' making. The wharfies are not the ones that are creating the problem for Australian rural areas. The Productivity Commission said that the maximum savings from sacking half the work force and reducing the cost of handling to \$50 or \$60 a container, across all cargo, would be \$100 million. That is the amount across all industries, so net savings to farmers would be very low indeed.

Most farm produce is handled as bulk cargo anyway, and Australian bulk handling is the most efficient in the world. So it is an irrelevant argument. The wharfies and the farmers have no real fight. The only fight is one manufactured and generated by a dying National Party out in the bush, supported by a few wealthy ideologues of the National Farmers Federation. The ordinary farmers and the wharfies do not have a fight. Recently Reith had to admit that in creating the scenario that led to the sackings no check has been made of the corporate strategy to be employed. The briefing paper of 12 March last year at the meeting between Corrigan, Reith and the department about how they would handle the matter suggested that they had to sack the workers quickly.

**The Hon. P. T. Primrose:** Top secret.

**The Hon. I. M. MACDONALD:** It was a top secret meeting. Unfortunately, the briefing papers got out. Having decided to embark on this strategy, they were forced to admit that they did not check out whether the actions of Corrigan and Patrick were lawful. They are now shocked at the result. The Minister admitted a profound mistake in not checking out the tactics to be employed by Patrick, a major oversight. I shall deal briefly with the corporate tactics employed. Much of this material has not been contained in the media but it is important in analysing proceedings in the High Court and in the Federal Court of Australia in the next year or two. The tactics used by Reith and Corrigan have dramatic consequences for all Australian workers. Corrigan and Patrick—the statement was later endorsed by senior Government Ministers including Reith—said that the Patrick stevedoring company was in decline, had no profits and was going backwards.

Patrick argued before the Federal Court that the Patrick companies were not trading profitably because of inefficient work practices. Yet Justice North in his judgment said that there is no evidence to support this position. On the contrary, in September 1995 one Patrick company—we will call it No. 1—in 1995 issued a profit of \$10.9 million. In September 1996 that profit had lifted almost 100 per cent to \$24.4 million. A second Patrick company in September 1995 had a profit of \$2.1 million and by September 1996 the profit had been lifted to \$9.3 million. A third Patrick stevedoring company had a profit in the year ending September 1995 of \$3.6 million. The figure had been lifted in September 1996 to \$6.9 million. Justice North pointed out that Corrigan had written in the director's report of 31 December 1996:

The trading profit represents a significant improvement over the prior year as a result of improved efficiency of operations.

Yet three months later on 12 March 1997 a briefing paper presented in the secret meeting with Reith stated:

Another matter that might be canvassed is the proposition that a dispute—of itself—would produce desired change on the waterfront . . .

What an extraordinary statement! Here is a Federal Government briefing paper saying that a dispute might result in desired change on the waterfront. The briefing paper continued:

Stevedores would need to activate well prepared strategies to dismiss their work force and replace them with another,

quickly, in a way that limited the prospect of, for example, the [Industrial Relations] Commission ordering reinstatement of the current work force.

That briefing paper presented to Mr Reith by his department on 12 March 1997 foreshadowed the entire strategy of quickly dismissing the work force in such a way as to prevent its reinstatement. In other words this document, on departmental letterhead, is at the heart of the conspiracy against the 2,000 Patrick workers. If the conspiracy is allowed to succeed it could affect the entire work force, because all workers would be subject to this type of action. Following the meeting of 12 March 1997, in September a complex restructuring of Patrick was carried out.

**The Hon. R. S. L. Jones:** Who wrote that document?

**The Hon. I. M. MACDONALD:** One of the heads in Reith's department. The complex manoeuvre that was engaged in by Patrick in September followed the spirit of this briefing: create a dispute and quickly sack the work force so that reinstatement will be prevented. That is the reason for all the injunctions. People ask why the wharfies are not obeying the injunction allowing Patrick to trade. But the first injunction granted in relation to all these matters was a Supreme Court injunction requiring that the workers be reinstated.

Justice North found that the course of action taken in September last year was arguably unlawful and a conspiracy against section 298K(1) of the Workplace Relations Act. The employer companies stripped the stevedoring companies of all their assets—up to \$300 million—making them employer companies and leaving them only with a contract to supply Patrick with labour. Justice North observed that this corporate asset-stripping operation provided Patrick with power to take away the only significant asset of the employers of that company, "to thereby render each employer company insolvent and as a consequence to allow the employers to claim that the work force was redundant". Quite clearly Justice North pointed to that manoeuvre being a conspiracy against section 298K(1) of the Workplace Relations Act, which protects workers in this country from being sacked because they are members of a union. That is the heart of the conspiracy.

**The Hon. R. S. L. Jones:** It should be illegal to do that anyway.

**The Hon. I. M. MACDONALD:** There is no doubt that the case put forward by the Maritime Union of Australia in the Federal Court, which will

be dealt with in due course, is a conspiracy case. It is about the illegality of this bottom of the harbour operation by Patrick. The restructure meant that the Patrick company became just a shell of employer companies, with the only asset being an agreement to supply labour. Justice North asked counsel for Patrick where the \$300 million was, and no reply was forthcoming. It is a classic bottom of the harbour scenario. The case involving Frank Costigan, that great man who pursued the illegal means of dumping millions of dollars of tax liability into the harbour, is analogous with Patrick's actions to defeat the intent of the Workplace Relations Act that employees cannot be sacked because they are members of a union. This bottom of the harbour strategy was to create a false and artificial device to make it appear that those companies were insolvent.

The suggestion that Patrick was unprofitable was a lie from day one. In their last report the directors made it clear that they were trading profitably and had increased efficiencies. This is a 1980s-style corporate manoeuvre, the consequences of which have been to place Australia in its greatest industrial crisis in 30 years and to put the Federal Government in crisis because it has lost support. Wait for the next two weeks; watch this space. Australians will not accept the use of corporate tactics of this nature to sack workers. It is clear from the polls that Australians support waterfront reform.

**The Hon. C. J. S. Lynn:** Why don't you?

**The Hon. I. M. MACDONALD:** I do support waterfront reform. I supported the Waterfront Industry Review Authority process that led to 3,000 or 4,000 workers accepting redundancy. However, I do not agree with the corporate tactics Patrick engaged in when it sacked its entire work force because they were members of a union. That is illegal. The Hon. C. J. S. Lynn has probably spent too much time on the Kokoda trail and has lost too many neurons; my comments cannot get through his thick skull. Australians will not accept this tactic. Despite the fact that 72 per cent of Australians support waterfront reform, by an overwhelming majority they believe that the Federal Government has mishandled the situation. At least the Hon. D. J. Gay is reflecting on my comments.

