LEGISLATIVE COUNCIL

Tuesday 23 May 2000

The President (The Hon. Dr Meredith Burgmann) took the chair at 2.30 p.m.

The President offered the Prayers.

The PRESIDENT: I acknowledge that we are meeting on Eora land.

ASSENT TO BILLS

Assent to the following bills reported:

Conveyancing Amendment (Law of Support) Bill
Gambling Legislation Amendment (Gaming Machine Restrictions) Bill
Occupational Health and Safety Amendment (Police Officers) Bill

COMMITTEE ON THE INDEPENDENT COMMISSION AGAINST CORRUPTION

Report

The Clerk announced the receipt of Report No. 2 of the committee entitled "The ICAC: Accounting for Extraordinary Powers", dated May 2000, received out of session.

PETITIONS

Gay and Lesbian Mardi Gras

Petition praying that the annual Gay and Lesbian Mardi Gras be reorganised on a State and national level with a view to producing a multicultural ethnic parade to show the diversities of ethnicity, received from **Reverend the Hon. F. J. Nile**.

Drug Reform

Petition praying that the House oppose certain recommendations of the Drug Summit and introduce drug reform through a fivefold strategy of coercive residential rehabilitation, free naltrexone treatment, a medical panel to assist the Drug Court, co-operation between law enforcement and parents of addicts, and random drug tests, received from **Reverend the Hon. F. J. Nile**.

BUSINESS OF THE HOUSE

Questions Without Notice

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

That questions commence at 3.00 p.m. today.

GENERAL PURPOSE STANDING COMMITTEE No. 5

Membership

The PRESIDENT: I inform the House that on 23 May 2000 the Leader of the Opposition nominated the Hon. R. T. M. Bull and the Hon. J. H. Jobling as members of General Purpose Standing Committee No. 5 in place of the Hon. D. J. Gay and the Hon. J. F. Ryan.

PENALTY NOTICES VALIDATION BILL

Second Reading

The Hon. J. J. DELLA BOSCA (Special Minister of State, Assistant Treasurer, Minister Assisting the Premier on Public Sector Management, and Minister Assisting the Premier for the Central Coast) [2.37 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.

This bill will amend the Road Transport (General) Act 1999 to validate the issue of certain penalty notices issued under regulation 130a (1) (f1) of the Motor Traffic Regulations 1935. The auditor's report released last year on the enforcement of street parking highlighted technical deficiencies regarding the issue of some infringement notices by local councils in the period between 22 June 1995 and 24 March 1999. This bill seeks to overcome those technical deficiencies.

Regulation 130a (1) (f1) of the then Motor Traffic Regulations 1935 allowed certain council law enforcement officers to issue infringement notices. However, before those officers could validly issue infringement notices the councils concerned had to be authorised in writing by the Commissioner of Police. A number of councils had relied on agreements entered into with the Police Service when this system was first introduced in 1992. However, technically this agreement did not constitute a proper authorisation as required by the regulation. Those councils have since been issued with valid letters of authority.

This bill addresses the period prior to the issue of those letters of authority. The affected infringement notices were issued in good faith in relation to parking which was contrary to the motor traffic regulations. As with all parking infringement notices, it was open to those who received these notices to elect to dispute them in court. The bill simply corrects the technical deficiencies in the authorisations issued by the service to the affected local councils. It does this by providing that any infringement notice issued by a council employee who could have validly issued the notice but for the technical problems is taken to have been validly issued. I commend the bill to the House.

The Hon. M. J. GALLACHER (Leader of the Opposition) [2.38 p.m.]: The Opposition does not oppose the Penalty Notices Validation Bill. The overview of the bill states that section 18B of the Traffic Act 1909 enables penalty notices to be issued by prescribed officers in respect of certain offences. Regulation 130A (1) (f1) of the Motor Traffic Regulations 1935 provides that for some parking offences certain employees of councils are prescribed officers.

The bill seeks to address the problem that some penalty notices were issued between 22 June 1995 and 24 March 1999 without the requisite authorisation of the council having been given. Put more simply, the object of the bill is to validate 262,000 parking penalty notices to the value of $19.4 million issued by employees of local councils between 22 June 1995 and 24 March 1999. The Opposition does not oppose the bill, for the important reason that it fixes the failure of the Government without relating to whether the substance of the offence has been committed. In other words, no-one who might otherwise have the fine overturned on a technicality is disadvantaged.

The bill was made necessary by the Auditor-General's Performance Audit Report on Enforcement of Street Parking Penalties, which was presented to Parliament in November 1999. It was found that although Regulation 130A (1) (f1) of the Motor Traffic Regulations 1935 allow certain law enforcement officers to issue infringement notices, a number of councils entered into agreements with the Police Service which did not constitute a proper authorisation. It is the Opposition's understanding that those councils have been issued with valid letters of authority.

Many councils were caught out by arrangements that struck at the heart of their authority. Parking tickets must be credible deterrents. Parking offences have a significant impact on the community, affecting safety, commercial trade, and the flow of traffic through our town centres, particularly in the city. It is critical that the safety of schoolchildren is enforced. Large numbers of children use school pedestrian crossings every day. As a parent I am constantly amazed at the dangerous practice of parents stopping in no-stopping or no-standing areas near school crossings.

Parking restrictions are in force for commercial reasons. Areas of shopping centres and main streets are designated for limited parking times so that motorists do not use them for commuter car parking or as an alternative to available long-term off-street parking. They also improve traffic flow by maintaining clearways, no-stopping and no-standing zones. Members would be familiar with clearway areas such as those on the Pacific

Highway and Epping Road. During peak hours extensive delays would be incurred throughout the Sydney region without the ability of local councils to fine motorists who ignore clearway signs.

The Auditor-General said in his report that despite due warning being given in 1995 for the letters of authorisation issued to councils prior to 22 June 1995, no such letters were issued for that period even though the problem was recognised in 1995. From 1 July 1995 to 14 April 1999 the 28 councils authorised had issued 262,000 invalid parking infringement notices to a value of $19.4 million as a direct result of the authorisation problem. The efficacy of the parking system and the deterrent effect of the existing notification system must be questioned. It is absurd that we have had to wait for four years for a report from the Auditor-General to enable a legal problem that came to the Government's notice in 1995 to be rectified.

The Opposition does not oppose the bill as there are serious consequences in the Police Service having to pay back $20 million, particularly given current police budget problems which are unlikely to be solved by this Government in today's budget. I think I speak for many people who look at the police budget and see the storm clouds appearing on the horizon. Despite whatever three-shell trick we hear about today during the speech of the Special Minister of State, and Assistant Treasurer or indeed during the speech of the Treasurer in another place, the reality is that less money will be given to those in the front line of policing in this State to conduct their jobs at least to the level of community expectation. Once again, the Hon. J. R. Johnson agrees with the position I have just put forward.

The Hon. J. R. Johnson: I won't be verballed by you!

The Hon. M. J. GALLACHER: Budget and morale problems that have resulted in police vehicles having bald tyres, officers catching trains to take drug exhibits to courts, restrictions on overtime, and large numbers of police officers on stress leave are indicative of the problem I have referred to. Under this Government's mismanagement of the police portfolio those problems will be exacerbated over the next two years and 11 months, until the Coalition finally takes its place on the opposite side of this Chamber in government. We look forward to that day in March 2003.

The Hon. E. M. Obeid: You'll have grey hair!

The Hon. M. J. GALLACHER: At least I will still have hair! Any proposal to take $20 million from the budget and return it to community members who have broken the law will not be supported by the Coalition. It must be pointed out, however, that it is totally unacceptable for the Government to seek from this House retrospective validation of criminal offences, or indeed traffic offences, that came to the Government's notice four years ago. The Opposition places these matters on the record and sincerely hopes we will never again see this level of maladministration.

The Hon. R. S. L. JONES [2.45 p.m.]: I support the legislation, for the reasons referred to by the Leader of the Opposition. After all, those who dare to park in the wrong place deserve to be fined—including me, because I did so on more than one occasion in the past year. It is a very handy method of raising money for the budget. The Government should look at raising more money through these voluntary taxes, as I call them.

Reverend the Hon. F. J. NILE [2.46 p.m.]: The Christian Democratic Party supports the Penalty Notices Validation Bill. The Auditor-General's report dealing with the Performance Audit Report on Enforcement of Street Parking of November 1999 refers to the situation in which the service agreement was not correctly implemented. The report states at page 41:

> The Regulations require that a council be "authorised" (to enforce) by the Commissioner of Police.
>
> Until mid 1995 the "authorising" document was the Service Agreement. It defined the terms of enforcement as agreed between the Police Service and a council.
>
> In 1995 the Legal Services Unit of the Police Service reviewed the Service Agreement and in a letter dated 26 May 1995 advise the Acting Deputy Commissioner that, inter alia:
>
> > The attached agreement is a division of responsibilities between the parties.
> >
> > It is not an authorisation pursuant to regulation 130A of the Motor Traffic Regulations. Such an authority needs to be in existence before the agreement can be carried out.
>
> In other words the Service Agreement was defective because any intent by the Police Service to authorise councils (to enforce) via the Agreement did not comply with the Regulations.

> To correct the defect the Legal Services Unit advised on 22 June 1995 appropriate wording for *Letters of Authorisation* to be issued to enable councils to enforce the Regulations. The *Letters of Authorisation* were to be signed by the Commissioner or his delegate upon completion of a Service Agreement by the Police Service and a council.
>
> Since 22 June 1995 *Letters of Authorisation* have been routinely issued (to councils). However, no *Letters of Authorisation* were issued to councils "authorised" prior to 22 June 1995 despite the need for such a letter having been recognised in 1995.
>
> In the period 1 July 1995 to 14 April 1999 the 28 councils "authorised" prior to 22 June 1995 had issued some 262,000 PINs [parking infringement notices] with a monetary value of $19.4 million.

Because that agreement had not been fulfilled to meet the letter of law, this bill must now be passed by the Parliament. It is retrospective legislation but it is necessary on this occasion. It will ensure the validation of the issue of penalty notices issued between 22 June 1995 and 24 March 1999 inclusive without the requisite authorisation of the council having been given.

Motion agreed to.

Bill read a second time and passed through remaining stages.

COMMUNITY RELATIONS COMMISSION AND PRINCIPLES OF MULTICULTURALISM BILL

Second Reading

The Hon. E. M. OBEID (Minister for Mineral Resources, and Minister for Fisheries) [2.50 p.m.]: I move:

> That this bill be now read a second time.

Let me quote a recent statement by the founding Chair of the New South Wales Ethnic Affairs Commission, Dr Paolo Totaro. He said:

> When the Ethnic Affairs Commission was established its ultimate achievement would have been to do itself out of a job. The changes now proposed for the Commission are a way of acknowledging that some of its charter has been achieved and it is time to move on to new challenges and to present the ancient themes of diversity and acceptance in a new language.

That sums up the purpose of this bill. It is about a great Australian achievement. It is about meeting new challenges for the twenty-first century. It renews and strengthens our commitment to the success of a genuine multicultural society. And, once again, New South Wales leads the way for all Australia.

On 8 April, the Premier announced a shift in the Government's approach to what has been known hitherto as "Ethnic Affairs". This involved changing the Ethnic Affairs portfolio title to Minister for Citizenship and a proposal to replace the Ethnic Affairs Commission with a Community Relations Commission. The shift is inspired by evolving attitudes in our community over the past 20 years. In 2000 New South Wales is a successful multicultural society. We are rightly proud of the diversity of cultures, traditions, beliefs, languages and races contributing to the richness of a co-operative and stable community. We believe, however, that the term "ethnic" is no longer an adequate way of describing our fellow Australians who were not born here or whose parents were not born here. Nor is it an adequate expression of their aspirations for themselves and their families as full citizens of Australia.

This legislation clearly spells out the Government's commitment to multiculturalism and outlines enhanced objectives and functions for a new Community Relations Commission. No other Government in Australia has matched New South Wales on its commitment to multiculturalism. In 1996 we were the first Government in Australia to enshrine principles of cultural diversity into law. This legislation enshrines the principles of multiculturalism and ensures that the word itself is given its full and uniquely Australian meaning and connotation.

The new bill contains a strong commitment to multiculturalism; a preamble which makes a strong philosophical statement of commitment to a cohesive and inclusive multicultural society; principles of multiculturalism; objects and functions of the new commission; expanded consultative structures including Regional Advisory Councils; and reporting requirements for public authorities. This bill is the outcome of extensive and comprehensive public consultation. We have listened to the community. More than 4,000 copies of the discussion document, "The Way Forward", were distributed to community organisations, members of

Parliament, local government, public agencies and interested individuals. The public consultations and subsequent written submissions gave the Government an opportunity to take in a range of views on the package of measures outlined in the discussion document.

I am heartened by the healthy debate these decisions have sparked in the community. I welcome debate that moves us forward into an exciting new phase of policy development in this area. I thank and congratulate those in migrant communities, particularly the Ethnic Communities' Council, who have worked so hard for more than 20 years to improve the lot of migrants in this country. To them, I say, "These changes aim to build on your achievements and those of the Ethnic Affairs Commission." One comment made recently by the spiritual leader of Australian Muslims, Imam Tajeddine El-Hilaly, sticks in my mind. He stated:

> I now know that Australia has matured. Until now we were like tenants in a rented house, but we will now be one of the owners of the home we live in.
>
> We [the Australian Islamic community] regard this change as a brave step that adds depth and strength to the multicultural structure that rightly makes Australia proud.

Many migrants and their children tell me they do not regard themselves as ethnic Australians, but just Australians. The term is now seen as increasingly divisive, separating those of migrant backgrounds and their families from mainstream society. It is a message I receive as I travel through Sydney, Newcastle and Wollongong as well as rural and regional New South Wales. The term "ethnic" had a purpose in the past, but it has outlived its usefulness. As honourable members can see, it is migrants themselves who wish to move forward. Dr Thambi Nallathambi of the Sydney Tamil Manram Association stated:

> It is one of the best decisions ever made to improve the outlook of communities of other than English background and to boost their confidence.

President of the Australian Croatian Community Council, Mr Luke Budak who co-ordinated a successful and well-attended forum on this issue within the Croatian community, stated in his submission:

> We see this as "the way forward" indeed; the process is a genuine one and we see it as a strengthening of the current multicultural policy, as multiculturalism is its cornerstone. It was also unanimously agreed that the change of the name of the Ethnic Affairs Commission to Community Relations Commission is a good and timely move.

While the whole document was positively evaluated, the proposed preamble to the Act received the highest praise. The much-respected editor of the Australia's largest Greek language newspaper the Greek Herald, Mr Michael Mystakidis, wrote in an editorial of 27 August, that the word "ethnic" has no place in the vocabulary of multicultural Australia and, in his view, the move to change the name of the Ethnic Affairs Commission to the Community Relations Commission was the correct one.

Before the process of consultation, there were some who expressed reservations against this fresh, inclusive and more community focused approach to multiculturalism. Such people, as the Sydney Morning Herald editorial stated on 19 April, "… presume their vision of multiculturalism is the one, true version. Any divergence from this ethnically focused version is considered to be the stuff of One Nation rhetoric." The editorial went on to state:

> Australian multiculturalism should imply we have established a unique, changing yet identifiable culture and society that continues to absorb and nurture the influences brought here by successive waves of immigrants.

A former prominent Liberal and tireless worker for migrant communities, Mr Paul Zammit, wrote:

> [I] commend the name change. The word "Ethnic" has always had derogatory connotations. We are all Australian citizens—no matter where we originated.

This legislation makes a strong reference to multiculturalism and provides a clear definition of citizenship. The bill is clear on the Government's definition of citizenship:

> The expression ***citizenship*** is not limited to formal Australian citizenship, but refers to the rights and responsibilities of all people in a multicultural society in which there is:
>
> (a) a recognition of the importance of shared values within a democratic framework governed by the rule of law, and
>
> (b) an overarching and unifying commitment to Australia, its interests and future.

Where does the Opposition stand on this issue? The only specific issue the Leader of the Opposition opposes the Government on is multiculturalism. When the Government wants to move forward and make the language of multiculturalism more inclusive the Leader of the Opposition wants to keep "Ethnic Affairs". When the Government introduces groundbreaking legislation that outlines the Government's indisputable commitment to multiculturalism the Leader of the Opposition opposes it on the basis that there was not enough consultation. When the Government undertakes a comprehensive consultation process with the community on the proposed changes, listens to the community's views and then incorporates them in the legislation the Leader of the Opposition issues meaningless press releases that make no contribution to the debate. The Leader of the Opposition's recent vision lecture to the Sydney Institute attracted this response from the *Sydney Morning Herald* on 16 September:

> This is banality posing as vision.
>
> More Liberals, however, are likely to agree with Mr Carr rather than their leader that ethnic problems should be treated as community problems.

Under this legislation government will continue to improve delivery of service and develop programs for minority groups, not by separating them but by encouraging their participation in decision making on the basis of equality. The Community Relations Commission will be an instrument of Parliament with the primary role of supporting and developing relationships and partnerships between people of equal standing but of diverse cultural backgrounds. I urge honourable members on all sides to support the establishment of a Community Relations Commission—a body that will be proactive and responsive to the needs of migrants across New South Wales. These changes will once again demonstrate to the rest of Australia that New South Wales is at the forefront of policy development for a multicultural society. I invite ethnic communities and organisations to support the Community Relations Commission and to be part of this exciting new era.

I turn to the consultative process. In April the Premier stated that there would be public input into the transition from the Ethnic Affairs Commission to the new Community Relations Commission. Along with the Ethnic Affairs Commission, I have consulted with many organisations and individuals on the Government's plans for the commission. The document entitled "The Way Forward" was available on the Ethnic Affairs Commission web site in six community languages—namely, Italian, Greek, Chinese, Vietnamese, Spanish and Arabic.

Pursuant to sessional orders business interrupted.

QUESTIONS WITHOUT NOTICE

PARRAMATTA-CHATSWOOD RAIL LINK BRIDGE

The Hon. M. J. GALLACHER: My question without notice is to the Minister representing the Leader of the Government. What did the Government promise members of the Greens to secure their support for the Parramatta-Chatswood rail link bridge through the Lane Cove National Park? Will the Minister commit to table all documents, file notes and records of meetings connected with this deal? Does the Labor Government have to strike secret deals with minor parties to complete its projects and to secure support for its legislation?

The Hon. J. J. DELLA BOSCA: It is my understanding that a similar question was asked of the Premier earlier today in the Legislative Assembly. The question deals with matters quite specific to the portfolio of the Minister for Transport, and Minister for Roads. I undertake to direct the question to the Minister and to ask him to provide an answer to the Leader of the Opposition at his earliest convenience.

NON-GOVERNMENT DRUG AND ALCOHOL FACILITIES

The Hon. A. B. MANSON: My question without notice is to the Special Minister of State. How is the Government assisting to modernise non-government drug and alcohol facilities?

The Hon. J. J. DELLA BOSCA: Last week, on the anniversary of the Drug Summit, I was happy to announce that an additional $2.5 million would be allocated to further assist the important work of non-government drug and alcohol service providers. As honourable members may recall, I recently announced a $5.25 million package for 62 new rehabilitation beds in non-government organisations. That new enhancement will provide for ongoing maintenance and refurbishment of existing non-government rehabilitation services that

receive funds from the Government. This is the first time we have made specific allocations for the purpose of maintaining, refurbishing and computerising facilities. That provides peace of mind for service providers and removes the necessity for them to apply for one-off emergency grants.

As the organisations that have received this funding are too numerous to list here, I will mention only a few of them: Kamira Farm, a women's and families rehabilitation facility at Wyong, will receive $12,700 and the Lyndon community drug and alcohol facility at Canowindra will receive $13,500. In April I announced funding for five new long-term beds at the Lyndon community drug and alcohol facility and four long-term beds at the Weigalli drug and alcohol facility, which allowed the centres to treat an additional 47 people. Three Illawarra-South Coast drug and alcohol facilities will receive a combined total of $48,800 Kedesh House, $13,600; Wollongong Crisis Centre, $23,700; and Oolong House at Bomaderry, $11,500. Again, that funding follows an announcement in April for an additional four beds at Kedesh House, which enables treatment of an extra 69 people each year.

The Buttery on the North Coast, an extremely important provider of rehabilitation about which I and other honourable members have previously spoken, will receive $20,400. That is in addition to funding for two new long-term beds at that facility. The Westmount Co-operative in Katoomba will receive $18,000. An amount of $72,100 will be allocated for refurbishment and renovations at 12 south-western and western Sydney facilities, including Barnados at Mount Pleasant, St John of God in Richmond, WESDARC in Penrith, Blacktown alcohol and other drug family service, the Wayback Committee, the Cabramatta Community Centre and the Odyssey House McGrath Foundation at Eagle Vale. Non-government organisations, under the umbrella of the Network of Alcohol and Drug Agencies [NADA], play an extremely important role in developing solutions to drug problems in New South Wales and, as I have said before, in turning young lives around. That role is highly valued by the Government and I am sure by the many communities its members support so tirelessly.

INTEGRAL ENERGY BILLING SYSTEM

The Hon. D. J. GAY: My question is to the Special Minister of State, representing the Treasurer, and in his own capacity as a shareholding Minister in this State-owned corporation. What measures have been put in place to fix the massive billing problems at Integral Energy, which have seen at least 10 per cent of Integral's 750,000 customers receive bills up to six months late or not at all? Why has it taken more than three months for Integral Energy's new chief executive to admit that there are significant problems with the customer service system [CSS] billing system? Will the Minister tell the House when he, as the shareholding Minister, was made aware of the problems with the CSS billing system? What assurances can the Minister give Integral Energy customers that billing mishaps will not happen again?

The Hon. J. J. DELLA BOSCA: I cannot recall sufficiently whether, and at what time, I was personally informed of these matters as a shareholding representative, and representing the Leader of the Government today, to give the honourable member a full explanation of the matters he has raised in his question.

The Hon. D. J. GAY: I ask a supplementary question. Was the Minister aware at all?

The Hon. J. J. DELLA BOSCA: I am only under an obligation to give a frank answer to the question of the honourable member. I cannot recollect being informed about that specific matter and I have already declared that to the House. I have nothing further to add.

KANGAROO INDUSTRY

The Hon. R. S. L. JONES: I ask the Minister representing the Minister for Agriculture, and Minister for Land and Water Conservation a question without notice. Will the Minister advise whether the kangaroo industry abides by the meat safety scheme, hazard analysis critical control point [HACCP], which is used by the meat industry generally? If not, why not?

The Hon. J. J. DELLA BOSCA: I am aware generally of the issues raised by the Hon. R. S. L. Jones. The issues he has raised are technical and relate to another Minister's portfolio; therefore, I am not in a position to answer his question. I undertake to provide an answer to the honourable member's question.

DRUGS AND COMMUNITY ACTION STRATEGY

The Hon. JANELLE SAFFIN: I address a question without notice to the Special Minister of State. Will the Minister inform the House as to the progress of the drugs and community action strategy, including community drug action teams, as recommended by the New South Wales Drug Summit?

The Hon. M. J. Gallacher: Instead of reading from the file, speak from the heart.

The Hon. J. J. DELLA BOSCA: The Leader of the Opposition has asked me to deliver this answer from the heart. That is one request by him that I can conform with. That is very easy, because these matters are close to my heart, as I am sure they are to the hearts of most honourable members of this Chamber. Following the New South Wales Drug Summit, the Government announced that it would support community drug action teams where local communities are keen to actively participate in the fight against drugs and where there is leadership and a willingness to build partnerships between local councils, community groups, business and the State Government. I am pleased to inform honourable members that the Government's drugs and community action strategy is now well under way.

We have committed an additional $4.89 million for a statewide program over four years. Seven regional project managers have commenced work across the State to encourage communities to deal constructively with local drug issues and local drug problems. Those staff cover the following regions: Central Coast-Hunter, coastal Sydney, western Sydney, Illawarra-south-east, Riverina-Murray, North Coast-New England, and south-west Sydney. A project manager for western-north-west New South Wales will be on board shortly. The regional project managers will be responsible for establishing and supporting local community drug action teams, including the development, implementation and monitoring of local plans to facilitate agency and community action on drug issues.

The first task of the project managers will be to conduct a needs assessment of the region, map existing strategies and produce a draft strategic directions statement for the region. This statement will prioritise areas for action, including locations for new community drug action teams and support for existing drug action teams. Community drug action teams will be encouraged to involve local government representatives, staff of government agencies, such as police local area commanders, school principals and relevant education staff, area health service staff where appropriate, magistrates and non-government service providers, as well as representatives of youth and community organisations, student representative councils where appropriate, volunteer groups, service clubs, chambers of commerce, employment groups, churches and other non-government organisations.

Through community drug action teams the Government is hoping for greater co-ordination and collaborative action to address the causes, incidence and impacts of illicit drug use. Local school and community forums will be held where appropriate to bring together this broad range of interests in the community to exchange information, build links and provide input to local drug action plans. The community drug action teams also will be expected to build on the work and networks of local community safety and crime prevention committees, schools as community centres, and other initiatives. The drugs and community action strategy will link in closely with the Premier's Department's Regional Co-ordination Program, ensuring that priorities agreed will be actioned at the highest level. Work is also under way to support existing drug action teams, such as those in Kings Cross and Redfern-Waterloo. A draft drug action plan for Kings Cross will be released shortly for wide community consultation. I look forward to reporting to the House on the Government's progress in establishing new teams and their achievements over the coming months.

DUBBO SCHOOL STUDENTS ATTENDANCE

Reverend the Hon. F. J. NILE: I ask a question without notice of the Special Minister of State, representing the Minister for Education and Training. Is it a fact that the Department of School Education has a secret policy that allows unruly children to attend school for only a limited number of hours each week, such as three days a week for just two hours in Dubbo? Is it a fact that this policy has angered the community of Dubbo after a rise in theft and rowdy behaviour due to those children being out of school and on the streets during school hours without supervision? Does the Minister agree that children should be in school and that the education department should develop strategies to deal with unruly behaviour within the school system with special classes and/or schools for disruptive students? What action is the Department of School Education and the Government taking to address this serious concern where 689 children in Dubbo did not attend school during the month of August last year due to this departmental policy?

The Hon. J. J. DELLA BOSCA: I express some surprise at the large figure used by the honourable member for non-attendance at schools in Dubbo. To answer the last part of the honourable member's question, I am quite confident that the Minister for Education and Training will be prepared to provide me with a detailed response as to what Government action he proposes. The Government has taken significant steps to ensure that all government schools promote respect, accept responsibility, and provide a safe and secure environment for their communities. Principals now have greater powers to suspend violent students and to conduct bag searches if they suspect that a student's bag contains illegal drugs, weapons or other items capable of disrupting school discipline.

Schools also access a wide range of initiatives and support to address behaviour and attendance, including 306 specialist behaviour teachers and 96 home liaison personnel. New procedures for the suspension and expulsion of school students were implemented from the beginning of the 1999 school year. I might take the time, in answering the honourable member's question, to allude briefly to those. The Parliament has also introduced a range of strategies and materials to promote anti-violent conduct, combat bullying and deal with other forms of potential misconduct by students. These include peer mediation programs, school community forums, a Partnership Encouraging Effective Learning Program, anti-bullying best practice in schools, playground best practice in primary schools, resources for teaching against violence, strategies for safer schools, support for young students with behaviour difficulties, talk time teamwork, time-out strategies, strengthening links with the Police Service to implement a range of anti-truant initiatives, including Operation Roll Call, and street sweeps.

All secondary students of compulsory school age are now required to carry a leave pass when leaving school during normal hours. On an average school day, approximately 90 per cent of secondary students and 94 per cent of primary students are present in school, with fewer than 1 per cent of students absent without legitimate reason. To conclude on the specifics of the question asked by Reverend the Hon. F. J. Nile, it would seem to me from the statistic quoted in his question that Dubbo is above the State average. I will seek further advice from the Minister and provide it to the honourable member subsequently.

SOUTH SYDNEY COUNCIL ELECTION FUNDING

The Hon. D. T. HARWIN: I ask a question of the Minister for Mineral Resources, representing the Minister for Local Government. Does the Minister approve of the use by South Sydney Mayor, Vic Smith, of a ratepayer-funded column in the *South Sydney Bulletin* to launch personal attacks on at least three occasions against the Independent councillor John Bush in the lead-up to the council elections? If the Minister does not agree with the use of a ratepayer-funded resource for this purpose, why have both the Minister and the Department of Local Government declined to investigate the matter, instead suggesting that Councillor Bush take his concerns directly to the council that is perpetuating this breach of its code of conduct? Has the downgrading and restructure of the Department of Local Government now reached such a point that there is no effective complaints mechanism for councillors in this State?

The Hon. E. M. OBEID: I thank the honourable member for his question but, quite obviously, he has answered it by giving the response of the Minister for Local Government, who said that he would take no further action. Whilst I am not aware of the details of the issue to which the honourable member refers, if the implication in the question is correct and the matter has been canvassed with the Minister for Local Government—

The Hon. D. J. Gay: He sent that matter back to the council that the complaint was about.

The Hon. E. M. OBEID: I am happy to convey the question to my colleague in the other House but it seems, from the implication in the question, that the Minister has already said he would make no further investigation.

OLYMPIC GAMES SUPREME COURT OPERATIONS

The Hon. R. D. DYER: I direct a question without notice to the Attorney General, and Minister for Industrial Relations. Will the Attorney outline the steps that have been taken by the Supreme Court of New South Wales to plan its operations over the period of the Olympic Games and Paralympic Games?

The Hon. J. W. SHAW: The question asked by the Hon. R. D. Dyer raises an important issue of how the court system will operate during the period of the Olympic Games, the Paralympic Games and, supposedly,

before and after the Games. The court has been considering this matter since 1998, as one would expect. The Common Law Division's Delay Reduction and Case Management Planning Conference, which was held in July 1999, was significant in planning the criminal and civil operations of the court for the period of the Games.

The principal concerns of the court relate to the severely restricted availability of police to give evidence, travelling and accommodation difficulties for witnesses, jurors and other court users, and the transport of prisoners through what will, one assumes, be congested areas of Sydney. A variable judicial vacation will be fixed for the three-week period commencing on 11 September 2000. The court expects to operate at least to the same level that occurs during law vacations—that is, no criminal trial work will be conducted in Sydney, although a duty judge and a bails judge will be available for urgent matters.

Judges who wish to hear cases during the Olympics period may list civil matters where the parties agree to a hearing during that period. The Court of Appeal will call over matters early in 2000 to fix for hearing cases that are consented to be listed during the Olympics period. The Court of Criminal Appeal would be able to hear urgent matters and cases which can be run by the Office of the Director of Public Prosecutions when a prisoner has declined to be present. A call-over will be held early this year to fix suitable cases for hearing during the Olympics period. The co-operation of the judges and masters of the court has been sought so that, so far as is practicable, judicial leave requested for 2000 will coincide with the Games period.

The amount of judicial sitting time available to the court over the whole year will, therefore, be affected only in a minimal sense. It is planned that, during the 2000 Games, the registry shall operate as usual, which currently happens during law vacations. Some registry staff have volunteered for secondment as protocol officers and other duties during the Games period. The court contributed, as an observer, to meetings of the Sydney 2000 Olympics Court Operations Review Committee, an interdepartmental committee which has now reported to the Standing Committee of Criminal Justice chief executive officers. In short, I think we have practical and reasonable accommodation to deal with the obvious logistical pressures that will arise during the Olympics period in this city.

KOOMPAHTOO ABORIGINAL LAND COUNCIL

The Hon. D. E. OLDFIELD: My question without notice is directed to the Special Minister of State, representing the Minister for Aboriginal Affairs. Further to my question of 24 November 1999 about the allegations of financial mismanagement by Koompahtoo Aboriginal Land Council and violence towards Jill Green—a woman who dared to ask questions—I ask the Minister whether he is aware of the continual threats, intimidation and ongoing violence that is occurring among members of this Aboriginal land council. The Minister may be interested to see photographs of injuries to some of the victims of the bashings that happened only last month. I will make the photographs available to him later. Will the Minister undertake to investigate why the committee of this land council is intimidating ordinary members and suspending them from attending meetings and, where appropriate, refer these matters to his colleague the Minister for Police?

The Hon. J. J. DELLA BOSCA: I am not aware of the specific matters raised by the honourable member. Obviously implied in the honourable member's question are a number of serious issues. I am sure that the Minister for Aboriginal Affairs will, after appropriate inquiries, urgently provide the honourable member with an answer once I have referred the question to him.

ORANA JUVENILE JUSTICE CENTRE STAFFING

The Hon. PATRICIA FORSYTHE: My question without notice is directed to the Minister for Juvenile Justice, Minister Assisting the Premier on Youth, and Minister Assisting the Minister for the Environment. Was it necessary last week to transfer a 15-year-old Brewarrina juvenile to a juvenile justice centre in Sydney against his wishes—he feared for his safety—because of a staffing crisis at the new Orana centre? When is it anticipated that the staffing positions will be filled and the centre fully operational?

The Hon. CARMEL TEBBUTT: I understand that the honourable member is referring to a newspaper article in yesterday's *Daily Liberal* which relates to the placement of a young detainee at the Riverina Juvenile Justice Centre, which is at Wagga Wagga, despite his request to be placed at Orana. I am advised that, at the time of his court appearance in Dubbo last Wednesday, the Orana Juvenile Justice Centre was full to its capacity of 30 detainees. Despite newspaper reports that the detainee is from Brewarrina I am advised that, whilst his last-known address was Brewarrina, the Department of Community Services was recently trying to place him with relatives in Casino.

I am further advised that, prior to his appearance in court at Dubbo, he had been placed at the Reiby Juvenile Justice Centre. The detainee was held overnight at the Orana Juvenile Justice Centre prior to his court appearance at Dubbo but, due to the number of detainees at Orana, it was not possible to place him there on a long-term basis. It was for that reason that he was sent to Riverina. The department has also advised me that one of the units at Orana was temporarily closed last Friday due to staff shortages as a result of illness. Staff safety must always be a top priority. The decision to close the unit was an operational one, made with safety in mind. The department has advised me that the closure is short term and that the position will be reviewed by the director of operations this Friday.

YOUTH REGISTER

The Hon. J. R. JOHNSON: My question without notice is directed to the Minister for Juvenile Justice, Minister Assisting the Premier on Youth, and Minister Assisting the Minister for the Environment. Further to the question asked by the Hon. D. T. Harwin regarding the Government's youth register, is the Minister able to provide further details of appointments of young people to government boards and committees?

The Hon. CARMEL TEBBUTT: The honourable member refers in his question to a successful Government initiative to increase the participation and involvement of young people in the Government's decision-making processes. I am pleased to provide the House with additional information regarding the success of the register for young people, a matter about which the Hon. D. T. Harwin has also asked a question in the past. The youth register, which was established in April last year, currently comprises details of 78 young people.

Nominations for the register are open throughout the year to interested young people and can be accessed from the Government's youth web site or by contacting the Ministerial and Parliamentary Services Unit of the Premier's Department. A special youth-specific application form has been developed to facilitate young people's application for the register. A call for nominations for the register is also made each year in conjunction with the call for nominations for the New South Wales Youth Advisory Council. These nominations are advertised on the New South Wales Government's web site and in major metropolitan, regional, Aboriginal and ethnic newspapers. This will take place again in the next few months.

Since last April more than 20 young people have been appointed to a range of government statutory bodies, advisory and reference groups, including the Juvenile Justice Advisory Council, the Youth Entertainment Network Advisory Group, the New South Wales Youth Week Young People's Management Committee, the Centre for the Advancement of Adolescent Health Advisory Board, the Commission for Children and Young People Interim Advisory Committee, the Children (Protection and Parental Responsibility) Act Co-ordination and Evaluation Committee and the Youth Media Forum Consultative Committee. I also anticipate announcements in the near future on the appointment of young people to both the Expert Advisory Group on Drugs and the Regional Communities Consultative Council.

I have previously advised the House that individual board appointments remain the responsibility of Ministers. However, the register makes it easier for Ministers to find young people with the skills and interest necessary to make important contributions to a range of boards and advisory and reference groups. The Government will continue to work on the issue of youth participation as a key action of its youth policy. The register is making an important contribution to giving young people a voice in the decisions that affect their lives.

The register forms a part of a range of initiatives, including the Youth Advisory Council, forums on the Internet around specific issues, support for student representative councils, and working with local government youth councils, particularly during Youth Week, to provide greater opportunities for young people to have an input to decision-making processes. These initiatives demonstrate that the Government is listening to young people and acting on their advice. I look forward to providing further updates about the register as it continues to develop.

