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New South Wales

Legislative Council

**PARLIAMENTARY
DEBATES
(HANSARD)**

FIFTY-SECOND PARLIAMENT
SECOND SESSION

WEDNESDAY 12 APRIL 2000

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Parliament of New South Wales

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PARLIMENTARY DEBATES

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Corrections should relate only to inaccuracies. New matter may not be introduced.

Mark Faulkner
Acting Editor of Debates

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LEGISLATIVE COUNCIL

Wednesday 12 April 2000

The President (The Hon. Dr Meredith Burgmann) took the chair at 11.00 a.m.

The President offered the Prayers.

CONVEYANCING AMENDMENT (LAW OF SUPPORT) BILL

OLYMPIC ARRANGEMENTS BILL

LOCAL GOVERNMENT AMENDMENT (FILMING) BILL

ACCESS TO NEIGHBOURING LAND BILL

Bills received.

Leave granted for procedural matters to be dealt with on one motion without formality.

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

That these bills be read a first time and printed, standing orders be suspended on contingent notice for remaining stages and the second reading of the bills be set down as orders of the day for a later hour of the sitting.

Bills read a first time.

SELECT COMMITTEE ON THE INCREASE IN PRISONER POPULATION

Reporting Date

Motion by the Hon. J. F. Ryan agreed to:

That the reporting date for the interim report of the Select Committee on the Increase in Prisoner Population be extended from 1 May 2000 to 9 June 2000.

VETERINARY FACILITIES CLOSURE

Return to Order

The Clerk tabled a response received from the Director-General of the Premier's Department dated 11 April 2000 relating to the order of the House of 4 April 2000 calling for papers on the closure of veterinary laboratories and the recentralisation of the Department of Education and Training advising that apart from documents for which the Government claimed privilege the papers were previously tabled on 26 November 1998.

MERRIWA AND MUDGEE RURAL LANDS PROTECTION BOARDS AMALGAMATION

Return to Order

The Clerk tabled a response received from the Director-General of the Premier's Department dated 11 April 2000 relating to the order of the House of 5 April 2000 calling for papers on rural community impact statements advising that the only document in existence covered by the terms of the resolution is a Cabinet minute and, under the determination of the Court of Appeal, not required to be produced.

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OLYMPIC ARRANGEMENTS BILL**Second Reading**

The Hon. M. R. EGAN (Treasurer, Minister for State Development, and Vice-President of the Executive Council) [11.10 a.m.]: I move:

That this bill be now read a second time.

I seek leave to have my second reading speech incorporated in *Hansard*.

Leave granted.

The Olympic Games are a once in a lifetime event for the people of New South Wales and Australia. They will bring a great level of excitement, inspiration and fun to our country in September of this year as well as economic benefits and opportunities for the whole of Australia. The Games are gigantic. They are like nothing Sydney has ever seen before or is likely to see again in the foreseeable future. The whole world will be watching us and that is why it is imperative that we get our delivery right. Indeed, following the criticism of Atlanta it is no exaggeration to say that our nation's reputation is on the line. Therefore we need to introduce some extraordinary changes to make the Games work, to make them successful.

Many facets of Sydney's life will have to work differently while the Olympic Games and the Paralympic Games are being held. Sydney will have only one chance to get the Games right. This bill is based on an extensive review of each area of Olympic activity and government regulation with a view to putting in place the various measures necessary to ensure that the Olympics run smoothly. This bill is an omnibus bill to make temporary changes to legislation applying during September and October 2000 to meet the operating requirements of the Olympic Games and Paralympic Games. Some of the key areas of the bill include: 24-hour operation of bus depots; revised delivery schedules in the central business district [CBD], and restrictions on street selling near Olympic venues, transport nodes and Olympic live sites.

This legislation contains a package of temporary legislative amendments which amend all relevant and identified legislation in one single bill. Some proposals involve temporary amendments to more than one Act. I hope that all sides of politics see the necessity for a bill of this nature to ensure that all areas of legislation are properly reviewed to enable the best possible outcome for Sydney, New South Wales and Australia from hosting the Olympic and Paralympic Games. This bill has been developed by the Olympic Co-ordination Authority [OCA] and relevant departments and agencies. It is about making the Games work. The Atlanta Games were dogged by transport problems and complaints of overcommercialisation. Ambush marketers were rife and pedestrian movement was in many cases a shambles.

It was the Atlanta experience that inspired the establishment of ORTA—an organisation now winning worldwide acclaim for its Olympic transport planning. This bill will, as far as is possible, allow traffic to flow. It will facilitate the timely and orderly delivery of food and the clean up of waste. It will dramatically reduce opportunities for ambush marketing and will facilitate the operation of the venues and Olympic live sites. Put simply, this is a bill which temporarily amends existing legislation to enable the conduct of the Games. Following the Games these provisions will no longer apply and the original legislation will prevail. The following example illustrates how the Olympic Arrangements Bill operates. Some open spaces will be needed during the Games period for park-and-ride facilities.

The existing plans of management for the open spaces may not contemplate this use. So part 4 of the bill modifies the Crown Lands Act so that a reserve trust or council can consent to use of a Crown reserve during the Games period, even if the use is outside the plan of management. Part 7 contains a similar provision applying to council parks which are not Crown reserves. Before outlining what the bill does do I want to make clear one thing that it does not do. Some concerns have been raised publicly in relation to the issue of enforcement officers. In particular there has been some speculation that this bill and the Homebush Bay Operations Act will allow Olympic volunteers to have draconian powers of direction. I want to state clearly that this is not the case. It is not intended that volunteers be given authority to remove or direct people or enforce any other regulatory powers.

Essentially, volunteers are hosts and ushers and where they are used to monitor, for example, "access" points, their role is to provide information to people about their access entitlements, not control entry. Other than for annual reports and some technical legal matters such as claims for compensation related to the Games period, the changes effected by this bill will operate only during the Games period. This is defined in the bill as the period from Saturday 2 September 2000, when the Olympic Village opens, to Sunday 29 October 2000, the day of the closing ceremony of the Paralympic Games.

I now refer honourable members to several specific proposals embodied in the bill. Part 2 of the bill relates to the annual auditing and reporting legislation, and allows for extended reporting deadlines for government agencies. Part 3 of the bill deals with both the Banks and Bank Holidays Act and the Factories, Shops and Industries Act and makes changes necessary to allow for weekend banking and the opening of shops during the Games period in the greater Sydney area. Parts 4 and 7 enable Crown land and other land to be used for Olympic purposes. In support of the Government's determination to ensure that spectators travelling to the Sydney 2000 Games do so via the extensive Olympic transport network established by ORTA, part 5 of this bill also provides for penalties for persons who

establish illegal car parks within five kilometres of any Olympic venue. Various sections within this bill deal with the issue of illegal car parks as different Acts apply in different situations.

Part 7, clause 26 relates to areas close to Olympic venues, transport nodes and Olympic live sites where there are giant screens. In such locations street selling will be prohibited unless approved by the Olympic Co-ordination Authority and licensed by the local council. This is designed to help the movement of pedestrians in these very crowded areas and stop the proliferation of the sort of tacky street vending that Atlanta was so widely criticised for. However, it does permit councils to license street selling in council controlled areas surrounding OCA-controlled areas. During the Olympics, Sydney—and the CBD in particular—will operate 24 hours per day. Deliveries which normally take place during business hours will occur at night. A massive cleaning and waste disposal program will take place every single day. Sydney will see crowds, day after day, that it has never experienced before except on one-off occasions like New Year's Eve and Australia Day celebrations.

The six Olympic live sites will involve giant video screens and entertainment at the Domain, Circular Quay, Martin Place, Belmore Park, Darling Harbour and Pyrmont Park, throughout Games time. The giant screens will show live Olympic action. The sites will become a major focus of Olympic-related festivities. Part 7 clause 33 of the bill seeks to allow OCA to specify that an activity is necessary for the conduct of the Games. In effect, that declaration will modify the normal regulatory approvals that apply to functions like bus operations, waste disposal and food deliveries—for the Games period only. Part 8 of the bill maintains the role of the EPA as the sole regulator, but allows OCA, in consultation with the EPA to declare that a person may carry out certain activities necessary for the Olympic and Paralympic Games during the hours which are necessary to get the job done. The EPA will be the only regulatory authority during the Games period for these declared activities.

I refer honourable members to the traffic-related provisions. These are mostly in part 9 of the bill. The principal road-related proposals are: one, there will be Olympic lanes to operate in a similar way to transit lanes; two, ORTA and OCA will be given road closure and related powers, which will be required to organise traffic flows and also to stage events like the cycling road race; three, as noted earlier, there will be substantial penalties to discourage unauthorised car parks, which could seriously disrupt traffic planning during the Games period; four, deliveries in the CBD will be at different hours than normally apply. As noted earlier, the Olympic Games will be a round-the-clock operation. The last buses will deliver competitors to the Olympic Village and spectators to the city and suburbs late at night. Operations will begin again early in the morning. Bus depots are expected to operate for 24 hours each day. These amendments will facilitate the servicing of venues and key hospitality and entertainment places which will be operating on close to a 24-hour basis.

Part 10 of the bill provides for the exclusion, during the Games period, of Sydney Cricket and Sport's Ground Trust members' normal automatic right of entry to sporting events at the Sydney Football Stadium. Part 11 of the bill contains provisions to regulate signage or displays which constitute ambush marketing. These provisions are drawn from Victorian legislation applicable to the Australian Grand Prix and are designed to deal with temporary signage, et cetera, produced at the last minute to ambush the Games sponsors by, for example, being clearly visible from Games venues or precincts. In particular, part 11 deals with: the prohibition of scalpers from operating on or near Olympic sites and at Olympic live sites; control of airspace and prohibition of aerial advertising, including skywriters above Olympic venues and Olympic live sites to protect sponsors from ambush marketers; prohibition of large billboards except as authorised by the OCA; and the banning of any commercial broadcast or telecast, by any means, of any Olympic event or activity, by persons other than accredited rights holders, unless authorised by OCA. The fines in this section are high so as to act as an effective deterrent to such activity.

Part 11 also permits the Minister, in consultation with the Premier, to allow the Olympic Co-ordination Authority to operate as required in areas essential to the successful staging of the Games. This applies to Olympic venues and facilities and to Olympic live sites. In conclusion, I reiterate the unique nature of the Olympic Games and the opportunities and benefits a successful Games will open up for our country and our State. The whole world will be watching as we stage the world's largest peace time event. The temporary changes outlined in this bill are one more step in helping us to make it all work and to helping Games organisers achieve a Games which all Australians can be proud of.

The Hon. M. J. GALLACHER (Leader of the Opposition) [11.10 a.m.]: I state from the outset that the Opposition is not opposed to the Olympic Arrangements Bill as presented to the Chamber. The bill makes temporary changes to various legislation to facilitate the operating requirements, and therefore the success, of the Olympic Games and Paralympic Games. The bill will be operational between 2 September and 29 October this year, with the exception of changes to the annual auditing reporting legislation, and will cease to have effect on 31 December. It is quite significant that this legislation comes before this Chamber at the very time that there are disturbances in the trade union movement about the approach that will be taken by the Government with regard to the Olympic Games.

It is important that I take this opportunity to suggest to the Government, or indeed to tell the Government, that it has our support for its agreement with the Labor Council and for it not to allow a wage explosion. The Government should steady its resolve and ensure that there is not a blowout in the finances leading up to the Games, as we witnessed recently with the New Year's Eve celebrations, which media reports in the past few days suggest cost New South Wales in the vicinity of \$18 million. It is also important to note that the Minister in another place has suggested that every night during the

entire Olympic period we will see a replication of what occurred on New Year's Eve. If that be the case, we are looking at a substantial bill to the people of New South Wales.

The Government must steady its resolve to the pressure being mounted by what appears to be a greedy approach by the unions and an inability by the Labor Council to stick to its agreement. If rail workers are to get \$300 per week extra because what is being asked of them is too onerous a task for them to provide seven days a week, 24 hours a day at any other time, then what about members of the New South Wales Police Service, who will see New Year's Eve replicated day in, day out during the entire Olympic period. What about nurses in the Sydney metropolitan area, who will be inundated with increased cases requiring their immediate attention? What will the Government's approach be to their increased workload? Will it simply be a capitulation to increased payments also?

On the other side of the balance sheet, it is extremely important that this Chamber notes and recognises the contribution that thousands of people throughout the State and this country will make on a voluntary basis to ensure the success of the Olympic Games and the Paralympic Games. These people will leave their workplaces. They will take leave to attend the Games, some will take leave without pay. I suspect that others who are more fortunate will be given some sort of compensation by their employers. Some will leave places that they own; others will leave their homes in regional and country New South Wales and come to the metropolitan area to contribute in a way we have never seen before to the success of the Games.

Their contributions will not be as spectators; they will be working during the Olympic Games and they ask absolutely nothing in return other than the enjoyment and the proud experience of playing a significant role in ensuring that the Games in Sydney, in a little over 150 days, are nothing but a complete and total success. The House should congratulate those people for the time and commitment they have given up until now. They will not simply turn up on the day, be given a suit and be sent out on the job. They will undertake various degrees of training leading up to the Games. Their final contribution will be to ensure the Games are a complete success.

Again I suggest that the Treasurer, who will hold the purse strings in relation to the latest argument being put by rail workers, to steady his resolve and ensure that the budget commitment he has given to the people of New South Wales—to keep the final finances of the Games in the black or as close to a balanced budget—is maintained. The Coalition was concerned that the penalties imposed under the Olympic Arrangements Bill for breaches of the traffic provisions were excessive. However, Mr Christie, the Chief Executive Officer of the Olympic Roads and Transport Authority, has advised that the normal process will be for offenders to be issued with an on-the-spot fine for an amount lower than the maximum penalties under the legislation.

Obviously there are significant increases in the penalties that would normally be applicable to people who transgress the Motor Traffic Act in the State. However, there is most certainly agreement with both sides of the Chamber and, I hope, with the crossbenches, to recognise that there must be provision for those who go beyond mere negligent driving and who actually manipulate the successful running of any part of the Games for a personal agenda or for some other political or set agenda. It is extremely important that the penalties provide a disincentive for people to conduct themselves in this way. Mr Christie has also given an undertaking that the maximum penalties will only be imposed by the courts. Where serious breaches occur substantive charges will be laid and, I expect, those substantive charges will be pursuant to the Crimes Act. Where trivial breaches occur, on-the-spot fines will be issued.

The second concern of the Coalition was the impact of noise from a number of Olympic-related events. As the Environment Protection Authority [EPA] is the consent authority for these events, its decisions have the potential to seriously impact on residential areas. As I gave notice last night, I will formally move three amendments to the bill. One will be to insert on page 21, clause 34, line 4, after "the declaration", the words "and must also take into consideration the noise impacts, or the likely noise impacts, of the activity or activities on residents". This amendment will not tie the hands of the EPA; it will simply need to take into account the impact on residents. The Opposition believes this to be a significant deficiency in the original bill.

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The second amendment relates to the Opposition's concern about the provisions in clause 72. The exemption provided could be interpreted as preventing the recovery of damages for negligence in

relation to people who suffer death or a serious injury. To clarify this, in Committee I will move an amendment to page 46, clause 72, to insert after line 30 the words "This section does not limit or otherwise affect the civil liability of a person for negligence that causes personal injury to a person or the death of a person". The Coalition believes that there is a gap in regard to clause 15. Shop opening hours are specified in one part of the bill but not in another. Accordingly, in Committee I will move an amendment to page 8, clause 15, line 14, to add the words "between the hours of 8.00 a.m. and 8.00 p.m." after the word "Sunday".

We are approaching the final countdown to the Olympic Games. There has been a continual bipartisan approach to the success of these Games. However, any suggestion of maladministration or worse, as we saw earlier with the ticketing fiasco, has not prevented the Opposition from raising questions and ensuring that they are thoroughly investigated by the Parliament. We believe that that has been done to date and, as I said during a speech I made in this Chamber last year, the Coalition continues its resolve that any post-mortem of the Games, should it be necessary, will be conducted in this Chamber. That will ensure the integrity of the process and ensure that the ongoing role of the Legislative Council is maintained, contrary to the views of the Leader of the Government in this place.

The Hon. I. COHEN [11.20 a.m.]: The Greens have some serious concerns about this bill. One thing the bill does is to bring across the powers of the Olympic Co-ordination Authority contained in the Homebush Bay Operations Act 1999 and the Homebush Bay Operations Regulation 1999 and apply them to all sites of any Olympic venues and facilities and Olympic live sites and land that adjoins or is in the vicinity of a site. This is set out in clause 59. The Greens have serious concerns about some of the powers given to police officers and authorised officers under the Homebush Bay Operations Act and the Homebush Bay Operations Regulation.

Once again the Carr Government has sought to introduce draconian regulatory instruments designed to give police broad discretionary powers to control people in public places. This time the powers are being extended to non-police persons known in the regulation as authorised persons. The bill, via the regulation, creates a raft of new public order offences in the geographical areas in which they operate. Since coming to power in 1995 the Carr Labor Government has introduced a huge range of such powers, giving police powers to deal with a broad array of situations. This is of serious concern to the Greens.

In order to understand how the bill works it is necessary to undertake an analysis of the Homebush Bay Operations Regulation. The new powers in the Homebush Bay regulation are even broader than those contained in the Crimes Legislation Amendment (Police and Public Safety) Act and are extended to officials as well as police officers. They will impact even further on disadvantaged people and on the human rights of people generally, such as the right of freedom of expression, the right to protest, the right to freedom of assembly and the right of freedom of movement. The regulation confers broad powers on officials and police officers who can request people to leave public spaces and are able to remove people from public spaces using reasonable force if they deem it necessary.

The Public Interest Advocacy Centre [PIAC] has undertaken an analysis of the Homebush Bay regulation. Its analysis and concerns are shared by the New South Wales Law Society and the Council for Civil Liberties. Regarding the power to remove persons from the sportsground at Homebush Bay, in a briefing paper supplied to crossbenchers PIAC argues of the Homebush Bay regulation:

A distinction is made between "sportsground" and the public domain at Homebush Bay, ie. the parts of Homebush Bay that are not the site of a sportsground. At sports grounds—which include spectator seating—persons authorised by the OCA or police officers are given the power to remove a person from the sportsground for contravening any provision of the Regulation, trespassing or causing annoyance or inconvenience on any part of the sportsground. Reasonable force can be used to remove the person.

PIAC points out that the regulation does not contain safeguards similar to those in the Crimes Legislation Amendment (Police and Public Safety) Act, such as the requirement that the authorised person or police officer first direct the person to leave the sportsground before he or she is removed. PIAC stated:

Under this Regulation it is conceivable that an authorised person or a police officer could decide to remove a spectator from a part of a sportsground for using indecent language. They would not need to first request the person

to leave but could use reasonable force to remove them. If a spectator were to resist being removed they could then be charged either with the offence of resisting or obstructing an enforcement officer, threatening, intimidating or assaulting an enforcement officer or assaulting police in the execution of his or her duties—in addition to the charge of using indecent language.

I have been involved in many situations in which people have been arrested unnecessarily; if the police had been directed to give a caution first, that would have had a significant impact in terms of lowering the escalation of confrontation that occurred, thereby giving police more work. Those situations could have been dealt with creatively if the law had provided for some sort of warning to be given.

In relation to the power to request persons to leave public spaces, the powers to request people to leave Homebush Bay and, thus, all Olympic live sites, venues and facilities are not as draconian as the sportsground removal power but they are still of great concern. The regulation specifies that individuals can be requested to leave public areas if they are causing annoyance or inconvenience, contravening any provision of the regulation or trespassing on any area closed to the public. It sets out numerous activities which a person must not engage in in a public area subject to the bill and the regulation. It prohibits such things as collecting or attempting to collect money, using facilities for sleeping overnight and riding or using any skateboard, roller skates, in-line skates or similar equipment.

The only safeguard to be found in the regulation regarding a request for persons to leave a public place is that they must first be warned that failure to comply with the request is an offence. The move-on powers in the regulation are much more broad and arbitrary than those already found in the Crimes Legislation Amendment (Police and Public Safety) Act. Many of the safeguards contained in that Act are not included in the regulation. For instance, the Act provides for the monitoring of the operation of the legislation by the Ombudsman and then a further review by the Minister for Police. The regulation does not contain this safeguard.

Procedural safeguards found in the Crimes Legislation Amendment (Police and Public Safety) Act are simply not in the regulation. These are the requirements for persons to provide evidence that they are a police officers, authorised officers or rangers, and for persons to give their name and a reason for the request. There is no requirement for the warning to be given a second time, nor is the defence of reasonable excuse available. The Greens are particularly concerned about who will exercise these powers. The Homebush Bay regulation allows persons authorised by the Olympic Co-ordination Authority to exercise the power. Will those who will exercise these powers be properly trained to deal with crowd control issues? PIAC is concerned about how these new powers will impact on the community's right to protest. PIAC stated:

The ... Regulation does not create the offence of participating in or conducting an unauthorised assembly at Homebush Bay. However any of the public order offences specified in the Regulation could be used by authorised persons or police officers to stop protest—and remove protesters—from Homebush Bay.

The Greens are concerned that the regulation will prevent peaceful protests from taking place in these two areas during the Olympics, although holding a peaceful protest is a basic right in a democratic society. There has been much media exposure of concerns particularly of Aboriginal people who want the right to protest. Appropriate arrangements will go a long way to facilitating peaceful protests, which is in the interests of all those who support the Aboriginal protesters, as the Greens will, and those who support the running of the Olympics in an effective and productive way for the community generally. Protesters have a right to be part of this process, and it should not be denied the public of New South Wales.

The PRESIDENT: I am happy to welcome to the public gallery students from year 9 at the Meadowbank Education Trust.

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Reverend the Hon. F. J. NILE [11.29 a.m.]: The Christian Democratic Party is pleased to support the Olympic Arrangements Bill. The object of the bill is to facilitate the conduct of the Olympic Games, the Paralympic games and associated events to be held principally in Sydney this year, and to make provision with respect to certain anticipated effects of those events. Clearly the bill is a one-off measure for this historic event in Sydney, the Olympic Games. It will only operate for the Games period, which is defined as 2 September 2000 to 29 October 2000—except for the annual auditing and reporting legislation, which applies for a longer period—to meet the operating

requirements of the Olympic Games and Paralympics, including 24-hour operation of bus depots, revised delivery schedules in the central business district, and restrictions on street selling near Olympic venues, transport nodes and Olympic live sites.

We accept that there needs to be stronger and clearer controls for such a large and complex event as the Olympic Games, at which many activities will take place at the same time, and there must be comprehensive transport arrangements for the public and those who will conduct the Games, as well those who will participate in them. The Olympic Games 2000 are perhaps one of the most complex activities to be held in Sydney. We accept that there is a need for such legislation. We do not believe that it is draconian, but that it is reasonable and justified in the circumstances.

I am sure everyone would agree that there must be effective controls over large numbers of people moving in and out of venues, to ensure that there is no congestion or blocking of access to venues. That control should include the power to stop publicity stunts. We have seen, for example, people running onto the Sydney Cricket Ground, and even people interrupting activities at Parliament. I hope the Government will take steps to prevent such people, who are simply publicity seekers, abusing the Games in some way. We cannot lock up such people for the period of the Games, but, some measures should be taken, particularly with regard to people who are clearly unbalanced, to ensure the smooth running of the Games.

We accept that groups have the right to protest, but I do not believe they have the right to block access to a venue. A protest supposedly conveys a message. Protesters can convey their message without sabotaging the Games. I have been extremely concerned, as have I am sure other members of the House, about the statements by Charlie Perkins, a prominent Aboriginal leader, who seems to be going out of his way to discourage people from attending the Games. All of us want the Games to be a great success, and I believe it is very unhelpful for a person to use an issue that he or she may feel strongly about in such a way as to affect the success of the Games. I do not know what impact Mr Perkins's statements have had on people coming from Britain, where he has received a lot of publicity. I understand he has also received a lot of publicity in some of the European countries, including Holland.

People who do not understand Australia may think that there will be violent protests, and that there will be cars and houses burning, as he suggested. Such statements could certainly deter people from attending the Olympic Games in Sydney. I hope that Mr Perkins, who on many issues is a reasonable person, will reconsider his statements and will not do any further damage to the success of the Olympic Games. Such activities and statements highlight the need for this type of legislation. The Christian Democratic Party has been approached by a number of church groups in Sydney, and even other States, who attended the Olympic Games in Atlanta and other places to distribute non-controversial, free literature. For example, I received a letter from a group called Eternal Gold, An Outreach to the Sydney Olympics. The letter, dated 27 January and signed by Pastor Matthew Douglas, reads in part:

We desire your opinion on the matter of legality and copyright as it pertains to the tracts we plan to use. We plan to use about 500,000 of the tracts in question in 14 different languages. Our tract is a copy of the one used in Atlanta during the 1996 Olympic games. At the time of the Atlanta Olympics, the tract was copyrighted.

That is an indication of just one organisation that is planning to distribute non-controversial, free literature for people to either accept or not accept when it is handed to them during the Olympic Games. The group is also concerned, and rightly so, that it does not infringe any of the rules of the Olympic Games in using the words "Olympic Games" or other terms which are copyrighted by the Olympic authorities. I told the group to be very careful about that, to seek legal advice, and also to seek advice from the Sydney Organising Committee for the Olympic Games [SOCOG], which it has done. The literature that the group is producing meets the copyright requirements of SOCOG. A further matter that has been raised relates to the power to hand out such material. Clause 3, which deals with definitions, states in part:

Olympic Live Site means any of the following public places:

- (a) Circular Quay,
- (b) the Domain,

- (c) Martin Place,
- (d) Tumbalong Park,
- (e) Pyrmont Bay Park,
- (f) Darling Island,
- (g) Belmore Park,

at which Olympic Games events and activities, and other information, are screened for public viewing.

There is then, of course, the whole of Homebush Bay, and so on. The large screens that will be erected are in fact now regarded as Olympic sites. Clause 27, which deals with the control of sale and distribution of articles in certain public places, sets out restrictions that will apply to an Olympic venue or facility, a major transport node, or an Olympic live site. From the discussions we have had with various organisations involved with the Games I understand that the purpose of this detailed clause, which provides a penalty of \$5,000, is to safeguard sponsorship. SOCOG and the Olympic Coordination Authority are concerned, and rightly so, that if, for example, Coca-Cola has paid a great deal of money for sponsorship, Pepsi-Cola may hand out products or brochures advertising its products, perhaps with various offers, and other literature, including order forms, which would conflict with the Coca-Cola sponsorship.

This bill, by restricting the distribution of articles, will overcome the problem of companies trying to get around the sponsorship arrangements that various companies have entered into. We appreciate such a measure. Companies have spent millions of dollars to buy sponsorship rights, and their legal right to sponsorship should not be undermined by unauthorised salespeople pushing their products at Olympic venues. That is why there are also restrictions on aircraft flying over the Olympic sites trailing advertising banners and so on, which could advertise the product of a company that is not one of the legal sponsors. My concern is that with all these restrictions, there now seems to be a blanket control, so to speak, to prevent such advertising.

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The provision does not define the article but simply says "sells or distributes" an article. The word "sells" has obvious connotations of commercialism which must be prohibited, but the provision does seem to impinge upon free speech by restricting people from distributing a pamphlet. I am not referring to protest pamphlets; I am concerned about the right of legitimate Christian organisations in Sydney to distribute positive or inspirational literature, and their being prevention from doing that.

I have a copy of a letter dated 4 April 2000 to the Premier from the Baptist Churches of New South Wales and the Australian Capital Territory, which is the peak organisation of the Baptist Union of New South Wales. The letter states:

Dear Premier,

Re NSW Olympic Coordinating Authority Legislation.

I write on behalf of the Baptist Churches of NSW and ACT which is the peak body for three hundred and thirty Baptist Churches to enquire about the above legislation. This letter is sent with the authority of the Executive Committee.

We are concerned that information is circulating within the community concerning the provisions of the proposed to Legislation which may or may not be correct.

We are particularly concerned about alleged proposals which might impinge upon the rights of churches to express their faith. In particular, our concerns are that there will be restrictions on the distribution of christian literature and that Rangers will have the power to confiscate christian literature if these restrictions are not observed.

The letter goes on to request a copy of the draft legislation and is signed by Rev. I. B. Thornton, the general secretary. I sent a copy of the draft legislation to Rev. Thornton so that the organisation could examine the wording. Challenge Literature Fellowship expressed similar concerns in an email sent to me on 14 March 2000. I include this reference because it apparently contains a statement by Olympic officials on their interpretation of this legislation. The message states:

Challenge is planning to do a special edition of our children's pages for the Olympics as well as the possibility of an addition of the complete paper for distribution in and around Sydney. However I discovered quite by accident that

OCA is looking to put in place legislation that would severely restrict the effective distribution of literature.

I spoke to David Pettigrew from OCA yesterday and he laid down some of the guidelines of this legislation. He indicated that if a Christian organisation desired to distribute literature in Sydney they could not do so within one kilometre of an Olympic venue. Obviously this would include the Homebush Bay site, the Blue Mountains rowing site, soccer fields or any other Olympic venues. This would render any proposed distribution in these areas null and void.

SOCOG will be operating five live viewing sites in the Sydney CBD which I gather will involve the Darling Harbour, Martin Place etc. This would involve five large screens so people can view Olympic events as they happen courtesy of Channel 7. According to Mr Pettigrew we are not allowed to distribute literature within half a kilometre of these sites. Obviously if these sites are close at hand it would pretty well lock off general access to these sites because of the half kilometre of restriction.

Also included in this legislation is denying access to any of the railway or bus ports that are deemed as an Olympic transportation hub. The restriction once again is between half and one kilometre of these places. At this stage they haven't made up their mind whether it will be half or one kilometre... you can see the reason for my concern because if you catch a train from Sydney CBD to Homebush Bay every railway station along the way will be deemed part of an Olympic transportation hub. Also bearing in mind there are Olympic events in Penrith and the Blue Mts. It virtually put every station from Sydney CBD to Katoomba off limits. This also applies to bus routes.

From a Christian perspective I find this very distressing.

An organisation named Quest has been coordinating various churches and Christian organisations in relation to the Olympic Games, as well as assisting in an official capacity by providing chaplains. Quest has held discussions with the Olympic Co-ordination Authority [OCA] on the very same issues mentioned by Challenge Literature Fellowship and others, and that highlights the need for clarification.

If the Government intends to specifically target commercial groups that are trying to get around the sponsorship regulations to promote unauthorised commercial products, it should be made clear that the restrictions apply to commercial activities only. The Government may have received a copy of an amendment that I will be moving in Committee as follows:

Page 18, clause 27, after line 24 insert "(13) Nothing in this section prohibits the distribution of an article that is not of a commercial nature or that is of a religious nature, or requires the approval of OCA or a council to the distribution of an article that is not of a commercial nature or that is of a religious nature."

Although I have been contacted only by Christian churches, I concluded that the amendment should refer generally to articles of a religious nature, to include prayers and other religious literature that might be distributed by members of the Buddhist, Hindu or Muslim faiths. In my efforts to obtain clarification of the Government's intention, I have chosen the widest possible term to cover all religious literature. Obviously the rules relating to moving people on and preventing people from blocking access to events will still apply. If some religious groups become too enthusiastic and were hindering Olympic Games patrons, obviously they would be moved to an area where that would not be a problem. But the Government's imposition of a one-kilometre ban in specified areas is too restrictive and actually includes some churches. For example, if a literal interpretation were applied to the provision, anyone handing out literature at St Andrews Cathedral would contravene the provisions of the bill.

In expressing these concerns I take into account that the purport of the legislation may not be as serious as a literal interpretation would suggest. It may be that the OCA will automatically approve requests from religious groups. However, to obviate the possibility that approval may not be forthcoming and to protect the rights of free speech and freedom of religion, including individuals communicating their views to other people, which is a very important right in democratic society, I will move the amendment that I have foreshadowed. I understand the need for strong regulations during the Olympic Games and I do not wish in any way to undermine their effect. Nevertheless, I ask the Government to consider an amendment that is designed to clarify the intention of the legislation for the benefit of not only religious groups but also the OCA. I support the bill.

The Hon. Dr A. CHESTERFIELD-EVANS [11.47 a.m.]: The Australian Democrats are somewhat concerned about the generic powers conferred on the Olympic Co-ordination Authority [OCA] by this bill. Increasingly the Government demonstrates a tendency to create difficulties by conferring draconian powers without implementing counterbalancing checks. Most of the time the rules and regulations under which people live operate perfectly well. When an exceptional event

occurs, that should not mean that all other systems in operation should be thrown away. The regulation referring to Crown land on Bondi Beach being used for beach volleyball has been the subject of some delicate negotiation between local groups, the local council and the Olympic Coordinating Authority [OCA]. I understand that a conclusion has been reached between the parties and I am concerned that, from my reading of this bill, it will override that agreement and any caveats associated with the land.

Why does this Government engage in extensive negotiations involving considerable public time, input and participation if it then introduces legislation that overrides the conclusions reached in those negotiations? If the Government intended to override the public consultation process, it should have indicated that intention at the commencement of the process instead of wasting large amounts of public money and the time of well-intentioned people who participated in local decision making.

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The Hon. M. R. Egan: I am a local person and the local people did not ask me for my views.

The Hon. Dr A. CHESTERFIELD-EVANS: I can understand that. We have had more than enough of your views in this House as it is. Part 7 of this bill modifies the Local Government Act 1993. The concerns of local government are very much connected with those of the local people and should not be arbitrarily overridden because part 7 states that the Olympic Co-ordination Authority can do whatever it likes. Those sorts of Draconian powers are not necessary. I am concerned about the tendency of the Government to simply say that it has the biggest sledgehammer. The Homebush Bay Operations Act extends the scope to people acting as casual police, that is, security guards; and their instruction worries me. The reality is that John Howard's backward stance on reconciliation is going to cause trouble. The fact that Aborigines are so shabbily treated in Australia is a source of national embarrassment, and his failure to apologise and work seriously towards reconciliation has given Australia immense bad publicity.

The Hon. M. J. Gallacher: Did you hear about the meeting last night? No, you didn't hear about the meeting last night.