Australians are very fair people and will not accept the underhanded, deceptive, unlawful tactics of sacking 2,000 workers, exacerbating the insecurity of workers in our community. Justice North has reinforced the scenario I put. That should relieve the Hon. C. J. S. Lynn of the need to make

constant jibes. Justice North is a judge and therefore he cannot be wrong. What he said will have a negative effect on what the Federal Government has said. In the last few weeks the Federal Government has received support from Chris Hartcher and other Liberal Party members, as well as the occasional National Party member. In relation to section 298K(1) the judge found:

There is no express denial that a reason for undertaking the restructure—

and he is talking about the restructure that I have just dealt with—

in this particular way was to facilitate the termination of the employees' employment. The reasons given do not explain why clause 13(1)(b) of each LSA took the particular form. Furthermore, the reasons given are not inconsistent with the reason alleged by the applicants. Section 298K(1) requires the prohibited reason to be one reason, but not the only reason. In my view, there is a serious question to be tried that one reason why the employers made the BPAs and LSAs in the form they took and the reason why they appointed the administrators was because the employees were members of the Union and the employers wanted to dismiss them to replace them with a non-union work force . . . It is arguable that the conduct alleged to be in breach of s 298K(1) was undertaken so that the administrators would have no option but to dismiss the work force. The conduct was arguably designed so that the termination would be the probable outcome. The threatened termination was the effect of the conduct in breach of s 298K(1) . . . The court has power to make orders to remedy the "effects" of conduct in breach of s 298K(1) (s 298U(e)). There is a serious question to be tried that the threatened termination of employment of the employees is the effect of conduct of the employers in breach of s 298K(1).

Justice North found that the method used was in breach of Reith's own Act. The evidence also raises serious questions. Patrick Stevedores ESD Pty Ltd, one of the employer companies, agreed to participate in a strategy, one part of which was that the employers would act in breach of section 298K(1) by entering into the business purchase agreement, BPA, and the labour supply agreement, LSA, and appoint administrators in due course. The MUA established that the actions of employers in entering into the BPA and LSA and appointing the administrators were arguably in breach of the implied term of the employment contracts between the employers and the employees not to act in a manner likely to destroy the relationship of confidence and trust between them.

Another serious question relates to the fact that ESD was party to an agreement to replace the employer's work force with non-union labour and Patrick Stevedores Operations—PSO—knew that the agreement required the employers to act in breach of the implied term of the employees' contract of employment. Quite clearly, Justice North was not

impressed with Patrick's actions in sacking its work force. Even the Hon. D. J. Gay—although he can be rather myopic at times—would come to that conclusion.

One must appreciate that there may be a series of criminal activities in relation to this matter. I want to leave honourable members with a few thoughts about possible breaches of more serious parts of the corporations law, the criminal code and common law as a result of the way some of these things occurred. In the past I had something to do with a number of investigations of not this sort of matter but matters dealing with corporate relationships, so I have some idea how these matters work. I would like to leave honourable members with a thought on what the future might look like because of these issues. The law is broader than any of the industrial or political frameworks that has been dealt with up until now. I believe there is ample evidence provided to the Federal Court, constituted by a single judge, and the Federal Court full bench appeal process, with Justice Wilcox and two other judges presiding, as well as the High Court. Ample material has been presented that perhaps the process that was used by Patrick in this corporate manoeuvring over the past eight months has the potential to run foul of laws relating to fraud.

**The DEPUTY-PRESIDENT (The Hon. D. J. Gay):** Order! Before the honourable member proceeds, I remind him that parliamentary privilege carries with it a degree of responsibility. The honourable member should take care about the course upon which he appears to be embarking.

**The Hon. I. M. MACDONALD:** I am not saying that Patrick is guilty of any of the particular matters I will raise. What I will say is that the law contains these sorts of provisions and that it would be responsible of certain agencies to consider the questions I raise. The matters I intend to raise are parts of the law dealing with how creditors and companies relate. They are parts of the law that directors and others must take into account when engaging in any conduct. I am not suggesting, nor do I intend to suggest, that any one of these points of law that I will raise were run foul of by the particular manoeuvre of Patrick. However, it would be interesting to consider the manoeuvre in the context of these aspects of corporate, criminal and common law. There are a whole series of categories of corporate criminal liability worth looking at in relation to substantial manoeuvres that have led to the restructure of companies and the sackings of workers. I am only suggesting that these provisions

be looked at. I am not suggesting that these provisions have been breached.

For instance, as honourable members who have looked at the corporate law would know, there are three major crimes that can be committed by a corporation. The first class are crimes constituted by acts of employees of the company within the scope of their employment for which the company is penalised simply because the company is their employer. These crimes are mainly the creatures of statute. In the second class are crimes constituted by the company's failure to perform a duty imposed by the statute where the duty is non-delegable and the company's liability is absolute or strict. These are also created by statute. In the third category are crimes constituted by acts of directors, employees or agents which by a fiction are treated as acts of the company. These can include common law crimes as well as crimes created by statute.

Category one is reminiscent of the vicarious liability of an employer for civil wrongs of employees. The criminal act is that of the employee, but the employer is made liable to pay the penalty. Categories two and three relate to primary liability of the company itself for what are deemed to be its wrongs, rather than simply making the company punishable for the wrongs of others. The second category I want to deal with is crimes of which the company can be convicted. Obviously, a company cannot be convicted of those offences which are defined in terms limiting the offence to humans.

Apart from statute, a company cannot be convicted where the only penalty is such that it can be inflicted only upon an actual person. Thus in most Australian jurisdictions murder carries the penalty of imprisonment and hence is not a crime of which a company can be convicted. In some jurisdictions, however, there is legislation providing that for all offences punishable by statute, unless a contrary intent appears, a corporation may be liable and that a fine may be imposed where imprisonment is the only punishment provided. For relevant purposes section 360A(1) of the Crimes Act of New South Wales provides:

Every provision of an Act relating to offences punishable upon indictment or upon summary conviction may, unless a contrary intention appears, be construed to apply to bodies corporate as well as to individuals.

Further provisions in that section deal with offences by corporations. A corporation can be guilty of contempt of court, and the usual sanction is sequestration or fine or both. The liability to committal under rules of court of a director who fails to take reasonable care to see that the company

performs an undertaking given to the court or observes a restraining order is dealt with in detail in *Attorney-General for Tuvalu v Philatelic Distribution Corp. Limited*. There are a number of other areas of which conspiracy is an important aspect of the codes. For instance, Justice Neild ruled that there is no conspiracy where the only alleged conspirators are, first, a company controlled by a single beneficial controller, and that controller is in an individual capacity. Obviously that does not apply. The reason was that conspiracy requires the agreement of two separate and real minds. That may be contrasted with the acceptance that a company may make a contract with its sole beneficial shareholder and controller. Even so, there may be more reluctance to find a crime committed than to find a contract made.