LOCAL INDUSTRIES SUPPORT

Ms LEE RHIANNON: I direct my question without notice to the Special Minister of State. Considering the commitment of the Government to support local industries, will the Minister explain why the diaries issued to all members of Parliament have been printed in Singapore? What measures will the Government take to ensure that the goods and services used by this Parliament are sourced in New South Wales?

The Hon. J. J. DELLA BOSCA: I am at a loss to provide the honourable member with an answer as I had not noticed where the diaries were printed. I will ask the President and Mr Speaker to provide the honourable member with an answer.

CULLEN BULLEN MINE EMPLOYMENT

The Hon. R. T. M. BULL: My question is to the Minister for Mineral Resources. Is the Minister aware that a new mine at Cullen Bullen, near Lithgow, is being operated by a Queensland-based company which will not be employing any local workers on the site? Is the Minister aware also that this is in contravention of an earlier promise by the company that local labour would be used at the new mine development? Has the Minister received any representations from the honourable member for Bathurst on this issue? What is the Minister's response to the news that this company will employ interstate labour rather than utilise the skills of the local work force?

The Hon. E. M. OBEID: The Hon. R. T. M. Bull's question is a very important one, and I am aware of the issue. I did receive representations, not only from the councillors but also from the honourable member for Bathurst. Delta Electricity is entitled to negotiate with whichever coalmine it so desires for its future contracts. In this case Charbon missed out on the contract and it was taken up by this new mine, Cullens Valley, which is using some contract labour from a Queensland company called Roche Brothers. It concerns me that this can occur, in view of the fact that I was told by the then mayor that the company had undertaken, when it sought approval for the mine, that it would use local labour. From what I have been told it appears that it has not abided by that undertaking, which apparently was verbal, because the company maintains there was nothing in writing.

The Hon. D. J. Gay: Are you saying you were misled?

The Hon. E. M. OBEID: No, I am not. The honourable member is not listening. I am saying that it appears from what the mayor has said that the company promised the council that it would hire local labour if it got council approval. As it turns out, it has contracted with a Queensland company, Roche Brothers, for the supply of labour. If that is the case, it has defaulted on an arrangement with the council. It is not within the domain of my portfolio to direct Delta Electricity as to whom it can have coal contracts with, but I have made it quite clear—

[*Interruption*]

Well, any organisation that is corporatised and has separate directors makes decisions that are commercially suitable to that board and that company, and that is what has happened in this case. But I have made the council and the honourable member for Bathurst aware that we will be looking very closely at safety issues, which is within my domain. I am sorry this has happened. I have always maintained, and I have said this openly to mining companies and I have repeated it in this House, that if a company has any sort of tragedy it needs local community support. There is nothing better than recruiting and training people from the local community to work in those mines. The benefit is that they get good local community support. My advice to any company that establishes a mine is to retrain and use local employees because they will stick with the company for the long-term, They will stay in the job, they will not move around, and they make very good employees.

Northparkes is a fine example of how, in a time of great adversity for that company, the township, the workers and the management stuck with the company and saw it through its difficult times. I am afraid to say there is nothing much that I or the Minister for Energy can do to direct any electricity operator as to whom it should buy its coal from and with whom it should formalise its contract.

INDUSTRIAL RELATIONS LEGISLATION

The Hon. J. HATZISTERGOS: My question is directed to the Minister for Industrial Relations. Will the Minister please advise the House about the proposed amendments to the Industrial Relations Act 1996?

The Hon. J. W. SHAW: The starting point in responding to this question is that New south Wales has a regime of industrial relations that is generally accepted by an extraordinary array of industrial parties. The Industrial Relations Act 1996, which this Parliament wisely passed that year, is the cornerstone of this State's industrial relations. We developed that Act after extensive consultation with the industrial parties and we provided a user-friendly, efficient and clear framework for the conduct of industrial relations. It is pleasing to note that the New South Wales system has been regarded as the model by some other Australian States that have

sought to reform their industrial relations systems—most notably Queensland, but, I think, Victoria and Tasmania as well. Across the eastern seaboard the New South Wales model is being adopted as an industrial relations framework.

The Government went to the last election with a promise of building on and fine-tuning its achievements with this Act. Accordingly, it is proposed to introduce some reforms, modest and incremental in their nature, to the New South Wales industrial relations system. A bill to amend the Industrial Relations Act is currently being developed and we hope to have it before Parliament this session. The bill is intended to give the Industrial Relations Commission power to declare that particular classes of independent contractors should be regarded as employees for the purposes of the Act if they are regarded more appropriately to be categorised as employees.

The bill is intended to enable Federal-award-covered employees who currently do not have any remedy against unfair dismissal to bring an unfair dismissal claim before the New South Wales Industrial Relations Commission. The package is intended to prohibit the sacking of injured workers because of their injuries while those workers are receiving accident pay. It will enable a union to become a party to a non-union enterprise agreement where the union has a member who would be covered by the agreement and who has requested the union to do so, in line with current Federal legislation. There is nothing radical or dramatic about that; it is an ordinary evolutionary development of our system in New South Wales. Of course, as we have announced, we intend to provide long-term or permanent casuals with access to parental leave. There is nothing radical about that and I think my colleague the Leader of the Opposition would probably agree with that.

The Hon. Dr B. P. V. Pezzutti: No he wouldn't.

The Hon. J. W. SHAW: Well, I was listening to the midday news on 2SM on Friday 19 May, as one would, and I heard the Leader of the Opposition in this House. I heard the introduction to the interview, which was to the effect that, "The State Government has been accused of ripping off an opposition policy with the release of its new workplace laws. Proposed changes include granting parental leave to long-term casuals. Shadow Industrial Relations Minister, Mike Gallacher, says the leave proposal is nothing new."

[*Interruption*]

I think the wonders of technology might be a bit ahead of the Deputy Leader of the Opposition. What did the Leader of the Opposition say? He said, "This is an issue that was first introduced by the Coalition when we were last in government, but, more importantly, it was an issue that was raised in exactly the same format that we have today 12 months ago by the very same Minister who said he was going to introduce the changes." There was an implied criticism there that I had not introduced it quickly.

It is tremendous to have bipartisan support for parental leave for casual employees. It is terrific. I congratulate the Opposition on overcoming the undoubted residual employer objection to this. It has done the right thing, it has taken a principled stand, it has defended motherhood, and it has supported an idea that we put forward before the last election. I look forward to the Opposition's votes on the floor of this House for this proposition in the near future.

ETHNIC GANG VIOLENCE

The Hon. HELEN SHAM-HO: My question without notice is addressed to the Special Minister of State, representing the Treasurer, representing the Minister for Police. Is the Minister aware that sociologist Dr Scott Poynting of the University of Western Sydney and co-author of a book titled *Kebabs, Kids, Cops and Crime* has recommended improved police training to help stamp out so-called ethnic gang violence and to not blame a person's ethnic background as a cause of violence? Can the Minister inform the House what kind of cross-cultural education members of the Police Service are receiving and how adequate that training is in this regard?

The Hon. J. J. DELLA BOSCA: The last part of the honourable member's question is specific to the police portfolio, and I will refer that part of the question to the Minister for Police for a fuller answer in the immediate future. For the record, the Carr Labor Government is proud of the record of working with a better trained and more effective police force than we have had for some time.

The Hon. M. J. Gallacher: There are record stress levels among police at Brisbane Water, who service Woy Woy.

The Hon. J. J. DELLA BOSCA: That is my experience of the view and morale of serving police officers whom I have come across in my private capacity. Woy Woy is served by excellent police who do an excellent job, as, indeed, do police on the Central Coast and throughout the State. Importantly, members of the Police Service are better trained than they have been for a long time. They are better resourced and better equipped than they would have been under any coalition government.

WENTWORTH AREA HEALTH SERVICE CHIEF EXECUTIVE OFFICER

The Hon. C. J. S. LYNN: My question is directed to the Special Minister of State, representing the Treasurer, representing the Minister for Health. Is the Minister aware of the circumstances surrounding the sudden resignation of the Wentworth Area Health Service Chief Executive Officer, Dr Elizabeth Barrett? Was Dr Barrett's resignation due in any way to her refusal to sign off on the Wentworth Area Health Service budget? Can the Minister advise whether her resignation had anything to do with claims that the Blue Mountains hospital is losing out on services and funding? Can the Minister further advise whether her resignation was influenced by the recent vote of no confidence in the management of Wentworth Area Health Service by surgeons at Nepean Hospital? Was her resignation related in any way to the lack of progress on the central plan for the core services block redevelopment at Blue Mountains hospital?

The Hon. Dr B. P. V. Pezzutti: A good question.

The Hon. J. J. DELLA BOSCA: Indeed, it is a good question. The Hon. C. J. S. Lynn has asked a very specific question about another Minister's portfolio, and I will undertake to get a detailed response to the question and provide it to the honourable member. I thought the honourable member was a good-time Charlie, but in this question he seems to be concentrating on the negative side of life. In a general sense the honourable member seems to have put together a number of perhaps unrelated instances and formed conspiratorial conclusions, and I would have thought he was above that.

MOTOR ACCIDENTS INSURANCE SCHEME

The Hon. I. M. MACDONALD: My question is addressed to the Special Minister of State, representing the Treasurer. Will the Minister inform the House how the new green slip scheme is delivering faster settlements to motorists in rural and regional New South Wales?

The Hon. J. J. DELLA BOSCA: I am happy to report to the House that injured motorists living in rural and regional New South Wales will benefit from quicker settlements of claims following the opening of medical assessment and claims resolution services as part of the new New South Wales green slip scheme. Features of the new green slip scheme are being outlined to lawyers, health professionals and other interested people at seminars being presented by motor accidents assessment services across regional New South Wales. The seminars being conducted by the Motor Accidents Authority will highlight three new services: the Medical Assessment Service, the Claims Assessment Resolution Service and the Claims Advisory Service.

The Medical Assessment Service and the Claims Assessment Resolution Service will allow medical disputes and claims to be handled in a faster and more claimant-friendly way without the delays and costs associated with the court system. The Motor Accidents Authority will be able to take the service to country centres, saving injured people time and inconvenience. It is expected that medical assessments will now take only two to three months and that even the most complex claims can be determined within five months. Currently, the District Court takes up to nine months to make claims decisions in Sydney and often much longer in country areas or for difficult cases.

The new scheme works better for the innocent victims of car crashes in country areas for a number of reasons. Assessments will be undertaken in a less confrontational atmosphere; complex cases can be heard before a senior assessment panel, reducing lengthy court cases; $500 will be paid for immediate treatment; medical disputes will be resolved by doctors and therapists, not in court—injured people will no longer have to argue directly with insurers about payment of medical bills; and, while legal representation is permitted, it is not necessary to resolve claims as people can claim without a solicitor. Seminars will be held in Tamworth, Armidale, Ballina, Coffs Harbour, Newcastle, Wagga Wagga, Albury and Nowra over the next few weeks.

[*Interruption.*]

I can provide the Leader of the Opposition with details of the successful Central Coast seminar. Anyone requiring information about the Medical Assessment Service or the Claims Assessment Resolution Service can call the Claims Advisory Service for assistance.

FIREWORKS REGULATION

The Hon. J. S. TINGLE: My question without notice is addressed to the Attorney General, and Minister for Industrial Relations. Is the Minister aware of the recent tragic accident which occurred during a school fireworks display in Brisbane and resulted in the death of a young girl who was hit by metal shrapnel from an exploding fireworks container? Can the Minister advise what restrictions apply to the use of metal mortar-type containers for detonating fireworks in New South Wales? Is there any need for a review of the regulations covering commercial fireworks displays in light of the Queensland incident?

The Hon. J. W. SHAW: All those who saw the television coverage of that accident would have been greatly saddened by it. It was a tragic incident, with a young girl dying in those circumstances. Several other people were critically injured, and onlookers were badly hurt. My understanding is that the fireworks display operator was licensed in Queensland to hold regular pyrotechnic displays using ground-level fireworks only, rather than aerial shells or rockets. I can inform the House on the best advice that that operator does not hold a New South Wales permit to use display fireworks.

The Queensland display comprised fireworks such as comets, which are discharged at ground level. The operator apparently stabilised the fireworks by placing them in a metal tube. At this stage it is not known why the fireworks detonated inside the metal tube, causing the tubing to apparently explode outwards and project shrapnel in all directions. The current Australian standard for fireworks display does not address the use of metal equipment for ground display fireworks. I turn to the implications for New South Wales.

The Hon. M. J. Gallacher: Isn't this sub judice as there will be a coronial inquiry?

The Hon. J. W. SHAW: Following the Queensland accident, WorkCover New South Wales released a safety alert to all New South Wales fireworks suppliers, manufacturers and display permit holders to warn of a potential hazard in using metal equipment. This is important public information; it is not, as I apprehend it, sub judice. It is important material that the community should know. WorkCover advises that until further information is obtained as to the cause of the accident, metal mortars, tubes, frames, pickets, stands and other types of equipment associated with fireworks displays should be replaced with suitable alternative materials. These materials would include plastics, for example, high-density polyethylene and paper-wound tubes. I emphasise that the cause of the explosion is not yet known. I am informed that the fireworks were manufactured in China, not Australia.

In Queensland, fireworks permit holders are generally required to undertake a three-day accredited course or extensive on-the-job training on the safe discharge of fireworks, ranging from small display fireworks to large aerial shells. By comparison, New South Wales requires that general fireworks display permit holders receive practical, supervised, on-the-job training by an experienced operator. The general fireworks display permit application must be accompanied by a reference from a pyrotechnician certifying that the applicant is suitably trained. The pyrotechnician providing the instruction in a class of fireworks must himself hold a permit for that class of fireworks or a greater class of fireworks.

Fireworks suppliers are required, as a condition of their licence, to provide appropriate instruction for one-day fireworks ground display permit holders in the safe use of fireworks, and WorkCover provides guidance on the types of issues that they must address. WorkCover New South Wales is exploring the implications of the Queensland accident for the New South Wales regime. The need for specific initiatives in addition to the safety alert is currently being examined.

COASTAL MANAGEMENT

The Hon. JENNIFER GARDINER: My question without notice is directed to the Minister for Mineral Resources, and Minister for Fisheries. Given the constant recommendations by various inquiries calling for a whole-of-government approach to coastal management, including the recommendations of the Standing Committee on State Development following its inquiry into the fishing industry, why has the Carr Government been so tardy in addressing this important issue? Is the Minister a member of the just-announced Coastal Management Cabinet Subcommittee on Coastal Issues? What is its brief, and when will there be some action along the lines suggested by, for example, the oyster industry at its excellent annual awards lunch last Friday?

The Hon. E. M. OBEID: I think the best part of the Hon. Jennifer Gardiner's question is the reference to the excellent lunch that she and I attended with members of the oyster industry and the Oyster Farmers

Association. I am very mindful of the importance of the oyster industry to this State, as I think I said at the luncheon in the presence of the Hon. Jennifer Gardiner. I agree that a whole-of-government approach is needed to fast-track the aquaculture approval process. The Government fully recognises that the aquaculture industry encounters problems dealing with many different departments, and that is why the Government has implemented the aquaculture development strategy. Within that strategy we are seeking to refine an oyster approval strategy to ensure that the industry does not have to deal with too many bodies. This is something that the Government is working on.

The Hon. D. T. Harwin: Are you looking at exporting oysters?

The Hon. E. M. OBEID: Yes, certainly. The oyster industry is no doubt the backbone of our aquaculture. We have just agreed on the technical terms of reference for a review to ensure that our oysters comply with world's best practice. That is something that has long been talked about by the industry, but we are now acting.

The Hon. D. T. Harwin: That is the trouble: you are always acting.

The Hon. E. M. OBEID: It would be very discourteous of me to repeat what executive members of the oyster industry told me in confidence about the way the former Coalition Government treated them—

The Hon. J. F. Ryan: You have just verballed them.

The Hon. E. M. OBEID: It is not for me to share the views of the industry expressed in confidence. I want the Hon. J. F. Ryan to understand one thing: we are still dealing with the legacy of the former Coalition Government's ineptitude in introducing the Fisheries Management Act. We are today still trying to overcome the former Coalition Government's lack of recognition of the need of commercial fishers to remain valid licence holders, and its ineptitude in being able to deal with part 5 of the Environmental Planning and Assessment Act.

The Hon. D. J. Gay: Are you on the committee?

The Hon. E. M. OBEID: Of course I am on the committee. The Coalition should not preach to this Government about how we should handle fisheries. We have the most open method of negotiation, discussion and consultation. To answer the Hon. Jennifer Gardiner's question: yes, I am a member of the Coastal Management Cabinet Subcommittee on Coastal Issues. The Government is very mindful of the needs of fisheries resources, particularly oysters. I can assure the honourable member that at the end of the day the industry will be more than satisfied with the outcome.

EASTERN GEMFISH STOCKS

The Hon. P. T. PRIMROSE: My question is to the Minister for Mineral Resources, and Minister for Fisheries. Why has the Minister decided to limit catches of gemfish for commercial and recreational fishers and charter boat operators?

The Hon. E. M. OBEID: Eastern gemfish are a community resource, and I am committed to conserving and protecting this valuable species. Since 1976, New South Wales Fisheries has monitored catches of eastern gemfish and found that stocks have seriously declined. I am advised that the main reason for this decline is that fishers are targeting gemfish during spawning. This includes the Commonwealth south-east trawl fishery and New South Wales fishers using deepwater drop lines. The New South Wales Government is not alone in its concern about the decline in eastern gemfish. The Commonwealth has also put into place strict controls on this important species.

Gemfish are a deepwater species which are often accidentally caught by commercial operators. Instead of wasting these fish, a by-catch limit has applied in the Commonwealth trawl fishery since 1993 and is currently at 200 tonnes. The New South Wales catch has averaged about 100 tonnes for the last few years. New South Wales research clearly indicates that past management has not halted this decline and strong measures are needed.

The New South Wales Government has not hesitated to make the tough decisions needed to protect this valuable fish. Last year we distributed to all stakeholders a discussion paper outlining a number of options. New South Wales Fisheries officers met with the commercial fishing industry in regional areas to discuss these

proposals. Following this extensive consultation I have taken the following action to protect the eastern gemfish. From Friday 19 May the daily trip limit for commercial boats has been lowered from 150 kilograms to 50 kilograms per day. I am advised that 50 kilograms is a reasonable by-catch of gemfish, when fishers are actually targeting other species. For the first time, limits will also apply to recreational fishers. As at 19 May recreational anglers also have a boat limit of 10 fish per day. The new limit on recreational boats complements new individual bag limits, which will come into effect on 1 November 2000. These limits will help to ensure the protection of eastern gemfish for future generations.

NORTHSIDE STORAGE TUNNEL GAS EMISSIONS

The Hon. Dr. P. WONG: I ask the Minister for Juvenile Justice, representing the Minister for Information Technology, Minister for Energy, Minister for Forestry, and Minister for Western Sydney, a question without notice. Is it a fact that the mediation process between Sydney Water and the Scotts Creek community, including the Glenaeon Rudolf Steiner School at Middle Cove, regarding the impact of the Northside Storage Tunnel vent on human health and the local environment, has ended without resolution? Is the Minister aware that following the unsuccessful completion of the mediation the local community, and particularly the children at Glenaeon school, will be exposed to unknown and unquantifiable health risks from pathogens as a result of the operation of the sewage gas pumping station being built as part of the Northside Storage Tunnel 20 metres away from the school boundary? What measures does the Minister intend to take to resolve this very serious problem regarding the building of the tunnel?

The Hon. CARMEL TEBBUTT: I will refer the question asked by the Hon. Dr P. Wong about the Northside Storage Tunnel to the Minister in the other place and undertake to obtain a response as soon as possible.

WORKERS COMPENSATION PREMIUMS

The Hon. Dr B. P. V. PEZZUTTI: My question is directed to the Special Minister of State. Is the Minister aware that in many farm businesses throughout New South Wales, the same workers compensation premiums are paid for employees who perform relatively safe clerical duties as are paid for employees who handle dangerous machinery? Does he consider that to be equitable? When will he address his predecessor's failure to reform the workers compensation system in this regard?

The Hon. J. J. DELLA BOSCA: The honourable member makes a very harsh and unfair comment indeed in respect of the previous regime and system.

The Hon. Dr B. P. V. Pezzutti: It is true nevertheless.

The Hon. J. J. DELLA BOSCA: It is not at all true. As usual, the Hon. Dr B. P. V. Pezzutti is barking up the wrong tree. By way of general background in response to the question asked by the honourable member, I point out that there are a number of anomalies in the way in which premiums are calculated currently. Anomalies similar to the one just described by the honourable member apply not just in the rural sector but also in a range of industries and arise because the method of determining premiums has been according to assessed averages and the like.

The most important point to make in response to the honourable member's question is that for some time, WorkCover and the responsible Ministers—namely, the Attorney General, and Minister for Industrial Relations and I—have been working through the issues involved in the transition to the Australian and New Zealand Standard Industries Classification [ANZSIC] code which provides a different method of determining premiums. ANZSIC will take into account differences within industries, within particular employers, and those that exist across industries. The issue to which the honourable member refers is one of great significance with regard to reform of the scheme. It is one which we, throughout the term of the Carr Government, have been working on.

The insurance industry wants to use the ANZSIC industrial classification system to set workers compensation premium rates. The industry wants also to set different premium rates for small, medium and large employers. ANZSIC is a more refined system of industry classification than the one currently used It will assist in minimising cross-subsidisation of premiums between classes of employers and also cross-subsidisation within employment categories and industries. The ANZSIC system, or an earlier version of it, the Australian Standard Industries Classification system [ASIC], is used as the basis for industry rating in most of the other States.

Of course, one of the issues in regard to the shift to the ANZSIC system is that there will be winners and losers in the cross-subsidisation—as there would be under any substantial restructured industry system. The Government has received proposals from the insurance industry as well as from other stakeholders within the workers compensation system about mechanisms to ease the transition to the proposed new system. WorkCover is currently working on a number of transition options. It is critical that any arrangements for a move to ANZSIC take account of the implications for all parties in the workers compensation system and have broad support. To this end, the Government is continuing to review all possible options before making a final decision.

The Hon. Dr B. P. V. Pezzutti: Point of order: I wonder whether, when the Special Minister of State, is answering questions such as that, he would desist from using acronyms. It is very difficult for Hansard to show the acronym if he does not give at first the full title of the acronym before he uses the abbreviated version. He has done that a number of occasions and I suggest that he desist. Because of the way the Minister speaks, I did not even apprehend what the acronym was.

The PRESIDENT: Order! There is no point of order. However, I am sure that the Minister will take notice of what the honourable member has said.

DRUG SUMMIT GOVERNMENT PLAN OF ACTION

The Hon. JAN BURNSWOODS: I ask the Special Minister of State, Assistant Treasurer, Minister Assisting the Premier on Public Sector Management, and Minister Assisting the Premier for the Central Coast a question. Will he inform the House of the progress that has been made by the Government to implement the Plan of Action, the Government's response to the recommendations of the 1999 Drug Summit?

The Hon. J. J. DELLA BOSCA: As honourable members may be aware, last week marked the first anniversary of the historic New South Wales Drug Summit which was held in this very Chamber between 17 and 21 May 1999. The summit was a unique event, bringing together parliamentarians, drug and alcohol workers, academic experts in the field of drug and alcohol research, police and community representatives and families directly touched by illicit drug use.

The summit was an outstanding example of bipartisan co-operation. Indeed, I have cited on a number of occasions the Leader of the Opposition and the Hon. Patricia Forsythe in respect of a number of controversial issues that have been discussed over the last 12 months and I have thanked them publicly for their support. Most importantly, however, the Drug Summit was an opportunity for those from both sides of the drug debate to listen to one another and work together to find some new ways forward. The summit provided an opportunity for an invigorating approach to a serious problem affecting the whole community.

Last July the Government responded to the 172 recommendations of the Drug Summit in its Plan of Action—a comprehensive program with $176 million being provided to boost drug programs over the next four years which will bring this Government's overall spending to approximately $500 million over four years. In the plan, many existing programs and services will receive extra funding in addition to a range of new programs and a series of trials of new initiatives which emphasise prevention, education, treatment and enforcement.

As honourable members would be aware, during the last year I made a series of announcements about new programs and funding. For example, a $14 million program for government drug services, including new allocations for drug and alcohol nurses and counsellors, construction of new detox facilities and funding for home detox teams; $5.25 million for 62 new rehabilitation beds in non-government organisations; $23.6 million for new detox centres and treatment programs in prisons; and $49 million to tighten up methadone services and increase methadone places by 50 per cent.

The Hon. Dr B. P. V. Pezzutti: Where is the clinic for the Tweed?

The Hon. J. J. DELLA BOSCA: The honourable member did not attend the Chamber on time. I have already answered a question on clinics. Following recommendations of the Drug Summit, in addition the Government extended the Young Offenders Act to include minor drug offences; extended the statewide cannabis cautioning scheme for adults; and tightened the methadone distribution and compulsory treatment contracts for methadone users. Last week I also announced several new initiatives, including: $190,000 for eight new Salvation Army rehabilitation beds, five beds at Miracle Haven at Morisset and three beds at Selah Farm in Berkeley Vale on the Central Coast, which will enable an additional 53 people to be treated each year; $100,000 for the expansion of the Family Drug Support phone line which was established by the Damien Trimingham Foundation and which provides support, counselling and advice for families of addicts. The service can be contacted on 1300 368 186, which is a local call.

The Hon. Dr B. P. V. Pezzutti: Where is the methadone clinic at Tweed Heads?

The Hon. J. J. DELLA BOSCA: I take it that the honourable member does not support the provision of funds for the phone line service? Honourable members should note that the Hon. Dr B. P. V. Pezzutti does not support that initiative. The sum of $20,000 will also be provided to the Damien Trimingham Foundation to print *Family Drug Support: a guide to coping*. I was also pleased to announce the Government's new message which will be associated with Drug Summit initiatives.

The key theme from the New South Wales Drug Summit was the need for improved communication with the community about drug-related issues and services. To help to give effect to the desire for that improvement, a key message has been developed to communicate the New South Wales Drug Summit Government Plan of Action initiatives. The message is, "Act Now: NSW Government and You—Taking a stand against drugs." This message marks the anniversary of the New South Wales Drug Summit and reflects combined efforts to address the drug problem. It will function as a unifying symbol of all the initiatives and partnerships across government and the community. I look forward to reporting further progress on the plan of action over the next year as more of the Government's programs are funded and rolled out.

I suggest that if honourable members have any further questions they put them on notice.

POLICE SAFETY

The Hon. J. J. DELLA BOSCA: On 6 April Reverend the Hon. F. J. Nile asked the Treasurer a question without notice relating to police safety. The Minister for Police has provided the following response:

> Further to the honourable member's question regarding police safety, the Minister for Police has been advised by the Deputy Commissioner, Field Operations that four offenders have been charged in connection with this incident.
>
> The Deputy Commissioner, Field Operations has also advised that it is New South Wales Police Service practice that two police officers work together on night work. However, in a number of locations, local area commanders after consultation with police officers and the New South Wales Police Association may vary rostering practices.
>
> In relation to Campbelltown, the Minister for Police has been advised by the Campbelltown local area commander that the practice of highway patrol officers working alone after dark has ceased.

POLICE DNA TESTING OF WEE WAA RESIDENTS

The Hon. J. J. DELLA BOSCA: On 6 April the Hon. A. G. Corbett asked the Treasurer a question without notice relation to DNA testing. The Minister for Police has provided the following response:

> The DNA samples are offered voluntarily in the instance of Wee Waa.
>
> In the event that a person's DNA is not matched with any police evidence, the sample will be destroyed immediately.

WALSH BAY REDEVELOPMENT

The Hon. J. J. DELLA BOSCA: On 11 April the Hon. R. S. L. Jones asked the Treasurer a question without notice relating to Walsh Bay redevelopment. The Minister for Public Works and Services has provided the following response:

> The Minister for Public Works is awaiting further advice essential to answer this question and will provide this information in due course.

LEBANESE COMMUNITY

The Hon. J. J. DELLA BOSCA: On 11 April the Hon. J. M. Samios asked the Treasurer a question without notice relating to the Lebanese community. The Premier has provided the following response:

> The Government is aware that Lebanese religious and community leaders have met to discuss a number of incidents and their effect on community relations in the Canterbury-Bankstown area.
>
> The Government supports direct and active co-operation between the New South Wales Government agencies and the community in order to enhance mutual understanding and trust. The Government has established the Canterbury-Bankstown Community Relations Consultative Group to facilitate effective community relations. The terms of reference for the group are:
>
> 1. To ensure that the good reputation and standing of the Australian-Lebanese community is not drawn into question by implication because of current criminal activities.

2. To consult on community concerns regarding current law and order issues in the Campsie and Bankstown local area commands.

3. To increase community awareness of policing initiatives within local areas.

4. To identify opportunities for joint community police initiatives particularly focusing on current criminal/violent events occurring in the Canterbury-Bankstown area.

In addition to the Ethnic Affairs Commission, the group comprises of two senior representatives of the New South Wales Police Service and ethnic community leaders from the Arabic speaking community. The Canterbury-Bankstown Relations Consultative Group met on 21 March 2000, 4 and 18 April 2000 and will continue to meet regularly.

The Government has also taken a number of initiatives via collaborative projects involving the Premier's Department, New South Wales Police Service, Bankstown City Council, the Ethnic Affairs Commission, the Department of Community Services and other government agencies. These initiatives include:

- A Police and Community Training project initiated by the Ethnic Affairs Commission in the Campsie and Bankstown Local Area Command to promote effective police and ethnic community links.

- Community liaison work carried out by the New South Wales Police Service ethnic community liaison offices and the employment of a second youth liaison office in Campsie and Bankstown to implement youth crime prevention programs.

- Funding of a juvenile crime prevention officer from the Safer Towns and Cities program who will be based at Canterbury Council.

- The provision of a $100,000 grant by the Ethnic Affairs Commission and $300,000 by DOCS over the next 3 years towards the establishment and operation of after-school youth facilities in the Bankstown area to deal with the needs identified under the New South Wales Government Action Plan on Youth—Community issues in Canterbury-Bankstown.

- Enhanced communication between schools, parents, the local community and ethnic organisations especially those from Arabic-speaking backgrounds through the employment of community information and liaison officers.

- Intensive assistance to high school and year 6 students through the establishment of a tutorial centre.

In addition, the Minister Assisting the Premier on Citizenship, the Hon. Morris Iemma, MP, will be meeting members of the Lebanese task force, which comprises prominent members of that community, to discuss these issues in greater detail.

OLYMPIC VOLUNTEERS WORKERS COMPENSATION

The Hon. J. J. DELLA BOSCA: On 11 April the Hon. D. J. Gay asked the Treasurer a question without notice relating to Olympic volunteers workers compensation. The Minister for the Olympics has provided the following response:

Olympic volunteers will be covered in the event of employee-related injury through an AMP personal accident insurance policy taken out by SOCOG.

Funding for the insurance policy will come from the Olympics budget.

WOODLAWN MINEWORKERS ENTITLEMENTS

The Hon. J. J. DELLA BOSCA: On 12 April the Leader of the Opposition asked the Treasurer a question without notice relating to Woodlawn miners recovery of entitlements. The Premier has provided the following response:

Collex Waste Management has submitted a development application under SEPP 48, for a landfill facility at the former Woodlawn mine site near Goulburn. The Minister for Urban Affairs and Planning, the Hon. Andrew Refshauge, is the consent authority under the policy, which requires him to consider several matters relating to landfill proposals.

In view of the complex issues associated with this proposal, the Minister requested that it be the subject of an independent commission of inquiry. Key issues placed before the commission of inquiry included whole of mine site rehabilitation and protection of Sydney's water supply, given that the site is parliamentary within the Sydney water catchment.

The Woodlawn inquiry has now been completed, with the commissioner finding that there are no environmental factors, which would preclude the granting of consent, subject to rigorous conditions. The Minister has now asked the Department of Urban Affairs to follow up the commissioner's findings and recommendations, and report on all relevant planning issues, including the need for the proposal, before a determination is made.

CANLEY HEIGHTS CRIME

The Hon. J. J. DELLA BOSCA: On 12 April the Hon. Dr P. Wong asked the Treasurer a question without notice relating to Canley Heights crime. The Minister for Police has provided the following response:

The Minister for Police has been advised by the Deputy Commissioner, Field Operations, that the New South Wales Police Service records indicate only eight reports of break and enter offences in Avonlea Street over the period in question.

Police deployment is intelligence led, and resources are targeted towards areas of greatest criminal activity. It would appear that members of the community had been reluctant to report incidents of crime in this street, so this locality had not previously been identified as one requiring additional attention.

Subsequent to the meeting organised by Councillor Ngo, and a further meeting between police and residents on 6 May 2000, several new complainants and witnesses have come forward and matters raised by those persons are currently being investigated.

The Minister for Police has been advised by Region Commander Chris Evans that residents were encouraged at those meetings to phone or attend Cabramatta police station should they require assistance in the future. The Minister is also advised that residents of Avonlea Street have been provided with a personal security and property protection information package to improve awareness of crime prevention measures.

In relation to the original investigations, the Minister for Police has been advised that police have recently charged one offender with break and enter offences and it is anticipated that further charges against another individual may be preferred shortly.

M5 EAST SINGLE EXHAUST STACK

The Hon. J. J. DELLA BOSCA: On 12 April the Hon. J. F. Ryan asked the Treasurer a question without notice relating to the M5 East stack health risk assessment. The Minister for Health has provided the following response:

Officers of the Department of Health did not ask to conduct health-risk assessment of the M5 East stack project. Officers of the Department of Health considered that any further health-risk assessment was not warranted. Furthermore, senior officers of the Department of Health did not seek permission to make submissions to the parliamentary inquiry of the Legislative Council into the M5 East stack.

POLICE DNA TESTING OF WEE WAA RESIDENTS

The Hon. J. J. DELLA BOSCA: On 12 April the Hon. A. G. Corbett asked the Treasurer a question without notice relating to a national DNA database. The Minister for Police has provided the following response:

Fully documented guidelines were developed by the New South Wales Police Service for the testing of volunteers at Wee Waa. All persons tested voluntarily signed a written consent form for the DNA test to proceed, which was duly witnessed.

All DNA samples and related papers will be destroyed as a result of developments in the Wee Waa investigation.

The facility that would have conducted the testing is the New South Wales Government's Division of Analytical Laboratories, Lidcombe, an accredited forensic laboratory under the National Association of Testing Authorities.

The decision to conduct DNA testing is a police operational decision. However the Minister for Police is advised at this time, there are no immediate plans to test the male population at Gulgong.

FORESTRY WORKER ACCESS

The Hon. J. J. DELLA BOSCA: On 12 April the Hon. M. I. Jones asked the Treasurer a question without notice relating to forestry worker access. The Minister for Police has provided the following response:

The Deputy Commissioner (Field Operations), advises that it is the continuing role of the New South Wales Police Service to pursue the apprehension of persons contravening the criminal law and to prepare sufficient evidence to form the basis of a prosecution. This includes situations where police are made aware of offences that are committed in the State's forests.

BAG SNATCHING ATTACKS

The Hon. J. J. DELLA BOSCA: On 13 April Reverend the Hon. F. J. Nile asked the Treasurer a question without notice relating to bag snatching attacks. The Minister for Police has provided the following response:

Further to the honourable member's question regarding the incidence of bag snatching, the Minister for Police has been advised by the Director of Police Service's Information and Intelligence Centre, that whilst "bag snatching" and "purse stealing" are not categories used by New South Wales law enforcers to record crime, the recent Bureau of Crime Statistics and Research (BOSCAR) report indicates that there has not been an increase in robbery offences over the past two years.

In order to address and deter the problem of bag snatching and other offences against the person, the New South Wales Police Service is adopting a number of anti-crime measures including:

- High profile policing.

- The use of specialised police squads such as bicycle patrols in identified trouble spots.
- The introduction of the Street Safety Camera program.
- The appointment of community safety officers at local area commands to develop and introduce community safety strategies through:
- Safety campaigns, introduced with the support of local retailers and traders in known crime "hotspots", including poster displays, information brochures and police advice;
- The use of Volunteers in Policing at shopping centres and public places to provide advice to potential victims on how to avoid becoming victims of bag snatching attacks;
- Community safety operations at large retails outlets;
- The use of local media facilities to keep the public informed of developments;
- Financial support of the Think Safe Be Safe program (which focuses on bag snatching in the Holroyd Local Area Command);
- Community safety talks to vulnerable groups;
- Neighbourhood Watch programs in affected areas;
- Police Service liaison with shopping centre security; and
- Approaches to local government councils for environmental changes such as lighting, in crime hotspots.

I can advise the honourable member that the Carr Government and the New South Wales Police Service are committed to reducing crime across the State. As you may be aware penalties for robbery currently stand at up to 14 years and up to 20 years for aggravated robbery.