The Hon. Dr A. CHESTERFIELD-EVANS: I did not hear about it. I do not think that one meeting last night will fix the problem of John Howard's totally derisory dealings with Aborigines, which are an absolute disgrace. The Australian people are justly embarrassed by his actions and by the world's perception of us as pariahs because of Australia's stance with regard to the United Nations committee on human rights.

The Hon. M. J. Gallacher: Keep up with the game, Arthur. After that meeting last night reconciliation is well on its way.

The Hon. Dr A. CHESTERFIELD-EVANS: It suddenly happened, just like that, did it?

The Hon. M. J. Gallacher: It has moved on since your argument—

The Hon. Dr A. CHESTERFIELD-EVANS: It is not very likely that one meeting will undo it.

The Hon. J. H. Jobling: Point of order: I cannot find any reference to John Howard in the Olympic Arrangements Bill. I ask that you bring the honourable member back to the bill.

The Hon. Dr A. CHESTERFIELD-EVANS: To the point of order: We have to look at the likely events at the time of the Olympics and the effect of protests about the building up of social forces, the origins of which are very important. The Opposition cannot interject to provoke comment, and then protest when I address that comment.

The TEMPORARY CHAIRMAN (The Hon. J. R. Johnson): Order! The Hon. Dr A. Chesterfield-Evans has cast a very wide net. I suggest that he draw it in a little.

The Hon. Dr A. CHESTERFIELD-EVANS: I will talk about the possible likelihood of protests and the way in which this bill deals with that aspect. The anguish experienced by Aborigines

is quite justified in Australia and that is likely to invoke protests during the Games. This House should properly address the ramifications of such protests during the debate on this bill. If Draconian powers are given to police and security guards, who will be asked to work alongside police because extra human resources are needed to organise the Games, it is important to give them the same power that is traditionally given to police to deal with protests in Australia, and in New South Wales in particular.

In recent years police have allowed peaceful protests as a legitimate form of expression in a democratic system. That contrasts with the Vietnam war days, when the police simply said that cars owned the streets and protesters could not march along a street unless they formed such a critical mass that the police could not stop them. That was a bad way to manage people at that time, but since then the police approach has become far more enlightened. It would be a retrograde step if legitimate expressions of opinion were prohibited under the Homebush Bay Operations Act and under the extension of powers associated with this bill that will impinge on those rights. Many honourable members are extremely embarrassed by the Government's actions and are sympathetic to peaceful expression or to the handing out of non-commercial literature which effectively seeks to put Australia and New South Wales in a better light than how it appears in the foreign media in view of the Prime Minister's statements on the subject.

The Australian Democrats have no objection to clearways and various other means to improve traffic flow, or to constrain commercial behaviour and discourage scalpers and people seeking free publicity and thereby undermining the sponsors of the Games. Games sponsors lessen the burden on taxpayers by their exclusive purchase of advertising materials. However, there should be provision for the distribution of non-commercial material. Obviously if that includes harassment of people, that would have to be dealt with pursuant to the right of people not to be harassed, and the necessity to allow the orderly movement of people who want to see the Games.

As Reverend the Hon. F. J. Nile said, religious and other groups should be able to distribute non-commercial material in a non-invasive manner. It concerned me that at Los Angeles airport I was harassed by people pushing religious messages. The basic principle that people should be allowed to make their point without being subjected to draconian laws—particularly by people not well trained in the more enlightened recent police tradition of managing protests and expression of opinion—must not be undermined by this bill. The Australian Democrats will examine the amendments to see what improvements can be made to the bill in regard to those matters.

The Hon. Dr P. WONG [11.57 a.m.]: This bill seeks to introduce temporary modifications to a number of Acts in order to enable the more effective running of the Olympic Games. The bill has been introduced to establish necessary arrangements for the running of the Olympics. It will specifically make arrangements to reduce traffic congestion and regulate functions such as bus operations, waste disposal and food deliveries during the Games. The Olympic Games are a very important event not only for New South Wales but Australia. In the years to come many benefits will flow to the economy and the international image of Australia. There will be many benefits to the employment market when thousands of young people will have the opportunity of work experience with temporary or voluntary employment.

The Games will be an opportunity for all Australians, and hopefully our political leaders, to reflect on the benefits of Australian multiculturalism. Organising authorities and employers can tap into the diverse cultural and language skills of the Australian population. One of the reasons that our Olympic Games will be especially popular throughout the world is that New South Wales and Australia will present a showcase of all cultures and languages in the world. All those who visit Australia during the Olympics will find a small piece of their home country here, as well as a small piece of all other cultures and countries in the world.

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Having said that, I still have many concerns with the Olympics and its management — issues that were raised during the parliamentary inquiry into Olympic ticketing, as well as into the management of the Olympic Club. However, I am still confident that all difficulties will be corrected in time before the Olympics. Furthermore, I am concerned how the Olympics will affect the daily lives of Sydney residents, particularly those who are socially and economically disadvantaged. I agree with the concerns expressed by the Hon. I. Cohen about the Sydney Foreshore Regulation.

There are a number of matters of concern with this regulation. Firstly, it gives an extension of these specific police powers to people who would not have the same training and expertise as police officers, such as rangers and security officers. Under the regulation, a ranger or an authorised officer may request a person to leave a public space within the Sydney Harbour foreshore, if they are deemed to cause annoyance or inconvenience to others, contravene any provision of the regulation or trespass on any part of a closed public area. However, unlike police officers, those authorised personnel are not required to provide evidence that they are a police officer or authorised officers, or to give their names or give the reason for the requests that they make. Unlike the powers conferred in this regulation to authorised persons, police powers are under review by the Ombudsman, establishing reliable venues for accountability and respect for the law. With this regulation, an opportunity is being opened for violation of basic human rights without any accountability. I totally agree with the comments made earlier by the Hon. Dr A. Chesterfield-Evans: such measures are draconian.

Secondly, the reasons for "moving people on" under the regulation include activities such as collecting or attempting to collect money, using facilities for sleeping overnight, and riding or using any skateboard, roller skates, incline skates or similar equipment. In other words, this regulation attempts to clear the city of all homeless people, buskers and street artists, as well as beggars, and would target young people in a grossly discriminatory manner. What is the motive for this regulation? Is it to show the world during the Olympics, and very likely afterwards, how successful, harmonious and organised a society we are that we do not have social problems that leave thousands of people homeless on our streets? Is it to show that we are a successful economy that can employ everyone, so that there are no beggars on the streets? Or is it to show that we can engage our young people and artists in meaningful and fulfilling activities so that they do not have to be a nuisance to the general public? If this is what we want to achieve, then this regulation is not the way. We should more seriously consider our programs for social services, employment, housing, education and training. I hope that those concerns will be resolved quickly and effectively before the Olympics.

Although I accept that these are necessary tools, and I support the bill as it will enable better running of the Olympics, I am concerned that some of these provisions, especially those related to offences for traffic violations, may impact ordinary citizens in a very adverse manner. I do not accept the high penalties for driving offences established in the bill and I would support any amendments to that section of the bill that would reduce the draconian changes to the penalties for driving in restricted Olympic lanes. A maximum penalty of \$2,200 would adversely affect anyone.

I am happy that the Minister for Transport is undertaking measures to enable 24-hour public transport, and I seek a further commitment that the Minister will remain open and flexible to further suggestions by groups who would be specifically affected by these arrangements. I am happy that SOCOG actively seeks to adequately represent Australia's indigenous heritage at both cultural and sporting levels. SOCOG's indigenous relations manager, Gary Ella, in co-ordination with the Wollongong City Gallery and other indigenous centres around the country, is arranging an exhibition of indigenous art at the Homebush Olympic site. In line with these positive efforts, I would urge the Prime Minister to take very positive measures towards reconciliation before the Olympics. I praise all those who have committed their time and continue to work very hard for the successful staging of the Olympics.

Ms LEE RHIANNON [12.04 p.m.]: The Greens oppose this legislation. I endorse the comments made by my colleague the Hon. I. Cohen on this matter.

The Hon. M. R. Egan: You oppose the Olympics, don't you?

Ms LEE RHIANNON: Corporate Labor! You are only interested in tickets for your mates. You could not even honour your own promises.

The Hon. M. R. Egan: You would have supported the Moscow Olympics though, wouldn't you?

Ms LEE RHIANNON: You would not even honour your own promise to give tickets to the people, so you have had a real problem from day one. While the Greens recognise that the size and scale of the Olympics will necessitate a change to the normal operations of the city, many of the

provisions of this legislation violate Australian traditions of freedom of association and expression, care and concern for the homeless, and the right of public involvement in decision-making.

The Hon. M. R. Egan: What about the freedom of movement that you impede?

Ms LEE RHIANNON: I will come to that. I am glad that the Treasurer is in the Chamber. I hope he remains to listen to the debate. The common thread in these issues is the way in which the bill would place the public relations and marketing success of the Olympic Games ahead of the public interest. This has been the theme of Olympic decision-making from the beginning. We understand the term Green Olympics to refer to the values that our party, the Greens, stand for: social justice, ecological sustainability, grass roots democracy, and peace and disarmament. This bill and its companion legislation, the Homebush Bay Act and Regulation, would make obvious the real thinking behind the Olympics. The Green Olympics would have to be renamed the Bjelke-Peterson Olympics if we were to go down the track that the Government presents to us in this bill. It should be called by that name in recognition of the draconian controls that this bill seeks to establish over peaceful protests and over those who would do no more than promulgate their opinions and beliefs in leaflets and pamphlets.

The Greens are particularly concerned that this legislation is another expression of the law and order philosophy that permeates too much of the policy framework of both Government and Opposition. It is becoming obvious that there is a sea-change in the way that peaceful protests are being viewed within the Police Department and the Government. Recent experiences in Sydney point to a confrontational attitude from the police not seen since the worst days of the Askin Government. Let us cast our minds back to some of the problems. Although the Treasurer denies, or perhaps even endorses, police violence—and we will see how often he attempts to interject when we get to this point—what we have seen in the past few weeks is some of the most atrocious police behaviour. What has been suggested to us by people who are close to the issue is that the police are using current protests to practise the various methods that they will use leading up to and during the Olympics.

The Treasurer has a closeness with issues that are Irish and with issues that are Catholic, so I wonder whether he would endorse what the police did during a recent protest that I thought he would have supported. On 20 March 2000 a number of people gathered when the Queen visited New South Wales. This was not a Reclaim the Streets protest; it was not civil disobedience. It was a traditional type of protest: people standing on footpaths with placards. Some of those placards read "British troops out of Ireland" and "Blair, honour the Good Friday agreement!" Others stated "Release all political prisoners", "Disband the RUC", "Justice for Rosemary Nelson and Pat Finucane" and "Bloody Sunday 1972: Truth & Justice now!" I repeat, this was a very traditional protest. What happened? The police arrived before the Queen and said, "You can't do this." The police ripped down the placards and destroyed them, and confiscated banners. Is that part of Australian tradition?

The Hon. M. R. Egan: That is your story. I wouldn't believe a thing you said.

Ms LEE RHIANNON: That is the story of Australian Aid for Ireland. It is a tragedy that a Minister of the Carr Government is refusing to believe or even contemplate what happened on that day, despite the fact that the traditions of his party have so much to do with the struggle in Ireland. That is a struggle that continues today. People who were supporting that struggle were not even allowed to go ahead with their protest. Let us consider what happened on that day. The protesters had their banners and placards confiscated and destroyed. Just the Sunday before was the annual celebration of St Patrick's Day. Maybe the Treasurer was down with his mate Paul Whelan at one of his pubs enjoying a few too many Guinnesses.

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Loq: Rhiannon

If the Treasurer had observed the march on that day he would have seen these same placards—let me go through some of them again—"British troops out of Ireland" and "Blair! Honour the Good Friday Agreement!" All those protestors were allowed to proceed past the police. The police did not do anything. The St Patrick's Day march was allowed to proceed but the next day the police moved in with their violent tactics and destroyed placards and banners. The Greens certainly congratulate the Australia Aid for Ireland organisation on organising this protest.

The Hon. M. R. Egan: Point of order: What has this got to do with the bill?

Ms LEE RHIANNON: It has a great deal to do with the bill because it shows the tactics that are being used the police. They are literally practising for the Olympics—

The Hon. M. R. Egan: Point of order: I am not quite sure what the situation in Ireland has to do with the bill before the House.

Ms Lee RHIANNON: To the point of order: We are talking about a protest in Sydney and about police tactics, which are totally relevant to the debate. The right to protest is central to the legislation we are considering at present.

The DEPUTY-PRESIDENT (The Hon. A. B. Kelly): Order! Members sometimes digress from the subject-matter of a bill, but it is important that members confine their comments to the bill. Ms Lee Rhiannon would return to the leave of the bill.

Ms LEE RHIANNON: It is also relevant to remember that Mr Paul Lynch, a Labor member of the lower House, was so concerned about the way in which the police handled this matter that he issued a statement in which he described the police actions as:

... quite outrageous ... a substantial attack upon our democratic traditions of free speech. What on earth do these police think gives them the right to become political sensors of which banners or placards can be displayed? The NSW Police Service should not be paying the role of 'thought police'. This sort of behaviour by the police cannot be tolerated.

That statement was made by Labor member Mr Paul Lynch in a letter to Mr Paul Whelan on 21 March. I am raising this issue because of Mr Lynch's comments about "thought police" and about the violence of police. This matter has great relevance to what could unfold in the lead-up to and during the Olympics. That is one example of an ordinary protest at which the police used totally heavy-handed tactics. Let me again explain what I mean by "an ordinary protest": one at which protestors stood, with their placards, on the side of the street. The Reclaim the Streets march has been referred to as another example of civil disobedience. Civil disobedience is an important element of the international protest movement. Civil disobedience has played a significant role in achieving social change in the United States, in the civil rights movement in India, in reaction to the Vietnam War and in causes in many other parts of the world.

The Hon. Dr B. P. V. Pezzutti: They should all go to gaol.

Ms LEE RHIANNON: If the Coalition were in power that is what it would surely do to protesters. Civil disobedience has a fine tradition in this country. However, when civil disobedience does occur, sometimes the police allow it to happen, sometimes they move people on, and sometimes they arrest them. I acknowledge that police have power to arrest, but I am objecting to police violence as occurred in the Reclaim the Streets protest. The police had the power that day to move people on from the streets or to arrest them, but they chose to take neither action. They chose instead to bring in the horses, to bring in capsicum spray and also—

[*Interruption*]

The DEPUTY-PRESIDENT: Order! Interjections make it difficult for *Hansard* to hear and record the debate. I ask members to desist from interjecting.

Ms LEE RHIANNON: Civil disobedience is a powerful tool that is being used by some of the most courageous social justice movements around the world. Civil disobedience has been used in Australia and is part of the Australian tradition of freedom of association and expression. The police have the right at times to move people on, to arrest them and to detain them. But at all times they have to abide by their duty of care, and not use violence.

[*Interruption*]

The interjector is suggesting that members of the major parties support police violence. I am saying that the police have the power to move people on, to detain them, to arrest them and to charge

them. The police arrested three people but they did not charge anybody. At no time did they give them a warning. Many people are worried that similar incidents will occur at the Olympics. Why did the police not use proper procedures? Why did they send horses in? Why did they use capsicum spray? The suggestion that I have received from many quarters is that it is practice for the Olympics. All that the police had to do was to move people on. I have given honourable members two examples of this sort of behaviour. I turn to another example of such behaviour, this time during the International Women's Day march and rally, an event held annually for well over 50 years in this country.

The Hon. Dr B. P. V. Pezzutti: Point of order: Mr Deputy-President, the honourable member has been directed by you to be relevant and to stay within the confines of the bill. She has been up and down the Eastern Distributor and she is now discussing International Women's Day, which has absolutely nothing to do with the bill. I ask you again to direct her to stay within the confines of the bill. The rest of her contribution is highly worrying to me.

The Hon. I Cohen: To the point of order: It is obvious from the goading and irresponsible behaviour of honourable members that they are seeking to broaden debate at this point. Ms Lee Rhiannon is giving examples of protests, which is central to what could potentially occur at the Olympics as a result of these unfair laws. As those examples concern events that have already occurred I suggest that the matters to which she is referring come within the scope of this legislation.

The Hon. M. R. Egan: To the point of order: I point out to the Hon. I. Cohen that he should be cautious before jumping to the defence of Ms Lee Rhiannon. He should make no mistake about the fact that she has a show trial in mind for him. She is already organising the numbers to knock him off his preselection. We all know that. There is no denial from her. The old com is at it again. She is using the Greens simply as a vehicle for her own communist purposes.

The Hon. I. Cohen: Further to the point of order: It appears as though the Treasurer is judging parliamentary performance and the desire for career from his own level. Throughout the Labor Government we see seat warmers all the way along the line. The Treasurer does not have the right information. He never bothered to ask me whether I will again go for preselection or whether I will be in this place after eight years. Nothing is happening within the Greens. If I am not in this place after eight years it will be because of the company I am forced to keep and the irrelevance of debate in this House.

The DEPUTY-PRESIDENT: Order! I am not sure whether some of those arguments were relevant to the point of order. Though I accept the point made by the Hon. I. Cohen that constant interjections are causing Ms Lee Rhiannon to digress from the bill, I again ask her to return to the leave of bill.

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Ms LEE RHIANNON: I thank my colleague for pointing that out to honourable members, and I hope they have taken that on board. Many examples lately show a real shift in police tactics. This is clearly the lead-up to the Olympics. Honourable members saw another example yesterday, on an issue the Coalition does not support but on which the Federal Labor Opposition has taken a good position—mandatory sentencing. Day after day we see demonstrations in the city streets. A few police come along, knowing that the demonstration will play out and be over. But yesterday they brought in the horses. This has not happened in New South Wales for years and years. Police had come to an understanding, particularly since the Vietnam War days, that people can come together, have their protest and then move on. A very worrying change is developing. I want to put on the record what happened at the International Women's Day march, because so often in this place women's issues are talked down.

The Hon. Dr B. P. V. Pezzutti: Point of order: The honourable member is obviously flouting your ruling by going back to her notes and continuing to read without interruption. She should be brought back to leave of the bill.

Ms LEE RHIANNON: This is most definitely within the leave of the bill. Central to the bill is the right to protest. A major issue that has been debated within the community for so long and is canvassed within the bill itself is what is happening to public space, from the Domain to the Rocks

and Darling Harbour. We have had a tradition of being able to use public space. We will be losing that right if the bill is accepted in this form. This issue is clearly relevant.

The DEPUTY-PRESIDENT (The Hon. A. B. Kelly): Members often cite examples that are not strictly relevant to the bill being discussed, but if they refrained from doing so the debate would be Ms Lee Rhiannon's point that members should be allowed to rely on examples to make a point, and I will allow her to continue.

Ms LEE RHIANNON: The International Women's Day march was intended to be the same this year as for every other year: the march would follow a set route and we would come back to Hyde Park and have a pleasant day with family and friends. On this occasion—and this has not happened in living memory—the police would not allow the march to proceed on the agreed route. Every time people have gone onto the streets in the past six months the police have been obstructionist or violent. It is a real worry, and that is why we are debating the bill with great passion and concern.

As bad as the situation on the streets seems, the bill will make matters worse by handing over to any person authorised by the Olympic Co-ordination Authority [OCA] move-on powers greater than those currently granted to the police. There are no restrictions on the OCA in granting such authorisations, nor is there any requirement that authorised persons have qualifications or be subject to restraints on behaviour. Even civil remedies are denied to those who may be injured by the actions of these authorised persons. Corporate Labor must have come up with this one. They have tried the names Country Labor and Australian Labor, but the term Corporate Labor sums up what they do these days. The fact that the bill even denies injured people the right to take action shows how serious the problem is.

We are seeing the beginning of a nightmare: a private army exempt from police protocols. Although the Greens have registered many concerns about the police, we acknowledge they have rules and regulations and a set of laws by which they have to abide. However, an army of people exempt from the constraints of civil remedies, from the oversight powers that restrain the police, and from the need to carry a badge to identify themselves, will be let loose in urban Sydney.

The Greens opposed the Homebush Bay bill for reasons similar to those we are presenting in this House. At least in that bill the impost on civil liberties was confined to the Homebush Bay site. There can be no such reassuring qualification in support of this bill. The basic right of ordinary Australians to express dissent in popular public spaces will be quashed. The OCA private army will be let loose on the public at Circular Quay, Martin Place, Belmore Park, Bondi Beach, other Olympic venues and, most significantly, the Domain. The Domain is so much a part of the rich traditions of our city and our nation as a place for people to congregate for free expression. The symbolic home of free expression and association in Australia—the Domain—is to be policed by a private army answerable only to the bureaucrats of OCA. That will be a tragedy for the Olympics.

Although the Treasurer likes to toss off his many interjections about how we are against the Olympics, the point we are making is that organising a private army will lessen the standing of the Olympics. It is such an offensive way to organise any major public event. The Greens will be seeking to amend the powers of authorised officers to ensure that a precedent is not created for private policing. We will be seeking also to amend the legislation to ensure that the right to take civil action for personal injury is not destroyed. The health of our democracy, the continuation of the Australian traditions of freedom and tolerance, must not be placed at risk for the convenience of good public relations.

Many other sections of the bill cause the Greens great concern. There is no greater tradition than the passing out of printed materials on political movements, including the ALP. I imagine some honourable members who have been so vitriolic in their objections today have gone out into the streets—probably when they were younger and before they got their seats in this place—and worked their constituents by giving out leaflets and engaging in that most important tradition of the democratic process in this country. Social progress in Australia and around the world is based on dissemination of ideas. Yet the bill seeks to create censorship rights for OCA bureaucrats. That is not acceptable. The provision in the bill should be amended. How horrible it is to think that an arrangement will be set up for the Olympics that will rob citizens of the right to engage effectively in

the true richness of a democratic society, to hand out and share information, and to publicly debate issues and work through the many complex issues that face our community.

The argument that civil order could be compromised by the distribution of leaflets by political or religious organisations is nonsense. The bill creates other powers to deal with obstruction and disorder. With such powers the authorities will find it an easy task to handle any person giving out material in Martin Plaza or the Domain where the distribution is deemed to be an obstruction that is holding up the public. The police could move in and use the other powers that they have already gained under the Homebush Bay bill to stop the distribution of such material. The police already have the necessary powers. We are so worried about this legislation because it is being used to crank up the powers not just of the police but of a whole range of other authorised personnel, and at no time has the Government been willing to define the meaning of "authorised personnel". The Government has attempted to say in various briefing notes and talks that "authorised personnel" does not mean volunteers, but at no time has it been willing to put in black and white what it means by "authorised personnel".

We also need to remember that the rights of the homeless will be at risk from the exercise of powers created by this bill. This is very disturbing, because the Government has said it will work on a protocol for homeless people.

Break/Jarka

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However, this bill has been brought forward with great haste, as we have seen today, with memories of what happened last year when it was rushed through the Parliament at an unexpected time.

The Hon. J. R. Johnson: Nothing is ever rushed through the Parliament. The honourable member can talk for as long as she likes.

Ms LEE RHIANNON: Yes, it was rushed through the Parliament. It was brought on at an unexpected time. Perhaps the Hon. J. R. Johnson cannot remember what happened.

The Hon. J. R. Johnson: That is a stunt.

Ms LEE RHIANNON: It was a stunt by the Labor Government to push it through at a time when it was hoping that most people would be at the media Christmas party. At that time we saw a most unpleasant sight. The Leader of the Opposition made a speech to the effect that the Opposition would support the Greens' amendments. He was handed a note and suddenly started to back off. He seemed to be satisfied with having his belly tickled and rolling over. No longer were the most important amendments—

The Hon. M. J. Gallacher: I resent that.

Ms LEE RHIANNON: If the Leader of the Opposition is satisfied with having his belly tickled, that seems to be a fairly easy compromise. And the Government knows how to get to the Opposition quickly. The Government has created a very unpleasant situation for the homeless people of Sydney—people who obviously do not have a strong voice because of their situation. The Government has undertaken a public relations exercise by saying that it would have a homeless protocol. However, if it was committed to such a protocol surely that protocol should be included in this bill.

The right of public consultation in the modification of development consents was established when New South Wales adopted the Environmental Planning and Assessment Act. While it has been whittled away by successive governments, there is still strong anticipation that the community's voice will at least be heard, if not necessarily listened to. This bill seeks to override even that most basic right by allowing the contravention of planning consents and instruments, without public notification or consultation.

The Greens will seek to re-establish basic seven-day consultation periods to allow for some public input. In our experience this often leads to significantly better outcomes for all parties. Surely seven days could be allowed for public consultation so that people whose lives will be disrupted by the Olympics but who could be supportive of the Olympics at least feel included and do not feel that it

is simply a rich man's sport run by rich men and a government that has not even provided tickets for the majority of people.

The Hon. M. J. Gallacher: That's sexist.

Ms LEE RHIANNON: In this case it is not sexist because it is men. I deliberately used the word "men" because I was talking about the people who control the Olympics. As honourable members know, this place is still a place of suits. This bill also allows the breaching of conditions of consent on the management of waste. While we understand that the exceptional circumstances of the Olympics will lead to the need for flexibility, the Greens are concerned that councils will bear the costs incurred by these breaches. We will seek to ensure that the costs are borne by the OCA and not the councils. Surely, that is a reasonable suggestion in order to spread the Olympic spirit around.

Honourable members should remember that the whole basis of the Olympics is that the Olympic benefits—and this is set out in the Olympic protocols—should be shared by everyone, not just by a few. Clearly, the Government has not heard that message and it simply sees the benefits and the enjoyment of the Olympics as something for an exclusive few. In terms of how this bill impacts on other legislation, part 4 takes in the Crown Lands Act 1989. The relevant clauses are 16 and 17. I understand that part 4 provides for overseeing statutory arrangements regarding public reserve trusts over Crown land reserves, such as Bondi Beach and Bondi Park. Clause 16 effectively states that the Olympic Arrangements Bill will prevail over the Crown Lands Act when there is inconsistency.

Inconsistencies are most likely to arise over the rights of people to legally occupy and wander at will over public open space on Crown reserves dedicated to public recreation. Given the bill's implications for public reserve trusts set up in favour of the general public generally, and the implications for the use of Bondi Beach and Bondi Park specifically, the bill clearly needs further public scrutiny and debate. Again, the Government is using tactics to push the bill through and deny the possibility of public scrutiny and debate. However, the Greens wanted to flag that that would be a given in a democratic society.

This bill also has implications for native title issues in relation to Bondi Beach and Bondi Park. I understand that these matters were raised at a meeting held on 29 July 1999, at which the Minister for the Olympics was present. At that meeting were Mr Colin Gale, the Chairperson of the Darug Tribal Aboriginal Corporation and one claimant on behalf of the Darug people for Crown land and water in some parts of Sydney, and Mr Dominic Wyk, who is a Greens member on Waverley Council. Recent litigation in the Federal Court by Mr Wyk and the Darug people has caused the Crown via the New South Wales Minister for Land and Water Conservation, Mr Amery, to admit that native title has not been extinguished on some parts of Bondi Beach. Wide public debate should occur on this issue. If it does not happen, clearly the Government should at least contact the Darug people on this issue, as it promised to do at the July 1999 meeting.

The Government should be courteous to the Aboriginal people in the immediate Sydney area who have suffered so much. What we are seeing unfold once again is the Government running roughshod over native title. Surely the Minister should attempt to do the right thing on this occasion. The Greens acknowledge that running the Olympics will be a difficult task, but we believe it could be done much better. By taking some of our suggestions on board, the Government could make many significant changes that would benefit the people of Sydney and, indeed, the running of the Olympics. We are disappointed by the arrogance exhibited by Government members, particularly the Treasurer. In his interjections he is basically referring to the politics of my parents in his gutter approach to politics in this place, rather than addressing the substantive issues. The Treasurer either fails to listen or interjects so loudly that he cannot listen.

The Greens are putting forward a number of suggestions that would enable the Olympics to run more smoothly and more successfully for competitors, officials, visitors from around the world and the citizens of Sydney and, indeed, New South Wales. However, the Government is so arrogant that it fails to listen or negotiate on a few suggestions. On the question of negotiations, I shall raise some serious concerns about the way the Government has handled this matter. Honourable members know that members of the crossbench often put forward suggestions of changes to legislation, and many Ministers at least treat us with respect and listen to our concerns. Often some of the suggestions

are taken on board either with the Government changing the legislation or agreeing to our amendments.

Last week we met with Mr Tom Forest, who is an adviser to the Minister for the Olympics. He gave us a good hour of his time. We went into the meeting prepared to have a discussion about various points of view, and we will elaborate on that in Committee. We expressed our concerns and how we saw a way forward. At the end of the meeting the promise was made to the Greens that we would have a response from the Minister's office. Phone calls were made but there was no reply. More phone calls were made but there was still no reply. What an atrocious way to do business! All they had to do was say that they would not entertain any of our suggestions or that they would not have the meeting in the first place. The arrogance with which this bill has been prepared is not a successful way to conduct government.

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Often in this House we do not need an adversarial approach. Many of the suggestions that come from the crossbenchers, and indeed even at times from the Opposition, can greatly assist and improve the legislation. But the Government runs this State cloaked in secrecy and its obsession with power. Today we have heard a great deal from the Treasurer about his version of power in other countries. But he is doing the very worst in this State. He refuses to release documents; when he replies to a Dorothy Dixer he effectively lies when he gives information. Many people went to the Clerk's office to view those documents, and the Treasurer could not even get that right. Time and again there are outright lies, inaccuracies, or a blatant refusal to work with communities across New South Wales—communities that have so many answers to the many problems that face our society.

The Greens will move the amendments; it is not too late. We hope that the Government will have the sense to recognise that by supporting at least some of our amendments it will ensure that the people of this State will continue to enjoy their livelihood throughout the Olympics period, be able to exercise their freedom of expression and the right to protest, and lead a satisfactory life. The Greens look forward to addressing the House in Committee.

The Hon. H. S. TSANG [12.41 p.m.]: I support the Olympic Arrangements Bill 2000. The bill will facilitate the conduct of the Olympic Games, Paralympic Games and associated events to be held principally in Sydney in September. The Games are referred to as the Sydney 2000 Games. I emphasise my aegis as Sydney's Deputy Lord Mayor. The city of Sydney, which lent its name to the Games, can do a number of things. For example, it can get the city ready, get the footpaths ready, plant the trees, get the planning issues right, fill in all the holes in the ground, encourage investment, and get more hotels and apartments so that it can provide accommodation. But it cannot answer the incessant questions asked by the Olympic authorities and the public.

For example, how will the city of Sydney be able to minimise traffic jams caused by private and public transport vehicles travelling in and out of Sydney to the Olympic Stadium? How will it provide efficient vehicles for services during the month of September? How will it ensure pedestrian movement in the city and between the two major centres? How will it ensure security in public spaces? How will it prevent ambush marketing? How will it stop disorderly merchandising in the city? How will councils along the city of Sydney and the Olympic corridor be able to manage all of the problems experienced during the Atlanta Olympic Games and the Barcelona Olympic Games? Lastly, can the State Government deliver a bill which will facilitate the conduct of the Olympic Games?

The Olympic Games 2000 is a once-in-a-lifetime event for the people of New South Wales and indeed Australia. It will bring a great deal of excitement, inspiration and fun to our country in September. Our name, "Sydney, New South Wales, Australia", will be lit up in lights for the world to know. Sydney and New South Wales has this one and only chance to do it right. We have to do it better than Atlanta and Barcelona. We can only do it if this bill is based on an extensive review of each and every Olympic activity and government regulations are reviewed to put in place the various measures necessary to ensure that the Games run smoothly. I urge all honourable members to seriously consider and support the legislation.

The Hon. P. T. PRIMROSE [12.44 p.m.]: The Olympic Arrangements Bill is an omnibus bill to make temporary—I stress that word—changes to legislation applying to what is defined as the Games period.

The Hon. M. R. Egan: When does the bill expire?

The Hon. P. T. PRIMROSE: I am grateful for the interjection. As the Treasurer knows, the bill expires on 29 October 2000—except for annual auditing and reporting legislation which may apply for a longer period—to meet the operating requirements of the Olympic Games and Paralympic Games in areas including 24-hour operation of bus depots, revised delivery schedules in the central business district, and restrictions on street selling near Olympic venues, transport nodes and Olympic live sites. The bill contains a package of temporary legislative amendments necessary during the Games, and includes them in a single bill which amends all the relevant legislation.

A summary of provisions includes the annual auditing and reporting legislation, which extends reporting deadlines; and amendments to the Banks and Bank Holidays Act and the Factories, Shops and Industries Act to allow weekend trading by banks and department stores in the Sydney metropolitan area and the Blue Mountains during the Games period. Clause 15 (4), which refers to the Factories, Shops and Industries Act, reads:

Nothing in this section requires a person who is an employee before the commencement of the Games period to work for any period that is not included in a roster applicable to the person's work before that commencement.

That is an important provision in relation to employee entitlements. The Crown Lands Act will also be amended for the purposes of this legislation. Amendments to the Environmental Planning and Assessment Act will provide penalties for operating illegal car parks close to Olympic venues, and excuse non-compliance with development consents on matters such as operating hours. The Local Government Act will also be amended with regard to matters such as penalties for operating illegal car parks, the use of community land with the approval of council, and a range of other matters. For example, the Act will prohibit street selling close to Olympic venues, transport nodes and Olympic live sites without Olympic Co-ordination Authority [OCA] approval.

Amendments to the Protection of the Environment Operations Act will allow the OCA to declare that an activity is necessary for the conduct of the Games. This will displace the normal regulatory approvals that apply to functions such as bus operations, waste disposal and food delivery. The Environment Protection Authority will be the only regulatory authority during the Games period for these declared activities. Amendments to the road transport legislation will, for example, allow Olympic lanes to operate in a similar way to transit lanes, and allow for road closures and deliveries in the central business district at different hours from those that normally apply.

With regard to the Sydney Football Stadium, the legislation excludes, during the Olympic Games period, Sydney Cricket Ground Trust members' normal automatic right of entry. The changes in the bill to the Homebush Bay Operations Act allow the powers vested in the OCA through the Homebush Bay Operations Regulation to apply to other Olympic sites and Olympic live sites during the Games period. For those of us who are tired of constantly being bombarded with advertising everywhere we look, it is worth referring to clause 67, which refers to the prohibition of certain aerial advertising.