Also, there are crimes under the common law in respect of what is entitled a company's directing mind and will. At common law, in order to fix primary liability on a company, it is necessary to consider the mental state of the person or persons who constituted its directing mind and will. In ascertaining those persons, the search is for those people who, although some of them are employees or agents for many purposes, are charged with such a high degree of responsibility for management of the company that they can be said to be acting as the corporation rather than for the corporation. A lot of case law can be cited in relation to that, going right through to the High Court and involving a number of decisions. The corporation's knowledge is another aspect of the law under which this matter might be considered. Also, within the ambit of the Crimes Act, possible criminal offences may be committed by individuals or corporations. For instance, section 176A provides:

Whosoever, being a director, officer, or member, of any body corporate or public company, cheats or defrauds, or does or omits to do any act with intent to cheat or defraud, the body corporate or company or any person in his dealings with the body corporate or company shall be liable to imprisonment for 10 years.

The law is settled on what cheating and/or defrauding is. I quote from what was said in Weaver's case:

Every kind and description of fraudulent statement, conduct, trick or device by which a party may be induced to part with its property for less than its value or to give more than its worth for property of another falls within the description of fraud necessary to make criminal a combination to cheat and defraud.

It is unnecessary that the prosecution prove that the accused intended that there be any economic loss to the company or any person provided that the

company or any person be prejudiced in some aspect of his or its proprietary rights by the actions of the accused, or that there be a possibility of loss to the victim. The Crimes Act makes provision for obtaining money, et cetera, by deception, by virtue of section 178BA:

Whosoever by any deception dishonestly obtains for himself or another person any money or valuable thing or any financial advantage of any kind whatsoever shall be liable to imprisonment for 5 years.

That section defines "deception". So a number of provisions of the common law, Corporations Law and Crimes Act deal with a whole range of matters relating to fraud. I am sure that these sorts of matters will be dealt with very seriously as time goes by. They might not be the fastest points of action in relation to these sorts of issues, but people would be mindful of these actions and would carefully sift through them to ensure that in the unusual and extraordinary manoeuvre of September last year, which flowed through to 7 April, Patrick at all times acted within the law. In my view there is an a priori course that Patrick did not, by virtue of the fact that it has so seriously contravened section 298K(1) of Reith's Act.

I do not want to refer in detail to the Dubai scheme—suffice it to say that it was an absolute mess. People who watched the *7.30 Report* last night must be concerned about the role that the SAS mercenaries—the training work force—played in the establishment of the scheme to attack the waterfront work force. In the last 20 or 30 years I have not seen a more madcap scheme. It was probably run by people who served a couple of months in the Army Reserve and received the culture but not the sense. Australian soldiers were taken to Dubai, set up, trained and taught how to use cranes. This smacks of keystone cops—the sort of madcap activity the Hon. D. F. Moppett would probably get up to if he ever had some real power. The Dubai exercise will be an achilles heel. Corrigin denied any knowledge of the Dubai exercise until recently and as late as today Peter Reith said he knew nothing about it. However, the evidence is mounting to show that his office was involved in it.

In New South Wales a shining beacon has shown us how we should deal with this industrial dispute: Premier Carr. From day one he, along with the Hon. P. T. Primrose and me, has gone to Darling Harbour and Port Botany to shake hands with the wharfies. The Premier has ensured that the police have not acted like keystone cops or, worse, like police in a Third World country. He has negotiated to try to resolve this dispute. For instance, he released a five-point plan earlier this month. For the

edification of the Hon. D. J. Gay, who suffers from severe short-term memory loss, the five-point peace plan is for—

**The Hon. D. J. Gay:** Who? Carr?

**The Hon. I. M. MACDONALD:** This is the Carr plan that would have solved this dispute and saved Australians from the terrible events of the last few weeks. The five-point peace plan is for:

1. All sacked workers to be re-employed by a solvent branch of Patrick,—

let us face it, alleged insolvent areas of Patrick were all artificially manipulated in September last year—

on previous terms with an agreement to begin immediate negotiations to further increase efficiency.

2. Oversight of efficiency improvements by a member of the Australian Industrial Relations Commission.
3. Investigation by the Australian Consumer and Competition Commission on alternatives to the employer duopoly on the waterfront and increased competition between stevedoring companies.
4. Use of the Federal Government's promised \$250 million to up-grade port facilities and infrastructure to make ports internationally competitive and
5. Both sides to guarantee return to work on a without prejudice basis.

That is a fine plan. If this plan had been put into effect immediately it would have averted any difficulties the farmers now have in moving their produce and other such problems.

**The Hon. D. J. Gay:** You can't trust Carr.

**The Hon. I. M. MACDONALD:** I do not know how the Hon. D. J. Gay can argue against this modest program of negotiated settlement and conciliated agreement in relation to the matter. On 19 April the Premier met Ian Donges, the President of the New South Wales Farmers Association—and future president of the National Farmers Federation.

**The Hon. D. J. Gay:** He told him big porkies.

**The Hon. I. M. MACDONALD:** The Hon. D. J. Gay says Bob Carr conned the President of the New South Wales Farmers Association. That is unbelievable.

**The Hon. D. J. Gay:** He told him lies.

**The Hon. I. M. MACDONALD:** The Hon. D. J. Gay is attacking the one decent voice from the

farming community—other than me—in relation to this dispute. Honourable members will recall that the Premier recently met, quite amicably, 100 or so farmers and Ian Donges in Walgett. After a lively discussion they agreed to a number of points to end this dispute. This amplifies the Premier's position in his five-point plan. Ian Donges and the Premier met on even terms and put forward a good plan relating to farmers.

**The Hon. D. J. Gay:** Well, why was he down here on Tuesday with 3,000 farmers?

**The Hon. I. M. MACDONALD:** There are about 65,000 farmers in this State—and 62,000 of them voted with their feet and did not turn up. Most of them are working on their farms and getting their crops in. The Premier, after his meeting with Mr Donges, offered his assistance in initiating talks between the Maritime Union of Australia and the New South Wales Farmers Association in the next couple of days, invited farmers to give him their proposals for waterfront reform, and agreed with farmers that there was a need for waterfront reform. This was acknowledged in the Premier's five-point peace plan, which had been released the previous Friday.