The recent announcement of further improvements in the crime statistics is clear evidence that the Government's strategies are working.

NYNGAN POLICE STATION

The Hon. J. J. DELLA BOSCA: On 13 April the Hon. D. F. Moppett asked the Treasurer a question without notice relating to the Nyngan police station. The Minister for Police has provided the following response:

The Minister for Police has been advised by the Commander, Western Region that two police officers were selected for duty at Nyngan and commenced on 15 May 2000.

ETHNIC POLICE RECRUITMENT

The Hon. J. J. DELLA BOSCA: On 13 April the Hon. Dr P. Wong asked the Treasurer a question without notice relating to ethnic police recruitment. The Minister for Police has provided the following response:

The Deputy Commissioner has informed the Minister for Police that the Police Service aims to ensure that police officers reflect, as closely as possible, without compromising their high professional standards, the cultural and linguistic composition of New South Wales. The Minister is also advised it is intended that police officers be recruited to police the whole community rather than specific ethnic communities. Accordingly, the service ensures that all recruitment policies, practices and standards are equitable and free from any racial and cultural bias.

A variety of strategies are in place to encourage people from a non-English speaking background to become officers. This includes specific advertisements targeting recruitment from ethnic communities, along with a support network for current police and various outreach activities to establish contact with ethnic communities.

AREA HEALTH SERVICES PERFORMANCE AGREEMENTS

The Hon. J. J. DELLA BOSCA: On 13 April the Hon. Jennifer Gardiner asked the Treasurer a question without notice regarding Health Council performance agreements. The Minister for Health has provided the following response:

The recommendations of the New South Wales Health Council are being considered by the implementation groups arising out of the Government's response to the Health Council.

WORIMI LAND CLAIM

The Hon. J. J. DELLA BOSCA: On 14 April the Hon. M. I. Jones asked a question without notice concerning the Worimi land claim. The Premier has provided the following response:

> In accordance with the Aboriginal Land Rights Act 1983, the Minister for Land and Water Conservation is investigating the 21 Aboriginal land claims over Stockton Bight lodged by the Worimi Aboriginal Land Council. The Minister for Land and Water has advised that once these investigations are complete, he will make a determination of these claims in accordance with the Act.

SHARK HOTEL

The Hon. J. J. DELLA BOSCA: On 5 April the Hon. R. S. L. Jones asked me a question without notice regarding the Shark Hotel. The Minister for Agriculture, and Minister for Land and Water Conservation has provided the following response:

> The tank containing the two black-tipped reef sharks at the Shark Hotel has a protective lid on at all times. It is therefore impossible for patrons to throw anything into the display tank.
>
> My inspectors have advised me that one shark did sustain minor injuries to its snout which did not require treatment.
>
> On the basis of this information, Alderley Pty Ltd is not therefore in breach of its licence conditions in relation to the shark being untreated for injuries while on display.
>
> After careful consideration of the licence application, the Shark Hotel was issued a licence in December 1999 to exhibit two black-tipped reef sharks. The licence places strict conditions under which the sharks can be displayed.
>
> I have had no evidence that the Shark Hotel has misled me in relation to the death of sharks on exhibit at the hotel. Hotel management has advised my officers however that the original sharks on display at the Shark Hotel have changed. These animals were white-tipped reef sharks, which were found not to be good display animals. This was because they spent most of their time sitting on the bottom of the tank, causing concern among patrons that they may be unwell. These animals were therefore swapped with the supplier for two black-tipped reef sharks which are a more active species. Management has stated that these two sharks are still on exhibit at the Shark Hotel.

DHARAWAL STATE RECREATION AREA LAND LEASE

The Hon. J. J. DELLA BOSCA: On 13 April he Hon. P. J. Breen asked me a question without notice relating to the Dharawal State recreation area land lease. The Minister for Agriculture, and Minister for Land and Water Conservation has provided the following response:

> The lease proposal involving the Illawarra Shooters Association does not affect the Dharawal State Recreation Area which is within the estate of the National Parks and Wildlife Service. Instead, the proposal affects a Crown reserve for the purpose of rural services. This reserve is under the trusteeship of the Dharawal Recreation (R100247) Reserve Trust which has resolved to grant a 20-year lease to the Illawarra Shooters Association over the whole of the reserve, being about 500 hectares. The Reserve Trust has now sought the consent of the Minister for Land and Water Conservation to the proposed leasing arrangement, as required by the Crown Lands Act 1989. Whilst notices of intention to give consent have been published in local newspapers, further consideration of the leasing proposal will await the outcome of the Illawarra Shooters Association's development application.
>
> Although the proposed lease to the Illawarra Shooters Association embraces an area of about 500 hectares, the actual shooting facility comprising a rifle range (300m x 85m), a pistol range (50m x 80m) and associated amenities will embrace less than one hectare. The remaining 499 hectares provide an immediate and necessary buffer between the proposed shooting facility and the Dharawal State Recreation Area. Furthermore, the issues of public safety were addressed by configuring the range in accordance with the requirements of the New South Wales Police Firearms Registry and the Department of Defence's Inspector of Rifle Ranges.
>
> Yes, the Minister is aware that the Dharawal State Recreation Area is one of the most pristine bushland areas in the Sydney Basin. However, as stated above, the proposal of the Illawarra Shooters Association does not affect the Dharawal State Recreation Area.
>
> The environmental impacts of the proposed shooting facility will be examined within the scope of the development application. This will be a matter for the Minister for Urban Affairs and Planning to consider. Together with the Dharawal Recreation (R100247) Reserve Trust and the Illawarra Shooters Association, the Minister for Land and Water Conservation will be bound by the planning Minister's decision.

OCEAN SHORES FLYING FOXES

The Hon. J. J. DELLA BOSCA: On 14 April the Hon I. Cohen asked me a question without notice relating to the Ocean Shores flying foxes. The Minister for Education and Training has provided the following response:

> There are several sites in the Brunswick Valley under consideration for the location of a new secondary school. No site has yet been chosen.

WESTFIELD LTD BLACKTOWN CITY COUNCIL PROPERTY DEVELOPMENT

The Hon. J. J. DELLA BOSCA: On 14 April the Hon. C. J. S. Lynn asked me a question without notice relating to the Westfield Ltd Blacktown City Council property development. The Minister for Urban Affairs and Planning has provided the following response:

> Anyone with evidence of improper or corrupt conduct should take their concerns to the Independent Commission Against Corruption.

M5 EAST SINGLE EXHAUST STACK

The Hon. E. M. OBEID: On 4 April the Hon. P. J. Breen asked me a question regarding the M5 East single exhaust stack proposal. The Minister for Transport has provided the following response:

> There is no proven system in a tunnel anywhere in the world for treating the range of gaseous emissions from vehicles. Electrostatic precipitators are available for removing only some particulate and they do not remove gaseous emissions.
>
> The stack is, therefore, required at Turrella to disperse the gaseous emissions to meet the stringent air quality goals set out in the conditions of approval for the project, set by the Department of Urban Affairs and Planning and the Environment Protection Authority.
>
> It is not correct that the people living within three kilometres of the stack will be exposed to a health risk. The tunnel ventilation system must comply with strict air quality goals stipulated in the conditions of approval, set by the Department of Urban Affairs and Planning and the Environmental Protection Authority.
>
> The air quality goals are amongst the most stringent in the world and have been set to protect public health. The tunnel ventilation system design will be independently checked by designers with expertise in tunnel ventilation and air quality.
>
> To confirm that air quality goals are achieved, a comprehensive air quality monitoring network will be installed, including dedicated stations at Turrella and Undercliffe. Monitoring will be undertaken by an independent organisation and will continue during operation of the tunnel. Work has not commenced on the foundations of the ventilation stack. Work has commenced on the vertical shaft between the fan house and the ventilation tunnel to the main tunnels. This work does not prevent the application of alternative air treatment systems and has been approved by DUAP.
>
> As the Government's response to the parliamentary inquiry into the M5 East ventilation system indicated, the Roads and Traffic Authority will hold an international workshop on tunnel ventilation practices to examine world's best practice in this field and available technologies with particular reference to design of the M5 East.
>
> I have therefore written to my colleague the Hon. Andrew Refshauge, MP, Minister for Urban Affairs and Planning, asking that any final approval of the M5 East ventilation system be delayed until after the workshop is held.

M5 EAST SINGLE EXHAUST STACK

The Hon. E. M. OBEID: On 5 April the Hon. A. G. Corbett asked me a question about the M5 East single exhaust stack proposal. The Minister for Transport has provided the following response:

> The ventilation system for the M5 East project has been designed to operate within the air quality goals set for the project. I am advised that these are health-based ambient air quality goals that have been developed to protect the health of the community, including the most sensitive people in the community.
>
> The Department of Health has advised that any impacts on health of the local community, due to the stack, would be difficult to detect and studies on such a small area would be unlikely to contribute meaningfully to what is already known about the effects of vehicle pollutants on health.

MINISTERIAL PARKING AND OFFICE ACCOMMODATION

The Hon. E. M. OBEID: On 6 April the Hon. C. J. S. Lynn asked me a question regarding rental accommodation. On behalf of the Minister for Public Works and Services I provide the following response:

> I apologise for the delay in providing a full response to the question. I have been advised that the Minister has sought additional information from the Department of Public Works and Services about the details of the office and car parking leases which were entered into by the former Coalition Government in 1994 at Governor Macquarie Tower. I understand that the lease for car parking was for a period of 12 years at a cost of $1.25 million per year.
>
> The Minister has advised that he will provide a full response this week.

M5 EAST SINGLE EXHAUST STACK

The Hon. E. M. OBEID: On 12 April the Hon. Dr A. Chesterfield-Evans asked me a question about the M5 East single exhaust stack proposal. The Minister for Transport has provided the following response:

The ventilation system for the motorway is being designed so that there will be no additional exceedences due to the M5 East motorway.

The ventilation system will be independently checked, to the satisfaction of DUAP and EPA, by designers with appropriate experience in tunnel ventilation systems.

The wind tunnel testing undertaken at Monash University, Melbourne, has also indicated that the numerical (computer) dispersion modelling, from which the stack height will be determined, is conservative by a factor of at least 2.5.

To provide added assurance that the motorway will meet the air quality goals, a contingency plan is being developed to operate in the event of emissions, as a result of operation of the motorway, potentially exceeding the air quality goals. Noel Child, an independent air quality consultant, as well as representatives of both Residents Against Polluting Stacks (RAPS) and councils, is on the working party developing the contingency plan.

In accordance with the approval conditions, a comprehensive air quality monitoring network will be installed to confirm the air quality goals are achieved. This information will be available to the community.

The RTA is considering systems for providing this information in a meaningful and timely way to the community to give it assurance that the air quality goals are being achieved.

In accordance with the conditions of approval, provision is also being made for future installation of treatment systems if required. This includes provision of land at Turrella.

Consideration is also being given to the scope of equipment which could be required and the timing of activities associated with design, delivery and installation of such equipment.

MOTOR VEHICLE FIRES

The Hon. E. M. OBEID: On 13 April the Hon. I. Cohen asked me a question about motor vehicle fires. The Minister for Transport has provided the following response:

RTA only records crash data when a fire occurs as a result of a crash. There is no evidence to indicate that added toluene has resulted in an increase in vehicle fires or explosions.

Petrol is a complex mixture of components and toluene is present in uncontaminated fuel. The flashpoint of petrol is significantly lower than that for pure toluene. Flashpoint, the temperature at which the vapour from a substance can sustain combustion, should not be confused with the temperature, much higher, at which a material will ignite. For toluene the temperature at which a material will ignite is 536^{o}C.

I understand that the Commonwealth Government is drafting legislation to control the composition of petrol and diesel. A draft discussion paper is expected to be released soon.

RAILWAY MAINTENANCE STAFF CUTS

The Hon. E. M. OBEID: On 13 April the Hon. D. E. Oldfield asked me a question about railway maintenance staff cuts. The Minister for Transport has provided the following response:

All railway maintenance staff employed in 1995 were part of the former State Rail Authority, therefore a separate maintainence employee level at that time is not available.

In July 1996 as part of the Government's rail reform initiative, all rail maintenance activities were combined to create the Railway Services Authority.

In July 1998, the Rail Services Authority was restructured to become the corporate entity Rail Services Australia (RSA). RSA currently employs 3957 rail infrastructure maintenance staff. The four metropolitan Resource Centres employ 2088 staff and the two regional Resource Centres 1869.

Wherever possible, RSA limits overtime to 38 hours per employee each four weeks. The average overtime per employee is currently 16.2 hours per month, well within RSA's standard.

M5 EAST SINGLE EXHAUST STACK

The Hon. E. M. OBEID: On 2 May the Hon. J. F. Ryan asked me a question about the M5 East single exhaust stack proposal. The Minister for Transport has provided the following response:

As previously announced, final approval of the ventilation system by the Department of Urban Affairs and Planning will be delayed until after the international workshop. Until the outcomes of the workshop are available, no work will take place on the ventilation stack.

Work at Turrella is proceeding on the vertical access shaft to the ventilation tunnel leading to the M5 East Freeway tunnels. As part of this work, installation of utilities in the vertical access shaft has commenced at night. Local residents were informed by letter of the proposed night work prior to commencement of the work. Steps have been taken to ensure that local residents are not inconvenienced.

The work that is currently being undertaken is not incompatible with a range of vehicle emission treatment systems, including the use of electrostatic precipitators. As such, it is unlikely that the money is being wasted, irrespective of the outcome of the conference.

RECREATIONAL FRESHWATER FISHING LICENCE MONITORING

The Hon. E. M. OBEID: On 5 May the Hon. Jennifer Gardiner asked me a question about recreational freshwater fishing licence monitoring. I now provide the following response:

1. One.

2. Team size varied—the largest team was 3 officers, the smallest consisted of a single officer. The term "team" is used as an operational term.

3. The additional costs arising from Operation Alpha were $11,725.

4. Yes. Operation Alpha was about educating recreational fishers about fishing rules.

FRANK BAXTER JUVENILE JUSTICE CENTRE COMMUNITY FUNDRAISING

The Hon. CARMEL TEBBUTT: On 14 April 2000 the Hon. Patricia Forsythe asked me a supplementary question regarding the Frank Baxter Juvenile Justice Centre. I provide the following response:

The Department of Juvenile Justice received the kitchen and computer for the rural fire brigade through a donation by two very generous local companies, namely Coastwide Kitchen and Wardrobes and Station Master Computers. The kitchen and the computer are located in the Fire Brigade Vocational Training Workshop, which assists those involved in the brigade to effectively fulfil their functions and serve the local community as the need arises.

Whilst there was a period of time in which the brigade was not fully functioning, the department did not withdraw from an agreement with the local community to involve them in the Mount Penang rural bush fire brigade. Rather, there was a temporary standing down of the brigade, following an inquiry into a number of incidents and a breakdown of relations in the brigade unit.

The temporary standing down of the brigade was necessary to ensure the safety of all concerned and the long-term integrity of the program.

The brigade continues to operate and responds to limited duties, including fire calls and roadside accidents during the working day.

The Director General of the Department of Juvenile Justice has responded to the letter on my behalf.

As I stated earlier, I am satisfied that a thorough investigation of the circumstances that culminated in the temporary standing down of the brigade has been completed.

Consultations are under way between the department and the Rural Fire Service to develop protocols for the selection of community members for the brigade. I look forward to the future involvement of the community in the brigade.

NORTH HEAD SEWAGE TREATMENT PLANT PROSTITUTION ACTIVITIES

The Hon. CARMEL TEBBUTT: On 4 April 2000 the Hon. J. F. Ryan asked me a question regarding the North Head sewage treatment plant. The Minister for Land and Water Conservation has provided the following response:

Allegations have been made concerning inappropriate behaviour by a few Sydney Water employees at North Head sewage treatment plant. Sydney Water has advised that it has commenced an investigation which is expected to be completed shortly.

NORTHSIDE STORAGE TUNNEL

The Hon. CARMEL TEBBUTT: On 5 April 2000 the Hon. I. Cohen asked me a question concerning the Northside storage tunnel. The Minister for Information Technology, Minister for Energy, Minister for Forestry, and Minister for Western Sydney has provided the following response:

1. No.

2. Yes, the report has already been released.

3. This issues was examined by the Waterways Advisory Panel who have fully endorsed the major environmental benefits that the Northside Storage Tunnel will deliver for Sydney Harbour.

In relation to the removal of biosolids from North Head, the Government has required Sydney Water to develop a biosolids strategy to be submitted by the end of August 2000. The practicality of transporting biosolids from North Head by pipe will be considered as part of that strategy.

ELECTRICITY INDUSTRY DEREGULATION

The Hon. CARMEL TEBBUTT: On 6 April 2000 the Hon. Dr P. Wong asked me a question without notice regarding the electricity industry deregulation. The Minister for Energy has provided the following response:

(1) Firstly I would like to clarify the timetable for the introduction of full retail contestability in the electricity market. The Government's policy is for the introduction of contestability for all remaining customers to commence from 1 January 2001. The Government remains committed to this date, but as recently announced by the Ministry for Energy will be adopting a staged approach.

This staged introduction is necessary so that the new retailing systems can be properly trialled and any teething problems ironed out before exposing householders to the competitive market.

The transition timetable will give access to the competitive retail market on 1 January 2001, for customers using more than 100MWh of electricity annually. Subject to the Government being satisfied that systems and processes are in place and working effectively, the next stage will be on 1 July 2001, for customers using more than 40MWh of electricity annually. Then, on 1 January 2002 for all remaining customers.

The former two categories will predominantly be small business and the latter category will be residential customers.

Preceding each new group of customers entering the competitive market, the Government will conduct a communication campaign to inform customers of their choices and how to exercise that choice.

The Government has adopted this strategy for previous groups of customers entering the competitive market. Previous media used include:

- press advertising;
- seminars, particularly through trade associations;
- video;
- booklets and brochures;
- the Ministry of Energy and Utilities' website; and
- editorial for newspapers and business magazines.

The mix of media to be used to communicate with future groups of customers will be determined through research conducted prior to the campaign, which will explicitly include assessing the information needs of people from non-English speaking backgrounds. The Government will comply with its commitment to spend 7.5% of the total press campaign allocation on community language press, and 3% of the total electronic campaign allocation.

Among the media that will be considered will be:

- editorial for non-English newspapers;
- information printed in languages other than English;
- translation services; and
- briefings for community leaders.

(2) Competition in the retail electricity market will be supported by a framework of customer protection that will be developed by the Government through a process of consultation with industry and the community.

The purpose of the Government's communication campaign is to provide customers with competitively-neutral information upon which they can base their purchasing decisions. This will include informing customers of their rights and obligations and the avenues available to them for dispute resolution. The Government's information will provide a reference point against which customers will be able to assess information from other resources.

In the competitive market, retail suppliers will make their own commercial decisions about which segments of the market they will seek and how they will present themselves to those customers.

Nevertheless, all customers will be assured of electricity supply through a package of customer protection measures that the Government will introduce to underpin the competitive market. A key mechanism will be a Code of Conduct regulating behaviour in marketing electricity, which will be available to customers in several different languages.

Furthermore, the development of the Government's package of customer protection for the competitive retail market will consider the need for retailers to provide access to translation services for customers of non-English speaking backgrounds.

SUPPORTED ACCOMMODATION ASSISTANCE PROGRAM

The Hon. CARMEL TEBBUTT: On 12 April 2000 the Hon. Helen Sham-Ho asked me a question without notice regarding the supported accommodation assistance program. The Minister for Community Services, Minister for Ageing, Minister for Disability Services, and Minister for Women has provided the following response:

1. Yes.

2. In August, 1999 NSW entered into a Multilateral Agreement, known as the Memorandum of Understanding [MOU], between the Commonwealth and the States/Territories for the ongoing operation of SAAP from 2000 to 2005. This agreement acknowledges that homelessness is a longstanding social problem, which has been affected by complex changes over several decades in economic, community and family life.

   The Commonwealth, States and Territories all acknowledge in this MOU that homelessness is a complex problem that requires a flexible range of responses across the breadth of the human service delivery system. SAAP is only one part of a continuum of responses required to address homelessness and domestic violence.

   A key focus to reduce the levels of homelessness will be on integration and collaboration. This is best demonstrated in the work currently in progress on the Inner City Planning Forum (the 'Forum').

   The Forum is an identified pilot project. The objective of this initiative is to define and mobilise relevant stakeholders at the local level to improve access to housing and support services for homeless people.

   The Forum, established in November 1999, brings together a range of Government and non-government agencies responsible for homeless people in the inner city. The Forum has developed a draft Strategic Implementation Plan that identifies the locally-based nature of what services currently exist, the needs of homeless people, gaps and needed improvements in service provision.

   A similar project has commenced in the Nepean area and a further project will shortly commence in a rural area. The results of these projects will be evaluated, and if they are seen as valuable in improving services for homeless people and victims of domestic violence, then a similar integrated planning process will be implemented in other areas across New South Wales.

   Although improvements to the current service system are seen as providing opportunities to expand services for homeless people and victims of domestic violence, there will be some additional funds available to support these improvements. Through the New South Wales Drug Summit strategy, the New South Wales Government will be providing a total of $5.6 million over the next three years to test new ways or providing a flexible range of case management support services to vulnerable young people. In addition, bilateral negotiations are currently in progress with the Commonwealth Government, and growth funds are being discussed in these negotiations.

3. DOCS, in partnership with other key stakeholders, will be working hard on strategies to reduce the homeless population in New South Wales over the life of the five year SAAP Agreement, which is 2000 to 2005.

FAMILY SUPPORT SERVICES PROGRAM

The Hon. CARMEL TEBBUTT: On 13 April 2000 the Hon. Helen Sham-Ho asked me a question without notice regarding the family support services program. The Minister for Community Services, Minister for Ageing, Minister for Disability Services, and Minister for Women has provided the following response:

The statement that the core funding for Family Support Services has not been adjusted since 1988 is incorrect. Funding for Family Support Services has been increased from $14,920,248 in 1994/95 to $18,439,161 in 1998/99—an increase of $3,518,913 or 23.6% since the Carr Government was elected in 1995. This figure does not include additional funding allocated under the Families First initiative.

Similarly, the Carr Government has increased funding for the Family Support Services Association by 54% from $119,087 in 1994/95 to $183,543 in 1998/99.

With respect to funding under the new Families First initiative, to date I have announced funding for 26 new services with grants totally $1.88 million. Of these, 13 will be provided by Family Support Services, with grants totally $614,000, or 52% of the allocation to date. The 13 services include seven Family Worker Projects, three Supported Playgroup Services, two Volunteer Home Visiting Services and a Community Development Project.

The Department of Community Services [DOCS] is working with the Family Support Services Association in a number of ways to identify and reduce stresses affecting service delivery:

- to better resource services, I have approved the allocation in 1999/2000 of an additional $20,000 per annum to the association for the employment of both the Executive Officer and the Training Officer for an additional eight hours per week

- DOCS is also considering submissions from the association seeking funding for a number of data collection projects which would facilitate service delivery and reporting, and

- the association is represented on the round table group established to oversee a restructuring of the Community Services Grants Program (under which Family Support Services receive their funds).

Area offices of DOCS also provide advice, support and assistance to individual Family Support Services.

Further, the establishment of additional prevention/early intervention services within local Families First service networks (whether provided by Family Support Services or other agencies) will, over time, reduce the demand on Family Support Services.

Questions without notice concluded.

BUDGET ESTIMATES AND RELATED PAPERS

Financial Year 2000-01

Copies of the Budget Speech, Budget Statement, Budget Estimates Volumes 1 and 2, State Asset Acquisition Program, Budget Summary, Budget Guide, Western Sydney Budget Statement, and Budget Highlights for Regional and Rural New South Wales tabled.

Ordered to be printed.

The Hon. J. J. DELLA BOSCA (Special Minister of State, Assistant Treasurer, Minister Assisting the Premier on Public Sector Management, and Minister Assisting the Premier for the Central Coast) [4.10 p.m.]: I move:

That the House take note of the Budget Estimates and related papers for the financial year 2000-01.

Madam President, when we won the Olympics and Paralympics back in 1993, the Fahey Government spoke for all Australians when it pledged that Sydney, New South Wales and Australia would host the best Games the world has ever seen.

And in 1997, in the Carr Government's third Budget, the Treasurer pledged to the taxpayers of New South Wales that the Games would be completely paid for up front, with not a single cent in debt for this or future generations to pay.

Both pledges will be honoured to the full.

With this Budget all of the Olympic and Paralympic costs are covered—every single last cent. The Games are now paid for.

Tomorrow the final payment will be made on the last of the permanent Olympic and Paralympic venues.

As well, this Budget makes ample provision for all of the remaining Olympic related expenses.

Paying for the Olympics up front was not easy—it was hard work.

But now it is done, and as a result the permanent legacy for Australians will be all benefit and no burden.

Our Games will forge an enduring reputation for Australia as an ideal place to visit, an ideal place to invest and as the source of first-class produce, products, services and ideas.

Our Games will simply dazzle the world.

The venues, the planning, the preparations, the celebrations will be second to none. The natural beauty of our city and our State is second to none.

But what will surpass everything, I predict, will be the hospitality, the friendliness and the welcome that Australians will show to the world.

We will not only impress the world but, as usual, we Australians will surprise ourselves.

Let us make sure that in 50 years time people all over the world will be able to say that the spirit and success of Sydney's Olympics were only ever exceeded once—by the spirit and success of Sydney's Paralympics.

But this Budget does much, much more than just pay off the Games.

For five years we have worked hard.

We cannot promise never to make a mistake. We cannot promise to solve each and every problem that arises.

But what we do promise is to keep on listening, to keep on learning, to keep on improving and to keep on achieving.

And in that context, for the third year in a row the Budget achieves five important results:

- lower tax rates;
- additional well-targeted spending on hospitals, schools, police and other vital community services;
- a reduction in the Government's debt and liabilities;
- a significant increase in the State's assets and net wealth; and
- strong and continuing job growth.

None of these would have been possible without five years of financial prudence and five years of strong economic growth.

On the financial side, we are the first Government, as far back as reliable records tell, not to have spent everything we received and more.

We are the first Government to start putting something aside for the future every year.

We are the first Government in the State's history to reduce the State's total debt and liabilities, rather than add to them.

On the economic front, we do not seek to take all or even most of the credit.

We have played our part, by reforming our utilities and driving down the business costs of water, power, transport and ports, by aggressively marketing the State for new investment, and contributing to national savings by repairing the State's budget balance.

But as the Treasurer said last year:

> The first rate economic and job growth performance of Australia, and New South Wales in particular, over the last year did not happen by chance.
>
> It happened because of generally good decisions and hard work by our businesses, by our work force, by our Governments, State and Federal and on both sides of the political fence, over a long time.
>
> And it happened because of a sustained effort to create an open, efficient, competitive economy, particularly over the last fifteen years and a first-class community over an even longer period of time.
>
> Our commitment now must be to pass on our legacy to the next generation, strengthened and enhanced in every way.
>
> From a position of undoubted strength, we must now secure the future.

That is what this Budget sets out to do.

In addition to the tax cuts, in addition to the extra new spending on key services, this Budget pays down the mortgage.

Paying off the mortgage not only protects us from bad times in the future, it enables us to make the most of good times as well.

The Jobs Challenge

I am pleased to report that over the last five years New South Wales has gained an extra 324,000 jobs.

In the last 12 months alone, jobs in New South Wales have increased by 135,000.

New South Wales has the lowest unemployment rate of any State, with the trend rate now reduced to 5.8 per cent.

This strong progress must not make us complacent. We still have a long way to go, with lots more hard work to do.

It is also interesting to note that the average earnings of all employees in New South Wales have grown over the last 12 months from $640 per week to $666 per week—$50 per week more than in Victoria, $74 per week more than in Queensland, $82 per week more than in South Australia, $75 per week more than in Western Australia, and $100 per week more than in Tasmania.

There are, of course, some people—the Hanrahans [and I am referring there to John O'Brien's poem and his use of the metaphor] and others prone to selling Australia short—who can never acknowledge that Australians are actually responsible for the success we achieve. For them, our successes are always explained away by some one-off, fortuitous factor such as the Olympics.

But the truth is that the economic impact of all the construction for the Games over the last five years has been relatively small.

The approximate $3.3 billion spent by the public and private sectors on Games construction over the last five years has amounted to only $1 in every $300 of the State's economic activity over that period.

Some people might argue that the one extra dollar has made all the difference. I am inclined to think that our performance has also been helped by the other $299.

Make no mistake, the Games will most certainly lead to major economic benefits for Australia, but the real benefits are yet to come. They will be long-term benefits, and will come from the springboard which the Olympics will give us to reposition our business and investment reputation around the world, and to showcase our wares to the world.

To take advantage of this Olympic springboard, the Government has been formulating its job action plan, Beyond 2000.

In addition to the Government's own capital program, Beyond 2000 includes many billions of dollars of major private sector investments, city and country, which are being facilitated by the Department of State and Regional Development, the Department of Urban Affairs and Planning, the Department of Mineral Resources and many other government agencies.

The Premier will be providing an update on Beyond 2000 within the next month.

The State's own investment program over the next four years will also contribute to the maintenance of strong employment.

Since 1994-95, the State Asset Acquisition Program has increased by 60 per cent to $5.3 billion in 2000-01—an average annual increase of 8.2 per cent.

In the four years to 30 June 2000, the State Asset Acquisition Program, including the Olympic construction, was $18.25 billion. After the Olympics, in the four years to 30 June 2004, the program is expected to increase to an estimated $21.5 billion—an increase of $3.25 billion—sustaining approximately 84,000 jobs each year.

Revenues and Taxes

I now turn to the Government's revenues.

In the current financial year, 1999-2000, total revenues are expected to reach $30,220 million, an increase of 4.4 per cent on actual revenues in 1998-99.

In 2000-01, total revenues (excluding the proceeds from the capital restructure of electricity enterprises which are being used to retire general government debt rather than for expenditure) will remain virtually unchanged at $30,456 million—an increase of only 0.8 per cent.

The composition of our revenues, however, will change markedly due to the new tax system and revenue sharing arrangements introduced by the Federal Government.

Under the new system, State taxes will fall and Commonwealth grants will increase.

It is important to note, however, that on current Commonwealth and State calculations the New South Wales Budget will not be better off under the new arrangements until 2007-08.

Indeed, between now and 2007-08 our share of the Commonwealth's GST revenues will be significantly less than the State taxes and existing Commonwealth grants that we will be forgoing.

To ensure that no State is worse off than under previous arrangements the Commonwealth Government is to make transitional top-up payments to the States.

These top-up payments continue until each State's share of the Commonwealth's GST matches the forgone taxes and grants they would have received under the previous arrangements.

In the event that GST revenues in the early years exceed the Commonwealth's expectations, this will mean a reduction in the Commonwealth's top-up payments to the States, rather than any windfall to the States.

So let me make this very clear: If GST revenues are bigger than expected, the windfall will be the Commonwealth's, not the States'.

Under the new arrangements, a number of State taxes are being abolished or reduced in 2000-01. These include the accommodation levy, tobacco, alcohol and petrol excises levied by the Commonwealth on behalf of the States, and gambling taxes.

In addition this Budget introduces a number of new tax reductions that will reduce revenue by $436 million over the four-year Budget period. That is a further $436 million of tax cuts on top of those that were announced last year.

First, this Budget again reduces payroll tax.

Under the Coalition Government payroll tax rates were increased to 7 per cent in 1990.

Last year we reduced the rate to 6.4 per cent, with commitments to reduce it further to 6.2 per cent from 1 July 2001, and to 6 per cent from 1 July 2002.

I announce now that the next instalment of payroll tax reductions will be brought forward by six months, with payroll tax cut to 6.2 per cent from 1 January 2001, with a cost to the revenues of $52 million in 2000-01.

I further announce that from 1 October 2000, stamp duty on general insurance, including household and certain types of commercial insurance, will be cut from 11.5 per cent to 10 per cent, with a cost to the revenue of $23 million in 2000-01, and a full year cost of $36 million.

Members will already be aware of legislation before the House to provide a $7,000 grant to first-time home buyers from 1 July 2000, under the joint Commonwealth-State First Home Owners Scheme.

This scheme is part of the new national tax and Commonwealth-State revenue sharing arrangements and will be uniform throughout Australia.

In the initial years, the outlays required of the States will be included in the Commonwealth's top-up payments being provided to the States. Once those payments cease, the whole cost, in excess of $200 million each year, will be borne by the States.

The New South Wales Government will add to this assistance, by abolishing our existing First Home Purchasers Scheme, which provides limited concessions for stamp duty on contracts and conveyances, and replacing it with a new scheme, First Home Plus.

First Home Plus will:

- replace the existing 50 per cent discount with a full exemption;

- substantially increase the maximum property values eligible for exemption;
- introduce for the first time a tapered concession above the maximum values eligible for the full concession; and
- remove income as an eligibility criterion.

First Home Plus will provide:

- a full exemption for Sydney homes valued up to $200,000, phasing out between $200,000 and $300,000;
- a full exemption for country homes valued up to $175,000, phasing out between $175,000 and $250,000; and
- a full exemption for vacant land for Sydney metropolitan areas up to $95,000 phasing out at $140,000 and for country areas up to $80,000 phasing out at $110,000.

These measures will apply to contracts signed on or after 1 July 2000 and will cost over $52 million in 2000-01.

First Home Plus will help first-time home buyers get to first base.

For eligible first-home buyers the combined assistance of these two new measures is over $13,000 for a $200,000 home in the metropolitan area, and over $12,000 for a $175,000 home elsewhere in New South Wales.

First Home Plus is real help for families and young people struggling to buy their first home.

There are two more measures which were announced previously, but will only come into operation after 1 July 2000.

These are:

- the staged phase out of the $43 third party motor vehicle levy, which exempted all private vehicles from 1 July 1999, will now be extended to all business vehicles from 1 July 2000; and
- the abolition of the surcharge on motor vehicle registration fees and transfer fees from 1 July 2000, costing $36 million in 2000-01.

I can also confirm that, as previously announced:

- payroll tax rates will be further reduced to 6 per cent on 1 July 2002; and
- that next year's Budget will contain further, but as yet unallocated, tax cuts of another $175 million per annum.

The total value of all the tax cuts announced in last year's and this year's Budget amounts to $611 million in 2000-01, $887 million in 2001-02, $1,074 million in 2002-03 and $1,138 million in 2003-04—a total of almost $4 billion over four years.

Expenditures

I now turn to the expenditure side of the Budget.

Unadjusted total expenses fell by $551 million in 1999-2000, compared with 1998-99. However, after adjusting for distortions caused by special factors, underlying expenses grew by 2.2 per cent.

In 2000-01, unadjusted total expenses are expected to increase by 5.4 per cent, or $1,501 million. After adjustment for one-off factors, however, net underlying expenses are set to grow by $764 million or 3.4 per cent.

In addition to the Government's annual running expenses, $2,540 million will be expended on new asset acquisitions for the general government sector.

The total Budget funded capital program also includes $1,397 million of capital grants to non-budget agencies, which are now included among annual expenses.

The total Budget funded capital program for this year is $3,937 million, an increase of $135 million over last year.

Health and Hospitals

This Budget provides the sixth consecutive substantial increase to the health budget.

Spending on health services will total $7.4 billion—$479 million more than the last year's Budget allocation.

A further $472 million is provided for capital works for new hospitals, including those recommended in the Sinclair report, and the continuation of major building programs commenced in previous years.

Spending on health has risen by $2.1 billion since 1994-95.

The Budget fulfils the first instalment of the three-year guaranteed health budget with a $414 million recurrent cash payment this year.

During the next three years recurrent health spending will rise to almost $8.1 billion per year.

Highlights of the health budget include:

- a guaranteed funding increase to all area health services to meet growth in demand particularly in Northern Rivers, Mid-North Coast, the Central Coast, the Illawarra and South-Western Sydney;
- an extra $36.5 million for improving mental health services, rising to an extra $107 million per annum in 2002-03;
- $4 million for dental health services, rising to an extra $20 million per annum in 2002-03;
- $5 million for extra medical research projects;
- $45 million over three years to relieve pressure on intensive care units and emergency departments;
- $45 million over three years to co-ordinate care for people with heart disease, respiratory illness and cancer;
- $15 million over three years to better integrate general practitioners with hospitals; and
- $1.5 million for locums for rural specialists.

This year's new capital projects include:

- $13.8 million for a linear accelerator and associated cancer treatment services at Campbelltown Hospital;
- $16 million for a new spinal medicine and 60-bed rehabilitation unit at the Prince of Wales Hospital;
- a $5.8 million expansion to the rural health program which is building or developing 20 hospital and health facilities in small country towns;
- $6.3 million for the Central Coast Mental Health Strategy including the redevelopment of acute inpatient services at Gosford Hospital and the construction of a new mental health inpatient unit at Wyong Hospital; and
- $3.7 million for upgrading the Tamworth Base Hospital's emergency department.