The Hon. M. R. Egan: Speak for yourself. I actually quite like it.

The Hon. P. T. PRIMROSE: The Treasurer likes advertising. Recently when I was walking down Macquarie Street I looked down and there was advertising, then I looked either side of me and there was advertising. On that day, when we had the first beautiful blue sky in a long time, I looked up in the air and there was an advertisement by a skywriter for a mobile phone company. I note that the air space provisions in the bill, with the exception of the approval of the OCA, will prohibit aerial advertising during the period of the Games. That is particularly pleasing. I urge the OCA not to allow any advertising during the Olympic Games. With our beautiful indigo blue skies, the last thing we want is advertising for mobile phones and the like to cover the whole of the Sydney air space. With those few words, I commend the bill to the House.

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The Hon. M. R. EGAN (Treasurer, Minister for State Development, and Vice-President of the Executive Council) [12.49 p.m.], in reply: I thank all honourable members for their participation in the debate. A number of honourable members indicated that they will move amendments during the Committee stage. I indicate on behalf of the Government that during the Committee stage the

Government will accept the Opposition's three foreshadowed amendments that have been circulated. Reverend the Hon. F. J. Nile has also foreshadowed an amendment. The Government certainly understands the spirit of the amendment proposed by Reverend the Hon. F. J. Nile. It is not the Government's intention to prevent the distribution of religious or any other material.

The Government's position relates to crowd movements and public safety. Imagine what would have happened just after last New Year's Eve if a number of people had attempted to hand out religious, social or political material at bus or train terminals when tens of thousands of people were going home. That could well have led to chaos and possibly could have adversely affected public safety. Similar crowds can be expected throughout the entire period of the Olympic Games. For those reasons the Government is not in a position to support the amendment adumbrated by Reverend the Hon. F. J. Nile.

The shadow Minister for the Olympics in the other place and his colleague the honourable member for Hornsby have already held discussions with the Minister for the Olympics on ways to facilitate the distribution of religious material in a sensible and orderly manner.

[Interruption from gallery.]

The DEPUTY-PRESIDENT (The Hon. Dr. B. P. V. Pezzutti): Order!

The Hon. M. R. EGAN: I understand that the Minister for the Olympics is eager to explore a resolution of this issue with Reverend the Hon. F. J. Nile. I commend the bill to the House.

Motion agreed to.

Bill read a second time.

[Interruption from gallery.]

The DEPUTY-PRESIDENT (The Hon. Dr. B. P. V. Pezzutti): Order! As members of the public seated in the gallery continue to interrupt the business of the House, I have no alternative but to have the gallery cleared.

[The Deputy-President (The Hon. Dr B. P. V. Pezzutti) left the chair at 12.53 p.m. The House resumed at 2.30 p.m.]

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OLYMPIC ARRANGEMENTS BILL

In Committee

Part 3

The Hon. M. R. EGAN (Treasurer, Minister for State Development, and Vice-President of the Executive Council) [2.33 p.m.]: I move:

Page 8, clause 15, line 14 insert "between the hours of 8.00 a.m. and 8.00 p.m." after "Sundays."

I am advised that this amendment simply corrects a drafting error.

Amendment agreed to.

Part as amended agreed to.

Part 5

Ms LEE RHIANNON [2.34 p.m.]: By leave, I move Greens amendment Nos 1 and 3 in globo:

No. 1 Page 11, clause 19. Insert after line 4:

- (4) A person (*the proponent*) must not do anything under subsection (1) unless the person has, in accordance with subsection (5), given not less than 7 days' public notice of:
 - (a) the proposal, describing in reasonable detail what it is proposed to do, and
 - (b) the right of persons to make submissions concerning the proposal, the person to whom and the address to which submissions may be made, and the period (being not less than 7 days after the public notice is given) in which any such submission may be made.
- (5) The public notice is to be given by causing:
 - (a) notice to be published in a newspaper circulating in the locality, and
 - (b) notice to be served on the occupiers of the adjoining land, and
 - (c) notice to be placed in a prominent position on the land to which the proposal relates.
- (6) Any person may, during the period referred to in subsection (4) (b), make a submission concerning the proposal.
- (7) Before doing anything under subsection (1), the proponent must take into consideration any submissions made under subsection (6).

No. 3 Page 15, clause 25. Insert after line 8:

- (5) A person (*the proponent*) must not do anything under subsection (1) unless the person has, in accordance with subsection (6), given not less than 7 days' public notice of:
 - (a) the proposal, describing in reasonable detail what it is proposed to do, and the right of persons to make submissions concerning the proposal, the person to whom and the address to which submissions may be made, and the period (being not less than 7 days after the public notice is given) in which any such submission may be made.
- (6) The public notice is to be given by causing:
 - (a) notice to be published in a newspaper circulating in the locality, and
 - (b) notice to be served on the occupiers of the adjoining land, and
 - (c) notice to be placed in a prominent position on the land to which the proposal relates.
- (7) Any person may, during the period referred to in subsection (5) (b), make a submission concerning the proposal.
- (8) Before doing anything under subsection (1), the proponent must take into consideration any submissions made under subsection (7).

Clause 19 concerns the modifications of environmental planning instruments and development consents. This clause will allow a person to do anything authorised by the bill, policy or strategy or to act even in contravention of a planning instrument or development consent. Similarly, clause 25 will allow a breach of conditions of consent and approvals for hours of operation, access to land, emission of noise and effects on amenities. The Greens are concerned that these clauses contravene the rights of communities to be involved in decision-making which affects its own environment and leaves it unprotected. Essentially these clauses will give excessive powers to the Olympic Co-ordination Authority.

The Greens seek to insert into these clauses a basic right that can be accommodated without any disruption to the Olympics. The Greens would like it noted that these amendments will not disrupt the Olympics but will help them run more smoothly. If amendments Nos 1 and 3 were adopted there would be basic community consultation mechanisms specifically designed to ensure that the due process of the Olympics is not delayed. Community consultation will be required before there is any such authorisation, which could consist of notifications calling for public submission, for instance, letters of notification to neighbouring properties where appropriate, signage on an affected site, a seven-day period for public comment and a requirement to take into consideration any submissions.

Those simple provisions would ensure that the community is up to date with the Olympics and that it is involved. These measures will work well when people do not feel antagonistic towards the Olympic but are consulted and involved. Therefore the Greens commend the amendments to the Committee because they will assist the Olympics.

Amendments negatived.

Part 7

Ms LEE RHIANNON [2.38 p.m.]: I move Greens amendment No. 2:

No. 2 Page 14, clause 25. Insert after line 34:

- (4) If, in the management of waste, a council incurs costs in doing anything that is authorised or permitted to be done under this section, and that it is reasonable in all the circumstances for the council to do, the council may recover from OCA as a debt such of those costs as are reasonably incurred.

This amendment refers to waste related to the Olympics and the additional costs that councils may have to bear. The Greens hope that the Government will listen to the concerns of councils because they relate to the Olympics operating in such a way that the benefits are shared by all. The Greens believe that also means that costs involved need to be shared equally and not be a burden on a particular council purely because of its locality. Councils could be unfairly and inequitably exposed to waste management costs beyond their control. Few councils will increase their revenue as a result of the Olympics, but some could end up with a huge extra cost. The Greens believe it is appropriate that councils not be subjected to undue hardship. This amendment provides that reasonable costs incurred by a council as a result of any breach of conditions that can be ascribed to result from the Olympics will be borne by the OCA and not by the council concerned. I commend this amendment to the Committee.

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The Hon. I. COHEN [2.39 p.m.]: I support the important amendment moved by Ms Rhiannon. It is of particular interest to me because my home community in the Byron shire is being crippled with problems caused by a waste, much of it resulting from the stresses created in the community by a well-developed tourist industry. Waste is now having to be transported to Queensland because the local tip is unable to dispose of it. Such a situation is occurring in many areas, including Sydney. Later today, if given the opportunity, I will ask a question regarding waste minimisation and Government targets. It is extremely important to recognise that events such as the Olympics generate substantial extra waste. It is therefore appropriate to take a positive view regarding the Green amendment moved by Ms Rhiannon. I certainly support it, and I would urge honourable members to give it favourable consideration as a step in the right direction to provide equity, particularly for local councils, many of which will suffer from the pressure of additional impacts created by the Olympics.

Amendment negatived.

Ms LEE RHIANNON [2.40 p.m.]: I move Greens amendment No. 4:

No. 4 Page 18, clause 27. Insert after line 24:

- (13) Nothing in this section prohibits the distribution of an article that is not of a commercial nature, or requires the approval of OCA or a council to the distribution of an article that is not of a commercial nature.

Earlier I explored some of the issues that go to the heart of the problem in this legislation. The measures that will control the sale and distribution of articles in certain places during the Olympics seek to place limitations on the fundamental right of freedom of speech. Clause 27 (6) prohibits the sale or distribution of articles in OCA-controlled lanes, Olympic venues, major transport nodes or at Olympic live sites during the Games period. Therefore people who distribute material during the Games could end up with a fine of up to \$5,000. Clause 27 allows a council whose area contains an Olympic venue, major transport node or an Olympic live sight to prohibit the sale or distribution of any article within three kilometres of that site. That is an extraordinary distance to encompass such a limitation.

Taken together, those two provisions present a very serious problem. I have explained that other measures in the legislation give quite extensive powers to police and other authorised persons to move people on should any delay occur through the distribution of material, whether religious or political. There is most definitely no need for such a provision. It is just another limitation on the concept of freedom of expression, irrespective of what form that takes.

The Greens want to emphasise an issue that is dear to them and that really should be dear to all political parties represented in this place. We are a democratic country and therefore we must rely on mobilising people when we want to gain support for our causes. Although in these days of changing technology that kind of activity is decreasing, the distribution of material has been a cornerstone of all of our political organisations. It is incredibly important that this amendment be made to the bill. Clause 27 represents an attack on some of our most basic principles: that groups and individuals may distribute materials. These provisions are an unhealthy way for a society to go, even if for a short period.

The Greens accept the commercial imperatives of the Olympics, albeit they are unpleasant and damaging. However, we do not believe that such powers should be given to the OCA at this time. We agree with others of our colleagues who have spoken in this place who say we need to ensure that people will still be able to disseminate their ideas and circulate freely at this time. We remain concerned about the issue, and we believe that this amendment will safeguard this important Australian tradition, while at the same time not impeding the safety of the public during the Olympics. I commend the amendment.

The Hon. M. R. EGAN (Treasurer, Minister for State Development, and Vice-President of the Executive Council) [2.44 p.m.]: The Government opposes the amendment. One might call this the Lee Rhiannon disruption amendment. If the amendment were successful it would give a green light—

The Hon. M. J. Gallacher: The red light.

The Hon. M. R. EGAN: Or the red light, depending whether it is an indication of stop or go or an indication of political colour. But, if accepted, this amendment would give the go-ahead to Lee Rhiannon and her ilk to disrupt the Olympic Games. She would like to use the Olympic Games for purposes of disruption, just as she uses the Eastern Distributor and the Harbour Bridge on other occasions for. If she really believes that anyone in this Chamber will assist her revolutionary efforts, she has another think coming.

Ms LEE RHIANNON [2.45 p.m.]: It is interesting that the Treasurer personalises issues. On this issue the Greens are supported by an interesting cross-section of representation. That support ranges from the Christian Democratic Party, which spoke earlier about its concerns and the problems that it would have distributing its material, right across the political spectrum. This is a clear push by the Government to limit freedom of speech. The Treasurer personalises the whole of this debate. When I spoke previously I called the Treasurer a liar. He did not interject at that point. I now have to say he is a hypocrite because in my hand I have a Christmas card from him, in which he wrote:

Lee, best wishes for 2000. Michael Egan.

When he wrote that back in December he well knew the politics of my parents; he knew they were communists. Now he comes out again with all this Cold War stuff. Treasurer, the Cold War is over. You need to find better rhetoric. You really have a problem. The Greens are not the Communist Party, and the Treasurer still has his problem because he has run out of rhetoric. He has been here so long he has become stale. However, I still did appreciate receiving the card.

Amendment negatived.

Part agreed to.

Part 8

The Hon. M. J. GALLACHER (Leader of the Opposition) [2.47 p.m.]: I move Coalition amendment No. 1:

Page 21, clause 34, line 4. Insert “and must also take into consideration the noise impacts, or the likely noise impacts, of the activity or activities on residents” after “the declaration”.

As I alluded to during the second reading debate, this amendment seeks to address a discrepancy in reporting responsibilities to residents in the vicinity of Olympic venues. The amendment will not in any way hamstring the Environment Protection Authority; it will merely put the authority on notice that it must consider any concerns raised by residents.

Amendment agreed to.

Part as amended agreed to.

Part 9

Ms LEE RHIANNON [2.48 p.m.]: I move Greens amendment No .5:

No. 5 Page 30, clause 52. Insert after line 22:

- (4) A traffic management plan must make provision to ensure the continuing delivery of all materials and articles necessary to sustain the employment of persons within the area to which the traffic management plan applies.

This amendment is essential to ensure that people can maintain their livelihood during the period of the Olympics.

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Loq: Rhiannon

This amendment relates to clause 52, which refers to deliveries within the Sydney central business district [CBD]. We are faced with a really serious problem. It is certainly widely acknowledged that the Olympics will cause disruption, and obviously one role of the Olympic authority—and we have had since 1993 to organise for these Games—is to manage the Games in such a way as to limit the difficulties that people might face. At the moment, because of the way in which this legislation is worded, it will be possible for the Olympic Roads and Transport Authority to bring employment opportunities in the central business district to a virtual or complete standstill, which could have really long-term consequences.

While the Olympics will generate wealth for many who own rental accommodation and other service businesses, many will be disadvantaged. Mechanisms to redistribute any of the wealth created are beyond the ability, imagination or political will of this Government. The least that the Government could do is protect people in the CBD. I am talking about everyone from construction workers to office workers and small business people. The Government must protect those people so they are able to continue to gain their livelihood during this period. If we afford them that protection we will also be protecting their families. Surely that is something to which a Labor government should have a commitment.

The Greens are aware that the construction division of the Construction, Forestry, Mining and Energy Union [CFMEU] has concerns about some aspects of this bill. I understand that clause 52 will present that division with many problems. Last week I followed the CFMEU media conference and the media output from that conference with great interest. I understand that CFMEU officials at that conference were alarmed that up to 20,000 constructions workers could be put out of work for several weeks if this clause is not changed and the Government proceeds with its present agenda for organising the Olympics.

I have discussed this matter with a number of unions as well as the CFMEU. The Government must seriously consider the impact that this clause will have on all workers. The Greens amendment seeks to ensure that Olympic disruption, as inevitable as it is, will not destroy the supply chain that sustains employment for building workers, office staff, employees and other service industries in the central business district. It will do so by requiring that traffic management plans ensure that deliveries of material are provided for. I understand that this amendment has wide support within the union movement. Again, this is one area where I hope to have support from the Government. I commend the Greens amendment to the Committee.

Question—That the amendment be agreed to—put.

The Committee divided.

Ayes, 9

Mr Breen
Dr Chesterfield-Evans
Mr Corbett
Mr R. S. L. Jones
Mr Oldfield
Mrs Sham-Ho
Dr Wong

Tellers,
Mr Cohen
Ms Rhiannon

Noes, 25

Mr Bull
Mr Dyer
Mr Egan
Mrs Forsythe
Mr Gallacher
Miss Gardiner
Mr Gay
Mr Hannaford
Mr Harwin
Mr Hatzistergos
Mr Johnson
Mr M. I. Jones
Mr Lynn
Mr Macdonald

Mr Manson
Mr Moppett
Mrs Nile
Revd Nile
Dr Pezzutti
Mr Ryan
Mr Samios
Mr Tingle
Mr Tsang

Tellers,
Mr Jobling
Mr Primrose

Question resolved in the negative.

Amendment negatived.

Part agreed to.

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Part 10 agreed to.

Part 11

Ms LEE RHIANNON [3.10 p.m.]: I move Greens amendment No 6:

Page 36, clause 59, lines 23-28. Omit all words on those lines. Insert instead:

- (7) Functions for the enforcement of an order made under this section can be exercised only by a police officer.

Much controversy surrounded this amendment during earlier debate. The amendment concerns the right to protest, the right of assembly and the right to freedom of expression. The Minister for the Olympics, in consultation with the Minister, will be able to extend powers under the Homebush Bay Operations Act to Olympic venues and facilities, Olympic live sites and adjoining land. These powers will include power to authorise any person as an enforcement officer. Such authorisation will confer

move-on powers and the ability to confiscate objects. The person so authorised can be anyone. We have not been able to get answers from the Government about such authorisation and we are worried. Some people will be given extraordinary powers yet the Government is refusing to clarify what it means by the provision.

Police powers outlined in the bill appear to be similar to if not greater than those granted to police under the Crimes Legislation Amendment (Police and Public Safety) Act in 1998. The move-on powers were seen as controversial at the time of their introduction some 18 months ago, and it would be highly inappropriate to extend these powers to untrained persons. It is extraordinary that the Government would even consider such a measure when there is not even unanimous support amongst its own members. I understand the issue was the subject of controversial discussion in the party room and when it came before the House.

The bill highlights that most important and sacred of Australian traditions—the right to protest. Members of all parties are well aware that at times many of their constituents attend demonstrations. Abusive language has been used today about the right to protest, but honourable members know that these days many people, regardless of their place in the political spectrum, choose to protest. The bill sets a most dangerous precedent. Greens amendment No 6 seeks to modify clause 59 so that such powers cannot be granted to authorised persons. Policing of subject lands should be left to the Police Service, employing police powers established under the Crimes Legislation Amendment Act.

If the Minister for the Olympics is to be true to his words, as reported in the media, he will surely agree to the amendment. He said that a person so authorised would not be just anybody. If the Minister and the Government are truly committed to the rights of people, surely such powers should be left in the hands of the Police Service. I commend the amendment to the Committee.

The Committee divided.

Ayes, 8

Mr Breen
Dr Chesterfield-Evans
Mr Corbett
Mr R. S. L. Jones
Mrs Sham-Ho
Dr Wong

Tellers,
Mr Cohen
Ms Rhiannon

Noes, 25

Mr Bull	Mr Macdonald
Mr Dyer	Mr Moppett
Mr Egan	Mrs Nile
Mrs Forsythe	Revd Nile
Mr Gallacher	Mr Oldfield
Miss Gardiner	Dr Pezzutti
Mr Gay	Mr Ryan
Mr Hannaford	Mr Samios
Mr Harwin	Mr Tingle
Mr Hatzistergos	Mr Tsang
Mr Johnson	<i>Tellers,</i>

Mr M. I. Jones
Mr Lynn

Mr Jobling
Mr Primrose

Question resolved in the negative.

Amendment negatived.

The Hon. M. J. GALLACHER (Leader of the Opposition) [3.09 p.m.]: I move amendment No. 2 standing in the name of the Opposition:

Page 46, clause 72. Insert after line 30:

- (2) This section does not limit or otherwise affect the civil liability of a person for negligence that causes personal injury to a person or the death of a person.

This amendment to Olympic arrangements is much needed. It addresses the need for an equitable process by which a claim can be made pursuant to civil liability. As the legislation currently stands there is a question whether an individual who is injured as a result of a negligent act can subsequently make a claim.

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This amendment, by not limiting civil liability for negligence causing injury or death, would give victims of negligence occasioning injury, or their next of kin in the case of death, an opportunity to take civil action.

Amendment agreed to.

Ms LEE RHIANNON [3.10 p.m.]: I do not intend to move Greens amendment 7 as circulated. I move Greens amendment 8:

No 8 Page 47. Insert after line 15:

75 Authorised persons

A person authorised to exercise any function for the enforcement of this Act must, before exercising the function in relation to another person:

- (a) provide evidence to the other person that he or she is authorised to exercise the function, and
- (b) provide his or her name and place of duty, and
- (c) inform the other person of the reason for the exercise of the function, and
- (d) warn the other person of the effect of resisting the exercise of the function or of failing to comply with anything properly required in the exercise of the function.

This bill gives authorised persons powers beyond those granted to police. Once again some Coalition backbenchers seem to have trouble understanding the problem. Perhaps they want to give powers to their friends. Such powers should remain in the hands of the police. Opposition members are trying to set up the Greens as being always on the attack. We, on the other hand, are trying to find common ground. We did not say that the police should be given more powers; we said that they already have sufficient powers. Indeed, we think they have more than sufficient powers for the Olympics. We do not need what is outlined in the bill; it is very dangerous. Surely some commonsense should be brought to bear on this matter.

The amendment seeks to ensure that the powers of authorised persons are restricted. The Minister for the Olympics is on shaky ground. He continues to say that volunteers will not have all these powers and that everything is okay, but he refuses to define an "authorised person". The amendment will insert a new section in the Act to make clear that any person authorised under the Act may exercise powers under the Act only if, before exercising those powers, which involve issuing an order to any other person to do anything, the authorised person provides evidence to the person that he or she is an authorised person, provides his or her name and place of duty, informs the person of the reason for the exercise of power and direction, and warns the person that failure to comply with the direction may be an offence.

If the authorised person has complied with the above requirements in giving a direction to a person and the person initially refuses to comply with the direction, the authorised person may again give the direction and in that case may again warn the person that failure to comply with the direction may be an offence. The current wording of the bill is highly offensive. In this amendment the Greens are seeking to knock out the powers that authorised persons may exercise if the legislation goes through unamended. I commend the amendment to the Committee.

The Hon. I. COHEN [3.13 p.m.]: I support the amendment moved by Ms Lee Rhiannon. The Greens are concerned that people in the security industry, both in the city and in country areas, are not adequately trained to deal with situations in a professional way. We are concerned—and it is a reasonable concern—that giving powers to people who have a lesser degree of training than police may, during the Olympic period when there will be significant pressures on crowds, create situations that could easily get out of hand.

This amendment seeks to provide checks and balances or protections to ensure that security staff follow certain processes so that people are not abused in tense and crowded environments. Such situations could easily get out of hand. I support the amendment. I ask the major parties to consider the amendment as a recipe for ameliorating potential overreaction by badly trained authorities which could lead to crowd control problems and people becoming reactive and aggressive. The amendment is reasonable and deserves appropriate consideration.

[Debate interrupted.]

DISTINGUISHED VISITORS

The CHAIRMAN: I acknowledge the presence in the President's Gallery of members of the Beijing Ministry of Justice. I welcome them here today.

OLYMPIC ARRANGEMENTS BILL

Second Reading

[Debate resumed.]

The Hon. Dr B. P. V. PEZZUTTI [3.15 p.m.]: I shall make an observation at this stage of the Committee's deliberations. Ms Lee Rhiannon—it should be the Hon. Lee Rhiannon but she deliberately chose to be referred to as "Ms Lee Rhiannon", and I now know why—throughout her life has been a strong advocate for a totalitarian system of government and has supported totalitarian regimes in the USSR, China, Vietnam and in all other countries that have totalitarian regimes—

Ms Lee Rhiannon: Point of order: This has nothing to do with the amendment before the Committee. The guests in the President's Gallery would probably be interested to hear the honourable member's abuse of their country. However, he should speak to the amendment before the Committee and show the visitors in the gallery that this House can work in a dignified way.

The Hon. Dr B. P. V. PEZZUTTI: I chose those words deliberately. It is not a poor choice. Ms Lee Rhiannon parades herself as a democrat who upholds freedom of speech.

The CHAIRMAN: I have not ruled on the point of order. In the second reading debate members may speak generally to the bill. In Committee members must confine their remarks to the clause or other part of the bill that is being considered. I ask the Hon. Dr B. P. V. Pezzutti to do that.

The Hon. Dr B. P. V. PEZZUTTI: I am sticking to the clause precisely because this amendment goes to the issue of giving certain powers to people other than police and the concern of the Greens that the powers given to these people, as modified by this amendment, would be more than they could handle. Although Ms Lee Rhiannon, in moving this amendment, shed crocodile tears and showed care and concern, she did not show any concern for this House in the way she organised the demonstration to disrupt—

Ms Lee Rhiannon: Point of order: That is an outrageous charge. I had nothing to do with the demonstration. What happens in the gallery is not linked to me.

The Hon. Dr B. P. V. PEZZUTTI: The honourable member can make a personal explanation any time she likes.

The CHAIRMAN: Order! This is a matter for a personal explanation.

The Hon. Dr A. Chesterfield-Evans: To the point of order: This is personal abuse of Ms Lee Rhiannon. It has nothing to do with the merits of the amendment.

The CHAIRMAN: Order! I have ruled on the point of order. There is no point of order. This is a matter for a personal explanation.

The Hon. Dr B. P. V. PEZZUTTI: I wonder whether there is anything real about the concerns being expressed by Ms Lee Rhiannon in this amendment. The amendment is crazy. I do not support it, and I will not support it. We need to provide certainty to people visiting the Olympic Games from other countries and to ensure that people can move about freely and with dignity. Activities should not be disrupted by the likes of Ms Lee Rhiannon and her crew who will push their own barrow, no matter what harm it does to the police or other people. We should either have an increased number of police—and we do not have them—from country New South Wales, or we should provide officials with certain powers, which is what this bill is about.

The Hon. M. R. Egan: Ms Lee Rhiannon does not like the police.

The Hon. Dr B. P. V. PEZZUTTI: She does not like the police at all. Indeed, no matter how much she damages the police or causes violence to them, she complains if she slips off a barricade and hurts herself.

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Ms Lee Rhiannon: Point of order: The Hon. Dr B. P. V. Pezzutti has no evidence that I have committed violence towards the police. I most certainly have not done that, and it has nothing to do with the matter being debated.

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

The Hon. Dr B. P. V. PEZZUTTI: If Ms Lee Rhiannon were to learn the forms of this House a little better, she would get on a lot better in this place, instead of abusing the House as she has done. I strongly believe that if other amendments such as this are to be moved, Ms Lee Rhiannon should have a good look at them, as she looked at amendment No. 7, and say, "I have done my bit. I have caused my little stir. I have had my fun. But let's get on with the business of making sure that these Olympic Games work and that the people who go to them go there in safety and freedom from being disrupted."

The Hon. I. COHEN [3.21 p.m.]: I do not wish to waste the time of the House further. However, since the very early stages of my time as a member of this House I have seen both major parties lining up over issues to do with the Olympics. There has been a degree of controversy since then that there has been a curtailment of the rights of people with regard to the development of the Olympic Games. The Greens have consistently opposed that. I do not believe that there is anything sinister by way of this amendment. It simply proposes that relatively untrained security officers replace police and that it is appropriate that a number of stages be taken before those officers can use what are at present draconian powers to move people on. That is not undemocratic. That is basically saying that these people need to have a set of guidelines to slow down the process, simply so that people's rights are guaranteed.

[Interruption]

The Hon. Dr B. P. V. Pezzutti is within his rights to disagree. He has his opinion as to what is true, and I have my opinion as to what is true. As a Green I put forward the point that this amendment clearly indicates a degree of protection to people in the community, whether they be people who may disagree with the Olympics or people who simply find themselves in the wrong place at the wrong time, doing the wrong thing. It happens time and again. I move around the community and observe and participate in many of these demonstrations. Some time ago at Darling Harbour after a Critical

Mass bike ride I was promptly and readily moved along by a security guard because he was acting under the Darling Harbour Authority Act. I would say he acted in an intimidating manner. People do take advantage if the law is not clearly spelled out. However, I believe that this amendment is clearly spelled out. I do not agree with the suggestion that the amendment is somehow undemocratic or communist. It simply asks for that buffer zone. I believe it is a reasonable amendment. If the Hon. Dr B. P. V. Pezzutti disagrees, that is fair enough, but the abuse is not appropriate.

The Hon. Dr P. WONG [3.23 p.m.]: I support the amendment. I read through it carefully, and do not see that it is in any way, shape or form an abuse of power. I believe it is reasonable. It is reasonable to argue a point of view, whether one agrees or disagrees with it. But I regard personal abuse, including abuse of guests who attend this Parliament, as totally abnormal.

The Hon. M. J. GALLACHER (Leader of the Opposition) [3.23 p.m.]: The reality is that we will have only a few thousand police on a daily basis to conduct crowd control and other important duties. That will involve arrests, and it will involve more than simply pointing to where people should go and directing crowds; it will involve quite a number of normal police duties. However, during the Olympic Games those duties will be performed day in and day out at a number of sites—not just Darling Harbour, as occurs on New Year's Eve. More than one million people will gather at a number of sites in the Sydney metropolitan area. There will be a real role for security personnel not to act as police officers. To suggest otherwise is a fallacious argument. They will not be sworn in as special constables in the sense of police officers to continue the police officer role; they will simply supplement the work that police do and will perform a much-needed back-up role to ensure the one million people who will daily move in and out of Olympic venues and the metropolitan area per se will be able to do so with a degree of safety and confidence.

The eyes of the world will be upon us. We must ensure not only that the Games are a success but that a secure and safe environment is provided for people to travel to Games sites throughout the Sydney metropolitan area. It would be absolute lunacy for us to do anything but ensure security officers' safety. These officers will simply supplement the Police Service; they will not act as police officers. But, of course, if they see a serious crime being committed, they, like any other person, will be able to take advantage of the powers of arrest available under the Crimes Act to ensure that the action is quickly quelled and the person concerned is brought to justice. The officers will have the same powers as the Greens themselves have. If they see serious crime occurring, they will have the power to act, knowing that they do so safely within the law. Any move to strip away from these people the role that they are being given by this legislation would simply not be in the best interests of a safe and secure Olympic Games for Sydney.

The Hon. Dr A. CHESTERFIELD-EVANS [3.26 p.m.]: I am amazed by this debate. The vilification of Ms Lee Rhiannon is quite extraordinary.

The Hon. C. J. S. Lynn: How would Beijing have done it?

The Hon. Dr A. CHESTERFIELD-EVANS: What has Beijing to do with this debate? Members opposing the amendment must support the proposition that anyone who, pursuant to an enforcing order, wants to move a person along or ask a person who is associated with the organisation of the Games to move along must not provide evidence that he or she is authorised to exercise the function, must not provide a name or place of duty, must not inform the person of the reason for the exercise of the function, and must not warn the person of the effects of resisting the request. In other words, that is a blank cheque for any person to do anything to another person.

The proposed amendment offers a reasonable and sensible safeguard. One would hope that a safeguard would be available without the need for specific provision. However, this is a belt-and-braces amendment. As the Leader of the Opposition has pointed out, there will be a shortage of trained people. In addition, people brought in to help make up the numbers will need to be given guidelines on what they are expected to do as they exercise their well-intentioned and somewhat suboptimally trained function. The basic communication that ought to occur when one person talks to another, without either behaving in an inflammatory way, is what is needed to make the Games work properly.

It has been suggested that this approach is pro-demonstrator and magically totalitarian. In fact it is the opposite of totalitarian, in the sense that it asks the regime in control to be humane in the way it treats people, which surely must be the object of any laws we pass in this House. It is absurd that this amendment should be seen as totalitarian. Any aspersions cast on a member of this House are quite irrelevant. The bottom line is what the amendment actually says. The amendment is a reasonable statement of a policing function which would be a good beginning guideline to work from for a person who was not well trained or experienced in policing. As such, I am surprised and disappointed that the amendment is not universally supported.

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The Hon. M. I. JONES [3.29 p.m.]: As I listened to the debate it occurred to me that a careful reading of the amendment might be helpful. The amendment states in part:

A person authorised to exercise any function for the enforcement of this Act must, before exercising the function in relation to another person...

Crowd control police supplementary alternatives will usher hundreds of thousands of people along thoroughfares. The amendment does not state "...before exercising the functions in relation to another person upon demand"; rather, it is directed in a carte blanche manner to everyone. If a literal reading of the amendment is followed, the words in the following subparagraphs will have to be spoken to every single one of the hundreds of thousands of people who are walking along thoroughfares.

The Hon. Dr A. Chesterfield-Evans: They would use a loudhailer, would they not?

The Hon. M. I. JONES: The clause is a nonsense.

The Hon. J. S. TINGLE [3.30 p.m.]: I seek clarification of what I believe is the central point in this discussion. I do not have a clear understanding of the situation and perhaps the Minister at the table will clarify something for me. What form of identification will these authorised people have? Will they have a badge or some sort of obvious and visible symbol which makes it clear at first glance that they are authorised people? I believe that identification of the people concerned is central to the point being made by Ms Lee Rhiannon. If the authorised officers have a badge or symbol, most of this clause will be unnecessary. While I am on the topic of clarification, I ask whether Ms Lee Rhiannon can guarantee that during the Olympics there will be no more critical mass demonstrations in this place. Many questions need to be answered.

The Hon. M. R. EGAN (Treasurer, Minister for State Development, and Vice-President of the Executive Council) [3.31 p.m.]: I am advised that the people to whom the amendment refers will not only be issued with badges but will also be wearing appropriate uniforms. There will not be any mistake about who they are. They will be properly identified.

The Hon. M. J. GALLACHER (Leader of the Opposition) [3.31 p.m.]: I take this opportunity to ask the Leader of the House for an assurance that to the best of his knowledge the Government is ensuring that a thorough course of instruction is being provided for these security personnel to ensure that they are suitably trained. I expect that that would be the case, but I seek an assurance.

The Hon. M. R. EGAN (Treasurer, Minister for State Development, and Vice-President of the Executive Council) [3.32 p.m.]: I am advised that they will be suitably trained.

The Hon. Dr P. WONG [3.32 p.m.]: I appreciate the comments made by the Hon. J. S. Tingle and thank him for them. They clarify the issues at least in relation to subparagraphs (a) and (b), namely, the need for security personnel to wear a badge. As the Hon. Dr A. Chesterfield-Evans said, a loudhailer can be used to tell people to move away for a certain reason, whatever that reason may be. Reference has been made to records on human rights. I noticed recently that John Howard's record has been placed on a par with that of China so I really do not know what the Hon. Dr B. P. V. Pezzutti is talking about. Last, but most important, members of the Opposition want to know why members of the crossbenches do not support them most of the time. The answer lies in the behaviour being exhibited on this occasion by the Opposition. That is the reason.

