LEGISLATIVE COUNCIL

Thursday 1 June 2000

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

The President offered the Prayers.

TABLING OF PAPERS

The Hon. Carmel Tebbutt tabled the annual reports of the following statutory bodies for the year ended 31 December 1999:

Charles Sturt University
Macquarie University
Southern Cross University
Trustees of the Anzac Memorial Building
University of Newcastle
University of New South Wales
University of England
University of Technology, Sydney
University of Western Sydney
University of Wollongong

Ordered to be printed.

COMMUNITY RELATIONS COMMISSION AND PRINCIPLES OF MULTICULTURALISM BILL

Second Reading

Debate resumed from 23 May.

The Hon. J. M. SAMIOS [11.06 a.m.]: In essence, this bill abolishes the Ethnic Affairs Commission of New South Wales and replaces it with the Community Relations Commission of New South Wales, a structure that is basically the same as the Ethnic Affairs Commission but with an expanded role and bearing a new name. Furthermore, the bill removes the charter of principles for a culturally diverse society first enunciated by the Fahey Government and later introduced into the Ethnic Affairs Commission Act. It reintroduces those principles into this bill as the principles of multiculturalism with very minor amendments. The new commission reduces the number of Ethnic Affairs Commissioners from 15 to nine and provides other amendments including the establishment of regional advisory councils.

The Opposition supports the bill in essence, but takes objection to the removal of the words "Ethnic Affairs" from the title and their replacement with the words "Community Relations". Concerns have been expressed by peak and community bodies and the ethnic media at the failure of the Government to consult with the ethnic communities. Communities have expressed their preference for retaining the name Ethnic Affairs Commission, or, if a replacement name had to be found, calling it the Multicultural Affairs Commission of New South Wales. A number of organisations have expressed concern about the name change including the Forum of Migrant Resource Centres of New South Wales and ethnic communities councils. The organisations say that the name change sends a message to the community that the Government is reducing its commitment to multiculturalism and to meeting the needs of the ethnic committees.

At present all other States and Territories have demonstrated their preferences by either keeping the words "Ethnic Affairs" or replacing them with the word "multicultural" in their organisations. Those organisations are, in Victoria, the Victorian Multicultural Commission; in Queensland, the Multicultural Affairs Commission; in Tasmania, the Office of Multicultural and Ethnic Affairs; in the Australian Capital Territory, the Office of Multicultural and Ethnic Affairs; in the Northern Territory, the Office of Ethnic Affairs; in South Australia, the Office of Multicultural and International Affairs; in Western Australia, the Office of Multicultural Affairs.

Again there is concern that the expanded role of the commission will prejudice government funding and commitment to ethnic affairs. Concern on this issue has been expressed by a number of peak organisations,

such as: the Ethnic Communities Council of New South Wales, the peak ethnic affairs body with approximately 500 accredited members; the Ethnic Communities Council of Newcastle and Hunter Region; the Ethnic Communities Council of Wollongong; the Forum of Migrant Resource Centres, representing the 12 Migrant Resource Centres of New South Wales; the Australian Hellenes and Europe Nexus; Co-As-It, of which Pino Migliorino is President; the Vietnamese Community in Australia, New South Wales chapter; the Elderly Australian Chinese Homes, chairperson of which is Dr Cecilia Fong; the Croatian Intercommunities Council of New South Wales, with Tom Beram as President; the Ethnic Child Care, Family and Community Services Co-op Ltd, represented by Vivi Germanos-Koutsounadis, who gave evidence to the inquiry on multiculturalism; and the Marrickville Legal Centre. Concern has been expressed also by individuals, some of whom are: Professor Andrew Jakubowicz, Dean of the Faculty of Sociology, University of Technology Sydney; Councillor Mark Bonnano, Mayor of Ashfield; Angela Chan, former chairperson of the Ethnic Communities Council of New South Wales; and the Unity Party.

We are part of a unique experiment embracing migrants from about 200 ethnic backgrounds and 114 nationalities coming together as Australians to contribute to the social, economic and cultural development of our society. We cannot take this social stability and harmony for granted, for the success of this experiment underpins the social cohesion of our multiculturalism. The history of mass migration to Australia began at the end of World War II. Australia was then a country comprising an Anglo-Celtic society, with approximately 95 per cent of its 7.25 million migrant population originating from the United Kingdom. As a result of the mass migration program commencing in the 1940s and subsequent migrant and refugee intakes, people of non-English speaking background represent approximately one-third of the nation's population. Such a transition has been achieved largely with a bipartisan approach by all political parties.

In 1952 the Liberal Party formed the first Migrant Advisory Council in this State, under the chairmanship of the late Hon. Irene Furley, to assist migrants in their resettlement needs. In 1975 the Coalition Government, under Premier Tom Lewis, set up the first Department of Ethnic Affairs, and the late Steve Maugher, who was the first Minister for Youth, Ethnic and Community Affairs, founded the first Consultative Council of Ethnic Affairs, of which I was honoured to be a member. In 1976 the Wran Government, with bipartisan support, set up the Ethnic Affairs Commission to assist ethnic communities to access mainstream services and to ensure that the needs and interests of migrants were adequately catered for.

Subsequently the Ethnic Affairs Commission Act was amended to provide for the Charter of Principles for a Culturally Diverse Society. We can say that there has been a bipartisan and consultative approach by all political parties to multiculturalism. That approach has worked successfully until recently when the Premier, on 8 July 1999, announced the replacement of the Ethnic Affairs Commission with the Community Relations Commission.

The Hon. Dr B. P. V. Pezzutti: What a joke that was.

The Hon. J. M. SAMIOS: It was. The announcement by the Government was made not as a result of consultation with the ethnic communities or peak bodies or with the other political parties of this State.

The Hon. Dr B. P. V. Pezzutti: He consulted Eddie Obeid.

The Hon. J. M. SAMIOS: That gives some indication of the consultation process. It was a simple pontification by the Premier which goes against the core of a democratic system of government where the people have a voice in significant matters that impact on their lives. Critical of the Government's decision to wipe out the historic name of Ethnic Affairs were many from a wide cross-section of our population, including the Ethnic Communities Council [ECC] of New South Wales, which represents 500 accredited members. The ECC of New South Wales, which was established some 25 years ago, and had as its foundation chairman Bill Jegorow, a life member of the Australian Labor Party—

The Hon. Dr B. P. V. Pezzutti: Is he still?

The Hon. J. M. SAMIOS: Yes, he is still a life member, despite his criticisms. There is no doubt that the ECC of New South Wales is Australia's leading community powerhouse on multiculturalism. It has played an important role in the establishment of the Ethnic Affairs Commission of New South Wales and the Special Broadcasting Service. The initiative to establish the Federation of Ethnic Community Councils of Australia [FECCA], a Federal body, came from the ECC of New South Wales. The ECC of New South Wales is supported financially by the Federal Government but largely by the New South Wales Government. With its

accreditation of 500 members, it is recognised as the peak body group in ethnic affairs. Yet it was ignored by the Government in its announcement of the change of name, the closing of the Ethnic Affairs Commission and the replacement of it with the Community Relations Commission. That would be like the Premier dealing with trade union issues and ignoring the Australian Council of Trade Unions [ACTU], the Trades Hall Association, Labor Council and similar bodies.

The Hon. D. T. Harwin: He would not do that.

The Hon. J. M. SAMIOS: No, I am sure that the Premier would not. Why did he not do the right thing by the ethnic communities? An indication of the popularity of the Government's announcement is to be found in the reception that was given to the Attorney General, a respected Minister of this House. The Premier made his statement in July 1999. In August the Attorney General, representing the Premier, attended the Annual General Meeting of the Ethnic Communities Council of New South Wales. An article headed "Wild Crowd Erupts for sure" in the *Daily Telegraph* dated 23 August 1999 stated:

> Attorney General Jeff Shaw was booed and hissed when he addressed the Ethnic Communities Council Annual General Meeting at Ashfield Town Hall. When Mr Shaw raised the contentious issue of renaming the Ethnic Affairs Commission the Community Relations Commission the crowd erupted. President of the Commission, Paul Nicolaou, had to interrupt his official speech and plead with the throng of 200 to let him finish, reminding them the senior State Minister was a guest.

An article in the *Sydney Morning Herald* of 23 August under the heading "Jeers, Jeff" stated:

> Premier Brainy was supposed to be joining the temporary legal Liberal Leader Kerry Chikaboom at the annual meeting of the Ethnic Communities Council of New South Wales yesterday. It would have been the first major mixing with the ethnic lobbies since Brainy decided to ditch the name Ethnic Affairs Commission for the very 90s term Community Relations Commission and to call the Ethnic Affairs Ministry the Ministry for Citizenship. However, a late cancellation from Brainy saw his speech delivered by the living embodiment of the mild-mannered law clerk, Attorney General, Jeff Shaw. We think the Premier was living up to his name of not showing his face, given the reception Shaw received. As he delivered the justification for the ethnic cleansing of the term "ethnic" Shaw was heckled and jeered and laughed at by the Ashfield Town Hall. So bad was it that the Communities Council President was forced to beg that Shaw be allowed to continue. Not surprisingly, Shaw did the Harold Holt out the door, and as soon as he finished Chikaboom glad, finally, to find an audience, told the audience that she was not afraid to use the word "ethnic", earning the biggest cheer of the day.

The Attorney General, who is a respected Minister of this House, who has given distinguished service and whom we acknowledge on this side of the House, was embarrassed on that occasion.

The Hon. Dr B. P. V. Pezzutti: A good Lefty, too.

The Hon. J. M. SAMIOS: No doubt. He was very embarrassed. We too, on this side, feel very embarrassed that he was sent along to suffer that humiliation. Minister Iemma stated in his second reading speech that the Government had decided that the Community Relations Commission of New South Wales was the most appropriate name for the Ethnic Affairs Commission. The name, he said, aims to convey the spirit of community harmony, cohesion and inclusiveness while the body of legislation outlined a firm commitment to multiculturalism. The proposed name in this bill, the Community Relations Commission, is not at all inclusive. It fails to recognise the reality of contemporary Australia, which is a multicultural society.

We are all Australians, committed to the wellbeing of this great nation and its people. We do not need the Government to tell us this. Some among us believe that in preserving cultural identities and groups, people cannot be committed to Australia. I remind these people that this great nation of ours was built by migrants hailing from diverse cultural backgrounds and from all parts of the earth. It is important to acknowledge that every single one of us has an ethnic background as Australians, whether we come from the United Kingdom, Europe, Asia, Africa, the Americas, the Pacific Islands or elsewhere. It is also important to acknowledge that our cultural diversity has never been an obstacle to the development of Australia. In fact, through our cultural diversity we have found unity and strength. In 1976 Neville Wran introduced the Ethnic Affairs Commission Bill to establish the Ethnic Affairs Commission. In his second reading speech he stated:

> Migrants have played their part in the industrial and commercial development of this country and we have gained from the intermingling of the cultural backgrounds from whence they came.
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> In many and various aspects of our social life, we have developed as a more cosmopolitan nation because of the influence of newer members, and Australia has grown the more mature for it. In fact, Australia has become one of the most cosmopolitan countries in the world.
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> All of us are well aware of the social impact of this phenomenon; how there has been greatly increasing social complexity where the dynamic interaction between diverse ethnic components is producing new national initiatives, stimulating new endeavours and ensuring great strength in society, and an equal share in the opportunities in the nation.

> All ethnic groups introduced to this country by our migration programs must be accorded that equality. It is simply a matter of justice and human dignity.

The name of the commission as proposed by the Government in this bill does not provide us with justice and human dignity. Nay, it is clearly an endeavour to remove any identification of our society in the name of our multiculturalism. Submissions to the inquiry into multiculturalism, which has just tabled its interim report, by representatives of the ethnic and community groups, individuals, and peer groups including the Ethnic Communities Council of New South Wales, the Teachers Federation, the Migrant Resource Centres of our State and others, demonstrate the need for the word "multicultural" in the name of the commission if the word "ethnic" were to be replaced. The Chinese Elderly Welfare Association addressed its submsission to the Chairman of the Committee, Reverend the Hon. F. J. Nile, and said:

> I wholeheartedly urge you to recommend the name Community Relations and Multicultural Commission to the Government so as to truly reflect the content and spirit of legislation, and the many residents of New South Wales who were once migrants and refugees.

The Chinese Elderly Welfare Association, which operates at Croydon, is an important and well-known structure to many members of this Parliament. The Australian Pan U Association also made a submission, part of which stated:

> With a name like the Community Relations and Multicultural Commission I believe NES [non-English-speaking background] people will not fear the racist forces like One Nation and the National Action, or feel that they are second-class citizens in this country.

The Community Relations and Multicultural Commission was the name considered by the Coalition and it would have been satisfactory. The name we have decided upon is contained within the amendment that has been provided to honourable members. The Australian Helenes and Europe Nexus, of which Mr Eleftheriades has been the convener for many years, said:

> The diverse communities of New South Wales urge our State Premier to incorporate the word multicultural in the title of the Community Relations Commission in order to more accurately reflect the role and purpose of the commission.

The Evergreen Elderly Centre Trust said:

> I would like to see the Premier, Government and other Parliamentarians backing off the commitment to multiculturalism by adding the word multicultural and calling it the Community Relations and Multicultural Commission.

The Australian Chinese Buddhist Society also spoke strongly on this subject and said:

> Changing the name of the Ethnic Affairs Commission demonstrates the need to move forward, but in naming it the Community Relations or Citizenship Commission shows that we are moving two steps backward. The new bill demonstrates a small step ahead, and by giving it a new name with the word multicultural this small step becomes a bigger small step. By calling it the Community Relations and Multicultural Commission I believe this bigger small step becomes a mature step.

The Local Government Community Services Association said:

> As the first option we would recommend that the ethnic affairs commission keep its name, but if the change must occur we support the resolution put forward at the recent summit on multiculturalism, which is it to incorporate the word multicultural in the title of the Community Relations Commission.

The mainstream union, the New South Wales Teachers Federation, which I am sure all honourable members would agree plays an important role in social issues in our community, said clearly:

> The Federation believes that the name change of the Ethnic Affairs Commission to Community Relations Commission is a retrograde step in achieving best practice and multiculturalism in New South Wales. Names such as Multicultural Commission, Multicultural Affairs Commission or Multicultural Relations Commission are more appropriate titles. The Minister for Citizenship should also be renamed the Minister for Multiculturalism. Citizenship is a Commonwealth responsibility and a State Minister for Citizenship sounds peculiar.

The Hon. Dr B. P. V. Pezzutti: That is absolutely ridiculous.

The Hon. J. M. SAMIOS: Yes. We all know the Federal immigration Minister is the Minister for Immigration and Multicultural Affairs. The Council on the Ageing said:

> All levels of government currently use the term "community relations". It is inappropriate to change the name from one which is easily identifiable and recognised to one which is unclear and confusing. There is a danger that the current ethnic focus of the commission will be diminished in the change.

The Unity party commented as follows:

> The term "Community Relations Commission" should be amended to incorporate the term "multicultural" within the full name of the commission.

And it said further:

> The term "community relations" is not equivalent with multicultural affairs.

The South-West Elderly Welfare Association, which is based at Lidcombe, said:

> I therefore strongly urge you and the inquiry to put forward the names Community Relations and Multicultural Commission to the Government so as to adequately reflect the content and spirit of the legislation and many migrants and refugees who are now living in the State of New South Wales.

The important submission of the Australian Gwonzar Association Inc. said:

> I therefore confirm that Mr Wilson Ngu, the president of our association, had sign and supported the word "multicultural" into the new name before he gone to overseas on March 10, 2000 and our management committee agreed with that on April 16, 2000. Thank you very much.

The Chinese Migrant Welfare Association also waxed strongly on this issue. It said:

> However, the name change of Ethnic Affairs Commission to Community Relations Commission under this bill is not adequate. It is also not matching to the bill and so projecting the generality of this commission. Without the word "multicultural" added in the new name the commission will not reflect the context and the spirit of the bill at all. Therefore, the bill loses its full meaning and its representation of multicultural New South Wales. It is just like calling Chinese Migrant Welfare Association and not having Chinese words next to the English name. It has to show to the public what the organisation is about and provide an impact into the community at a first glance.

The Inner West Migrant Resource Centre made the following contribution:

> Therefore we propose that the Government make a small cosmetic change in the way the commission presents itself to the public by inserting "Community and Multicultural Relations Commission".

Of course, the Ethnic Communities Council of New South Wales plays an important role. It said:

> While many parts of the bill should be supported, the name Community Relations Commission may not be appropriate. The name of the commission may be seen as an indication of Parliament's commitment to multiculturalism. It may be conceded that the intentions of the Parliament and the bill should be reflected in the name of the commission.

The Vietnamese Community in Australia, New South Wales Chapter, which is an important organisation that reaches out to thousands of people, said:

> Therefore, the VCA, New South Wales, proposes that the word "multiculturalism" be incorporated into the name of the commission, such as Community Relations Commission for Multiculturalism in Australia.

Lena Narkliss, Community Cultural Development Worker with the Information and Cultural Exchange, forwarded an important submission in which she said:

> There is also the perception expressed by some government departments that as Australia is currently a multicultural society there is no longer a need for specific multicultural services. However, it is our position that there continues to be a need for ethnic communities to be represented and supported and also a necessity for government departments to better incorporate policies and procedures into their structures, which are inclusive of the communities.

The Australian Kumer Consultancy Service said:

> While I support some of the changes proposed in the responsibilities of the commission, I reject totally the change of name and the implications of such a name change.

Minto Chinese School said:

> However, the name change of Ethnic Affairs Commission to Community Relations Commission under this Community Relations and Principals of Multiculturalism Bill is not adequate. It is also not matching to the bill and so projecting the generality of this commission. Without the word "multicultural" added to the new name, the commission will not reflect the context and the spirit of the bill at all.