The Premier also agreed on the necessity to avoid violent confrontation between farmers and waterside workers, agreed with farmers that the Patrick dispute was damaging the economy and disagreed with New South Wales Farmers Association on the way in which the dispute could be resolved. Mr Carr wants a negotiated settlement in line with the five-point peace plan, while the New South Wales Farmers Association is supporting Patrick. That was the agreement drawn up between the Premier and Mr Donges, the future president of the NFF, whose appointment in a few weeks time will be a great relief and a positive contribution for farmers.

As a consequence a good, viable, win-win plan for all sides was put forward. However, we have heard nothing but carping from Mr Hartcher about whether the police should bash up everyone they can get their hands on, run the gauntlet, create mayhem, and intervene in a way that is not positive towards the resolution of this major dispute. The Premier had the solutions and the Opposition fell in a heap and was unable to put forward sensible solutions to the problems. The Premier put forward a viable plan. As this dispute unravels during the next few weeks, people will see that the Premier's plan to resolve the dispute was visionary.

The dispute will be resolved through negotiation and not the tough-talking approach

preferred by the Hon. D. J. Gay: smash through everyone and run them over with trucks. The Hon. D. J. Gay was born in the Askin era, and I do not think he has ever moved out of it. He would have taken the same sort of approach as Mr Askin and his soul mate in Queensland, Mr Bjelke-Petersen. I will not repeat the words used by those eminent people because they would be considered unparliamentary. The Hon. D. J. Gay made it very clear how he would deal with protesters demonstrating peacefully on the picket line: ride over them.

**The Hon. D. J. Gay:** On a point of order. I ask you, Mr President, to instruct the honourable member to retract the allegation that I would instruct police to drive over picketers. That is not something I would do, nor is it something I have ever said. I ask the honourable member to withdraw those remarks.

**The Hon. I. M. MACDONALD:** I have no difficulty with withdrawing that comment.

**The PRESIDENT:** Order! The withdrawal is accepted.

**The Hon. I. M. MACDONALD:** The Hon. D. J. Gay is developing a new-found sensitivity in this Chamber, which I find most amusing. The Carr plan was viable, as opposed to the plan promoted by Mr Hartcher and supported by Mr Collins at various times. I would hate to think what might have happened if Mr Hartcher had been allowed to instruct police how to handle the dispute. We may have seen a return to the 1960s or an approach taken in outer Mongolia or some other little dictatorship. Such an approach would have caused the greatest division and upset in this State's history, and I doubt that it would have solved any problems. I am very proud to say I was on the picket line. It is one of the great events in recent years.

**The Hon. D. J. Gay:** Don't you have anything to do with your time? Taxpayers pay you to perform in this State, not to waste their money.

**The Hon. I. M. MACDONALD:** And I am performing. I met constituents of all members of this Chamber on the picket line. We represent everyone in this State, even farmers. I was very proud to drive down there at 2.00 a.m. after I was rudely awoken by one of my colleagues telling me I had to get down there and suffer.

**The Hon. D. J. Gay:** You were told to be there?

**The Hon. I. M. MACDONALD:** No. We had a very good network.

**The Hon. D. J. Gay:** The phone call came, and out he went like a good leftie: you will be there.

**The Hon. I. M. MACDONALD:** I could not have said it better myself. There was a good sense of social responsibility on the picket line. Protesters were determined to try to resolve the dispute, but they were also determined that they would not buckle in and be rolled over the top of by a company that would use any unlawful means to sack its work force. That determination ensured that there was no chance a path would be cleared for trucks.

**The Hon. J. R. Johnson:** They were sustained by Father Mac's puddings.

**The Hon. I. M. MACDONALD:** As the Hon. J. R. Johnson pointed out, wharfies were not only sustained by the prayers of Reverend the Hon. F. J. Nile but also by Father Mac's puddings, which were supplied by the Hon. J. R. Johnson. That level of commitment and endeavour succeeded in pushing back the tide of conservatism, the tide of rhetoric. It took the Labor movement from being way outside the framework of any polls in this country right through to number one. Any plan Mr Howard had for a double dissolution election on 4 or 11 July is absolutely gone. The coalition can sit back now. He will go to the polls as late as possible. We could have a State election and a Federal election. What a great week for Labor it would be: a win at the Federal level and a win at the State level. And all because this conservative group entered into a conspiracy against the work force in every nook and cranny of this country.

It attacked the heart of this country. It played on the insecurity of every Australian in this community. It undermined the security and integrity of the Australian work force. It has done everything to ensure a defeat of the coalition Government at the next Federal election. I have nothing but the highest praise for the honourable Peter Reith who, as Minister for Workplace Relations and Small Business in the Federal Government, has ensured for the second time in five years that he will give the Labor Party government. He will have to go down as one of our real icons. It is not often one gets the chance to lose an unlosable election, but to do it twice in five years is impressive. This guy has to go down in history. There is no doubt that Peter Reith will be out of a job before very long. Last week I was in Melbourne doing some research—

**The Hon. M. J. Gallacher:** I hope you didn't fly down. I hope you didn't take one of Brian's tickets or one of Grant's tickets.

**The Hon. I. M. MACDONALD:** I drove down. In Melbourne I witnessed one of the most extraordinary examples of a switch I have ever seen. Honourable members may have some knowledge of the *Herald Sun* newspaper in Victoria: it would prefer to have democracy spelled out as 1 per cent Labor and 99 per cent conservative, and even then it would be worried about Labor's representation. The front page of the *Herald Sun*, as a leader to its editorial, said that in relation to the Patrick dispute two things are certain: Peter Reith will be out of a job and John Howard will be out of a job later in the year. One can only imagine the depths of despair to which the outer limits of conservatism in this country have sunk for the *Herald Sun* to talk about Peter Reith and John Howard losing their jobs. They are the two certainties in this whole dispute.

The final comment in the *Herald Sun* was to the effect that in reality the wharfies will probably get their jobs back. I rest my case. There is no doubt that one thing is an absolute certainty out of this dispute: John Howard will not be Prime Minister next year, Peter Reith will be back in business, and Peter Costello will be the Leader of the Opposition basically because he has been a very clever lad. After all, Peter Costello was the architect of the Mudginberri and Dollar Sweet campaigns. Remember a few years back he attacked the little confectionery union? He is a smart fellow, a former radical from Melbourne University who was on the Students Representative Council—as many good good people were. He picked up the Workplace Relations Act, looked through it and said, "What a grand scheme! I have read that document on the secret meeting of 12 March. Section 298K(1) of the Act states that we cannot sack a person because he or she is a member of a union."