The Hon. A. G. CORBETT [3.33 p.m.]: I intended to ask a question similar to that asked by

the Hon. J. S. Tingle in relation to identification of security personnel, so I am pleased to note the Minister's response that these people will be wearing badges. I hope they will be clearly labelled badges and will be worn on uniforms. It is hoped that that assurance will take care of subparagraphs (a) and (b) of the amendment. I would have thought that the underlying intention of subparagraph (c) would be a sensible measure in any event. When people do not know why they are being moved on or directed to go to some other place, they may well repeat the offence.

Perhaps the Treasurer, on behalf of the Government, can give the Committee an assurance that training undertaken by personnel security will include requiring those officers to politely tell people why they are being moved on. In relation to subparagraph (d), to meet occasions when a request is met with hesitancy, the training might include the security officers saying that they have certain powers to do other things if people do not comply with their requests. I ask for a measure of politeness and sensibility in relation to the implementation of this legislation.

Ms LEE RHIANNON [3.34 p.m.]: Throughout this debate I have heard a great deal of extraordinary misunderstandings, misinterpretations or downright deliberate misconstructions, if not lies and propaganda. Perhaps as a result of a misunderstanding there has been a suggestion that the Greens are a huge organisation. The Hon. J. S. Tingle sought a guarantee that there will be no more critical mass demonstrations. I point out to the honourable member that I am only one member of the Greens. While members of the Greens are obviously very proud of their party, they go along to many demonstrations which are not organised by the Greens. Let me be absolutely clear: This is a fundamental mistake that people continue to make.

My colleague the Hon. I. Cohen has done a formidable job for four years and I am pleased to be able to join him. However, we are realistic about what we do, what can be achieved and the size of our party. We actually wish that many of the people who attend demonstrations were part of the Greens organisation, but they choose to work in a variety of ways and we work with them. However, to comply with the Hon. J. S. Tingle's request would be at odds with the way in which the Greens work. Moreover, the demonstrators are not members of the Greens. But above all, people have a right to demonstrate, and demonstrations should not be a problem. That does not mean that the Olympic Games will be disrupted. We will see what happens when the time for the Olympic Games arrives, but at the moment people should not be denied the right to demonstrate. I reiterate my request for honourable members not to misunderstand the power of the Greens. The Greens are a hardworking organisation that certainly does not influence every protester who takes to the streets.

The Hon. Dr B. P. V. PEZZUTTI [3.36 p.m.]: In the course of this discussion the Hon. Dr P. Wong asked why I was concerned about some matters in connection with China. At the end of the day, it is perfectly obvious that Sydney won the Olympic Games and China did not because of Australia's human rights record and the ability of people to move freely in and out of this country, unlike the situation when the Olympic Games were held in Moscow. I do not believe that the world is ready for another such administration.

The remarks made by Ms Lee Rhiannon in response to the Hon. J. S. Tingle's request invite some comment. It is true that the Greens are a small organisation, but some of its members try to get themselves in front of any organisation that is conducting a protest, no matter whether the cause is legitimate. I have to say that when the Hon. I. Cohen was the only Greens representative in this Parliament there was a degree of responsibility and maturity in the conduct of the Greens' operations, which is something that has not been seen since Ms Lee Rhiannon's election. I ask her to examine her conscience about the time she put herself in front of the tunnel demonstration and caused many problems in what would otherwise have been a disruptive but quiet demonstration.

Ms LEE RHIANNON: Point of order: Again, this matter has nothing to do with the issue that is being discussed by the Committee. If I am to be confined to debating the issue under discussion, surely every other honourable member should be similarly confined.

The DEPUTY-PRESIDENT (The Hon. A. B. Kelly): Order! I uphold the point of order.

Amendment negatived.

Ms LEE RHIANNON [3.38 p.m.]: I move:

No. 9 Page 47. Insert after line 35:

76 Olympic Complaints Hotline

- (1) OCA must establish and maintain an Olympic Complaints Hotline to enable the making of telephone complaints by members of the public in relation to any matter arising out of or associated with the conduct of the Olympic Games.
- (2) Without limiting subsection (1), complaints may be made concerning the conduct of persons authorised by OCA.
- (3) The OCA must notify the Ombudsman of each complaint received by it.
- (4) The Ombudsman may, in accordance with the *Ombudsman Act 1974*, investigate any complaint notified to the Ombudsman under this section.
- (5) As soon as practicable after the Games period, OCA must prepare a report concerning complaints made under this section and give the report to the Minister.
- (6) As soon as practicable after receiving the report, the Minister is to table the report, or cause it to be tabled, in both Houses of Parliament.

Excessive powers have been granted to the Olympic Co-Ordination Authority [OCA]. If this legislation is implemented, one of the serious problems that will occur is that individuals will not be protected. I reiterate the Greens' hope that the major political parties will carefully consider what I am saying rather than that go into overdrive with their usual and limited expressions of abuse that have been dished out during this debate. This clause deals with the rights of individuals. The Greens contend that there needs to be an appeal process and a level of accountability to protect people's civil rights.

The amendments seeks to create a system of checks and balances without in any way impeding the progress or success of the Olympic Games. The amendment will extend the powers of the Ombudsman to cover investigation of complaints against persons authorised by the OCA. How could members of the Opposition possibly not support this amendment when both major parties support the Ombudsman's office, albeit that there may be arguments about the role of the Ombudsman from time to time. The Ombudsman is certainly a public institution that has become a given in our society.

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Surely at such a complex time, when powers are going to be extended considerably, people should have some form of protection. The Greens propose to extend the powers of the Ombudsman to investigate complaints against persons authorised by the OCA and to create an Olympic complaints hotline with all complaints referred both to the OCA and to the Ombudsman's office. The Greens believe that is necessary so that complaints and actions can be fully investigated. We also suggest that those complaints be tabled before the Parliament. If honourable members are committed to the rights of individuals they should support this amendment, which I commend to the House.

The Hon. A. G. CORBETT [3.40 p.m.]: I agree with and support this amendment. Surely New South Wales, Australia and Sydney will want the world to know that authorities will be notified immediately of anyone who is abusing his or her powers or upsetting the public so that action can be taken to locate them and do something about it. This is a reasonable amendment. Given that other Greens amendments have not been agreed to, it is commonsense to agree to this amendment to safeguard Australia's image.

The Hon. Dr P. WONG [3.41 p.m.]: I support this amendment. I ask an interesting question of the Opposition: Is this a wonderful opportunity to make sure that any misdeed of the Government of which it is aware can be questioned? Will the Opposition support this amendment?

The Hon. I. COHEN [3.41 p.m.]: I support this amendment. I cannot see that accusations about Ms Lee Rhiannon's tendency to move away from democracy, transparency or the rights of individuals are in any way associated with this amendment. Surely conferring greater powers on the Ombudsman and enabling people to make complaints via a hotline is a safety valve and a basic democratic measure. It is a pity that the Hon. Dr B. P. V. Pezzutti is not in the Chamber to hear the discussions about the supposed lack of democracy on behalf of the Greens.

It is the combined effort of both the Government and the Opposition, the major political parties, to move away from protecting individuals' rights at this time. Once again they are lessening the rights of individuals in the community and are using the Olympics as an excuse to overrun people's basic rights. A very special protected, reasonable and democratic aspect of our community is the ability to make complaints to the Ombudsman. That is reasonable and democratic. How can providing the public with a hotline be seen as going against the democratic process?

Amendment negatived.

Ms LEE RHIANNON [3.43 p.m.]: I move Greens amendment No. 10:

No 10 Page 48. Insert before line 1:

77 Homelessness Protocol

- (1) On completion of the Homelessness Protocol being prepared by the Department of Housing and OCA, the Minister must publish a copy of the Protocol in the Gazette.
- (2) On publication of the Homelessness Protocol in the Gazette, it is to be taken to be a regulation made under this Act and has effect accordingly from the date of its publication.

It has been widely recognised that people who live on the streets will be particularly hard hit by the Olympics. It happened in Atlanta and Barcelona and it is already happening in Sydney. The Government has recognised the need for a homelessness protocol but again we are left wondering whether that is just more Government rhetoric. It has brought forward this bill with great haste, and the homelessness protocol has been left out. The proposal before the Committee will insert into the Act a section which requires the Minister to adopt the homelessness protocol currently being developed by the Department of Housing and the OCA as the regulation to the Act binding on the OCA and all persons authorised by it. Surely in this area the Government could redeem itself as it has a commitment to all those in our society irrespective of their circumstances. I commend the Greens amendment to the House.

The Hon. I. COHEN [3.45 p.m.]: I support this amendment. In discussions with the Minister for Urban Affairs and Planning about the Sydney Harbour Foreshore Authority Act he assured me that rangers have not removed and will not remove homeless people. What the Minister said is in accordance with what this amendment attempts to do. Surely in the circumstances this amendment should be viewed in a reasonable light. The Minister for Urban Affairs and Planning has already given those undertakings, which are not in contradiction of this amendment.

Amendment negatived.

Bill reported from Committee with amendments and passed through remaining stages.

GAMBLING LEGISLATION AMENDMENT (GAMING MACHINE RESTRICTIONS) BILL

CONVEYANCING AMENDMENT (CENTRAL REGISTER OF RESTRICTIONS) BILL

Bills received.

Leave granted for procedural matters to be dealt with on one motion without formality.

Motion by The Hon. I. M. Macdonald agreed to:

That these bills be read a first time and printed, standing orders be suspended on contingent notice for remaining stages and the second reading of the bills be set down as orders of the day for a later hour of the sitting.

Bills read a first time.

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OCCUPATIONAL HEALTH AND SAFETY AMENDMENT (POLICE OFFICERS) BILL

Second Reading

Debate resumed from 6 April.

The Hon. M. J. GALLACHER (Leader of the Opposition) [3.50 p.m.]: The Opposition is pleased to support the passage of the Occupational Health and Safety Amendment (Police Officers) Bill and comes to this debate having had extensive discussions with the New South Wales Police Association, an organisation of which, I am proud to say, I am a former office-bearer, and an organisation that continues to push issues that are in the best interests of members of the New South Wales Police Service.

The purpose of the Occupational Health and Safety Amendment (Police Officers) Bill is to amend the Occupational Health and Safety Act to clarify and confirm that police officers are employees of the Crown for the purpose of that Act. The bill seeks to remove any doubt that may arise about the status of police officers under the Act because they hold statutory office and exercise independent discretion. The bill recognises that a police officer is on duty for the purposes of the Act when rostered on duty and also, when circumstances demand, that they act in their capacity as police officers even if they are rostered off duty.

As a former member of the Police Service, I appreciate the importance of appropriate cover for occupational injuries or illness, considering the very dangerous nature of police work. For the past two decades it has been assumed that police were covered by the Act for occupational injuries or illness. However, a current prosecution of the New South Wales Police Service by the New South Wales WorkCover Authority in an occupational safety matter has raised doubt as to whether police are in fact covered by the Act. I am told that this doubt arises from an incident at Crescent Head in 1995 that resulted in the death of senior constables Peter Addison and Robert Spears.

It is important to remove that doubt and to ensure that police officers are covered for workers compensation. It was the Police Association of New South Wales that brought this anomaly to the attention of the Attorney General and the Minister for Police, who agreed to put forward these amendments. The New South Wales Coalition agrees with these amendments. It is imperative that all police officers in the State know that they are appropriately covered in the event that they should sustain an occupational injury or illness in what is a very dangerous line of work.

Regrettably, however, not only is policing dangerous, but New South Wales is one of the most dangerous places in the world in which to work. Currently in this State each year 60,000 workers sustain compensable injuries or complaints that last longer than five days. The reality is that each week in the workplaces of this State more than three people are killed and 300 people are disabled. That is a frightening statistic, especially when compared with what is happening overseas. Here, 7.8 of every 100,000 employees die from work-related accidents or illness. The United States of America has a fatal injuries record of 3.2 per 100,000 people employed. In the United Kingdom it is 0.9 per 100,000 employees. New South Wales has proportionately more deaths on the job than Portugal, Italy, Spain and Denmark. This State has a serious problem regarding work-related deaths.

It is beholden on this Government to ensure that more is done than just advertising on popular television stations to get that level of workplace injury and illness down. It would be interesting to find out why the United Kingdom has 0.9 deaths per 100,000 employees while New South Wales has a death rate of 7.8 employees per 100,000. We are talking here about the entire United Kingdom compared with just the State of New South Wales. Those statistics are frightening and sobering. Of course, in this Chamber the Government does not talk about these issues. It does not want to talk about them. The reality is that the buck stops with the Government; indeed, the buck stops with the Minister responsible for occupational health and safety, the Minister for Industrial Relations in this Chamber.

It is extremely important that more than advertising is done to address this quite frightening indicator of a problem in our workplace. These are not simply numbers we are talking about: these are members of families and other individuals in our community who need to know that workplace safety is an issue that is being addressed by the New South Wales Government. They need to know that the Government is not merely paying lip-service to the issue in the period leading up to an election, or talking about the matter when a number of workplace deaths occur in a short period of time.

However, we continue to hear from this Government the bleating motherhood statements that something needs to be done. The Minister must accept his responsibility for the shameful state of work safety in New South Wales. I call upon the Minister for Industrial Relations to act on the statistics that I have put forward in this debate. In conclusion, I reiterate the support of the Opposition for the Occupational Health and Safety Amendment (Police Officers) Bill. I congratulate Peter Remfrey of the New South Wales Police Association for the expeditious way in which he has consulted and informed the Opposition of the Police Association's position regarding this matter.

Reverend the Hon. F. J. NILE [3.57 p.m.]: The Christian Democratic Party is pleased to support the Occupational Health and Safety Amendment (Police Officers) Bill. This bill arose from concerns about whether the Occupational Health and Safety Act 1983 in fact provides for the safety, health and welfare of all persons in all workplaces, including those employed by the Crown. Questions have been raised as to whether the current Act is fully effective in respect of police officers. The doubt occurs because police officers hold statutory office, with a measure of independent discretion, in the performance of operational duties, in contrast to the normal employee situation of a contract of service.

One can understand that in some situations police officers must take certain actions which, if they result in injury, could lead to debate as to whether the officers caused or contributed to the cause of the accident themselves. I am thinking of a case of a police prosecutor who was prosecuting in court. Due to inadequate security, perhaps because not enough police officers were rostered to provide security in the court, the accused jumped from the dock and ran out of the court. The police prosecutor in that instance had to chase the accused person down the street, tackle and apprehend the accused person before returning that person to the court.

It occurred to me that that person could have had a friend outside the court who might have ambushed the police prosecutor who was acting in the role of a police officer in pursuing the escaping person. That could have resulted in a serious injury. That case highlighted this grey area: was the injury the fault of the police officer in that particular case? Was the officer to blame because he took that initiative? Of course, we would all commend his initiative, but he did take risks in the apprehension of a person seeking to escape from a courthouse

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Legislation enacted by the United Kingdom and Australian governments has been designed specifically to cover police officers. All honourable members would be aware that police officers perform their duties in particularly hazardous situations. My wife and I have noted that over the years with our two sons being active in the police force. A police officer searching a house for a criminal carrying a gun might suddenly come upon that criminal. Police officers experience that sort of thing day after day. They also have to attend a large number of domestic disputes. Police officers would not be aware whether a husband who is bashing his wife has a gun or a knife, so once again they are placing themselves at risk. This important legislation might lay to rest some of the concerns police officers have in carrying out their duties as members of the New South Wales Police Service. I mention briefly one other matter. My wife and I visited the Hall of Fame in America—a Hall of Fame erected in former FBI headquarters as a tribute to police officers who died during the course of duty. I commend a hall of fame to the New South Wales Parliament.

Pursuant to sessional orders business interrupted.

QUESTIONS WITHOUT NOTICE

WOODLAWN MINERS RECOVERY OF ENTITLEMENTS

The Hon. M. J. GALLACHER: My question without notice is directed to the Treasurer, representing the Premier. Did the Labor Council request a meeting with the Premier on behalf of 160 Woodlawn miners seeking the recovery of \$6.5 million in entitlements that they are owed? Is the Premier aware that at a recent meeting of Woodlawn receivers and the Labor Council, the Labor Council was told that the possibility of 100 per cent recovery of entitlements for the miners was

dependent on the redevelopment of the mine site and that redevelopment was subject to State government approval? Given that the State Government is refusing to take part in the Federal Government's rescue package for retrenched workers left without their full entitlements, will the Premier ensure that these 160 workers receive their \$6.5 million in entitlements by approving the redevelopment of the mine site?

The Hon. M. R. EGAN: I am not aware whether the Premier has had, or is having, a meeting with anyone on this subject. I will refer the question to the Premier and obtain a response.

FISHING CLINICS

The Hon. A. B. KELLY: My question without notice is directed to the Minister for Mineral Resources, and Minister for Fisheries. Will the Minister explain how his department is working with the community to promote fishing clinics and encourage sustainable recreational fishing in New South Wales?

The Hon. E. M. OBEID: I thank the Hon. A. B. Kelly, the leader of Country Labor, for his continued interest in the welfare of country people, and particularly children, the elderly, and Aboriginals. Fishing clinics are organised by New South Wales Fisheries to teach children and community groups about sustainable recreational fishing. These clinics have been an outstanding success. Officers from my department and local fishing clubs supervise and teach children about fishing at these clinics. They are great events—events that are thoroughly enjoyed by everyone. Children learn about safety, conservation and the rules that apply to recreational fishing in New South Wales.

This program also includes fishing clinics for Aboriginal and Torres Strait Islander communities, ethnic communities, children with disabilities and senior citizens. The demand to attend fishing clinics is high. This program has received strong support from recreational fishing clubs and the community. The clinic this weekend at Twofold Bay, near Eden, is already fully booked. I am delighted to announce that yesterday I had the great pleasure of accepting a cheque for nearly \$9,000 from John R. Turk Pty Ltd.

The Hon. C. J. S. Lynn: Eddie the bagman. There is something fishy about that, I bet.

The Hon. E. M. OBEID: What a stupid comment that was. The Hon. C. J. S. Lynn speaks before he thinks. If every member of the community thought like him there would be no charity. He has not even listened to the answer. He is a silly human being. I repeat for the benefit of the more sensible members of this House that yesterday I was delighted to receive a cheque for \$9,000 from John R. Turk Pty Ltd and the electrical industry in support of the fishing clinics program. This donation was facilitated by John R. Turk Pty Ltd, its customers and suppliers and corporate sponsors at a fund-raising event at the St George Boat Club on 31 March. This donation was made to assist fishing clinics and, in particular, to assist underprivileged children. I am sure that my colleague the Minister for Juvenile Justice will have great joy in putting me in touch with underprivileged kids who, I am sure, would find tremendous benefit in attending these clinics. I seek leave to table a letter that lists the businesses that donated to this fund.

Leave granted.

I thank all those who dug deep and contributed to this worthy cause. This generous donation will make a real difference to the lives of many people around New South Wales. These funds will give underprivileged children an opportunity to attend fishing clinics. Such support for initiatives from my department will continue to help introduce and promote sustainable recreational fishing for children of all backgrounds in New South Wales. I thank Mr Turk and everyone involved in Gone Fishing 2000 for their generosity. I commend those groups for their donation. This donation was made by business people who were generous enough to donate money to help underprivileged kids.

For the record, all that Opposition members can do is laugh and make nasty comments. The Hon. C. J. S. Lynn has made no contribution as shadow Minister. We do not even know he exists. He does not even ask questions. All that he does is make smart remarks. I say to the honourable member that when the leadership changes in the other House he will not be in the Opposition shadow ministry.

SUPPORTED ACCOMMODATION ASSISTANCE PROGRAM

The Hon. HELEN SHAM-HO: My question without notice is directed to the Minister for Juvenile Justice, representing the Minister for Community Services, Minister for Ageing, Minister for Disability Services, and Minister for Women.

The Hon. C. J. S. Lynn: You are a rat.

The Hon. HELEN SHAM-HO: Point of order: I would like the honourable member to withdraw his comment. Under Standing Order 80 I find that remark offensive.

The Hon. D. J. Gay: What did he say?

The Hon. HELEN SHAM-HO: The Hon. C. J. S. Lynn just called me a rat. Madam President, you ruled yesterday that that term was unparliamentary. I would like the honourable member to withdraw that comment.

The Hon. C. J. S. Lynn: To the point of order: We have already had debate on this matter in this Chamber. I outlined the difference between good rats and bad rats. I referred to the Rats of Tobruk and I then referred to the Irish tradition of the Labor Party and how it refers to people who have ratted as rats. The Hon. Helen Sham-Ho ratted on the Liberal Party.

The PRESIDENT: Order! Only yesterday I was asked by a member of the Opposition to withdraw an allegation that a member of this Chamber was a rat. It has been ruled in the past by many Presidents and I have ruled in the past that the word "rat" used against a member of this Chamber is unparliamentary. Will you please withdraw it?

The Hon. C. J. S. Lynn: I was of the understanding that the word used yesterday was "prat". I withdraw the statement.

The Hon. HELEN SHAM-HO: I accept the withdrawal. Is the Minister aware of an article in the *Sydney Morning Herald* on 6 April entitled "Support System Failing the Homeless", which outlined the current crisis in homelessness and the inability of the supported accommodation assistance program to meet their needs? Will the Minister advise the House what is being done at a State level to address this issue as a matter of urgency? How long will it take to make up the current shortfall in the capacity of the supported accommodation assistance program in New South Wales?

The Hon. CARMEL TEBBUTT: I will refer the question to the Minister in the other place and I undertake to get a response as soon as possible.

GLENBROOK RAIL ACCIDENT INQUIRY

The Hon. J. H. JOBLING: My question without notice is directed to the Attorney General. Has the Attorney or his department received any representations from either Justice McInerney or counsel assisting the special commission of inquiry into the Glenbrook rail accident about the adequacy of its terms of reference in light of the claims by the Minister for Transport that the commission will now undertake a wider inquiry into rail safety in New South Wales?

The Hon. J. W. SHAW: I do not believe that in recent times I have received any representations from that inquiry about the terms of reference. I may stand corrected about that. Certainly, at the inception of the inquiry, I had contact with it about the powers that it would have, and I made appropriate representations about that. I believe that the inquiry was satisfied with the powers it was given. But I do not believe that any questions about the terms of reference have been raised with me since the inception of the inquiry.

I will give honourable members some information about that inquiry. I was, of course, consulted about the appointment of the commissioner to conduct the inquiry and I was involved in the establishment of the inquiry. Honourable members would be aware that seven people lost their lives in December when a CityRail commuter train collided with the *Indian Pacific*. The Government immediately appointed Acting Justice Peter McInerney, a retired judge of the Supreme Court, to carry

out an independent inquiry. His Honour attended the scene on the day of the accident, as did WorkCover inspectors. WorkCover inspectors inspected the site on the day and have monitored the progress of the inquiry.

We understand that Justice McInerney will report to the Government on critical issues, namely, the causes of the rail accident at Glenbrook on 2 December 1999; the factors which contributed to it; the adequacy of risk management procedures applicable in the circumstances of the railway accident; and any safety improvements to rail operations that the commissioner considers necessary as a result of his findings. The only other involvement I have had with this inquiry is the consultation and advice about the appointment of counsel assisting and the terms and conditions on which they are engaged.

GLENBROOK RAILWAY ACCIDENT INQUIRY

The Hon. J. H. JOBLING: I ask a supplementary question. Following the Attorney's answer to that question, have representations been received to the effect that the circumstances leading up to the Glenbrook accident are so serious they may warrant a royal commission?

The Hon. J. W. SHAW: To the best of my knowledge and belief a submission to that effect has not been put to me. If it is, I will no doubt form an opinion about it.

SUPREME COURT EXPERT EVIDENCE REFORMS

The Hon. R. D. DYER: My question without notice is to the Attorney General, and Minister for Industrial Relations. What reforms have been introduced by the Chief Justice concerning expert evidence to facilitate the efficient and expeditious conduct of civil cases in the Supreme Court of New South Wales?

The Hon. J. W. SHAW: The *Wentworth Courier* published an article on 5 April entitled "Doctors in the dock: Is justice served?" In that article concern was expressed about the difficulties said to be associated with parties calling different experts who present what is often conflicting evidence in a court case. The article went on to extol the merits of the new code of conduct that was introduced in England whereby medical experts will owe their principal duty to the court and not to the party paying their fee. I am happy to advise that this issue was dealt with as part of a series of reforms that were announced by the Chief Justice of New South Wales, the Honourable J. J. Spigelman, at the start of the 2000 law term.

These reforms are aimed at ensuring efficient and expeditious conduct of civil cases in the Supreme Court. They were developed by the Chief Justice in consultation with the New South Wales Bar Association and the Law Society of New South Wales. The reforms highlight the obligation of all participants in the administration of the State justice system to ensure the effective operation of that system, combining court initiatives in case management strategies on the one hand, with clearly stated requirements regarding the role of legal practitioners and parties in the efficient conduct of proceedings on the other. The Supreme Court has adopted a new statement of overriding purpose, which is that the objective of the court rules is to facilitate the just, quick and cheap disposal of the real issues in civil proceedings.

Rule amendments have been made to identify the obligation of legal practitioners and parties to civil proceedings to assist the court in that overriding purpose, through the conduct of proceedings and compliance with the rules and orders of the court. The Chief Justice has stated that partisan practitioners have no right to waste the limited resources available to the court and that the court has an obligation to use the resources entrusted to it as effectively and efficiently as possible. Long court delays and higher legal costs adversely affect public access to justice. The new Supreme Court rules specify existing powers and introduce new powers and procedures for management of the court's work and the obligation of all parties to proceedings to assist the court in its overriding purpose of just, quick and cheap resolution of civil proceedings. These include the power to impose time limits on the whole or any part of a case, including time limits on the evidence of witnesses, and limits on the number of witnesses called.

A code of conduct for expert witnesses has been promulgated and details of the duty of expert witness to impartially assist the court in the relevant area of expertise—that is, the duty to make disclosures and co-operate with other expert witnesses—have been identified. The new rules also cover matters such as default or unreasonable delay in complying with court orders, unreasonable protraction of proceedings, and the obligation to limit the issues raised in proceedings to only those that may reasonably be raised. Specifically directed at legal practitioners, the Chief Justice has issued a practice note setting out the power of the court to make costs orders against barristers or solicitors who are held by the court to have unreasonably alleged, denied or disputed facts in cases before the court, or breached the requirement to confine the proceedings to the real issues in dispute, or otherwise breached the general obligation to assist the court in the expeditious resolution of the real issues in the proceedings. The procedure to be followed, where the court is minded to make a cost order against a legal practitioner personally, is fully described in a practice note.

Other amendments to the court's rules include the extension of the advanced case management procedures, which were previously available only for Sydney civil matters, to civil matters that are listed for hearing in regional areas of New South Wales. A further practice note provides for new and secure arrangements to facilitate access by parties to documents produced in answer to a subpoena or admitted as exhibits during court proceedings. It is in the interests of both the court and parties that photocopy access be granted wherever practicable and appropriate, as it avoids the inconvenience and some costs associated with inspecting documents produced within the confines of the court registry.

The court has set internal targets for the completion of cases, from commencement to finalisation, for civil trial work in the Common Law and Equity divisions. However, further improvements need to be made to the computer-based case management systems available to the court which enable it to monitor and measure the case management process for the large number of proceedings involved with a degree of speed and precision not presently available.

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In due course these targets will be finalised and announced by the Chief Justice. In the meantime the Chief Justice has indicated that the court plans to dispose of more than 50 per cent of civil cases instituted in the court within six months of the commencement of proceedings. That is an impressive statistic and an impressive aim for civil justice in Australia.

It should be borne in mind that these time standards are not only measurements of the court's delivery of justice; rather, they measure the delivery of justice by all of those associated with the process, including the legal profession and parties to proceedings. Therefore, the package of reforms announced by the Chief Justice is as important a component in the process of delivering justice in a timely way as is the setting of target times for completion of cases.

CANLEY HEIGHTS CRIME PROBLEM

The Hon. Dr P. WONG: I ask the Treasurer, representing the Minister for Police, whether the Minister is aware that during the past six months there were more than 80 break and enter robberies in Avonlea Street, Canley Heights. Is the Minister aware that the residents are so concerned about these crimes that they dare not leave their homes unattended? Is he aware that local residents believe that the police at Cabramatta police station have not done enough to protect them? Is he further aware that one resident of Avonlea Street who witnessed a break and enter has been waiting for more than two weeks for police to take his statement? Is he aware that the residents have made representations to Councillor Thang Ngo claiming that they have lost confidence in the police to take their local crime problem seriously and asking the councillor for urgent assistance? What measures will the Minister take to ensure that the alleged police inaction in Avonlea Street specifically and in the Cabramatta-Fairfield area generally is investigated with the seriousness and urgency it requires?

The Hon. M. R. EGAN: I will refer the honourable member's question to my colleague the Minister for Police.

PORT KEMBLA COAL LOADER LEASING FEES

The Hon. D. J. GAY: My question is directed to citizen Obeid in his capacity as Minister for Mineral Resources and representing the Minister responsible for ports. When will the Government

finalise new leasing fees for the Port Kembla coal loader? Is the Minister aware of industry concerns that any dramatic increase in leasing fees could have a negative impact on the coal industry in New South Wales and, combined with price cuts for coal, may lead to job losses in the industry? What assurances can the Minister give coal producers in this State that any new pricing regime for the Port Kembla coal loader will not have an adverse impact on the industry he represents?

The Hon. E. M. OBEID: The Deputy Leader of the Opposition has asked his first question. Rorter Duncan—one-vote Duncan.

The Hon. D. J. Gay: Rorter?

The Hon. E. M. OBEID: The honourable member had to rort the rules to get in, and he knows that. The Carr Labor Government is always interested in the welfare of all miners in the southern coalfields. We are concerned about the welfare of miners in the southern coalfields and, in particular, the Port Kembla coal terminal. This is a matter for a whole-of-government address, and I am sure it will be attended to in due course. The Government is very aware of the current depressed state of international coal markets and the impact that is having on the commercial viability of the southern and western coalfields. That is why the Government has, since July 1996, provided short-term rent relief of 70¢ per tonne to the Port Kembla coal terminal. The rent relief has been passed on to the southern and western coal companies by helping to maintain the same coal loader charges despite the lower throughput.

Port Kembla Coal Terminal Ltd has also achieved reductions to operating costs. This relief was conditional upon the Independent Pricing and Regulatory Tribunal [IPART] undertaking an inquiry into the lease fee arrangement. Port Kembla Coal Terminal Ltd, its shareholders and the Construction, Forestry, Mining and Energy Union, in its submission to IPART, sought a further \$1 a tonne reduction in the lease fee. In recognition of the current depressed state of export coal markets, the Independent Pricing and Regulatory Tribunal recommended a continuation of the current level of assistance until June 2002. Recently, the Government has granted extensions for the lease payment to ease cash flow difficulties.

The Government has also agreed to consider assisting the terminal to achieve a sustainable operation in the long term, and recently appointed an independent auditor to assess its financial position. Clearly, any Government decision on assistance will be subject to the report of the independent auditor. I am always looking at practical ways to assist the continued viability of the southern coalfields. It is a matter of concern not only to the Carr Labor Government but also to local members, who are making very strong representations on behalf of their constituencies. The Government is mindful of all the issues relevant to the southern coalfields.

OPHIR 2000 PROJECT

The Hon. A. B. MANSON: My question is directed to the Minister for Mineral Resources. Given the Government's commitment that everyone in New South Wales should benefit from the Sydney Olympics, what commitment has the Minister made to support the Orange, Blayney and Carbone Ophir 2000 Co-ordinating Committee?

The Hon. E. M. OBEID: The Hon. A. B. Manson's question relates to another good news issue. The communities of Blayney, Carbone and Orange have put themselves out to supply the gold for the Olympic project. It is an outstanding example of regional communities working together to support the Sydney Olympic and Paralympic Games. The people of the central west from Blayney, Carbone and Orange, and their local councils, are collecting more than 10 kilograms of gold to be used to make the winning medals for the Games.

Thanks to the efforts of these towns, Australian and international winners will take home more than just memories of their time in Sydney; they will take a small part of New South Wales mineral resources with them. Most of the gold is being bought locally from funds these communities are raising. Newcrest Mining Ltd is assisting the project by making a considerable donation, and a number of donations have also been made by the local community. Some gold is also being bought at production cost, and this includes a royalty payable on gold.

As honourable members know, the people of New South Wales benefit from royalties paid on minerals. Last year I visited Orange and met with councillors and representatives of the Ophir gold 2000 committee. They appealed to me to make a special dispensation to exempt the payment of royalties on this special community project. I have listened to their concerns and today I am delighted to announce that I have been able to provide some good news for the Ophir gold 2000 project.

In order to encourage the great Olympic spirit within these central-west communities, my department will refund royalties involved in the Ophir 2000 project. The Treasurer's concurrence was necessary to enable me to do that. The Carr Labor Government has made a tremendous gesture in support of a community that is promoting not only itself but also the gold that it will provide with the support of the community, Newcrest and others. The Government has done the least it could do by supporting this process. I am sure this practical assistance will contribute to the project's success.

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I congratulate the central west community on their commitment to the Sydney Olympics and Paralympics. I am delighted to be able to help these local councils to achieve their goal for a fantastic Olympics.

JOHN MARSDEN ALLEGATIONS

The Hon P. J. BREEN: My question without notice is to the Attorney General, and Minister for Industrial Relations. In view of the question raised yesterday in this House by Rev. the Hon. F. J. Nile concerning an alleged police cover-up and allegations against solicitor John Marsden by Superintendent Bob Small, will the Attorney make it clear to the House that those allegations have already been investigated by the police royal commission and that Mr Marsden and Assistant Commissioner Alf Peate were completely exonerated of any improper conduct? Is it a fact that Superintendent Small and other police officers have given internal police papers and police documents to Channel 7, either directly or through intermediaries, in breach of police regulations, in order to assist Channel 7 in its litigation with Mr Marsden? If so, will the Police Integrity Commission investigate those officers?

The Hon. J. W. SHAW: I do not know, and therefore cannot comment on, what information the police may or may not have given to Channel 7 in relation to this contentious litigation. I simply want to stay completely away from that. I reiterate the point I endeavoured to make yesterday, namely that I think honourable members ought to be circumspect about commenting on pending litigations in the Supreme Court. Obviously, there are some very hard-fought issues between Mr Marsden and Channel 7 that the judge will need to adjudicate upon. I myself am cautious about making any comments about the matter, and I think all members ought to be cautious. I believe that the honourable member is correct in suggesting that this allegation of a police cover-up was dealt with by the police royal commission. However, I would not want to go further than that.