Charles Ku, also a cross-cultural consultant, said:

> The proposed name for the AC should have the word "multicultural" in its title.

The Hon. Helen Sham-Ho: How many of those letters support the word "multicultural" being included in the name?

The Hon. J. M. SAMIOS: I have not got the exact number but I believe it was 39. Somewhere around 80 per cent of those that dealt with the use of "multicultural" in the name supported the change of name. That is a matter of record. The summit convened by the Hon. Dr P. Wong was attended by the Hon. Helen Sham-Ho and me, as well as other important speakers such as Andrew Jakubowicz, who is from the University of Technology, Sydney; Neville Roach; Bill Jegorow, who was the foundation chairman of the Ethnic Communities Council; and others. Clearly the consensus supported "multicultural" being included in the name.

The social cohesion of this nation underpins our nation's security and stability and it cannot be taken for granted. People who would deny the existence of our diversity are doing a disservice to the nation and its people. There is ample evidence to indicate that the term "community relations" is generic and has very little content that relates to the reality of our multicultural society. The clear evidence indicates that the Community Welfare Organisation and pivotal structures of our multicultural society need to have included in the title a word that indicates their presence and needs in our community.

Morris Iemma spoke in his second reading speech of the achievements over the past 20-odd years and carried on as if the need to service the ethnic communities or people in our multicultural society is over. He personally may feel that there is no great need, but he should visit the front-line areas to talk to Vivi Germanos-Koutsoundadis in Addison Road, who is involved with a myriad of structures and has been involved for more than 20 years in dealing with people who have great needs. In other areas of the regional west Mr Iemma would soon see that there is a need to provide service to people of non-English-speaking backgrounds.

He should talk to the Ethnic Communities Council and to Greek welfare, Arabic welfare and all the other welfare organisations that are dealing daily with the needs of the newly arrived, and of some who have been here for many years. As I have said in the House many times before, these front-line welfare structures which deal with, in the case of Greek welfare, 10,000 to 15,000 case studies a year—dealing with issues of drug abuse, unemployment and psychosomatic diseases arising from the loneliness of newly arrived people. The welfare groups do good work. By the way, they also use a lot of voluntary labour. We still need the services of these organisations. We still need to acknowledge that they exist and that people of non-English-speaking background still have needs.

Those needs run alongside the needs of the community as a whole. It is wrong to say after 20 years that we now have a society in which everything is okay. We still need to contribute substantially to the needs of the communities. Some people have asked: What is in a name? A name is very symbolic. Names have caused wars in certain countries where people have taken umbrage on that issue. It would cost the Government nothing to include "multicultural" in the name of the commission. It would give ethnic communities and the total Australian community the opportunity of recognising that we still have a job of work to do in relation to our multicultural society. We cannot have the social cohesion that we want unless we continue to service the needs of all Australians. The Opposition is aware of this. The Opposition, in its democratic tradition, is listening to the voice of the people. That is why the Opposition will move an amendment for the name of the commission to be the Community Relations and Multicultural Affairs Commission.

The Hon. Dr B. P. V. PEZZUTTI [11.44 a.m.]: I have received a large number of submissions entirely supporting what the Hon. J. M. Samios has said. Equally, I have received about eight very strange opposing faxes from different organisations, all with exactly the same wording.

The Hon. Dr P. Wong: They cannot write English properly.

The Hon. Dr B. P. V. PEZZUTTI: I would not criticise an organisation for that, because sometimes the views which organisations wish to express cannot be conveyed in exactly the same way by English words. Therefore, to convey the message they have to use clumsy English. But the wording was almost word for word the same from eight different peak organisations—obviously straight out of the Premier's Office. I think they should look to their own integrity. They were called upon by the Premier and they responded word for word in the same terms. Not only was it foolish; it looked terrible. Their own organisations would wonder at their not being able to write a better letter than the one dictated by the Premier. As I said in an adjournment speech this week, I attended a forum of the Italian Australian Institute in Melbourne on Thursday and Friday of last week by kind leave of the House. At least eight of the leading academics in the field of multiculturalism and the value of diversity spoke at length.

I was drawn to a speech by Professor Kalantzis. She was an academic in Townsville but because of her strong views about the value of multiculturalism and the responsibility that every member of the community has to promote multiculturalism, and the rewards and responsibilities, she had to leave Townsville because her children and her property were at risk. When she moved to Melbourne she thought that she would be embraced by the Greek community there. How wrong she was. On Friday of last week at that conference she said that she stumbled upon some of the worst forms of racism she has seen. She made the point that we have a lot to do, particularly amongst the big ethnic communities, to express tolerance, and the value for them and for other communities of our achieving healing and moving forward in a more cohesive way.

It is not good enough to retreat into your own ethnic immunity. Your own ethnic community has to get out there and promote itself and be receptive and supportive of smaller ethnic communities in particular to get the best value from them and to make them feel welcome, as perhaps the Greeks and the Italians did not feel in the 1950s when they came to Australia. She made a very strong plea that the promotion of the spirit and the word is an ongoing responsibility. She said that the day we stop promoting it will be the day that we walk away from it.

I am strongly supportive of the inclusion of the word "multicultural" in the title of the commission. I am staggered that Minister Obeid would have advised the Premier to change the name and just have a ministry for citizenship. What a joke! New South Wales is not responsible for citizenship; that is a Federal responsibility, as clearly laid out by my colleague. Our responsibility is to make ourselves a community of value. To get best value we have to put best value in, to make our communities vibrant and cohesive and to make people comfortable feeling Italian Australian, Lebanese Australian, or Chinese Australian. But we must make them feel Australian first within the context of their own cultures to give them a value of what Australia means. We can all benefit from adding cultural values that each culture interprets as Australian. It adds to the whole Australian experience. It is like putting herbs and spices into food. It brings out all the best values in the food but in excess it can destroy the food.

With those few words I strongly support my colleague the Hon. J. M. Samios. He has made a very well-researched speech, a very moderate speech. I feel a bit more hotheaded about the issue but I think I have said enough to support his position. As I move amongst the Italian community, which is the largest in Australia—there are about two million Italian Australians—I constantly remind people of how difficult it was for migrants in the 1950s, and how difficult it was for me when I was going to school in the 1950s. People in the community should now be reaching out, going out of their own community, and giving the helping hand that they may not have had themselves. I have to say that to that extent they have been very good.

The Hon. Dr P. WONG [11.50 a.m.]: The Community Relations Commission and Principles of Multiculturalism Bill is presented for the purpose of uniting the ethnic communities of New South Wales. This bill is meant to advance multiculturalism in this State. It is intended to embrace every citizen of New South Wales, and as such should be celebrated by all parties. However, a celebration was not meant to be. Despite the seemingly best intention of the Government, this bill is under the guise of guided democracy. It has totally divided the ethnic communities in New South Wales. I do not believe that any honourable member in this House would deny that statement.

We have seen marked disagreement between the government body, the Ethnic Affairs Commission of New South Wales, and the peak ethnic community body, the Ethnic Communities Council of New South Wales. We have heard that many ethnic groups have different voices, sometimes with diabolical views within one community. We encountered great dismay expressed by ethnic community leaders wondering, indeed, whether One Nation could have done a better job in dividing the ethnic communities over a matter meant to unite them all. I believe I have spoken the truth about this, and I doubt that many honourable members would disagree with me.

I have read the lower House speeches on this issue many times and, frankly, I am appalled by the attacks on members of ethnic communities. I believe that most ethnic community leaders are passionate in their desire to advance the social welfare of their members and are dedicated in their effort to see equal rights and, most important, equal outcomes for the underprivileged. In the past it was rare that ethnic community leaders were attacked on issues of ethnic affairs and multiculturalism simply because of their political beliefs. There may have been criticism of personality and personal biases, yes, but not usually because of political orientation. People like Ross Tzannes, Pino Migliorino, Vivi Germanos-Koutsounadis, Dr Tony Pun, Angela Chan, Bill Jegorow, George Pappas, Tom Beram and Paul Nicolaou were equally respected, regardless of whether they are Liberal or Labor.

I have come to accept, reluctantly, that name calling and badmouthing may have a political tradition among politicians, but I urge honourable members to refrain from attacking representatives of the ethnic communities of New South Wales in the same way. Bearing in mind that this bill has damaged, to a greater or lesser degree, the good relationship that existed between ethnic communities and the Government, and it has really divided ethnic communities in our State, I would like to pose the following questions to honourable members. First, is this a good bill? Second, what is the cause of this acrimony? And, last, would this House be willing to act as a peacemaker to enable a reconciliation process to be put in place according to the wish of the ethnic communities of New South Wales? I am talking about the right of ethnic communities, the basic human right for self-identity, the right to be consulted and the right to be heard.

There is no doubt that this bill is of immense importance for multiculturalism in this State. By examining and reviewing this legislation we are called upon to evaluate past practices of understanding and dealing with cultural diversity. We are called upon to establish a visionary pathway for our culturally diverse community. This proposed legislation, therefore, has significant policy and ideological implications. As legislators and representatives of the diverse community of New South Wales, we are empowered to show leadership and direction for the social, political and economic development of New South Wales.

These issues are not only important to some groups and individuals in the community. We are discussing the future development of a society composed of diverse, ethnic, cultural, religious and linguistic groups. They belong to one society, as all are connected by the will to live and contribute to Australia and to uphold the core social and democratic values. We are deciding how we perceive each other, how we define our rights and responsibilities as citizens and how we as a State and country are going to be perceived by our neighbours.

Before we vote on the legislation in its current form I would like to establish a few facts that ought to be kept in mind when we are discussing multiculturalism. First, Australia is a culturally diverse society. Four in every 10 people are immigrants or children of immigrants, half of them from non-English-speaking backgrounds. Therefore, Australia is a multicultural nation. Our policy of multiculturalism exists to describe what we are and to prescribe how we manage our cultural diversity. Second, the make-up of this country, be it cultural, economic or political, is continuing to evolve. By this, I am talking about globalisation in every aspect of life. I am talking about the positive and negative forces of this globalisation upon our identity, who we are and how we govern and are being governed.

The only way to progress as a society and as a nation within this context is to allow greater liberalisation in our democratic system. There is a need to open the boundaries of our minds to every form of management and to utilise the broad spectrum skills, expertise and languages at every level of decision making. This will allow civic pluralism as the most open and appropriate form of citizenship for our times. Despite these changes, there are core values of our Australian nation that bind us all. They include English as our national language, our Constitution, our democratic process of government, our independent judicial system and our spirit of a fair go. As with many similar countries around the world, our future depends not only on how we uphold these democratic principles, but also on how we enhance these democratic structures so that we will be a truly pluralist civil society.

Having recognised this, the challenge is how to establish the most appropriate mechanism to be a truly multicultural society where the rights of all will be recognised. These are rights of political, social and economic equality and the right of self-determination within the legal framework of the State. In our effort to achieve common goals it is imperative to realise that we do not have to be the same to be equal and that equality does not automatically mean sameness of treatment. This view has some merits and worthwhile support, provided that some amendments are implemented. I strongly oppose the title "Community Relations Commission" in accordance with the wishes of the majority of the ethnic community of New South Wales and community leaders.

The principles of this concept give rise to the perception that in order to be equal we should all be treated the same way. It emphasises that differences are not desirable because they are divisive. This argument is a clear contradiction of the whole concept of multiculturalism. The policy of multiculturalism and the word "multicultural", which I urge all honourable members to support, should be included clearly in the name of the commission. This is echoed in clause 2 of Article 1 of the UNESCO Declaration on Race and Racial Prejudice, which states:

> All individuals and groups have the right to be different, to consider themselves as different and to be regarded as such. However, the diversity of lifestyles and the right to be different may not, in any circumstances, serve as a pretext for racial prejudice.

The Human Rights and Equal Opportunity Commission of Australia suggests that the State may draw three implications from this section of the declaration as follows:

> That it is a legitimate action for the State to involve itself in the development of programs and policies that seek to assist ethnic and linguistic minorities in maintaining a distinct cultural tradition;
>
> That in doing so, the State may not endorse a particular cultural identity as superior to all others but recognise the equal value of diverse culture and expressions;
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> That the interaction between the rights of ethnic, religious and linguistic minorities to culture and the right to non-discrimination implies that recognition of the right to non-discrimination for ethnic minorities must not be conditional on the relinquishment of cultural traditions or identity.

That principle clearly states that cultural diversity should be an integral part of life in our State: it should not be hidden, obfuscated or neutralised by the State. Governing cultural diversity can be challenging, and I believe this bill is equally challenging. I do not believe the Government has fully realised the significance of this opportunity. I am not convinced that the Government has fulfilled its responsibilities towards a culturally diverse society as it has not consulted fully and worked with the community at every stage in developing the bill.

General Purpose Standing Committee No. 1, which is currently conducting an inquiry into multiculturalism, was pressured to deliver an interim report in a very limited time. This demonstrates the lack of Government commitment to genuine public consultation when considering the possible impact of this bill on multiculturalism in New South Wales. This limitation of the committee is reflected clearly in the findings and recommendations of the interim report. As a member of that committee, my only choice was to join the Hon. J. M. Samios and the Hon. D. F. Moppett in issuing a dissenting statement. I am disappointed that that had to happen and I am convinced that, if the committee had had more time to deliberate, we could have resolved many of the contentious issues and presented a more unified and comprehensive report.

The Hon. D. F. Moppett: I am not entirely convinced of that.

The Hon. Dr P. WONG: Maybe the honourable member is right—should I reconsider? Therefore, it is imperative that honourable members consider the interim report together with the dissenting statement and support reasonable amendments that aim to improve the bill rather than divide the community—as the Government has claimed. I believe that this Labor Government should follow the long tradition of Labor achievements in ethnic and multicultural affairs. I refer to the achievements of people such as Al Grassby, Gough Whitlam, Neville Wran and, more recently, Bob Hawke and Paul Keating. I recognise the dilemma and the challenges facing the Government in delivering economically viable social services while appearing to be fair to all and not give special favours to particular groups and individuals. Such pressures are placed on all governments in most circumstances and it takes true leadership—I emphasise that point—and wisdom to balance these challenges and to achieve progressive policies for the whole society.

I believe this Government requires some assistance in achieving a balance with this legislation. It has been reluctant to listen and to heed the views of the community—even after the House passed a motion of condemnation last year regarding the Government's decision to replace the Ethnic Affairs Commission of New South Wales with the Community Relations Commission of New South Wales without prior consultation with the State's ethnic communities. After a long tradition of involving the ethnic communities in its political ranks and in public processes important to the Labor Party, this Government is being stubborn and selective when it comes to heeding the wishes of the same ethnic communities.

I am concerned that, instead of consulting the ethnic communities properly about proposed changes to the Ethnic Affairs Commission, the Government has misled, manipulated and pressured different ethnic communities and organisations at every stage of this bill's development. The majority of my crossbench colleagues and I have been briefed about this issue, collectively and individually, by representatives of organisations that are directly concerned with the delivery of ethno-specific and settlement services. The Government claims that these are mischievous allegations, and it would be difficult to prove this pressure because individual community organisations that depend on the Government's purse strings would be afraid to speak out publicly. I do not believe these tactics are worthwhile or characteristic of an open government that is committed to "good community relations". The Government's motivation to replace the Ethnic Affairs Commission is flawed. In his second reading speech to the bill, the Minister for Public Works and Services, and Minister Assisting the Premier on Citizenship made this quotation:

> 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 …

I ask the Government: Which part of the charter of the Ethnic Affairs Commission has been achieved? Is it the full inclusion of people from ethnic communities in key decision-making areas of government and the community? Is it the acceptance of ethnic diversity within the operation of government departments and agencies? Is it true and fair representation of multicultural issues in the media? How successful are the Government's ethnic affairs priority statements? Do we treat all ethnic communities with equality and respect? Can we claim that multiculturalism has been achieved and that the Ethnic Affairs Commission should be replaced with an organisation called the Community Relations Commission? I think not.

The following statistics illustrate my point. Unemployment levels among people from non-English-speaking backgrounds [NESB] and indigenous Australians are very much higher than for the rest of the population. Indigenous unemployment is running at about 38 per cent and NESB unemployment is about 12.2 per cent compared with 8.1 per cent for the whole labour force. The unemployment rate among some NESB groups is significantly higher: 25.1 per cent for people from Lebanese backgrounds and 26.8 per cent for those from Vietnamese backgrounds. The majority of people from these groups are employed in traditional blue-collar industries that are subject to restructuring or the threat of relocation to more profitable areas overseas.

Racial and cultural discrimination is still present in the practices of some public organisations. In 1991 the Human Rights and Equal Opportunity Commission reported that there was compelling evidence to show that the medical registration system was discriminatory under the terms of the Racial Discrimination Act 1995. I believe that discrimination remains. People from NESB and indigenous people are still underrepresented at all levels of politics as well as in executive positions in the public service. While people born in non-English speaking countries constitute close to 14 per cent of the Australian population, their participation in policy-making institutions is about 6.4 per cent. Similarly, the Access and Equity annual report of 1995 found that indigenous and NESB Australians constituted only 5 per cent of members of Federal government decision-making and advisory bodies. It concluded that NESB Australians were "substantially underrepresented" on decision-making bodies. The House of Representatives Standing Committee on Community Affairs expressed concern at the poor representation of NESB Australians before parliamentary hearings.

While it is correct to state that many past achievements have brought the idea of a functional multicultural society closer to reality, it would be wrong to claim that the Ethnic Affairs Commission has done itself out of a job. We can continue to claim unity and hope that everyone in the community will live as one, but we must recognise that there are differences between us. There are different needs that must be addressed if we are to build a harmonious society. Those differences must be addressed with specific programs and services such as those traditionally offered by the Ethnic Affairs Commission of New South Wales. The commission must continue to provide ethno-specific services, such as interpreting, providing grants for cultural programs and co-ordinating education and English language programs. It must continue to focus on individuals and groups from culturally diverse backgrounds and bring them into mainstream Australian society.