He must have thought that there was something wrong with that strategy and then sat back and had a quiet chuckle to himself. He said nothing and did nothing. He released a highly equivocal report on the industry by the Productivity Commission and then, two days ago, said a few sharp words about workplace reform. Throughout this process Peter Costello has been watching the demise of Peter Reith and John Howard. He has kept his powder dry and is just sitting back watching.

It must give him a real sense of satisfaction to see the smug looks on the faces, and hear some of the outrageous statements, of conservatives all over the country who would not know anything about the

Workplace Relations Act, who would not know the meaning of the word "conspiracy", and who would not be aware of the key issues that are relevant to this debate. On 8 April the media jumped in and reported on every little statement that was made. Honourable members will remember the headlines, "Wharfies done", "Wharfies finished", "Unionism gone." Time and again papers carried headlines of that nature. Opposition members are sitting quietly because they know that what I am saying is true. It could almost be said that they are extinct. The force of the argument in this debate has defeated them federally and it will defeat them in this Parliament. One thing is for certain: the workers in this State appreciate the endeavours of the Carr Government to negotiate a settlement to get the wharves moving, to get the workers back to work and to get this community back together. We do not want divisiveness; we want consensus and negotiation.

James Macken—a good friend of the Hon. J. R. Johnson—said in an article reported in the *Australian*—an article that I am sure everyone read—that in 1996 the Liberals tried to change the face of industrial relations; they tried to change, reverse and turn around 92 years of industrial structure in this country. He said that essentially they were trying to destroy the Industrial Relations Commissioner—the umpire in industrial relations. The Attorney General, and Minister for Industrial Relations, one of the great practitioners of industrial relations in this country, knows that the Liberals have endeavoured to destroy the role of the IRC in dealing with industrial relations in this country. In doing so they have hoist Reith with his own petard. When this dispute broke out there was no means to set about trying to solve it within a framework of conciliation and arbitration; it was left to two forces to fight it out.

The Federal Government is on the side of the corporate raiders, the barons. It is encouraging the disgusting corporate excesses of those who run Patrick stevedoring—the same people who were subjected to indepth investigations in the past and who, in the case of Peter Scanlon and John Elliott, got off on a technicality; the same people who practised illegitimate, unlawful tactics against corporations in the 1980s. I assure the Opposition that this Government will not allow such people to apply the corporate anarchy of the 1980s to industrial relations in the 1990s and the twenty-first century. The Government will fight any attempt to bring the corporate lawlessness of the 1980s into today's industrial arena. The Australian Labor Party in this State has taken the right approach, that is, to seek solutions and negotiated settlements, rather than

be diverted by the divisive, illegal and unlawful activity that has been promoted by Patrick and its supporters.

**Pursuant to sessional orders business interrupted.**

### BILL RETURNED

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

Listening Devices Amendment (Warrants) Bill

### SPECIAL ADJOURNMENT

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

That this House at its rising today do adjourn until Tuesday, 5 May 1998, at 2.30 p.m.

### ADJOURNMENT

**The Hon. J. W. SHAW** (Attorney General, and Minister for Industrial Relations) [4.16 p.m.]: I move:

That this House do now adjourn.

### NATURE CONSERVATION COUNCIL REPORTS

**The Hon. I. COHEN:** [4.16 p.m.]: I take this opportunity to address concerns raised by the Hon. A. B. Kelly concerning two reports released by the Nature Conservation Council in March 1998. The first report is entitled "Costs of River Degradation" and the second report is entitled "Taxpayer Support of the Irrigation Industry." I received an open letter from the NCC in which it addressed the concerns raised in the speech of the Hon. A. B. Kelly. Those concerns can be summarised as the cost-benefit analysis to the industry and the irrigation infrastructure. The letter states:

Claims that the NCC has distorted research commissioned from Hassall & Associates are incorrect.

The NCC stated in both reports, when they were first released, that the forewords were written by Mr Francis Grey, a respected consulting economist, representing the views of the NCC. The reports stated that the *conclusions stated in the forewords were based on the data provided by Hassall & Associates* in the body of the report.

Nevertheless, when it was pointed out to the NCC by Hassall & Associates that there was some ambiguity about whose views the forewords represented, the NCC immediately took action to rectify any misunderstandings that might arise. Clear notes were put at the beginning of each of the forewords stating that the conclusions stated therein were those of the NCC.

It is important to remember that the views in the forwards are not extravagant. The conclusions stated in both forewords are firmly based on the data that Hassall & Associates compiled for the NCC. The conclusions are conservative in light of the reality of the subsidies the industry receives and the environmental degradation it causes. The data has in the reports come from government reports, research and statistics, as well as from well-established industry research bodies such as ABARE.

The criticisms of the NCC and the reports (ie. that the NCC was misrepresenting the views of Hassall and Associates and that the NCC was being 'unethical') that have been heard so far, have been lacking in substance. The NCC invites constructive dialogue on the issues raised by the reports.

The real issues so far as the NCC is concerned still remain unanswered and undebated. The letter continues:

The real issues are summarised as follows . . .

Under the heading "Cost-Benefit Analysis of the Industry" the letter continues:

The structure of the reporting provided by the foreword utilised an economic format commonly known as "cost-benefit" analysis. This approach is used by Treasuries, the World Bank and economic institutions both within Australia and world-wide. The foreword of the reports cite the microeconomic reform framework advocated by the Council of Australian Governments and draws upon data reported and collated by Hassalls. The data was structured to reflect the costs and benefits to the irrigation sector (farm and bulk water supply) as the COAG process requires. Sound economic analysis and the COAG process requires that *all costs attributable to the irrigation sector should accounted for by the irrigation industry . . .*

Under the heading "Is the Irrigation Industry Contributing to the Wealth of NSW" the letter states:

It is clear that there is a distinction between the gross revenue of the irrigation industry and the net profit of the industry. Irrigators have up until now claimed that the industry is very profitable with a gross revenue of \$2.1 billion.

However, the \$2.1 billion revenue merely represents industry's income . . . sales revenue. The operating costs of the industry need to be deducted from the gross revenue to calculate the net profit. It is the *net profit* of the industry which is their contribution to the wealth of the NSW.

As we indicated in the foreword, the industry has unaccounted *additional* expenses (ie. costs over and above operating expenses) that we estimated to amount to \$700 million. This figure, to the extent that it can be attributed to the industry, needs to be added to the industry's operating costs to calculate the net contribution to wealth creation in NSW. For example, if the industry's net profit were to be \$700 million then the inclusion of the additional costs would mean that the industry's net profit is zero. Obviously an industry that makes zero profits does not stay in business for very long!