DEPARTMENT OF JUVENILE JUSTICE ADMINISTRATION

The Hon. PATRICIA FORSYTHE: My question without notice is to the Minister for Juvenile Justice. Has the Minister been briefed by her departmental officials about a government proposal to break up the administration of the Department of Juvenile Justice between the Department of Corrective Services and the Department of Community Services? Is the break-up being proposed because of the failure of the Department of Juvenile Justice to adequately manage juvenile justice centres in New South Wales?

The Hon. CARMEL TEBBUTT: The allegations go from the bizarre to the ridiculous! I am not aware of the proposal referred to by the Hon. Patricia Forsythe. However, I will take this opportunity to share with the House some of the Government's achievements in juvenile justice, given that the Hon. Patricia Forsythe, as shadow Minister, seems to be completely unaware of any of the Government's achievements in juvenile justice.

The first achievement is an increase in the recurrent budget. When Labor came to office in 1995 we inherited from the former Coalition Government a system of juvenile justice in which 80 per cent of the beds did not meet any standards. That was an absolute indictment. One has only to look at the Ombudsman's 1996 report to see the lack of attention given to juvenile justice during the term of the former Coalition Government. Those issues have been rectified under the Labor Government.

There has been a 40 per cent increase in the recurrent budget of the Department of Juvenile Justice since 1994-95, and an additional \$65 million spent on capital works in that time.

This Government has developed national standards for juvenile custodial facilities. Nothing occurred on that front during the term of the former Coalition Government. A quarterly quality review processes of detention centres has been instituted to improve scrutiny of detention centres; a new team of official visitors has been selected; the Department of Juvenile Justice has been recognised as an accredited training provider, with a certificate 3 course in juvenile justice being established with some 300 staff enrolled; a new Juvenile Justice Advisory Council has been approved; the Drug Summit money has been allocated to juvenile justice to address the very serious and difficult issues of young offenders who have particular drug problems; and plans are well under way for new regional drug and alcohol counsellors, rehabilitation facilities in detention centres and other initiatives.

Members of the Opposition are not interested in hearing about the Government's achievements. The Labor Government has opened three new centres at Dubbo, Grafton and the Frank Baxter Centre at Mt Penang, which conform to the National Standards and Deaths in Custody recommendations. Those centres have assisted the Government in being able to provide accommodation for detainees closer to their communities. One of the most significant achievements of this Government in juvenile justice is the implementation of youth justice conferencing. More than 2,200 people have attended 1,900 conferences statewide. I could go on, but I can see that members opposite are embarrassed by the Government's achievements in juvenile justice. Perhaps they need to do a little more policy development work.

HERITAGE BUILDINGS PRESERVATION

The Hon. I. M. MACDONALD: My question without notice is to the Treasurer, and Minister for State Development.

The Hon. D. J. Gay: Point of order: Question time is for members of the House to elicit information. The Hon. I. M. Macdonald is the Treasurer's Parliamentary Secretary. He should know everything there is to know. Surely Parliament is not the place for the Treasurer's Parliamentary Secretary to ask questions.

The Hon. M. R. Egan: To the point of order: I point out to the House that the Hon. I. M. Macdonald is most certainly not my Parliamentary Secretary.

The PRESIDENT: Order! If questions could be asked only if Ministers did not know the answer, no questions would be asked. Would the honourable member please proceed with his question.

The Hon. I. M. MACDONALD: Will the Treasurer update the House on the latest Government job creation initiatives to arise from the continued preservation of our heritage buildings?

The Hon. M. R. EGAN: That is a very good question. As the Hon. I. M. Macdonald would be aware, and I suspect a number of other members on this side of the House would be aware, last week was New South Wales Heritage Week. As part of that the Government launched a training plan to fill the demand for workers with traditional building skills. The Heritage Trades Training Strategy will train apprentices and qualified tradespeople in the skills needed to conserve our heritage buildings. As the House is aware, heritage trades such as stonemasonry, roof plumbing, joinery, brickwork, painting, decorating and plastering are in demand for work on the many nineteenth century buildings that we are preserving. This strategy will go some way towards filling that demand.

The strategy is a joint project between the Heritage Office, the Department of Education and Training and the Department of Public Works and Services. A training video will target school leavers and TAFE students, encouraging them to consider training options in the heritage trades. On- and off-the-job training will give apprentices the opportunities to work alongside highly skilled craftspeople and to inherit the skills and techniques of a past era. Courses, run through TAFE and ranging in length from 40 to 500 hours, will see up to 120 tradespeople trained in these traditional skills. This will ensure that our valuable heritage assets are well maintained and conserved using the best skills available. New South Wales already has a fine record in conservation management plans and

conservation standards. I encourage the industry to join the Government in supporting this initiative, and I encourage anyone who is interested in the rewarding pursuit of preserving our heritage to consider these new courses.

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M5 EAST SINGLE EXHAUST STACK PROPOSAL

The Hon. Dr A. CHESTERFIELD-EVANS: My question is directed to the Minister for Mineral Resources, and Minister for Fisheries, representing the Minister for Transport, and Minister for Roads. Given that people living close to the M5 East stack want to minimise their exposure to air pollution, why are the levels that exceed the air quality standard to be notified every six months rather than being notified as quickly as possible to allow action to be taken by residents and by the Roads and Traffic Authority [RTA] to prevent the excessive levels continuing? If there are excessive levels, what responses does the RTA plan? How long will the RTA take to retrofit appropriate treatment equipment?

The Hon. E. M. OBEID: I thank the Hon. Dr A. Chesterfield-Evans for his very important question. In view of the detail required and the importance of the question, I will seek an answer from my colleague in the other House.

FISHING INDUSTRY RESTRUCTURE

The Hon. JENNIFER GARDINER: My question without notice is directed to the Minister for Mineral Resources, and Minister for Fisheries. To ease the fears of many stakeholders in the fisheries management debate and to speed up the process of that debate, will the Carr Government now back down and withdraw its proposal to compulsorily buy out commercial fishing licences in Lake Macquarie and Botany Bay? If not, why not?

The Hon. E. M. OBEID: I really think that the Hon. Jennifer Gardiner fails to understand the concept of a green paper or a white paper and what is meant by a government putting issues on the table for the community to examine and get involved in. During last week and this week the Hon. Jennifer Gardiner has tried to tell me as Minister that the discussion paper that was issued by the Premier and me on 19 January giving the community and the stakeholders approximately 10 weeks in which to forward their submissions should be ignored. She suggests that I should not look at those submissions; that I, as the official Government spokesman, should consider them to be irrelevant; that I should not permit the three committees involved to analyse the submissions, assess them and make recommendations; and that I, as the responsible Minister, should not give those committees sufficient time to critically evaluate the submissions and make recommendations.

The Hon. Jennifer Gardiner keeps wanting to prompt me to make decisions on behalf of the Government before considering the content of the submissions. I assure the Hon. Jennifer Gardiner that the Carr Labor Government does not operate that way. Perhaps that is the way in which the Opposition operates, but this Government certainly does not adopt that style. The discussion paper is meant to be discussed by the community and the stakeholders, and that is what will happen. I will wait for recommendations to be made by the committees I have mentioned and, when I receive those recommendations, I will consult with the stakeholders until I reach the stage at which I am able to bring to this Parliament a policy that will be acceptable and adhered to by all the stakeholders.

As I have said on many occasions previously, the discussion paper does not contain concrete proposals. Its role is to be an open process for everyone in the community to see and to enable everyone to make proposals or submissions. The Government will consider those submissions in the light of action that is in the best interests of fishers. I do not perceive the process as a win or a loss for the Government or the stakeholders. I regard the receipt of submissions as a very important part of a consultation process dealing with a very important community resource. The questions that need answers and the problems that need solutions have been around for years. Only the Carr Labor Government is prepared to put the hard issues on the table and find solutions for them.

The solutions will not be found solely by the Government. The Carr Labor Government does not for one minute attempt to enforce its will on the stakeholders, who know that the resource is a very integral part of their business. If there is no sustainability of the resource, there will be no commercial

fishers and no recreational fishers: nor will there be a resource for future generations. The Hon. Jennifer Gardiner ought to take lessons in policy formulation.

The Hon. M. R. Egan: She does not know the difference between fishing and tennis.

The Hon. E. M. OBEID: I do not think the Hon. Jennifer Gardiner would know that. I have offered her an invitation to go fishing so that she will know what a fish looks like. I think the Hon. Jennifer Gardiner should put away her tennis racket and really try to find out how policies are developed by government—not that she will ever have the opportunity to develop policy because she will never take a seat on the Government side of the Chamber. Members of the Opposition are not practical. They do not have policies and they do not have any plans. Day after day the Hon. Jennifer Gardiner comes into this House and urges me to make decisions before the consultation process is complete. Let me assure all the stakeholders that the Government will consult and then formulate policy that is workable and manageable and operates for the benefit of all the stakeholders. The Hon. Jennifer Gardiner should not prompt me tomorrow or the day after to make decisions without the full consultation process being abided by and adhered to because that is the undertaking that I have given to the stakeholders.

FAIR SCHOOL WEAR CAMPAIGN

The Hon. JANELLE SAFFIN: I direct my question without notice to the Attorney General, and Minister for Industrial Relations. Will he inform the House of the Carr Government's support for the Fair School Wear Campaign?

The Hon. J. W. SHAW: I thank the Hon. Janelle Saffin for her question. During the last election, the Government promised to take steps to improve the situation of clothing outworkers. Work is now proceeding on developing a legislative package that will give expression to the strategy, Behind the Label. In the meantime, the Government is setting up or contributing to a number of other projects and activities which will start to make an immediate difference to the way in which the clothing industry operates. The Fair School Wear Campaign is one such project which invites school communities to think about where their uniforms come from and to encourage their suppliers to ensure that school uniforms worn by students are not the product of exploited labour. One way in which the suppliers can demonstrate their commitment to their labour practices is by signing the Home Workers Code of Practice, which is a voluntary code developed by the fashion industry together with the Textile Clothing and Footwear Union.

The Home Workers Code of Practice is fully supported by the Government. It is intended that the Government's legislative package and the code will work together to limit the possibility of ongoing exploitation in the clothing industry. The Fair School Wear Campaign is being coordinated by Fair Wear, which is an established consumer activist group that has been concerned for some time with the issue of outworker exploitation. Its actions, together with those of the clothing union, have already encouraged large numbers of clothing retailers and suppliers to sign the code. As an organisation committed to harnessing the power of consumer action to end the exploitation of outworkers, Fair Wear is uniquely placed to run a successful consciousness-raising campaign within school communities. The Government expects that this awareness will build up public support for the broader Behind the Label strategy and prepare consumers to support ethical businesses.

The Government is proud to provide financial support for this important campaign. I was honoured to officially launch the Fair School Wear Campaign at Leichhardt High School in March this year. It was good to visit that school, feel the strong spirit that is in that public school, meet the principal and participate with leaders of the student community and others. At the launch I was able to announce that a number of schools, both public and private, and a number of clothing suppliers and retailers have already indicated their support for the campaign. I hope to be able to report further on the success of the campaign in the near future.

ALTERNATIVE WASTE MANAGEMENT PRACTICES

The Hon. I. COHEN: I directing a question to the Minister for Juvenile Justice, Minister Assisting the Premier on Youth, and Minister Assisting the Minister for the Environment, I point out that in 1995 the Government promised in its waste minimisation and recycling strategy that it would

introduce container deposit legislation if the industry failed to meet Environmental Protection Authority [EPA] specified waste reduction targets within a three-year period. More than five years have now passed and, despite waste reduction plans in the dairy and beverage industry having taken place, no significant packaging waste reduction has occurred. Why has the Government failed to meet its 60 per cent reduction-by-the-end-of-2000 target? Is the Government still committed to achieving significant levels of waste reduction? Are the dairy and beverage industries meeting, and will they meet, their waste reduction targets? Will the Government introduce container deposit legislation, as promised?

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The Hon. CARMEL TEBBUTT: I thank the Hon. I. Cohen for his question and for the opportunity to place on record the Government's achievements in encouraging waste reduction. It is fair to say that the Carr Government has engineered a massive overhaul of waste management in New South Wales that required it to rebuild the system from the ground up. The cornerstones of its record on waste reform are widely known and held in high regard. They include a range of actions and some tough legislation, for example, the Waste Minimisation and Management Act, a 20 per cent reduction in waste to end disposal compared with what happened in 1990, the creation of statutory bodies to advise upon incremental regional waste reduction strategies such as the regional waste boards, \$8 million in kerbside recycling funding, a diversion rate for recyclables 34 per cent higher than the national average, a green waste diversion rate double the national average, and waste reduction plans for the dairy, tyre and beverage industries. The 1995 waste campaign was underpinned for the first time with strong legislation designed to encourage waste avoidance, reuse and recycling. The legislation states that the Waste Minimisation and Management Act 1995 was and remains symbolic of how seriously the Government takes waste reduction.

In relation to waste targets the Government's legislated waste reduction target has been very successful in providing a clear message to industry, community and government that waste avoidance, recovery and minimisation must be a priority. That is why the Government has made significant gains in reducing waste in the municipal sector, by almost 33 per cent, and by 25 to 30 per cent in the commercial and industrial sectors. Recycling improvements is another key area where substantial gains have been recorded. Indeed, the Beverage Industry Environment Council reports that the New South Wales diversion rate for recyclables is 34 per cent higher than the national average. It is the Government's intention that this trend should be improved upon.

In relation to funding, it is also worth informing the House that the Carr Government has committed almost \$70 million to support its waste reduction agenda. That has made these gains possible and casts a poor light on the efforts of its Coalition predecessors who could only find \$13 million to spend on waste reduction during five years. That is a comprehensive overview of what the Government is doing in relation to waste reduction. I am also pleased to report that the Government has already set in train the next wave of potential reforms by establishing the Alternative Waste Management and Technologies and Practices Inquiry. It is with much anticipation that the Government awaits the report of the three-member panel of recognised experts in the field of waste.

M5 EAST STACK HEALTH RISK ASSESSMENT

The Hon. J. F. RYAN [4.52 p.m.]: My question is to the Treasurer, Minister for State Development, and Vice-President of the Executive Council, representing the Minister for Health. Why did the Minister for Health refuse requests by officers of the Department of Health to conduct health-risk assessments of the M5 East stack project? Is it possible that the Government is simply trying to avoid putting anything on tape which might validate the legitimate health concerns of opponents of the unventilated M5 East stack? Why did the Minister refuse to allow senior officers of the Department of Health permission to make submissions to the parliamentary inquiry of this House into the M5 East stack?

The Hon. M. R. EGAN: I will happily refer the honourable member's question to my colleague the Minister for Health. I am not personally familiar with the matter that he has raised. I do know that but for this Government we would not have an Eastern Distributor, the M5 East would not be built, and the M2 extension would never be constructed. It is this Government that is getting on with the job of building all the highways that this State needs. Remember all the promises not only from members opposite but particularly from some of the crossbenchers about the Eastern

Distributor? Remember all the complaints for months and months and years? The roadway is a marvellous piece of engineering that has enormously reduced the amount of travel time of New South Wales residents.

As a resident of Surry Hills I must say the distributor has returned the streets in that part of the world to local streets once again. It has improved the amenity of the neighbourhood in an incredibly beneficial way despite all the predictions to the contrary by all of normal doomsayers. I do not want to mention any names because sometimes they are from our side but most of the time they are not. The Eastern Distributor has been a fantastic project. When the M5 East is finished, on my reckoning one will be able to drive from the Harbour Bridge to Campbelltown in about 20 minutes without stopping at one set of traffic lights. That is the sort of thing that only a Labor Government can achieve. The mob opposite were always do-nothings in government. It requires a Labor Government to get those great projects under way, and it is very proud of them. I will refer the question of the Hon. J. F. Ryan to the Minister for Health, who will provide a very good answer. The Hon. J. F. Ryan should be ashamed that he belongs to a party that has never done anything.

HUNTER VALLEY WINES

The Hon. H. S. TSANG: My question without notice is to the Minister For State Development. Will the Minister please indicate to that House the latest international recognition of the magnificent wines being produced in the Hunter Valley?

The Hon. C. J. S. Lynn: You can drink chardonnay in your local streets too; that would be very nice. I might bring in some westies to have a sip.

The Hon. M. R. EGAN: Have you a problem with Chardonnay?

The Hon. C. J. S. Lynn: No. It is your national drink, isn't it? I only drink beer.

The Hon. M. R. EGAN: You look like it too. The Hunter Valley is a very important regional area in New South Wales to which the Hon. C. J. S. Lynn has probably never been.

The Hon. C. J. S. Lynn: No, I stay in western Sydney.

The Hon. M. R. EGAN: The wines that are produced in the Hunter Valley have scored a two-page feature in this month's edition of *Conde Nast Traveller*. The House would be aware that *Conde Nast Traveller* is one of the world's premier travel magazines, is read by millions and considered by many to be the bible of international travel. The Hunter feature is a major coup for both the wineries and tourism industries in the region, equating to hundreds of thousands of dollars worth of advertising. The article describes the region as the grand dame of the Australian wine industry. It makes special mention of a number of standout wineries: Brokenwood Vineyards, Lindemans, Tyrrells, McWilliams, Lake's Folly, Rothbury Estate, Rosemount Estate and Reynolds. They are all fine wineries producing some of the world's best wines.

The author of the article states, "The greatest Australian whites I have ever tasted have been old Hunter Valley Semillons." The article also describes the Hunter region as having more "good hotels, guesthouses, restaurants than any other Australian wine region". I have been to most wine regions, but not all of them. I spent a few days in the Hunter and a few more days some years ago in the Barossa and Clare valleys but I have not been to Margaret River. Certainly, of the wine growing areas to which I have been, the Hunter Valley surpasses them in variety and quality of accommodation and restaurants.

The article in *Conde Nast Traveller* follows another article in the January edition of the same magazine spruiking Sydney's status as one of the world's international cities. As they say, you can't buy publicity like this. The New South Wales tourism industry is going from strength to strength. With an estimated 42,000 tourists expected to visit New South Wales during the Olympics, and a further 3.5 billion watching the Games around the globe, that trend is set to continue. I congratulate *Conde Nast Traveller* on its good sense in writing about the great Hunter Valley. I congratulate all those wineries and businesses that make the Hunter such a wonderful tourist attraction.

NATIONAL DNA DATABASE

The Hon. A. G. CORBETT [4.58 p.m.]: My question is to the Treasurer, Minister for State Development, and Vice-President of the Executive Council, representing the Minister for Police. In a paper presented to the Sydney Forensic Science Society in May 1999 entitled "A National DNA Database: The UK Experience", Detective Superintendent Napper, a specialist in DNA investigative technology, who was at that time on secondment to New South Wales police wrote, "the realisation that this technological advance, properly used and legislated for, could make an enormous impact within crime investigation, was not lost on politicians."

In the absence of any legislation on DNA testing in New South Wales, and in the absence of any discussion with the New South Wales Privacy Commissioner, what guidelines did the police establish to ensure the proper testing and use of DNA samples collected from many males in Wee Waa? What is the name of the testing facility or facilities where samples will be analysed? Is another similar DNA testing process being considered by the police for the male population in Gulgong, near Mudgee?

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The Hon. M. R. EGAN: I will refer the honourable member's question to my colleague the Minister for Police and obtain a comprehensive reply.

PAYROLL TAX

The Hon. D. T. HARWIN: I address a question to the Treasurer. Does the Treasurer recall, in his first week as Treasurer in April 1995, telling the *Sunday Telegraph* newspaper that in his first budget, "We're going to hack into payroll tax as heavily as we can and as soon as we can"? Did the Treasurer add, "We want to get down to the Queensland payroll tax level very soon. I'd like to go further than that: payroll is a bad tax." Or does the Treasurer suggest that the journalist who wrote the article in which those statements appear fabricated the Treasurer's plan to cut the rate of payroll tax by 2 per cent by 1999 and a further 1 per cent by this year?

The Hon. M. R. EGAN: I think the Hon. D. T. Harwin has asked me a similar question before, so it surprises me that he now asks it again. That is if my recollection is correct. If he has not asked the question before, he can check *Hansard*, from which he will know that I have been asked the question on about a dozen occasions in this House. In fact, the first question was asked very soon after that article appeared in the *Sunday Telegraph*. As I pointed out on each of those dozen or so occasions, the *Sunday Telegraph* story was a concoction. I made it quite clear to the journalist that we would be reducing payroll tax when we could, but—

The Hon. D. J. Gay: When? You'll have been in office five years now.

The Hon. M. R. EGAN: And we have reduced payroll tax.

The Hon. D. J. Gay: Not to the levels that you said you would.

The Hon. M. R. EGAN: Yes, we have. What honourable members opposite have conveniently forgotten is that the Coalition Government put payroll tax up to 7 per cent, from 6 per cent. This Government already has it down to 6.4 per cent. From 1 July next year it comes down to 6.2 per cent, and from 1 July the year after it comes down to 6 per cent. So, under the Liberal-National Government it went up to 7 per cent; under Labor it is down to 6.4 per cent and going down to 6 per cent.

The Hon. D. T. HARWIN: I ask a supplementary question. Treasurer, given your statement that that article was a concoction, as the journalist in question, John Larkin, has no doubts whatsoever that you made that commitment, would you like his telephone number to refresh your memory?

The Hon. M. R. EGAN: You probably know Mr Larkin as well as I do.

NRMA DEMUTUALISATION

The Hon. J. HATZISTERGOS: I direct a question to the Treasurer. Does the proposed demutualisation of NRMA Insurance have any implications for the New South Wales economy over the next 12 months?

The Hon. M. R. EGAN: Certainly, the proposed demutualisation would have a very significant and positive impact on the New South Wales economy. On the basis of an assessment by Ernst and Young, something between \$3.4 billion and \$4 billion worth of shares will be allocated to NRMA members. I am told that there are approximately 1.8 million members of the NRMA, nearly all of whom reside in New South Wales or the Australian Capital Territory. The importance of a demutualisation would be a boost to consumer spending, partly from the cashing out on share allocations and partly from a wealth effect on consumption spending by members who keep their allocations.

I am advised by New South Wales Treasury that since NRMA membership is concentrated in New South Wales it would be reasonable to expect that the impact on private consumption in New South Wales would be an increase of about 0.75 per cent. I am also advised that the estimated increase in the State's economic output in 2000 and 2001 would be approximately \$675 million. That equates to a boost to the State's economic output of about 0.35 per cent. As honourable members will be aware, a 1 per cent economic growth, all other things being equal, would add about 30,000 jobs to New South Wales. So an economic growth boost of 0.35 per cent should add about 10,000 jobs to New South Wales alone. That is a very significant economic impact. Certainly, it would add to spending power and to the wealth effect that New South Wales residents experience.

FORESTRY WORKER ACCESS

The Hon. M. I. JONES: I ask a question of the Treasurer, and Minister for State Development, representing the Minister for Police. This morning Federal forestry Minister, Wilson Tuckey, accused State governments of failing to morally support police trying to enforce many laws being broken daily by green activists in our forests, including drug abuse. Will the Minister for Police guarantee access for forestry workers to do their job and support the police in the prosecution of offenders?

The Hon. M. R. EGAN: I am not aware of anything—

The Hon. Dr A. Chesterfield-Evans: Wilson Tuckey's running dog.

The Hon. M. R. EGAN: I think that is a very unfair statement, but I would agree with the Hon. Dr A. Chesterfield-Evans if he was implying that one would not believe a word that Wilson Tuckey said. If that is the implication in the honourable member's interjection, for once I am in agreement with him. I am not aware of anything that Mr Tuckey has said. I normally would not go out of my way to find out what he said.

The Hon. Dr B. P. V. Pezzutti: Oh!

The Hon. M. R. EGAN: I am quite serious. He is not a public figure that I take seriously at all. As the Special Minister of State, and Assistant Treasurer and I think the Attorney General, and Minister for Industrial Relations are both pointing out, nor would the Hon. Dr. B. P. V. Pezzutti take anything that Wilson Tuckey said with any seriousness at all.

The Hon. Dr B. P. V. Pezzutti: Not even the Hon. C. J. S. Lynn.

The Hon. M. R. EGAN: Wilson Tuckey would not give the Hon. C. J. S. Lynn the time of day. As the Hon. M. I. Jones has asked the question, I will refer it to the Minister for Police and obtain an answer as soon as I can.

The Hon. M. I. Jones: Point of order: the Hon. Dr A. Chesterfield-Evans referred to me as "Wilson Tuckey's running dog", an expression that I find offensive. I would ask him to withdraw it.

The Hon. Dr A. Chesterfield-Evans: I certainly felt that he was acting for Wilson Tuckey in this, and supporting Wilson Tuckey. However, if the honourable member finds the term "running dog" offensive, I will withdraw it.

STATE BUDGET

The Hon. C. J. S. LYNN: I direct a question to the Treasurer. Given the Treasurer's officers' difficulties with delivering the budget on time in recent years, the Treasurer's reluctance to commit to a budget timetable is understandable. However, is the Treasurer now able, at this proximity to the Federal budget, to provide an actual date for the next State budget?

The Hon. M. R. EGAN: The Hon. C. J. S. Lynn must be the last person in New South Wales to know the date of the budget. Everyone knows that the budget will be delivered on 23 May. Reverend the Hon. F. J. Nile knows that, as does every other honourable member of this House. Charlie Lynn would not know what day it was.

RESIDENTIAL DRUG REHABILITATION SERVICES

The Hon. H. S. TSANG: Can the Special Minister of State inform the House what steps the Government is taking to improve residential rehabilitation services for people suffering from drug addiction?

The Hon. J. J. DELLA BOSCA: Late last year the National Drug and Alcohol Research Centre released the 1998 opiate overdose death statistics, which showed that 358 people in New South Wales died as a result of opiate overdose. That is 358 needless deaths. This unfortunate trend of increasing overdose deaths was one of the reasons the historic New South Wales Drug Summit was convened by the Premier last year and led to the Government's plan of action on drugs and an additional \$176 million in new funding, bringing total direct funding on drug programs to about half a billion dollars. One of the facts accepted by the Summit as a whole was that one size does not fit all; that not one approach to the community's drug problems fits every instance; one addict's problems will not fit every set of circumstances; and that there are no quick fixes when it comes to the problem of drug addiction.

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The Government's plan of action provides a comprehensive response to tackling the drug problem on all fronts, including treatment, enforcement and education. One such treatment response is residential rehabilitation. I was pleased to announce early today funding for 62 new drug rehabilitation beds across New South Wales. These new beds will allow non-government organisations to treat an additional 521 people each year, with an additional a \$5.25 million worth of funding over four years. Each year 521 people will be given a second chance to overcome their addiction habit. I really do not think the Hon. Dr A. Chesterfield-Evans' earlier interjection was justified or appropriate when one realises that the lives of 521 people will be turned around every year.

The boost in treatment places forms part of this Government's increase in drug services following the New South Wales Drug Summit—a \$93 million commitment to further assist drug-dependent people to overcome their addiction to harmful drugs. These new beds will provide living facilities and intensive support to enable people who want to stop using drugs to recover and learn the skills necessary to make a contribution to the community by living a drug-free life. These new allocations will be made in full consultation and partnership with the peak body for drug rehabilitation providers—the Network of Alcohol and Drug Agencies—who expressed support for this announcement as a real and significant commitment by the Government to expand treatment opportunities for drug-dependent people across the State.

The organisations that are to receive these new allocations are: the Salvation Army; Jarrah House, which is a facility for women and children; Phoebe House; Odyssey House; the Sydney City Mission; We Help Ourselves, the facility which I visited today in Redfern; the Buttery on the North Coast; Freeman House in the New England area; the Glen on the Central Coast; Lyndon Community Centre at Orange; Weigalli Aboriginal Service; O'Connor House and Kedesh House in the Illawarra area. Non-government organisations have always played an extremely valuable role in the treatment and rehabilitation of drug addiction, as they have done in many other areas. The people who manage

these facilities and the staff who work at these facilities are at the front line of an extremely complex and often tragic problem.

I place on record this Government's appreciation of that vital work. On behalf of the community I reaffirm that this Government stands ready to assist those non-government organisations in every way possible. Today, when I announced those extra 62 rehabilitation beds, I visited one such excellent non-government facility run by Garth Popple of We Help Ourselves. There I met Mr Ken Trevallion, who has been president of the organisation for the past two years and vice-president for 17 years. Ken Trevallion, a layperson who could be involved in other community activities, has chosen to give an enormous amount of his time and to put a great deal of effort into this organisation. He typifies the types of people involved in these sorts of organisations. I thank the House for its forbearance.

DRUG REHABILITATION SERVICES

The Hon. ELAINE NILE: My question without notice is directed to the Special Minister of State, and Assistant Treasurer. The Minister just announced that an additional 521 drug addicts will receive rehabilitation treatment under a \$5.25 million package for 623 new rehabilitation beds in the non-government sector. The Christian Democratic Party thanks the Minister for that announcement. The Minister would be aware that the majority of those groups have been working for years and have experienced a lot of heartache in the area of drug rehabilitation. Is the Minister aware of a new survey by the Australian Bureau of Crime Statistics and Research that shows a direct link between drug use and the high level of break-ins in Sydney suburbs? Does the Minister agree that today's announcement is only a small move toward addressing the real drug crisis in New South Wales? Is the Government aware that compulsory care drug rehabilitation is successful in Sweden? What action is the Government taking to address the drug crisis in New South Wales by introducing compulsory care drug rehabilitation in order to truly help addicts clean up their lives and reduce crime in our suburbs?

The Hon. J. J. DELLA BOSCA: I will respond quickly, although the Hon. Elaine Nile asked an important question. I am not aware of the specific study to which the honourable member referred when she asked her question. I think it is generally accepted by front-line police as well as a large number of criminological and other studies that there is an obvious and direct link between property crime, violent personal crime, drug addiction and the use of drugs. The second part of the honourable member's question related to today's announcement as being a relatively small part of a comprehensive strategy. Obviously, many honourable members would be aware—I think I said in an earlier answer—that today's announcement represents a relatively small part of a big response.

The Government has looked at and is sponsoring approaches that range from home detoxification, where an addict is assessed as being able to overcome his or her addiction, through to a range of trials of various innovative pharmacopoeia therapies—bupromorphine, naltrexone and others—as well as these intensive facilities which involve residential treatment and rehabilitation. I am sure that the Hon. Elaine Nile is aware that sometimes people are in these facilities for up to six months. The honourable member referred also to the Swedish example. All the programs that are run by non-government organisations are voluntary programs. There is an element of strict discipline in many of these programs. Usually addicts concur with these programs as the best way of confronting their difficulties.

The honourable member referred also to compulsion. I am forced to refer her to some of the other initiatives from the Drug Summit, including the compulsory treatment programs and trials, which involve an interrelationship between our current criminal justice system and drug treatment programs. They represent perhaps a slightly different approach to the approach being adopted in Sweden. I believe that the Australian approach to this problem will be successful.

The Hon. M. R. EGAN: If honourable members have any further questions I ask that they place them on notice.

OLYMPIC AND PARALYMPIC GAMES WORKERS COMPENSATION

The Hon. J. J. DELLA BOSCA: Yesterday the Leader of the Opposition asked me a question without notice about workers compensation coverage for employees working from home

during the Olympics. I refer the Leader of the Opposition to section 9 of the Workers Compensation Act 1987. The Act provides that workers compensation arrangements apply to all injuries arising out of or in the course of employment. This applies whether the injury occurred while the person was working from home or at his or her usual place of employment. Section 9 is a long-standing provision which is well understood by industry. In the event of injury, claims will be processed in the normal way.

The court has consistently supported workers entitlements to benefits where injury can at all be connected to their employment. Similarly, public sector employees who undertake work temporarily for another public sector agency for the period of the Olympics continue to be covered by their employer for workers compensation. Working from home has become an increasingly prevalent practice, as the Leader of the Opposition knows, as workplaces become more flexible. Employers have obligations under occupational health and safety and workers compensation legislation. These obligations are not diminished because an employee is permitted to work from home.

The "Flexible Work Practices Policy and Guidelines" issued by the Public Employment Office make it clear what these obligations are, including providing and maintaining a working environment, equipment and systems that are safe and without risk to the health of employees. The policy also provides a comprehensive checklist of issues to assist agencies and staff to consider when introducing work-from-home arrangements. A number of agencies, both State and Federal, have successfully implemented work-from-home arrangements. Consequently, as other agencies seek to implement work-from-home arrangements, there is a wealth of experience to draw on to enable work-from-home arrangements to be developed and successfully implemented.

It is unhelpful to raise doubts in people's minds about their entitlements when their rights in this area are well established. I was reluctant to answer the honourable member's question off the top of my head because I thought I must have overlooked some aspect of the matter. I thought the Leader of the Opposition had taken up the time of the House with this matter as there was some serious basis to his question. He has left the Chamber, but if he wants to play trivial pursuit I suggest he joins a club.

OLYMPIC ARRANGEMENTS BILL

Message received from the Legislative Assembly agreeing to the Legislative Council's amendments.

SPECIAL ADJOURNMENT

Motion by the Hon. J. J. Della Bosca agreed to:

That this House at its rising today do adjourn until Thursday 13 April 2000 at 2:30 p.m.

STANDING COMMITTEE ON LAW AND JUSTICE

Report: Crime Prevention Through Social Support

Debate resumed from 4 April.

The Hon. R. D. DYER [5.30 p.m.]: I welcome the opportunity to commence the debate on the motion to take note of the first report of the Standing Committee on Law and Justice on this reference relating to crime prevention through social support. In May 1998 the Attorney General made a reference to the committee concerning this matter. The terms of reference were:

That the Standing Committee on Law and Justice undertake an inquiry into and report on the relationship between crime and the types and levels of social support afforded to families and communities, with particular reference to:

- the impact of changes in the social services support system on criminal participation rates;
- support programs that can assist in protecting people from developing delinquent or criminal behaviours; and
- the type and level of assistance and support schemes needed to change offending behaviour.