Education and Training

Our second largest financial commitment in 2000-01 is to education and training.

This year's expenses for education and training will total $6,930 million, an increase of $312 million over last year's Budget and an increase of $1,482 million since we came to office.

Key initiatives this year include:

- an additional $90 million for the four-year school maintenance program, making a total program of $550 million, with $145 million available this year;
- almost $450 million over four years for the further expansion of the State Literacy and Numeracy Plan with over $106 million to be spent in 2000-01;
- almost $500 million over four years for the Computers in Schools Progam, with the replacement of the existing 90,000 computers and provision of an additional 25,000 computers. A total of $113.6 million will be provided in 2000-01; and
- $10.2 million over the next four years for all government schools to be cabled with local network infrastructure.

In 2000-01, the Department of Education and Training will also be allocated almost $300 million for investment in new school and TAFE facilities.

Community Services and Disability Services

The 2000-01 Budget provides a record $1,486 million for community and disability services.

This is an increase of $162 million on the 1999-2000 Budget and a 68 per cent increase since 1994-95.

The budget highlights include:

- $110 million for child protection—an 18 per cent increase;
- $389 million for Child and Family Services—an increase of $54 million or 16 per cent;
- a $20 million increase in foster care payments;
- a $44.9 million increase for disability services;
- $21.5 million of growth funding for Home and Community Care to provide an extra 500,000 hours of care to 8,000 more older people and people with disability;
- $100.3 million for child care and related services. This includes child care for rural families, including services for seasonal workers and farming, Aboriginal and remote communities;
- $23 million to refurbish and maintain group homes, large residential units and other facilities; and
- $2 million for non-government organisations to buy disability accessible vehicles.

Protecting our Community

Police Service expenses will increase by $188 million over last year's budget.

This reflects the extra call on police resources during the Olympics and our commitment to increase by 2,100 the number of frontline police by December 2003.

The Police Budget also provides:

- $1.2 million to enhance the Computerised Operation Policing System;

- $500,000 for a computerised Criminal Suspects Identification System that enables police anywhere in New South Wales to view photographic images of suspects on computer; and

- $1 million for live scan digital fingerprinting equipment.

Substantial funding increases have also been provided to our fire fighting and emergency services.

Protecting our Environment

We are also working hard to secure the preservation and protection of the natural environment across New South Wales.

Increasing and improving the national park estate, improving air and water quality and redressing the problem of dry land salinity are among our major priorities.

Key Budget initiatives include:

- a record allocation of $223 million to the National Parks and Wildlife Service, representing a 135 per cent increase since the 1994-95 Budget;

- an extra $23 million in new funding for the Environment Protection Authority's work on scientific research, air quality monitoring, waste management and radiation control;

- $13.8 million to reduce air and noise emissions and to minimise their impact on the community;

- nearly $13 million for environmental grants from the Environment Trust;

- $44.2 million for waste minimisation and management including $36.6 million to support the Waste Planning and Management Fund;

- $13.6 million for the acquisition of land in regional New South Wales for new national parks and reserves and additions to existing parks and reserves;

- $6 million over the next three years, including $2 million in 2000-01, to combat the problem of soil acidity including acid sulfate soils.

As well, the New South Wales Government is becoming a national and world leader in the development of market mechanisms to encourage forestry investment to help meet our greenhouse obligations and tackle salinity control, land repair, and mine site rehabilitation.

Public Transport and Roads

Last year the Government launched its Action for Transport 2010—a 10-year, $3 billion plus plan to revitalise public transport.

In this Budget, $75 million is being allocated for commencement of work on the Parramatta to Chatswood Rail Link and $28 million is being allocated for the Liverpool to Parramatta Transitway.

Total funding for rail capital works, funded from both the Budget and the Rail Access Corporation, will increase by $29 million to $466 million, including $141 million to upgrade the New South Wales freight rail network.

Another $25 million is being allocated in 2000-01 towards the purchase of 81 new millennium train carriages which will begin to come on line next year.

Over $37 million will be provided to improve interchanges and commuter facilities.

The State Transit Authority will spend $24 million in 2000-01, as part of a $60 million program to purchase 150 new Mercedes compressed natural gas buses.

Roads

The total roads budget this year—encompassing new construction, major upgrades, maintenance, road safety and road safety education—will amount to almost $2.2 billion in 2000-01.

More than 60 per cent of the budget for new road construction and road maintenance will be spent in rural and regional New South Wales.

Some of the major funding allocations include:

- $160 million to continue the upgrading of the Pacific Highway, including $84.5 million for the $334 million Yelgun to Chinderah freeway in Northern New South Wales;
- $15 million for the North Kiama by-pass;
- $18 million for the West Charlestown by-pass;
- $9 million to upgrade the Great Western Highway at Faulconbridge;
- $236 million to continue construction of the M5 east freeway; and
- $160 million for roads in Western Sydney.

Country and Regional New South Wales

I want to pay tribute to the great efforts regional and country communities have made over recent years to cope with the challenges they face, to re-invigorate their communities and to revitalise their local economies.

Their efforts are succeeding and the Carr Government will continue to work hard to assist them and ensure they get their fair share of Government services and resources.

There is a remarkable story to be told about the recent successes of country and regional New South Wales.

Official figures show that it's not just Sydney that's the engine room of the national economy. In fact, the rate of job growth in regional New South Wales, in the 12 months between April 1999 and April 2000, has outstripped that of Sydney—an impressive 3.8 per cent growth for Sydney and a phenomenal 6.4 per cent for the rest of New South Wales.

Forty two per cent of New South Wales' residents live outside Sydney. This budget provides them with 46 per cent of all of the State's public works and road maintenance expenditure.

Twenty-seven per cent of our State's residents live outside Sydney, Newcastle, Wollongong and the Central Coast. This Budget provides them with 35 per cent of all the State's public works and road maintenance expenditure.

A fair share of capital spending in this Budget means new or better schools for Bega, The Tweed, Dubbo, Nowra, Kiama, Lightning Ridge, Grafton, Tuncurry, Lake Munmorah, Brunswick Heads, Cessnock, Bogangar, Jerrabomberra, Dorrigo and Hay—and many others as well.

More than $1.8 billion will be provided for regional and rural health services in New South Wales, representing a 45 per cent increase in funding for regional and rural health services since the Government took office in 1995.

The Budget also provides for the first stage of building or redeveloping 20 hospitals in small rural towns, with another 14 hospital upgrades in the planning stage.

The Budget will improve road and rail services across the State. In addition to major projects such as the upgrading of the Pacific and Princes Highways, the Budget provides $115 million for the Rebuilding Country Roads Program, including $29 million to replace timber bridges.

All Countrylink passenger rail services are being maintained to 334 destinations and $170 million is being spent this year on improving rural rail lines.

The Government will also continue its strong support for farming families.

This Budget provides $232 million to help secure the future of our valuable food and fibre industries.

To address the growing problem of salinity, the Government will provide an extra $5 million this year. This budget enhancement builds on existing salinity-related expenditure, which last year amounted to $30 million and this year will increase to around $35 million.

Special help will be provided to the Western Division through West 2000 Plus—a new $5.9 million program over three years.

And in this Budget the Government is responding to calls by Country Labor to set up a $2.4 million rebate scheme to help farming families put roll bars on their tractors. Last year, 16 people died in New South Wales and another 328 were permanently disabled in farm accidents. Most of these accidents were tractor-related.

To help improve access to day-to-day services the Government will announce details this year of a new $3.5 million program to improve regional service delivery.

The Government is also working hard to secure new job creating investment for country New South Wales. In addition to the Regional Business Development Scheme, set up to provide incentives to businesses relocating, this Budget provides support for a range of new and continuing programs.

The New Market Expansion Program will help country businesses find new markets for their products, the Townlife Development Program will provide special help for towns with less than 2,500 people, and the Illawarra and Hunter Advantage Funds will help these key regions attract major new job creating industries.

Budget Result and Financial Position

All States and the Commonwealth are now moving towards a uniform presentation of their budget results and financial position.

This enables better comparison between jurisdictions, and, provided some patience and effort is applied by the reader, a much more accurate understanding of a Budget's impact on a government's financial position.

There are now five different measures of the Budget result.

I am pleased to report that this Budget and this Government come up trumps on each and every measure.

The two most important measures, at least as I see it, are the GFS Operating Balance, and GFS Net Lending.

The GFS Operating Balance measures the extent to which the operations of the Budget during the year add to or reduce a government's net worth.

GFS Net Lending measures the extent to which the year's activities add to or reduce the Government's net financial liabilities.

In line with past years, the Budget Papers also report the GFS cash result.

For the current year, 1999-2000, we expect a positive operating result of $2,594 million, a net lending result of $1,129 million and a cash surplus of $314 million.

For 2000-01, we are budgeting for a positive operating result of $1,750 million, a net lending result of $659 million and a cash surplus of $393 million.

Only two other New South Wales Governments since at least 1962 have ever achieved a cash surplus. By June next year, we will have achieved four.

No other New South Wales Government has ever recorded two successive cash surpluses, let alone three—because few other New South Wales Governments have been so determined and so committed to securing and protecting our future.

In the last four years, by working hard on fiscal prudence and good financial management, we have slashed the Government's net liabilities by more than $7 billion—equivalent to more than $1,000 for every man, woman and child in New South Wales.

It is easy, of course, for anyone to reduce their liabilities by running down their assets.

We have worked hard at doing the opposite—worked hard at reducing our liabilities and increasing our assets at the same time.

In just four years the Government's net assets, or net worth has increased by $25 billion—approximately $15 billion due to revaluations, and approximately $10 billion due to the strong operating surpluses we have been achieving each and every year.

In other words, we have worked hard at renovating the house, extending the house, and paying down the mortgage all at the same time.

With net worth of $85 billion, we now have the highest net worth (in absolute, although not yet in per capita terms) of any government in Australia, including the Commonwealth whose net worth is now minus $55 billion—yes, that is right, minus $55 billion.

There is another important financial feature of this Budget. On top of our cash surpluses of $314 million in 1999-00 and $393 million in 2000-01, this Budget puts aside $830 million into what is effectively a service delivery insurance fund.

This will be done by pre-paying, out of 1999-2000 and 2000-01 revenues, $830 million of government superannuation contributions in excess of our funding plan requirements.

Any time from 2002-03 onwards, this pre-payment can be used as an offset to future funding contributions if unforeseen revenue difficulties require it.

This is all about taking out insurance now while we can afford it.

It is about taking sensible precautions now, and securing our future now.

A strong financial position and a good set of numbers are not, of course, ends in themselves. They are simply the means, the pre-requisite, for a secure community—improving public services and facilities, sustained job growth and the capacity to meet any risks or challenges that might be ahead.

Conclusion

Like the five budgets before it, this is every inch a Labor Budget.

It is a responsible Labor Budget from top to toe.

It is a Budget that delivers more for our families and delivers more for all of our State.

It is a Budget from a hard-working Labor Government that is determined to deliver more, both for this generation and the next.

Debate adjourned on motion by the Hon. M. J. Gallacher.

EXAMINATION OF BUDGET ESTIMATES

Financial Year 2000-01

The Hon. J. J. DELLA BOSCA (Special Minister of State, Assistant Treasurer, Minister Assisting the Premier on Public Sector Management, and Minister Assisting the Premier for the Central Coast) [4.48 p.m.]: I move the following motion, as amended by leave:

1. That the Budget Estimates and related documents presenting the amounts to be appropriated from the Consolidated Fund be referred to the General Purpose Standing Committees for inquiry and report.

2. That the committees consider the Budget Estimates in accordance with the allocation of portfolios to the committees.

3. For the purposes of this inquiry any member of the House may attend a meeting of a committee in relation to the Budget Estimates and question witnesses, participate in the deliberations of the committee at such meeting and make a dissenting statement relating to the Budget Estimates, but may not vote or be counted for the purpose of any quorum.

4. The committees must hear evidence on the Budget Estimates in public.

5. Not more than three committees are to hear evidence on the Budget Estimates simultaneously.

6. When a committee hears evidence on the Budget Estimates, the chair is to call on items of expenditure in the order decided on and declare the proposed expenditure open for examination.

7. The committees may ask for explanations from Ministers in the House, or officers of departments, statutory bodies or corporations, relating to the items of proposed expenditure.

8. The report of a committee on the Budget Estimates may propose the further consideration of any items.

9. A daily *Hansard* record of the hearings of a committee on the Budget Estimates is to be published as soon as practicable after each day's proceedings.

10. The committees have leave to sit during the sittings or any adjournment of the House.

11. After a committee has considered proposed expenditure referred to it by the House and agreed to its report to the House, the committee must fix:

    (a) a day for the submission to the committee of any written answers or additional information relating to the proposed expenditure, and

    (b) a day for the commencement of supplementary meetings of the committee to consider matters relating to the proposed expenditure, which day must be not less than 10 days after the day fixed under subparagraph (a).

12. (1) A member may lodge with a committee, not less than three working days before the day fixed under subparagraph (11) (b), notice of matters relating to the written answers or additional information, or otherwise relating to the proposed expenditure referred to the committee, which the member wishes to raise at the supplementary meetings of the committee.

    (2) Any notice lodged with a committee must be forwarded by the committee to the Minister in the House responsible for the matters to which the notice relates.

13. A committee may determine at any time the number and duration of any supplementary meetings.

14. At a supplementary meeting, questions may be put to Ministers or officers of departments, statutory bodies or corporations, relating to matters of which notice has been given, and the proceedings of the committee must be confined to those matters.

15. A committee may report to the House any recommendation for further action by the House arising from the committee's supplementary meetings.

16. Written questions relating to the Budget Estimates may be supplied to the clerk of the committee, who must distribute them to the relevant Minister, and to members of the committee. Answers must be supplied to, and circulated by, the clerk.

17. The committees must:

    (a) present a first report to the House before the House adjourns for the winter recess, and

    (b) present a final report to the House by the first sitting day in August 2000.

Debate adjourned on motion by the Hon. J. J. Della Bosca.

COMMUNITY RELATIONS COMMISSION AND PRINCIPLES OF MULTICULTURALISM BILL

Second Reading

Debate resumed from an earlier hour.

The Hon. E. M. OBEID (Minister for Mineral Resources, and Minister for Fisheries) [4.49 p.m.]: I seek leave to have the remainder of the second reading speech incorporated in *Hansard*.

Leave granted.

The consultation process included the following: meetings were held in Sydney—Ashfield and Fairfield—Wollongong, Newcastle, Coffs Harbour, Wagga Wagga, Orange, Bathurst, Coffs Harbour and Nowra; discussions with executives of the ethnic community councils and editors of the ethnic media; several press conferences with the ethnic media as well as visits to ethnic media outlets, mainstream and ethno-specific service providers and religious leaders. Having listened and considered the feedback from the consultations, the Government has decided that "Community Relations Commission of New South Wales" is the most appropriate name for the new commission. The name aims to convey a spirit of community harmony, cohesion and inclusiveness while the body of the legislation outlines a firm commitment to multiculturalism.

I draw the attention of members to the "Principles of Multiculturalism" that now underpin the activities of the commission. Consultation will be ongoing through the establishment of regional advisory councils across New South Wales to encourage people of culturally diverse backgrounds to put forward their views on how the Government, through the Community Relations Commission, can better meet the needs of their community. The Ethnic Affairs Priority Statements program has been one of the great successes of the Ethnic Affairs Commission. All government agencies are now working to ensure their services and programs are appropriate to clients with culturally diverse backgrounds. In 1996, the Government amended the Ethnic Affairs Commission Act to strengthen the provisions of the EAPS program. The EAPS program will continue.

The bill before the House will also give the new commission power to form partnerships with other government and non-government agencies to deal quickly with specific community issues or problems in a given area. The proposed legislation will give the commission greater powers to deal with critical issues when they arise in a community or neighbourhood, bringing together the key stakeholders to address the problem. One example is the aftermath of the shootings last year in the electorate of Lakemba. It was a community issue that required a community response. The new Community Relations Commission would be proactive in setting up partnerships with relevant government agencies, local councils, community and business organisations and residents.

In this instance, the Premier's Department brought together relevant government agencies and community groups to develop an action plan to tackle some of the problems in the area such as: the need for better facilities for young people; improving relations between the community and the police force; and developing longer term strategies to improve communication between schools, teachers, students and parents. Initiatives under way so far include: two additional ethnic community liaison officers based at the Campsie and Bankstown police commands; an additional youth liaison officer in the Campsie local command; a juvenile crime prevention officer funded through the Attorney General's Department; a tutorial centre to provide intensive assistance to high school students at risk of not completing schooling due to behavioural problems; a homework centre at Punchbowl Boys High School; and additional funding has been secured for teaching English as a second language, also at Punchbowl Boys High. This is the type of initiative where the Government would like to see the new commission taking a leading role.

The new commission's grants program will place greater emphasis on community partnership projects that will bring tangible long-term benefits to migrant communities. One example of the type of projects that the Government would like to see more of in the future is the Equal Space project currently funded under the Ethnic Affairs Commission Community Partnership Scheme. Shopping malls are popular meeting areas for young people. There have been situations where the interests of young people, shop owners and the general public have clashed. The Equal Space project addresses this issue by bringing together young people, retailers, Stockland Mall management and security staff to develop creative ways to share public space amongst everyone in the community.

The Ethnic Affairs Commission has provided a grant of $80,000 for the project, with the Human Rights and Equal Opportunity Commission contributing a further $20,000. The project is also supported by Fairfield City Council and the Stockland Mall. The project is run by the Parks Community Network and operates from the Hoyts Theatre Complex and the Stockland Mall, Wetherill Park. Through the project a youth office has been established inside the Hoyts Complex, which is staffed by a project officer from the Parks Community Network. A technology centre has been set up, for use by local young people in the Wetherill Park Library, situated inside the Stockland Mall. The success of the project has also assisted the Parks Community Network to secure funding for a youth worker from the Western Sydney Area Assistance Scheme.

We will work to ensure the new commission is there for the whole community. The commission will have an expanded role in promoting community harmony and continue the fight against racism and intolerance. It will be proactive in promoting the principles of multiculturalism, including greater mutual understanding and respect for diversity. Other legislation will be amended to allow the commission to report on matters relating to discrimination and racial vilification to the Anti-Discrimination Board—another first for New South Wales. I inform the House that as well as maintaining existing services, wider coverage of interpreting through use of modern technology will occur through expansion of court interpreting via video conferencing; an interpreting hot line for police to use in emergency situations; and setting up a multilingual information call centre.

By any measure, the Ethnic Affairs Commission has been immensely successful over its 20-year history. Let me list some of the achievements. New South Wales was the first State in Australia to require all government agencies to develop ethnic affairs policy statements, and the first State to enshrine principles of cultural diversity in legislation. New South Wales was the first State to recognise the economic benefits of our cultural diversity through the establishment of the annual multicultural marketing awards—now the national multicultural marketing awards. And New South Wales was the first State to develop an ethnic affairs action plan for the year 2000. This is a proud record. It is now time to move forward. I commend the bill to the House.

The Hon. HELEN SHAM-HO [4.50 p.m.]: I would like to make it clear from the outset that I support the intent and content of the Community Relations Commission and Principles of Multiculturalism Bill. However, I would like to draw a clear distinction between the bill and the name of the commission—the Community Relations Commission—which I cannot support. I might have no objection to the name on a personal level, but I do have an obligation to listen to my constituents whom I have consulted. I think it has become quite clear from the Multicultural Summit, co-ordinated by the Hon. Dr P. Wong earlier this year, the submissions that I have received in my office, in person and by way of papers, and from people who have briefed the crossbenchers, as well as from submissions received by the inquiry of General Purpose Standing

Committee No. 1, that the majority of the ethnic communities, whilst supporting the bill, are opposed to the new name of the commission. They all want "Multicultural Affairs" or "Multiculturalism" to be part of the name of the commission. I make that point now, and I will return to deal with it in more detail later in my speech.

In the history of this State's evolution from monoculturalism and assimilation to one that has learned to openly and honestly embrace its multicultural roots and composition as a part of the State's character and identity, this bill represents yet another milestone in this journey of the maturing identity of New South Wales and Australia. I say a "milestone" because this bill proposes to enshrine multiculturalism in law—a first for any legislation in Australia, to the best of my knowledge. I must congratulate the Government on its initiative. I agree with many of the points made by the Minister for Mineral Resources, and Minister for Fisheries in his second reading speech. Although "multiculturalism" has become a much-used catchword in both political rhetoric and by the community at large, up until now the word has never been given legal force.

The bill now proposes to do just that. I therefore welcome the bill as representing yet another progression in the development of ethnic affairs policy and multiculturalism in New South Wales for this reason in particular, and for the other fine-tuning it will achieve legislatively in this area. As most honourable members would be aware, I have long been involved in ethnic affairs in this State and have therefore had the privilege and opportunity to observe first-hand its history and development. In fact, before the establishment of the Ethnic Affairs Commission I was one of the representatives involved in the consultation process that led to the report to the Premier entitled "Participation", which was completed in 1978 under the Ethnic Affairs Commission Act 1976, and led subsequently to the creation of the commission under the Labor Government in 1979.

Dr Paolo Totaro was the first chairman of the commission. This was mentioned by the Minister in his second reading speech. I have high regard and respect for Dr Totaro. I worked for a long time with Dr Totaro; to this day I still keep in contact with him. Now, we are both council members of the University of Technology, Sydney. The Hon. John Aquilina, the Minister for Education and Training, also served as commissioner in the early 1980s, as has the Hon. Dr P. Wong, whom I nominated in 1991. I, too, served as a commissioner in 1985, and resigned only because I was elected a member of this place in 1988. Over this period of more than 20 years I have seen the identity of our State evolving from one that was in denial of its culturally diverse demographics to one that now openly embraces and celebrates multiculturalism as a part of its unique heritage and the face that it presents to the world.

Along the way I have been able to witness some significant milestones to help the process along, such as the development of anti-discrimination legislation and the incorporation of the principles of cultural diversity into the Ethnic Affairs Commission Act 1979, the latter being a Coalition initiative. In 1989 we had the "National Agenda for Multicultural Australia", a report that formed the basis for the existing policy framework in ethnic affairs. It has since then had both bipartisan and wide public support. In fact, this issue should be above party politics. As far as I know, it has always been the subject of a bipartisan approach. Many other reports, initiatives and programs have been commissioned and implemented at Federal, State and local levels, as well as at institutional levels, as a flow-on effect from these what might be called umbrella initiatives.

One of the many positive things about this whole process has been the bipartisan support of the commission and the process of this change in general. I might add that the underlying principles of the 1989 agenda are reflected in the content of the present bill, as I will discuss later. The speed, as well as the breadth and depth of the progress that has been made in this area in the relatively short time span of one and a half generations, should not be underestimated. It is, I believe, quite unique in comparison with the experience in other countries. In the United States of America, the same level of change took six generations to take place, and in Canada it took three generations, as was reported by the National Multicultural Advisory Council in its May 1999 report.

In a relatively short period of time, our population through immigration policies has burgeoned to accommodate people from around 200 countries. In this time we have moved from a policy of assimilation to a policy of integration and now to a policy of multiculturalism. The policy of assimilation—that is, the White Australia Policy—prevailed until the late 1960s. The underlying principle of that policy was the creation and preservation of a homogenous culture. This was achieved by both restricting the immigration of people from non-European backgrounds and cultures and requiring those of non-white origins already in Australia to adopt the Anglo-Saxon culture, in its Australian manifestation, as their way of life. This policy also had, of course, a profound effect on Australia's indigenous people. As we all know, it resulted in the stolen generation, among other tragic consequences. From assimilation, we moved to a policy of integration, which opened the way for the policy of multiculturalism to develop.

In view of this bill, which proposes to enshrine this term in law, I would like to spend some time outlining what this word "multiculturalism" is all about. The term, first of all, is to be contrasted with its adjectival form "multicultural", which together with multiculturalism is used in the bill. According to research undertaken by the National Multicultural Advisory Council recently, it appears that the adjective causes little disagreement within the community as it usually is taken simply to be a descriptive term to mean "multi-ethnic" or "culturally diverse", without being necessarily politically loaded or belonging within the vocabulary of the politically correct. However, according to the same research, the use of the noun "multiculturalism" has been more controversial and signifies a much stronger meaning for both those for and against cultural diversity, because this term is associated with the actual public policy stance of government. As such, it is much more than a neutral description of a state of affairs: it represents a decision for positive action to promote what the adjective describes: cultural diversity. More than that, multiculturalism is about the promotion of the preservation of cultural diversity as an ongoing feature of our society and our identity, of which cultural diversity is an integral part. It does not assume the eventual absorption of minority cultures by the dominant culture.

When talking about multiculturalism it is important to emphasise that we are talking about cultural diversity, not diversity regarding the fundamental values which underpin and unify this State. Indeed, the opposite is implied by this multicultural policy. If the policy is to be successful it requires the adoption by all members of the community—regardless of their different cultural backgrounds—of certain fundamental principles and obligations. Amongst the most important of these is the obligation on all—I emphasise the word "all"—to accept and abide by the democratic principles and institutions on which our nation is based. Those principles and institutions include the notions of the civil equality of all citizens—and I use the word "citizens" in its broad sense as defined in the bill—and the rule of law. It implies mutual respect, harmony and tolerance among all. Therefore, I emphasise that it is truly a misunderstanding to view multiculturalism as a threat to the fundamental values and unity of our society.

The policy of multiculturalism demands the respect of all who participate in it. Diversity in culture does not mean an attack on those fundamental values and institutions. Because our democracy has worked so well and its basic values are held so dear, cultural diversity has been able to be accommodated successfully and to enrich our society as much as it has. Far from being a threat, multiculturalism has strengthened us as a nation, giving us a unique identity and forcing us to reinforce in our daily lives the reality of what a free democracy requires of each of us in practice—tolerance, mutual respect and equality in our civil society. The National Multicultural Advisory Council defines "Australian multiculturalism" in its report. I commend that definition to the House. The definition, which is prefaced with the word "Australian", summarises well the point I made earlier and refers to how the meaning of the word "multiculturalism" has developed in this country. I quote from the report:

> Australian multiculturalism is a term which recognises and celebrates Australia's cultural diversity. It accepts and respects the right of all Australians to express and share their individual cultural heritage within an overriding commitment to Australia and the basic structures and values of Australian democracy. It also refers to the strategies, policies and programs that are designed to:
>
> - make our administrative, social and economic infrastructure more responsive to the rights, obligations and needs of our culturally diverse population;
> - promote social harmony among the different cultural groups in our society;
> - optimise the benefit of our cultural diversity for all Australians.

If one turns to clause 3 (2) of the bill, which is entitled "Principles of multiculturalism", one finds these ideas reflected in the content of the bill. That is to say, multiculturalism in the bill, as elsewhere, is as much about rights as it is about obligations. Clause 3 (2) refers to the broad notion of citizenship—namely, all participants in a democratic society whether or not they have been formally conferred with citizenship. The clause then states:

> The expression **citizenship** ... refers to the rights and responsibilities of all people in a multicultural society in which there is:
>
> (a) a recognition of the importance of shared values within a democratic framework governed by the rule of law, and
>
> (b) an overarching and unifying commitment to Australia, its interests and future.

We know from the first principle in the bill, as stipulated in clause 3 (1), that under the principles of multiculturalism the bill affirms cultural diversity—namely, the mutual respect, tolerance and coexistence in our society of people from different linguistic, religious, racial and ethnic backgrounds and it values that cultural diversity. Under multiculturalism the values of unity on the one hand and diversity on the other hand can

coexist. I think most honourable members would agree that they have done very well. I note that clause 3 of the bill, to which I have just referred, incorporates the charter of cultural diversity which, as I mentioned earlier, was incorporated several years ago into the Ethnic Affairs Commission Act 1979. I mention again that that was a Coalition initiative.

These principles have now been transferred, almost verbatim—one or two small changes excepted—into clause 3 (1) of this bill. These same ideas about our concept of multiculturalism were expressed in the 1989 national agenda for a multicultural Australia, to which I referred earlier. I said earlier that that agenda, which had bipartisan and widespread community support, talked also about the concomitant rights and obligations a society based on multiculturalism entails, such as the right to express cultural identity and equality of treatment and opportunity. These rights are tempered by the premise that all Australians should have an overriding and unifying commitment to Australia's interest and future and that multiculturalism requires all Australians to respect the basic principles and structures of Australian society, such as its Constitution, the rule of law and democracy.

While this report and other reports and policy positions have represented major milestones on our road from assimilation to integration to multiculturalism, we have for the first time an opportunity to enshrine this unique concept—unique as it has developed in Australia—in our law. In view of the progress we have made since the Ethnic Affairs Commission Act 1979 was first enacted and the fact that this progress is reflected in, and has been encompassed by, this concept to which Australia has added its own special meaning, I think this development would be most appropriate at this time. Because of the remarkable pace at which our society has evolved in this regard and because of its proven capacity to adapt to the enormous changes in demography that have taken place, it would not be presumptuous of me to make the claim that the Ethnic Affairs Commission has been responsible to a significant, if not pivotal, degree in the dramatic turnaround that has been achieved in the cultural identity of our State.

I commend the commission, its chairman, and its former commissioners. Members of that commission worked hard to assist the State's immigrants to integrate better with the existing population, to break down the barriers of misunderstanding, and to present and promote the diversity of our origins as something positive and enriching—as something not to be afraid of; as something that will add immeasurably to our culture and the quality of our lives. It might be useful to remind ourselves of the primary concerns and objectives which spurred on the establishment of the commission as outlined in the preface of 1978 report entitled "Participation". I quote from page 1 of that report:

> It [the former Commission of Inquiry] sees as the fundamental issue the right of minority groups to achieve total participation in the Australian and New South Wales political and social systems.

In view of what I have just said, I think the commission has been successful in making progress towards that goal, as have many other organisations that have worked with and alongside the commission in this area. The title of the commission and its supporting legislation have come under review because of change. It needs to be more reflective of the progress that has been made and consequently, therefore, the changed context in which it now operates. One could say that the role of the commission is now more one of affirming and reinforcing the major shift in attitudes that has taken place rather than having the daunting task of bringing about change in a relatively hostile environment.

Unfortunately, it must be said that this desirable process of change in principle regarding the title of the commission and its supporting Act did not get off to a good start. Honourable members would remember that in April last year, following the election and without prior warning or consultation, the Premier announced that the ethnic affairs portfolio would be changed to the citizenship portfolio and that the name of the commission would be changed to the Community Relations Commission. In view of the fact that the Premier did not mention this before the election he really had no mandate to do so. It should therefore be of no surprise to anyone that a lot of anger and confusion has been associated with that process.

The Hon. J. M. Samios: Absolutely.

The Hon. HELEN SHAM-HO: That is true. I was confused too when it was introduced in this House. There has been a lot of anger, which could have been avoided, and anger that has not helped the debate to proceed in a constructive manner, as it could have. Honourable members will remember the motion of condemnation that was moved by the Hon. J. M. Samios last May in response to the Premier's announcement, particularly with regard to his failure to consult prior to making the announcement. The motion was moved because it was evident from the submissions that we, as members of Parliament, received from the community that leaders of ethnic community groups had not been consulted.

I spoke in support of the motion moved by the Hon. J. M. Samios. I recall saying that while I accept the importance of the word "ethnic" I had no problem with the removal of that word from both the portfolio and the title of the commission. I still have no problem with that because I accept—although I do not fully endorse—the argument that this word may be outdated. I also expressed the view that I did not think "citizenship" or "community relations" adequately acknowledged the special requirement of government in multicultural Australia, and I expressed my hope that the word "multicultural" would be incorporated into the title of both the portfolio and the commission. I know that the Hon. J. M. Samios agrees with me because we discussed this issue at length.

There has been much opposition to the expression "community relations" but, to be fair, it should be noted that the very first ethnic affairs commission, established by the Whitlam Government in 1974, was entitled the Community Relations Commission and was headed by Mr Al Grassby. Some commissioners, such as Paolo Totaro, have felt that being the representative of a commission with the title "ethnic affairs" has made the commissioners' job more difficult, the name being a straitjacket of sorts, because the parties dealing with the commission from the non-ethnic community seem to have had difficulty understanding that the commission's job, in the end, is to a large extent to do with relationships, not just within the ethnic community but, more importantly, between those within the ethnic community and other Australians.

For example, I refer the House to Fairfield City Council's Equal Space Project, an initiative that involves such relationships. This project was about the use of public space in a shopping centre—Stockland Mall at Wetherill Park—by young people of the area, most of whom come from a non-Englishspeaking background. Conflicts of interest arose between these young people and the shop owners, as well as the general public, regarding the use of this space. The Ethnic Affairs Commission responded to the situation by developing a project aimed at involving the young people of the area in using the space creatively. The project was funded jointly by the Ethnic Affairs Commission under its partnerships scheme and the Human Rights and Equal Opportunity Commission, and it was run by the parks community network in Wetherill Park. Stockland Mall and Fairfield council are partners in the project.

Features of the project include young people getting together with retailers, Stockland Mall management and security staff to develop positive rapport and mutual understanding; the development and implementation of a technology centre, including computer tuition, in a library nearby; and the development and running of activities for young people in the centre. This is about relations and building bridges across a broad spectrum of the community, notwithstanding that it is, at the first instance, targeted at young people from non-Englishspeaking backgrounds. As can be seen from this example, we cannot be too narrow in our approach if we are really to achieve what has been the primary objective of the commission from the outset—the object I quoted earlier—the right of minority groups to achieve total participation in the community of New South Wales and Australia. According to the bill this is a function of the commission. Clause 13 (e) of the bill provides:

> to facilitate co-operative arrangements involving governmental, business, educational and community groups or bodies to promote its objectives,

Honourable members will see that the provision attempts to address what I have just described and specifically empowers the commission to deal with the broad spectrum of individuals and organisations that can be involved in these kinds of projects. I would like also to highlight some other specific provisions of the bill that I think will serve the commission and its work well. Clause 7 proposes to reduce the number of commissioners from 15 to nine. As a former commissioner I think the number of commissioners we have now can be unworkable, and this change will streamline the process without jeopardising a democratic form of decision-making at the executive level. In the end the power of the commission is in the legislation, not the numbers.

Clause 10 of the bill provides that the commission is to establish regional advisory councils for regional areas of the State. Unlike before, an advisory council can now be set up without the Premier's permission—a change which serves to increase the independence of the commission. The point of this change has been to give all members of the commission more responsibility, to increase democratic decision-making processes within the commission, and generally to make the commission more proactive and to increase the efficiency of information flow within the commission. I should also highlight that according to clause 10 (3) a regional advisory council may comprise community organisations. The clause provides:

> A regional advisory council is to comprise representatives of relevant local or regional agencies, community organisations or individuals and a commissioner of the Commission (who is to be the chairperson of the council).

In summary, I have no problem with the objectives or functions of the commission or its constitution and new structure. As I said, the proposed structure is better than that of the old commission. However, a large amount of controversy has arisen from the change of the name of the commission, as I said at the outset. Personally, I am not opposed to the change in the name of the title per se. I agree that the word "ethnic" is outdated. In this regard, I agree with what Stepan Kerkyasharian—the Chairman of the Ethnic Affairs Commission—said in his article that appeared on page 19 of today's *Sydney Morning Herald*, entitled "Outgrowing the 'e' word."

I agree that the word "ethnic" should go, but the word "multicultural" should come in. I am concerned that the title Community Relations Commission does not have the support of a large section of the community and therefore it needs further consideration by the Government. After the bill was tabled in the Legislative Assembly in September 1999 I sent out a media release seeking the views of the community on the name of the commission. From the large number of people who have given feedback to me and from the submissions to the inquiry, it seems to me that the community's view is that the Community Relations Commission is not an acceptable title.

The Hon. J. M. Samios: Hear, hear!

The Hon. HELEN SHAM-HO: In October 1999, after lengthy discussions with the Hon. J. M. Samios and the Hon. Dr P. Wong, I wrote a letter to the Premier. I seek leave to incorporate the letter in *Hansard*.

Leave granted.

———

The Hon. Bob Carr MP
Premier, Minister for Arts
and Minister for Citizenship
Legislative Assembly
Parliament House

Dear Bob,

Community Relations Commission and Principles of Multiculturalism Bill 1999

Following the announcement of the proposed name change for the Ethnic Affairs Commission and the tabling of the above Bill in Parliament, I have been engaged in the process of consultation and negotiation with members of the ethnic community and Members of Parliament from the opposition and the crossbench, as well as Government.