The foreword laid out a profit loss statement showing the industry as earning \$2.1 billion whilst causing additional costs

of \$700 million that are not presently accounted for in the accounts of this industry.

Thus the statement made in Parliament by Mr AB Kelly that: "The figure of \$700m shows only one side of the balance sheet, the costs do not give the full picture." It is clear that any industry with only \$2.1 billion in revenue, and estimated, but unaccounted for costs of \$700 million, *in addition to operating costs*, is likely to be in serious economic trouble unless it is supported by hidden subsidies.

The letter further states:

The NCC is strongly of the opinion that irrigators should pay for the benefits of irrigation infrastructure. The NCC does not support claims that bulk water infrastructure was provided primarily for non-irrigation purposes.

The NSW Government has identified this infrastructure as "irrigation assets" based on data sourced from the NSW Department of Water Resources by Meyer. Meyer (1992) "presents DWR figures which seek to estimate the value of irrigation infrastructure within NSW."

In conclusion the letter states:

The foreword gathers data from the available sources and presents it in a manner, which, probably **for the first time in NSW, allows the taxpayer to review their contribution to the irrigation industry.** The sheer scale of the estimated costs versus the estimated gross revenue from the industry suggests that there is a serious likelihood that the winds of economic change, irrespective of environmental considerations, will inevitably bring change to this industry.

[Time expired.]

## WOMEN'S REFUGE CLOSURE

**The Hon. PATRICIA FORSYTHE** [4.21 p.m.]: I draw the attention of the House to a decision that will have dire consequences for the women of western Sydney, particularly women in the Mount Druitt area who are victims of domestic violence. The decision to close tomorrow a critical refuge service for domestic violence victims is a reflection of the Government's attitude towards women in need.

**The Hon. D. F. Moppett:** Shame on the Government!

**The Hon. PATRICIA FORSYTHE:** As the Hon. D. F. Moppett said, shame on the Government! The facility will be closed during Domestic Violence Week, a time when women who are domestic violence victims should be encouraged to seek help. This week is also the second anniversary of the Port Arthur tragedy. At a time when we remember the victims of such violence we should also remember the victims of domestic violence. But the Minister for Women has virtually ignored domestic violence victims and will deprive the women of western

Sydney of a crucial service. That is how the Labor Government treats women.

The Government's decision will result tomorrow in the two-month closure of any service to single women in that area and will permanently close the dormitory-style accommodation and counselling services provided by Lucy's Out West single women's refuge. Lucy's Out West is the only single women's refuge in western Sydney and one of three in New South Wales. Yesterday the Homeless Persons Information Centre did not have any vacancies for the accommodation of single women in Sydney who are escaping domestic violence. There was not one place, not one bed. That centre, which provides an important service, may be replaced in two months by a shopfront referral service that will not directly accommodate women. No measures have been taken to provide any other service in the meantime.

The Government's negative response to women is highlighted further by the fact that the New South Wales women's refuge movement has not been able to obtain either written confirmation of the new service or evidence to support its effectiveness. I wish to emphasise that the Department of Community Services and the Minister's office have disregarded feedback from a public meeting that was held about the closure of Lucy's Out West refuge. Interestingly, although the New South Wales Women's Refuge Movement has the greatest expertise and most experience in the provision of support and accommodation to women and children escaping domestic violence, the Minister's office refused to meet with anyone about the matter.

Why does the Government persist with the rhetoric that it is committed to a partnership approach when it does not consult with the peak body associated with the restructure of a women's refuge? Without any confirmation about a new model for the provision of services the future for domestic violence victims, particularly in western Sydney, looks bleak. Once again the Australian Labor Party has failed women in western Sydney. It should not take such matters for granted. Just weeks ago I highlighted another issue in the Mount Druitt area. The Minister should do far more to show her commitment to helping the women of western Sydney.

#### LEGAL AID FUNDING

**The Hon. ELISABETH KIRKBY** [4.24 p.m.]: I bring to the attention of the House a crisis in legal aid funding. In a letter dated 22 April 1998 the Law Society of New South Wales stated:

In the 1997/98 budget the Commonwealth Government reduced its contribution to legal aid by 21%. Funding for legal

aid now ranks amongst the Government's lowest funding priorities. The Attorney General's portfolio of which legal aid is a part received only 2.4% of the Commonwealth appropriation (ranking 11th out of 20 Departments). In contrast, Defence received 33.6%, Treasury 8.8%, and Foreign Affairs and Trade 6.5%. In a global budget context, the amount spent on legal aid is minute and amounts to a mere 2.4% of the Health and Family Services budget.

While the State Government increased its allocation, the reduction of Commonwealth funding for legal aid has been directly passed onto the providers of legal aid in New South Wales. Accordingly, in 1997/98 the funding for the Legal Aid Commission was reduced by 9.8% and funding for Community Legal Centres by 8.7%. Overall, New South Wales has had its funding cut by \$6.8 million.

Such a significant and rapid reduction in funding has meant that many services are no longer available to those in the community most at risk and most in need. Legal aid funding for civil matters is limited to cases of extreme hardship and is no longer available for general civil cases. Legal aid funding for criminal cases is limited to only the most needy and the availability of legal aid for family law disputes is also restricted. Rural communities, already hard hit by the withdrawal of many government and private sector services, are no longer able to access legal aid for basic poverty law matters.

The Law Society believes that legal aid is a core responsibility of Government. While the profession and others assist in many ways, the Government as a major court user must take responsibility to make funds available for a comprehensive legal aid system. Without legal representation being available, the management of the court system becomes difficult and characterised by unnecessary delay and expense. Affordable access to the justice system is the right of every Australian. Legal aid warrants the immediate political and financial attention of all Governments.

The letter urges the Government to take action to reverse the legal aid funding crisis in New South Wales and to ensure that ordinary members of the community are not denied fair and affordable access to justice. I suggest that Opposition members approach their Commonwealth colleagues in an attempt to ensure that reasonable and fair legal aid is given to all States, not only New South Wales. It is disgraceful that the amount of money allocated by the Commonwealth to the Attorney-General's Department is only 2.4 per cent of the total Federal budget, in comparison with 33.6 per cent that is allocated to the Department of Defence. I do not understand why legal aid funding has been drastically cut, particularly when, as the Law Society points out, governments are the major court users. I ask the Attorney General and the Opposition to take note of the views expressed by the Law Society.