The inquiry was launched in October 1998 by a conference that included both local and international speakers. The conference was held in the Parliament House Theatre. The key speaker was Professor Larry Sherman, who was commissioned by the United States Congress to examine the effectiveness of crime prevention strategies across the United States of America. I commend to honourable members Professor Sherman's report entitled, "What Works, What Doesn't, What's Promising."

Following the March 1999 election I succeeded the Hon. Bryan Vaughan, a former member of this House, as chair of the committee, and since then the committee has held 10 public hearings and received 70 submissions. In addition to those public hearings the committee has visited Merimbula, Ballina, Moree, Claymore near Campbelltown, Newcastle, Lake Macquarie, Kempsey and Dubbo. The purpose of the committee's report is to stimulate interest in and debate on crime prevention through social support.

Many programs with aims such as improving childhood health or, to give another example, supporting people with intellectual disabilities, can also have important crime prevention outcomes. The committee fully supports the need for law enforcement as it is traditionally referred to. However, investment now in social support will reduce the supply of offenders in years to come. Crime and the fear of crime have been on the agenda for many years and, quite frankly, are not going to go away. However, we need to make long-term investments before such problems become too big to prevent.

The committee's report emphasises that there are many solutions to crime. Law enforcement by police is only one of the many strategies needed. Both overseas and local studies have shown that the most effective methods of prevention are often early intervention. Dr Don Weatherburn, the Director of the Bureau of Crime Statistics and Research, has shown via the statistics he has collected and the way he has collated them that there is a direct link between parental neglect and future juvenile offending. In evidence given to the committee in person Dr Weatherburn said that the very best predictor of future offending behaviour is parental neglect. Support for families, parenting programs and assisting at-risk children can prevent these children becoming offenders. If we can improve parenting, childcare and family support, we will have less need for extra police in future years.

The Hon. D. F. Moppett: Prior family histories are also an indicator.

The Hon. R. D. DYER: Yes, prior family histories certainly are an indicator of future offending. I know from experience as Minister for Community Services in former years that dysfunctional families tend to produce further dysfunctional families. There is a repeat cycle, and governments need to break into that cycle to end it once and for all so we can prevent offending recurring in successive generations. The report discusses cases of offending behaviour and looks at trends in recent crime statistics. The report also maps out government and non-government agencies that have a role to play in providing the social support that reduces offending behaviour. We also examined the need for an evaluation of crime prevention programs.

Unfortunately, it is true to say that we believe sometimes government agencies introduce worthwhile government programs. However, there is a comparative lack of assessment or evaluation of the effectiveness of those programs. That is simply not good enough. Funding needs to be made available for programs that are put in place to be formally evaluated. The committee focused its report on three main subject areas: early childhood intervention, the role of local government in crime prevention, and crime prevention among people with intellectual disabilities. In saying that, I am referring to the committee's first report. The committee will be dealing with and is dealing now with other matters in the final report that we hope to release in about July this year. I will not address early childhood intervention in depth today because I do not want to occupy the House for an undue amount of time. I wish to shortly detail two other matters.

The committee found there are many studies that demonstrate the cost effectiveness of early childhood intervention over more punitive measures. The committee gives very strong support in its report to the Government's Families First program. However, we raise issues which need further examination as the program unfolds. The committee also highlights the importance of childcare as intervention, one that arguably is underused at present in working with at-risk children. I turn now to the role of local government as set out in chapter 7 of the committee's report. The committee identified local communities as having a key role in crime prevention.

The committee believes that local councils are best placed to bring communities together, being the tier of government closest to the people. Partnerships of councils, government agencies, community groups and local businesses can work together to deliver many different strategies to reduce crime in their local areas. Crime is a problem with many solutions and it needs many strategies and a whole community response. All local councils have a responsibility to contribute to improve the safety of their community. The committee stopped short of making this a mandatory role. The committee recommended that local councils be asked to report in their annual reports or their social plans on what consideration of crime prevention was made by the council in a given year.

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In a low crime area the decision might be that the council does not need to become involved; in an area of high crime the council clearly should not sit on its hands.

As recently as last Friday I was invited by the Mayor of Ku-ring-gai to speak to the council about the committee's work. Ku-ring-gai is not to be equated with the Bronx district in New York so far as crime rates are concerned. However, it is interesting to note that Ku-ring-gai council is putting a crime strategy in place to deal with some manifestations of antisocial behaviour mainly involving railway stations and schools in the council's area. The Local Government Association advised the committee that in a survey it carried out last year of its 177 member councils, 48 per cent had a community safety or crime prevention advisory committee and 20 per cent of all councils in the State had a formal crime prevention plan.

The committee is concerned that most councils are still locked into seeing crime prevention as predominantly a law enforcement matter. It is critical of councils trying to fund their own law enforcement, for example, by employing security guards and sniffer dogs, and initiatives of that type being entered into. In the committee's view it is better to follow examples such as Canterbury council and Ballina Council. Both of those councils, and of course other councils, have worked co-operatively with the police, rather than trying to do the work of the Police Service. I note in passing that the committee received assistance from the Department of Urban Affairs and Planning. The committee is convinced that good design standards of simple matters such as pathways that are not unduly screened by high shrubbery can have an impact in terms of crime prevention. That is a simple example of what can be done.

I also make passing reference to anti-graffiti type programs. The Hon. D. F. Moppett may be interested to hear that when the committee made a recent visit to Dubbo it also visited West Dubbo, which has had a severe graffiti problem in the past. A local Aboriginal artist with an international reputation has supervised a project in which lengthy stretches of colorbond fences have been painted with murals, not only of Aboriginal motifs but also with nautical themes—sometimes dolphins or African animals, including giraffes, elephants, tigers and lions.

The Hon. D. F. Moppett: They might have been real ones coming from the zoo.

The Hon. R. D. DYER: No, I satisfied myself that they were not real. The murals are so effective that tour buses are starting to visit the locality to look at the murals, which stretch virtually as far as the eye can see.

The Hon. D. F. Moppett: There is a little bit of that at Wilcannia that was quite successful.

The Hon. J. Hatzistergos: And reduced the maintenance work, too.

The Hon. R. D. DYER: As the Hon. J. Hatzistergos says, it reduced the maintenance. We have not been to Wilcannia so I am not sure what has been done there. However, the committee was very impressed with what has been achieved in Dubbo. The committee is of the view that a communication strategy driven by both the government and the Local Government and Shires Associations is necessary to let all councils know what crime prevention strategies have worked locally. In evidence to the committee the Local Government and Shires Association said that it was surprised at how much had been done by individual councils, some of which even the association was unaware. In the association's view—and the committee agrees with the association—it is necessary for councils to share information as to what is happening at the local level.

The committee is impressed with the work of the crime prevention division of the Attorney General's Department, which can give worthwhile grants to local councils and local communities to engage in crime prevention activities. However, we suggest a review of the current funding levels, given the increasing demand by councils for crime prevention initiatives. The committee visited Ballina and Moree, as I said earlier. At both of those locations the parental responsibility Act is in operation in the formal sense. By that, I mean that Ballina and Moree have been declared to be operational areas—I might add, together with two other areas in the State: Coonamble and Orange. The Act is in operation in a formal sense in only those four locations in the State.

I am happy to note for the benefit of the House that in the two areas we visited, Ballina and Moree, there has not been a heavy-handed law and order response. Indeed, there are street beat-type responses involving local services to encourage young people to get off the streets late at night when they might be at risk. The committee formed the view that the parental responsibility initiative in Ballina and Moree has brought all sections of the community, including the Aboriginal community, together to work on the crime prevention strategies that have been adopted at the local level.

Another matter I refer to relates to chapter eight of the committee's report, which deals with people with intellectual disabilities. The committee is of the view that people with intellectual disabilities can be particularly helped, both as victims and as perpetrators, by crime prevention through social support. The committee had the benefit of evidence given by Associate Professor Susan Hayes of the University of Sydney to the effect that almost one in five—that is roughly 20 per cent—of the current prison population has a moderate to borderline intellectual disability, that is, an intelligence quotient of about 70 per cent. It must be said that that is despite people with intellectual disabilities overall representing only 2 per cent to 3 per cent of the general population. That is a massive overrepresentation, and I am sorry to say that that overrepresentation has risen over the past 10 years.

The committee notes that some improvements have been made in the co-ordination of human services and criminal justice agencies in the intellectual disability area since the release in 1996 of the New South Wales Law Reform Commission's report dealing with this matter. That report was highly critical of the gaps in services that existed. However, dealing with one issue that has troubled me over the years, the committee was concerned to note that witnesses were unable to provide any specific example of programs whereby people with what is sometimes described as challenging behaviour are enabled to live successfully in the community with appropriate supports.

The committee recommends a project to identify such services and to evaluate them, and to use this as a way to advance crime prevention in this area. It supports the policy of closing large institutions because it reduces crimes committed against people with intellectual disabilities, among other benefits. However, the policy needs to be supported by a significant increase in funding of support services to avoid a continued overrepresentation of people with intellectual disabilities in prison. There is a risk that without adequate social support being provided, the closure of large residential facilities may simply lead to some intellectually disabled people being housed in even harsher prison environments.

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The committee also identified areas in which support programs are currently lacking for the intellectually disabled in the community. It recommends that a category of "risk of offending" be a criterion for the provision of services. Currently, higher levels of disability determine service provision, whereas crime is generally committed by those at the more moderate level of the disability spectrum. The committee is concerned that police and courts may not detect a disability in many instances, and recommends increased training and the use of screening tests. People with intellectual disabilities are among the most vulnerable people in our community, and we need to ensure that they are not unnecessarily incarcerated.

As I mentioned, the committee will release its second report in the middle of the year. That report will have a focus on crime prevention through housing and employment schemes, and will look at effective crime prevention in Aboriginal communities and among young people. I commend the first report to members, and welcome responses from them on any of the issues raised regarding the social support that is necessary to prevent crime.

The Hon. J. F. RYAN [5.41 p.m.]: I wish to make comments which I believe are complementary to those made by the Chair of the Standing Committee on Law and Justice. First, all members of the committee supported every recommendation in the report and found substantial areas of agreement. It has been a particularly pleasurable report to do, in that it allowed members of the committee to visit various parts of Sydney and a couple of country towns and to look at programs which most of us found to be reasonably positive.

Members of the Legislative Council often find themselves on committees that inquire into areas of social distress. They are often exposed to some of the most difficult aspects of human existence, and that is distressing. This inquiry was no different in that we were exposed to a difficult aspect of human existence, but nevertheless we learned about many positive attempts to overcome those disadvantages. It is always pleasing when members see something positive. The last portion of the report lists the extensive number of submissions put before the committee, which gives some idea of the breadth of research undertaken by the committee, which in turn underpins the various recommendations that make up the report.

I thank the committee staff for their assistance, as did the chair in his foreword to the report. I am particularly impressed by the forward thinking of the staff of the committee, in that they often find different ways of obtaining information other than by the simple public hearing format that we are so familiar with. For example, the committee first sought to gather information by conducting a public forum in the Parliamentary Theatre, which was open to members of the community as well as to all members of Parliament. It was an open forum in which we had the opportunity to hear experts from overseas and throughout Australia address the committee and set the agenda. As I said, that is not quite the same format we are used to in parliamentary committees, but it illustrates the sort of imagination that has been very much a part of the administration of this committee, particularly from Mr David Blunt.

The committee found that it is no surprise that there is often a co-existence of crime and social disadvantage and various forms of social distress. It is no surprise to find that areas that have high crime rates can be subject to what we call in the report geographic disadvantage. There is poor academic performance by young people in schools, and a high proportion of people who used to be State wards are involved in the criminal justice system. Additionally, the contribution of substance abuse to crime is now becoming well known. Indeed, the inquiry I chair at present, the Select Committee on the Increase in Prisoner Population, has demonstrated to me that substance abuse is perhaps having an even more profound impact on the community than we had thought.

The committee found, for example, that the top 30 disadvantaged areas in New South Wales have 4¼ times their share of child abuse, 3¼ times their share of emergency assistance, and three times their share of court convictions and long-term unemployment. Similarly, the committee was told that poor performance at school is a key indicator of likely participation in the criminal justice system. In Western Australia the committee on crime prevention reported that academic performance, weak attachment to school, low attendance and behaviour problems such as bullying and inability to relate to peers and teachers, and disobeying school rules, were all factors associated with later delinquency.

Tony Vinson told the committee that a schoolteacher said to him, "Get me a piece of paper and I will write down the names of the people who will end up in gaol." Mr Vinson asked the teacher what he was referring to. The teacher said that the students who were not performing to the best of their ability at school, did not feel that they were accepted, and were not confident with the school were the most likely to end up in gaol. Schools have a large contribution to make in preventing crime.

It was pointed out to the committee that 17 per cent of the people in our juvenile justice institutions are State wards, even though they represent less than one-fifth of 1 per cent of the State's youth. So, there is an even higher overrepresentation of State wards than indigenous youth in juvenile justice institutions. The committee was told that 70 per cent of inmates in New South Wales prisons committed their most serious offence whilst they are under the influence of illegal drugs or alcohol. It makes sense that if we can address some of those matters we may set about the process of preventing crime.

It is often said, for example, that if we implement those types of social programs first, we are likely to reduce the expense of incarcerating offenders later. Undoubtedly there is some truth to that.

However, competing against that is what I call the black hole theory of the State Treasury—or any Treasury for that matter. Essentially, it is a belief within the Department of Treasury that simply increasing funding for social programs has no impact; that the social problems they are designed to address remain virtually the same, no matter how much funding is put towards addressing those problems.

The committee was in part attempting to find out whether there were some ways of evaluating programs to come up with a more certain outcome, so that if a department, whether it be the Department of School Education and Training, the Department of Community Services or the Department of Disability Services, were to ask Treasury for funding for a program that prevented crime, there would be a set of indicators by which Treasury could evaluate whether funding that program would achieve the desired outcome. Overall, we are trying not simply to fund social programs but to reduce our expenditure on the criminal justice system. If we are not able to do that, the struggle to fund and promote community support to prevent crime will not be very successful.

I should like to refer to a couple of the programs that the committee looked at. One that the chair of the committee did not address because of lack of time is the committee's investigation of schools as community centres. Six schools in New South Wales were funded in 1989 for a two-year pilot program, which has continued, at Redfern, Chertsey, Curran, Coonamble, Kelso and Kempsey West. Those schools have been funded to expand the role of the school, not just as an educational institution but to provide a number of social supports that have as their impact addressing various family issues. The hope is that by making school more relevant and addressing these sorts of issues they will be able to improve the function of the family and discourage crime.

Projects examined by the committee included Kids for Kindy, a transition program which is self-explanatory; a bus service to get kids to school to reduce absenteeism; a series of community festivals and open days, the object of which was to get parents together so they could be provided with other positive social information; parenting courses; nutrition programs; and time-out-for-mums day programs.

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The committee ultimately recommended that those programs should continue, but perhaps a stronger recommendation for more funding to be allocated to those programs could have been made. I make that observation with the knowledge that only \$500,000 is spent by the Department of Education throughout the State. It seems not unreasonable to expect that a doubling of that budget allocation, which would barely be noticed by Treasury, would bring significant benefits to some disadvantaged areas throughout the State. I suggest that schools in areas such as Claymore, Airds and Campbelltown would derive positive benefit from the extension of that program.

Schools generally run the risk of ignoring their important function of preventing crime if they do not to perceive that to be one of their roles. Instead, schools focus, naturally enough, on the delivery of curriculum and on academic performance. I have worked in schools where students who do not perform are discouraged from coming to school, particularly when they are past the age of compulsory attendance. If those kids do not attend school, they are more likely to participate in crime. In that regard, encouraging schools to make a little more effort with some of the more difficult kids may well in the long run prevent crime from occurring. Schools often do not see things that way. The recommendation for schools to be community centres was perceived to be a way of addressing a bad attitude. I say with some pride that during the most recent State election the Opposition's policy was to expand the program. The Government might usefully address an increased allocation—if not in the next budget, then in the 2001-2002 budget.

The committee dealt with the issue of child care as a crime prevention program. As the chair of the committee, the Hon. R. D. Dyer, stated earlier, one of the predictors of likely participation in the criminal justice system is often not so much parental neglect but a lack of supervision. By providing more supervision for children and assisting parents, child care programs, believe it or not, prevents crime. The committee also examined changes to the policies of the Federal Government. I cannot resist referring to an area of interest for a committee with a Government majority, so I share the observation on page 116 of the report that the 20-hour limit on child care creates difficulties for parents. Some parents are able to send their children to child care for only one day because the 20-hour limit works so inflexibly. Some parents might want to avail themselves of 20 hours of child care

each week, but if their centre is open for 10 to 15 hours a day and they need to leave their children there for, say, 12 hours a day, they cannot leave them a second day that week because they would go over the 20-hour limit. That seems strange and hopefully it is something the Federal Government will usefully turn its attention to, given the importance of child care in assisting dysfunctional families.

As the Hon. R. D. Dyer stated, the committee also examined the operation of the Children (Protection and Parental Responsibility) Act, which, despite having been introduced by a Government of which I was a member, was never legislation about which I was particularly excited. I discovered that the Act was only ever enforced in country areas because it is simply impossible for police in a metropolitan area to take kids home. If children from Campbelltown were found wandering around Kings Cross, Canterbury or Cabramatta and police had to ferry them home, that would take police off the beat, and that is not very practical. However, in country areas it has been convincingly demonstrated that the Act can work positively. Some towns made the spirit of the Act work without necessarily applying it to the letter.

In country areas, the view was taken that it was sensible to take kids home at night by simply offering them transport. Police officers did not have to force the kids but, rather, simply offered the kids a lift home and the kids happily accepted. The report cites good examples of the use of night transport programs for young people in Ballina and Moree. While it was felt that the program needed the support of the Children (Protection and Parental Responsibility) Act, the truth is that the legislation was very rarely used. At Ballina the powers were used only once and it is likely that a very similar result could have been achieved in another way. I applaud country communities for making use of the Act in such a positive manner.

In the brief time that remains for debate on the committee's report, I turn my attention to intellectual disability. In common with the committee now inquiring into prison populations, which I chair, this committee found that intellectual disability is a large contributor to the criminal justice system. At this stage of the twenty-first century, there is no reason why a community in New South Wales or in other parts of Australia should lock up people who need help rather than punishment. I refer to people who would not have wound up in the criminal justice system if they had been given the help they needed in the first place. I hesitate to add that some people blame the increase in crime on people who have intellectual disabilities; and the committee's response to that suggestion is on page 167.

It has been suggested that the closure of institutions for intellectually disabled persons has contributed to increasing rates of crime because, instead of intellectual disabled people being housed securely in institutions, they are out on the streets. The committee makes two observations to counter that suggestion. First, despite the closure of several institutions, the actual numbers of people living in institutions has not significantly declined. The Opposition has complained previously that despite a number of institutions being closed and inmates being sent onto the street, by and large there is still the same number of people in institutions. Second, most people in prison who are intellectually disabled suffer from a mild intellectual disability, whereas people in residential institutions typically have more severe disabilities. Those two factors must be measured against the general contention that returning people with intellectual disabilities into the community is causing an increase in crime. It is true that people who have intellectual disabilities are involved in crime and that it is necessary to provide them with more support, but that has little to do with the actual closure of institutions.

The report provides details of the types of offences which people who have intellectual disabilities are likely to commit. Although the offences tend to be less serious property offences, some serious offences against the person have been committed. As the Hon. R. D. Dyer stated, it would be useful if agencies such as the Ageing and Disability Department considered the likelihood of an intellectually disabled person committing a crime. The Ageing and Disability Department allocates funding on the basis of the severity of disability. In other words, people who have very severe disabilities receive funding and support, but they are not the people who are most likely to get involved in crime. As I stated earlier, people who have mild intellectual disabilities are more likely to be involved in crime. If they can be identified and supported, it is likely that they will not wind up in the criminal justice system. That is the reasoning that underpins recommendation 28. The committee believes that "consideration of the likely risk of offending" should be part of the criteria used to determine what services will be provided to people who are intellectually disabled.

The report also indicates areas of future research. Interestingly enough, this is an innovative feature as far as reporting standards go. The committee has indicated areas of inquiry for its next report, thereby providing an opportunity for honourable members and the community to examine matters that the committee is already researching, including a detailed examination of children in care and State wards; a more detailed examination of indigenous people entering the criminal justice system; prisoner recidivism; the role of policing and crime prevention; the provision of facilities such as housing; and the role that other recreational programs might play in preventing crime. I ask honourable members to examine the last chapter of the report to determine whether some matters there might be relevant to the communities they represent. If honourable members know people who can provide the committee with useful submissions for its next report, I urge them to ask them to do so.

The report represents a good start to what I believe is a positive investigation. Should the recommendations of the report be carried out—and it should be noted that, by and large, the recommendations are mild—honourable members are likely to witness a positive impact on the crime rate in our State. While the report does not necessarily make recommendations, it is intended to stimulate public discussion and provide for various communities a type of recipe book of programs that might be implemented in various places. A number of local government area representatives complained to the committee that they are experiencing problems with crime. They would only need to read the report and find out what other communities have been doing to discover that the report provides a one-stop shop of positive examples of crime prevention programs that might apply with equal efficacy to their communities. I commend the report to the House.

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The Hon. J. HATZISTERGOS [6.00 p.m.]: I also support the motion moved by my colleague, the Hon. R. D. Dyer, and together with him and the Hon. J. F. Ryan I wish to congratulate all members of the committee, committee staff and those who put in much time preparing the very lengthy submissions examined by the committee during its deliberations. I particularly thank all those communities and community groups, local councils and representatives who assisted the Committee in the course of its deliberations. In my contribution to this debate I want to focus on the work of the committee, particularly in the local government area. The committee examined a large number of local government organisations and that contributed to the success of the report. It is fair to say that there is a high level of interest amongst local councils in crime prevention work.

The report identified that 48 per cent of 177 members of the Local Government and Shires Associations actually have community safety or crime prevention committees and 20 per cent actually have formal crime prevention plans. The committee has said in its recommendations that it should not be compulsory for councils to involve themselves in crime prevention areas but should do so when appropriate and, in any case, should identify the level of their involvement in their social plans and community report. Then communities will know exactly what their contribution is going to be and the cost-benefit relationship will be identified. It was important to me to look at the way various councils have done their work in this area, to compare that with the work I did whilst on Canterbury Council as a member of the crime prevention committee, and to analyse the difference in approaches. It is fair to say that some councils did not take on board the concept of crime prevention and looked at the question of prevention through what would be better termed as law enforcement.

The Committee was concerned and noted at pages 139, 148 and 141 of the report that some councils spent large amounts of money on what could only be described as supplementing traditional policing. The Local Government and Shires Associations estimated that some 11 members were currently spending more than \$3 million on such activities, including operating 24-hour cameras, providing security guards and dogs. One Hurstville councillor submitted that some officers were given policing duties at the street level which had very little impact at all on addressing crime problems.

Sometimes being involved in crime prevention in the local government area simply demonstrates to the community that a council is doing something but does not actually enable evaluation of the impact of the work being done. That is particularly the case with councils that have put up security cameras in shopping centres at vast expense to the ratepayers, or have put sniffer dogs on the streets and security guards patrolling up and down the streets. I suggest that the benefits of those activities is fairly minimal.

In fact, when I was a member of the Privacy Advisory Committee one council put up security cameras in its shopping centres. People did not commit crimes where the cameras were installed but crime was displaced into other areas. When the cameras did not pick up crime it was argued that that was because of their effectiveness. To demonstrate their effectiveness they churned out parking tickets for illegal parking or for overstaying parking meters. That is the type of unmeasured impact those sorts of activities have. They are simply there to show people that councils are doing something when, in fact, they are achieving very little.

On page 140 the report concludes that not only is that an inappropriate role for councils to undertake but it is potentially a bottomless pit for ratepayers. State governments have already shown that there is an insatiable demand for more police and it is highly dangerous for councils to begin to go down that path. It is ineffective, as has been demonstrated in the cases to which I have referred. That demonstrates why it is necessary and important to have a strategy with clear goals about what it is intended to achieve and how its success will be measured. I remember going to one council where I was presented with a draft crime prevention strategy of which it was very proud and on which it had had done a lot of work. I asked the mayor exactly what he was going to achieve as he was going to spend a lot of money looking after an area where he said there was a crime problem. I asked him how he would measure whether the funds had been properly spent. I suggested that he look at the approach of another council to examine how it should be done. When I asked the question he looked blankly in the air before looking at council officers for some advice as to how it could have eventuated. That was a council that was ready to embark upon a strategy.

As the Hon. J. F. Ryan said in his contribution, attempts to eliminate or reduce crime and its anti-social effects costs money but one should look at what is to be achieved and ensure that there is a cost-benefit analysis. The Australian Institute of Criminology, in paper No. 147 entitled "Benefit-Cost Analysis and Crime Prevention" prepared by John Chisholm, indicated as much. It is interesting that in the conclusion to that report he said that any crime prevention strategy should have access to a diversified portfolio of crime prevention mechanisms and should ensure that they are evaluated, and that evaluation may be over a particular period. One looks at what needs to be done and then makes an evaluation of the process to ensure that the community is actually getting a benefit.

I do not suggest for a moment that the 20 per cent of councils that have a formal crime prevention plan approved by the Attorney General's Department Crime Prevention Division, and other councils going along this path, have not made a significant impact on prevention of crime. The committee mentioned Moree council in its report. That council stood out because without an increase in police resources it had achieved a 40 per cent reduction in common offences. That was achieved through the efforts of the community in particular, the council, the police and other people interested in their locality. The committee also identified other successful councils that have recognised their place in crime prevention, looked at their powers, and identified what local government has to achieve. Such councils look after the environment and the community through social interaction, look at street lighting, at their power to prohibit activities in public places, and at their powers in relation to young people, for example, under the Parental Responsibility Act.

When necessary councils have worked with police to supplement their activities and assist them wherever possible. That was particularly noticeable in Ballina, Moree and Lake Macquarie. Councils that have not been the subject of this report will be the subject of a further report.

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Those councils have specifically recognised what they are involved in and what their responsibilities are under the charter that the Local Government Act gives them, and have sought to implement a comprehensive range of strategies to try to look after their area. It comes back to what I said at the outset about making this area of responsibility one for local councils to take up on a voluntary basis. Quite frankly, if the councils are not prepared to do the work properly, they would be better off not involving themselves in it at all and leaving it to those who can do the job.

Noticeably, the councils that I have identified had specifically not only set out in their strategies what the problems are and how they intend to achieve the aims of those strategies, included a time span in which to achieve those goals and who will involve themselves in the particular works activities necessary, and stipulated how at the end of the day the success of the particular strategy would be assessed, but had included in their strategies for a process of review. So that if, at the end of

the day, a strategy was found not to be working, they could review and adjust the strategy so as to deal with the problem in a different way. That gets back to the point I made earlier in my address about not putting all one's eggs in the same basket.

The report that has been prepared by the committee has a lot to commend it. I hope those councils and those communities that are able to access and read the report will find it of particular benefit. I think the most important thing that we can do in this area is to recognise that, at the end of the day, if we prevent crime there will be a cost-saving to the community in that people will be able to lead responsible lives and contribute to the community, as opposed to leading lives that in some respects might be regarded as contributing considerably less. I commend the report to the House.

The Hon. HELEN SHAM-HO [6.11 p.m.]: I speak in support of the first report of the Standing Committee on Law and Justice on its inquiry into crime prevention through social support. In my view, this is a very important report. I hope it will serve as the impetus for a change of direction and emphasis in crime prevention strategies from the simplistic law and order platform to one that is more focused on the root causes of crime. I commend the Attorney General for giving the Standing Committee on Law and Justice this reference. I congratulate also the chair of the committee, the Hon. R. D. Dyer, and the committee members and the secretariat on their hard work in producing this unanimous report. I know how difficult it is sometimes to produce a unanimous report. Reverend the Hon. F. J. Nile would agree that unanimous reports have more weight than do reports attaching dissenting reports.

I totally endorse the remarks made earlier by the chair of the committee and all other honourable members who have contributed to this debate. I join the Hon. R. D. Dyer in his call, made in January, after the report was tabled, for governments of all political persuasions to increase their investment in early intervention and prevention so as to reduce the need for increased expenditure on more police and prisons in later years. We have heard in the past year in particular much debate in this House on the dramatic increase in our prison population, particularly for women. That debate has led to the current inquiry on this matter of concern. This inquiry was timely also because, over the past four years, more than \$110,000 million has been spent on upgrading existing prisons or building new ones, and because about \$40 million is about to be spent on building a new prison to accommodate the increasing number of women in prison. To keep them there costs more than \$50,000 per inmate per year. It is a very expensive exercise.

Notwithstanding all the rhetoric on law and order that has been the catalyst for our burgeoning prison population, which has doubled over the past 13 to 14 years, and has helped to win a few elections along the way, there is no evidence that a tough approach to crime actually reduces crime, and there is plenty of evidence to suggest the converse. Prevention is always better than cure. It is a strange but true fact that in the years when our imprisonment rates have been increasing, so has crime. For example, between 1987 and 1997, when our law and order policies became increasingly tougher, police recorded a 50 per cent increase in crime. According to the Australian Bureau of Crime Statistics and Research, between 1995 and 1997—a time when more offenders were imprisoned than ever before—there were dramatic increases in most types of crime. Nor do prisons seem very effective in reforming those that end up within their walls; more than a third of ex-prisoners end up in prisons again within two years of their release.

Obviously, a heavy-handed law and order approach and an emphasis on locking up people does not reduce crime. What then does work? I know this is a complex issue and that no single approach can provide all the answers, as has already been indicated by the committee chair and other speakers in this debate, and as has been demonstrated by the report. If the reduction of crime is the real objective that we seek, as opposed to merely locking up the undesirables of our society, this report is indeed an important source of some practical and sensible policy approaches for a more holistic approach to long-term crime reduction in our community.

It is common knowledge among those working in the field that most prisoners come from seriously dysfunctional families and lower socioeconomic backgrounds. Although there are no hard figures available as far as I know, most workers in the field also agree that a majority of prisoners—somewhere around 70 to 80 per cent, if not more—suffered sexual and/or physical abuse as children. To compound these tragic figures, recent research has revealed that one in five prisoners in New South Wales is intellectually disabled, and that the number of those prisoners has doubled over the

past decade. This is a sad fact. It should be of no surprise then that the inquiry made the finding, reflected in the chairman's forward, that:

Overwhelmingly, the evidence presented to the Committee identified poverty, economic and social stress, leading to child neglect, to be the major precursors to crime.

If that is the case, commonsense would indicate that one way that crime could be reduced is by addressing those issues through social support programs. And that, of course, is what this report is all about: providing well-informed discussion on what social support programs are likely to work. It is interesting that the inquiry made the finding that support, such as parenting assistance, directed at the first three years of a child's life is particularly important. I certainly agree. Stated briefly, without elaboration, what seems to work at the early childhood intervention level, particularly to assist at-risk children, are programs such as the Family Support Services Program, a program that I know very well from my days as a social worker. In fact, I was one of the founders of family support services in this State. I know that the funding no longer it is sufficient to meet the demand. Other programs are related to availability of affordable and good-quality childcare, which would provide disadvantaged children with an opportunity to learn social and other important living skills, parenting education and support programs, and prenatal and early childhood home visitation programs. There are various others as well.

I think it is no accident that the numbers of people with an intellectual disability have increased in prisons at the same time as overall support for this group in our society has dramatically reduced. Encouragingly, the inquiry makes the finding, as reported in chapter 8, that the intellectually disabled are the easiest to reach with appropriate support programs. However, significant increases in funding are needed in this area, as per recommendation 23, especially to boost the funding currently available for support services to those living in the community. For the record, I would quote recommendation 23:

The Committee recommends that the policy of devolution be supported by significantly increasing funding of support services for those leading in the community. Further closures of large institutions should follow successful past models of planned transition for disabled persons into the community.

There is, of course a lot more to this report, and I strongly urge honourable members of this House to read it. If it were to be taken seriously, I do believe we could go a long way towards reducing crime in the long term and improving the quality of the lives of many people who would otherwise remain totally sidelined by our community. We would also save a lot of money. Before closing, I note, as was stated by the chair of the committee, that the inquiry will be producing a second report that will focus on Aboriginal people, State wards, young offenders, prisoners and recidivism. These are all very important subjects. I look forward to the second report because it also will outline for us and for policy-makers, such as the Government, ways in which to implement good policies for crime prevention and intervention. In the meantime, I commend the report to the House.

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Before I conclude I note the statement made earlier by the Chairman of the committee that the inquiry will be producing a second report which will focus on Aboriginal people, State wards, young offenders, prisoners, and recidivism—all important subjects. I look forward to the second report because that will also outline for honourable members and for policymakers like the Government some good policies for crime prevention and intervention. I commend this report to the House.

The Hon. A. G. CORBETT [6.20 p.m.]: I am pleased to speak in the take-note debate on the inquiry of the Standing Committee on Law and Order on crime prevention through social support. Recognition of crime is a social phenomenon rather than a result of individual pathology. It is an important development in social policy that has been too long in arriving.

[Time for debate expired.]

OCCUPATIONAL HEALTH AND SAFETY AMENDMENT (POLICE OFFICERS) BILL

Second Reading

Debate resumed from an earlier hour.

Reverend the Hon. F. J. NILE [6.21 p.m.]: I had almost concluded my remarks but had not given an adequate explanation about what I call the Hall of Fame—a monument that the Government could consider erecting for police officers in this State. In Miami the Hon. Elaine Nile and I had the opportunity of visiting the Hall of Fame, which is located in the former headquarters of the FBI. We found it a very moving experience. The Hall of Fame is a place where tributes are made to all those police officers who lost their lives during the course of duty—officers who have been killed in accidents while attending crime scenes. The names of police officers are engraved on marble walls. Each year many families visit this Hall of Fame on the anniversary of the death of a father, son or brother. I noted one reference to two brothers who had died in one event. Families place flowers in the Hall of Fame and children leave little notes to their fathers. I thought that was a very good idea—an idea which could be considered by this Government.

The Hon. M. J. Gallacher: We have actually got one at the Police Academy in Goulburn. It is a Wall of Remembrance.

Reverend the Hon. F. J. NILE: I was not aware of it. How long has it been there?

The Hon. M. J. Gallacher: Several years, since 1995.