Whereas I personally have not held a strong objection to the proposed title of the Commission as the Community Relations Commission subject to "multiculturalism" being incorporated into the title of the Bill, it is clear from my process of consultation that support for the Bill will lack broad consensus unless the word "multiculturalism" is incorporated into the title of the Commission.

In negotiations with James Samios and Peter Wong as the other Members of Parliament with special expertise and a long history in this field, it seems that the choice has been narrowed to two possible titles which would be acceptable to the majority of the members of the crossbench and the opposition and which, at the same time, represent a genuine effort at compromise in taking into account the Government's views. The proposed alternatives which have been put forward are:

1. Multicultural Affairs and Citizenship Commission
2. Multicultural Affairs and Community Relations Commission

We would appreciate your consideration of these alternatives and should the Government so wish, for the Government to move an amendment in relation to one of the above suggestions. Otherwise, either the opposition or one of the members of the crossbench will move to do so with the expectation that the amendment will gain the necessary support.

If it would be convenient with you to discuss the matter directly with James Samios, Peter Wong and myself, please do not hesitate to contact us to arrange a mutually convenient time.

Yours sincerely,

The Hon. Helen Sham-Ho, MLC

———

The Hon. HELEN SHAM-HO: With the concurrence of the Hon. J. M. Samios and the Hon. Dr P. Wong, I proposed in my letter two possible alternatives to the name: first, the Multicultural Affairs and Citizenship Commission and, second, the Multicultural Affairs and Community Relations Commission. To date I have not received a response from the Premier. As honourable members noted in the letter, both of the

proposals include the word "multicultural". To incorporate the word "multicultural" in the name would not exclude any social group. Every group within our society has a culture, be it a minority group or the majority. "Multicultural" is an inclusive term which has positive connotations. In my media release of 24 September 1999 I stated:

> There has been a shift in the Australian psyche that recognises multiculturalism embraces everyone.

As I alluded to earlier, in February this year a multiculturalism summit was held in Parliament House. The Hon. J. M. Samios was there, and more than 100 community groups were represented. At the summit the name of the commission was debated, amongst other issues. There was strong support for inclusion of the word "multicultural" in the title of the commission, and a motion was passed to include this word in the commission's name. Since Parliament last sat, General Purpose Standing Committee No. 1 has conducted an inquiry into multiculturalism. The details of the inquiry have not yet been made available to the public and, therefore, community groups have not been able to comment on the findings of the inquiry. I believe that the report will be tabled next week. Government action should at least be suspended until the ramifications of the inquiry have been considered.

This morning members of the crossbench were briefed by several community groups and interested parties. Representatives of the Migrant Resource Centre Forum and Settlement Services Coalition told us that the commission's name needs to be changed to give a clearer indication of its function. They said that the title "Community Relations Commission" does not give an indication of the commission's functions. Indeed, it was brought to the attention of crossbench members that some people, particularly those who speak languages other than English and young people, may have difficulty finding the commission in the telephone book or on the Internet. The title "Community Relations Commission" is very confusing because it is similar to the "Community Services Commission", which, as we know, has a completely different function. This morning we heard that some groups have particular fears that their government funding will be withheld if they do not approve the proposed name change.

Reverend the Hon. F. J. Nile: We never heard that this morning.

The Hon. HELEN SHAM-HO: It was suggested in the discussion.

Reverend the Hon. F. J. Nile: All the representatives said no.

The Hon. HELEN SHAM-HO: I may have misheard, but it was suggested in the discussion. That is what happened.

Reverend the Hon. F. J. Nile: None of them get funding.

The Hon. HELEN SHAM-HO: No, the first group, the community group. One group mentioned its fear that its funding might be withheld. As the content of the bill was acceptable to the groups, some groups have not objected to the title of the commission because they believed the name of the commission was part of the whole package. It was thought that if they rejected the name of the commission the whole bill would also be rejected. That was expressed by the group. Even groups such as the Jewish Board of Deputies, which has indicated approval of the name, felt that there was no option to discuss an alternative name. In some cases the name "Community Relations Commission" seems to have been accepted because of fear and the lack of realisation that a different name could be proposed. Now that these community groups realise it may be possible to find a better name for the commission they want to reconsider their attitude to the name. That is why the inquiry by General Purpose Standing Committee No. 1 and its report are important.

The Hon. J. M. Samios: A very important inquiry chaired by Reverend the Hon. F. J. Nile.

The Hon. HELEN SHAM-HO: Yes, and I am looking forward to the report. I am pleased that the Government will adjourn this debate until the report is tabled. Although I support the bill as a whole, I cannot support the Ethnic Affairs Commission being changed to the Community Relations Commission without the words "multicultural affairs". I commend the bill to the House.

Debate adjourned on motion by the Hon. P. T. Primrose.

SUMMARY OFFENCES AMENDMENT BILL

Second Reading

The Hon. J. W. SHAW (Attorney General, and Minister for Industrial Relations) [5.26 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.

The Government is pleased to introduce the Summary Offences Amendment Bill. The purpose of this bill is to amend the Summary Offences Act 1988 to make the offences in section 8 of that Act more consistent with existing legislation protecting the Anzac Memorial in Hyde Park, Sydney. In September last year, the Government responded swiftly and forcefully to community concerns about a number of acts of vandalism perpetrated against the Anzac Memorial, one of Australia's most significant commemorative sites. At that time, the Premier introduced the Anzac Memorial (Building) Amendment Bill 1999 to give greater protection to the Anzac Memorial from defacement or damage. The Premier stated:

> The message we send to veterans today and all Australians with an interest in their history is that we will continue to take all reasonable measures to protect this memorial, which commemorates the sacrifice of thousands. It must be protected.

Last year's bill increased the maximum penalties for breaches of the various by-laws under the Anzac Memorial (Building) Act 1923. The maximum penalty for the offence of damaging the memorial was increased from four to 20 penalty units, amounting to $2,200 at the present time. It also enabled a Local Court to order an offender to pay compensation for any damage caused, up to a limit of 20 penalty units. The bill was passed by this Parliament with bipartisan support and came into force on 15 October 1999.

Since its commencement, it has become apparent that the increased penalty for the offence of damaging the Anzac Memorial has created some inconsistency regarding the penalties for offences against war memorials generally. Currently, part 8 of the Summary Offences Act 1988 makes it an offence to damage or deface any shrine, monument or statue in a public place. The maximum penalty under that Act presently stands at only four penalty units. To remove this inconsistency, the Government brings forward this bill amending the Summary Offences Act 1988.

The object of this bill is to amend the Summary Offences Act 1988 so as to increase the penalty for the offence of damaging or defacing a shrine, monument or statue in a public place, including a war memorial; to make it an offence to commit any nuisance or any offensive or indecent act in or on a war memorial in a public place; to also provide expressly for the application of those offences to the Anzac Memorial in Hyde Park, Sydney, and to any structure and land prescribed by the regulations as a war memorial; and to enable the court that convicts a person of the offence of damaging or defacing a shrine, monument or statue in a public place, including a war memorial, to order the person to pay an amount by way of compensation to repair or restore the damage caused.

The principal changes are brought about by the schedules to the bill. Schedule 1 [1] proposes to substitute section 8 of the Act. Schedule 1 [2] proposes to insert a new section 30A into the Act. I now turn to the contents of the provisions set out in the schedule. Proposed section 8 (2) is substantially the same as existing section 8, the offence of damaging or defacing a shrine, monument or statue in a public place. The maximum penalty for this offence is increased under the bill from four to 20 penalty units—currently $2,200.

Proposed section 8 (1) contains a definition of "protected place", which means a shrine, monument or statue in a public place, with express reference to war memorials. A war memorial is defined to include the Anzac Memorial in Hyde Park. Proposed section 8 (3) makes it an offence to commit any nuisance or any offensive or indecent act in or on a war memorial in a public place. This offence is similar to that already contained in the Anzac Memorial (Building) By-laws 1937. The maximum penalty for this offence will be 10 penalty units—currently $1,100. Proposed section 8 (4) enables regulations to be made prescribing a structure and surrounding land as a war memorial for the purposes of the section. This will enable the protection of other war memorials in the future as they are identified.

The bill also contains a compensation provision corresponding to section 11 of the Anzac Memorial (Building) Act 1923. Proposed section 30A provides that a person convicted of an offence under section 8 of the Summary Offences Act 1988 may be ordered by the convicting court to contribute to the cost of repairing the damage they caused. The order to pay compensation is in addition to any penalty imposed for the offence, and may not exceed 20 penalty units or $2,200. This provision makes offenders directly responsible for their destructive actions and should have a strong deterrent effect on potential offenders.

The consequence of these amendments is to establish a consistent range of penalties for similar offences arising under the recently amended Anzac Memorial (Building) Act 1923, the Anzac Memorial (Building) By-laws 1937, and the Summary Offences Act 1988. In practice, the bill will enable certain offences committed against the Anzac memorial, or in its precincts, to be dealt with under the punitive provisions of both the above mentioned Acts and by-laws. Offences against all other war memorials will continue to be dealt with under the Summary Offences Act with a proper and appropriate range of penalties. The Government brings forward this legislation to assist police by ensuring consistency between the legislation guarding war memorials generally and the Anzac Memorial and they are appropriately protected from vandalism. I commend this bill to the House.

The Hon. J. M. SAMIOS [5.26 p.m.]: I lead for the Opposition on this bill, which the Opposition supports. In Committee my colleague Major the Hon. C. J. S. Lynn will move an amendment to a provision of the bill. This bill is important to all Australians because it is an attempt to bring the Summary Offences Act up to date and in line with the Anzac Memorial (Building) Act, which was amended last year as a result of damage to the Anzac memorial site. Honourable members will recall that outrageous damage was done to the memorial last year. That was only one of a number of incidents that concerned the community. On that occasion the Anzac Memorial was sprayed with graffiti.

As my colleague Mr Hartcher pointed out in the other place, on the eve of Remembrance Day the 80-year-old war memorial in Waverley Park was also attacked, and the soldier's hat and rifle on the monument were smashed. A number of attacks have taken place on the Kokoda memorial situated on the walkway around

Parramatta River and Concord. These actions certainly affected the consciousness of the community to our heritage. We did not develop such a strong national consciousness until Gallipoli, when a lot of blood was spilt. That event is an essential part of our history, and there is probably not one hamlet, suburb, village or town, as well as city, that does not have an Anzac memorial.

It is a very important part of our history. The attempt in 1999 to increase the penalties by way of that amendment to the legislation was very important. I repeat: the Anzac Memorial (Building) Amendment Bill 1999 was introduced to bring the Anzac Memorial (Building) Act 1923 up to date by providing an increase in the maximum penalty for the offence from four penalty units to 20 penalty units, which is now $2,200. That amendment, which was formulated by Mr McManus in the other place, enables a Local Court to order an offender to pay compensation for damage caused, up to a limit of 20 penalty units. It is pleasing to note that that bill was passed by Parliament with bipartisan support.

It has become apparent, however, that there is an anomaly with the penalties. Proposed section 8 of the Summary Offences Act provides that it is an offence to damage or deface a shrine. Under that Act the maximum penalty stands at only four penalty units. In essence, this legislation provides, in proposed section 8 (2), for an increase in the maximum penalty from four penalty units to 20 penalty units. Proposed section 8 (1) contains an important provision dealing with a protected place. The section defines the term "protected place" as "a shrine, monument or statue". Proposed section 8 (3) provides that it is an offence to commit any nuisance or any offensive or indecent act in or on any war memorial in a public place and that the maximum penalty for such offence will be 10 penalty units. Proposed section 8 (4) enables regulations to be made to prescribe a structure and surrounding land as a war memorial for the purposes of the section.

The bill also contains a compensation provision, which provides that a person convicted of an offence under section 8 of the Summary Offences Act 1988 may be ordered by the court to contribute to the cost of repairing the damage, with a limit on the damage of $2,200 or an amount not exceeding 20 penalty units. A matter of concern to the Opposition, however, is the inconsistency that has emerged with regard to the amendment introduced to the Anzac war memorial legislation, which correctly increased the pecuniary penalty from four penalty units to 20 penalty units. However, the amendment did not go sufficiently far enough to embrace an appropriate period of imprisonment. My parliamentary colleague will deal with that issue when he moves his amendment.

The inconsistency I refer to may be better judged after reading section 10A of the Summary Offences Act 1988, which provides that a person must not, without reasonable excuse—proof of which lies on the person—wilfully damage or deface any premises or other property by means of spray paint. The Act prescribes a maximum penalty of 20 penalty units or imprisonment for six months. It may well be argued that under that provision a person who damages or defaces property or premises by using spray paint will be liable to imprisonment. Yet, under the amendment to the Anzac War Memorial (Building) Act the maximum penalty was increased from four penalty units to 20 penalty units only to cover an increased pecuniary amount of penalty units. This bill increases the maximum penalty from four penalty units to 20 penalty units without any attempt to provide a further sanction by way of imprisonment. In essence, the legislation is a step in the right direction but it does not sufficiently reflect the seriousness of offences such as those I have referred to in relation to damage to war memorials, and it therefore needs to be addressed by the Government.

Reverend the Hon. F. J. NILE [5.37 p.m.]: The Christian Democratic Party is pleased to support the Summary Offences Amendment Bill. The bill amends the Summary Offences Act 1988 to provide for penalties for damage to shrines and public monuments, particularly war memorials, consistent with provisions in the recently amended Anzac Memorial (Building) Act. Honourable members will recall that the Anzac Memorial (Building) Amendment Bill was introduced in response to graffiti attacks on the Anzac Memorial in Hyde Park. We congratulate the Government on its rapid response and the introduction of that bill. However, as the Government has indicated, the increase in maximum penalties from four to 20 penalty units, that is, from $440 to $2,200, made those penalties inconsistent with penalties for offences against other war memorials in New South Wales.

As honourable members have indicated, the legislation has not simply come as an afterthought; it is in response to attacks on various war memorials. The first attack was on the Anzac Memorial in Hyde Park in March 1998. On that occasion vandals painted on the memorial in red and black paint various signs and symbols which did not appear to have any particular meaning but are used by some persons who engage in graffiti as an indication to those who may know the person or persons responsible for the graffiti. Often there are tags or signatures on the graffiti, but it is not always easy for the police to identify from those tags or signatures who was responsible.

In November 1998 the Waverley Park War Memorial statue, which is next to the council chambers, was also attacked and part of the monument was smashed. As far as I know, in a period of 80 years that was the first time that the memorial had been damaged. It is interesting that construction of that memorial was financed by a donation to the community by a Bondi tramway employee, Charles Wood, who gave what was then the extraordinary amount of £1,400, which is a great testament to his generosity, especially considering the wage level of tramway employees. It is often the case that memorials have a story behind them of sacrifices by people who have been responsible for their construction. In many cases memorials have been built not by governments but by local communities through donations made by individuals and groups.

In February 1999 there was another attack on the Anzac War Memorial. Whether the same offenders were involved or not is difficult to say, but on that occasion the police arrested a 16-year-old North Shore boy who was believed to be responsible for the damage. It costs a great deal of money to restore monuments and the damage on that occasion amounted to $20,000. The community has to not only endure the offence of vandalism but also produce the funds to have the memorial restored. In June 1999 there was an attack on the Corrimal War Memorial; a number of symbols were spray-painted on the plaque and four pillars of the memorial. The Corrimal Returned Services League [RSL] sub-branch president, Phil Dodd, said that it was the first time that the memorial had been defaced by graffiti. The RSL had to pay in excess of $1,000 to have the repairs carried out. It is sad that highly respected memorials that for decades have not previously been vandalised have in recent times been subjected to attacks.

The Christian Democratic Party supports the increase in penalties provided by the bill but believes they are not sufficient. Further emphasis should be placed on education to highlight the purpose of war memorials. Education about the background to traditions from World War I and World War II and other wars in which Australians have been involved should be provided to assist young people to gain an understanding of the meaning of monuments, and the reasons why they have been erected. I understand that the Department of Education's new curriculum downgrades this topic in schools at the very time when problems are being caused by young people who appear not to know or respect the underlying meaning of war memorials. I realise that the Government cannot spend thousands of dollars on television advertising, but it may be possible to include a program in schools with special emphasis in the period immediately prior to Anzac Day.

It should also be possible to provide ongoing education for the wider community by advertisements in newspapers that point out the significance of memorials in the city of Sydney and in towns throughout New South Wales. When I was considering this legislation against the background of the sadness of the attacks made on war memorials and monuments I recalled that the Australian community contributed more volunteers pro rata in World War I than did any other nation. Between 1914 and 1918, Australians fought in three continents and became known to the people of almost every nation. They fought in the snow, in the tropics, in the air, on land and on the sea. The total number of troops engaged in land and air forces was 416,809 and the total number of casualties was 226,073. The proportion of casualties, 68.5 per cent, relative to the numbers engaged was greater for Australia than for any other country in the British Empire. Of the 226,073 casualties, 59,258 people were killed and that is the main reason why each town and suburb usually has an Anzac memorial.

Since World War II the numbers of memorials have increased and the names of men and women who served and died in World War II have been added, but, in the main, memorials have been erected to commemorate lives that were sacrificed during World War I. When one considers that 68.5 per cent of those who went to war were casualties, and that the population was 4,931,988 in 1915—compared with the present figure of 19 million—one realises that Australia lost 10 per cent of its population. During that period, it was mostly males who volunteered, so that is also an important factor. There was no conscription in World War I and each serviceman was a volunteer.

Because Australian volunteers were so brave, many of them were in the fiercest battles and suffered the heaviest casualties as a result. One only has to recall the battle of Gallipoli as an example. Earlier this year prior to Anzac Day, my wife and I revisited Gallipoli, Anzac Cove and Lone Pine to pay our respects at memorials to service personnel who died on Turkish soil. It is important that the history of Australia's contribution in large-scale war efforts is brought home to the community and the youth of this nation. In recent years one of the most encouraging signs that many young people are beginning to acknowledge the importance of what occurred on the first Anzac Day and in other conflicts has been their increased participation in Anzac Day marches. Thousands of young people participated in Anzac Day activities at Gallipoli.

On one side of the debate a positive attitude is being displayed by many young people, but on the other side there is a small minority who are intent on engaging in vandalism. It is sad that this legislation is needed,

but that is a fact of life. As time passes it will be important to ensure that memorials are protected and respected by the community so that the sacrifices made by hundreds of thousands of men and women in World War I and later conflicts are not forgotten.

The bill will apply the same principles as those applying to the Anzac Memorial and all other memorials located in New South Wales. Its very broad definition of a "protected place" as a shrine, monument or statue located in a public place, including a war memorial, should be sufficient to capture relevant offences. I assume that the definition includes war memorials or dedicated areas at the entrances or adjacent to RSL clubs.

It is a reminder to members of the club of those who served and died in previous wars. I am pleased to support this bill. I was not aware of the amendment foreshadowed by the Opposition to add a prison penalty, but the Christian Democratic Party will consider that. I assume the discretion would be vested in the court to determine whether the damage was so vicious as to require the imposition of a prison penalty. As I said a moment ago, a 16-year-old boy was involved in the incident at the Anzac Memorial and I do not know whether a prison penalty would benefit him. The Christian Democratic Party supports the legislation.

The Hon. Dr P. WONG [5.50 p.m.]: The Summary Offences Amendment Bill extends the application of the provisions of the Anzac Memorial (Building) Amendment Act to other memorials, shrines and public monuments across the State. In essence, this bill will extend the application of a maximum penalty of up to 20 penalty units or $2,200 for acts of vandalism on public monuments. During my contribution last year to the debate on the Anzac Memorial bill, which I supported, I stated that the legislative protection of the Anzac Memorial was in line with the renewed drive for promotion of Australian nationality and citizenship led by the Premier. Although I acknowledged then that the Anzac Memorial is a principal New South Wales memorial, and needs to be protected under the Summary Offences Act, I was still puzzled as to why the same form of protection did not apply to other places of significance, such as shrines, indigenous sacred places and statues.

That legislation implied that the Anzac Memorial is more important to our national and cultural being than these other places of significance. That implication could have been explained only by the reinforcement of an Australian national feeling along the lines of more recent historical experiences, and the notion of citizenship. I am pleased that the same form of protection now applies to other memorials, shrines and statues. I believe that these would include different churches, mosques, Aboriginal sites et cetera—in essence, different places of significance to local communities that reflect the values of our cultural diversity. The undertones of this legislation are in line with recognition of the values of multiculturalism in New South Wales.

Having said that, I emphasise what I said last year in relation to the Anzac Memorial bill that education is more important than legislation. If the objective of this bill is to increase penalties to achieve better protection of these sites of significance, I do not believe that that is the most adequate or efficient way to achieve it. Protection of these important places can be achieved through ensuring respect for them and allowing people, especially our youth, to understand the value and cultural significance of these sites. We cannot legislate for respect: we can only educate people about respect. It is a basic civic responsibility to respect the views and values of other individuals and groups, including cultural and religious views, and civic responsibility is taught through good examples set by leaders and governments.

Last year I praised the Government for addressing the issue of protection through education when it establisheda compulsory subject in World War I history in the secondary school syllabus. I believed that these studies would achieve better understanding and appreciation of the Anzac experience—a result which was proven with last month's Anzac celebrations across the country. This form of education should continue and must be expanded to reflect the values of our cultural diversity and multicultural citizenship. Aboriginal culture, as well as historical and cultural studies of other ethnicities and religions, should also become compulsory subjects in the school curriculum. Those studies will not in any way diminish what we already know and appreciate: they will not denigrate the Anzac spirit or other Australian national experiences, and will only expand our cultural and national intelligence. We will be able to face a better future where multiculturalism and cosmopolitan values are fundamental.

The Hon. I. COHEN [5.54 p.m.]: I speak to the Summary Offences Amendment Bill. The Hon. Dr P. Wong made a very telling statement when he said that one cannot legislate for respect; that one educates for respect. The Greens strongly support that sentiment particularly in relation to the War Memorial that is held in great respect throughout the community and increasingly with the younger generation. It is satisfying that younger people are recognising the society of past generations. Certainly public displays of respect for the victims of war are becoming an increasingly important aspect of Australian society. The recent Anzac Day commemorations showed that many younger people who have never experienced war are keen to participate in ceremonies and pay tribute to those who died. But for other young people, a different response occurs.

Some young people feel so angry about the society in which they live that they react in anti-social ways by damaging important monuments. The desecration of such monuments and, in particular, war memorials causes real pain for those who have lost family or friends in war. This is a complex problem that is the subject of real community concern, and the Greens share that concern. But this bill attempts to address a complex problem with a simple solution, and simple solutions to complex problems hardly ever work.

The bill creates the offence of committing a nuisance or offensive or indecent act in or on any war memorial. This offence has the potential to draw people unnecessarily into the criminal justice system. It does not apply to acts that cause actual damage and it does not require proof of any intention to commit such an offensive or indecent act. Rather, it appears to be aimed at innocent acts of skylarking or youthful rebellion that could fall within the definition of a nuisance. It certainly does not in any way defend those acts, particularly graffiti and such things. Nevertheless the Greens believe that such acts should not necessarily be regarded as crimes.

The other offence referred to in this bill relates to wilful damage to or the defacing of any protected place and is aimed at acts of graffiti, which many people regard as vandalism. The bill increases the penalty for such an offence and provides that the court may order that person convicted of the offence to pay the cost of rectifying the damage. This is superficially an attractive proposition, but the Greens cannot support it. People who are convicted of that kind of offence are likely to be lower income earners who cannot pay large fines—up to $2,200 in this case. Young people who become fine defaulters could therefore be imprisoned for this offence. The Greens believe that heavy fines are therefore counter-productive in the long run, and are likely to exacerbate the feeling of rebellion and produce the likelihood of further increasingly serious and possibly violent rebellious acts.

There are alternatives. For example, young people could be given community service orders designed to encourage awareness of the effect of their actions on the community. They could be required to perform services for ageing war veterans. Such a preventive approach is more likely to achieve lasting respect and protection of memorials, which is a much more desirable outcome for the offenders and society as a whole. Certainly we have seen examples of perpetrators confronted by victims. A wealth of experience and knowledge can be imparted by such war veterans—people who have been involved in wars and have the respect of the community. Rather than hitting young offenders with a draconian fine that could, in fact, create a cycle of rebellion and reaction in them, it could be a valuable exercise for them to confront such people. The Greens have grave concerns about this bill because, rather than educate, it tends to control that youthful rebelliousness and could, in the long run, act against the very institutions that this bill is trying to preserve and protect.

The Hon. C. J. S. LYNN [5.58 p.m.]: I support the Summary Offences Amendment Bill as proposed by the Government. The Opposition will, however, move an amendment to bring new section 8 of the bill in line with section 10A of the Summary Offences Act 1988. In reference to the spirit of Anzac, the spirit of service, I refer to a debate in this Chamber last year. At that time I said that war memorials in Australia are probably more significant to Australians than they are to many other nations because of our historical involvement in theatres of war, and I added that the graves of many of our dead are located in foreign lands. These are symbolised by the erection of war memorials.

The word "cenotaph", which means empty tomb, is often used to describe those memorials. Our memorials stand in place of our distant graves, and Anzac Day ceremonies around them each year provide surrogate funerals. Those war memorials, throughout the towns and cities of Australia, are our sacred sites for the purposes of those services. They have been treated with great reverence since their erection because of the powerful symbolism that they evoke. I was honoured a few years ago to meet with Lieutenant-Colonel Ralph Honner, commander of the 39th Battalion on the Kokoda Track. He posed the question: How do we pay tribute to the fine young men and women who pay the ultimate sacrifice for our freedom? I quote Lieutenant-Colonel Honner:

> "How, then, do we remember them?
>
> Survivors of the bomb-loud battles of the ragged and the bloody might muse where sleep the brave whose gathered bones rest in the hushed, unsanguined beauty of Bomana.
>
> There they might review long lines of mute memorials immaculately dressed for the ultimate parade, seeing again the familiar names of the fallen - and almost their once familiar faces. And they might scan again the sundered years of their severed lives – "19", "18", "17" - and ponder the ravished promise of their perished youth.
>
> They died so young. They missed so much. They gave up so much - their hopes, their dreams, their loved ones. They laid down their lives that their friends might live.
>
> Greater love hath no man than this."

That captures the spirit of Anzac. I commend the comments of my colleague Chris Hartcher in another place when speaking to this bill. He spoke with great passion and great knowledge about the forging of our Anzac spirit since our baptism of blood during the Boer War in 1901. Back then ours was a very young nation, with a small population. Australia was basically considered to be a British outpost or appendage. It was not until we landed on the shores of Gallipoli in 1915 that the Australian character was defined to be a little different from the normal British character. The Anzacs were different; they were not a product of the traditional military schools of Sandhurst, West Point and so forth.

Our soldiers of those days had a unique approach to soldiering: they were there to get the job done. Their leadership was not from the traditional military schooling. Our leaders came off their farms, out of the offices of banks and the public services. Some were given a bit of rank and, as they improved, worked their way up through the ranks. One of the characteristics of Australian soldiers was that they always looked to the safety, welfare and needs of their men. They did not look to their own career advancement as future military officers and so forth; they were there to do a job, and their men were very much their responsibility. That was a hallmark of Australian leadership.

Leaders who bear in mind the safety, welfare and needs of their soldiers actually earn their respect. Respect cannot be bought or bribed; it must be earned. As the Hon. Dr P. Wong said earlier, respect cannot be legislated into our younger generation. It can grow in them only through understanding and education. We all know the story of our troops in Gallipoli. They fought with great valour against the odds. Even though that battle was lost, the Anzac spirit was firmly established during that campaign. Modern authors refer to our Gallipoli campaign as our baptism as a nation. We were recognised as Anzacs, as Australians, as a people who were different. A number survived and returned from that war, although nearly an entire generation of young men was lost.

Those who returned began the task of nation building. Of course, during those times they had to overcome the adversities of the Great Depression, drawing on their warrior spirit to survive. The dreams, goals and aspirations of many of our forefathers were sometimes reduced to the provision of the next meal on the table for their families. It was a time when families had to stick together to survive. It was a time when communities had to weld together to survive. It was a time when those great community organisations Lions, Apex, Rotary and similar organisations were seededto look after those in the community who could not look after themselvesfor we did not have a universal welfare system at that stage.

It was very much a time for bonding, with people being mutually supportive of one another to ensure their very survival. Having battled through the Great Depression, we were struggling to our feet as a nation when we were confronted by yet another war. Again, our young men and women answered the call. There were great deeds of valour, with heroic battles fought in the campaigns in Africa, Europe, Greece, Crete and so on, until the Japanese entered the war. Then, for the first time in our history, we had to fight in defence of our homeland. It was in the battle of Isurava that a small band of 450 Australians, initially led by Colonel Ralph Honner of the 39th Battalion and outnumbered six to one, confronted an enemy that had not known defeat in that war.

The Japanese had swept, unchecked, through Asia and the Pacific. They had defeated the Americans in the Philippines, the British in Singapore and Malaysia, and the Dutch in the Dutch East Indies. The Japanese, having swept all before them, were deemed to be undefeatable. They were, until they met the Australians, initially at Kokoda and then at Isurava. The four-day battle at Isurava between 26 and 30 August 1942 has been described by modern historians, particularly by Dr David Horner, historian at the Australian National University, as the battle that actually saved Australia. So, if Gallipoli was our baptism as a nation, then Isurava was certainly the confirmation of that fact.

I speak about this matter again in the Parliament because few people understand what went on at Isurava. Most people know nothing about it. I have taken many young people over the Kokoda Track and to the Isurava battle site and told them about that battle. Those people have included university students , university graduates and business people. They are absolutely shocked when they learn about that battle because they were never taught anything about it. Those who are not taught about these very significant events cannot be expected to respect them.

Reverend the Hon. F. J. Nile spoke about the changing attitude towards Anzac Day, a pleasing feature for us all because Anzac Day came together as a sort of national holiday in the 1920s. The feeling was very strong post World War II. I remember as perhaps a six-year-old going to a march in the little town of Orbost,

which at the time had a population of about 3,500. My father, who was an infantryman in Papua and New Guinea, used to march with all his mates. Of course, that was Dad's day. We used to sit on the tank stand outside the Mechanics Hall, trying to listen to the stories that they told. The hall was packed. The whole town turned out. On Anzac Day I looked in the local paper at a photograph of that Anzac service. About four or five soldiers attended the service.

Times are changing. We are now in a transition phase in regard to respecting our military heritage. We went through a trough in the 1970s with the Vietnam conflict. In 1983, when I was on an exercise in the Northern Territory, our convoy rolled into Daly Waters. We decided to hold an Anzac Day service. A Digger, who drove in behind us in his old ute and who had a couple of medals in his glove box, said to us, "Are you doing anything on Anzac Day?" We said, "Yes, we are going to hold a service." He said, "Could I join you? I have just gone to another township and it is not holding a service as there is no-one there." This Digger was driving around the area looking for a service in which he could participate. We were only too happy and honoured to have him join us. It is sad when one comes across those sorts of examples.

I found it interesting to review the speeches made in debate on this bill by members in the other place. Don Page, the honourable member for Ballina and one of the finest speakers in the debate on this bill, said that, across the board, despite our political differences in this Parliament, much more unites us than divides us when it comes to honouring the spirit of Anzac or any issue to do with ex-service men and women. That is something of which we should all be proud. Members of the Legislative Assembly and Legislative Council who have spoken in debate on this bill referred to the pride that they felt when they represented their communities on Anzac Day. A number of speakers referred to memorials at various services that had been vandalised.

When something happens to our war memorials and it receives a lot of publicity—as happened last year to the new Kokoda Track Memorial Walkway, a wonderful memorial—we introduce special legislation. I have received a number of calls from people who are distressed about this vandalism. They simply do not understand why our younger generation does not respect and honour these memorials. Mr Ashton, the honourable member for East Hills, said that kids these days seem to be adopting antisocial attitudes to just about everything. Mr Greene, the honourable member for Georges River, said that he was in two minds. He was proud that the Government had chosen, through this legislation, to amend the Summary Offences Act, but he noted with sadness that we needed to do this.

John Price, the honourable member for Maitland, spoke about what he called vandalism and neglect. He said that we were allowing a lot of our old churches, buildings and so forth that housed small memorials to be sold off. Last week when I visited the small town of Robertson I noticed on its memorial the names of people who served in World War I and World War II. Five servicemen from Robertson were killed in the Vietnam War. One could not help noticing that, of the 500 men who lost their lives over the period of that campaign, five of them came from Robertson. What a sacrifice for a small town to make!

The Hon. Dr P. Wong said earlier in debate that we cannot legislate to achieve respect. However, we must enact legislation that sends a message to people who want to vandalise things that war memorials are special. As I said earlier, it is a pity that we have to do that. We must also establish the attitude of the community to these sorts of memorials. A couple of weeks ago when Parliament was last sitting I went out of Parliament House to get some lunch and I witnessed a line of police across the top of Martin Place. A radical group of people were protesting—I do not know what they were protesting about—and some of them looked quite feral. They wanted to march in the area but they had not applied for or received permission to do so. The police said that they could not march in that area.

The police, fit and proud young men and women, were standing about one to two feet away from people who were calling them pigs and challenging them to whop them and whatever. How does that engender respect? Those police men and women had to stand there and take that sort of abuse. No-one in this country should have to do that. Those people are not good role models for others who have chips on their shoulders for whatever reason. I have experience of working with some of these kids who have gone off the rails and are mending their ways. Organisations such as Youth Insearch Australia Inc., Youth Off the Streets, the Salvation Army and other non-government organisations do great work with these kids.

The answer lies in education. As the products of these programs show, most of these kids have good in them. The kids, many of whom have had horrific experiences in their upbringing, are at a stage in their lives where they have no respect and no shame about anything because of their circumstances—something that should be recognised and understood. However, they must be told that they cause great distress to our

community when they wantonly attack and vandalise our sacred sites. I am proud of the new facilities that were built last year at Gallipoli. Some 15,000 young Australians can now be accommodated at the Gallipoli site—a place that has become a real Mecca for young Australian backpackers. It seems to me that backpackers who have not made a spiritual journey to Gallipoli have not really completed their journey. That project has been supported by Federal governments of all political persuasions.

We must now look closer to home—to the living shrine that we have at Kokoda. I have put a proposal to the Prime Minister that Owens Corner should become a similar sort of Mecca much closer to home. I know that the Premier is committed to including the study of military campaigns in our education system, but he seems to have stopped at World War I. He must take the next step. Military campaigns must be a compulsory part of studies in primary schools, secondary schools and tertiary institutions. If children at those institutions are compelled to study our military history and military campaigns they will have a greater understanding of and respect for our memorials. It is our collective responsibility to ensure that our memorials are honoured and protected from vandalism and displacement. I refer to what my colleague the honourable member for Gosford said about the legislation in the other House. He said:

> The stated aim of the Summary Offences Amendment Bill is to increase the penalty for the relevant offences. I wish to draw the attention of the House to section 8D of the 1988 Summary Offences Act:
>
> > A person shall not wilfully damage or deface any shrine, monument or statue erected in a public place.
>
> The maximum penalty provided under that Act is four penalty units. The amending bill seeks to increase that penalty. Object (a) of the bill states:
>
> > To increase the penalty for the offence of damaging or defacing a shrine, monument or statue located in a public place, including a war memorial.
>
> Object (c) of the bill states:
>
> > To provide expressly for the application of those offences to the Anzac Memorial in Hyde Park, Sydney…
>
> Two legal points arise. First, only last year Parliament passed special legislation, introduced personally by the Premier, to protect the Anzac War Memorial. One wonders why it is now necessary to pass further legislation in the form of the Summary Offences Amendment Bill to expressly provide for the Act to extend to the Anzac War Memorial—especially as the penalties under the Act were increased only last year. The Opposition does not quibble with this amendment, however it draws the attention of the House to the matter. There is a more significant matter, in respect of which the Opposition will move an amendment.

That is the amendment I flagged. He continued:

> It is that the Act provides in section 8 (2):
>
> > A person must not wilfully damage or deface any protected place.
> > Maximum penalty: 20 penalty units.
>
> That, on the face of it, appears to be reasonable. However, section 10A of the Summary Offences Act 1988 provides:
>
> > A person must not without reasonable excuse (proof of which relies on the person) wilfully damage or deface any premises or other property by means of spraypaint.
> > Maximum penalty: 20 penalty units or imprisonment for six months.
>
> The provision relating to imprisonment for six months for using spraypaint, set out in the 1988 Act, is not replicated in the Summary Offences Amendment Bill in respect of defacement of a war memorial.