Before we vote on this important legislation, it is critical that we understand the meaning of "multiculturalism". The concept of multiculturalism is very important, yet complex, and people in public and private forums are often confused about what it means and what benefits it offers. Four broad categories of multiculturalism are widely accepted as the core areas in which the State acts to progress multiculturalism: the symbolic representation of cultural diversity in all levels of decision making and public life; access to services in an equitable fashion; interest and intervention in inter-communal relations; equal expression; and the right of cultivation of all cultures. Multiculturalism is, therefore, an inclusive concept in which relations within a society can take place in a number of dimensions, incorporating different spheres of identity and human experience.

Ethnicity is relevant, but it is not the only identity. I understand the Government's intention to delete the word "ethnic" from the name of the commission in recognition of these evolving processes of multiculturalism. However, I strongly disagree with the views expressed by the Premier and his Government members in the lower House that the word "ethnic" has become derogatory and divisive. Language is a symbolic expression of identities, communications between people and even government policies. Words can be tainted only by certain feelings and attitudes in these situations, but words alone cannot be held responsible for the existence of those feelings and attitudes. If the word "ethnic" has been understood in a derogatory sense, it is only because someone or something has let prejudice take over and taint the word in a negative manner.

If the Government considers that "ethnic" is divisive, it is because the Premier has used it in derogatory terms in relation to the Lakemba police station shooting. Recently the Commissioner of Police identified ethnicity in a similar sense when he asked the Lebanese community to take ownership of the crime problem in

the Bankstown area. We will not get rid of prejudice if we eliminate terms which have become associated with prejudice. On the contrary, we will encourage those who propagate prejudice and negative relations between people. Similar arguments about symbolism apply to the words "community relations", which are included in the title for the new commission. I oppose that term as it stands, because I believe very strongly that it does not clearly indicate the proper role of the new commission.

If the commission is called the Community Relations Commission, this Government, and future governments that will choose to take ownership of the commission, will have a very hard time in proving that they are strong on the policy of multiculturalism. Why? Because the title Community Relations Commission is not necessarily linked to the task of valuing and strengthening the benefits of cultural diversity. This decision gives rise to many unanswered questions. Is the Government unsure about ethnic affairs? Or does it not know where to go in multiculturalism and wants to hide it behind a general and neutral name such as Community Relations Commission either to attract or placate One Nation sympathisers? Or is this a public relations exercise that the Labor Party is using to lure the votes of all those who are dissatisfied with the direction in which economy and society are heading, and choose to blame the migrants and the indigenous people?

The Review of Multicultural Affairs and Migrant Programs and Services [ROMAMPAS] review, which has exerted some influence over multicultural policy development in the past, defines community relations, as "the sum of the relations between individuals and groups in their day-by-day contact at work, in their neighbourhoods, at meetings of their unions, political parties and social clubs, as shopkeepers and customers". It is obvious from this definition that the concept of community relations does not specifically refer to respect for difference or cultural diversity. In reference to the definition of "community relations" another report, commissioned by the Department of the Prime Minister and Cabinet in 1988, argued:

> Within such broad terms of reference, it is not surprising that community relations programs have met with limited success. It is apparent that the way the term is translated into policy terms very much depends upon the ideological and social perspective adopted …

I hear the views of some sections of the public, including some members of this House, that we all belong to the same community, whether we are from Anglo-Celtic, indigenous or non-English speaking backgrounds. I agree with that view. However, as members of the same community we have different needs. In order to have a harmonious community, we have to manage the State and implement strategies in accordance with these differences. That is why we have departments for youth affairs, women, indigenous affairs, education and training, et cetera. We even have a Community Services Commission. All of those departments are concerned with community relations, but they aim at addressing specific needs and issues concerning the community.

That aim is reflected in the titles of the departments. Similarly, other States in Australia have commissions which are concerned with multicultural affairs, and they are titled appropriately. They include the Victorian Multicultural Commission, the Western Australian Office of Citizenship and Multicultural Interests, and the South Australian Multicultural and Ethnic Affairs Commission. If the Government is committed to progressing multiculturalism I fail to understand why it persists in using the term "community relations" as the sole description for the commission when "multicultural affairs" is clearly a more relevant and more inclusive term. The term "multiculturalism" would express more clearly what this commission is about, and it would state a clear direction for policy for the Government—a policy that the Government claims it wants to promote.

The refusal to recognise that Community Relations Commission is definitely not the most appropriate name to replace the Ethnic Affairs Commission indicates that this very stubborn Government has lost its vision and commitment. For the Carr Government the word "multiculturalism" has become as difficult to use as has the word "sorry" for John Howard. The Government can use it everywhere, except where it is most relevant and would show a clear government commitment. In the process of its refusal to use the word "multicultural" the Government has created excuses, included the so-called by-line which may be used on all promotional material of the commission.

The Government would argue that the slogan, or motto, developed in line with latest marketing or branding practices, would be an appropriate alternative for using the word "multicultural" in the title of the commission. I reject this proposal outright and I urge all honourable members to also reject it for the following reasons: a by-line used only on promotional material will not be a sufficient and effective tool in clearly showing the public and clients of the commission what its functions and services are all about. Those who are currently mostly in need of the commission's interpreting and grant services will not know where to go for assistance. If they look up the phone book the will find only the name Community Relations Commission.

By proposing this by-line, the Government proves that "multicultural" is the appropriate name for the commission. Promoting this half-measure by-line and not including it in the full name of the commission only

proves that the Government is stubborn and out of touch with the people it serves. A by-line is only a slogan, it will not appear in the name of the commission. If we support that by-line the commission will continue to be known in the public as the Community Relations Commission. All the difficulties associated with this name, which I stated earlier, will not be resolved. The by-line will appear only on letterheads and brochures, therefore it will be available only to people who have already made contact with the commission; and most of them would be existing clients.

All new clients will firstly be presented with the non-specific name "community relations" and only afterwards they will be shown that this commission will be working for a multicultural New South Wales. Thus the Government is still hiding, for whatever reason, what this commission should be all about. If the Government insists that there should be a by-line, and insists on the multicultural nature of the commission, it should name the commission the Multicultural Affairs Commission with the by-line "for better community relations in New South Wales". This title would be more consistent with the definitions of community relations and multiculturalism as shown in policy and academic papers.

The issue of contention is not necessarily that Community Relations Commission is not a good title, but that it is not an appropriate replacement for the Ethnic Affairs Commission. The name change signifies a diversion in policy. The Government denies that the new name is a step back in multicultural affairs, even though the last time "community relations" was used was in 1974, when Al Grassby was appointed Commissioner for Community Relations. The then commission dealt with race relations, including indigenous issues, and later became the Human Rights Commission.

A number of concerns about the name Community Relations Commission have been expressed in personal letters to me and in submissions to the committee. Some of the concerns were that the bill is a move against multiculturalism, and that this Government is no longer committed to the policy of multiculturalism and we are moving backwards rather than progressing. This view was confirmed by Stepan Kerkyasharian, the current chair of the Ethnic Affairs Commission, at the committee hearing on 22 May. As an explanation why "multicultural" was not used in the full title of the commission, he said:

> I fear that the word "multicultural" now is being corrupted to be synonymous with what "ethnic" was corrupted to be.

I will leave it to the House to judge whether we should constantly be getting rid of words and policies the moment they are corrupted by prejudice and lack of commitment. Other concerns expressed were: that the name Community Relations Commission is too general and is not specifically linked to the issues and benefits of cultural diversity; and that the term "community relations" is misleading not only to people who use ethno-specific services, but also to the rest of the community. For example, disability groups, women and indigenous groups would, by implication of the name, expect to be represented by the commission; but they will not. These serious concerns were expressed to me by a vast number of community organisations and individuals after the changes were announced by the Minister, during the submission period, on the consultation document "The Way Forward" and during the inquiry by General Purpose Standing Committee No. 1.

The same concerns were expressed at the Summit on Multiculturalism, which was held in Parliament House on 16 February and attended by about 120 people representing more than 40 ethnic community organisations. By making "cultural diversity", "multicultural" and "ethnic" forbidden words, we open the way for mistreatment of those who come from ethnic backgrounds and those who have special needs because of linguistic problems or other reasons. In other words, by not entrenching the word "multicultural" in the name of the new commission, the Government is caving in to policies proposed by those who are opposed to multiculturalism. In his second reading speech the Minister referred to a shooting in Lakemba and the negative ethnic stereotyping that occurred as support for the Government's argument to abandon the word "ethnic".

This is a typical example of caving in. Yes, the Lakemba shooting was a community issue and it required a community response, as does every other issue in our society. It became a hot political issue when the Premier used the words "Lebanese gangs" as identification of the ethnic origin of the crime suspects, even though they were Australians. The changes are considered to be unnecessary because the commission as it currently exists is performing satisfactorily. In one submission Vivi Germanos-Koutsounadis, a well-known and respected community worker, a former Commissioner of the Ethnic Affairs Commission and a recipient of an Order of Australia Medal, writes:

> It is disappointing that there is nothing new in this proposal except the change of name which is totally unnecessary and politically motivated ... it is a pity that New South Wales which was a pioneer and forerunner of ethnic affairs and multiculturalism is following and condoning the Federal government philosophy of multiculturalism and ethnic affairs and this move could have repercussions in the future. It is not only cultural diversity which is important, but also other aspects of human rights and social justice and the needs of minority groups in our community.

She concludes her submission:

> Being a supporter of the Labor Party, I am amazed that such a document could be produced and accepted by those in the decision making level who would not have dared to produce such a document before the State elections.

All of the submissions in response to "The Way Forward" were finally made available to the committee's inquiry into multiculturalism. Altogether there were 125 submissions from government departments, agencies, community groups and individuals. The submissions were thorough and comprehensive in their response to all of the proposals outlined in the consultation report, particularly to the proposed name of the new commission and its revised functions. A great majority of the submissions, about 80 per cent, argued that Community Relations Commission is not a suitable name. They were concerned about the future of multiculturalism if this name were adopted and asked for a stronger Government commitment to services for ethnic communities. All of them were ignored by the Government: it did not change the name of the commission. The Government overemphasised "community relations" in the bill at the expense of a stronger commitment to services and downgraded the membership of the commission.

In response to a question why the bill did not reflect evidence from the submissions, Minister Iemma said that the number of submissions was not large and, therefore, not representative of the ethnic communities in this State. Yet they are the same organisations which the New South Wales Government in the past has relied upon—and most likely will rely upon in the future—for its advice on multicultural affairs. For the information of honourable members, it is not correct that the submissions were not representative of ethnic communities. Despite the Government's reluctance to consult and to review the consulting document "The Way Forward", many submissions were written in response to that document and the committee inquiry. Submissions were received from the Ethnic Communities Council of New South Wales, the Attorney General's Department, the Department of Community Services, the Department for Women, the Department for Education and Training, the Ageing and Disability Department, NESB Youth Issues Network, the New South Wales Teachers Federation, the National Multicultural Advisory Council and the Migrant Resource Centre forum.

Submissions were also written by the Australia Council; the Ethnic Communities Council, Newcastle and Hunter Region; the Marrickville Ethnic Communities Committee; the Illawarra Ethnic Communities; and the Vietnamese Community of Australia, New South Wales chapter. We have also received submissions from the Domestic Violence Advocacy Service, the Laotian Community Advancement NSW Co-operative, the New South Wales Grant-in-Aid Migrant Welfare Workers and Agencies Co-operative, the peak Italian organisation Co-As-It, and many more organisations representing particular ethnic communities, including two major Chinese groups and the Local Government Community Services Association. A number of councils—such as Camden, Ashfield, Sutherland Shire, Botany Bay, Griffith, Wagga Wagga, Kempsey Shire, Wollongong City, Shellharbour City and Marrickville—also sent submissions.

To argue that they are not representative of the community is an ignorant assertion that insults not only those who wrote the submissions but also the whole of New South Wales. Had the Government listened and acted on the views expressed in the submissions, there would have been no need for a parliamentary inquiry or a lengthy and contentious debate. The Government chose to ignore those views and the bill has caused great divisions within the ethnic communities. Shying away from the words "ethnic" and "multicultural", whatever the true motivation is, neglects the value of cultural diversity and will lead towards the destruction of multiculturalism. Malcolm Fraser, in his opening address of the Australian Institute of Multicultural Affairs on 30 November 1981, said:

> The less constructively a society responds to its own diversity, the less capable it becomes of doing so. Its reluctance to respond, fuelled by the fear of encouraging division, becomes a self-fulfilling prophecy—the erosion of national cohesion is a result, not of the fact of diversity but of its denial and suppression.

I will move on to the scope of the bill. The bill has been presented as an improvement on the Ethnic Affairs Commission Act 1979. It has also been argued that the new Community Relations Commission will have new functions and powers. Another argument presented in support of the bill is that for the first time in Australian history multiculturalism is enshrined in legislation. However, all of those functions are currently performed by the Ethnic Affairs Commission. In its hastiness, the Government did not define the word "multiculturalism" in the bill—a principle it enshrines. I accept that some of the functions mentioned by the Government are now codified and broadened in the bill, such as the constitution and functions of regional advisory councils. However, I would argue that the only new specific function of the Community Relations Commission is to "encourage eligible people to become Australian citizens". When one considers that the Ethnic Affairs

Commission has been actively engaged in informing people about the benefits of Australian citizenship and participating in civics and citizenship education of new arrivals, it can be argued that this is not necessarily a new role of the commission.

It is indeed possible that the new commission might have a reduced role and purpose when it comes to serving people from non-English speaking or culturally diverse backgrounds. The reasons for this observation are, first, the possible need for a reduction of the ethno-specific aspect of the new commission to accommodate its broadened community relations and citizenship focus, and the lack of a formal commitment in the bill to ethnic affairs priority statements and community grants programs; and, second, the proposed reduction of the number of commissioners and the terms of their appointment. The current Ethnic Affairs Commission Act has 15 commissioners, one of whom is the full-time chairperson. The bill proposes that there be not more than nine commissioners, including the chairperson. It is proposed that the commissioners serve on a part-time basis, and that the chairperson be appointed on either a permanent or part-time basis. Clause 7 provides in effect that a chairperson does not have to be appointed at all.

Those changes symbolise the economic rationalism of doing more with much less. The combined changes I mentioned would significantly weaken the ability of the new commission to effectively perform its functions as proposed in the bill. The proposed changes also raise strong community doubts about how committed the Government is to preserving the commission as an important government agency on multicultural affairs. The Government has stated that the principles of multiculturalism are a positive characteristic of the bill. However, it is incorrect to argue that it is a completely new achievement. The principles of multiculturalism are almost the same as the principles of cultural diversity, which were introduced in 1996 by amendments to the Ethnic Affairs Commission Act.

Another argument put forward in support of the bill is that it links the concept of citizenship to multiculturalism. A novel characteristic of the legislation is that it is an adoption of the concept of multicultural citizenship put forward by the National Multicultural Advisory Council in 1999, of which I was a member, and earlier by Stephen Castles in 1995-96. The aim of multicultural citizenship is to ensure national inclusiveness on the basis of cultural diversity. Although the intention of including the concept of citizenship in this legislation is positive, there are a number of difficulties with the way it is done. There is overreliance on the expression of responsibilities of citizens, including an overarching commitment to Australia.

This implies that not only Australian citizens but also permanent residents and other members of the Australian community must be committed to Australia, even though they may not enjoy the same rights as Australian citizens. I support the bill in principle. It has some shortcomings, and I intend to move amendments at the Committee stage to address its inadequacies. The majority of the communities have pointed out that they have a major problem with the name. Almost everyone I have spoken to, including those who supported the byline, do not object to the addition of the word "multicultural" to the title of the proposed commission. I take this opportunity to thank my crossbench colleagues for their support and encouragement. I also thank the Opposition, in particular the Hon. J. M. Samios, for working together with me to fight for the future of the ethnic communities of New South Wales and to carry their messages to this House. The people have spoken. I pray that, in the spirit of a fair go, this House will grant their wishes.

The Hon. J. S. TINGLE [12.33 p.m.]: I support the bill, as do most if not all members of this House. I have always been very uncomfortable with the word "ethnic". Although it has an honourable meaning and defines a group of people, it can also be used pejoratively. My discomfort with its use probably arises from a very deep distaste for things that divide us and things that categorise people into little groups. I remember that when Al Grasby was the Minister for Immigration he was looking for a title for people coming to this country as migrants. He talked about "new Australians" and "new citizens". I said to him, "Al, why don't you just call them people? That's what they are. By all means let us acknowledge their beginnings, their culture and their religion, but please do not set them in some sort of a mental ghetto."

My mother was Irish. Her name was Molly O'Rourke and she came from Roscommon. She came to Australia in the days when to be Irish was to be looked down upon, when the Irish were expected to live in ghettos. As a child at the beginning of the war I saw the first refugees from Europe, first people from Poland and later Austrian Jews. They were called reffos. I suppose they were looked upon with disapproval and contempt by many of the older white Anglo-Saxon Protestant [WASP] Australian community. At the time it seemed to be terribly unfair, unreasonable and unkind. What finally clinched my distaste for things that divide us, what clinched my concern about categorising people according to groups, was Auschwitz.

I went to Auschwitz in mid-1980, in the cold and snow, to do a documentary for a radio program. Around the rooms were photographs that the Nazis had methodically taken of their victims. When people were

committed to Auschwitz they were made to stand against a wall that had an iron spike and a circular piece of iron to hold the neck, because the Nazis did not want to use high-speed film and did not have lights. On that wall—and burned into my mind ever since 1980—was the picture of little girl about 10 years old wearing a headband. Her neck was in the iron socket, her eyes were looking up in sheer supplication at the person who was obviously taking the picture, and tears were running down her cheeks. She was identified by only two things: a number underneath and the word "gypsy" on top.