Reverend the Hon. F. J. NILE: I was not aware of it. At least it provides families with a place to visit. I imagine that those who have lost a member of their family should be advised of that tribute to them. Perhaps a hall of fame could be located in Sydney, where it would act as a strong reminder that law enforcement, whether in Australia or America, is expensive not just in terms of money but in terms of human life. That should not be forgotten.

The Hon. J. W. SHAW (Attorney General, and Minister for Industrial Relations) [6.24 p.m.], in reply: I thank honourable members for their contribution to this debate. This is a good piece of legislation. Essentially, it is a clarifying piece of legislation. I argue that police officers were always caught by, or were encompassed within the Occupational Health and Safety Act 1983. Only the most pedantic or legalistic of arguments state that police officers in some circumstances may not be employees in the strict common law sense and, therefore, they are not within the Act. I would have always argued that, in reality, they are workers in an industry; they are subject to direction and control, except in respect of certain discretionary elements such as charge and arrest and the like; and they certainly ought to have always been encompassed within a regime of occupational health and safety.

The speakers in this debate have reflected consensually that concept. But the Government thought it necessary to clarify the legislation to put beyond doubt the fact that the Police Service is encompassed by the Occupational Health and Safety Act and also—and this may be more controversial in some people's minds—to make sure that this clarification applies to pending proceedings, including the Crescent Head prosecution. So I am not embarrassed about making that explicitly clear. It is intended that this legislation would have application to put beyond doubt the applicability of the Occupational Health and Safety Act to the Police Service, even in relation to proceedings or prosecutions which are pending before the courts.

Reverend the Hon. F. J. Nile: Do you have a commencement date?

The Hon. J. W. SHAW: There is an explicit provision in the bill, which will become the Act, which will make it clear that pending proceedings are impacted upon by the legislative regime. I need, however, to deal with a few statistical matters that the Leader of the Opposition engaged upon. I need to put on the record some element of rebuttal of his analysis of the statistics, which were impliedly critical of the occupational health and safety performance in New South Wales. The Opposition stated that the number of injuries requiring absence from work of over five days duration is 60,000 per annum. That rate is broadly correct, as stated, but the actual figure is 58,604 days per annum.

The Opposition, however, omitted to say that the rates are trending downwards, and we would say that that is due to the Government's commitment to workplace safety, including the advertising campaigns that are now going on. All honourable members would have seen those advertising campaigns in response to the recommendations of the upper House committee in that

regard. In fact, the latest available figures show that the number of injuries requiring absence from work of over five days duration has declined by approximately 6.9 per cent over the last four years.

The Opposition stated that the rate of deaths per 100,000 workers in New South Wales is 7.8 per cent, compared with lower figures in other countries, including the United Kingdom. We would submit that that does not compare like with like. The raw data used in comparing United Kingdom and New South Wales statistics is not appropriate and could be misleading since the United Kingdom does not necessarily use the same statistical parameters. For example, it is unclear whether deemed workers or deaths from occupational disease are included in the United Kingdom statistics, as is the case in New South Wales. Also, it is not known what data sources are used by the United Kingdom nor their reliability for the purposes of a comparison. For example, it is unclear whether they only count employers with over 100 employees, whereas in New South Wales we count all employers.

A more relevant comparison, we would suggest, is to compare New South Wales with other Australian States. The latest analysis by the National Occupational Health and Safety Commission shows that New South Wales is in the middle range of fatal work injuries in Australia, and New South Wales is below three other Australian States. Further positive statistics of New South Wales occupational health and safety performance are a drop in the absolute numbers of work-related fatalities from 181 to 163 over the last two available years. None of this is intended to indicate any complacency. I am as concerned as any other honourable member about the acute need to improve the standards of workplace safety in New South Wales. We have got to work together to do that. I just wanted to put something on the record to correct what might be a misapprehension arising from propositions put by the Opposition in this debate. Nevertheless, I recognise and acknowledge, and express my thanks for, the bipartisan support for what is undoubtedly a useful piece of legislation. I commend it to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

[The Deputy-President (The Hon. Janelle Saffin) left the chair at 6.30 p.m. The House resumed at 8.00 p.m.]

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FUNERAL SERVICE INDUSTRY (DAYS OF OPERATION) REPEAL BILL

Second Reading

Debate resumed from 6 April.

The Hon. M. J. GALLACHER (Leader of the Opposition) [8.00 p.m.]: I am pleased to speak on the Funeral Service Industry (Days of Operation) Repeal Bill on behalf of the Opposition. My contribution to this debate will be short. The purpose of the bill is simply to repeal the Funeral Service Industry (Days of Operation) Act 1990. The Act was the considered response of the Greiner Government to concerns that industrial parties to the funeral industry would introduce a general closed day off per month and thereby add to the burden of the bereaved. Therefore, the Act required that a full range of funeral services be available Monday to Friday, excluding public holidays.

The bill will repeal the Act because it is now considered redundant, as relevant awards provide a rostered day off per month and the industry is sufficiently competitive. The Coalition consulted with the New South Wales Funeral Directors Association and Service Corporation International and were advised that the bill has the support of the New South Wales funeral industry. Also, the Coalition is in favour of removing unnecessary statutes and red tape. For the reasons I have stated the Opposition does not oppose the bill.

Ms LEE RHIANNON [8.03 p.m.]: The Greens support the bill. We acknowledge there is a redundancy in the legislation that warrants repeal. The Greens acknowledge the consultation provided by the Minister's office on this bill. We appreciated also the level of consultation in the industry and the feedback that was given to our office. There is great scope for such a co-operative approach with so much of the business before the House. In one respect this is a very simple bill, and it is an

indication of what can be achieved through the co-operation of all parties. We welcome the bill and are happy to support it.

The Hon. J. W. SHAW (Attorney General, and Minister for Industrial Relations) [8.04 p.m.], in reply: I thank both honourable members who have spoken in support of the bill. I thank Ms Lee Rhiannon for her acknowledgement of the consultation process that my office has undertaken. I am pleased to have that acknowledgement. I thank the Leader of the Opposition for his eloquent support of the bill. I was one of the first to recognise the honourable member's potential to be Leader of the Opposition in this House and I take a certain amount of credit for his attaining that position.

The Hon. D. F. Moppett: In a highly eloquent discourse he illuminated many aspects of the bill of which you were not even aware.

The Hon. J. W. SHAW: I do not accept that criticism. I am aware of this bill. It is a fairly simple bill and I am completely on top of it. It removes legislation that is redundant; legislation that is regarded by the industry—that is, by both the union and the employers—as unnecessary. I commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

PROTECTED ESTATES AMENDMENT (INVESTMENT) BILL

Second Reading

Debate resumed from 6 April.

The Hon. J. M. SAMIOS [8.07 p.m.]: The purpose of the bill is to provide the Protective Commissioner with the same investment powers as a trustee under the Trustee Act 1925. The Protective Commissioner is entrusted with more than \$1.75 billion in assets belonging to people deemed incapable of handling their own affairs—\$800 million in cash and the rest in property. The majority of these funds are invested in safe but underperforming investments such as government loans and bank and building society deposits, despite the 1997 amendments to the Trustee Act that replaced a list of authorised investments with a broad investment power allowing trustees to invest in any kind of investment so long as it is considered prudent. As a result, the Protective Commissioner averaged a 9.6 per cent return in the 1998-99 financial year compared with a 13.7 per cent average return for other investment companies—that is, approximately \$35 million in net income that clients should have received.

In September 1999 the Auditor-General's performance audit recommended increased transparency in decision-making in the operation of trust accounts and the establishment of a simple, inexpensive external appeal mechanism to review organisational decisions. This followed a number of publicised cases where staff of the Protective Commissioner misappropriated or embezzled funds. Media attention has also turned on the investment process, revealing that in one case \$3 million was placed in government bonds despite the fact that the person in care wanted it invested in a block of managed apartments.

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This legislation is largely a response to those factors.

Under the proposals the Protective Commissioner may use the prudent person principle established in the 1997 changes to the Trustee Act 1925 to invest in a number of diversified investments, provided the commissioner acts prudently, observes the duties imposed on a trustee and has regard to determining whether an investment is appropriate. New section 5A allows the commissioner to delegate powers of investment and management to a suitably qualified person when a specialist expertise may be required for components of the collective investment fund. New section 28 provides for the Protective Commissioner to invest in a particular form of investment if so preferred by the protected person. The provision that costs be met by the clients is retained, but new section 55 introduces a requirement that such costs may not exceed a certain amount set by the Director-General of the Attorney General's Department.

New section 42 empowers the Protective Commissioner to complete any transaction commenced prior to the death of the client. Finally, an investment advisory committee will be established to advise the Protective Commissioner on investment policy. The committee will include a representative nominated by the Attorney General, one person nominated by the Treasurer and at least two persons who have an understanding of disability issues and financial or investment expertise.

These changes will provide greater flexibility and accountability of investment of funds managed for protected persons. It may be said that the changes will ensure maximum income return and capital growth of invested funds—at least we hope they will. Carer groups have expressed concern that the changes will lead to an outsourcing of the Protective Commissioner's investment functions, and the Attorney General may wish to comment on that. In this regard we note the contribution of the New South Wales Law Society, which was consulted by the Opposition on this bill. The Opposition will not oppose this important bill.

Reverend the Hon. F. J. NILE [8.12 p.m.]: The Christian Democratic party supports the Protected Estates Amendment (Investment) Bill, which amends the Protected Estates Act 1983 in relation to the investment function of the Protective Commissioner to provide the Protective Commissioner with a broader range of investment options that are now available to trustees under the Trustee Act 1925. I am concerned that the bill will allow the Protective Commissioner to invest moneys held on behalf of protected persons in the same manner. I ask the Attorney whether an indication of investment preferences by a person whose estate is protected will be taken into account. I understand that that is the case. In view of that, we support the bill.

Ms LEE RHIANNON [8.13 p.m.]: The Greens support this bill, which amends the Protected Estates Act to provide the Protective Commissioner with a broader range of investment options that are now available to trustees under the Trustee Act. The Greens believe that the greater flexibility provided in the bill will give the Protective Commissioner an opportunity to look at ethical investment funds. Many honourable members know that the Greens have a strong commitment to what has become known widely across the country as ethical investment. More and more people who are concerned about the way so many things in life are conducted, whether it be environmental issues or social impacts, are turning to ethical investment options to ensure that the form of investment they choose does not go against their principles. Ethical investment options will be exciting for many people.

Indeed, the Greens believe that ethical investment options can now become part of the equation provided in this bill. Ethical investment involves the development of a system whereby people's ethical, political and religious priorities are taken into account when selecting investment options. We suggest that the Protective Commissioner should consider individual client needs beyond the limited measures of income return and capital growth. The Greens believe that the commissioner should recognise that many ethical investment options have been some of the strongest performers in the Australian market and that they have worked to promote ecological sustainability and social and economic justice.

Often the community is of the view that ethical investment is all very well but it does not provide the same returns as those in the main, traditional market. People are now recognising that such a view is a myth and there is another way to invest funds. We hope that this amending bill will enable some movement in terms of providing more investment options. We support the bill.

The Hon. J. W. SHAW (Attorney General, and Minister for Industrial Relations) [8.16 p.m.], in reply: I thank honourable members for their contributions to the debate and their general support for the bill. I undertake to take on board what they have said and refer it to my department for analysis and consideration. I shall address two particular issues in reply to the debate. The first issue is the delegation of powers of investment. The bill provides the Protective Commissioner with the capacity to delegate powers of investment and management. I acknowledge that there is some concern that this could result in the outsourcing of the Protective Commissioner's investment functions. That is not the intention.

I recognise the overwhelming view of community interest groups that investment management be retained within the Office of the Protective Commissioner. The power to delegate

some investment management is included primarily to address the very limited circumstance in which a specialist expertise may be required for components of an investment fund. For example, I am informed that international bonds and international equities are likely to require external management. Any delegation would relate only to the collective investments and would not relate in any way to decisions concerning the investment of an individual estate. I hope that those words placate concerns about the delegation of investment powers.

Secondly, in response to the concerns expressed by Ms Lee Rhiannon I deal with the discretion to consider the investment preferences of the protected person. The bill specifically provides for the Protective Commissioner to take account of any particular form of investment preferred by a protected person when that preference is known. Thus the Protective Commissioner will have the capacity to take into account, when relevant, the client's non-financial interests as well as his or her financial interests. Accordingly, the Protective Commissioner, in making investment decisions, will be able to consider a client's concerns about a particular form of investment or recognise a client's preference for a particular type of investment. However, this discretion is exercised subject to the overriding duty imposed by the Trustee Act that the Protective Commissioner act prudently in exercising the power of investment. With those words in reply, I commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

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CONVEYANCING AMENDMENT (LAW OF SUPPORT) BILL

Second Reading

The Hon. CARMEL TEBBUTT (Minister for Juvenile Justice, Minister Assisting the Premier on Youth, and Minister Assisting the Minister for the Environment) [8.20 p.m.]: I move:

That this bill be now read a second time.

I seek leave to have the second reading speech incorporated in *Hansard*.

Leave granted.

If I own a parcel of land that provides support for a building on a neighbouring parcel of land, I can alter my land to withdraw support for that building, and thereby damage that building, without being liable for that damage. That is the law as it currently exists in this state. It is also known as "the rule in *Dalton v Angus*" being the 1881 case decided by the House of Lords which laid down the law on this matter. This is obviously a completely unsatisfactory state of affairs. It is because of this unsatisfactory position that the New South Wales Law Reform Commission produced its Report No. 84 entitled "The Right To Support from Adjoining Land."

The report identifies four main areas of the existing law of support for adjoining land. Firstly, a parcel of land has a right to receive support from an adjoining parcel, but that right of support is only for the land itself and not for any buildings on that land.

Secondly, a parcel of land is not entitled to be supported by adjoining water.

Thirdly, as already stated, buildings on a parcel of land have no inherent right to be supported by the adjoining land.

And lastly, buildings have no inherent right to be supported by an adjoining building.

The Commission recommends that the existing law of support, which I have just described, be reformed. The Bill, which I have introduced, implements the Commission's recommendations by amending the Conveyancing Act in the following manner.

A new section, being section 177, is inserted into the Conveyancing Act. It creates a duty of care so that every person must not do anything on land that supports other land, so as to remove the support provided to the supported land. As I explained previously, there is no such duty of care at present and therefore this reform cures an existing defect in the present law.

Furthermore, this new duty of care is created as an addition to the common law of negligence. By the common law of negligence I mean the general duty that each person must take reasonable care not to do anything that might cause harm to anyone else. The common law of negligence is constantly evolving as decisions by courts are made that define the extent of the duty. By making the duty to support adjoining land part of the common law of negligence,

this ensures that the duty will remain in parity with the general duty of care that applies to all people, and will have the benefit of modifications made to that duty, as declared by the courts from time to time.

As I have previously said there currently exists a right for land to receive support from adjoining land, but that support does not apply to any buildings on the supported land. This situation is now to be changed by providing that the duty of care, which I have just discussed, is to extend to buildings on the supported land. Therefore, anything done on the supporting land that removes support for the buildings on the supported land, will be in breach of the duty.

However, where the support for the supported land comes not from the adjacent land itself, but rather from a building on that adjacent land, then the duty of care does not extend to the support provided by that building. There is one exception to this, and that is where the supporting building has replaced the support that the supporting land in its natural state formerly provided.

The duty of care imposed by this Bill may be excluded or modified by agreement between the owners of the supporting and the supported land. For example the owner of the supporting land may wish to do work on that land that will result in removing support to the supported land. The owner of the supported land may agree to relinquish the right to be supported in exchange for money to be paid by the other owner. However, that agreement will not bind any subsequent owner of the supported land unless it is embodied in an easement for removal of support that is registered on the title of the supported land. In order to aid in the creation of this type of easement, the Bill inserts a standard form of words for the easement in schedule 8 to the Conveyancing Act.

The Bill also provides that an easement for removal of support is a valid matter that can be created by an easement. This is so as to remove any doubt that an easement may be created which has this effect.

As I have explained earlier, under the existing law a parcel of land only has a right to be supported by another parcel of land, in respect of its undeveloped state – that is, without buildings. If that right was interfered with the owner of the supported land had a right to bring an action in what is known as the tort of nuisance. However, now that a general duty of care is being imposed for the support of land, the remedy for breach of that duty is an action in the tort of negligence. This is the same remedy as applies for breaches of all other duties of care. As this remedy of negligence is being introduced the former remedy of nuisance is likewise being extinguished. That is, from now on the remedy for removal of support is negligence and not nuisance.

The Bill also amends the Roads Act 1993 by updating a reference in that act to the previous common law duty of support, with a reference to the new duty being imposed by the Bill.

As I have mentioned earlier, this Bill implements recommendations of a report by the New South Wales Law Reform Commission into this matter. In making its recommendations the Commission consulted with the community and considered submissions from several parties including the Law Society of New South Wales, the Australian Institute of Building Surveyors, the Department of Local Government, and the Land Titles Office.

The Bill provides a much needed reform to the law of support of adjoining land. It cures a long standing defect in the law and will be of real practical benefit to the people of NSW. I commend the Bill to the House.

The Hon. D. T. HARWIN [8.20 p.m.]: I lead for the Opposition on this bill, which has its origins in a reference to the Law Reform Commission from the Hon. Peter Collins, MP, during his time as Attorney General. The problem identified that led to the reference was the plight of landowners whose land or buildings were adversely affected by, for example, excavation work on a neighbouring allotment of land. The problem is that there has been no obligation by a landowner to provide support for any buildings on adjacent land. The current law of support derives from a nineteenth century English case which is often referred to as the rule in *Dalton v Angus*. Since that judgment much has changed. Continued urbanisation has overtaken the rule to a large extent, as have arrangements to do with land titles and the law of negligence. Other relevant statutory provisions have been described as "piecemeal and unsatisfactory" by the Law Reform Commission.

The Hon. Peter Collins, MP, asked the Law Reform Commission to inquire into and report on, first, whether any changes should be made to the laws relating to the rights of adjoining landowners to support from adjacent land, including any buildings or structures; and, second, any related matter. The Law Reform Commission's report No. 84, entitled "The Right to Support from Adjoining Land", was received in December 1997. Almost 2½ years later we have this legislation. The commission made five recommendations: first, that the law of nuisance in relation to actions for withdrawal of support should be abolished; second, that the law regulating the rights of owners and users of one piece of land to continue to enjoy the support of that land from other land be governed by the ordinary principles of negligence; third, that the right to support of land from natural water bodies and reclaimed land be created and regulated in the same manner as the right of support of land from other land; fourth, that a new type of easement, an easement for renewal of support, be created; and,

fifth, that breach of certain regulations made pursuant to the Local Government Act 1993 shall not give rise to any private right of action.

This legislation implements those recommendations. As the Minister and the honourable member for Ballina in another place have noted, the legislation has the support of interest groups that would take an interest in such matters, including the Law Society, the Real Estate Institute, the Institute of Surveyors and the Property Council. By bringing the issue of land providing support within the law of negligence we will have a quantum leap in the protection of landowners. By creating a duty of care under which all persons must not do or omit to do anything on land that might cause removal of support provided by the land to other land, land-holders whose right to support is breached can sue for damages. I am pleased to see this legislation before the Parliament as the culmination of reforms commenced by the Greiner Government and completed by this Government. They are welcome measures and the Opposition will not oppose the bill.

Reverend the Hon. F. J. NILE [8.24 p.m.]: The Christian Democratic Party supports the Conveyancing Amendment (Law of Support) Bill. As we know, generally under the common law the owner or occupier of a parcel of land has a natural right not to have the support of that land removed by the owner or occupier of an adjoining or neighbouring parcel of land. This common law natural right of support is distinct from a right to support that is acquired by easement. If it is infringed and damage is caused to the support of land, an action lies in nuisance. The bill will reform this area of the law by providing that an infringement of the right of support for land will be actionable in negligence and not in nuisance. Accordingly, a common law duty of care is established. The duty of care, based on the common law of negligence, is not to do anything, or not to omit to do anything, on or in relation to land that removes or reduces the support provided by that land to other land. That is the reason for the bill's amendment to the Conveyancing Act 1919.

I am sure all honourable members have seen in city areas and in some suburbs large excavations in the construction of large multi-story units to provide for parking space. Such deep excavations are becoming quite common. I have noticed this especially in the Sutherland shire, where land is excavated to provide for car parking space underneath two- and three-storey units. Of course, such excavations can threaten adjoining buildings. In the city, where there can be four or five levels of underground parking, there may be problems for neighbouring buildings.

I have taken note of the supports that are put in place in the excavations, such as cement posts, to prevent land collapsing that would affect neighbouring buildings. If such care is not taken, this bill will provide some rights to those whose property is damaged as a consequence of that lack of care. The Hon. R. S. L. Jones will move an amendment, which is supported by the Environment Liaison Office, dealing with the question of the duty of care that is not required by the Crown, and it will relate to matters such as beach and river erosion. In Queensland, because of beach and land erosion, some buildings that are built on cliffs—and which were considered to be quite safe some years ago—are beginning to slide into the ocean. This bill seems to provide for an exemption to local or public authorities.

I gather that the amendment of the Hon. R. S. L. Jones will ensure that in such cases, given what we now know about the effects of erosion, steps will be taken by the construction of large cement supports and the like to prevent further erosion. However, the Government may feel that if the amendment is carried, other factors will arise. I will be interested to hear the Government's response to the amendment. The Christian Democratic Party supports the bill.

The Hon. D. F. MOPPETT [8.38 p.m.]: In general I too support this bill. It will place a duty of care on holders of land in relation to adjoining land. It will make them therefore liable to legal processes to recover damages where actions that they undertake, such as land excavation, result in damage to adjoining property.

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I was very interested to hear the historical perspective given by the Hon. D. T. Harwin to this current dilemma. I suppose all honourable members can cast their minds back to a time when land in urban areas was not in high demand and when it was probably held to be the responsibility of the

person who was constructing a building not to use the land to such an extent that it became dependent upon adjoining land for support. In other words, a sufficient margin of land surrounded substantial buildings so that they were supported entirely by land in possession of the owner rather than having to rely on neighbouring land owned by somebody else.

The Hon. R. S. L. Jones: And land was cheap. One could do that.

The Hon. D. F. MOPPETT: As the Hon. R. S. L. Jones rightly observes, in those days, land was cheap. Through urbanisation and the intensive use of land buildings are now being erected virtually on the limits of the boundaries. Often the stability of a building depends upon no disturbances occurring on the land adjoining it. When successive owners decide to develop a parcel of land, it would seem to be contrary to natural justice to allow a person to excavate or alter the land in pursuit of development which would damage existing buildings on adjoining land. Generally, this legislation is a step forward. It is in harmony with community views and is probably long overdue. In spite of my desire not to prolong the debate, one aspect of the bill must be dealt with as it is causing concern not only to members of the Opposition but also to members of the crossbench—particularly the Hon. R. S. L. Jones—and members of the public.

I refer to the exemption from liability granted to the Government related to acts of omission, rather than acts of commission. When the Crown is developing land through excavation or changes in drainage and causes damage, it is quite proper that the Crown should be liable to prosecution, as any private land-holder would be. But matters regarded as acts of omission—such as steps not taken to forestall damage that is suffered by an adjoining parcel of land—come within the doctrine of duty of care and the element of reasonable foreseeability. Actions falling within the parameter of omission which are not reasonably able to be foreseen are excluded by virtue of new section 177 (14), and the Government is exempted from liability or prosecution. I foreshadow that during the Committee stage the Opposition will move an amendment to delete that provision.

The Hon. R. S. L. Jones: So will I.

The Hon. D. F. MOPPETT: I commend the Hon. R. S. L. Jones on the formulation of his amendment because it is identical to the amendment I propose to move—quod erat demonstrandum! I understood initially that the amendment proposed by the Hon. R. S. L. Jones contained a more restrictive amendment dealing only with effects of depreciation owing to salinity. Although salinity is the currently the focus of public attention, the likelihood of actions arising from negligence by omission—such as the Government's failure to deal with a salinity problem—is pretty remote and an extreme example, so it would be unwise to restrict an amendment to salinity. I note from the draft amendments circulated by the Hon. R. S. L. Jones that the honourable member has not pursued that issue and has adopted the same approach as that adopted by the Opposition, namely, that exemption should be denied to the Government by virtue of amendment of the bill. I have received the assurance of the Minister that the legislation will not proceed to the Committee stage, which will afford to me and other honourable members an opportunity of conferring with departmental officers and advisers.

The Hon. D. J. Gay: And you may want to get advice from other areas.

The Hon. D. F. MOPPETT: If the advice is for me and for the shadow minister in another place, I would be willing to bet that the advisers would not be officers of the Department of Transport, because they will be doing other things. The position adopted by the Opposition is not one of intransigence, and members of the Opposition are certainly open to argument on this matter. The shadow minister is extremely conscious of the concept that was once enshrined in State law, namely, that because the Crown is the proprietor of such large areas of land and liability arises in many areas of legislation, there are provisions allowing the Crown to claim exemption.

I will be interested to hear whether this provision represents an extension of that philosophy or whether in relation to this bill there are more specific reasons why exclusion for the Crown is being sought. Members of the Opposition reserve their judgment. I foreshadow that after receiving advice, if members of the Opposition still believe that it is inappropriate to exclude the Crown from the purview of the bill, we will certainly proceed to move an amendment, albeit one that is identical to that circulated by the Hon. R. S. L. Jones. Members of the Opposition look forward to the Committee stage.

The Hon. R. S. L. JONES [8.36 p.m.]: The bill creates a duty of care so that every person must not do anything or permit to do anything on land that supports other land so as to cause damage by removing the support provided to the supported land. Work that out! Such a duty of care does not currently exist and is created in addition to the common law of negligence. While the bill should be commended for creating a new duty of care, the Nature Conservation Council of New South Wales, members of the Opposition, other crossbench members and I are concerned that the Crown will be exempt. I understand the reasoning behind the exemption—that the Crown owns vast areas of land such as national parks, beaches and other Crown land where it is not feasible for the Crown to be aware of erosion which might cause a loss of support for neighbouring land.

However, I do not believe that the Crown should be given a blanket exemption from all liability. After all, the Crown is well and truly aware of some causes of erosion and should be doing its utmost to address them and take remedial action on affected lands. The causes and effects of salinity, for example, are well understood and have been well understood for some time. Problems of rising water tables and soil salinisation arose soon after the establishment of the first irrigation schemes in the 1890s. By 1987 it was estimated that 96,000 hectares of the Murray-Darling Basin's irrigated land alone were affected by salt and that 160,000 hectares had water tables within two metres of the land surface.

Salinity audits have been conducted, river valley by river valley, to establish trends in salt mobilisation in the landscape and its expression in rivers and at the land surface. Salinity and drainage strategies have been developed. Numerous scientific investigations and studies have been conducted into the causes and effects of, and solutions to, the salinity problem. Estimations of the costs of salinisation have also been made. Areas where improvements can be made have been identified. Already the total economic impact is estimated to be \$46 million a year and will rise further with projected increases in salinity over the next century.

More than 80 regional towns and cities have incurred costs related to salinity, such as damage to building foundations, bridges, pipelines and roads. For example, up to 30 per cent of regional roads are being affected, with major highway reconstruction costing up to \$1 million per kilometre. The Salinity Summit, which consisted of parliamentarians, natural and social scientists, land-holders, environmentalists, indigenous representatives, finance specialists and local government representatives made a series of recommendations which have been published in a communique. What is the use of all the effort involved in getting everyone to work together to solve a problem which will, in one way or another, affect us all, when the Government and its agencies refuse point blank to take any responsibility for its part in contributing to the problem? Absolutely none!

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It is also not fair on our farmers or other private land-holders in our metropolitan and regional areas. If every other person in this State is prevented from doing anything on land that supports other land so as to cause damage by removing the support provided to the supported land, then so too should the Government. I will either support or move an amendment to remove new section 177 (14) and I urge other honourable members to support it as well.

Ms LEE RHIANNON [8.40 p.m.]: Overall the Greens support this bill. We appreciate that this bill will not be rushed through tonight and that we will have the opportunity to negotiate some amendments. The Greens support the Opposition's foreshadowed amendments, which are supported by the Hon. R. S. L. Jones. We hope that the Government will move on those matters as the bill certainly has shortcomings. The Greens recognise the importance of taking reasonable care to ensure that the bill covers all land. The Greens are concerned that this bill does not cover Crown land under local or public authorities.

The Greens recognise that this bill is a most important development because it covers extensive areas—for example the natural surface of the land, the subsoil and even subterranean water—which brings greater unity into the legislation, and that is welcome. However, the Greens are concerned about the discrepancy between private land and land under the control of the Crown. If the private landowner is bound by a duty of care to provide support, we believe that the Crown should also be so bound. The fact that the Crown is a large land-holder is all the more reason for it to be

bound—not for the reasons stated by the Minister. That discrepancy certainly needs to be given considerable attention.

As previous speakers have said, salinity will become more and more of an issue and responsibility for it needs to be clearly delineated. Certainly local government authorities and the Crown need to be shown that they have a responsibility. My colleague the Hon. I. Cohen attended the Salinity Summit. He is aware that in northern New South Wales there has been considerable erosion of beaches, and that underlines the need for change. I have seen many examples of erosion around the Central Coast. I have often had inquiries about who is responsible when public areas are undermined by various erosion factors. That area needs to be worked on. There needs to be equality in the way private land-holders, the Crown and local government authorities are treated. Overall the Greens support the bill.

The Hon. I. COHEN [8.43 p.m.]: I will add briefly to the comments made by Ms Lee Rhiannon from a green perspective. I certainly have some concerns about this bill. The Greens support the bill. I note with interest that the National Party and/or the Hon. R. S. L. Jones will move similar amendments. This is a rather vexed issue. The Salinity Summit has captured the imagination of people in country areas. It became very clear that the problem of salinity was clearly foreseeable, and to exempt the Crown from a duty of care to address appropriate measures to deal with the effects caused by salinity could be seen to unfairly disadvantage private landowners.

In co-operation with the Government, private landowners and those affected need to work together to ameliorate the salinity issue, given that it is a major problem. Having gone on the tour before the Summit, and having listened intently throughout it, I realise that it is a massive problem. One would imagine that exempting the Crown from a duty of care creates a yawning gap in facilitating solutions to these problems. Another issue that I have viewed with great concern over a period of time is the serious erosion of the beachfront at Byron Bay. That is typical of erosion problems that occur in the city and coastal areas outside the suburban environment where often there has been development, a change in rock structures, coastal drift, the natural creation and evolution of a coastline causing the dynamics to be exacerbated by human interference. We see rock trailing walls that have significant impact further to the north. One typical concern to many people in the Byron shire where I come from is the Belongil area relating to a dispute between private landowners and council about responsibility of dealing with the issue and how to deal with it on the coastline.

The Hon. D. J. Gay: It would be a good idea if they put in proper garbage collection and proper sewage treatment.

The Hon. I. COHEN: I find it difficult to imagine that garbage collection and sewage treatment relates specifically to the issue at hand. The honourable member often criticises other members who wander off the track. That type of interjection is hardly appropriate. Whilst there are plenty of issues to deal with, that is not one of them. The erosion of Belongil Spit in Byron Bay is serious and has been dealt with at community level for generations with limited success. In fact, debate rages on the beachfront, where there are a number of houses that were supposed to be temporary dwellings only. They were part of the slaughterhouses, abattoir and whaling station; they were workmen's cottages; and they are now extensive land allotments on which substantial houses are built.

That has caused a degree of consternation in the community and local landowners are taking it upon themselves to develop substantial rock-wall structures. Professor Bruce Thom, from the New South Wales Coastal Council, is concerned about that. Individual reinforcements have had significant negative impacts further down the coast due to natural coastal processes. I am quite concerned about the impact of this bill. I hope that the Opposition amendment will ameliorate the situation and spread the responsibility where appropriate.

I appreciate that the Government is not rushing straight into the Committee stage so that further investigations can be carried out to see what impact the bill will have on particular areas. The problem is significant up and down the coast. Byron Bay is just an example of a coastline that has been affected by human encroachment and heavy engineering defences that might have been seen as appropriate for their time. Coastal geomorphology is very little understood; it is something that the

experts still argue about. The dynamic coast of northern New South Wales in particular has significant impacts which are not fully understood at this time.

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I flag another issue on which I will perhaps have the opportunity to obtain more information before dealing with the matter in Committee. It relates to the rights of a land-holder to go onto neighbouring land or property. I am concerned that that right might be open to abuse. I have been witness to neighbourhood disputes in the area in which I live arising from people encroaching on neighbouring lands to undertake repairs and the like on their own properties. This has led to a breakdown in goodwill and communication in many of those cases. I wonder whether this provision could also encourage unscrupulous developers to build right up to a boundary and therefore not provide adequate access on the property being developed. I do not know. I would like to seek more information on that before the Committee stage so that I will better understand the implications of this bill.

Shared responsibility is a concept that the Greens regard as an equity issue. The sharing concept should apply equally as between government bodies as well as between those bodies and private land-holders. Confusion about that issue has led to a great number of problems that have not been properly resolved. I bear in mind the Belongil issue that I spoke about. The issue now relates to a line of houses that are right on the beachfront, which is eroding severely. Only a few decades ago there was another row of houses in front of the existing houses, but those houses have disappeared into the ocean. Who is responsible to maintain that line? Is it possible to maintain that line? Must we accept an equalisation process on a beachfront that has been affected by past industrial processes, such as sandmining and development? Do we simply allow the current line to be redefined under that equalisation process? Who is responsible? Should private land-holders be compensated by the Crown if they lose their property through the result of natural erosion of land on which they originally were allowed to build?

The Hon. J. S. TINGLE [8.57 p.m.]: I will speak but briefly to give in-principle support to the bill and to support the remarks made by other honourable members in expressing concern about new section 177 of part 14 of the Conveyancing Act. It seems to me that this is a necessary and corrective bill that will remove an anomaly, which probably should have been removed a long time ago, regarding what might be called a mutual duty of care between neighbours, because that is what this measure is all about. I believe that the Crown is as much a neighbour of anyone who happens to have land adjoining its borders as is a private citizen. I cannot see that the quantity of land that the Crown controls should be any excuse for a reduction in the quality of care that it should exercise towards its neighbours.