The honourable member for Gosford noted that he had not had the chance to draw this matter to the personal attention of the Minister but, as a courtesy, he undertook to do so. He then gave an example that highlighted the anomaly. Basically, one could take a can of spray paint to deface a war memorial, and that would attract a fine or a gaol term. This is an inconsistent approach to the legislative protection of war memorials. The Government is saying one can smash a war memorial and just get a fine, but if one spray paints a war memorial one will go to gaol. The Opposition does not accept that. The Government has erred in the drafting of this legislation. There is really no excuse for getting it wrong. We have no doubt that the Government's intent is right but, with its resources, it should make sure it has examined all aspects of an issue such as this. The Government is well aware that Opposition members—even shadow ministers—have only one staff member to support them in their roles as members of the Legislative Council. It should not be up to us to comb through legislation to this extent to expose anomalies.

The Government would look quite silly if it introduced legislation that would allow an offender to smash a war memorial with a sledgehammer and face only a monetary penalty, while a person who defaced a

memorial with spray paint would face gaol. I will move an amendment during the Committee stage to get rid of the anomaly. If people in our community are prepared to resort to this sort of self-expression, they need to know that they will be dealt with harshly . This legislation is merely a band-aid solution to the long-term problem. The long-term solution lies in education and in the incorporation of military studies into our educational syllabus so that young people coming out of our education system understand the significance and the symbolism of these war memorials and will treat them with the respect they deserve.

The Hon. Dr A. CHESTERFIELD-EVANS [6.24 p.m.]: The Australian Democrats support the spirit of Anzac and, as such, we are sensitive to the criticism that anyone who opposes the protection of shrines and war memorials is unpatriotic—which, of course, is not the case. Historically, the Anzacs were a highly irreverent bunch. One sees from the recruiting posters of the time that they were kids who went for a lark, to teach the Jerries a lesson. They were going to have a good time. I do not think they fully realised what war was and certainly they had a baptism of fire that was horrendous. In historic terms and according to the interpretation of historians, that was the baptism of fire of the Australian people and it was heroic. My grandfather was an Anzac and fought at the third battle of Ypres, also known as the battle of Passchendaele. He was one of 120 who went out one morning and he was one of three who were alive at the end of the day. He was wounded in that battle. He did not talk about the war very much but he regarded some of the great speeches about how lofty it was as post facto nonsense. He said, "We didn't want to shoot them but we had to because they were trying to shoot us. That's how it was."

The Hon. C. J. S. Lynn: The object was not to die for your country, but to make the other guy die for his country.

The Hon. Dr A. CHESTERFIELD-EVANS: That is quite right. I cannot remember which poet said, "If they ask us why we died, tell them because our fathers lied." In a sense there was an imbalance between the political and economic power of the emerging industrialised German empire and the rest of Europe, and this spilled into a war. Of course, that was corrected and the technologies and military tactics in use in the Great War were such that huge numbers were killed. Far more soldiers were killed in the Great War than in the Second World War, although more people died in the Second World War because of the increased involvement of civilians. I do not think in any way one should countenance damage to the Anzac Memorial or other shrines and monuments, which are dear to our history and culture.

But, as Robbie Burns put it, "The greatest good that God could give us is to see ourselves as others see us." From the point of view of youth, monuments are often the symbols of the establishment. If young people are alienated, the establishment's symbols are then treated as such. Karl Marx said that people's loyalty to their class is greater than their loyalty to their country. That seemed a very radical idea. However, if one desires to manufacture something one manufactures it where it is cheaper—such as in China—and imports it back to Australia, recognising that some jobs will be exported.

It is easier to manufacture where the wages are lower than to build an industry here, where one might go broke. In addition, the anti-discrimination laws mean one cannot make someone retire at 65; older people keep jobs in some public utilities into their mid-70s, and those jobs are not then available to youth. Mechanisation and changes in technology have meant that the jobs that would have come to youth as people retired have not come to youth, and there is huge youth unemployment that has led to alienation. Our youth have no vote.

One must admit that the problem of youth unemployment in general has been tackled poorly. As I said, it is part of loyalty to one's class, rather than loyalty to the country as a whole, to look after that aspect of the country that needs attention. All governments would have to admit that we are not doing a very good job by our youth. If they hit back by defacing the things that we hold dear, to turn them into criminals would seem to be an unwise move. The Hon. C. J. S. Lynn, speaking to me flippantly before this debate, said, "I have an amendment. I will fill a pack full of stones and take them over the Kokoda track to punish these youth." I thought that was a sensible idea: they would appreciate the significance of the monument and it would be a lot cheaper than the Opposition's proposed amendment, which is to put them in gaol for six months or so. In fact, it would have a restorative function for the kids who had committed a crime.

This bill amends the Summary Offences Act to increase the penalties for damaging or defacing shrines and public monuments, including war memorials. It will make the penalties consistent with those increased last year for the Anzac Memorial in Hyde Park under the Anzac Memorial (Building) Act 1999. That legislation followed a graffiti attack on the Hyde Park Memorial and the subsequent public outcry at the low monetary

penalty of only $440 or four penalty units. This amount was increased to $2,200 or 20 penalty units. The Opposition in the other place raised the issue that this legislation will be inconsistent with section 10A of the Summary Offences Act dealing specifically with graffiti. That section was inserted into the Summary Offences Act by the Greiner Government. It was a classic law and order measure. There was a public outcry about graffiti and the heavy-handed response from the Liberal Government. The solution was to introduce a gaol term for young people possessing and using spray cans. Now this Opposition seeks to introduce a gaol term for this offence. I agree that defacing public monuments is abhorrent, but gaol is not the answer.

My more immediate concern is the confusion that will be placed in the minds of police officers when a person is arrested for defacing a monument. The person could be charged under either section 10A of the Summary Offences Act or new section 8 (2) of this bill, or the person could be charged with both offences. It is possible that spraying a monument would mean that police choose section 10A, but defacing by spraying would also fit the parameters of new section 8 (2). One carries a gaol term and one does not. I agree with the Opposition that there is a problem with inconsistency, and that is why I will be suggesting an amendment to remove from section 10A the six months imprisonment sentencing option.

The Hon. Dr B. P. V. Pezzutti: Why would you want to do that? Give us a good reason.

The Hon. Dr A. CHESTERFIELD-EVANS: I want to do that to bring consistency between the two Acts and because I do not think that turning an alienated youth into a criminal for six months at taxpayers' expense is a smart thing to do in terms of future benefit to this country. I also feel that there is more value in having those who damage or deface monuments clean them up or repair them. That is why I will be proposing a second amendment to provide for this as a sentencing option. It might be noted that the community service option to make restitution is in fact a higher penalty than the fine is likely to be. We need to address the problems of youth alienation. I commend my suggested amendments as a way of endeavouring to place a value on things that are important to us, and then protect them. We must not create criminals as some sort of foolish reaction to a challenge to a patriotic icon.

[*The Deputy-President (The Hon. J. R. Johnson) left the chair at 6.34 p.m. The House resumed at 8.00 p.m.*]

The Hon. Dr B. P. V. PEZZUTTI [8.00 p.m.]: The Summary Offences Amendment Bill has been introduced as a result of amendments made last year to the Anzac Memorial (Building) Amendment Bill, which were brought about by the unfortunate and ongoing defacing of the Anzac Memorial in Hyde Park. The Government took two measures at that time. First, it increased the maximum penalties under the Summary Offences Act. When this House debated the Anzac Memorial (Building) Amendment Bill some members suggested that the young offenders who defaced the Anzac Memorial in Hyde Park should be made to wash the memorial. However, that would have left the memorial defaced for the entire time it took for the matter to go through the process of law to bring these young offenders back to unscramble the egg, so to speak.

Second, the Government took constructive action at the Anzac Memorial in Hyde Park to prevent such damage occurring in the future. I pay due credit to the Premier for his work in this regard. The Government Architect and the Public Works Department, through the Memorial Trust—of which I am a member—set to work to construct an ingenious and beautiful response to protect the steps of the Anzac Memorial from people sleeping on them, defecating on them, and so on. The gates to the war memorial, which are raised at sunset and lowered in the morning, are both functional and beautiful. They are a retrofitted set of gates, which are some 10 feet high, in double-sided glass, and they display some beautiful motifs which are lit from below. Following the intervention of the current Government the memorial is now in a much better state. For example, the lighting surrounding the memorial has been improved, many longstanding problems, such as water entry and the like, have been repaired, and the exhibition space has been refurbished.

The Government introduced changes to the Act which brought in a gaol term for people who desecrate such memorials. The Government also made the point that it would come forward with legislation to protect all other memorials in the State. I am pleased to say that the Premier of our State is very proud of our heritage and has taken certain steps to embellish it and to pay due respect to our history. I mention only the naming of the Anzac Bridge and the construction of a magnificent 4½ metre tall World War I soldier, with arms reversed, on the western approach of that bridge. It is a magnificent new memorial, which was opened by the Premier on the day before Anzac Day. The Government said that it would come forward with an amenity for the ever-increasing problem of the destruction of our heritage and heritage memorials. Many people believe that such memorials are sacred in our society.

When I read this legislation I was impressed by the fact that it varied from the war memorial legislation. In a sense, it is in conflict with that legislation in that it mentions the Anzac Memorial in Hyde Park and provides a maximum penalty of only 20 penalty points, instead of a gaol sentence as provided in the legislation relating to the Anzac Memorial in Hyde Park. My colleague the Hon. C. J. S. Lynn proposed a solution to this. He suggested that a prison sentence be included in section 8 of the Act, which would make the two pieces of legislation compatible. Otherwise, if a person were charged with defacing the Anzac Memorial in Hyde Park, the courts would be placed in the considerable dilemma of having to choose whether to apply that legislation or section 8 of the Summary Offences Act. We have the choice of two solutions. We can either adopt this legislation and amend the Act that was put in place last September or amend the Summary Offences Act. I am in favour of amending the Summary Offences Act.

I will hear no truck from my colleagues like the Hon. Dr A. Chesterfield-Evans and other members opposite who will wring their hands and say that the young people who caused this destruction are the victims of our society and that they should be pitied and mollycoddled, not corrected or punished. We should apply to this bill the same provisions that we applied in this House in September last year. The House is the same as it was then; the Government is the same as it was then. A memorial in Orange is as important to the people of Orange as the memorial in Sydney is to the people of New South Wales. We cannot have two laws in conflict. I do not believe that the legislation passed last September was in any way over the top. This is not mandatory sentencing. It is an option for a magistrate or judge to apply. It is time we took these matters seriously.

I am not, and never have been, one who advocates that offenders should be put into gaol and the key thrown away, but I will be as consistent in my statements to the House on this occasion as I was on the last occasion. If it was good enough for the Government to legislate for the imposition of penalties last September, it should be good enough for the Government to accept an amendment to make this bill consistent. I appeal to honourable members of this House to take careful note of the amendment proposed by my colleague the Hon. C. J. S. Lynn and to vote in favour of it to ensure that this bill will have the same effect that the Premier undoubtedly intended last September.

I have no doubt that the Premier would be surprised that this legislation has been sneaked into this House without his direct knowledge. He should examine the legislation and ask: Why have I changed my mind? I do not believe that the Premier has changed his mind on this matter. I believe that the Government should urgently bring the Premier up to speed to ensure that he understands the implications of this legislation. The reasonable amendment proposed by my colleague the Hon. C. J. S. Lynn should be accepted.

The Hon. H. S. TSANG [8.10 p.m.]: I support the Summary Offences Amendment Bill and in doing so I endorse the comments made by honourable members who preceded me in this debate and referred to the youth of today embracing the Anzac spirit. However, it is not just the youth of Australia who embrace the Anzac spirit. It is also interesting to note that communities constituted by people from all backgrounds are now embracing the Anzac spirit as an Australian characteristic.

Approximately three years ago Chinese Australians who served during the wars had a national get-together. They are very proud that, as Australians, they served during the Malaysian conflict in the 1960s, the Korean War in 1954, and World War II from 1939 to 1945, and they take great pride in recognising that Chinese Australians served in Australia's first overseas campaign, the Boer War from 1899-1901. In contrast to what has been said by the Hon. Dr A. Chesterfield-Evans, who contends that the Australian youth of today do not know what they are doing, those Chinese Australians knew what they were doing. They saw everyone participating in the war effort and felt that although the government of the day did not encourage Chinese Australians to participate and serve Australia—indeed, it attempted to prevent them from doing so—they, in common with Australian youth of today, put their age up and changed their appearance so that they, too, could serve. In that sense, the Anzac spirit recognises no divisions based on colour, race or age.

Chinese Australians who served in the wars have a national get-together every three years, and they have now formed the Australian Chinese Veterans Association. The president, Gilbert Gan, has proposed that a war memorial be erected to commemorate Australians who happen to be Chinese who served during the wars. That does not necessarily mean that only Chinese people will attend that memorial. Rather, it is intended that people from all backgrounds—including Chinese people and those who did not serve in the war—will actively celebrate Anzac Day instead of merely attending a dinner. I think it is wonderful that the erection of their memorial will generate increased participation in Anzac Day and that that memorial will be respected in the same way as all other war memorials.

I am honoured to have been made a patron of the association and I have secured approval from Rusty Priest, the co-ordinator of the Returned Services League, and the Darling Harbour Authority to erect the monument on the corner of Dixon Street and Liverpool Street. The design has been approved and it is hoped that that the memorial will be erected in time to celebrate the Centenary of Federation, which occurs next year. This legislation deserves support from all honourable members of this House and I am honoured to speak in support of it.

The Hon. J. W. SHAW (Attorney General, and Minister for Industrial Relations) [8.15 p.m.], in reply: I thank all honourable members who have participated in this debate for their contributions. As the debate on the second reading of this bill draws to a conclusion I make the point that war memorials are structures that bear special significance in our community and therefore require special protection. This amending legislation establishes a range of penalties that are consistent with those imposed for similar offences under the Anzac Memorial (Building) Act 1923, the Anzac Memorial Building By-laws 1937 and the Summary Offences Act 1988. The amendments will increase penalties for unthinking vandals who damage war memorials and shrines, make it an offence to commit any nuisance, offensive or indecent act in or near a war memorial, and provide for a compensation order to repair or restore damage that is caused. I am pleased to note that those propositions have received broad support from all sides of this House.

The Government's amendments have provided a wider range of options by which to prosecute offenders and a broader scope of applicable offences and penalties in its commitment to protecting the memory of sacrifices made by Australian war veterans. The Government's consistent regime of laws indicates to offenders that the Government will not tolerate vandalism of our sacred sites. I pause to correct a fallacy that has been perpetuated throughout this debate. The Government would say, with respect, that honourable members who assert that the Anzac Memorial Act and by-laws provide a prison penalty are incorrect. In other words, the argument of inconsistency is not one that is truly applicable or open, because 20 penalty points is the maximum penalty with compensation provisions. There has been confusion in the presentation of arguments, based on inconsistency.

This bill is consistent, but the proposed Opposition amendment, with which I will deal at the Committee stage, would make this legislation inconsistent with the Anzac legislation—legislation which was supported by both sides of this House and both sides of the Legislative Assembly. In short, the Government will argue in Committee that the legislative regime of penalties is not only appropriate and suitable but consistent with other legislation, and that the amendment is essentially misconceived. I urge all honourable members to support the motion that the bill as presented be now read a second time.

Motion agreed to.

Bill read a second time.

BUSINESS OF THE HOUSE

Examination of Budget Estimates: Suspension of Standing Orders

Motion, by leave, by the Hon. E. M. Obeid agreed to:

That, as a matter of necessity and without previous notice, standing orders be suspended to allow the moving of a motion for:

(a) rescission of the order of the House this day adjourning the debate on the reference of the Budget Estimates to the General Purpose Standing Committees until Thursday after questions,

(b) the order of the day to be considered forthwith.

Examination of Budget Estimates: Rescission and Order of Business

The Hon. E. M. OBEID (Minister for Mineral Resources, and Minister for Fisheries) [8.20 p.m.]: I move:

1. That the resolution adopted by the House today ordering the adjournment of the debate on the reference of the Budget Estimates to the General Purpose Standing Committees until Thursday after questions be rescinded.

2. That the order of the day be considered forthwith.

The Hon. J. H. JOBLING [8.21 p.m.]: The Opposition will support the motion of the Minister as it is important to resolve the question now so that the estimates committees, honourable members and Clerks at the table can arrange for the estimates committees to meet during the week of 6, 7, 8 and 9 June. Unfortunately, I am saddened that the attempts to have joint estimates committees appear to have failed. Be that as it may, this is the House in which these matters will be resolved. The Opposition will happily support the motion of the Minister in this regard even though it will place a very heavy load on all members of the Government and the Opposition.

Motion agreed to.

EXAMINATION OF BUDGET ESTIMATES

Financial Year 2000-01

Debate resumed from an earlier hour.

Motion agreed to.

ALBURY-WODONGA DEVELOPMENT REPEAL BILL

Second Reading

The Hon. E. M. OBEID (Minister for Mineral Resources, and Minister for Fisheries) [8.23 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.

The purpose of the bill is to repeal the Albury-Wodonga Development Act 1974 and dissolve the Albury-Wodonga (New South Wales) Corporation. Under the Albury-Wodonga Area Agreement of October 1973, the Commonwealth and the States of New South Wales and Victoria agreed that a growth complex would be developed in the Albury-Wodonga area and that amenities and services would be provided to serve that growth complex. The Albury-Wodonga Development Act 1974 approved the Albury-Wodonga Area Agreement and established the Albury-Wodonga (New South Wales) Corporation to acquire and develop land.

Similar legislation was enacted by the Commonwealth and the State of Victoria giving rise to three corporations with common membership and which sit concurrently. The corporations are accountable to a tripartite Ministerial Council comprising New South Wales, Victorian and Commonwealth Ministers with regional development responsibilities, which is chaired by the Commonwealth Minister. New South Wales, Victoria and the Commonwealth all agree that this approach to regional development is no longer appropriate.

The current arrangements are unnecessarily cumbersome and inefficient with decisions requiring the agreement of three Ministers and corporation members being appointed under three Acts. The Albury-Wodonga Ministerial Council agreed at its 1995 meeting to wind up the corporations and dispose of all land and assets in an orderly manner and without distorting the market. A subsequent scoping study endorsed by the Ministerial Council recommended that market forces should determine that rate at which the assets are sold in order to preserve property values in the area. The Ministerial Council resolved in February 1997 that the best way to progress the winding-up of the scheme was for New South Wales and Victoria to repeal their Acts and withdraw, allowing the Commonwealth to take sole control of the administering of the winding-up process.

This bill will facilitate these arrangements for the future management and eventual winding-up of the growth complex and is required to implement the decisions of the Albury-Wodonga Ministerial Council. State legislation in New South Wales will be integrated with both Commonwealth legislation and State legislation in Victoria which will abolish State corporations and confer the assets, rights and liabilities of the State corporations on the Commonwealth corporation. The withdrawal of the States from the scheme at this juncture will allow a more flexible, simplified management structure and streamline the functions to be implemented for a single corporation under a Commonwealth Act.

An Albury-Wodonga Area Development Winding–up Agreement will be negotiated between the States of New South Wales, Victoria and the Commonwealth, which will deal with a range of transitional arrangements including details of functions that may be transferred to the Commonwealth corporation. I commend the bill to the House.

The Hon. JENNIFER GARDINER [8.22 p.m.]: On behalf of the Opposition I have pleasure in supporting the Albury-Wodonga Development Repeal Bill, which will wind up the Albury Wodonga Development Corporation, the genesis for which was the National Urban and Regional Development Authority [NURDA]. That Commonwealth Act was passed in 1972 by the Liberal and Country Party Government just before the Whitlam Government was elected. The objective of the National Urban and Regional Development

Authority was to investigate and report on matters relating to urban and regional development and, in particular, to assist the Commonwealth Government to determine the extent, terms and conditions under which assistance could be provided to the States in connection with urban and regional development.

The Commonwealth authority commissioned 12 studies of areas for possible growth centres—as they were known in those days—to be given status under this program in consultation with the relevant State governments. Albury-Wodonga was formally declared the first of these growth centres in October 1973, with control jointly exercised by the Commonwealth, New South Wales and Victorian governments acting through the Albury-Wodonga Development Corporation. The Albury-Wodonga Development Corporation was the only one of the so-called growth centres to survive until now, the others having previously been wound down, and dealt with along the lines proposed by this bill, which really deals with the remnants of what was for quite a number of years a very substantial organisation, the Albury-Wodonga Development Corporation.

The Act being repealed today was enacted in 1974 to provide a facility whereby amenities and services would be provided to serve the designated growth centre. The Albury-Wodonga Development Act 1974 gave force to the Albury-Wodonga Area Agreement, which set up the Albury-Wodonga (New South Wales) Corporation to acquire and develop land. Compatible legislation was enacted by the Commonwealth and Victorian parliaments so that the three corporations with common membership were, in effect, sitting concurrently. These corporations reported to a tripartite Ministerial Council, which has agreed that the Whitlamesque approach to regional development does not fit these times and, in fact, has not done so for quite a number of years.

In 1995 the Ministerial Council agreed to wind up the cumbersome corporations, dispose of all land and assets they may have acquired during the years, and phase in their winding up. The assets amounted to $138,447,000 as at June 1999. The corporation still has 25 full-time staff and 3,758 hectares of land on the New South Wales side of the Murray River. In 1997 the Ministerial Council resolved, after an analysis, and recommended that market forces should determine the rate at which the assets were to be sold in order to preserve property values in the district, and that the next step would be for New South Wales and Victoria to repeal their Acts, to allow the Commonwealth to take sole control of the winding up process. This bill facilitates that winding up process by a single corporation under Commonwealth legislation.

The objective when Mr Whitlam came to office was to see Albury-Wodonga built up to a population of 300,000 people by 2000. In 1978 the population target was revised downwards to 150,000. Today, the combined population of the two river cities is about 72,500—ambitious in those days!

The Hon. E. M. Obeid: I am listening.

The Hon. JENNIFER GARDINER: I am glad that the Minister is listening. Certainly Albury-Wodonga is an exciting combination of two cities which have during the period become very attractive and quite sophisticated. They have also, of course, grown together in a really fantastic rural setting. As well as providing services for the region, which was a traditional role, being located in fine rural country they have also been the sites to which a number of substantial manufacturing industries have located. It is quite fitting that the headquarters of the development corporation—a fairly dominant building—is now an integral part of the Charles Sturt University Thurgoona campus. The university has taken over quite a bit of the land that was previously owned by the development corporation.

As a former member of the Board of Governors of Charles Sturt University I have been at meetings in that building from where, I guess, the grand vision for Albury-Wodonga was planned at many of the development corporation and Ministerial Council meetings. Now that the development corporation days are coming to an end, I feel certain that the term "Albury-Wodonga" is now commonly used by people in the region. People do not feel as bashful about running the two names together, and there is a lot more cross-border co-operation.

Those two cities, working either side of the Murray River and together, have a very strong future. One could anticipate that they will continue to grow in population and diversity. On behalf of the Coalition, in contributing to the final phase of the winding up of the development corporation from a New South Wales point of view, we wish the people of Albury-Wodonga and region of the Riverina all the best for a very prosperous and economically successful period ahead.

The Hon. Dr A. CHESTERFIELD-EVANS [8.29 p.m.]: The Australian Democrats support the bill, which winds up a corporation that no longer has a function. It is with sadness that the Australian Democrats note

there is not in place a decentralisation policy as country towns feel the effects of falling commodity prices and country people move to the cities, where the costs of infrastructure are huge. The abandonment of country towns due to the fall in the prices of commodities emanating from those towns is not cost free, because country people who move to the cities are then housed at vast cost, with consequent associated infrastructure spending—and of course public transport is not being developed at a rate commensurate with housing developments. That really leads to a waste of resources.

It does not pay us as a nation to continue to let market forces lead to the concentration of people in a few urban centres. That must be stated, and this Parliament must pay more attention not just to the cities in traditional places determined by markets but to developing a real decentralisation policy for Australia. I do not think there is any point in opposing a bill that winds up a corporation that no longer has a function. However, on a broader scale, decentralisation in Australia ought to be looked at more carefully by not only the Federal Government but also the New South Wales Government.

The Hon. I. COHEN [8.31 p.m.]: The Albury-Wodonga Development Repeal Bill is a sad reminder of the legacy of 20 years of economic rationalism. During the 1970s and 1980s the importance of public infrastructure investment was symbolised by the Albury-Wodonga Growth Centre. The former Minister for Urban and Regional Development in the Whitlam Government, Tom Uren, was the driving force behind Albury-Wodonga. Tom Uren wrote about the project in his autobiography:

> Albury-Wodonga was a great choice for a growth centre, as it straddled the New South Wales-Victorian border and was roughly midway between Canberra and Melbourne. As Gough Whitlam pointed out in *The Whitlam Government 1972-75*, 'there could be no better focus for federal involvement and state co-operation'. On 20 November I introduced legislation to establish the Albury-Wodonga Development Corporation (a statutory authority comprising development bodies from the federal, New South Wales and Victorian governments and local governments) and to set aside $9 million for initial planning and construction. The federal government took responsibility for planning, construction in certain areas, negotiations with other bodies including local government, and protection of the environment. The New South Wales and Victorian bodies looked after acquisition and management of land and levying of charges in newly developed areas.
>
> We put a lot of money into Albury-Wodonga: a total of $83.7 million between 1974 and 1976—with the overwhelming part of it invested in land purchase—and despite reduced funding from the Fraser government ... the area flourished. Between 1973 and 1981, the population increased by 20,000, and private capital investment to 1981 grew at an annual rate 51 per cent above the national average. From my 73 to 1981—when the Australian manufacturing sector was in decline—manufacturing employment grew by more than seven per cent.

The amount of public investment was substantial, but the returns also were substantial. The speech by the local member in the other place, Mr Glachan, contains some interesting details of the economic success of Albury-Wodonga. The total outlay by three governments to 30 June 1998 was approximately $139 million, but the income to 30 June 1999 was approximately $327 million. These figures show the value of public investment. Even in a narrow economic sense relied upon by the architects of this bill, the economic rationalists, Albury-Wodonga was a success. Albury-Wodonga must also be regarded as a vibrant and successful regional community in social terms.

This bill will quietly dissolve the Albury-Wodonga Development Corporation and transfer its remaining assets to the Commonwealth. Those assets include 3,758 hectares of public land. In time, those assets, which took many years to build up, will be sold off. There is no indication in this bill of how the money will be spent. Will it be spent on the people of Albury-Wodonga? Will it be spent on acquiring new public assets? Neither of those options is likely. What is likely is that this major program of asset sales will realise a significant sum that will eventually find its way into the pockets of people who least deserve it.

The types of spending to which the Federal Government could be expected to direct this revenue include financing tax cuts for high-income earners and increased private school funding. This type of expenditure runs directly counter to the philosophy that underpinned the Albury-Wodonga project: the desire to contribute to the common good. Perhaps this move could be justified if the money were earmarked for building public housing to accommodate homeless people or some other worthwhile social project. The Greens recognise that transferring public assets from one form to another may be justified, provided the assets are used to enhance the public estate. But no such assurance has been given here. Consequently, the Greens do not support the bill.

Ms LEE RHIANNON [8.36 p.m.]: I endorse the comments made by my colleague the Hon. I. Cohen. I will take just a couple of minutes to pay credit to Mr Tom Uren, whose name obviously is associated with the Albury-Wodonga project. This was a project that illustrated the great vision that Tom Uren brought to many aspects of his work. He was indeed a Labor politician of great principle. I certainly found much of his work very inspiring. He worked consistently to ensure that Australia is a fairer, more equitable and just place. He did so

while he was in Opposition and while he was a Minister in the Federal Labor Government, and he continues to do so now that he has retired from Parliament. As this bill puts the death knell on this important project it is important to pay tribute to a great Australian and to the contribution he made to so many aspects of life in this State and indeed this country.

The Hon. P. T. PRIMROSE [8.37 p.m.]: This bill operates in conjunction with complementary legislation in the Commonwealth and Victorian parliaments. Amendments to the Albury-Wodonga Development Act have been passed in the Commonwealth Parliament, and legislation to abolish the Albury-Wodonga (Victoria) Corporation is expected to be introduced in the Victorian Parliament in the near future. Legislation enacted in the New South Wales, Victorian and Commonwealth parliaments implemented the agreement of 1973. Originally, this approach gave the Albury-Wodonga Development Corporation a wide-ranging commission, including planning, construction services, establishment of business areas, accommodation, services and promotional activities. However, changing expectations over the years have impacted on the corporation's role and functions and have reflected the changing views on the role of government.

The corporation's core function now is to dispose of its assets in an orderly manner, and the economic development functions are being carried out by local organisations, such as local councils, Investment Albury-Wodonga, Hume Riverina Business Connect and the Murray Regional Development Board. The passage of all of this legislation will result in the abolition of the two State corporations and leave one corporation constituted under the Commonwealth Act. This will enable the State to withdraw from the project as it is wound back with the disposal of all the assets and the return of proceeds to the Commonwealth managed by a single streamlined body. I commend the bill to the House.

The Hon. E. M. OBEID (Minister for Mineral Resources, and Minister for Fisheries) [8.39 p.m.], in reply: I thank all honourable members for their contributions, particularly Opposition members and the Hon. Dr A. Chesterfield-Evans. I thank also the Hon. I. Cohen and Ms Lee Rhiannon for their contributions. I commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

ANTI-DISCRIMINATION AMENDMENT (CARERS' RESPONSIBILITIES) BILL

Second Reading

Debate resumed from 3 May.

The Hon. J. M. SAMIOS [8.40 p.m.]: I speak on behalf of the Opposition in debate on the Anti-Discrimination Amendment (Carers' Responsibilities) Bill. The object of the bill is to amend the Anti-Discrimination Act 1977 so as to prohibit discrimination in employment on the ground of a person's responsibilities as a carer. The bill will prohibit discrimination against carers by employers unless it places unjustifiable hardship on an employer, or a carer's responsibility would not allow him or her to carry out the inherent requirements of a job. The bill, which refers to a range of relationships and employment, does not include employment in a private household or in a small business which has fewer than five employees.

The bill will implement a key recommendation of the New South Wales Law Reform Commission's review of the Anti-Discrimination Act 1977 that carers' responsibilities be included in the new Anti-Discrimination Act. The bill will also bring New South Wales into line with other States that provide for carers and/or family responsibilities in antidiscrimination legislation. Furthermore, the bill will benefit women in particular, as women usually play a primary caring role, but it will also provide for men who take on carers' responsibilities. The Opposition will move a number of amendments in Committee. Although the Opposition supports the bill in principle, it will seek an adjournment of the Committee stage so as to further consider the proposed amendments.

The Hon. I. COHEN [8.42 p.m.]: The Greens welcome this important legislation, the Anti-Discrimination Amendment (Carers' Responsibilities) Bill, although we are puzzled by the Government's delay in introducing it in the Parliament. Before the 1995 election—a special election for me—the Labor Party promised to add family responsibilities as a ground of discrimination under the Anti-Discrimination Act.

The Hon. J. W. Shaw: Better late than never.

The Hon. I. COHEN: I agree with the statement made by the Attorney General. It certainly is better late than never. It is a long overdue amendment to the Act. The Greens support the bill and hope that it leads to greater recognition of the important work done by many people, particularly women who care for children, ageing relatives, family members with disabilities or partners who are ill. This work, which is some of the most important and arduous work done in our society, unfortunately is also some of the least recognised and, of course, it is almost always unpaid.

The Government's original promise to make unlawful discrimination on the ground of family responsibilities has now been replaced with the words "responsibilities as a carer". The Greens support this terminology, although the bill essentially applies to family members with responsibilities to care for or support other family members. The major beneficiaries of this legislation will be parents. Although I am not a parent, I know that parents with young children often experience difficulties combining family and work responsibilities. The bill will prevent employers from discriminating against parents.

But discrimination can sometimes be difficult to prove. Employers often expect parents to work long hours. This may not be obvious discrimination but it often places unnecessary stress on parents. This bill should be regarded as a first step towards making workplaces much more accommodating for workers with family responsibilities. The Greens advocate job sharing and reduced working hours as the best way to assist parents to cope with responsibilities outside the workplace. The bill also applies to people in other relationships which involve caring responsibilities.

The 1999 amendment to the Property (Relationships) Act was a recognition that "family" should not be defined in terms of the traditional nuclear family. Same sex relationships are equally deserving of legal recognition. As a result, the Greens will oppose the amendments proposed by Reverend the Hon. F. J. Nile. The inclusion of people who care for same sex partners is an important part of the bill. The Greens will reject the amendment proposed by the Christian Democratic Party, which seeks to exclude people in these relationships from the protection of the Act.

The Greens also reject the other amendment proposed by Reverend the Hon. F. J. Nile. There is no reason to exempt any religious service provider from the bill. The New South Wales Independent Education Union has urged us to support the bill intact. I agree with the union that employees in non-government schools should be afforded the same rights as other employees under the bill. The Greens are pleased to be able to support this legislation.

The Hon. HELEN SHAM-HO [8.45 p.m.]: I support the Anti-Discrimination Amendment (Carers' Responsibilities) Bill, though I have reservations about some provisions—reservations which I will address later. The bill will expand the scope of pre-existing legislative arrangements which protect individuals and sections of society from discrimination on a variety of grounds. The Anti-Discrimination Act was originally enacted in 1977. Initially the focus of that Act was on discrimination on racial and gender grounds. The object of the Act, which is enunciated in its long title, is "to render unlawful racial, sex and other types of discrimination in certain circumstances and to promote equality of opportunity between all persons".

Over the years other types of discrimination have been enunciated by further legislative action, thus the Act has grown to encompass other areas in which discrimination is a problem, in keeping with the changing attitudes and perceptions of society. For instance, in 1982 discrimination on the basis of sexual preference was outlawed. Further examples can be found in the separate provision addressing discrimination based on disability, HIV-AIDS and age, which were also introduced at different times after 1977. This new bill will widen the application of the Act.

The introduction of carers as a new ground of discrimination to which the Act applies was made in response to the New South Wales Law Reform Commission report of December 1999. Recommendation 40 in that report stated that the Anti-Discrimination Act 1977 should "include carer responsibilities as a ground of discrimination in the area of employment". This bill will seek to protect from discrimination by employers those people who have responsibilities for the care of family members. Under the bill that person may be the caregiver to a child, a spouse, a de facto, a parent, a grandchild, a grandparent or a brother or sister.

I believe that that the definition of some family members is too wide. I will not move an amendment in Committee but I am concerned about provisions such as those contained in subsection (3) (b) of new section

49S. I am not sure whether I have interpreted that provision well but, as I understand it, it stipulates that a stepchild or step-grandchild can be the stepchild or step-grandchild of a former spouse. I truly believe that that is an unreasonable extension of the concept of a family. If a couple divorces, remarries and then has children I cannot understand why a former spouse should have any responsibility for the new spouse's offspring.

This complicates the notion of what constitutes a family. For example, I believe that I am closer to my staff members than I would be to my former husband's children by a different woman. To include such remote relationships within the scope of the bill is to impose an unnecessary burden on employers. Although I have received advice from the Attorney General's adviser that a complainant in such a relationship would need to prove that there is a bona fide relationship, I remain unconvinced that that provision is fair and reasonable. The bill may fall short of two recommendations of the Law Reform Commission in relation to carers and their responsibilities. Recommendation 41 states:

> Carer responsibilities should be defined as responsibilities to care for or support another person in a significant relationship involving dependency, commitment, care or support.

Recommendation 42 states:

> "Dependency" includes financial, physical or emotional reliance.

The bill adopts the definition of "de facto" as found in the Property (Relationships) Act 1984, as amended last year, but it does not adopt the wider definition of "domestic relationship" as embodied within that Act. Nevertheless, new section 49S is wide enough to apply to homosexual couples. I have noted the criticism of this provision by the Catholic Commission for Employment Relations, and the Catholic Education Commission of New South Wales. I understand also that the Christian Democratic Party wishes to amend provisions of the bill so as to exclude particular relationships from the operation of the legislation.

The granting of rights to same-sex couples which are comparable to the rights of those in heterosexual de facto relationships has occurred in relation to property through the Property (Relationships) Legislation Amendment Act. I believe that it is fair to extend those rights to carers' responsibilities. The bill should apply to all defacto couples in long-term caring relationships, regardless of their sexuality. Therefore, I will not support an amendment to this section. In prohibiting discrimination against a person because of his or her status as a carer, the bill shows a necessary commitment to family values.

My personal commitment to family values was one of the reasons that encouraged me to join the Liberal Party. Although I am now an Independent I still espouse the philosophy that the family is the core of our society. I am pleased that the Government, by its introduction of the bill, has also demonstrated its concern for the wellbeing of the family. It is also a particularly significant step for the rights of women. Although it is not exclusively women who are responsible for the care of family members, traditional stereotypes often hold true. The 1999 election commitment of the Government stated that the amendments to include carer responsibilities were going to "provide protection for many carers, particularly women, who are unfairly treated in the workplace when they try to balance work and family commitments." This is a commendable initiative.