The photographs in the room were divided into groups: Jews, gypsies and homosexuals. That brought home to me that that little girl went to the gas chamber because she was a gypsy, not because she had done anything wrong. Her tears, I am sure, would have left her captors unmoved. That finalised in my mind the firm conviction that when we attach tags to groups of people we do ourselves a disservice. I would like to see the word "ethnic" abolished. One of the good things about the bill is that we will get away from using that term, which can be tremendously pejorative. I have received a large range of letters on this subject. They all approve of the bill. Some of them want to change the name of the commission. It has been very difficult for me to make up my mind how I should respond to them.

I cannot accept the claim that the bill or the interim report of General Purpose Standing Committee No. 1 reflect a winding down of the Government's commitment to a multicultural society. On the contrary, it represents a winding-up. The Government's commitment to multiculturalism has been demonstrated again and again. Nobody can doubt the importance and the benefits of our being and having a multicultural society. I am lucky. I have friends in the Chinese community, the Greek community, the Croatian community, the Serbian community, the Italian community and many others. My daughter-in-law is of Croatian descent, but when she speaks of herself as being a Croat or Croatian her father, who was born in Croatia, puts her down. He says, "No, you are an Australian of Croatian descent, but you are an Australian first."

I have always believed that, in developing the wonderful rich fabric of a multicultural society, we must be Australians, whatever else we are. That is an all-embracing concept. I have had difficulty grappling with the importance placed on the words that may or may not be in the name of the commission. The important word we are overlooking as we grapple with the words "multicultural" and "multiculturalism" is the word "community". It is a vital word. In every sense of the word and in the title Community Relations Commission it suggests to me an all-embracing body, which includes all people, all religions, all cultures and all creeds. Community is the word I have settled on. I listened with great respect to the Hon. J. M. Samios, who spoke to me at length about his amendments to the bill and his concern about the lack of the word "multicultural" in the title of the commission.

I listened to the Hon. J. M. Samios with respect because I know nobody who has a deeper commitment to or involvement with ethnic communities—what other word can I use—than the Hon. J. M. Samios. I was attracted to the amendment he proposed and discussed with me, that the word "multicultural" should be used in the title of the commission. I have now read the interim report of General Purpose Standing Committee No. 1, which inquired into this matter. I have noted the dissenting opinions of the Hon. J. M. Samios, the Hon. D. F. Moppett and the Hon. Dr P. Wong, claiming that the majority opinion, which drafted the recommendation of the committee, does not represent the main thrust of submissions from groups that appeared before the inquiry.

I would have liked to have seen some numbers quoted about how many of the groups wanted the name of the commission changed. However, the recommendation of General Purpose Standing Committee No. 1 is that the new commission may use the expression "for a multicultural New South Wales" in literature and as a mission statement. I understand that the Government is prepared to change "may" to "will ", which is a much better word, and I will certainly support that. I have considered the representations and the cases put to me by the Hon. J. M. Samios and the Hon. Dr P. Wong, and I have carefully read the interim report.

I will support an amendment based on the recommendation of General Purpose Standing Committee No. 1, which, I understand, will be moved by the Hon. H. S. Tsang. I stress that I do not support the amendment of the committee because it was, according to the dissenting report, a proposal of the Government representatives on the committee—a majority recommendation—but because it will achieve the result sought by the Hon. J. M. Samios, the Hon. Dr P. Wong and various ethnic community groups more effectively than simply inserting the word "multicultural" in the title of the commission.

If the Community Relations Commission adds the word as a motto or mission statement "for a multicultural New South Wales", it would be running its commitment to a multicultural society up the flagpole every time it opens its mouth. To me that is more important and much more effective than simply putting the

word into a title where it can be lost. More importantly, that mission statement makes a firm, clear and unequivocal statement emphasising for a multicultural society without giving the impression that the Community Relations Commission has two divisions—one concerned with the community in general and one specialising in multicultural affairs, which would be seen by many as referring only to ethnic affairs, forgetting that many of us, including me, are ethnic Australians. In other words, the recommendation is more supportive of multiculturalism than any extension of the name of the commission to include that word. It is a complex and sensitive question which I have had great trouble resolving, but after much agonising and extensive discussion with friends who used to be called ethnics and like to be called Australians I will support the Government's amendment based on the recommendation of General Purpose Standing Committee No. 1.

Reverend the Hon. F. J. NILE [12.41 p.m.]: The Christian Democratic Party is pleased to support the Community Relations Commission and Principles of Multiculturalism Bill. We believe the bill helps to move New South Wales further ahead. It is a developing bill, one that indicates where New South Wales has been and where it is going. It is part of a process. Emphasis has been placed on the word "ethnic". Many ethnic organisations are not happy to use that word and would like to move on. The word we have proposed is "multiculturalism", and perhaps in the future an even better term may replace it. We should not be locked into an emotional attachment to a particular word; instead, we should use words that assist our State and nation as we work together for the future.

The Premier, who has had a major role in the development of the bill, has carefully crafted a very balanced measure that includes all the important elements so necessary at this stage of the State's development. I urge honourable members to be careful about dropping one term from the bill on the spur of the moment and inserting another one. The legislation has been carefully prepared. I would not support any amendments other than the one recommended by General Purpose Standing Committee No. 1 in regard to the name. I hope I have made that point clear.

[*Interruption*]

It is very delicate legislation. Some bills can be cut and pasted without serious impact, but a change to this bill may commence a process never intended either by the mover or by those who voted for it. I am merely warning honourable members that this bill is different to almost all the other types of bills debated in this House. The Hon. D. F. Moppett, more than any other member in this House, as a National Party member should be aware of how sensitive this issue is in our State and how carefully it has to be dealt with.

From statements received by the general purpose standing committee and from the Premier's submission to that inquiry it became clear that the bill encapsulates the Premier's vision for New South Wales, a vision supported by the Government and its members. Someone has lifted the standard and said, "Here is a way to move forward in New South Wales." We all know that if New South Wales sets the pace the rest of Australia will fall behind and follow its direction. Therefore, it would be pointless to go back and adopt what might be done, for example, in South Australia. In the future all other States will move in the direction set out in this bill that we will pass today.

The bill encapsulates the Hon. Bob Carr's vision for the State. When I realised that—though I have not spoken personally with him about it—I acknowledged that all of us should give careful consideration to supporting the legislation in its present form and supporting the name Community Relations Commission because that is part of the vision. Because of the controversy that has been generated it could be that the Premier may not have yet succeeded in conveying his vision about the name of the commission. There is vision and purpose behind it. As time evolves the commission will be a great asset for this State as it carries out its duties and leads the New South Wales community together down the same pathway rather than allowing society to move in different directions amid disharmony, friction and strife.

This bill is a preventive move that offers leadership rather than matters being allowed to amble along and problems being dealt with as they arise. This bill takes hold of the issue and gives it leadership. I thank the Premier for sticking his neck out. People have criticised him for taking this approach. He could have adopted a different policy more politically valuable for his party, but that may not have been the best policy. A policy that may have made the Hon. Dr P. Wong or certain interest groups happy might not be the best policy for the State. The Premier and the Government have to give leadership to this State. That is what the Government is seeking to do at this stage. That is why this bill is so important.

The Premier has been criticised for using the word "citizenship". That is part of his vision as Premier. However, people will misunderstand the concept, believing that, as the Federal Government grants citizenship,

all such matters are covered federally. The bill talks about citizenship in its broadest sense. Citizenship is an important concept that is part of the ministry's title, the commission's name, and the legislation. No-one would accuse the Premier of being racist, although about a year ago an attempt was made to raise that red herring in this place. The concept of citizenship is a special element in what the Premier seeks to do. Critics of use of the word "citizenship" have failed to understand that part of the work of the State Government is to strengthen citizenship. The Government undertakes that task through its education department, which has responsibility for educating more than one million children, through introducing legislation in this place, and through engagement in civic affairs such as the naming of the Anzac Bridge and the erection of the Anzac memorial. All of that activity assists citizenship.

The Premier is trying to promote citizenship and encourage citizenship awareness, so that it is not left to Mr Howard in Canberra alone to make statements about it. This State has a responsibility to provide leadership for its six million or so citizens. If this State shows leadership, the other States will follow in due course. Citizenship is an important element of the bill and the Premier is seeking to promote it.

I know there has been debate about what multiculturalism is. I have tried to include this as a recommendation of the inquiry. I understand that the Hon. Dr P. Wong and the Coalition have not questioned the definition printed at page 29 of the committee's report. The chairman of the Council for a Multicultural Australia, Mr Neville Roach, recommended using the definition of "multiculturalism" put forward by the National Multicultural Advisory Council in 1999. I would have liked this definition to have been included in the bill. We are discussing multiculturalism and need to educate people about it. People may have different ideas of what multiculturalism means, and that can lead to confusion. This definition was accepted by the inquiry and I am certain it will be accepted by the new commission when it begins operations. The definition is:

> 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 benefits of our cultural diversity for all Australians.

That is a very positive definition of the word "multiculturalism". The Premier stated in his submission to the inquiry:

> … multiculturalism cannot be construed as a policy which affects only certain groups in our society, the "ethnics". Multiculturalism can only succeed if it engages everyone in its most powerful expression as a policy recognising individual identity and participation on an equal basis for all.

That is clearly part of the Premier's vision with the bill. As I said last night in my adjournment speech, many people may still be suspicious of the term "multiculturalism". They may not have liked the word "ethnic". I am not speaking now about people who are in the ethnic community; I am speaking about those outside the ethnic community such as supporters of Hansonism, the One Nation Party. I do not think they are happy even with the term "multiculturalism". I believe there would be a small minority who would regard it with suspicion. They regard it as a threat to Australia's unity, values and nationalism. The point I am making is that even the word "multiculturalism"—

The Hon. I. Cohen: You are saying that because pro-Hanson elements have that opinion. You are using that as an argument to support not acknowledge multiculturalism.

Reverend the Hon. F. J. NILE: No, I am not using that argument at all. I am just saying that we need to be very much aware that there are diverse views in our society. Therefore there is all the more need to bring our society together.

The Hon. I. Cohen: I thought you were saying that you support that as a concept.

Reverend the Hon. F. J. NILE: I do not support this criticism; I am just saying that we need to note that there are people who are suspicious of the term "multiculturalism". That is a fact and it is demonstrated by One Nation supporters. This gives us a greater responsibility to communicate what we are trying to do, to bring all Australians together, rather than assume a city-based view.

The Hon. I. Cohen: Is that not accepting the position?

Reverend the Hon. F. J. NILE: I am not accepting it; I am rejecting it. But you need to note it. If you ignore it you are trampling on those people too. You need to acknowledge it and therefore help to educate those people to understand what we are seeking to do in this Parliament. That is the point I am making. It is no good just saying that we will slam the door in their face.

The Hon. I. Cohen: Giving them what they want is hardly educating them.

Reverend the Hon. F. J. NILE: We want to help to educate the whole community.

The Hon. I. Cohen: You are giving them what they want. That is not educating them.

Reverend the Hon. F. J. NILE: No, I am not giving them what they want. That is exactly the opposite of what I just said. Do not try to put words into my mouth. I am criticising the views of a minority in our society. There needs to be more care in how we communicate multiculturalism. We need education programs and so on to communicate what we are seeking to do. We need clarity on this issue, otherwise there will be acceptance in the city but suspicion in country areas.

The Hon. I. Cohen: You are caving in to them.

Reverend the Hon. F. J. NILE: I am not. I am not agreeing with them at all. I am saying exactly the opposite. You pretend that they do not exist. I am saying that they do exist, therefore we need to help educate them. That is why this bill is important. It is no good ramming an idea down people's throats. You have to explain it to them and educate them. That is important. It would be a great pity if city people support the legislation unanimously but country people remain suspicious. That is the point of the education program and the true value of using the most appropriate name of the commission.

The Hon. D. F. Moppett: Why do you think that there is suspicion in country areas?

Reverend the Hon. F. J. NILE: It was obvious that a great deal of support came for One Nation from the country areas.

The Hon. D. F. Moppett: No, it did not; it was uniformly spread throughout the State.

Reverend the Hon. F. J. NILE: I know that there was support in the metropolitan areas as well but the support was very strong and vocal in country areas. The challenge facing us as Australians is to develop a unique form of Australian multiculturalism. We should not adopt the Canadian or New Zealand models, which arose from different historical backgrounds. We should develop our own Australian multiculturalism whereby we are Australians first, as the Hon. J. S. Tingle said, and proud of our cultural heritage.

Australia is home to Anglo-Saxon groups, Scots, Irish, Greeks, Poles, Italians, Vietnamese, Arabic people from the Middle East, Copts from Egypt, and more recently large numbers of Chinese. We are encouraging them to be proud of their cultural heritage. This bill embodies that concept. People of Scottish descent, of whom I am one, are proud of Scottish traditions and culture—including the bagpipes and all that. That should make sense to other cultural or ethnic groups, for people should be encouraged to be proud of their own cultural heritage. I believe that that is what this legislation is endeavouring to do. During the inquiry there was almost unanimous support for the bill. We should not lose sight of the fact that the bill had widespread support. Even though there was criticism of the proposed name of the new commission, the Community Relations Commission, there was very little criticism of the content of the bill, the substance of the legislation. Even the Chairman of the Ethnic Communities Council, Mr Paul Nicolaou, said:

> … the ECC feels that the bill, or the legislation, is valuable and should be supported. After great consultation with members of our member organisations and the community a lot of people feel that the legislation is fine but there are some changes that need to be made.

Representatives of the Greek Orthodox community said:

> We, as an organisation, support the passing of the bill. We do, however, have one or two reservations about it.

The Committee for Community Relations Commission and Principles of Multiculturalism Bill 1999 stated:

> The Committee for Community Relations Commission and Principles of Multiculturalism Bill 1999 … strongly supports the Bill in both its spiritual and functional context. It believes that the Bill will enhance the commitment of New South Wales to multiculturalism by taking the Principles of Multiculturalism from the policy context and enshrining them in legislation.

Dr Luan Thiam Ang, the immediate past president of the Chinese Australian Forum, took up the point I made in my opening remarks about the evolution of relations within the community. This bill is part of an evolutionary process. He said:

> We in the Chinese-Australian forum believe that this bill is a step forward to the previous bill, which established the Ethnic Affairs Commission. Even though this really is not the end point of this evolution of relations in the community, we strongly support it.
>
> In doing so this is why we have actually come to appear before you because we believe it is a bill that is worth supporting, not only by the so-called ethnic Australians but by all Australians, whatever their origins.

Many statements have been made in submissions and in evidence from witnesses. I do not believe we should lose sight of that when there is some controversy about the name of the commission. Mr Neville Roach, Chairman of the Council for Multicultural Australia, said:

> We welcome the bill in principle. We believe that there are some very, very powerful and valuable components of that bill, particularly in the enshrinement in legislation of the principles of multiculturalism. We believe that the ability of the proposed commission to do, independent of the Minister, an audit of compliance with the principle of multiculturalism is a very powerful step forward and in fact, in a sense, is pacesetting within Australia and perhaps in some ways internationally as well.

I said earlier that we could give leadership to the other States. Mr Roach is even saying that we can give leadership to other nations with this bill, so it is important. Many witnesses made a similar point to the committee. I note that, in dealing with citizenship, clause 3 (2) of the bill relates the notion of citizenship and its interaction with the principles of multiculturalism. I made a brief reference to this earlier because there was some debate about whether we in this State Parliament should put considerable emphasis on the term "citizenship".

[*The Deputy-President (The Hon. Helen Sham-Ho) left the chair at 1.03 p.m. The House resumed at 2.30 p.m.*]

Reverend the Hon. F. J. NILE: I was referring to the provisions dealing with citizenship. Proposed section 3 (2) explains the notion of citizenship and how it interacts with the principles of multiculturalism. It states:

> Parliament also recognises that those principles are based on 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.
>
> The principles of multiculturalism are to be construed accordingly.

I believe that is a good description of citizenship as we understand it. I do not think it conflicts with the fact that the Federal Government bestows Australian citizenship and provides certificates. People take an oath or pledge allegiance to Australia at citizenship ceremonies that are held by local government. The bill's definition of citizenship refers to "a recognition of the importance of shared values". In a speech last night I endeavoured to encapsulate what I consider to be Australia's shared values. I believe that Australian multiculturalism will strengthen those qualities and the characteristics that unite Australians.

These qualities and characteristics include a common language, English, and I am sure that honourable members are pleased that the legislation states that Australia has a common language. Some ethnic groups who gave evidence before the committee inquiry or who presented submissions expressed resentment about the term "non-English speaking". They said, "We speak English, so why do we get that label?" Perhaps older generations of migrants have problems with English, but it was interesting to note that English is spoken widely in all ethnic communities.

I believe that our common values are based upon the Judeo-Islamic-Christian Ten Commandments—I do not often use that term but perhaps it is time to acknowledge that fact. The Ten Commandments appear in the Old Testament, which is used by the Jewish and Islamic religions and by the Christian community. Therefore, it is an accurate acknowledgment of the many Australians who have come from Arabic countries, particularly from societies where Islam is the main religion. I note for the benefit of honourable members who regard me as a committed Christian—I am not afraid of the word "fundamentalist" in the sense of believing in the fundamentals of the faith—that I am pleased to receive each year a large number of invitations to Muslim functions. I am not just a token guest as I am often asked to address these gatherings. Although they do not necessarily support everything I say and do, the Islamic community is acknowledging that there is a common core of Christian and Muslim moral beliefs.

On one such occasion I explained to a gathering of hundreds of Muslims in the Lakemba-Auburn area that the Australian Constitution refers to "humbly relying upon Almighty God". I do not think they knew that until I said it. They were very pleased about that acknowledgment of God—in fact, there were some cheers when I made that announcement. Allah is simply the Arabic word for God; it does not refer to another god. There are common core religious beliefs in the Jewish, Muslim and Christian communities. I acknowledge that, sadly, there are religious differences in other countries—in Lebanon and Israel, for example—but in Australia we co-operate in harmony.