Section 177 makes a number of references to negligence. I make the point that part 14 talks about an act of omission by the Crown or local authorities. Sometimes it is difficult to draw a distinction between an act of omission and an act of negligence. In fact, they may be one and the same thing. Therefore I believe that the Crown and local authorities should have the same duty of care towards their neighbours as a private individual has. For that reason, while I will support the bill, I foreshadow that I will support the Opposition amendment or the amendment to be proposed by the Hon. R. S. L. Jones, whichever will be successful.

The Hon. CARMEL Tebbutt (Minister for Juvenile Justice, Minister Assisting the Premier on Youth, and Minister Assisting the Minister for the Environment) [8.58 p.m.]: I thank the Hon. D. T. Harwin, Reverend the Hon. F. J. Nile, the Hon. D. F. Moppett, the Hon. R. S. L. Jones, Ms Rhiannon, the Hon. I. Cohen and the Hon. J. S. Tingle not only for their contributions to the debate but for their broad support for the thrust of the Conveyancing Amendment (Law of Support) Bill. The bill remedies a longstanding defect in the law of support in New South Wales. It does this by reforming the rule in *Dalton v Angus* by introducing a duty of care not to do anything to remove the support being provided by one parcel of land for another parcel of land.

The Law Reform Commission has stated that the benefits of the duty of care being created by this bill are many. The first is that the right of support is no longer an inherent right of the land itself, but is rather established by this new duty of care. It can therefore be actionable against anyone who breaches the duty of care. The second benefit is that the right is not confined to land in its natural state; that is, the right also protects buildings upon the supported land. Thirdly, a duty of care between neighbouring landowners is established, consistent with principles developed in the law of negligence.

Lastly, liability for damage to land and structures can be apportioned according to fault, in accordance with basic notions of fairness.

A number of honourable members raised concerns about the fact that the bill will exempt the Crown as well as public and local authorities from the omissions provisions relating to the duty of care. I need to make this point very clear because it appeared that some honourable members were confused, although the Hon. D. F. Moppett interjected and made it very clear that the Crown, and public and local authorities are exempted from only the omissions portion, not from the commission portions of the duty of care.

The Crown, and public and local authorities own vast areas of land, and it is the Government's view that it is not feasible for the Crown to be aware of developing losses of support for neighbouring lands caused by activities such as erosion, tidal action or salinity. However, as a number of honourable members have pointed out, the Government will not be moving to resolve into Committee tonight to consider the detail of the bill, but will do defer that stage until tomorrow so that further inquiry and discussion can occur on the issues and concerns that honourable members have raised. I commend the bill to the House.

Motion agreed to.

Bill read a second time.

ZOOLOGICAL PARKS BOARD AMENDMENT BILL

Bill received and read a first time.

Motion by the Hon. Carmel Tebbutt agreed to:

That, pursuant to contingent notice, so much of the standing orders be suspended as would preclude the passing of the bill through all its remaining stages during the present or any one sitting on the House.

COAL AND OIL SHALE MINE WORKERS (SUPERANNUATION) AMENDMENT (1999 SUPERANNUATION AGREEMENT) BILL

Bill introduced and read a first time.

Second Reading

The Hon. J. J. DELLA BOSCA (Special Minister of State, and Assistant Treasurer) [8.58 p.m.]: I move:

That this bill be now read a second time.

The Coal and Oil Shale Mine Workers (Superannuation) Amendment (1999 Superannuation Agreement) Bill 2000 flags an important milestone in reforms in the New South Wales coal industry superannuation structure. These reforms began almost 10 years ago, and are now nearing full realisation. The Government has been approached jointly by the United Mine Workers Division of the Construction Forestry Mining and Energy Union of Australia [CFMEU] and the New South Wales Minerals Council, representing coalmine owners. The parties have jointly sought the amendment of the Coal and Oil Shale Mine Workers (Superannuation) Act 1941 to implement the recently executed 1999 Superannuation Agreement.

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The bill has two major objectives, which are the central pillars of that agreement. The first objective is to increase pensions paid to mineworkers and their widows and to index those pensions for cost-of-living increases. The second objective is to identify and channel funding to ensure that the remaining deficit and these benefit improvements are paid for. The Parliament is being asked to legislate the principal elements of the renegotiated agreement between the New South Wales Minerals Council and the principal employee trade unions and to ensure the continuation of the funding of the New South Wales coal mining superannuation scheme from 1 July 2000.

Entitlements for mineworkers superannuation pensions arose under a part of the former statutory Superannuation Fund that was closed off in 1978. The amount of these pensions, euphemistically or commonly referred to in the industry as "column 5" pensions, has effectively been pegged since 1982. This is because they were originally prescribed in column 5 of a schedule to the Act. The renegotiation of the funding is necessitated by the approaching conclusion of the industry parties' strategy for extinguishing a major funding deficiency. The industry parties have successfully reduced the scheme's liabilities to the extent that it is now prudent to significantly reduce the mine owners' liability to contribute for deficiency funding.

The legislation also provides for the redirection of remaining deficiency contributions by the mine owners and mineworkers. The level of these contributions will be determined by the superannuation scheme trustee and will be redirected to fund the agreed pension increases and indication. In the context of the major objectives of this legislation, the opportunity is being taken by the industry parties to make an offer to scheme members to transfer their former statutory fund entitlements to the Industry Accumulation Fund. This entails the restructure of future accrual of benefits and guarantees of future benefit accruals for mineworkers who accept the offer.

The agreement also introduces freedom of choice for mineworkers' ongoing accumulation benefit accruals. These can be paid into other complying superannuation funds at the mineworkers choice. This is not required of the industry but is indicative of the progressive direction that miners superannuation has taken. For the benefit of honourable members I propose to make some preliminary remarks that will help in understanding the legislative framework in which the present day coal mineworkers superannuation schemes are placed. I will then outline some of the historical background and industrial context of the 1999 superannuation agreement, which underpins the provisions within this bill.

The original New South Wales Coal Mine Workers Superannuation Scheme was provided by the Coal and Oil Shale Mine Workers (Superannuation) Act 1941. The governance and administration of the scheme was also provided for under that Act, in the form of a tribunal presided over by a Minister of the Government and staffed by employees of the Government. Over the years, changes were made to funding requirements and benefit structures and levels, as the scheme evolved to meet award superannuation, superannuation guarantee and deficiency funding requirements. In 1995, at the express request and agreement of the industry parties, the scheme and its governance and administration were effectively privatised.

The scheme was moved to a trust deed arrangement by amalgamation with the Industry Superannuation Fund, and is administered by a private trustee and administration company. The amalgamated fund, and the privatised arrangements are compliant with Commonwealth law governing superannuation schemes. At the same time, again at the express request of the industry parties, shell provisions were retained in the Act. The Act sets out the broad powers of the private superannuation trustee, and provides for the essential funding requirements of the schemes in operation in New South Wales. There are other ancillary provisions in the Act, but they are not affected by the present proposals.

The approach of successive governments to the administration of the coal industry superannuation schemes, and particularly since the former statutory schemes were incorporated under trust deed, has been to support agreements reached by the industry parties. Governments have provided this support by legislating where it is necessary and appropriate. Hence, the need now to legislate in order to accommodate the 1999 superannuation agreement. I would like now to provide honourable members with some historical background to the mining industry and the genesis of superannuation for mine workers.

The Coal Mine Workers Superannuation Scheme in New South Wales began after a difficult industrial period in the industry, following a royal commission into mine safety in 1940-1941. The establishment of a retirement pension scheme for coal mineworkers and compulsory retirement of mineworkers at age 60 were key recommendations of the commission which were implemented in legislation. The pension scheme was funded by contributions by coal industry mine owners and mineworkers. The scheme provided a basic pension from age 60 for a mineworker, and for a widow, and determined having regard to the beneficiaries' Commonwealth age pension entitlements at age 65.

The pension scheme was closed to new members in favour of a new lump sum superannuation scheme in 1978. Of course, there were many thousands of pensions, which continued in payment, and there still remain today more than 3,000 pensioners in the scheme. Cyclical downturns in demand for coal production over the years led to continual employer departures from the industry. Benefits were accruing recognising all past service for the new lump sum benefit. But the pay-as-you-go system of funding benefits, in conjunction with employer exits, left a growing unfunded liability for both pension and lump sum benefits in the statutory superannuation schemes.

Deficiency funding contributed by mine owners and mineworkers was adopted in 1979 with the closure of the pension scheme, but proved inadequate during successive periods of inflation. By 1992 the unfunded liability had grown to a figure of approximately \$500 million in present value terms. This was clearly not sustainable. In order to address the unfunded liability in the statutory schemes, the industry parties in 1992 entered into the 1992 restructuring agreement with the support of the New South Wales and Commonwealth Governments. The Joint Coal Board undertook the future funding of pensions.

The mine owners and mineworkers agreed to maintain existing deficiency funding for the lump sum benefit accruals which meant contributions over and above the standard contribution rates in the scheme. The mineworkers also agreed to contribute extra contributions by "salary sacrifice"—adding a further 3 per cent of the industry basic wage rate, treated as employer contributions to the Industry Accumulation Scheme. The 1992 target for full funding of the statutory schemes was 1 July 2001. Two further measures have been taken following the restructuring agreement. In January 1993, the statutory lump sum scheme was closed in favour of the Industry Accumulation Fund. In February 1995, as I have already observed, the statutory Superannuation Fund and the Industry Accumulation Fund were amalgamated and the former statutory schemes were brought in under the privately administered trust deed.

The 1999 superannuation agreement was executed by the coal industry parties representing the mine owners and mineworkers on 23 December 1999 and follows a period of 12 months intense negotiation between the parties. These negotiations were initially focused on the effort to resolve the serious emerging problem of the column 5 superannuation pensions, which, as I mentioned, had been frozen since 1982. The Government received many representations concerning the pensions issue, but has no power of direct intervention in private sector industry superannuation administration. Instead, the Government encouraged the industry parties to negotiate a successful resolution to this problem. During that process, attention was also focused on the approaching achievement of the full funding target, and ways in which the deficiency funding of mine owners could be reduced.

On the advice of the schemes' actuary, retained by the trustee, it had become apparent to the industry parties that the target of full funding of the liability in the former statutory schemes would be met prior to the target date of 1 July 2001. Of concern to mine owners was the realisation of this funding objective, and the containment of any new increase in liabilities for the Superannuation Fund. The outcome has been the negotiation of acceptable and agreed increases to column 5 pensions and an acceptable and agreed reduction in the mine owners' funding commitment. The 1999 superannuation agreement was executed on 23 December 1999 by the coal industry parties representing the mine owners and mineworkers. The 1999 agreement modifies the 1992 restructuring agreement, which was in itself a singular achievement in the New South Wales coalmining industry.

I now wish to explain the detailed provisions contained within the legislation. The amendments required to achieve the objectives of the agreement are not extensive. The mine owners' deficiency contributions are expected to be reduced from 5.5 per cent to about 1.5 per cent. However, flexibility is required in setting this new rate in section 19 of the Act, so that it can be further changed in the future. The amendments state a basis on which the trustee can set the rate or cease the contributions with agreement of the parties. Amendments to sections 18 and 18C of the Act deal with the pension account. They redirect funding flows so that a reserve is set up in that account to pay for the agreed increases to column 5 pensions and direct contributions by mine owners into the reserve to fund them.

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A further reserve in the pension account is set up for the purposes of future indexation of column 5 pensions by the weighted consumer price index—all groups index—for all capital cities. Indexation

will be funded by amounts determined for the purpose on actuarial advice, by reduction of mineworkers' contributions otherwise credited to their accumulation accounts in the superannuation funds. This will not change the current arrangements for mineworkers who retain membership of the former statutory lump-sum scheme. Redirection of the mineworkers' salary sacrifice contributions is necessary because of the various options to transfer former statutory scheme-defined benefit entitlements. Amendments for this purpose are made to section 19 of the Act, and allow for the amounts that will be deducted for the purpose of funding future indexation increases to column 5 pensions.

The amendments also allow for payment of employer contributions to another scheme if this is the choice of the mineworker. This option for future contributions is also available to members who have no former statutory scheme entitlement. An amendment to section 15C of the Act sets out the powers of the trustee in accordance with the agreement of the parties. This amendment incorporates the express capacity for the deed to empower the trustee to determine priority in dealing with the interests of all members and pensioners, and to distribute any surplus which might arise in the former statutory scheme in the future. This amended power was considered essential to deal with a degree of uncertainty as to precisely when full funding would be achieved in the former statutory schemes. This power will also allow for the disposition of funds held in reserve to provide safety net guarantees for former statutory entitlements, if the safety net contingencies do not arise.

Provisions in section 32A and schedule 3 of the Act, which set out the bases on which the agreement of the parties can be amended or re-negotiated, are restated to reflect the amendments. A specific regulation-making power is included in the Act, similar to the power that is currently provided in section 32A, to temporarily modify provisions of the Act, if necessary, arising from the 1999 superannuation agreement. This power would be exercisable only in circumstances provided for in the renegotiation of the agreement, and where the parties agree to the proposed modification. Such a regulation would have a life limited to 12 months. Honourable members can be assured that there are no cost consequences to the Government arising from any of the proposals.

In referring to the 1992 agreement and the subsequent superannuation reform measures taken by the industry parties, the then responsible Minister in the previous Government had occasion to congratulate the parties on these industry initiatives and on their efforts in reaching agreement to resolve exceedingly difficult issues. I refer of course to the second reading speech on behalf of the Hon. Kerry Chikarovski on the Coal and Oil Shale Mine Workers (Superannuation) Further Amendment Bill, recorded in *Hansard* in 1994.

The 1999 superannuation agreement represents a similar milestone in the evolution of New South Wales mineworkers' superannuation coverage. The promise of full funding of the former statutory superannuation schemes is about to be realised ahead of time, and a new equally singular agreement has been reached by the parties. In similar fashion, therefore, I congratulate the parties on achieving this important target, and in reaching agreement to settle the difficulties confronting the scheme. I am sure that honourable members from both sides of the House will join me in welcoming the industry initiatives represented in the agreement and in this legislation.

The Government, through the Premier's Department, has maintained close consultation with the coal industry parties in the resolution of the pensions issue, in development of the 1999 superannuation agreement, and the means of its implementation. The parties consulted have represented the Construction, Forestry, Mining and Energy Union of Australia, on behalf of mineworkers, the New South Wales Minerals Council, on behalf of mine owners, and officers of the New South Wales Minerals Council, the superannuation trustee, COALSUPER Pty Limited, and scheme administrator, COALSUPER Services Pty Limited.

I wish to thank the officers of all those organizations for their concerted efforts in bringing the 1999 superannuation agreement and its implementation in legislation to fruition. I commend the coal industry parties for their responsibly negotiated resolution of the difficulties faced in dealing with the pensions issue in the superannuation scheme. I also commend the parties for arriving at a new funding formula, now that the full-funding target in the former statutory schemes is soon to be met. I commend the bill to the House.

Debate adjourned on motion by the Hon. J. H. Jobling.

ADJOURNMENT

The Hon. M. R. EGAN (Treasurer, Minister for State Development, and Vice-President of the Executive Council) [9.14 p.m.]: I move:

That this House do now adjourn.

MILPARINKA COURTHOUSE RESTORATION

The Hon. D. F. MOPPETT [9.14 p.m.]: I am delighted that the Treasurer is in the Chamber this evening on the adjournment debate as well as the Special Minister of State, who represents the Minister for Tourism.

The Hon. M. R. Egan: I heard a whisper that you were going to speak.

The Hon. D. F. MOPPETT: I wish to speak about what is known as the corner country, that area in the north-west of New South Wales that is north of Fowler's Gap and west of Wanaaring, and the fabulous Hungerford, which was made famous by Henry Lawson, but particularly the thriving village of Tibooburra and the township of Milparinka. Of course, Milparinka is an historic administrative centre that was set up in the hope that the small gold deposits that were found around Milparinka would continue, like some of the other major deposits in Australia, but it moved on into the granite. Milparinka was left to have its name imprinted on such significant administrative units as the Rural Lands Protection Board, and I am sure it was the centre of a very important police district.

Built at Milparinka were a very famous courthouse, a police residence and a police station. Back in the eighties, people on one of those bashes, as they used to be called—when a group of people would travel out by road to look at the outback—came across the courthouse at Milparinka and were rather shocked by its dilapidated state, considering the historic significance and architectural beauty of the building. A grant was obtained to renovate the courthouse but I regret to say that not enough money was allocated for the necessary repairs to the sergeant's residence and the police station and stables alongside. They continued to deteriorate. For a while they were the residence of a local identity, who sadly has since died, but he—Harry Blau—was a citizen who had great hopes for Milparinka and worked very hard to get a permanent water supply, which the village at present lacks.

Milparinka has many other attributes. It has a thriving hotel and a couple of other small residences for people working in the district in the kangaroo industry, and so on. Local residents have rallied to the cause. They want to turn the courthouse into a living museum for pioneers—not only a mining exhibit but also exhibiting the relics of the establishment of the pastoral industry and, to a degree, to give a montage of what is happening in the district at the present time. I think it would be a wonderful thing, otherwise the restoration that took place to the Milparinka courthouse will be utterly wasted. It is a place one can visit, but it is mostly locked up. It is occasionally used by the Country Women's Association for their meetings but they found it a little inconvenient and draughty. Sadly, because of the lack of work on the surrounds of the building, the strong westerly winds were eroding even the foundations of this wonderful stone building. It is important that we focus some attention on the building and support local residents, who are headed by Ruth Sandow, who has formed a committee to do something about the Milparinka courthouse.

The courthouse stands as a memorial to the foresight and courage of the people who went out there. This is the country that the Burke and Wills expedition went through, not long before the mining people straggled up from the Broken Hill area looking for the elusive gold. Not far between Milparinka and Tibooburra is Poole's grave and the depot of stores that was set up there for the Burke and Wills expedition. So, it is a very important and historic place.

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The people of Tibooburra are very conscious of that. It is said that Milparinka, which is about 60 kilometres to the south—I am always bad at converting miles to kilometres but it is something of that order—is so divorced from the facilities in Tibooburra, but we should all join together to ensure that this project comes to a successful conclusion.

KOSCIUSZKO NATIONAL PARK SNOW SPORTS

The Hon. M. I. JONES [9.19 p.m.]: Kosciuszko National Park is the largest national park in New South Wales. When proclaimed in 1944 by Premier William McKell, one of the chief reasons for its dedication was stated to be the creation of snow sports resorts. Kosciuszko National Park has the highest rate of visitation of any national park in the State. It hosts the two biggest ski resorts in the country: Perisher Blue, which generates double the skier days of all Victorian resorts combined, and Kosciuszko Thredbo, which generates 20 per cent more skier days than the largest Victorian resorts.

Snow sports contribute approximately \$500 million a year to the economy of New South Wales and create in the order of 8000 jobs—all of this in an area with a depressed regional economy which is about to be further depressed by the fraudulent Southern Regional Forest Agreement. Forty-five per cent of the total gate revenue of the National Parks and Wildlife Service from all of the 400 parks and reserves it controls is from visitation to ski resorts, which comprise 0.003 per cent of its estate. Despite this, the National Parks and Wildlife Service, egged on by minority extremist organisations such as the Nature Conservation Council and the National Parks Association, has pursued a policy of frustrating the growth of snow sports. The Nature Conservation Council and the National Parks Association have long been on record as proposing the removal of all snow sports facilities from Kosciuszko National Park and the management of the resort areas as wilderness.

In 1998 the Government, to its credit, appointed a commission of inquiry into the Perisher Range master plan. The commissioners were highly critical of the National Parks and Wildlife Service and were of the view that the service's policies were aimed at frustrating the growth of snow sports. Despite this, late last year the service issued for comment a huge, highly prescriptive draft environmental planning and assessment manual for Kosciuszko National Park which purports to apply to the park as a whole but in reality focuses on the 0.27 per cent of the park comprising the resorts.

The draft manual is full of restrictions and delays for snow sports development. Threatened species legislation is cynically applied to every possible activity in the resort areas and is largely ignored in the remaining 99 per cent plus of the park. The service does not give a damn about threatened species; it is only interested in using the threatened species legislation to frustrate the findings of the commission of inquiry. Its attitude to hazard reduction burning is the real danger to threatened species in Kosciuszko National Park. The current fuel loads will cause a catastrophic wildfire which will do massive damage, especially to threatened species. Be advised that when that time comes the Outdoor Recreation Party and the people of New South Wales will hold the National Parks and Wildlife Service and the Carr Government accountable.

In Victoria governments promote snow field developments—they have a plan. In Victoria they install facilities, including on-snow beds, which snow sports enthusiasts prefer, without the restrictive four-year surveys required by the National Parks and Wildlife Service draft manual. The mess orchestrated by the National Parks and Wildlife Service in New South Wales risks losing our dominance in snow sports to a State that is prepared to provide snow sports enthusiasts with the facilities they prefer, despite our twin advantages of high mountains and longer snow seasons. How long will the Carr Government tolerate the National Parks and Wildlife Service sidelining an expensive commission of inquiry funded at taxpayers' expense?

New South Wales needs a plan for snow sports development—a plan which gets the National Parks and Wildlife Service out of its current position of control. The service's 30-year record of mismanagement must be broken. In our view this will happen only when the National Parks and Wildlife Service's control of snow sports is revoked. The Outdoor Recreation Party suggests that if Country Labor is to have any relevance to rural constituents, this is an issue on which it should champion. We have a plan that we are happy to make available to Country Labor.

TELSTRA PRIVATISATION

The Hon. A. B. KELLY [9.24 p.m.]: I am sure honourable members appreciate the high stakes involved in the Howard Government's desperate attempts to push through the full privatisation of Telstra against the wishes of the majority of Australians. Labor and Country Labor oppose the sell-off of Telstra for three crucial reasons: jobs, revenue and the maintenance of decent telecommunications services in country areas. I was sickened when Telstra, after announcing a record profit of \$2.1 billion, proceeded to outline its plan to shed between 10,000 and 16,000 jobs.

This is the result when profits are put before people. This is the result when public assets are sacrificed to private interests. The Telstra sell-off will not only destroy jobs but also sacrifice government revenue—revenue that could be used to develop and drive programs throughout the country. The Coalition trundles out the old argument that by selling off the rest of Telstra it will be able to retire government debt. This is a shallow argument that does not stand up to questioning. It is like a home owner who, wishing to remove the burden of house repayments, sells the house, only to find that he must use his income to rent another property. My father-in-law used to say, "If you keep selling off the back paddock, eventually you will get to the front gate."

The Coalition's argument similarly lacks any logic. Besides cutting jobs and revenue, the full sale of Telstra threatens the maintenance of an effective and reliable telecommunications network in the bush. Over recent weeks we have had several indications of what the full privatisation of Telstra will mean for country communities. Recently, Mudgee hospital was left without two vital phone lines for four days. Despite desperate calls from hospital staff requesting priority status on the Monday, the hospital's vital lines of communication were only fully restored on the Thursday evening. Sydney residents would not tolerate this lack of service for four minutes, let alone four days. But this is the reality of a privatised Telstra for country communities.

The Hon. J. R. Johnson: Even the council's phones went out.

The Hon. A. B. KELLY: It not only threatens the provision of reliable phone services but, as in the case of Mudgee hospital, it could actually place lives at risk. The Hon. J. R. Johnson mentioned that the council's phones were out. That occurred later. The day after the council's phones went out, the phones of the 863 residents of Dunedoo were out for more than half a day. That meant that Dubbo fire service could not contact Dunedoo fire service; Dubbo fire service eventually sent a fire tender with a satellite phone over the distance of 100 kilometres to Dunedoo for the day to ensure that communications were adequate and lives were not at risk.

This sort of thing occurs when Telstra continues to cut back its maintenance staff and reduce its services to country people. The momentum behind our campaign is growing. Besides the support of most Australians, I note and commend the Queensland National Party members who defied Coalition policy and came out opposing the further privatisation of Telstra under any condition. Their support is welcomed, and I urge their New South Wales counterparts to follow their lead.

This issue goes beyond party politics, and it is too important for National Party members to hide behind the political expediency of the Coalition. Rebel MPs need to unite in speaking out against the anti-country policies of the Howard Government. For this reason I welcome the support given by various National Party members to Country Labor's vocal opposition to dairy deregulation and the relocation of regional airlines to Bankstown. Yet Opposition members are still running around the country trying to blame Country Labor for these Federal policies.

It saddens me that the Opposition continues to misinform and play this negative type of politics. Fortunately, we have a dynamic Country Labor Party to defend the interests of country communities and businesses. Rural and regional New South Wales are quickly realising this and are abandoning the Coalition in droves. While Country Labor is going from strength to strength, with a new branch forming in country areas every month, the National Party is closing its branches. A poll in mid-January showed that support for the National Party was at an all-time low of about 4.5 per cent. By refusing to stand up to the Howard Government, the New South Wales Coalition is only reinforcing its political ineffectiveness and lack of understanding over the real issues affecting rural and regional communities. [*Time expired.*]

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MULTICULTURALISM

The Hon. J. M. SAMIOS [9.29 p.m.]: I wish to speak about multiculturalism and to refer to the fact that this country, modern Australia, has been able to avail itself of the contribution of some 240 ethnic groups who have contributed to the social and cultural development of our nation for a considerable period, certainly in significant numbers since the great migration program of the late 1940s. It has been pleasing to note that that contribution has received bipartisan support from all political parties. In particular I should like to refer to the contribution of the Lebanese community over that period. The Lebanese community has had a long history of involvement in modern Australia, and

it must be said that the Lebanese community is well respected in public life at the level of local government, and State and Federal politics. In particular, the community has a high record of success in enterprising commercial areas, as well as in the professions and sporting arenas of our community.

More recently, an example of the important status that the Lebanese community has for its core values of family, hard work and community support has been the success of Cessable, which is an important organisation founded in Lebanon but represented in Australia by Mrs May Sicari, who is the president. Cessable has concerned itself with the plight of crippled children in Lebanon. An example of the important contribution that the Lebanese community has made to this area was a recent function held at Bankstown, at which some \$100,000 was raised in one evening to assist the plight of crippled children.

Such community involvement is important for us to remember, particularly in light of recent controversial events relating to a meeting convened by the Lebanese community to protect the Lebanese community's rights, reputation and dignity in view of adverse statements about it. On that occasion three Maronite archbishops, the imam of the Lakemba mosque and four Lebanese community groups formed a task force, as stated in the *Sydney Morning Herald* by Philip Cornford recently, "to protect the community's rights, reputation and dignity". Present on that occasion were Archbishops Youssef Hitti, Boulos Saliba and Issam Darwich; Sheikh Yahya Safi, imam at Lakemba; the Lebanese Community Council of New South Wales; the Lebanese Muslim Association; the Maronite Catholic Society and the Australian Lebanese Association of New South Wales. A statement made that evening questioned the wisdom behind singling out the Lebanese community to be defamed publicly, despite the fact that crime does not have specific ethnicity and that we should all be equal before the law. We should remember this, particularly in view of the great respect held by the community at large for law and order.

LUCAS HEIGHTS NUCLEAR REACTOR

The Hon. I. COHEN [9.35 p.m.]: I wish to enlighten the House on the proposed new nuclear reactor at Lucas Heights. The initial reactor was opened by Prime Minister Menzies in 1958 at the height of the Cold War, when the nuclear industry was being embraced with reckless abandon throughout the world. In 2000 many other countries, such as France, Germany, Great Britain and Japan, are beginning to recognise the error of their ways, often due to leakages in Sellafield or reactor accidents in Japan. There is certainly a change in the attitudes of those nations regarding their involvement in the nuclear cycle. Some years ago whilst I was a member of this House I was involved in the French testing episode in the South Pacific. Certainly a serious change is occurring in the culture which has evolved around the nuclear cycle. Unfortunately, that does not seem to be the case in Australia.

Uranium production continues to increase, and in March 1999 a new reactor was approved for Lucas Heights. At present the tendering process for building the new reactor is being carried out. But the community has not given up on this issue. The campaign continues to prevent construction of this unnecessary and dangerous reactor, which is being inflicted on the residents of Sydney against their will. The residents of the Sutherland shire have long recognised the dangers of a nuclear reactor in their backyard. It is a case also of the city creeping out. When first mooted, and without an understanding of the implications of a nuclear reactor, Lucas Heights seemed to be a long way away. However, that is not the case now. The residents of the Sutherland shire have now been joined by residents of other parts of Sydney in a campaign to protect the city from the potential horror of a nuclear accident. They are supported by other local government authorities and the Australian Local Government Association.

I wish to refute the argument that has been used to justify building a new reactor. There is only one serious justification. It is claimed that a reactor is necessary for the production of medical isotopes. There are two reasons why that argument does not stand up to scrutiny. First, alternative isotope production technologies, such as cyclotrons and spallation sources, are safer than reactors, produce far less radioactive waste, and cannot be used for weapons production, whereas research reactors have been used for weapons production. I have only to point to India, Israel and other countries and the fact that a significant step has been taken towards global destabilisation by such countries having nuclear weapons. Second, there is the option of greater reliance on imported isotopes while alternative technologies are further developed. The Australian Nuclear Science and Technology

Organisation [ANSTO] acknowledges that even when the new reactor is operating, ANSTO is likely to continue to import the most important and commonly used isotope, molybdenum 99, from South Africa. The South African molybdenum is cheaper than and superior to ANSTO's molybdenum, and delivery from South Africa has proved to be reliable.

Importantly, 99.7 per cent of all nuclear medicine procedures in Australia use isotopes which can be produced by alternative technologies and/or imported. For the remaining 0.3 per cent there is a plethora of alternative clinical technologies such as magnetic resonance imaging and computerised tomography. Although the supposed benefits cannot stand up to scrutiny, the dangers are very real. The main concern of residents, apart from an accident, is waste. Lucas Heights has been used as a nuclear dumping ground for 40 years. A 1991 report by geotechnical consultants Coffey Partners found that the former Atomic Energy Commission dumped at least 1,600 kilograms of radioactive material in 77 trenches from 1960 to 1968 in a 200-metre area at Menai. The site, known as the Little Forest burial ground, is in bushland between Heathcote Road and Illawarra Road, bordering suburban Engadine. More than 100 kilograms of the metal beryllium, which is used in nuclear reactors and is regarded as extremely toxic to humans, is buried across the site. The waste is under one metre of topsoil adjacent to the Menai tip.

Although the operations of ANSTO fall within the jurisdiction of the Commonwealth, this is also clearly an issue that impacts on many areas of State Government responsibility, such as public health, emergency services and transport. If there is an accident at Lucas Heights, New South Wales emergency and health services will need to respond. Transport of waste to a suggested dump site in South Australia will require State Government co-operation. I am extremely glad to see the re-emergence of local government-associated nuclear-free zones. No benefit that justifies the risks is to be gained from this project. I therefore call upon the Government of this State to do all it can to protect the people of this city from a reactor at its doorstep. For example, the State Government could refuse to co-operate in the construction process by withdrawing the availability of services such as water to the site. I urge all members of this House to join the Greens in working towards an end to Australia's involvement in the nuclear experiment. The nuclear reactor is an untested medium that has not been made safe.

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Some experiments have been undertaken in the past to ascertain the suitability of synrock but Australia's so-called seismic stability has been brought into question by the occurrence of earthquakes in areas that were previously thought to be stable. The material lasts for hundreds of thousands of years and is too dangerous to deal with. [*Time expired.*]

SOCIAL AND COMMUNITY SERVICES AWARD

Ms LEE RHIANNON [9.39 p.m.]: Every day across New South Wales, thousands of workers in community service centres provide clients with high-quality assistance. However, many of these services are in crisis and workers feel that they have no choice but to leave the industry. Their pay rates are low, career paths are limited and working conditions are often abysmal. The Greens acknowledge the enormous contribution made by workers in that sector and understand why so many of them are angry, why they feel that their goodwill is being exploited, and why too many are leaving the industry. The solution to this crisis lies with the New South Wales Government.

In this State, the Government controls funding levels and therefore controls the ability of organisations which employ people in the community sector to meet their obligations under the Social and Community Services Award—an award which is widely acknowledged as the worst in the country. There exists a ridiculous situation whereby workers in the community sector who are employed under public sector awards receive much better pay and enjoy much better conditions than do their colleagues in the community sector who are not covered by public sector awards, yet both groups of employees do the same work. Community workers in the other States and in the Territories receive considerably better pay and conditions compared to their colleagues in this State. But the Government has the chance to change this appalling situation because the Social and Community Services Award under which workers in this industry are employed is presently before the Industrial Relations Commission [IRC]. A hearing has been set down for 27 April.

The Greens acknowledge the work of the Australian Services Union and the New South Wales Council of Social Services [NCOSS] to improve the Social and Community Services [SACS] award and the support that those organisations give to workers in the social community services sector. When this matter comes before the Industrial Relations Commission, a classic Catch-22 situation will emerge when the employers, which include a range of community groups and a number of religious bodies, will say that although they recognise the need for better pay and conditions, they will not agree to improvements without a commitment from the Government to increase funding. Most organisations in the community services field rely entirely on Government grants to provide services and pay wages.

Without a commitment from the Government to fund a new award, employers are left with little option except to argue their incapacity to pay at the hearing before the IRC. The IRC may be faced with the dilemma of making changes to the award which could result in services closing owing to inadequate funding. The average rate of pay in this industry is approximately \$25,000 per annum. Pay rates are clearly inadequate and do not reflect the skills, experience and training of people who are employed in the social and community services sector. Where does that leave the industry? It leaves the industry in a not very healthy situation, that is certain.

Committed workers are leaving the industry and a recent survey found that 60 per cent of workers intend to leave the industry shortly. Worker burnout is considerable and 72 per cent of workers have identified stress as the major occupational health and safety issue in the industry. This debacle also leaves the Government's commitment to equal pay in tatters. Women dominate in the social and community services industry. The current award, which is the worst in Australia, undervalues the work done in this feminised industry. However, there is a solution. The Premier needs to publicly commit the New South Wales Government to funding any new SACS award determined by the IRC process. By taking such action, the Government would achieve a win for the community sector which depends greatly on workers who do so much for others and who work under very difficult conditions. Such a gesture would also make a very important contribution to equal pay in an industry in which women dominate and are paid very low rates.

Motion agreed to.

House adjourned at 9.45 p.m.