Having been a single mother responsible for the care of two young children, I have personal experience of the difficulties faced by those who are in carer relationships yet who have to work as well. The challenges are greatly amplified when one is a sole parent. It is important that community values are respected by employers. They cannot ignore that their employees may have obligations to care for immediate family members. The bill provides that, under normal circumstances, an employer must accommodate the needs of people who have the responsibilities of carer. However, there is the possibility that employers can be exempt from this provision if accommodating those responsibilities were to cause the employer "unjustifiable hardship" or where the "inherent requirements" of the job are in conflict with the person's responsibility as a carer.

No one can deny that society has changed since the initial Anti-Discrimination Act was enacted. This bill brings the Anti-Discrimination Act up to date. I commend the Attorney General for the bill. People are free both to work and to be responsible for the care of family members. Employers must respect that choice. Despite my reservations about the wider definition of family members, the bill recognises significant community values. I commend the bill to the House.

Ms LEE RHIANNON [8.52 p.m.]: I warmly congratulate the Government on this legislation. While I understand there may have been some delays with it, it is most important and it will have far-reaching impact. Some legislation that comes before this House varies in its degree of significance in a progressive sense, but I

sincerely believe this will have an impact long after we have all gone. I say that because it recognises the situation of carers. The majority of carers, as we know, are women and that may well continue for a long time, considering the way our society is structured. As the Hon. Helen Sham-Ho mentioned, the situation—not just for women but for single parents, who, in the majority of cases, are women—carries a particular burden when they try to look after their children and hold down a job.

Having had three children and having been a single parent I saw at close quarters the incredible stress women experience when trying to fulfil these roles. As life moves on so quickly one finds that, having looked after one's children, and as the children reach the age at which they start to take on more responsibility, one's parents are getting older and one has more responsibility with elderly relatives. That is where this bill is so important. It covers those various stages of our lives where we have important responsibilities—responsibilities that we want to carry out, that we have to carry out and that go to the heart of a healthy society.

I was quite excited to read this legislation because it will go such a long way towards giving people, particularly women, the confidence to take on the job knowing they will not be confronted with that terrible dilemma: what do I do when my kids are sick or my parents need assistance? Again I speak from personal experience because my father died from Alzheimer's disease and I saw my mother care for him. It opened up for me the most extraordinary world of carers, showing the incredible devotion and sacrifice that they make. Many have to sacrifice their own jobs to be able to care for others. With this legislation people will be able to bring some balance into their lives so they will be able to continue to work and also continue to care for the people they love so dearly. I congratulate the Government.

The Hon. Dr P. WONG [8.55 p.m.]: The Anti-Discrimination Amendment (Carers Responsibilities) Bill represents a further effort to overcome the structural barriers that maintain discrimination in the workplace. It represents an improvement built on the existing mechanisms to deal with employment-related discrimination in New South Wales; it conforms with Australia's international obligations; and it also acknowledges the efforts of many organisations and individuals who have battled hard to tackle the structures that impede the equal treatment of working people with family responsibilities.

I congratulate the Attorney on his excellent work in the areas of industrial relations and anti-discrimination. His commitment to making the workplace free of discrimination is commendable. Employment-related discrimination still exists across many professions, industries and occupations. Anti-Discrimination Board statistics show that employment-related complaints accounted for a substantial part of all inquiries, namely, 58 per cent in 1996-97, 60 per cent in 1997-98 and 56 per cent in 1998-99. More subtle, indirect and complex forms of discrimination are taking the place of the previous more blatant forms of discrimination. It means that current legislation has had a limited effect in curbing systemic discrimination in this area.

It is important to be aware of this situation and to realise that a working environment free from discrimination would enable employees with family responsibilities to focus on their work rather than concern themselves with the uncertainty of job security due to those family responsibilities. This legislation is very timely and bears significant meaning. I expect that it will generate greater awareness among broader communities of the nature of discrimination against people with family responsibilities. The legislation will apply to any person who has responsibilities as a carer, be they parties in a marriage or in a de facto relationship. However, in light of the fact that women today continue to undertake a disproportionate share of all sorts of family responsibilities, this legislation has greater implications for women at work.

In the past, women were denied access to many forms of employment. Women are still affected by unequal pay and opportunity in employment, as well as undervaluation of work performed traditionally by women. Women's disproportionate share of family care has reduced work force participation and interrupted progression, but today women are a growing work force. According to *Australian Women's Yearbook 1997*, women make up 43 per cent of the Australian work force. Women have become substantial contributors to the Australian economy and they continue to join the work force and seek employment in greater numbers than men.

But discrimination against women has a powerful presence. In many workplaces women continue to fight an uphill battle against the prevailing culture, which regards women who take time off for family responsibilities as people committing career suicide. Intolerance for people with family responsibilities exists and continues to breed among people of all ages, across all socioeconomic groups, and among different religions and cultures. It is entrenched within our society. It is even worse when it comes to women from non-English-speaking backgrounds and indigenous women. The lowest level of awareness of the issue seems to exist among their number. The legislation has limitations in addressing this concern.

Despite the anti-discrimination legislation, people—usually women—continue to be disadvantaged when attempting to balance work and family. However, due to the anti-discrimination framework, discrimination does take different, usually indirect, forms. The problem is that a discriminatory act under an award or agreement is something more than discriminatory language, which adds to the difficulty in identifying all forms of discrimination in awards and agreements, particularly indirect discrimination.

Both the Workplace Relations Act and the Sex Discrimination Act state that the fact that an act is done in direct compliance with an award or agreement does not in itself mean that the act is reasonable. The test is whether a provision in an award or agreement is likely to have a discriminatory effect, although it may not necessarily be defined as applying to a specific sex, group or person. It is disturbing that to date some employers have not got the message that discrimination avoidance is a factor that businesses must add to their daily operations, otherwise it will cost them. Therefore, anti-discrimination legislation cannot deliver complete equality because the old framework of inequality is still in place, and cultural support for it is pervasive.

Preventive education is necessary from school level. This message needs to be passed throughout our society: working in a non-discriminatory environment is not a privilege to be granted and taken away according to the political sentiments of the day; it is a basic right that inherently belongs to all people, including women. People have the right to work in an environment free from discrimination. They also have the right to balance work and family. People have a right to a diverse form of family, be it a single-parent family, a nuclear family or an extended family, and they have the right to preserve different family and cultural values. These should be recognised as fundamental principles.

An education campaign can be a very strong vehicle for publicising the rights and responsibilities of employees and their employers. To date, there is still a considerable lack of knowledge and understanding of the system of anti-discrimination laws in Australia, not just by employers but also by employees, some trade unions and community organisations. Hopefully, through civic education, we can work towards creating a workplace culture that is amenable to the diverse choices people make—a culture that is open to options, rather than quick to pass judgment based on stereotypical assumptions and personal characteristics.

Let us work together to get rid of discrimination in employment, not the employees with family responsibilities. It may not be directly relevant to this bill, but I draw the attention of the House to the fact that there might be conflicts between laws at Federal and State or Territory levels. This means that fulfilling obligations under State or Territory legislation does not automatically fulfil obligations under Federal legislation. A typical example would be the New South Wales Anti-Discrimination Act 1977. Section 25 (1A) of the Act includes an exception to allow an employer to discriminate against a woman on the day she applies for a position or on the date of interview. I expect that this bill will overcome that limitation, to ensure that an appropriate level of protection is provided for people with family responsibilities.

Finally, I shall say a few words about the submission made by the Catholic Commission for Employment Relations [CCER] and the Catholic Education Commission [CEC]. I could not agree with the arguments put forward in the submission. Carers' responsibilities are a matter for industrial law, and the bill does not recognise a same-sex relationship in the same way as a marriage. It lists same-sex relationships as one of a range of relationships that can exist in an immediate family, and provides for people in these relationships to receive protection from discrimination on the ground of their family responsibilities. I believe that there should be no exception for any person to discriminate against a person on the ground of family responsibilities. Therefore, I do not support the submission of the CEC and the CCER.

The Hon. JAN BURNSWOODS [9.03 p.m.]: I strongly support the Government's initiative in introducing the Anti-Discrimination Amendment (Carers' Responsibilities) Bill, the main purpose of which is to introduce a new ground of complaint into the Anti-Discrimination Act 1977 so as to prohibit discrimination in employment on the basis of an employee's caring responsibilities. The principal objective of the bill given by the Attorney General is to recognise the changing structure of work and family life and the growing number of men and women in the work force who are also the primary carers of children, adults with disabilities and other family members in need of care and support. That objective goes to the heart of what we are debating.

We need to recognise that changes in society have meant that within family groupings or other domestic groupings more and more people who are fulfilling the role of carer are not necessarily in the sorts of family relationships that existed in the past. Nevertheless, those carers are still predominantly women. Often, women find it difficult to exercise their rights as employees, for instance, in being able to take leave when necessary to exercise their responsibilities as carers, whether of an elderly parent, an unrelated person or sibling, a person with disabilities or, of course, children.

The bill will amend the Act in a variety of ways which I would have thought most honourable members would strongly support. It will make discrimination on the ground of carers' responsibilities unlawful and will define carers' responsibilities so that we know exactly what we are talking about. This bill specifically covers employment, not some of the other areas included in the Anti-Discrimination Act. I am interested in this bill because some of the issues it raises, particularly the need to look at what we mean by "carers" and the variety of caring relationships that exist today, were discussed at some length by the Standing Committee on Social Issues in preparing its report on its inquiry into de facto relationship legislation. That report entitled "Domestic Relationships Issues for Reform" was tabled at the end of last year and it will soon be debated in this House.

I am pleased that some of the issues raised in that report have been addressed by the Attorney and the Government in bills such as this. We are ensuring that our definitions of "relationships" and "carers" keep pace with the changes that are occurring so that we recognise those responsibilities and give people exercising them some equity, particularly in the work force. Like other honourable members who have spoken in this debate, I have received a communications from the Catholic Commission for Employment Relations, the Catholic Education Commission and the Independent Education Union. Some of the issues raised in those communications were briefly raised, although not as forcefully as perhaps in some of the material we have now received, in the inquiry conducted last year by the social issues committee.

The definition of "carer" and the way in which the term can be fitted into legislation such as the Property Relationships Act and the Anti-Discrimination Act is non-controversial, recognises a variety of relationships that exist today and certainly does not call into question the religious or moral values of the Catholic Church or any other religious group. This bill is a good step forward in extending the fairness of coverage to all employees, and should certainly be supported by this House.

The Hon. Dr A. CHESTERFIELD-EVANS [9.09 p.m.]: The Australian Democrats support the Anti-Discrimination Amendment (Carers' Responsibilities) Bill. However, I am a little disappointed that it was not introduced as industrial legislation. As the Catholic Church stated in its submission, a practical problem may arise if a person with a number of children needs to take a lot of time off work. No doubt the majority of people will do so because they believe that they need to care for their children or their partner. However, there may be circumstances in which the question of how much time they need to take off work is raised by an employer, who of course pays the bill for this. The employer may reasonably ask whether the amount of time taken off is reasonable. Some employers may be very tight-fisted and resent any time taken off work. Others may be extremely tolerant and, after a long period, may say, "This is as much as we can bear in terms of lost time."

It seems that the industrial courts are more practised at deciding such matters. It is their business to decide the rights and wrongs with regard to how much time people take off work for sickness, compensation and other matters. Perhaps the antidiscrimination courts are less familiar with this aspect of work and may not be as practised as the industrial courts in such matters. Of course, employers would be familiar with industrial awards and industrial courts but would be less familiar with antidiscrimination provisions, particularly with regard to carers' responsibilities. Of course, it is possible to learn any new legislation. Indeed, employers are obliged to keep up to date with legislation. However, it seems that the question of what is reasonable in an industrial context may be better dealt with by a court. Having said that, I believe the objective is worthy and we therefore support the bill.

The Government made an election commitment to amend the Act to make it unlawful to discriminate against workers on the basis of family responsibilities and to make discrimination on the grounds of carers' responsibilities unlawful. The bill defines "carers' responsibilities" to include responsibilities to provide care and support for immediate family members, and provides protection to workers who are carers or supporters of family members. The Australian Democrats support the amendment of the Anti-Discrimination Act, because it offers carers protection in the workplace. The groups to be most affected by the legislation include the elderly, people with disabilities, children, and people with HIV-AIDS.

Honourable members may recall the Health and Disabilities Summit, which was held by the Australian Democrats on 15 November last year. At the summit Joan Hughes delivered an enlightening paper on the issues and needs for families and carers of those with disabilities. Joan Hughes said that Carers New South Wales Inc. describe a carer as "someone who provides support (in an unpaid capacity) to relatives or friends who have a disability, a chronic illness, or are frail aged". Carers are spouses, daughters, sons, siblings, other relatives and friends. Carers provide approximately 74 per cent of all care needs in the community, with diverse and sometimes complex requirements, including health care, personal care, emotional support, housework, home maintenance, social and recreational stimulation, shopping, transportation and financial management.

Caring situations are complex and ambiguous and must be understood. Carers, along with the person requiring support, need to be adequately resourced. A comprehensive set of strategies is required to address the needs of carers and families. One thing that we know for certain about carers is that they are disadvantaged when compared with non-carers. This has been demonstrated repeatedly in various studies. The impact of caring has an effect on the social, emotional, financial and physical wellbeing of carers. On the whole, carers have worse physical and emotional health than non-carers. Carers also have lower incomes and fewer opportunities for social interaction, and they are less likely than non-carers to be in paid employment, as Schofield demonstrated in 1998.

Despite the workload and juggling of responsibilities of a large proportion of carers, many do not receive help from formal services. Even those who receive help often receive only a few hours of service. The Australian Bureau of Statistics [ABS] found that 51 per cent of primary carers received no help at all. Due to the reduced likelihood of their being in paid employment, carers have lower incomes than non-carers. The ABS has collected data on the income groupings into which carers fall. Comparing carers' and non-carers' incomes, we see the following pattern. Whereas 59 per cent of non-carers derive their principal source of income from wages, salary or personal business income, only 32 per cent of main carers and 49 per cent of other carers do so.

The 1999 study of the Carers' Association of Australia on carer health and wellbeing noted that a number of carers found their caring role satisfying and felt it had helped them to develop better personal qualities. More commonly, however, the negative effects of the role were mentioned. Because of this mixed nature of the caring role, it can have numerous social and emotional impacts upon the carer. An indication of why these effects may arise can be gleaned by looking at the reasons people take on the caring role. The Australian Bureau of Statistics 1998 survey of ageing, disability and carers revealed that to increase choice and participation in the home, work and community life, more options must be available to families, carers and people with disabilities.

In a sense, this legislation is an attempt to help carers by making the rest of society at least give them some acknowledgement and not discriminate against them for the work they are doing. Clearly, if carers are not able to carry out their caring role, this puts an immense extra burden on society as a whole. In a sense, they have privatised the welfare function because of their love for the persons they care for. The bill provides a pragmatic and flexible arrangement. To replace the role of the carer would be immensely expensive. Everyone knows that it is extraordinarily expensive to impose the normal eight-hour day on a person who works intermittently for 24 hours, as it requires about four salaries per day for 24-hour care. The carer offsets these costs by his or her actions. In a sense, the least society can ask is that society helps in this situation. In this case employers are being asked to provide some support, which of course is more flexible than some sort of welfare payment, in terms of the amount of society's resources devoted to the issue.

This legislation helps to ease the burden on carers, and that is why we support it. However, it goes further than simply adding a level of support. It also prohibits discrimination for any caring responsibility. In some situations it is very difficult for carers to get away from their jobs. I can say with pride that I am the only crossbench member who did not miss a division during the last session of Parliament. Whenever my little boy was sick my wife took time off from her work so that he was cared for. Unfortunately, despite the efforts of some of us, this Parliament does not have a childcare facility. Many childcare centres simply say that if a child is sick he or she cannot attend anyway, so there is still a random distribution of caring responsibilities that needs to be catered for even in the best-managed situations. It is extremely important that employers are able to respond to that need, and this bill addresses that issue.

Other people structure their entire employment so that they can continue their commitments with regard to family caring responsibilities. Many women work part time because they are caring for children; they are the primary carers of the children in society as we structured it. I do not say that that is right; I simply say that that is the current situation in our society. Certainly that is what my wife does for me, and I am grateful for that. Caring for people with more serious illnesses—such as mental illness, HIV-AIDS, and so on—often becomes a full-time job. It is therefore necessary that there be family-friendly workplaces.

Carers contribute a huge amount to the economy, but they receive little in financial reward. Nationally, carers contribute an estimated $16 billion to the economy in unpaid labour and savings in nursing home and institutionalised care. Australia's carers are among the poorest, most disadvantaged and least supported members of the community. One cannot understand the realities of being a carer unless one has been a carer. Carers certainly do not receive much publicity for their cause or understanding of their situation.

The Christian Democratic Party through Reverend the Hon. F. J. Nile has foreshadowed two amendments. Initially I was shocked by the assertion made by the Catholic church because I believe that support

for carers reflects a very Christian attitude. However, I agree that provisions designed to protect carers should be contained in industrial legislation rather than in anti-discrimination legislation and I take that point on board. I was disappointed that the definition of same-sex partners appears to be a problem. The achievement of recognition of the status of same-sex couples was a long and involved process. The Government was lobbied intensely. Legislative reform was commenced by my predecessor, the Hon. Elisabeth Kirkby, who introduced a private member's bill, the De Facto Relationships Amendment Bill, on 24 June 1998.

Despite election promises, the Government was reluctant to pass that bill. After the following State election, the Government introduced similar legislation, the Property (Relationships) Amendment Bill. The Australian Democrats believe it is important to maintain support for relationships because they are the glue that holds society together and are tested most when one party to the relationship needs to be cared for. I am pleased that the Government has introduced legislation to reinforce a sense of fairness and justice which should apply to any relationship that is meaningful and important between individuals. Obviously, individuals of the same sex in a caring relationship should have the same rights as heterosexual partners. I support this overdue legislation but certainly do not want it to undermine any of the same-sex rights that at last have been achieved in New South Wales.

Reverend the Hon. F. J. NILE [9.22 p.m.]: The Christian Democratic Party has a number of concerns in relation to the Anti-Discrimination (Carers' Responsibilities) Bill. The Government, as usual, has supplied a briefing paper which states that the main purpose of the bill is to introduce a new ground of complaint under the Anti-Discrimination Act 1977 which prohibits discrimination in employment on the basis of an employee's carer responsibilities. A number of honourable members who preceded me in this debate have asserted that this bill provides a right of protection for carers, but it does nothing of the sort. The only way that carers can be protected is by industrial legislation. This bill merely provides a ground for complaint.

If a company refuses to allow an employee to take leave to care for someone who is ill or if the employee is sacked or demoted, the employee can make a complaint to the Anti-Discrimination Board. This legislation works only on the basis of the carer undertaking a process of complaint. I support the submission made by two Catholic organisations that have a large number of employees, namely, the Catholic Commission for Employment Relations and the Catholic Education Commission of New South Wales, which obviously have a great deal of experience in this area. Those organisations have made a very strong point. Some honourable members are under the impression that this legislation gives carers a right, but it does not. Carers will be entitled to make a complaint to the Anti-Discrimination Board but it will be up to that tribunal whether it accepts the complaint. The carer may or may not win the case. That is the way the anti-discrimination process works.

The bill is designed to protect people to whom various categories apply, such as marital status, but the individual has to make the process of redress work by lodging a formal complaint with the Anti-Discrimination Board. I suggest it would be a brave employee who takes such a matter to the Anti-Discrimination Board. Even if some form of discrimination or obstruction can be proved, at a later date the implications of having made a complaint may become serious. For example, such a person's name is unlikely to be placed on their employer's list of people who have the potential to be promoted to high positions. Indirect discrimination, which would be very difficult to prove before an anti-discrimination tribunal, may work against the interests of that person, and instances of adverse effects are quite well known. Companies can be very clever in establishing grounds for not promoting someone.

A company need only carry out a reorganisation to make positions disappear, and governments take similar action. When people cause governments heartache, the person concerned is not sacked but a reorganisation is carried out and their position is dissolved. A federal judge involved in some controversial issues experienced that type of conduct. I appreciate that it is difficult for the Government to deal with amendments when the legislation has reached the second reading stage. I take some responsibility for making these points somewhat late in the legislative process but point out that I am not an expert in industrial relations. Perhaps honourable members who have expertise in that area should have raised the issue with the Government. Government members who are experts in union affairs should have raised the matter in caucus or in Cabinet to advise on the best way to proceed in providing carers with protection.

It is apparent that this legislation does not represent the best way in which to proceed. The bill will amend the Act to make it unlawful to discriminate on the ground of a carer's responsibilities. It will define a carer's responsibility to include responsibility for providing care and support for immediate family members, and that new ground will apply in the area of employment. The briefing paper provided by the Government states that the new ground will cover all employees who are currently covered by other grounds of

discrimination under the Act, but the bill will not extend to small employers that have five employees or fewer except in relation to the grounds of race and sexual harassment. The provisions will apply to employees in government and non-government education sectors.

The bill gives effect to the Government's 1999 election commitment to amend the Anti-Discrimination Act to make it unlawful to discriminate on the basis of family responsibilities. The Government's 1999 law reform policy states that the bill will provide protection for many carers who are unfairly treated in the workplace—particularly women—when they try to balance work and family commitments. According to the Government, the proposed amendments also give effect to the recommendations of the New South Wales Law Reform Commission's December 1999 report on the Anti-Discrimination Act.

I assume that the Government briefing paper distributed to honourable members is similar to the one given to Government members in caucus, albeit that it contains less detail. I am concerned that there is no mention of the change of definition applying to the role of a spouse. I acknowledge that the concept of extending the definition of "spouse" was first introduced when this House debated the Property (Relationships) Bill. Honourable members will recall that when that bill was debated, the terminology concerning a spouse was not contained in the bill. The Property (Relationships) Bill was distributed to churches and other groups who responded on the basis of the contents of the bill. During the debate, the Attorney General introduced 18 amendments, one of which introduced the definition of "spouse" to include a person in a same-sex relationship.

It is interesting that the definition applies in this bill and that it is not mentioned in the briefing paper at all. I wonder how many members of the Government know that this bill changes the definition of "spouse" from its historic and traditional meaning. A spouse is usually a bride or bridegroom and the term cannot apply to two females or to two males. A bride and a bridegroom cannot be constituted by two males or two females. The other point I make is that my concerns are not in any way directed at preventing carers from receiving protection, particularly those who have family responsibilities. I strongly support provisions that will have that effect. I reiterate, however, that the provisions would have had stronger effect if they had been contained in industrial relations legislation instead of anti-discrimination legislation. The anti-discrimination legislation only gives grounds to make a complaint and then a whole lot of red tape is involved, whereas the industrial relations legislation is law with which employers have to abide.

The Hon. Helen Sham-Ho: This is law too.

Reverend the Hon. F. J. NILE: No, this legislation gives the right only to a carer who is discriminated against to make a complaint to the Anti-Discrimination Board and one hopes that the board will uphold it. It does not give that right to everybody. The employee will probably be discriminated against by the employer in the long term as a result of having created problems for the employer. I have distributed a number of amendments in an endeavour to take up some strong points made in the submission from the Catholic Commission for Employment Relations [CCER] and the Catholic Education Commission of New South Wales [CEC]. They state:

> … on behalf of the Bishops of NSW, represent the interests of Catholic employers across the area of education, health, social welfare and other services, comprising a total of over 40,000 employees in NSW. The NSW Government's intention to extend carers' leave by statutory provision is fully supported by CCER and CEC.

The Christian Democratic Party supports the objective but not the way in which it is being done. They continue:

> We believe, however, that the present method of dealing with this important policy issue is inadequate because (1) the wrong legislation is being amended, and (2) the proposed amendments involve an unacceptable definition of both "spouse" and "de facto" relationship which have the effect of redefining marriage in NSW. This redefinition is a matter of significant concern to the Catholic community of NSW since it conflicts with its religious teaching, and is arguably a threat to religious liberty.

That concern is expressed by letters I have from the Presbyterian Church of New South Wales, the Anglican Church in Sydney and the Synod. I recognise that the Catholic commissions are far more professional in the area of employment and have more expertise, perhaps more than any other Christian or voluntary group—for example, the boys scouts—in New South Wales because of their large number of employees, 40,000. Other groups would not be as skilled in industrial relations. The CCER and the CEC continue:

> **1. Why the wrong legislation is being amended**
>
> - As recognised by industrial law, context is fundamental to any legal obligation or benefit related to employment. That is why provisions for leave, such as maternity leave, are normally accommodated in relevant industrial legislation and/or Awards/Enterprise Agreements. By contrast, the application of the *Anti-Discrimination Act 1977* is universal, irrespective of contexts, rights and obligations.

- The commitment of Catholic employers in NSW to support employees in balancing work and family responsibilities has been demonstrated by their initiative in 1998, through the *Industrial Relations Commission*, in including carers' responsibilities provisions in all relevant awards.

The 40,000 employees of Catholic organisations by their own initiative already have carers' responsibility rights in a far stronger way—that is, in the industrial awards—than the bill before the House. Every Labor member of Parliament would say that is the place to have the strongest power and where it should be rather than in an Anti-Discrimination Act. The Catholic organisations also state:

2. Why the redefinition of "spouse" is unacceptable to the Catholic committee

- Section **49 S(3)** of the *Bill* defines "de facto relationship" and "spouse" to include same-sex couples by citing their meaning from the *Property Relationship Act 1984* which was amended in 1999 specifically to include such a definition, and which was contested at the time.

It should be borne in mind that it was only by amendments introduced very late in that debate which had not been distributed in the community and provided for comment. It may sound cruel, but it was an ambush. The organisations continue:

- Together these definitions have the effect of redefining marriage in NSW, which is inappropriate for State law (marriage being an exclusive Commonwealth responsibility). If the Government wishes to promote the redefinition of marriage it should do so directly, not indirectly by extending the application of a particular definition in a particular law.

The alternative options are then indicated because, as I have said, neither the Catholic Church bodies nor the Christian Democratic Party are against providing for carers' leave. As the organisations state, we would prefer it to be done by:

(a) Amend sections 55 and 56 of the *Industrial Relations Act*, specifically to include provision for "Carers Leave".

(b) If that is deemed to be impossible, then, in order to avoid any prejudice to religious liberty, the parliament should insert a further amendment **(49V A)** into the current *Bill* as follows:

> It is not unlawful under this part for a body established to propagate religion (including a school registered under the Education Act, 1990) to discriminate on the ground of carers responsibilities if such discrimination conforms to the doctrines of that religion or is necessary to avoid injury to the religious susceptibilities of the adherents of that religion.

That is the basic concern of the CCER and CEC and the concern of the Christian Democratic Party. I do not wish to delay the debate on the bill. I understand that we will vote on the second reading and that the Committee stage will be held over to allow time to consider the amendments and other matters. I seek leave to incorporate the submission to the Legislative Council on the Anti-Discrimination (Carers' Responsibility) Bill 2000 by the Catholic Commission for Employment Relations and the Catholic Education Commission of New South Wales in *Hansard.*

Leave granted.

———

Catholic Commission for Employment Relations/
Catholic Education Commission, NSW

SUBMISSION TO NSW LEGISLATIVE COUNCIL
ON THE
THE ANTI-DISCRIMINATION (CARERS' RESPONSIBILITIES) BILL 2000

(A) INTRODUCTION AND BACKGROUND

1. *The Anti-Discrimination (Carers' Responsibilities) Bill 2000* was introduced on 3 May 2000. If enacted it has the potential to affect significantly, and adversely, the moral environment within which Catholic agencies operate in the education, health and welfare sectors. On behalf of Catholic agencies in those sectors, we wish to draw the following matters to the attention of members of the Legislative Council. We are also sending copies of this document to the Premier, the Attorney-General, and the relevant Ministers (Health, Education and Community Services) as well as the Leader of the Opposition and Shadow Ministers.

2. At this stage in the legislative process Catholic agencies, on behalf of the NSW Catholic Bishops Conference, wish to bring to your attention a range of serious reservations which they hold with respect to the proposed *Bill*, though **not** in relation to its principal objective being, as the Attorney-General has noted:

> *"the* [recognition of] *the changing structure of work and family life, and the growing number of women and men in the workforce who are also the primary carers of children, adults with disabilities, or other family members in need of care and support".*

3. Questions related to the changing structure of "family life", particularly the definition of marriage, raise fundamental matters of religious belief for Catholics, as well as for other religious traditions.

4. Catholic agencies, on behalf of the NSW Catholic Bishops Conference, have provided comment to the NSW Law Reform Commission, as well as to successive Attorneys-General, highlighting the need for anti-discrimination law to accommodate freedom of religion, (cf *NSW Law Reform Commission Report 92, Review of the NSW Anti-Discrimination Act, 1977* at pages 116, 154, 156, 159, 181 and pages 282 to 287).

5. During April and May 2000 the Office of the Attorney-General was advised by CCER/CEC that any legislation arising from Law Reform Commission *Report 92*, including legislation in relation to Carers' Responsibilities, must address questions relating to religious liberty. The point was made that this is particularly so when such legislation deals directly, or incidentally, with the definition of marriage and family.

6. As a matter of principle, Catholic agencies believe that matters pertaining to employee benefits are more appropriately dealt with under industrial relations law than through anti-discrimination law.

(B) CATHOLIC AGENCIES AS EMPLOYERS

7. Catholic employers in NSW engage some 40,000 workers, largely under State Awards or recognised Enterprise Agreements, in order to both further the universal mission of the Church and meet the educational, health and welfare needs of those citizens of NSW who wish to access Church provided services. The services of Catholic agencies are particularly, but not exclusively, directed at meeting the needs of members of the Catholic Church; in addition to persons in need who seek or require the support of Catholic agencies. In this way Catholic agencies function as part of the mission of the Church.

8. In respect of those persons who work for Catholic Agencies, the Church strives, within the resources reasonably available to it, to recognise, protect and enhance workers rights. In the Catholic view employment is a moral undertaking reflective of a range of rights and obligations.

9. In summary, the Church holds the view that employee benefits should guarantee the opportunity to provide a dignified livelihood for workers and their families *"on the material, social, cultural, and spiritual level, taking into account the role and the productivity of each, the state of the business, and the common good"* (Catechism of the Catholic Church, 2434)

(C) CARERS' LEAVE AS AN AGREED SOCIAL OBJECTIVE

10. Catholic church authorities in NSW agree in principle with the Attorney-General's objective, as expressed in his second reading speech in support of the *Anti-Discrimination Amendment (Carers' Responsibilities) Bill 2000*, that:

> "*protection* [should be provided] *for the many carers who are unfairly treated in the workplace when they try to balance work and family commitments."*

11. Catholic employers already recognise the need for their employees to care for family members, and others, through a range of family leave provisions. These provisions have been arrived at, since 1998, through established NSW *Industrial Relations Commission* mechanisms and are cited in the attached advice.

(D) PROVIDING AN ENFORCEABLE RIGHT TO CARERS' LEAVE

12. It is recognised that a range of employees and contract workers in NSW do not enjoy conditions or protections similar to those approved by the *Industrial Relations Commission* for Catholic employers. Consequently it is acknowledged that action is required if the provisions of *International Labour Organisation Convention No. 156—Workers with Family Responsibilities*, are to be given general effect in NSW.

13. Catholic agencies do not agree, however, that this objective is best met through amendments to the NSW *Anti-Discrimination Act, 1977*.

14. Instead, Catholic agencies believe that the obligation of employers and contractors to address Carers' Responsibilities in the workplace should properly be advanced through industrial law and not anti-discrimination law. Specifically, the *NSW Industrial Relations Act* should be amended so as to provide that all those employed or contracted to undertake work in NSW would be entitled to certain minimum statutory carers' leave entitlements *in the absence* of entitlements provided pursuant to any recognised award or like instrument.

15. Specifically Part 4 of the *NSW Industrial Relations Act, 1996* "Parental Leave" should be amended. Section 55 of the *Industrial Relations Act* should be amended so as to cite "Carers' Leave" in addition to "Maternity Leave", "Paternity Leave", and "Adoption Leave". Also the existing Section 56 ("This Part provides minimum entitlements") should be retained and specifically applied to the new category of "Carers' Leave" (cf. para. 24 below).

(E) REASONS FOR PROCEEDING UNDER INDUSTRIAL LAW

16. Industrial law, rather than anti-discrimination law, provides the proper basis upon which to construct remedies in respect of workplace obligations because:

    i) Workplaces involve the intersection of a range of contexts, rights and obligations; including those of employers, employees and the State.

    ii) Anti-discrimination law is obliged by its nature to recognise universal norms which should be true irrespective of context.

17. Industrial law has the capacity to generate remedies which are context specific. This flexibility is critically important in relation to Carers' Responsibilities where, as the Attorney-General's second reading speech highlights, industrial issues and fundamental social norms, such as the definition of family, intersect. Thus the Attorney-General Says:

> *The Bill defines responsibilities as a carer to cover the variety of family and caring relationships which exist in our community, including spouses and de facto spouses, children and stepchildren, grandchildren, parents and grandparents.*

18. As all members of Parliament will understand, by virtue of clause 49S(3) the *Bill* also seeks to recognise families based on same sex partnerships, thereby providing the term "spouse" (i.e. one or other partner to a marriage) with a meaning incompatible with the understanding of marriage within the Christian tradition, and specifically as a sacrament of the Catholic church. Members of the Legislative Council will recall that this issue was canvassed by both Church agencies and Parliament at the time of the passage of the *Property (Relationships) Legislation Amendment Bill, 1999* (Refer *Legislative Council Hansard* for 25/5/99 and 26/5/99).

19. For Catholic agencies the family is defined at paragraphs 2201 to 2213 of the *Catechism of the Catholic Church*, particularly at Paragraph 2202:

> **2202** *A man and a woman united in marriage, together with their children, form a family. This institution is prior to any recognition by public authority, which has an obligation to recognise it. It should be considered the normal reference point by which the different forms of family relationship are to be evaluated.*

20. Recurring statutory amendments which are being presented to State Parliament to effectively change the meaning of marriage are arguably inconsistent with Section 46 of the *Commonwealth Marriage Act, 1961,* and Section 43 of the *Commonwealth Family Law Act, 1975*. To the extent of this inconsistency, such State based attempts to alter the long standing statutory and judicial definition of marriage would arguably be invalid by operation of Section 109 of the *Commonwealth Constitution.*

(F) MAINTAINING RELIGIOUS LIBERTY

21. The provision of services by church agencies and particularly the provision of schooling raises issues relating to:

(a) the moral education of children
(b) the rights of parents to have their children educated in accordance with their religious beliefs
(c) principles of religious liberty

Accordingly, any provision of New South Wales anti-discrimination law which would force Catholic, or other religious, agencies to alter, or deny, their understanding of marriage and family would itself constitute an act of religious discrimination adverse to accepted international norms of freedom of religion.

22. Freedom of religion as a universal norm of anti-discrimination law is recognised in the *Universal Declaration of Human Rights.* Moreover, the *UN Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief* recognises, at Article 5, the right of parents to impart their religion or belief to their children, including through education. Pursuant to Section 51 of the *Commonwealth Constitution* the UN's "Religion Declaration" was recognised by the previous Labor Commonwealth Government as an international instrument for the purposes of the Commonwealth *Human Rights and Equal Opportunity Commission Act, 1986*.

23. Australian law explicitly recognises the significance of religious belief and practice (see Section 116, *Commonwealth Constitution*). It also accords protection, at a State and Federal level, to parents, who wish to educate their children in accordance with their moral and religious convictions (*e.g. Sex Discrimination Act* (1984) (Cth) s.38). In the Catholic tradition, this extends to issues such as Church teaching in relation to marriage, family and sexual morality.

(G) LEGISLATIVE ACTION

24. The NSW Legislative Council is asked to consider the conflict of rights which will result if anti-discrimination law is utilised as the means of recognising Carers' Responsibilities, with the consequence of bringing international norms of labour law into conflict with international norms of religious liberty. In order to avoid such conflict, Catholic agencies strongly recommend that the *Anti-Discrimination Amendment (Carers' Responsibilities) Bill 2000* be withdrawn. Following this, Carers' Responsibilities issues could be addressed by the development of targeted amendments to the *Industrial Relations Act*. Catholic agencies would be most willing to work with Government and Parliament, as well as other religious bodies, to help draft necessary amendments.