The Ten Commandments are part of our shared values and the Judeo-Christian ethic is an extension of that moral code that is accepted by the majority of Australians, including many hundreds of ethnic churches. An amazing development in Australia, particularly in the Sydney area, is the growth in the number of ethnic churches.

The Hon. R. S. L. Jones: What is an ethnic church?

Reverend the Hon. F. J. NILE: A Chinese Anglican church or a Korean Uniting church, for example. Such churches often conduct services in their own language and according to their own culture.

The Hon. R. S. L. Jones: Would the Roman Catholic church be considered an ethnic church?

Reverend the Hon. F. J. NILE: As far as I know; there are various branches of the Catholic Church in other countries, such as the Maronites in Lebanon. I have been invited to speak in many Korean Christian churches of various different Christian denominations. Many such churches are affiliated with the Baptist, Assembly of God, Uniting and Anglican denominations and have a common core of Christian beliefs. I understand that there are 50,000 Korean Christians in Sydney with almost 50 churches throughout the Sydney suburbs and in the Bankstown and Collaroy Beach area.

The Coptic Christian ethnic community has also grown strongly. In Australia there are many thousands of Coptic Christians who have come from Egypt. As the word "Coptic" derives from the word "Egyptian", they consider themselves to be the original Egyptians. In Sydney and other parts of Australia there are Coptic churches, and I have been invited to gatherings at those churches. Recently I attended a gathering of 500 guests at a dinner in a reception centre at Campsie sponsored by St Mark's Coptic Church, Arncliffe. I was seated at a table with the clergy. As the guest speaker. I said to the senior priest, "I noticed that in the groups of people taking part in the program there were Chinese women. I do not understand how you have Chinese women in a Coptic Church." He replied, "In our church at Arncliffe 12 nationalities are represented. They like our services, they are made to feel welcome and they have become part of our community."

That is multiculturalism in action—people from a Chinese background being welcomed and feeling comfortable at an Egyptian Coptic Church, and taking part in the service. As Coptic is an ancient Egyptian language, I asked the priest, "How do you manage using the Coptic language in your services?" He replied, "We have the main church services in Coptic, and the young people meet in another hall for a service conducted in English." That, again, highlights the evolving nature of multiculturalism. Over a generation various nationalities have come from other countries with different cultures and have blended in and become part of the Australian way of life. The young people still respect their heritage, and classes are held in which they are taught their original language and customs. They are very proud of that.

In Australia there are many ethnic churches, including Vietnamese, Chinese, Arabic and Assyrian. When I attended an Assyrian church service in Fairfield, I said to a church member, "There is no Assyrian nation today." He replied, "We call ourselves Assyrians, we come from what was Assyria. It is now modern Iraq." They do not like the name Iraq, because most of them are refugees who fled from the dictatorship of Saddam Hussein. In Australia there are church groups for Filipinos, Fijians, Samoans and Tongans, et cetera; they often meet together in harmony and co-operation. As a Christian and a member of this Parliament I try to understand and interpret the term "shared values".

Another value which is always difficult to put into words relates to our Anzac tradition. Every year on Anzac Day there are mass gatherings in every large city, town and suburb in Australia. One characteristic of the Anzac code is mateship, caring for each other, helping one's mate in difficult situations. Perhaps that was more prominent in previous generations and maybe modern society is losing that to a small degree. It is something that we should encourage; we should help each other in whatever way we can. Some people argue that we already have an egalitarian and classless society. Britain retains its aristocratic and multiclass society and people

feel that they are meant to stay in the class they were born into. Australians are proud of what they are and who they are, and the sky is the limit! There is no limit to what an Australian can achieve in society. Australia is an egalitarian and classless society.

In Australia there is no privileged class. Everyone has an equal share and say in the running of the country, and that includes descendants of the First Fleeters of 1788 and the refugees who arrived by boat from Vietnam in the 1970s after the collapse of the South Vietnamese government. All those characteristics make up our shared values and in turn they provide the foundation for our political and legal system. Every person is and should be honoured, respected and valued, whether they are practising Christians or not. We are made in the image of Almighty God and that gives us our basic importance as an individual, and that is part of the concept of the American Constitution.

Last Sunday's walk for reconciliation and Corroboree 2000 acknowledged that we have a special place of honour for the indigenous Australian Aboriginal community. They are not an ethnic community, they did not come here as immigrants—although it could be said that they came to Australia from somewhere 50,000 years ago. Nevertheless, they are perceived as the original inhabitants of Australia and they have, and should continue to have, a place of honour in our nation. They should not be threatened, and I do not believe they are threatened, by multiculturalism. They are no less important than the Vietnamese or Chinese. I am sure ethnic communities would respect and give a place of honour to the indigenous Australians.

An important part of the legislation is the concept of shared values. I believe that while we always honour and respect all religions, whether Hindi or Sikh, of which there may be only a small number in Australia, they should be respected as far as possible and our laws should allow for them to practise their religion. When discussing the industrial legislation I said that if Sunday is the day that most people take as a day of rest, a religious day, legislation should provide the opportunity for people of other religions, such as Muslims, to observe Friday as their religious day.

Our industrial legislation should not discriminate against Muslims or the Jewish community. Muslims should be able to worship on a Friday and the Jewish community on a Saturday, as their religions dictate. We must respect minority religions and ensure that they have the right to practise their faith. I am pleased that is spelt out in the principles of this legislation. The controversial issue in the legislation is the change of the commission's name. There seemed to be little support to retain the word "ethnic". The uniform opinion of the ethnic organisations was to move on past the name Ethnic Affairs Commission. Many people made that point. The Premier, when explaining the reasons for the change of name, said:

> ... the term "ethnic affairs" no longer bears relevance to contemporary life in NSW. Although the term was adequate when put forward in the 1970s—it has outlived its usefulness.

That view was widely supported by the various organisations, particularly those who sent a submission to appear before the inquiry. Dr Bill Cope of RMIT University, when defining the word "ethnic", said:

> The word "ethnic" can mean people who are minorities, people who are different from the mainstream, people who are immigrants. That is one meaning of the word "ethnic". The other meaning of the word "ethnic" is that it relates to one's ancestry, in which everybody has things they believe in, things that are part of their culture and things that relate to their past.
>
> The first difficulty is: does this word describe a few people or everybody? So that is a difficult word that has these two different meanings.

Dr Tony Pun, Chairman of the Chinese Australian Union and Chairman of the Committee for Community Relations Commission and Principles of Multiculturalism Bill 1999, felt that the word "ethnic" was divisive. He said:

> ... in the last five years, for example, or even most recently since the emergence of One Nation, from the Chinese community point of view the term "ethnic" has been degraded and bastardised.

He went on to say:

> We have said that the word "ethnic" has created a divide between us and them. In our community, particularly the Chinese community, we have felt that the word "ethnic" put us in the position of a second-class citizen. This is our viewpoint. Not all ethnic communities are affected in the same way. I have very good community friends who have said to me that there are very good reasons for retaining the word "ethnic", but we do not think so.

A number of organisations have expressed the same view. I do not believe there is any support in the House to reject the proposed name and retain the present name of Ethnic Affairs Commission. Concerns were raised that

if the name did not include the word "ethnic" or "multicultural" people would not be able to find it in the phone book. The Chairman of the Ethnic Affairs Commission emphasised that the role of the commission was not related to service provision. He said:

> Much was made by some of the witnesses appearing in front of this Committee saying that if you call it the Community Relations Commission migrants, will not know where to go. That is a complete misunderstanding of what the Ethnic Affairs Commission does. The only counter service we operate is for translation of documents. Most of our clients are sent to us by the Roads and Traffic Authority or some other government agency that wants documents translated. They point those people in our direction. The people who come to us are community workers or community leaders who, in most cases, initiate the contact. We are not an organisation that is the front-line door for migrants who just get off the plane.

I was better informed after his evidence about what the commission had been doing and will be doing in the future. The commission is an overarching organisation that co-ordinates the work of many migrant welfare groups and committees. It works with established organisations, rather than with thousands of individuals, that operate on behalf of ethnic communities. I supported the recommendation of the committee to add the motto "For a Multicultural New South Wales". I believe that will fulfil the concerns of those involved in this debate. I want to clarify an issue that was raised in the dissenting report of the Opposition members of the committee. Although the amendment was moved by a Government member, the Hon. H. S. Tsang, I initiated the proposal. A committee chairman cannot move motions. After deliberations, the committee decided not to make any recommendations and to leave it to debate in the House. I felt guilty about that decision, which I had supported. I felt that we were taking the easy way out. After all the work we had done on this difficult issue, we were not going to make any recommendations or provide any leadership to the House.

In discussion with committee members I said that we should make a recommendation. The only recommendation that I believed would receive majority support was the inclusion of the words "For a Multicultural New South Wales". I indicated that I would support such a motion if it were moved by a committee member, and I encouraged the Hon. H. S. Tsang to move it. Therefore, the initiative did not come from the Government. The Premier stated in a press release that he agreed with the name being used but did not want it legislated. I believed that the motto should be legislated as part of the commission's name to give clear direction to the commission. Other committee members on the Government side agreed that it should be legislated and the Government has now accepted that position. I reiterate that the motion was not initiated by the Government; I initiated it in discussion with members of the committee.

I want to make it clear that I am not rubber-stamping a Government proposal. Although I do not wish to take credit for it, I indicate that I had a great deal to do with the initiation of the proposal. It has become a clear recommendation from the committee, although, as we know from previous speakers, there is dissent by the Hon. Dr P. Wong and the Hon. J. M. Samios. Sadly, the issue became a political one and it became difficult, if not impossible, to get a unanimous decision. Up until now I have been successful in getting unanimous decisions in all the committees I have chaired. However, I was unable to do so on this occasion. The only other option was to do nothing, and that seemed to be a cowardly way of dealing with this matter. I accept the proposal that has been put forward by the committee. Some of the witnesses before the inquiry wanted "multicultural" in the commission's name. I asked the witnesses whether they would accept the word "multicultural" in a by-line or motto. I do not remember any witness rejecting the proposal. They indicated they would accept it.

[*Interruption*]

The Hon. Dr P. Wong says that I pressured the witnesses to say that. It was a genuine question and they could have disagreed. They could have said they would not accept the compromise and insist on it being in the name. If honourable members read the transcripts they will find that I deliberately sought that clarification from every witness. A strong position—one might say in cement—was taken on the name last year. Many of the organisations, with more thought and consideration, have now changed their position. It is dangerous to say that because a position was taken in August last year that that is the position of an organisation today.

We faced a dilemma when we were debating this issue because of strong opposition by the Ethnic Communities Council to the proposed name of the commission. The council was not happy with it at all. I am not suggesting that the council has changed its position, but there is a process within which the council could change its position within a month or two. In other words, there is fluidness in the debate. We should not be locked into a submission from a year ago and assume that to be the current position of an organisation. Recommendation 5.10 of the inquiry states:

> The Committee supports the Community Relations Commission and Principles of Multiculturalism Bill as presented to the House, but recommends the following amendment:
>
> Page 5, clause 6. Insert after line 9:
>
> (4) The Commission may adopt a phrase "For a multicultural NSW" for use in conjunction with the name of the Commission where appearing in promotional literature, official documents and other material issued by or on behalf of the Commission.

I totally support that recommendation. However, I understand that further discussions have been had to change the word "may" to "will". I will be happy to support that amendment when it is moved during the Committee stage. The Christian Democratic party is pleased to support the bill, which will benefit all the citizens of New South Wales.

The Hon. I. COHEN [3.01 p.m.]: I have listened with great interest to previous speakers and the level of debate that has evolved over a long time within the community. I do not pretend to be central to the debate, but I have certainly listened to it with great interest. The way we describe ourselves as a community has raised a degree of passion. This is certainly one of the most emotive bills that has passed through the House recently. Debate on the bill is a reflection of the sentiment for our multicultural community. Regardless of how "multiculturalism" is described, it is alive and well, and has a high participation rate in our community. The multiplicity of views that have been expressed are in keeping with the sort of society in which we live.

In this House and through legislation we should be able to reflect the essence of that cultural diversity; we should be able to celebrate it rather than seek to dampen it in the development of the Australian society. The bill is the most significant legislative change in multiculturalism since the establishment of the Ethnic Affairs Commission. It is a pity therefore that in many respects the bill is a step backwards rather than an improvement on the existing legal framework. The Greens support for the bill is conditional upon the acceptance of amendments that will strengthen the Government's commitment in the bill to multiculturalism. Our conditional support applies particularly to the name of the new commission.

Community attitudes to people of non-English speaking backgrounds have changed significantly since the Ethnic Affairs Commission was established. In those days many people referred to migrants as "new Australians". That term really missed the point because, apart from indigenous people, we are all relatively new Australians. It is now the norm for Australians to take pride in its different ethnic origins. Despite the fear of multiculturalism by some sections of the community, the reality is that Australia has always been a multicultural society. In my later years I have been able to recognise how wonderful our society is when it stands front on and accepts, in a very positive sense, that we are truly a multicultural society.

Any step back from such a concept would be a great pity. I grew up in a society that was very narrow and decidedly racist. The society in which I grew up tended to vilify those who were different and not accept those differences, rather than rejoice in them as we do today. It was a society that was socially limited, and around the edges of those limitations there was often violence, a lot of name- calling and denigration of those who were different. I grew up as part of a minority and I have felt depressed by that recognition of difference. It is with a degree of liberation and freedom that I have been able to participate in today's society in which people rejoice in such differences and the narrow-minded attitudes of the past are well and truly overcome.

I have great sympathy for the ideals of moving boldly and proudly forward as a multicultural society. I feel a certain sadness for any political body, be it government or an organisation, that accepts any less. Although I understand the aims of many people who seek to approach the matter quietly, and try to homogenise us into an overall community with fewer differences, we must break through that attitude and adopt the flamboyance of a youthful emerging society that is not fettered by traditions, so that we can grab onto a new type of tradition or traditions for the future. The Greens feel very strongly about that.

The tradition of the future will be a multicultural society that is part of what will continue to be the Australian identity. That is why the bill is so important and why it affects everybody, particularly those with a multicultural background and those who lived in the Australia of the 1950s and 1960s and found it a rather unpleasant experience. The principles of multiculturalism contained in the bill give formal legal recognition to the reality of Australian society. Despite the principles reflecting reality, it is important that they are stated. The principles act as confirmation and reinforcement of the value of cultural diversity. It is especially important that they are enshrined in law so that we can counteract campaigns by reactionary groups who reject cultural diversity and advocate a monocultural society.

We must take our responsibilities seriously. We must recognise that what emanates from this Parliament today through debate and the making of law has a ripple effect throughout society. The rise of

different political movements in our society has shown us how people can be cowed so quickly. It is important that we take seriously the subtleties of the legislation and the responsibility for the future of our children, particularly the children of those coming from other societies who add to that wonderful difference, that lifeline or sense of identity that in so many ways was lacking in the 1950s and 1960s when we were looking backward to the British Empire or forward to the American culture, and grasping at a sense of an Australian identity. There was nothing to capture the imagination until we were able to take to our hearts the multiplicity of the different cultures that came to this new country, and we were able to grow as a result.

We were able to grow from a country that was looking overseas for inspiration to a country that was inspiring societies around the world. The Australian multicultural society is a fitting example of how races can live together and of how we can build a new society in which it is certainly a joy to be involved. The principles set out in the bill were discussed by two of Australia's most respected advocates of multiculturalism: Dr Bill Cope and Professor Mary Kalantzis. In their submission to the multiculturalism inquiry they argued that the bill needed to contain more vigorous and innovative principles. In referring to their submission the committee noted:

> Bill Cope and Professor Mary Kalantzis of RMIT University, in their submission to the Committee, contended that "more vigorous and innovative principles of multiculturalism are sorely needed", commenting that:
>
> > Principles 1) and 3) could be just as easily part of an assimilationist framework as a multicultural one. They do not tackle the issue of the place of cultural pluralism in achieving access/opportunity/participation for all.
> >
> > Principle 2) is as much about the dominance of the English language as anything else (with echoes of "English as the official language" movement in the US).
> >
> > Principle 4) is worthwhile, but now almost a cliché, with no indication as to what operationalising the principle might be.
>
> Cope and Professor Kalantzis suggest four alternative principles, based on recommendations of the Multicultural Advisory Council in its 1999 report *Australian multiculturalism for a new century towards inclusiveness*. These principles are:
>
> *Civic Duty*: all Australians are obliged to support the basic structures and principles of Australian society—our Constitution, democratic institutions and values—which guarantee us our freedom and equality and enable diversity in our society to flourish.
>
> *Cultural Respect*: subject to the law, the right to express one's own culture and beliefs involves a reciprocal obligation to accept the right of others to do the same.
>
> *Social Equity*: all Australians are entitled to equality of treatment and opportunity enabling them to contribute to the social, political and economic life of Australia, free from discrimination on the grounds of race, culture, religion, language, location, gender or place of birth.
>
> *Productive Diversity*: the significant cultural, social and economic dividends which arise from the diversity of our population should be maximised for the benefit of all Australians.

The Greens agree with this analysis. Our proposed amendments are aimed at strengthening the principles to more closely resemble the principles advocated by Professor Kalantzis and Dr Cope. The Greens celebration in respect of cultural diversity is at the core of our commitment to social justice. Anything less than a total commitment to a multicultural society is unsatisfactory. That is the reason for our strong reservations about the bill and our insistence that it be reworded to remove any ambiguity. In particular, the names of the commission and the title of the Minister need to embrace rather than avoid the term "multiculturalism". Professor Kalantzis emphasised the importance of using the term "multiculturalism" in her submission to the multiculturalism inquiry. She said that New South Wales "should have the courage to say it is a good term, it is a term we have used well, it is a term that has a job still to be done, and we are happy to recognise that."