#### DEATH OF THE HONOURABLE LEO PAUL CONNELLAN, A FORMER MEMBER OF THE LEGISLATIVE COUNCIL

**The Hon. D. F. MOPPETT** [4.29 p.m.]: Before the House adjourns this evening I take the

opportunity to add my tribute to the late Leo Connellan as I was unable to do so when other members spoke about this very fine Australian on Tuesday night. I first met Leo Connellan when I joined the Central Council of the National Party of Australia, which was then the National Country Party. Before long I served with him as a vice-chairman under the Hon. Adrian Solomons, also a former member of this House. We had a lot in common: we were both working in local government. He was on the Balranald Shire Council and I was on the Coonamble Shire Council. We also had a common interest in the distribution of water in the State. Other members have referred to Leo's interest in this subject. I have tucked away in my recollections his formula for getting crayfish out of irrigation banks and bore drains, a formula that I would not like to pass on now because it might be seen as a little extreme when we want to preserve the pristine qualities of our waterways. Nevertheless, it was very effective at the time. When Leo was telling his anecdotes about the bush he was always interesting to listen to.

As a member of this House his particular interest was local government but he always acquitted himself well in speaking on a wide range of matters in the House. Those who remember him as a friend would remember his interest in the tobacco industry: he loved cigars and indulged very often. I am reminded of Kipling's famous line, "And a woman is only a woman, but a good cigar is a Smoke". An aspect of the life of Leo Connellan that may not have been covered by other members is that as well as making a great contribution to public affairs in New South Wales he played a significant part in the development of the Northern Territory. His brother Eddie Connellan lived in Alice Springs and started an airline there. I believe that Leo made a financial contribution, perhaps as a partner in the business. Connellan Air was well known in the Northern Territory, and the infant airline assisted in the development of the Territory.

Leo also played a major role in the establishment of the Liberal-Country Party in the Territory. Those who follow politics would know that in its infancy it was almost a Country Party branch. In fact the Constitution which it adopted was supplied by the then General Secretary of the Country Party in New South Wales, Colonel Bill Ford. He forwarded a copy of the New South Wales Constitution and it was adopted by that infant political organisation in the Territory. I have to acknowledge that it has gone on to embrace the Liberal Party's philosophies in the more urbanised areas of the Northern Territory but I am pleased to

say that the imprint of the basic Country Party philosophy that Leo epitomised is still there. He is remembered in the Territory as a great figure in the early stages of the process towards self-government. He joined in the hope that the Territory would eventually achieve statehood.

Leo Connellan was one of those extraordinary men of politics of a former generation: he seemed to be able to occupy a number of roles as well as his role in the Legislative Council. When he first became a member of Parliament a member of the Legislative Council was regarded as having a part-time occupation. But he was a full-time politician. He lived and breathed politics and loved every moment of it. He gave it everything he had. His record in the House and in public affairs generally in New South Wales is an enviable one which all of us should stand and salute. He was a great man.

#### COMMUNITY TRANSPORT FUNDING

**The Hon. JANELLE SAFFIN** [4.34 p.m.]: Community transport is an essential service in regional and rural New South Wales but it has long been underfunded by governments of all political persuasions. The bulk of the funding for community transport comes from home and community care, commonly known as HACC. The people who can receive HACC services are the elderly, the frail and the disabled. A number of years ago when I administered the northern rivers community transport project I came to fully appreciate the difference the service made to the quality of people's lives—the difference between people being totally housebound or having access to medical care and ancillary services.

I recall an occasion when an elderly woman who lived in a nursing home in a small town near Lismore was unable to visit her husband when he was hospitalised because she had no means of transport. Through the project I was administering she was able to visit Lismore Base Hospital three times a week to see her husband. Community transport relies on an enormous number of volunteers. In New South Wales community transport has been the poor cousin of the HACC program since its inception, receiving 3.8 per cent of total funding. Yet it has the highest number of individual service users. I do not like to use the word "clients"; I find it offensive when talking about the provision of public services. However, that is the terminology used. Up to May 1996, 38,370 people had received community transport. Many needed to use it regularly, a few times a week, not as a one-off.

I find it odd that the information that is used in all home and community care planning processes is not used in the HACC community transport planning process. Community transport provides data on the number of people assisted on a monthly basis but not on the number of services. The north coast community transport project has five subprojects. It operates from Port Macquarie to Tweed Heads. In 1996-97 it provided service to more than 5,650 people—a lot of people. In 1996-97 the five community transport projects utilised more than 48,000 volunteer hours. I do not know why but under no government has community transport been able to attract more funding. Maybe it has something to do with the volunteer labour force not having an organised voice. It is up to us to provide that voice.

The New South Wales community, through government, provides approximately \$1 billion in transport subsidies. I do not want to set up a them-and-us situation between rural and regional areas and the cities but I have to say that having access to Sydney-based transport can make life a lot easier. Subsidies are available for public and private operators. Country areas just do not have public transport. More concessions are available in the city areas, and they provide many advantages.

A woman from my area who was receiving community transport services a few times a week became terribly worried when she was unable to access the service. She thought she would not be able to pay her electricity, telephone and other bills. The worry resulted in her being admitted to hospital. That is a distressing example of what can happen to elderly people over 80. They become panicky if they cannot pay a phone bill on time. They think their telephone will be cut off if the payment is a day late. Half the time I am lucky to see my telephone bill before the due date, so I do not worry about it. It is part and parcel of the lifestyle I lead, travelling all the time. But for a housebound 80-year-old it is very distressing not to be able to pay a bill by the due date. Funding of community transport is a real problem.

#### STATE OF ISRAEL FIFTIETH ANNIVERSARY

**Reverend the Hon. F. J. NILE** [4.39 p.m.]: I wish to extend to the people of Israel my best wishes on the fiftieth anniversary of the State of Israel. The Legislative Assembly has passed the following resolution moved by the Premier, Mr Carr, and I am sure this House would agree with it:

That this House joins with the Jewish Community of New South Wales in extending congratulations to the people of

Israel and their Parliament, the Knesset, on the 50th anniversary of the State of Israel.

The State of Israel was born from the flames of conflict. On 14 May 1948 in the Museum Hall in Tel Aviv Ben-Gurion, the leader of the Jewish people in Palestine, proclaimed the independence of the State of Israel. That followed the British Government's announcement on 8 February 1947 that it would no longer uphold the mandate of Palestine which Britain had administered since 1920. The British Government said it would withdraw its forces from Palestine on 15 May 1948. The Israel forces that sought independence had been involved in a bloody conflict with the British occupying forces who were endeavouring to carry out their obligations. Many bombings and tragic events took place at that time.