25. Failing this action, Catholic agencies require assurances that any incorporation of Carers' Responsibilities provisions into the *Anti-Discrimination Act* will not prejudice religious liberty. Consequently if the *Anti-Discrimination Act* is amended in the manner proposed by the Attorney-General then Parliament should affirm the importance of freedom of religion by inserting into the *Bill* the following reassurance clause (49V A):

> *It is not unlawful under this part for a body established to propagate religion (including a school registered under the Education Act, 1990) to discriminate on the ground of carers' responsibilities if such discrimination conforms to the doctrines of that religion or is necessary to avoid injury to the religious susceptibilities of the adherents of that religion.*

(H) FURTHER CONSULTATION

26. Catholic agencies remain ready to consult with Government and Parliament on the recognition of Carers' Responsibilities under NSW Law. In addition the Catholic Agencies are anxious that no amendments to the *NSW Anti-Discrimination Act, 1977* which may impact upon religious freedom should proceed without prior and direct consultations with the various churches ad other faith traditions represented in NSW.

CARER'S AWARD PROVISIONS

In 1998 CCER, in accordance with the policies laid down by the Catholic Bishops of NSW/ACT participated in the Personal/Carer's Leave Test Case before the Full Bench of the Industrial Relations Commission of NSW (IRC) being IR 2 of 1996.

In those proceedings CCER sough orders on behalf of Catholic Employers in NSW in respect of Personal/Carer's Leave in a number of NSW awards.

These orders were consented to or not opposed by other industrial parties.

CCER sought a variation from the standard Personal/Carer's Leave clause being considered by the Full Bench with respect to the definition of 'family'.

The variation sought by CCER did not refer to de facto and same sex partnerships in the Standard Personal/Carer's Leave Clause definition of 'family'. As a result a "Catholic Personal/Carer's Leave" clause was inserted into a number of awards.

These definitions in the Catholic Personal/Carer's Leave clause are consistent with the teachings of the Catholic Church. The Catholic Personal/Carer's Leave clause is an application of such teaching by Catholic employers.

CCER sought exemption for various education awards namely:

a) School Support Staff (Catholic Schools) (State) Award
b) Teachers (Catholic Early Childhood Service Centres and Pre-schools) (State) Award
c) Teachers Non-Government Schools (State) Award
d) Advisers (Catholic Education Offices) Archdiocese of Sydney, Dioceses of Broken Bay and Parramatta (State) Award
e) Principals (Catholic Systemic Schools) (State) Award
f) Teachers (Archdiocese of Sydney and Dioceses of Broken Bay and Parramatta) (State) Award
g) Teachers (Catholic Systemic Schools) (State) Award Dioceses of Maitland-Newcastle and Wollongong
h) Principals (Catholic Systemic Schools) (State) Award Dioceses of Maitland-Newcastle and Wollongong
i) Teachers (Catholic Independent Schools) (State) Award
j) School Support Staff (Archdiocese of Sydney and Dioceses of Broken Bay and Parramatta) (State) Award
k) School Support Staff (Catholic Independent Schools) (State) Award
l) Miscellaneous Workers (Independent Schools and Colleges) (State) Award
m) Nurses Non-Government (State) Award
n) Miscellaneous Workers Kindergarten and Child Care Centres Family Leave (Catholic Kindergartens) Child Care Centres and Other Independent Schools (State) Award

CCER also sought exemption from the Standard Personal/Carer's Leave Clause for awards applying to certain non-education workplaces. In doing so, CCER relied on s.56 (d) of the Anti-Discrimination Act 1977 (NSW) (ADA).

The IRC found that the Catholic Personal/Carer's Leave clause was relevant to "non-education awards" for Catholic Employers who are bodies established to propagate religion in terms of s.56 (d) of the ADA.

The "non education" awards considered in the Personal Carer's Leave Case were the following:

(a) Charitable Institutions (Professional Staff Social Workers) Award
(b) Charitable Institutions (Professional Paramedical Staff) Award
(c) Social & Community Services Employees (State) Award
(d) Miscellaneous Gardeners &c (State) Award
(e) Miscellaneous Workers General Services (State) Award
(f) Catholic Press Newspaper Company Pty Ltd (State) Award 1995.

More recently, CCER has made application to the IRC for the extension of the Test Case principles to a further set of awards not considered in the original Test Case. These proceedings are IRC 5380 of 1999 and are set down for hearing by the IRC later this year.

These awards are:

(a) Nursing Homes, Nurses &c (State) Award
(b) Nurses Other than in Hospitals (State) Award
(c) Private Hotels, Motels and Guest Houses (State) Award
(d) Charitable Aged and Disability Care Services (State) Award
(e) Miscellaneous Workers Home Care Industry (State) Award
(f) Transport Industry Mixed Enterprises (State) Award
(g) Cemetery, Crematoria Employees (State) Award

Reverend the Hon. F. J. NILE: If honourable members refer to *Hansard* of 26 May 1999 they can read my arguments in relation to the use—or misuse—of the word "spouse" in the Property Relations Amendment Bill, which has slipped into the bill now before the House. Reverend Peter Moore of the Presbyterian Church indicated his concern in a letter dated 17 May, in which he stated:

> I am the convener of the Presbyterian Church of Australia in New South Wales Church and Nation Committee and we are opposed to the proposed amendments to the Carers Legislation and to the proposed changes to the definition of "spouse" generally. I hope that the reasons set forth in the attached submission are helpful.

I seek leave to incorporate that two-page letter in *Hansard.*

Leave granted.

Presbyterian Church of Australia
General Assembly of New South Wales
Church and Nation Committee

Convener:
Peter Moore
28 Caltowie Place,
COFFS HARBOUR 2450

Monday March 13, 2000

Executive Director
New South Wales Law Reform Commission
GPO Box 5199
SYDNEY 1044

Dear Sir,

Inquiry into Property (Relationships) Act 1984

I refer to your letter of 2 March inviting submissions to this enquiry.

On behalf of the Executive of the Presbyterian Church of Australia in New South Wales Church and Nation Committee I make the following Submission pertaining to the 1999 amendments referred to in the Commission's terms of reference.

1. Prior to the enactment of the amendments, there was certainty and security in relation to the legal rights and obligations of persons who had entered a marriage. This has always been foundational to the concept of marriage in our culture and tradition.

    a. Marriages are entered into intentionally, and it well known that certain legal rights and obligations flow from a wedding.

    b. Those rights and obligations continued until death or decree absolute ended the relationship.

2. Now the whole legal approach to marriage relationships has been fundamentally altered. In particular, under a new definition of "spouse" inserted by the Amendment Act into numerous New South Wales statutes, a married person's rights are now neither secure nor certain.

    a. The new definition of "spouse" inserted in a number of New South Wales Acts is as follows:

        "**spouse** means:

        a) a husband or wife, or

        b) the other party to a de facto relationship within the meaning of the *Property (Relationships) Act 1984,*

        but where more than one person would so qualify as a spouse, means only the last person so to qualify".

    b. The difficulty with this definition is that, where a person has both a marriage partner (husband or wife) and a later *de facto* partner, this definition provides that the legally defined spouse is the later *de facto* partner.

    c. Consider the (not so fictional) example of Frank, Debbie and Chris.

        "Frank and Debbie are married and live together as husband and wife for thirty five years. Near the end of this period, Frank is forced to take employment in a nearby city. A decision is made that Frank will board Mondays to Thursdays near his new job, returning home to Debbie for weekends.

        Frank commences to board with Chris on weeknights, and as planned, returns to Debbie for weekends. After three years of commuting in this way, Frank dies at work without a will.

Chris then alleges that, during the course of the first three months that Frank boarded with Chris, Frank and Chris began to have a sexual relationship. Even though Frank was still married to Debbie (and returned to Debbie on weekends) Chris alleges that Frank and Chris expressed commitment to one another. They talked about buying a home together.

Under the amendments, Debbie does not have those rights—even though Debbie and Frank maintained a happy marriage relationship with no separation or divorce! Chris would enjoy all the rights as the more recent "spouse"."

d. In our submission, it has always been fundamental to the concept of marriage and part of the genius of the marriage institution that rights are created by a marriage, and continue until there has been a divorce. The whole point of a wedding is to create rights and duties, and the whole point of a divorce is to bring those to a definite end. However under the new definition of "spouse" the certainties and security of the marriage institution have been seriously compromised.

e. Consider the case of bigamy under New South Wales law. Bigamy is an offence, and under the Commonwealth Marriage Act, a second marriage is not effective and supposedly does not strip the first spouse of his or her rights. This reflects society's appreciation that the security of married persons must be protected. However under the new definition of "spouse" referred to above not only is a second ("bigamous") union accepted—the second "spouse" is preferred to the "first". Now in New South Wales, a subsequent *de facto* relationship (or perhaps even marriage *following the forms of marriage de jure*[1]) strips the first marriage partner of their rights under numerous Acts even though there may have been *no necessary intention by any party to do so.*

f. By way of illustrating the widely recognised need for legal security for married persons, consider the case of Polygamy in other legal jurisdictions. In those countries that permit polygamy, the first spouse has always enjoyed certain privileges as the first wife. These cannot be taken away by a subsequent polygamous union. This reflects the need to give legal security to married persons. How bizarre it is then that in New South Wales, the rights of a first spouse are entirely abrogated by the existence of a second spouse.

3. In my humble submission, the essential difficulty with the new definition of "spouse" is that, in order to give *de facto* some of the rights and security of married persons, Parliament has enacted a definition of "spouse" which in fact takes rights and security away from married persons. This is extremely unhelpful, and particularly in the light of the fact that large number of *de facto* partners opt for *de facto* relationship *because they do not want to have those rights or security*.

Yours faithfully,

Presbyterian Church of Australia in New South Wales Church and Nation Committee

Rev. Peter Charles Moore LL.B.B. Th. Dip Arts(Th.) Convenor

[1] It is not clear to the writer, under the new definition of "spouse", what happens if there is a second marriage that *purports* to comply with the Marriage Act—that is, a bigamous marriage in the old sense of the word. It may be that the second spouse does not qualify as a second spouse under the new definition in New South Wales, because bigamous unions are invalid under Commonwealth Law. If that is so, we are left with the strange irony that a second spouse is the "legal" spouse (under the new New South Wales definition of spouse) if the relationship is *de facto* but not if it is (a bigamous) *marriage de jure!*

_____

Reverend the Hon. F. J. NILE: A number of other organisations attended a meeting convened by the Catholic Commission for Employment Relations on Monday 3 April 2000 and expressed concern about this legislation. I seek leave to incorporate a list of them in *Hansard*.

Leave granted.

_____

Wesley Mission, Sydney
Coptic Orthodox Education Board
Christian Community Schools Limited
Anglican Church Diocese of Sydney, Sydney Diocesan Secretariat
Anglican Education Commission
Catholic Education Commission of New South Wales
Catholic Commission for Employment Relations
Baptist Churches of New South Wales and Australian Capital Territory
Seventh Day Adventist Church, South Pacific Region
Eparchy of St. Michael Archangel of Sydney for Melkite Greek Catholics
Russian Orthodox Church Outside Russia
New South Wales Jewish Board of Deputies
New South Wales Parents' Council
Australian Catholic Bishops' Conference
Catholic Immigration Committee, Sydney
Presbyterian Church
Christian Parent-Controlled Schools
Covenant Christian School
Greek Orthodox Welfare Centre
Australian Parents' Council
Association of Independent Schools
Greek Orthodox Welfare Centre

_____

Reverend the Hon. F. J. NILE: I have received a detailed submission from the Anglican Church Diocese of Sydney.

The Hon. Jan Burnswoods: You are not going to seek to incorporate that, are you?

Reverend the Hon. F. J. NILE: No. The submission indicates that organisation's concerns about a number of matters.

The Hon. Jan Burnswoods: You are loading a lot of work on Hansard.

Reverend the Hon. F. J. NILE: For the benefit of the Hon. Jan Burnswoods, most of the material in this document refers to another proposition, the amendment of the Anti-Discrimination Act to include the word "religion".

The Hon. Jan Burnswoods: We had this debate last year and in committee.

Reverend the Hon. F. J. NILE: I am just saying that this particular submission will be relevant to a future debate rather than the present debate, so I will not seek to incorporate it.

The Hon. Jan Burnswoods: We are very relieved!

Reverend the Hon. F. J. NILE: If you are patient you will find that I am a very reasonable person. I appreciate that the Government has allowed honourable members time to consider the amendments. I understand that the Opposition in particular wants time to consider the amendments and other matters in a shadow Cabinet meeting, which will not be held until next Tuesday. Does that fit in with the Minister's arrangements?

The Hon. J. W. Shaw: It might have to have a special meeting. I would prefer to bring on the Committee stage tomorrow.

Reverend the Hon. F. J. NILE: The Minister might advise the Opposition of that. We agree in principle that carers should have legal protection, but we would rather that that protection be afforded by way of industrial legislation. We are concerned also about the definition of "spouse". We will discuss those matters at the Committee stage.

The Hon. J. W. SHAW (Attorney General, and Minister for Industrial Relations) [9.42 p.m.], in reply: I thank honourable members for their contributions to the debate. One argument raised is that the question of family or carers' rights and responsibilities ought to be in industrial relations legislation. That seems to me to be an argument based more on form than on substance. It is true that State awards often deal with family responsibilities of workers and that many employers, including for example church education authorities and retailers, have agreed to provisions that protect the rights of workers with family responsibilities.

But anti-discrimination law extends more widely than the industrial regulation of employment by awards. It covers, for example, many workers outside traditional employment relationships, such as contractors. Also, many workers are employed under Federal awards or Australian workplace agreements, where the protections afforded by State awards may be absent. Finally, the Anti-Discrimination Act provides to workers remedies that are not generally available under awards. If a complaint is upheld, the complainant may be entitled to compensation in consideration of the hardship caused by the discriminatory conduct. The bill provides a broad umbrella for the protection of all workers, irrespective of their particular terms and conditions of employment.

The Hon. Helen Sham-Ho was concerned about the definition in section 49S (3) (b), and in particular suggested that the degree of the relationship may be too remote. In response to those concerns, it should be noted that the complainant would be required to establish a genuine caring relationship in order to found a complaint under the Act. Finally, there is of course a debate, which this House is familiar with, about the extent of a non-discriminatory definition of "carers" in a relationship. This House has already debated that issue in respect of the property relationships Act, and it did so in a bipartisan and commendably constructive and co-operative way, with some dissent from the crossbenchers. But, once we have set the precedent that we ought to approach relationships in a non-discriminatory manner, putting aside the question of marriage, which of course is governed by the Federal constitutional law—

Reverend the Hon. F. J. Nile: Then don't use the word "spouse"; use the word "partner".

The Hon. J. W. SHAW: Again, we are coming down to terminology. I remember debating this matter with Reverend the Hon. F. J. Nile some time ago—it seems a long time ago, but it was last year, I think. We have debated this and the House made a bipartisan decision that we ought to define relationships for the purposes of property—or, I would add, discrimination—n a way that is non-discriminatory and does not prejudice relationships other than those that some in this Chamber might describe as orthodox or traditional. I commend the bill to the House. I am content for the Committee stage to be deferred until tomorrow.

Motion agreed to.

Bill read a second time.

PROTECTION OF THE ENVIRONMENT OPERATIONS AMENDMENT (LITTERING) BILL

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

ADJOURNMENT

The Hon. J. W. SHAW (Attorney General, and Minister for Industrial Relations) [9.47 p.m.]: I move:

That this House do now adjourn.

BURRENDONG ABORIGINAL YOUTH GATHERING

The Hon. JANELLE SAFFIN [9.47 p.m.]: Last Tuesday I travelled to Burrendong, near Wellington, where I had the privilege to attend the opening ceremony of the second Aboriginal youth gathering. I was representing the Deputy Premier and Minister for Aboriginal Affairs, the Hon. Andrew Refshauge, and the Minister for Juvenile Justice, the Hon. Carmel Tebbutt. I was honoured to give a welcoming speech. This was the second such gathering, the first having been held in Wollongong in November 1998. Both were strongly supported, financially and in spirit, by the New South Wales Government. Both have been part of a larger venture associated with a two-year Aboriginal youth development project.

The gathering was attended by about 95 young people, mainly in the 14- to 16-years age bracket. As my colleague the Hon. John Watkins said—he also was in the area that day for another function—it was a tough audience. It was, but it was wonderful. They came from all over New South Wales, some from my way. I make special mention of Elders Aunty Joyce Williams and Aunty Joyce Peachy of the Wiradjurri Nation, who gave us a traditional welcome to their land. Aunty Joyce Peachy encouraged young people to speak up, to have their say, so that we could listen to what they had to say and respond to them. Aunty Joyce Williams reminded us all of the history of invasion and the effects of that on a people and a nation. They were both good, strong women and both lovely. Both obviously had lived through much tragedy, but laughed easily and were wonderful role models for the young people. There were two young and very impressive women who also participated in the opening. They were Jennifer and Letitia, who were strong, clever, open, challenging and supportive. There were, of course, other significant people involved there, but I have mentioned those who were among the people that I met and mostly talked with.

Some of the important issues that participants were to cover were: Aboriginal history, education and works, drugs and alcohol, decolonisation, racism, customary law, public space and identity. Especially important was identity—not just personal identity but also cultural identity—and reclaiming some of that cultural identity. A nation's cultural identity suffers enormously when it is colonised. Men, women and young people suffer. Young people just do not rate. That is the pecking order of things. I said at the gathering that the experiences and views of Aboriginal young people must be heard if our policies and politics are to be fair, responsive and right. That is what makes events such as this so important.

I also said that the New South Wales Government knows that the voice, experience, concerns and ideas of Aboriginal people are what will drive change. The gathering was about ensuring that young people's voices and opinions are heard. Of great significance was the fact that the gathering took place the week before the Council for Aboriginal Reconciliation finalised its reconciliation documents, which are to be presented at Corroboree 2000 to be held this coming weekend. Corroboree 2000 will give us all an opportunity to actively

show our support for reconciliation and to commit and recommit to carrying renegotiated relationships forward into the new millennium. It is an opportunity to demonstrate to the international community our capacity for reconciliation.

The young people at the gathering were excited by this hugely symbolic event which revolved around them positively. But the most inspiring aspect for me was when I had morning tea with some of the girls who briefly shared with me some of their dreams. They told me what they would like to achieve and become. They also asked me many questions about local, regional and international affairs. They asked me what East Timor was all about as they thought that I, as a politician, would know. When I explained it to them they said, "Great. No-one has ever explained it in that way", and they understood it.

Some of the girls told me that they had had problems fitting in at school. Some said that they had had problems escaping reputations relating to so-called bad behaviour, even though they had made changes, were trying to get on and were now trying do things right. I felt sad about that because I knew that in some way our system would fail them. I felt powerless to help them. It should not be like that. I encouraged them to keep sight of their dreams even if they seemed a long way off. I told them that if things happened to stop, discourage or dissuade them, they should try to treat those things as challenges to be resolved and problems to be beaten. As I said earlier, it was a privilege to be able to attend that gathering.

WESTERN AREA HEALTH SERVICE CHIEF EXECUTIVE OFFICER

The Hon. C. J. S. LYNN [9.52 p.m.]: Tonight I speak about the circumstances surrounding the recent sacking of Dr Elizabeth Barrett from her position as Chief Executive Officer of the Western Area Health Service. There is something very smelly about this sacking. It seems that Dr Barrett was sacked from her position because she would not be a willing lackey for the Carr Labor Government. I have come to that conclusion because the Government and the bureaucrats in the Health Department have refused to comment on the circumstances surrounding her sacking.

Doctor Barrett's removal has been reported as a smokescreen by Dr John England, Chairman of the Blue Mountains staff council. I compliment Dr England on the courage he has displayed in speaking out about the failure of this Labor Government to adequately meet the health needs of the people of western Sydney. Most likely he will pay a heavy price for taking that stand. We are well aware of the fate that becomes those who speak out against the Labor Government. I was pleased to see that the Australian Medical Association [AMA] supports the stand taken by Dr England. I quote from a facsimile that I have in my possession:

> AMA (NSW) supports Dr John England in his efforts to maintain the highest level of health care delivery and services for the people of the Blue Mountains. He is to be commended for the stand he is taking in the face of relentless attacks upon him personally. AMA (NSW) is also concerned about the departure of Dr Elizabeth Barrett and will be pursuing that issue separately.

Doctor England's courage is in stark contrast to the cowardice of the local member for Blue Mountains, the Hon. Bob Debus, a member who has settled into the inner city cappuccino set and has well and truly forgotten the people he was elected to represent. He has promised a helipad for the Blue Mountains District Anzac Memorial Hospital for the past five years but he has failed to deliver on that promise. The stretch of highway that the hospital services has been described as the worst and most dangerous in the State. Despite this classification, local doctors are forced to add 1½ hours additional transfer time to patients in need of critical medical treatment by having to use an ambulance to get them to the nearest helipad. It is an absolute indictment that a local member with ministerial rank cannot deliver such a basic facility after five years. The Minister either does not care or he is regarded as such lightweight that Treasurer Egan can walk all over him.

I will address other critical health areas, such as the empty new operating theatre at Katoomba, when I speak in the budget debate. Dr Barrett obviously had an impossible task. She was left to deal with the reality of an underresourced area health service and the misleading propaganda put out by a well-oiled Government public relations machine. Dr Barrett, a proud ambassador for the Blue Mountains, was raised in Lawson and is a graduate of Katoomba High School. She had a vocational zeal for the health needs of her area because people in that area are her people.

Dr Barrett obviously could not bring herself to cheat on them by signing off on a budget to which she could not commit. She has paid the ultimate career price. But, to her great credit, she has remained loyal to her people and her vocation. That is more than can be said for the local member, who has ratted on his area to take up residence with the cappuccino-sipping elite in a trendy western inner city area of Sydney. What an indictment of Labor! Have members of the Labor Party forgotten their roots? Have they forgotten what happened to Jeff Kennett? This is the crack; this is the start—Knight in Roseville and Debus in the trendy area of Glebe. What an absolute disgrace!

NATIVE VEGETATION PROTECTION

The Hon. R. S. L. JONES [9.56 p.m.]: The parliamentarians who attended the Salinity Summit in Dubbo in March now have a better understanding of the relationship between the clearing of native vegetation and rising saline water tables. The problem is so great that the very fabric of agriculture and many species of animals and plants over vast areas of New South Wales are under great threat. Add to this the potential astronomical costs of erosion of infrastructure in our towns and cities due to salinity and we have a major problem. I am told that there have been over 250 reported cases of illegal clearing of native vegetation in New South Wales since January 1998. Evidently, many other areas have been illegally cleared but not reported.

In addition to this illegal clearing, last year the Minister for Land and Water Conservation announced that the Department of Land and Water Conservation had given consent for about 80,000 hectares to be cleared legally. Even accounting for the fact that not all of the 80,000 hectares will necessarily be cleared, this all adds up to too much land clearing in New South Wales and an international embarrassment for the State on greenhouse emission obligations, land degradation and biodiversity issues. Given these threats to human activities and natural ecosystems, surely it is time that the provisions of the Native Vegetation Conservation Act, which this Parliament passed 2½ years ago to help address these major problems, were finally enforced.

Not one of these 250-plus reported breaches—even the worst cases of illegal clearing—has led to a prosecution. Why? The weak attitudes of the department in enforcing the law were clearly revealed on the ABC radio national program *Background Briefing* on 9 April 2000, the text of which is available on the ABC web site. That briefing reveals not only that senior Department of Land and Water Conservation executives are not enforcing the law but that they might also be perverting the course of justice. In one case involving the clearing of land near Inverell owned by Sir Frederick Sutton of Sutton Motors, the Crown Solicitor's advice was ignored and the file sat on a bureaucrat's desk until the time for prosecution elapsed.

It is clear that the department is failing in its duties to both the Minister and the Government. I urge the Minister to intervene and do something about it. I was told at the Salinity Summit that the Department of Land and Water Conservation was pursuing about 20 alleged breaches of the Act. What proof is there that those 20 breaches are being pursued by the department? How can the department possibly pursue prosecutions even if it had the will, given that its head office branch has now been gutted? I also ask the Minister to instruct senior management and regional staff in the Department of Land and Water Conservation that the clearing of native bushland must be stopped or at least severely limited. They should more often say no to clearing applications and prosecute clear breaches of the Act to provide a real disincentive to illegal clearing. It is absurd for Australia to promise to limit greenhouse gas emissions to help alleviate the looming global catastrophe and, at the same time, for the department to give carte blanche to massive land clearing.

It is absurd to wring our hands in despair at the looming loss of 5 million hectares of productive land in New South Wales from salinity and then let the department issue licences to clear huge areas of land, which will only exacerbate the salinity problem. It is time to get serious about banning legal and illegal land clearing in New South Wales to protect our agriculture and to maintain our greenhouse gas obligations.

Dr BRUCE PERRY CHILD ABUSE PRESENTATION

The Hon. JAN BURNSWOODS [9.59 p.m.]: I draw the House's attention to a meeting that was held a couple of weeks ago at the initiative of Gillian Calvert, the Commissioner of the New South Wales Commission for Children and Young People, which I was very happy to host. It was an important meeting because Dr Bruce Perry of Baylor College of Medicine in Houston, United States of America, had a lot of interesting things to say to us about, essentially, the impact on brain development and the long-term impact on children of trauma and stress of a variety of kinds.

Dr Perry is a child psychiatrist and an environmental neurobiologist. One of the things that struck many of the members from all parties who heard Dr Perry was the slide he showed us of the different development of the brains of three-year-old children, depending on whether they had had a reasonably normal sort of life or one marked by abuse and neglect. For many of us the links he drew between the neurological effects and the physical effects of childhood trauma, violence, abuse and neglect, and so on, were very interesting.

Dr Perry's work has focused on the importance of prevention and early childhood intervention services in improving physical and mental health and education and in reducing child abuse and, in turn, juvenile crime. Much of that is very familiar to members of this House because we have in a variety of ways—whether in

inquiries of our social issues and law and justice committees or in debates in this House—devoted quite a lot of attention to this issue of prevention and early intervention services for children as a fair and equitable way of addressing the problems of those individuals, and also as a cost-effective way of addressing the social problems that later cause us to fill our gaols and juvenile justice centres.

So, it was interesting for those members who attended on 9 May to listen to Dr Perry and see some of the evidence he presented to us about the American experience and the various research studies and so on that have been done on the effect on very young children of abuse, neglect and trauma in general, but particularly of violence. Some of the most striking things he had to say concerned the effects of some aspects of modern society and, in particular, exposure to violence. One of the statistics that most struck me was the calculation that by the time a typical American is 18 years of age he will have witnessed 200,000 acts of violence on television. He had many interesting things to say about the impact of this sort of violence on children's behaviour, on their fears and on the desensitising of them.

I found it useful to have someone bring these various different things together and provide yet another link of the kind that the law and justice committee, for instance, is examining now in its attempt to work on crime prevention through social support. It was a good initiative on the part of the New South Wales Commission for Children and Young People to organise such a visit and to enable members of Parliament from all parties to hear Dr Perry. I congratulate Gillian Calvert on organising it.

SOUTH SYDNEY COUNCIL ELECTION FUNDING

The Hon. D. J. GAY [10.04 p.m.]: Tonight I wish to speak about the blatant abuse of ratepayers' money for electoral benefit by the Labor Party on South Sydney council. As honourable members may know, South Sydney council will be going to the polls on 1 July. It will be an opportunity for voters to let the Labor Party know that they are tired of being taken for granted by the Labor Party on the council.

Ms Lee Rhiannon: What about the dodgy parties? They get up to dodgy things.

The Hon. D. J. GAY: I will speak to you later. We have no dodgy parties. Three recent decisions of South Sydney council—all forced through council by its Labor majority—demonstrate just how arrogant it has become with the resources of the South Sydney community. I refer first to a decision by the Labor members of council just two weeks ago to use ratepayers' funds for a series of 12 gala openings and sausage sizzles during the election period. These events are designed for no other reason than to promote the Labor Party with council funds. Some have been dressed up as consultation meetings on various issues.

I am sure that the residents of South Sydney will see through this charade. For years resident groups have been complaining about the Labor Party's unwillingness to genuinely consult in South Sydney. Indeed, one resident group in East Sydney was forced to take Supreme Court action to force the council to consult more effectively on an issue as significant as council's policy on the sex industry. Less than two months from an election this type of sudden interest in meeting residents face to face will not fool local residents. However, the residents should be concerned about such a blatant use of ratepayers' funds so close to an election.

There is not a single reason why many of these events could not have been held after the election, particularly when so many of the current councillors are retiring and a vastly different council is likely to be elected. Similarly, residents have every right to be concerned about the sudden appearance of a glossy annual community report from South Sydney council in their letter boxes last week. This annual report was, in fact, for the 1998-99 financial year. In other words, 11 months after the financial year ended and on election eve this glossy promotional publication was distributed to the entire South Sydney community. Ratepayers can draw one of two conclusions. Either the council is incompetent in keeping residents informed in a timely fashion, or the production of this report has been delayed deliberately to promote the Labor Party.

I understand also that Labor councillors used their numbers at the last meeting of council to authorise the production of letters to all residents urging them to enrol to vote. Of course, I support efforts to encourage residents to enrol to vote. But again this smacks of the political use of ratepayers' funds for two reasons. First, the letter arrived in many residents' letterboxes only last Saturday, or on Sunday, the day before the rolls actually closed. It is simply not reasonable to expect a resident to have time to collect an enrolment form and hand deliver it to the electoral commission, and not enough time has been allowed for people even to post their applications. Second, this important information was sent out under the name of the current mayor of South Sydney council. In an election climate it would have been far more appropriate for such a communication with residents to come from a neutral party—either the general manager of the council or the State Electoral Office.

Finally, a number of residents in South Sydney have raised their concerns with me about the use by Vic Smith of official council advertising in the *South Sydney Bulletin* to mount what are quite clearly political attacks on the opponents of the ALP in this election. In at least three editions of the *Bulletin* the mayor has used his council-funded column to attack independent councillors, their campaign staff and one of the other political parties contesting these elections. The use of council funds in this way is clearly wrong and is a matter that should be investigated by the Department of Local Government and Planning. It is a matter that I wrote to the Minister about, but, to protect his Labor mate, he declined to investigate.

What we have demonstrated in these four separate events is a clear indication that Labor has become so arrogant after many years in power on South Sydney council that it is even prepared to use ratepayers' funds for electioneering purposes. This type of inappropriate use of council resources should not be tolerated, and I am confident that residents will let the Labor Party know their views on this type of behaviour on 1 July. Vic Smith is using thousands of dollars of ratepayers' funds. This matter should be referred to the Independent Commission Against Corruption, and this council should do it. [*Time expired.*]

POLICE YOUTH POLICY

The Hon. Dr A. CHESTERFIELD-EVANS [10.09 p.m.]: The New South Wales Police Service is about to release the draft of a new youth policy which will attempt to create a kinder climate for our youth, despite a punitive law and order Government agenda. The current policies essentially put youth and police between a rock and a hard place. Adrian Pisarski of the Youth Accommodation Association warns that in recent years Australian governments have followed the United States of America, but it has been the blind leading the blind. He said:

> In more recent years the US has opened their eyes to the fact that tough law and order policies don't work, and in fact they make the problems worse. In the US there is a move to developing communities to prevent crime, especially juvenile crime.

In contrast, in New South Wales we now have a Government developing tougher police policies for the Olympics. We are policing public space and open areas as we have never policed them before. Lou Schetzer of the National Children's Youth Law Centre believes that the diversionary powers of our juvenile justice system are now being undermined. He said:

> Diversion is a practice that should occur at every stage. This includes youth justice conferencing, cautioning and warning systems rather than charging young people, and community service orders rather than sentencing young people. But the "move on" Children (Protection and Parental Responsibility) Act 1997 has a net widening effect.

Research conducted by Chris Cunneen, Director of the New South Wales Institute of Criminology, shows that police are not using the diversionary powers at their discretion. Cunneen said:

> The police still prioritise arrest over other forms of intervention, and there's still too much emphasis on using arrest as part of police culture.

Shane Brown, Co-ordinator of South Sydney Youth Centre, also believe that altercations between police and young people are often fuelled by young aggressive police only a few years older than that young people they are policing. He said:

> The Police Service needs to develop a more in-depth strategy for dealing with young people which minimises harm and maximises mediation.

So where do we go from here? Is there any real hope that our police force, with its increased influx of women, will change tack to a more enlightened approach, despite being encouraged into a law and order agenda by our current Government? The Rev Bill Crews, who runs the Exodus Foundation for homeless kids, said:

> In the past 30 years in which I have worked with street kids, there has never been a community so unsympathetic to youth.

He added:

> Now we focus in on them as a problem, as adults display a complete lack of empathy. To develop a good youth policy, society has to value its youth, not fear them.

But we all know that the Australian community has never been so scared of kids, and that young people are being dudded. Anti-discrimination laws have meant that older people are staying at work longer, and automation means fewer jobs are being created for youth. Governments have responded to this devastating situation with little or no creative youth policies. Work, which was once a rite of passage for young people, is increasingly

hard to get. Bright kids get McJobs and poor kids get nothing. And when kids meet their friends on the street they can expect to come up hard against our police force, making our streets tidy. Gary Moore, Director of the Council of Social Service of New South Wales, said that this is all happening in a social and political climate in which some young people are making millions out of the Internet whilst others are becoming increasingly alienated. He believes that:

> The greatest challenge for the new police policy is to deliver a change of heart so that parents, adults and police deliver a decent legacy for all young people in the future.

More specifically, the new police youth policy could strengthen the role of the Ombudsman. Currently, complaints against police take far too long to be examined, and resolutions take an interminable time. If young people feel that there is no use protesting their treatment, their victimisation is only compounded. If the Police Service is to change and develop a more human face the whole community must do likewise. Currently, the fear of youth crime far outweighs the actual occurrence of youth crime, and it is incredibly important for all of us in the suburbs to admit to this. The problem needs to be recognised and the solutions worked on wholeheartedly; otherwise police will continue their punitive role, and we will create a huge problem for all our young people as they strive to find a place in the world.

I am the convening a youth summit in the Parliament House theatrette on Monday 29 May to discuss this problem. The all-day summit will be opened by Senator Aden Ridgeway and the Attorney General will address it. There will be a number of sessions on education and training, the impact of new initiatives, police and juvenile justice, and empowerment and enfranchisement. We have a wonderful list of speakers, the band from South Sydney Youth Centre and performers from the Shopfront Theatre for Young People. I urge all honourable members to come along. The cost is $20 for adults and $10 for the unemployed.

WARRINGAH COUNCIL MANAGEMENT

Ms LEE RHIANNON [10.14 p.m.]: Over the past decade Warringah Council has demonstrated poor management in relation to environmental matters, and has developed the reputation of being controlled by developers. Four Warringah councillors, one of whom I am proud to say is a Greens councillor, represent community interests. These councillors have experienced serious ongoing problems with the conduct of the General Manager Mr Denis Smith. For some time councillors have expressed concerns about particular aspects of the conduct of the general manager and council generally. Many issues have been raised with the Department of Local Government, which I understand is conducting preliminary inquiries into a range of complaints about Warringah Council.

Council's management is currently in turmoil, with one staff member suspended for financial mismanagement and other senior staff leaving after disputes with the general manager. In the Warringah Council audit report for the year ended 30 June 1999 the authors Spencer Steer say that they were consistently presented with accounts that were "incomplete, unsubstantiated and unbalanced". Warringah Council is six months late in submitting its annual report, thereby breaching the Local Government Act. There is also a serious issue relating to the general manager's contract of employment. As honourable members will be aware, councils appoint general managers under section 334 of the Local Government Act, and contracts are required by the Act to be performance based.

If councillors have concerns about the conduct of a general manager it is open to them to review the manager's performance, in line with the contract of employment. In addition, contracts generally contain provisions for regular performance reviews. Sound management principles would dictate that councillors be provided with an opportunity to participate in any such performance review. The review should be documented and any decisions substantiated. In the case of Warringah Council, however, none of this has occurred. A secrecy clause in the general manager's contract prevents counsellors from accessing it, and they have been prevented from doing so unless they are under supervision and sign a confidentiality contract.

Furthermore, councillors are prohibited from participating in performance reviews for the general manager and from seeing the results of the secret performance reviews that do occur. This is not accountable administration. It is essential that the Department of Local Government investigate the contract of employment for the general manager of Warringah Council as it appears to be in breach of the Local Government Act. The

Mayor of Warringah Council is also trying to curtail the democratic participation of the community in the affairs of Warringah Council by ejecting detractors from the public gallery, and has gone so far as to call the police. The *Manly Daily* of 4 May this year reports that the Liberal Mayor Peter Moxham will now ask police to control future meetings. This is a desperate council at war with its own community. The Greens have long promoted openness and accountability in local government. The Greens will continue to monitor events at Warringah Council. I have written to the Minister for Local Government outlining our concerns.

[*Time for debate expired*.]

Motion agreed to.

House adjourned at 10.17 p.m.