A major reason for using "multiculturalism" in the name of the commission is to assist people to make contact with the commission. Community workers with experience in the delivery of services to ethnic communities advised the crossbenchers in the briefing that people would have difficulty finding the commission in the phone book or on the Internet. In these situations, the term "community relations", even with the inclusion of the word "multiculturalism" in a by-line, would be of no assistance. A young multicultural person brought up this aspect with me when I attended a Youth Action and Policy Association [YAPA] anniversary dinner. Honourable members must keep in mind that many people who participated in this debate and made submissions—and perhaps those who do not have quite the same concerns about the name and the narrowing of the perspective—are pillars of our society and, for many years, have had the benefit of being in positions of power.

Perhaps they have lost touch with people on the front line, those who help people whose skills with the English language are not that great. These people help young members with different cultural backgrounds to

find their way around and to access organisations for help when they are stressed. In this day and age the youth in our community go through a great deal of turbulence, unhelped by the pressures of the media and society. Certainly, young people often live in culturally diverse families and they struggle with the traditional communities of their parents and Australian society; they suffer extra trauma and pressure. Therefore, they need to have assistance readily available to them. That is why the person who first raised the issue with me talked about the way we could further help youth.

I am advised that the vast majority of submissions from community organisations to the multiculturalism inquiry did not support the proposed name of the commission. This is not merely a point about semantics. The name of the commission and the title of the Minister are significant aspects of the bill. The Minister's title is confusing and possibly misleading. Citizenship is a Commonwealth rather than a State matter. I challenged Aldo Pennini, an adviser in the Premier's Office, on the position of various community groups: whether they supported the Government's position and their position regarding financial support from the Government which may have somehow kept them under control. Mr Pennini provided me—I know other honourable members have received this information also—with a detailed analysis of submissions to "The Way Forward" document.

Clearly, whilst I can see that funding had gone to many groups, they still oppose the Government's position. I thank him for his diligence in providing this information. It is clear that many groups support the proposal and still many groups oppose it. Whilst we can add up figures and find out where alliances lie and the types of people involved in these organisations, clearly there is a multiplicity of reactions to this bill as there is within the multicultural community itself. I thank Aldo Pennini for furnishing me with this information. Another aspect of the bill that fails to give sufficient recognition to the importance of cultural diversity is the repeated pronouncement in the bill that English is the common language of Australia. This states the obvious, as it appears in the preamble and in the principles of multiculturalism.

The Greens do not disagree that English is the common language of Australia, but why must the statement appear twice in the bill? The opponents of multiculturalism who resent the use of languages other than English argue that services such as interpreter services should not be provided to people of non-English speaking background. For the Greens, language is at the heart of cultural diversity. Community languages enrich the culture of everyone who lives in Australia. People can be assisted to learn English, but they should be encouraged also to speak other community languages. I am a second-generation Australian. My mother was born in Australia, but her parents came from overseas. My father was born overseas. I remember discussions with my mother about her childhood and her delight in listening to people talking on the bus—I believe it was the tram in those days—and not understanding a word they were saying. She had so much delight in that, given her background.

I think that there is a subtle shift there. I have seen, particularly as a young person, that people become aggressive and there have been yells "bloody wog" and "speak our language", with that type of attitude. That can be changed so that people, with the right impetus from government level institutions, may learn to listen and enjoy rather than feel scared and resentful. That is all part of a process that grows with that acceptance of multiculturalism. It has given me a certain joy, both from the background that I have and from the attitudes of my parents, to respect and enjoy others of vastly different social backgrounds and from different ethnic communities. I have enjoyed the difference and the music of the language in public spaces even though I cannot understand what is being said.

I very much enjoyed this in my travels overseas, moving from society to society, recognising and seeing the depth of culture in other parts of the world. It is the old story of travel broadening one's mind. That is what Australia has needed more than anything else, a broadening of horizons. For too long mainstream Australia, back in the 1950s and 1960s, was isolated. For too long we were without a culture that we could call our own. Back in those years when young Australians travelled overseas away from the constraints of our narrow society they looked around and learned from other cultural experiences. Lo and behold, we can enjoy that experience back here in our own country today.

The same types of lessons should be taken in this society. That is part of the reason Australia is such a strong society today and has been able to move from being a follower society—following the British Empire and the American Empire—to a leading nation in the world. That is part of the mix that has given us the flux to develop our social conscience, awareness and breadth of understanding of what makes people and society tick. We have a little more humanity and humility. We understand and appreciate the difference between people as a wonderful experience like reading a book or indulging in a brand new experience in life. That is something that everybody should be given.

It is very important that governments and parliaments send out these messages to the community. We should look for those possibilities. The youth of today particularly are hungering for experience, meaning and direction in life. This multicultural society mix can give them that because there is so much that flowers in other societies that was deadened in the traditional Australian society of the past. I grieve for anyone who misses those opportunities through any prejudice in our society that narrows the perspective of the people who live with us in our society.

The bill needs to make clear that the commission is intended to provide support for ethnic communities, particularly those communities which are socially and economically disadvantaged. Without such a clear statutory direction the Government and the commission could interpret its charter as excluding the provision of continued funding for specific specialised ethnic community programs.

The actual funding is very meagre. It is tiny. These organisations should be given the sort of funding they need and deserve to deal with the many problems in the various communities. They should also have the opportunity to present and showcase to the community just how wonderful are the many differences in our social and ethnic experiences. We in Australia live in a multicultural society and thus can experience different cultures on our very doorstep. Gary Moore, the director of the Council of Social Service of New South Wales [NCOSS],wrote:

> Several ethnic community organisations have recently approached NCOSS in relation to the status of the Community Grants Program, which is a small, but highly regarded and broad-based funding program to help facilitate and assist community projects and services for people from non English-speaking backgrounds. The program is currently administered by the Ethnic Affairs Commission.
>
> It is our understanding that, at the beginning of May 2000, new approvals for the 1999-2000 Budget allocation for the Community Grants Program have not been announced, and may not have been made …
>
> The 1999-2000 allocations under the Community Grants Program will be decided and announced by the end of May 2000;
>
> The Community Grants Program will be retained, with at least in the current level of funds, if the current Bill is passed and the Community Relations Commission is established;
>
> Any proposed changes to the objectives, guidelines and program management arrangements for the Community Grants Program will be fully and openly discussed with ethnic community interests and the community sector organisations.

Gary Moore is asking that the funding is be maintained. The bill is primarily concerned with improving individual access to government services and the pursuit of harmony. It has been suggested by the Government and some community groups that the term "ethnic" is divisive and people do not want to be labelled as ethnic. There is no reason for anyone to fear that he or she is being labelled by this bill or the amendments, which are aimed at strengthening the commitment to multiculturalism in the bill.

No group or individuals will be compelled to refer to themselves as ethnic if they do not wish to use the term. The Greens acknowledge that it is important that the bill recognises the nature of a unified and cohesive society. But we do not accept that there is any tension between diversity and unity. By celebrating our diversity we can build a stronger, more tolerant and therefore more cohesive society. Earlier I referred to the importance of the principles of multiculturalism in the bill, that it is not enough that the principles be included in the bill. The new commission has not been given the task of promoting the principles of multiculturalism. The Ethnic Affairs Commission Act was much clearer about the role of the commission in encouraging and promoting the benefits of a culturally diverse society. In the bill these words have largely disappeared. The Greens amendments, which I will speak about during the Committee stage, were specifically designed to address this major omission in the bill.

The Greens amendments and amendments proposed by the Opposition and the Hon. Dr P. Wong are fundamental to the bill. We will not be able to support the bill unless the amendments are incorporated. An article in the *Sydney Morning Herald* of 30 May by Dr Bill Cope and Professor Mary Kalantzis is subtitled "The word ethnic still has a part to play in our multicultural society". It states:

> An enormous amount is at stake in the debate raging about the status of the words ethnic and multicultural in it NSW. Just over a year ago the Premier, Bob Carr, announced that the Ethnic Affairs Commission was to be renamed the Community Relations Commission, and the Minister for Ethnic Affairs would be known as the Minister for Citizenship.
>
> In the quarter of a century since the foundation of the Ethnic Affairs Commission, no single issue has produced such disquiet among ethnic community groups. Now an Upper House committee is investigating the new Community Relations Commission legislation.
>
> So, what's in a name? The Ethnic Affairs Commission chairman, Stepan Kerkyasharian, writing in this page last Tuesday, said that the words ethnic and multicultural had become "signposts that carry messages of them and us or ethics and the rest". If we didn't move to the idea of "community relations", he said, "we could still lose ground and develop into a society that is divided and racked by ghettoes".

This is a word play of Orwellian proportions. It reinforces precisely what the opponents of multiculturalism have been falsely claiming for a long time. This is how David Oldfield, One Nation's representative in the NSW Upper House, interpreted the name change in a radio interview:

> Bob Carr is to be congratulated … listening to the voice of people who support One Nation … they were very clear in saying that the word "ethnic" was divisive and they were quite clear in questioning how long it has to be before someone is no longer an ethnic and are now accepted as being an Australian … [Carr's] was an interesting speech to listen to because it was one that you know quite frankly I could have written for Pauline Hanson."

Ethnic affairs was introduced into the institutional fabric of NSW by the Wran Government in the second half of the 1970s. The word "ethnic" can be interpreted narrowly, to refer to minority immigrant groups—which is entirely legitimate insofar as these groups do have particular settlement needs. Or it can be interpreted in a more broader, inclusive sense to describe everybody's ancestral or folk heritage—including morris dancing, Irish Catholicism and Slim Dusty. In neither sense is it a divisive word.

Over the past decade, the word "multicultural" has been increasingly used to describe the diversity of our origins. Except for NSW, every Australian government—Commonwealth, State and Territory—has included the word multicultural in the name of its equivalent organisations and Cabinet portfolios.

But what does "community" mean? Will the new Community Relations Commission have to worry about social harmony when it comes to the goings on of the banking community? Or consider issues of and between regional communities? "Community" is a word that describes everything, and by describing everything, describes nothing. As for citizenship, this is a Federal, not a State, matter. And the idea of citizenship as expressed in the new legislation has connotations which hark back to the era of assimilation.

The Upper House Committee looking into the Community Relations legislation has taken 92 written submissions. Only two say that the words "community" and "citizenship" are improvements on "ethnic" and "multicultural"—and these submissions are from Carr and Kerkysharian.

Words are indeed important. Ethnic affairs and multiculturalism describe one of our great successes as a society over the last third of the 20th century—to have remade ourselves as a tolerant, open, outward-looking country, a new kind of democracy in which citizens don't have to be the same to be equal.

They were comments from Dr Bill Cope and Mary Kalantzis. I should like to quote from an article in the *B'nai B'rith Communicator* of October 1999 written by Josie Lacey entitled "What's In A Name?" in which she stated:

> During my life in Australia I have been described by many names—"Reffo", "New Australian", "Ethnic". In each case the name was quite correctly descriptive. However, used as a pejorative, often with the adjective "bloody", it was meant to be offensive, suggesting that I didn't belong, that I wasn't really an Australian.
>
> The policy of "Multiculturalism", difference has (at least officially) become celebrated and respected. The old policy of "assimilationism", under which immigrants were expected to discard their heritages and conform to a mythical Australian cultural norm, was relegated to the rednecks and racists. It was therefore sad when the New South Wales Government introduced the Discussion Paper, "The Way Forward", earlier this year. It proposes that the Minister for Ethnic Affairs will become the Minister for Citizenship and the Ethnic Affairs Commission will become the Community Relations Commission. "Cultural Diversity" replaces "Multiculturalism" as the new catchword.
>
> Of course Australia is culturally diverse and always has been. The problem is that cultural diversity is really just a statement of fact rather than a positive policy like multiculturalism, and if we lose that policy, then we could well be on "the way backwards" to the awful era of the assimilationist policy that existed before the 1970s. If the Government does feel the need for change, then it should show its commitment to the policy of multiculturalism by having a Ministry of Citizenship and Multiculturalism and a Community and Multicultural Relations Commission …
>
> To be called Ethnic or not Ethnic doesn't really matter—a new pejorative will no doubt be found. What does matter is that we do not pander to the racists and rednecks for the minority vote they command."

The offices of many honourable members have been flooded with correspondence on this matter. Amanda Schrock from the New South Wales Grant-in-Aid Migrant Welfare Workers and Agencies Co-op Ltd stated:

> The Grant in Aid Co-operative of NSW represents over one hundred community and welfare organisations which provides services to a diverse range of ethnic communities in this state. These organisations provide welfare and settlement services to one or several ethnic communities, and have close ties with those communities.
>
> We are aware that the NSW Government proposes to change the name of the Ethnic Affairs Commission to the "Community Relations Commission", a move opposed by migrant and ethnic communities and organisations. This proposal is contained in the Community Relations Commission and Principles of Multiculturalism Bill 1999.
>
> This name change would send a message to the general community that the NSW Government (and Parliament) is reducing its commitment to multiculturalism and to meeting the needs of ethnic communities.

I concur with that sentiment. Perhaps Premier Bob Carr likes to look towards United States history and to the Federal sphere.

The Hon. J. M. Samios: Our Marcus Aurelius.

The Hon. I. COHEN: Indeed. We need to be clear and open about this issue. I therefore urge honourable members to conduct further discussions. This debate has been interesting and has involved members from diverse ethnic backgrounds, some of whom have great allegiance to the Australian Labor Party. I respect them for their views and I believe there is legitimacy in all opinions on this issue. However, I have had the experience of being treated differently. At school I was one of a minority of about four or five Jewish kids whereas in other schools in Sydney Jews were in the majority.

My nickname was JB, short for Jew boy. I did not wear that nickname very well at all. I always fought back—often out of necessity—and won. I continue to fight to this very day because I want to live in a society that does not adversely label people from ethnic backgrounds. We cannot work towards being the same. We must acknowledge that everyone is different. We must take pride in what we were and what we are moving towards. I would like to think that as a society we will move towards a wonderful, vibrant, ethnocentric future in which people celebrate their differences. We will be able to look with joy at whence we have come and move towards the future together with the resilience and confidence that only comes with an acceptance of our differences and the ability to work together. The debate in Committee will be an interesting one. However, given the long debate inside and outside the House I remain unconvinced that the Government is taking the right direction on this bill.

The Hon. R. S. L. JONES [3.38 p.m.]: The Community Relations Commission and Principles of Multiculturalism Bill has enjoyed long and heated debate, particularly surrounding the change of the name from Ethnic Affairs Commission to the proposed Community Relations Commission. The name change to one that has no meaning whatsoever has caused enormous dissension and division in the multicultural community. I support the general intent of the bill and welcome the Government's positive steps in showing a commitment to multiculturalism in New South Wales. However, I am concerned that the bill does not adequately reflect the intense community debate that has circulated around this important issue.

Many of the groups involved in making submissions to the multiculturalism inquiry have expressed bewilderment and intense dissatisfaction with the proposed name change of the Ethnic Affairs Commission to the Community Relations Commission. Indeed, it is the name of the commission and associated reflections on attitudes in our society, rather than any particular aspect of the bill itself, that has proved to be of most concern to the general community. We have heard innumerable submissions to this effect from groups such as the Ethnic Communities Council, the Migrant Resource Centre Forum, Settlement Services Coalition, 35 Chinese and Vietnamese organisations, Inner and Eastern Sydney Migrant Interagency, the New South Wales Teachers Federation and the NESB Youth Issue Network, to name only a few.

These views have been echoed by those who have attended crossbench briefings, and they have been raised time and again in the many letters that I have received on this topic. There is no doubt that this issue, particularly the change in the commission’s name, has caused more dissension in the multicultural community than any issue I have encountered in 12 years as a member of this House. As a result of the name change, the Premier has divided the community more than any Premier that I remember. The change was completely unnecessary. If the Premier had listened to the various community groups in the first place and kept the name "Multicultural" in the actual title of the commission, we would not have this tremendous division within the community, we would not have had the inquiry into multiculturalism, nor would we have had this heated debate on such a tiny issue

I have looked at the interim report "Inquiry into Multiculturalism", and it is not a report of which the House can be proud. It is clear that Reverend the Hon. F. J. Nile was strong-armed by the Government into making the change. Like the community, the report is divided down the middle—perhaps even the House will divide down the middle.

Reverend the Hon. F. J. Nile: You may lose the bill.

The Hon. R. S. L. JONES: Reverend the Hon. F. J. Nile says that we may lose the bill, so evidently the Government has come to him and said that it will pull the bill if the organisation's name is changed. If not, where did Reverend the Hon. F. J. Nile get that information? Why does he think that we will lose the bill? At page 43 of the report produced by General Purpose Standing Committee No. 1, which is chaired by Reverend the Hon. F. J. Nile, the Chinese Australian Forum states: “We have heard that some parliamentarians would like to defeat the Bill because the words ‘multicultural’ and ‘ethnic’ are not in the name of the proposed Community Relations Commission.”

Obviously someone told that group that the bill will go down if the new name is not supported. Someone has been strong-arming the community. There is no doubt that people have been strong-armed during

this process in the same way that honourable members in this place are being strong-armed tonight. We are divided about this issue: a member of Lebanese origin in this House is attacking a member of Greek origin. The Premier has caused ethnic division in this House. It is absolutely outrageous and completely unnecessary. We are wrangling over one or two words that should never have been removed from the title in the first place.

People are very angry and upset about this issue. The Hon. I. Cohen quoted Dr Bill Cope from the Royal Melbourne Institute of Technology. His remarks appear in the report under the heading "Divisive nature of the issue"—even Reverend the Hon. F. J. Nile recognises that this issue is divisive. Dr Cope says: “Ethnic groups are very much split around it.” Who would deny that? We are offered a weak, wishy-washy and ineffective compromise that does nothing to heal the split in the ethnic communities. On page 44 of the report Dr Cope continues:

> My perception is that the ethnic communities are deeply divided over a political issue which they should never have been made to be divided over. It should never have been put before them because this is a time when we need to come together, not to be divided.