On 29 November 1947 the United Nations General Assembly voted for the partition of Palestine, and Australia's vote and support was a significant contribution. The United Nations resolution stipulated the creation of two States in the mandated territory of Palestine: one Jewish and one Arab. But right from the beginning the Arab States refused to accept that resolution. The decision of their leaders caused hardship to the Arab Palestinian population, many of whom gathered their belongings and went into exile. That was the beginning of the large refugee camps, out of which much trouble, strife and bloodshed resulted. The United States of America played a key role and still continues to show leadership. It has been reported that one of the leaders of the Zionist cause sought the support of the President of the United States of America, Harry Truman. In a letter to the president he said:

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

The United States support was vital to the declaration of independence and to the formation of the State of Israel. The Israelis were pleased with this miraculous act of regeneration and rebirth after the shocking experiences of World War II and the treatment of German Jews and Jews in many other European nations under the persecution and policy of the nazis to exterminate the Jewish race. This led to the estimation that up to six million Jews died in what we call the Holocaust.

The rebirth of Israel also brought great joy both to Jews who had been living in Australia for some time and to those who had come to Australia as refugees at the end of World War II. For a small nation Israel has made significant achievements.

Today it is home to five million Jews and one million Israeli Arabs. It has proved its strength in numerous wars. The Arab world is no longer uniformly hostile, and for all its difficulties the peace process seems likely to succeed. I understand that the Prime Minister of Israel and President Arafat have accepted an invitation from Prime Minister Blair to meet to discuss how to ensure ongoing peace in that part of the Middle East. [*Time expired.*]

### OLYMPIC TORCH

**The Hon. C. J. S. LYNN** [4.44 p.m.]: I congratulate the Federal Government on approaching the head of the International Olympic Committee to have the Olympic torch run across the Kokoda Trail on its way to the Sydney 2000 Olympic Games as a tribute to the sacrifices that were made and in recognition of the peace and prosperity that we enjoy in Australia today. I also congratulate the Federal Government on recommending that the torch be taken to Bougainville in an endeavour to achieve peace between Bougainville and Papua New Guinea. That would do more to bring about true and lasting peace between those two warring factions than any other gesture.

I hope also that Papua New Guineans will take the torch by canoe to Thursday Island, and hand it over to Thursday Islanders in a ceremonial fashion. The Thursday Islanders could take the torch by canoe across Endeavour Strait and hand it over to the Aborigines, who in turn could run it down Cape York Peninsula, perhaps to Cairns, where it would be handed over to the Sydney Organising Committee for the Olympic Games. This gesture would symbolise the indigenous settlement of this country and contribute greatly towards reconciliation. It would involve our neighbours in our former mandated territory, Papua New Guinea, in the spirit of the Olympic Games. Papua New Guinea is a troubled country and this would help to unite that country and enable it to share in the spirit of the Olympic Games. I congratulate the Federal Government on this wonderful initiative.

### DOMESTIC VIOLENCE COURT ASSISTANCE PROGRAM

**The Hon. J. W. SHAW** (Attorney General, and Minister for Industrial Relations) [4.47 p.m.]: I refer to comments made by the Hon. Patricia Forsythe in this House on 7 April 1998 about the provision of a domestic violence court assistance service to the women of Mount Druitt. There continues to be some confusion on the details of the arrangements and an unwillingness to understand

and acknowledge the main aims and principles of the scheme. The facts of the matter are that first, the Mount Druitt domestic violence court assistance co-ordinator began work on 1 April 1998, as intended. Second, Mount Druitt matters commenced to be determined at Penrith Local Court from 6 April as intended. Third, all Mount Druitt domestic violence cases that were commenced at Blacktown Local Court before 6 April and require a defended hearing will be determined at Penrith Local Court. Fourth, the Mount Druitt co-ordinator will divide her time, spending one day with women at Penrith Local Court, two days at the Mount Druitt polyclinic providing face-to-face consultations, and one day on follow-up work with clients, networking with Mount Druitt agencies, advocacy work and general co-ordination work. These are the essential functions of all court assistance schemes.

The honourable member's comparison between the old and the new arrangements is confused by a misunderstanding of the old arrangements. The previous service based in Mount Druitt was not exclusively for Mount Druitt residents. It also covered Blacktown and Quakers Hill. The new arrangements provide for four days of court assistance services to be committed solely to the women of Mount Druitt. The suggestion that outside the glare of attention the service has recently received, the magistracy will reverse the decision and send Mount Druitt matters back to Blacktown is ridiculous. The decision was made in order to provide a proper balance and distribution of casework between Blacktown Local Court and Penrith Local Court. There is no indication that the magistracy will move away from that commitment or that the decision will be reversed. The decision by the magistracy to alter the sitting arrangements at Blacktown Local Court and Penrith Local Court allowed only a limited time for extensive community consultation. In this regard the commission relied, in part, on the Women's Activities and Self Help Inc.—known as WASH—House, a high-profile organisation located in Mount Druitt, to represent the community's views.

In relation to the decision-making process adopted by the Legal Aid Commission in this matter, I understand that the commission decided not to require either Blacktown or Penrith court assistance schemes to provide detailed written proposals on how the changed court arrangements could be best supported by the commission. Instead, I understand that two face-to-face meetings were held with representatives of WASH House and that numerous telephone discussions were held with the co-ordinator of the Blacktown scheme to discuss the issue. The commission believes that it has acted

properly in its dealings with WASH House and that it has clearly articulated the reasons for its decision in this matter.

Just as the former co-ordinator was required to attend court when Mount Druitt matters were listed before the court, so will the new co-ordinator attend Penrith court. When the co-ordinator is attending court, clients will still be able to attend an appointment by contacting the scheme's Penrith office. I am informed that Telstra has advised officers of my department that the cost of telephoning Penrith from Mount Druitt is that of a local call, not an STD call. I understand that discussions are taking place between the new co-ordinator and the chamber magistrate at Mount Druitt to streamline the process for arranging those appointments. It is anticipated that the chamber magistrate will be able to assist women in this regard by telephoning the Penrith office and arranging a suitable appointment on behalf of the client.

Court assistance schemes throughout New South Wales have developed different models of

service delivery. While the appointment system which has been successfully used by the Penrith scheme differs from the "drop in" model adopted by the Blacktown scheme, there is no indication to date that either model is more or less effective than the other in ensuring that women have access to court assistance services. The Legal Aid Commission is currently evaluating all funded court assistance schemes to identify models of best practice within the State and ultimately to provide more guidance in the operation of court assistance schemes. The fundamental philosophy of domestic violence court assistance schemes is to empower women experiencing domestic violence to use the legal system, by providing support, legal representation, information and appropriate referrals to other services. I am confident that the staff of the Penrith court assistance scheme will use their skills and experience to provide a high level service to the women of Mount Druitt.

**Motion agreed to.**

**House adjourned at 4.52 p.m.**

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