That division has increased as the debate has progressed over the past few months. That should never have happened. This bill is causing tremendous division. We all agree with the main thrust of the bill, apart from a few minor amendments. The Government cannot say what the bill is really about; for some reason, it does not have the courage to do that. Perhaps, as the Hon. I. Cohen suggested, the Hon. D. E. Oldfield would have been happy to write the Premier's speech. Perhaps the Premier is trying to court the declining One Nation vote. It would be disgraceful if the Government were to stoop that low. On page 45 of the report, Paul Nicolau of the Ethnic Communities Council said: "… there is still concern that the by-line is not sufficient. They feel that the word 'multiculturalism' should be in the actual title of the commission.” Of course it should; it is ridiculous that the title should not contain that word. That view is supported by Ms Vivi Germanos-Koutsounadis of Ethnic Childcare, Family and Community Services Co-Operative Ltd, who said:

> It is imperative that the word "multiculturalism", which espouses social justice, access and equity, stays firmly in the public vocabulary and on the New South Wales Government's agenda and in the whole-of-government application and not as an add-on.

That is what Reverend the Hon. F. J. Nile is proposing: a by-line, for heaven's sake. Many witnesses concurred with the view expressed by Mr Bill Jegorow who, when asked whether he was happy with the proposed by-line, answered: “… it is a step in the right direction, but it is not sufficient.” Those who say that they are happy with the Government's proposed new name are concerned that they will lose the entire legislation. I have heard rumours that the Government is considering pulling the bill if we dare to put in the title words that should be there.

The Hon. J. M. Samios: I refuse to believe that.

The Hon. R. S. L. JONES: There would be egg on the face of the Premier if the Government decided to go down the One Nation path, but Parliament voted to put the words "multicultural affairs" into the commission's title. That would get quite a reaction from ethnic communities throughout New South Wales, who are a powerful force—perhaps the Premier is not aware of that. The Australian Chinese Forum is quoted again on page 46 of the report as saying:

> Our feeling is that, of course, that would be the best solution if the name were included, but our feeling is that if the bill were defeated because of a problem in the name, that would really be a great shame.

The forum has been fed a line. We have heard from others that they were told that the legislation would go down unless they supported the Government's name.

The Hon. J. M. Samios: The Ethnic Affairs Commission will do the same work under its old name.

The Hon. R. S. L. JONES: Yes. Mrs Nga Do of the Vietnamese Community in Australia argued that the by-line should be given a legislative basis. She said:

> To have a byline is nice, but it does not carry any emphasis about the commission's role. If the word "multiculturalism" is embedded in the name of the commission that would give it a stronger focus rather than having it as a byline.

Committee members tell me it is clear from the evidence that the majority of those who appeared before the inquiry want the word "multiculturalism" to appear in the organisation's title. The committee's report should reflect the evidence presented to it, not the strong-arming of Reverend the Hon. F. J. Nile. It should never have suggested the weak and wishy-washy by-line, which is not supported by the majority of those in the

multicultural community. It is a weak compromise measure that has flawed the entire report. Like the House and the whole community, this report is divided down the middle as a result of the Premier's insistence upon a name that has absolutely no meaning to anybody apart from him and one or two of his supporters. The name "Community Relations Commission" means nothing; it refers to the entire community. Why do we need an organisation for the entire community?

The Opposition will seek to change the title to "Community Relations and Multicultural Affairs Commission", which makes sense. We would then know what that body was about and people would know exactly what it stood for. The by-line is a weak, wishy-washy compromise. Who knows how the House will vote on the issue? If that weak compromise is accepted, the community will remain divided. If the words "multicultural affairs" are inserted into the title, everyone will breathe a sigh of relief and be happy. The bill will be passed and everyone will settle down and go about their business again.

The proposal to extend the name is supported by a majority of community groups and would be in line with much of the evidence presented to the multiculturalism inquiry. If that proposal is not accepted—that might happen because of the strong-arm tactics and threats to pull the bill—there will be a by-line incorporating the words "for Multicultural New South Wales ". I hope that honourable members will have the courage to do the right thing and represent the community as it wishes to be represented. They should vote to include the words "multicultural affairs" in the commission's title and reject the weak and wishy-washy by-line.

Ms LEE RHIANNON [3.48 p.m.]: This is a grubby, unprincipled bill. It is straight out of the dirty tricks office of the Australian Labor Party [ALP]. When one cuts through the rhetoric, one discovers that the bill seeks to lock up the socially conservative vote for the ALP. While the bill might contain some positive aspects overall, it represents a low point for the Carr Labor Government. With the virtual demise of One Nation, the Labor backroom boys realised that about 7 per cent of voters were looking to support a party. So the plan was hatched to introduce this bill, a key component of which seeks to expunge the words "multicultural" and "ethnic" from the title of an important organisation.

Yes, the word "multicultural" appears in the bill, but who reads a bill! The bill, if passed in its present form, would result in the removal of the words "ethnic" and "multiculturalism" from government and most non-government activities. The Labor Government has fought tooth and nail inside this place with its excessive lobbying of crossbenchers, and in the community with the extraordinary pressure applied to many ethnic groups, in order to gain support for the bill. The Labor Party operators believed that they have the ethnic vote sewn up, and now it is possible for them to make this move, which adds up to a crude grab for votes.

If the bill is passed in its present form it will be enormously destructive, but the damage has already started. The tactics that the Government is using to get this bill through have put many ethnic communities and organisations under enormous pressure. I will go into detail on that later. For many years multiculturalism has received largely bipartisan support from most political parties. In more recent years that bipartisan support has broken down. Those who support racism have found encouragement in unexpected quarters. As a party, the Greens prides itself on supporting multiculturalism in all its various aspects and fighting to eradicate racism and discrimination within society.

The multicultural aspect of Australian society is one of our greatest strengths as a nation. Our cultural, linguistic and religious diversity enriches us all and is something of which we should all be proud. In recent years when racism flared within Australian public life the Greens were at the forefront of the response from the great majority of fair-minded Australians who reject racism and embrace a tolerant and multicultural Australia. I raise this episode because the Government has argued that New South Wales has moved to a new phase; that the term "ethnic" is no longer appropriate because now everyone accepts that we are all Australians. Yes, we are Australians, but we are also a multicultural society made up of numerous ethnic communities.

Discounting the argument from the Government, what is the real reason for it pursuing this agenda at this time? It does not require too much looking to find the Government's agenda behind this bill. At the last State election there was a strong socially conservative vote for a party which is no longer a significant force in this Parliament or the community. This strong vote, approximately 7 per cent, is now up for grabs. On the other hand, there is now an arrogant assumption on the part of the Labor Party that the support of ethnic communities is guaranteed. It cannot be doubted that this bill is a thinly disguised attempt to appeal to a socially conservative constituency.

The Greens cannot support the bill unless our amendments and those from other crossbenchers are successful; those amendments will add much-needed substance to the bill. The term "community relations" is

obviously designed to be as innocuous as possible. Those who hang out with Labor should not mention the words "ethnic" or "multicultural", or anything else that might offend anyone in that socially conservative constituency that the Government is courting. The Greens are not necessarily wedded to the word "ethnic" in the context of the title of the commission or the title of the relevant Minister. We would be quite happy with the word "multicultural" as proposed in an amendment and as endorsed by a *Sydney Morning Herald* editorial.

[*Interruption*]

It is surprising that the Parliamentary Secretary cannot remember his principles and also agree with that most important word.

The Hon. J. H. Jobling: He never had any.

Ms LEE RHIANNON: Yes, we are certainly beginning to wonder. However, the term "community relations" is clearly unacceptable. The Greens believe that the roles played by the Ethnic Affairs Commission and the Ethnic Communities Council have never been more important.

The Hon. J. M. Samios: He is a good trade union man.

Ms LEE RHIANNON: That is why his trade union colleagues call him Squire Macdonald; that is what they say on the picket lines when he is around. A high percentage of new migrants to this country settle in New South Wales. New individuals and new communities face severe hurdles in familiarising themselves with our society and our public institutions, and in coping with the prejudice and lack of understanding they often face. Many ethnic communities are burdened disproportionately by social problems such as poverty, unemployment and access to education and training. The needs and rights of those communities require representation and support today as much as they ever have. That emphasises why we need strong, independent organisations such as the Ethnic Communities Council and the Ethnic Affairs Commission. More fundamentally, the right of ethnic communities to exist, to retain their own cultural, linguistic and/or religious identity within the framework of multicultural Australia, is under attack today no less than at any time in the past.

There is a clear need for a strong representative body to defend the rights of communities and a clear need for the Government to stand behind these rights in absolute and unequivocal terms. It is for those reason that the Greens cannot support the bill in its current form. Despite protestations to the contrary, and despite the inclusion of some references to multiculturalism, which we support, the bill represents a weakening of the Government's obligation and commitment to ethnic communities and, indeed, to a genuine vision of multicultural New South Wales. There is another dimension to this bill that is no less disturbing: the Government has invested a great deal of effort in attempting to win the support of ethnic communities for the bill and in doing so has abused the goodwill it enjoys in those communities. More seriously, the Government's actions have been divisive and at times simply inappropriate.

The Ethnic Communities Council [ECC] has resisted the bill and specifically has resisted the change in name to the Community Relations Commission. The plans for the change were made without consultation with ethnic communities or the ECC—an important point for us all to remember. The so-called consultation came after the name change had been made. It was opposed by the overwhelming majority of ethnic community leaders and by the ECC. The Government has responded to this legitimate criticism with a series of attacks designed to undermine the independence, credibility and existence of the ECC.

When the legislation was announced by the Premier last year the ECC rightly voiced its opposition to the name change. Following this a staff member from the Premier's Office contacted members of the ECC Management Committee to make it clear that if they did not drop opposition to the name change, funding for the ECC would be in jeopardy. Subsequently, funding for the ECC was withheld for six months, from July to December last year, forcing the council to run on its reserves of money until they were exhausted. Since then, funding has been on a month-by-month basis, with no assurance of continued support beyond June this year. What a way to force one's political will.

The Greens have learned that all five staff members of the ECC will receive their termination notices this week, because there is no guarantee of funding beyond June. This is the final straw. It is the greatest insult, after months of funding uncertainty and continued harassment from the Labor Government. It has become common knowledge that the Government is out to get the Ethnic Communities Council. The Government has

not forgiven the stand the council took last year when it informed crossbenchers in this place about a reasoned response to the bill proposed by the Carr Government. The Government had no valid reason to cease funding the ECC in 1999 so it began a systematic campaign to destabilise the council and thereby justify removing the funding. This week's events have made crystal clear the Premier's grubby attempt to court the socially conservative vote.

For those reasons the Greens urge all honourable members to support the amendments introduced by the crossbenchers. The Government is turning its back on the very communities it has always claimed to represent and defend, and which have generally given support to the Labor Party. The Government is effectively saying to the ethnic communities of New South Wales, "Cop this, we're off to get the socially conservative vote." Well, that is just not good enough. It is bad politics and it is bad policy. The Greens will oppose it all the way.

The Hon. J. HATZISTERGOS [3.59 p.m.]: In the limited time available before question time, I will stress one of the features of this bill that, unfortunately, many members have overlooked. It is not correct to say that this bill is merely about a name change. That has occupied much of the debate and a great deal of the inquiry of the General Purpose Standing Committee No. 1. A number of aspects of this bill are far-reaching and establish the Government's leadership in policies and the development of multiculturalism. I specifically refer to the inclusion in this Act for the first time in New South Wales, and in Australia, the principles of multiculturalism. This bill enshrines those principles in legislation, ensuring that they will be recognised by the new commission when it addresses its various projects and initiatives.

It is not correct to say that if we put this bill in the basket nothing will happen. A great deal of good things will happen if this bill is passed. The bill will ensure a strong commitment to multiculturalism and a philosophical statement about a cohesive and inclusive society where individuals have rights and obligations. The commission will be required to address objects and functions, such as maximising citizen participation. There will be a recognition of the roles of the regions, particularly through the establishment of consultative mechanisms, including regional advisory councils. The bill includes reporting requirements for public authorities. The new commission will have a responsibility to ensure that bodies involved in discrimination or racial vilification will be brought to account for their activities.

A number of aspects of this far-reaching and innovative bill establish this State in a position of leadership in multiculturalism issues. Unfortunately, in some respects, some of the discussion that has taken place has not focused on those matters. Rather, it has focused on the omission of the word "multiculturalism" from the official title of the commission and the notion that somehow that means multiculturalism is being thrown into the waste basket, that Pauline Hanson's One Nation party is being fermented, and that there is a change in the philosophy embodied in the previous Ethnic Affairs Commission Act. If one reads the bill in totality, reflects on the principles, and looks at the new structures that are being established and beyond—once the bill is enacted and the commission sets up its performance measures, mission statement and so on—one can see that this is an innovative bill.

Pursuant to sessional orders business interrupted.

QUESTIONS WITHOUT NOTICE

WORKERS COMPENSATION PRIVATE UNDERWRITING

The Hon. M. J. GALLACHER: My question without notice is to the Special Minister of State. Is it a fact that the Minister will shortly announce an 18-month delay to the introduction of private underwriting of workers compensation? Does the Minister expect employers to pay the $600 million he will cost them by this delay?

The Hon. J. J. DELLA BOSCA: I thank the Leader of the Opposition for his question. Once again he is up-to-date with WorkCover issues, but unfortunately he is a little behind the pace the Government is setting in reviewing important WorkCover issues. On Wednesday last week I advised the Parliament of recent actuarial advice on the performance of the WorkCover scheme. I told honourable members that the Government's series of reforms had resulted, in 1998-99, in the scheme achieving its first surplus in five years. However, I also said that some of the positive results had begun to erode. As I said on 24 May, it is clear that further changes of a more substantial and fundamental nature will be required. I also said that I was undertaking a complete review of the operations of WorkCover itself as well as the WorkCover scheme.

I am having many meetings with the insurers, legal representatives, various employer groups and the Labor Council. I anticipate further reports to the Parliament in the near future and, in particular, I expect to make a detailed but brief statement to the Parliament soon. This is a sensible approach, in contrast to the approach taken by the previous Government. I refer to a letter dated 25 February 1994 from the then Treasurer, the member for Willoughby, to the then Minister for Industrial Relations, the member for Lane Cove. He wrote:

> I have recently been appraised of cost increases arising out of workers compensation benefit changes announced in May 1991. There has in the past been concern that these changes were introduced without consultation with the Treasury and without due regard for the impact on the State's budget.

A shameful situation. We would never do that; not even think about it. He continued:

> The original concern has now been reinforced by an emergence of costs in excess of original estimates.

The member for Willoughby and the Leader of the Opposition are a lot less decisive than those at the battle of Jutland. I disclose to the House that recently I had one of the many consultative meetings that I forecasted in my previous answer. The Leader of the Opposition is correct in one respect—it was with insurers. I canvassed some issues as to the operation of competitive underwriting within the WorkCover scheme. In the fullness of time that will be the subject of a complete statement to the House.

COBAR COMMUNITY AID PANEL

The Hon. I. M. MACDONALD: My question is to the Attorney General. What strategies are being developed in the far west region of New South Wales to divert non-violent offenders from the criminal justice system?

The Hon. J. W. SHAW: I thank the Hon. I. M. Macdonald for his question. I know that the honourable member has a great interest in the rural areas of New South Wales and the criminal justice system. The magistrate based in the far west region of New South Wales requested that a community aid panel be established in Cobar. Community aid panels are an alternative to a formal court appearance for first offenders, young offenders or persons who have committed non-violent offences. Referrals are generally made by police to a panel which is made up of representatives from the local community who volunteer to contribute on a rostered basis. Offenders are offered an opportunity to make restitution to their community or to individuals by participating in community-run projects or assisting charities, sporting associations or service clubs.

The panel can also refer people to programs which will help them gain the necessary living skills to break their involvement in offending behaviours or address problems such as drug, alcohol or gambling addictions. The community benefits from the voluntary work of the offenders, and the offenders are given an opportunity to reintegrate back into their community and to gain pride and satisfaction from their achievements. The magistrate's interest in establishing a panel in Cobar follows on from the earlier establishment of community aid panels in Bourke and Brewarrina and the positive support from the community in those towns. The Local Court co-ordinator for the region met with key stakeholders in Cobar in early April to provide information and to put the magistrate's proposal.

Representatives from local government, the legal profession, the Police Service, other government and community-based agencies, the Police Service and the Clerk of the Court at Cobar offered to provide administrative support for the establishment of the panels. The Clerk of the Court at Cobar has called for expressions of interest from members of the community willing to sit on the panels and from organisations and individuals who may be able to provide work or activities for persons who attend a community aid panel. I am advised that the community aid panel should commence in early July. This constructive crime prevention and criminal justice policy is occurring in the far west of New South Wales. Honourable members of the House should see it as a positive development.

GRETLEY MINE DISASTER AND THE DEPARTMENT OF MINERAL RESOURCES

The Hon. D. J. GAY: My question is to the Minister for Mineral Resources. In an answer to this House yesterday to a question about the Gretley Colliery incident the Minister said, "I can now confirm that we have had advice from the Solicitor General." Will the Minister now inform the House of the contents of that advice and table that advice? When did the Minister receive the advice? Will the Minister also inform the House whether the advice from the Solicitor General was passed from him or his department to the Attorney General?

The Hon. E. M. OBEID: I would like to repeat for the information of the House that I did not say what the honourable member is suggesting. It is not exactly what I said. This is a matter before the courts. If he wants any further information about the advice he should refer his question to the Attorney General.

The Hon. D. J. GAY: I ask a supplementary question. In view of the answer from the Minister for Mineral Resources, can he inform the House why he has chosen to mislead this House by indicating—

The Hon. E. M. Obeid: Repeat what I said.

The Hon. D. J. GAY: By indicating—

The Hon. E. M. Obeid: Read out what I said.

The Hon. D. J. GAY: —that he did not say something that he said. He said, and I quote, in yesterday's *Hansard*—are you aware you said in yesterday's *Hansard*,— "I am glad the Opposition now recognises that question time is for seeking information." And "I can assure the House that we have had —

The Hon. E. M. Obeid: "We"

The Hon. D. J. GAY: —advice from the Solicitor General". It isn't any clearer than that.

The Hon. E. M. OBEID: Quite obviously I am part of a government, I am a member of this Cabinet. When I say "we" it is the Government—when I say "we" I am not referring to my department, I am referring to the Government.

The Hon. D. J. Gay: You're lying.

The Hon. E. M. OBEID: I am not. I suggest you withdraw that, because that's exactly what I said, "we". I have answered your question. When I say "we," I am referring to the Government.

TRADITIONAL CHINESE MEDICINE

The Hon. HELEN SHAM-HO: My question without notice is to the Treasurer, representing the Minister for Health. I refer the Minister to the Chinese Medicine Registration Act passed in the Victorian Parliament, which provides for the regulation of Chinese traditional medicine and Chinese traditional medicine practitioners. Is the Minister aware that Chinese traditional medicine has been practised by the Chinese for thousands of years in China, and that it is now practised and accepted all over the world by non-Chinese as well? Does the Government intend to regulate and set standards for this alternative medicine in New South Wales in a manner similar to the Victorian Government? If not, how does the Government intended to address this issue in New South Wales?

The Hon. M. R. EGAN: That is a very interesting question. I am not aware of what the position is in Victoria, nor, frankly, what it is in New South Wales or other States in relation to the regulation of Chinese traditional medicine, but I will certainly refer the honourable member's question to my colleague the Minister for Health. I have not experienced it, but I know a great number of people who swear by it, including my mother.

The Hon. J. F. Ryan: What about the dog?

The Hon. M. R. EGAN: No, no.

The Hon. J. H. Jobling: He left home.

The Hon. M. R. EGAN: My dog left home when I was 8 or 9 or 10 or something, mainly because my dog had the same liking for meat pies as I have.

The Hon. J. F. Ryan: What sort of dog was it?

The Hon. M. R. EGAN: It was a thoroughbred. I was always very careful about feeding it a very strict diet that had been prescribed for it. But a family a couple of miles up the road, along Port Hacking Road, used to

feed it meat pies—and it preferred meat pies. One day it went off for its lunch and did not come home. I used to run into it occasionally, and it used to get very excited when it saw me, but after an hour or two it would head off for more meat pies. I can understand that. In fact, in recent times I have taken to walking down to Harry's Cafe de Wheels for a meat pie at lunchtime.

The Hon. R. T. M. Bull: Australian traditional medicine.

The Hon. M. R. EGAN: That is probably quite right: it is Australian traditional medicine. My mother swears by Chinese traditional medicine. She thinks it fixes up everything. I have to admit that I am a bit cautious and a bit wary of some of the potions that are prescribed. They do not seem to me to be the sorts of things that I would like to drink, certainly not for pleasure. As a complete layman in the field, my view is that we should recognise that Chinese traditional medicine obviously has its successes. I can remember in 1971, I think it was, when Gough Whitlam went to China. Honourable members might remember that he embarrassed the then McMahon Government, which called him a traitor and all sorts of things for going to China.

The Hon. Jennifer Gardiner: Who?

The Hon. M. R. EGAN: Gough Whitlam. While he was there Henry Kissinger or Richard Nixon announced that the Americans were going there as well. I remember that whilst Gough Whitlam was there he saw an operation conducted without anaesthetic but with the use of acupuncture. That was the first time I had ever heard of acupuncture. It amazed the world. We now know that acupuncture works.

The Hon. Dr B. P. V. Pezzutti: They don't do operations under acupuncture there any more.

The Hon. M. R. EGAN: I do not know whether they do or they do not. You are probably wrong. The Hon. Dr B. P. V. Pezzutti simply makes things up.

The Hon. Dr B. P. V. Pezzutti: I am not. Ask Dr Wong.

The Hon. M. R. EGAN: Is he right?

The Hon. Dr P. Wong: He is right, yes.

The Hon. M. R. EGAN: The Hon. Dr P. Wong is in the same club as the Hon. Dr B. P. V. Pezzutti, so I would not take much notice of him. I will ask my mother to ask her Chinese traditional doctor, or whatever, to tell me whether they still perform operations under acupuncture. I am sure I will get a more reliable response.

The Hon. J. H. Jobling: They do.

The Hon. M. R. EGAN: The Hon. J. H. Jobling, who is a pharmacist, says that they do. The divisions we are seeing in the Opposition ranks in recent days are just absolutely mind-boggling!

The Hon. J. J. Della Bosca: What about Tiger Balm?

The Hon. M. R. EGAN: You would know that our mutual friend Beverly Addison prescribes Tiger Balm for any ailment, cut, wound or even headache. She will find somewhere on your head to put Tiger Balm. She swears by it. I think she uses Goanna Oil as well. It is a fascinating and important question that the Hon. Helen Sham-Ho has asked. I will refer it to my colleague the Minister for Health, the Hon. Craig Knowles. And, what is more, on this issue I am sure he will give a more correct and more valid answer than his predecessor, Dr Refshauge, would have given.

The Hon. Patricia Forsythe: You're anti doctor.

The Hon. J. J. Della Bosca: He's a doctor.

The Hon. M. R. EGAN: He is a doctor. He is in the club.

RURAL AND REGIONAL DRUG REHABILITATION SERVICES

The Hon. A. B. KELLY: My question is to the Special Minister of State, Assistant Treasurer, Minister Assisting the Premier on Public Sector Management, and Minister Assisting the Premier for the Central Coast. Will the Minister inform the House of recent State Government initiatives to tackle drug abuse in rural and regional areas?

The Hon. M. J. Gallacher: When are you going to ask something new and fresh?

The Hon. J. J. DELLA BOSCA: This is a very important issue, in spite of what the Leader of the Opposition thinks. He thinks it is not very important. The Government's plan of action on drugs is very much a rural and regional document. The Government recognises that the problem of drug abuse and drug dependence is not just a city problem, but that it affects all areas of the State. We also recognise that different parts of the State have particular kinds of problems that require a flexible, innovative and strategic approach—a one-size-does-not-fit-all approach. Our strategic approach includes working with families and young people, and improving access to medical treatment and training approaches for both mainstream and specialist health workers.

We are investing in rural and regional communities by increasing the number of specialised medical staff in rural areas, and trialling new models to ensure that people get the range of care they need to help them improve their health and life chances. Examples of activities being undertaken in rural and regional areas of the State include: the establishment of multipurpose drug and alcohol units in New England and the mid North Coast; residential drug rehabilitation services for young people in Dubbo and the mid North Coast; and the provision of funds to each area health service for the employment of a drug and alcohol counsellor. Another important new service will soon commence in Lismore. This week the first sod was turned on the construction site of the new detoxification centre at Lismore by the Hon. Janelle Saffin. The centre will provide approximately 13 full-time staff positions. Capital funding will be in excess of $3 million, with recurrent funding of $800,000.

The Hon. M. R. Egan: Was Brian Pezzutti there?

The Hon. J. J. DELLA BOSCA: Were you there, Brian?

The Hon. Dr B. P. V. Pezzutti: I wasn't invited.

The Hon. J. J. DELLA BOSCA: You're just in a grumpy mood again. No matter what we did, you would not be happy. The facility will provide 16 beds, with an average length of stay of 14 days, allowing for approximately 1,460 detoxification episodes per year—that is 1,460 people with a chance to turn their lives around. Lismore will also be the site of an important new diversion trial, the Early Court Intervention Pilot, that will target adults charged with a range of drug or drug-related offences who are eligible for bail, but who are motivated to seek treatment for their drug problem. Additional funding has been allocated as a result of the Drug Summit to provide the treatment services expected to be needed as a consequence of the trial.

Honourable members will recall also that on earlier occasions I have spoken of the important role to be played by the community drug action teams. Last week I announced that eight regional and rural project managers have been recruited in different parts of the State to facilitate the formation of teams where there is a need to build upon the existing teams. With this in mind, I was extremely pleased yesterday to have a meeting with a group brought to my office by my colleague the Hon. A. B. Kelly, sponsored by the member for Dubbo in the other place. The group comprised the Mayor of Wellington, a number of representatives from the Police Service and other Wellington community groups. Some honourable members will be aware that Wellington has a serious drug problem.

The Hon. Dr B. P. V. Pezzutti: Has it?

The Hon. J. J. DELLA BOSCA: It does. It has a serious drug problem. The Hon. Jennifer Gardiner is shaking her head. These people from the Wellington district had formed an action group to examine the problem with drug abuse and dependency in the town, amongst other issues. The group is motivated by a shared commitment to find innovative ways of finding solutions to these problems. I was extremely impressed by the constructive outlook, leadership and ownership the group has taken to the problem in the town. Obviously, some members of this cross-partisan group were from different political backgrounds, town groups and occupations, but they were united by an attitude to take positive action to do something about drug addiction in the local community and its link with crime. This is a great example. It is the kind of community initiative the Government wants to encourage and capitalise on in implementing the Drug Summit issues.

The Hon. Dr B. P. V. Pezzutti: Where's the money?

The Hon. J. J. DELLA BOSCA: The Hon. Dr B. P. V. Pezzutti raises an important question about resources, but the reality is that resources will follow community sentiment, as he knows. The reality is that the

resources will be better utilised if there is a receptive community sentiment. I wanted to make the point to the House that in Lismore and Wellington there is a strong, ground-up attitude that people want something done about this problem. The Government will support them.

POLICE SERVICE DISARMAMENT CAMPAIGN

The Hon. J. S. TINGLE: My question without notice is addressed to the Treasurer, representing the Minister for Police. Is the Minister aware of a documentary program that was televised on ABC television at 8.00 p.m. on Tuesday 30 March entitled *Riots of Passage*, which showed a group of young activists called Justice Action conducting a determined and confrontationist campaign to disarm police? Is the Minister concerned by the generalised claims made during the program that "police kill people" and that the issue of the new Glock pistols will make police more dangerous?

Does the Minister have any comment on the segment in the program in which people from this group re-enacted the shooting of Roni Levi on Bondi Beach? Can the Minister indicate what firearms were used in that re-enactment? If they were blank-fire pistols, were they licensed for that purpose? Given that the Federal Attorney-General, Mr Daryl Williams, commented during a television interview in 1996 that he would rather see police unarmed, does the Minister assure the House that there is not and will not be any move to disarm police in New South Wales?

The Hon. M. R. EGAN: I did not see the program on the night it aired, but I saw it in my office just prior to coming down to the Chamber. I have never seen a more ragtag mad mob in my life! They were young people, and all young people are prone to being silly and stupid.

The Hon. Janelle Saffin: Not all.

The Hon. M. R. EGAN: No, not all, but most are on occasions. Even the Minister for Juvenile Justice, Minister Assisting the Premier on Youth, and Minister Assisting the Minister for the Environment, who is the youngest member in the House, agrees. It is not so long ago that she was of an age similar to those in this particular group I am referring to. But we all grow up, we all learn and we all develop judgment. I am not going to condemn or even criticise those young people. The people I criticise are the adults; those who should know better, those who egg them on. I noticed in the television footage a member of this House and her mother were egging on the young people.

The Hon. M. J. Gallacher: Name them!

The Hon. M. R. EGAN: The member of this House was Ms Lee Rhiannon.

The Hon. J. F. Ryan: Point of order: The Minister is now launching an attack on a member of this House. He knows that the standing orders provide that a member cannot launch an attack on another member without there being a substantive motion before the House so that the member being attacked may have the opportunity to respond.

The Hon. M. R. EGAN: To the point of order: The point of order is simply ludicrous, and everyone except the Hon. J. F. Ryan knows it.

The PRESIDENT: Order! There is certainly within the standing orders the edict that imputations should not be made about members of the House except by substantive motion. Whether someone feels that an imputation has occurred it is surely up to that person. The Minister may proceed.

The Hon. M. R. EGAN: As I was saying, it is a great pity that adults who should have a better sense of judgment and be more responsible should be egging on young people.

Ms Lee Rhiannon: Point of order: The Treasurer is making an incorrect statement. He has given incorrect information about—

The PRESIDENT: Order! You might find it more appropriate to do this under Standing Order 71, which allows you to make a personal explanation if you feel you have been misrepresented. It is not necessarily a point of order.

Ms Lee Rhiannon: I refer to Standing Order 81, which states that personal reflections on a member shall be deemed disorderly. The remarks of the Leader of the House are disorderly and inaccurate. If he watched the video closely—he saw it only half an hour ago—he should be able to remember it. I am proud of my children. I think beating up on me because of my children is getting a bit low.

The Hon. M. R. EGAN: I am beating up on you.

Ms Lee Rhiannon: Then the Minister should be accurate in what he says. I am very proud of my children.

The Hon. D. J. Gay: I think that is fair comment. We don't attack a member's children.

The Hon. M. R. EGAN: To the point of order: I am afraid that when people are involved in public demonstrations and are being egged on by members of this Parliament—

The Hon. D. J. Gay: Attack the member, but not their children.

Ms Lee Rhiannon: Point of order.

The Hon. M. R. EGAN: The question relates to a group called Justice Action.

The PRESIDENT: Order! Certainly it was not a personal reflection on the member, so it was not disorderly. However, I will ask the Minister to continue speaking with his usual decorum.

The Hon. M. R. EGAN: It is a matter of grave public concern when silly and provocative demonstrations by young people are egged on by older people who should know better. The demonstration outside police headquarters was provocative. The police showed great restraint. It is a matter of great regret that a member of this House and another woman whom I know to be Ms Freda Brown were present provoking that behaviour. It was disgraceful on the part of Ms Lee Rhiannon and Freda Brown.

Ms Lee Rhiannon: Point of order: I take the point of order again under Standing Order 81 relating to personal reflections on members that are deemed disorderly. His comments are inaccurate again.

The Hon. M. R. EGAN: To the point of order: I am not going to argue on a point of order whether comments are accurate. I would be quite happy to invite honourable members to contact Media Monitoring to arrange to see the documentary that I have just seen. They can judge for themselves whether the behaviour of Ms Lee Rhiannon was appropriate.

The Hon. J. F. Ryan: To the point of order: The Minister without a doubt is making an attack on another member of this House about a matter that was not the subject of the question. He has even named the member, so there is no doubt. The remark is disorderly and, Madam President, I believe you, as the protector of this House, should direct him to withdraw the remark, as the member who took the point of order requested.

The Hon. M. R. EGAN: To the point of order: This is one of the most ridiculous things I have ever heard from the Hon. J. F. Ryan. Members opposite are nodding in agreement with me. Every member of this House has to be aware that he or she will from time to time be subject to criticism. That is quite a different proposition from an attack that goes to the member's integrity. I am talking about the political actions of a member of Parliament for which that member is responsible and for which that member is subject to criticism.

The Hon. J. F. Ryan: Well, move a motion in the House.

The Hon. M. R. EGAN: I am sorry, no. It is simply a nonsense that the Hon. J. F. Ryan should attempt to create a brand-new standing order that does not apply in any parliament in any Westminster system in the world. It is time he grew up.

The PRESIDENT: Order! There is no point of order. There is a tradition in this House of a certain robustness of debate. The statements made by the Treasurer are not what would normally be considered an imputation; they are simply legitimate criticism of a political act, and if that cannot happen in this House there is very little we can do by way of debate.

The Hon. M. R. EGAN: I have no doubt that we will read an account of this demonstration. I have nothing against demonstrations; people are entitled to demonstrate. But people are not entitled to do so in a

provocative way, as the demonstrators in the documentary were doing. I have no doubt that if the journal *Soviet Women* were still in existence, we would see a report in it on this matter written by Ms Lee Rhiannon. I have become an avid reader of *Soviet Women*. I have been cutting out many articles and putting them in my drawer.

The Hon. J. J. Della Bosca: Does it have centrefolds?

The Hon. M. R. EGAN: No, there are no centrefolds. I will put the articles I have collected into a little portfolio and copy them for the benefit of members. I have received some information from the Minister for Police and I can assure the Hon. J. S. Tingle that the Government has no intention of disarming police. New South Wales police officers perform a difficult and often dangerous job. It is essential that they are properly equipped to respond to those dangerous situations. Members will recall, for example, the tragic shooting deaths in 1995 of senior constables Robert Spears and Peter Addison at Crescent Head. On 13 October 1995 the Coroner said in his report of the inquest into the shootings, "Police officers daily place their lives on the line in carrying out their duties and in protecting the public."

The Coroner's first recommendation was that the question of the suitability of the police service revolver be given "urgent attention particularly as to the supply and the issue of a self-loading weapon with magazine" together with appropriate training. That recommendation has been implemented by progressively equipping all police officers with the new Glock semiautomatic pistols. It is simplistic to argue that issue of the new Glock pistols will make police more dangerous. I emphasise that the use of the police service pistol is considered to be a response of last resort. The New South Wales Police Service Handbook states:

> The discharge of your firearm is to be regarded only as a last resort.
>
> You are only justified in discharging your firearm when there is an immediate risk to your life or the life of someone else, and there is no other way of preventing the risk.

The Government has focused on training police officers in a variety of non-lethal tactics to defend themselves and other persons should the need arise. The training focuses on disarming and disabling an armed assailant and minimising the risks for the police officer. In addition to providing better training and training facilities, the Carr Government has provided $525,000 to fund the issue of extendable batons and capsicum spray to operational police. These are vital tools that enable police to better protect themselves and the general public against attack, and enable police to tailor their response according to the individual situation.

In regard to the re-enactment on the television program of the Roni Levi shooting that the honourable member referred to and which I indicated I have watched—and if other members have not seen it they should take the opportunity to do so—I can advise that all the Coroner's recommendations for the Police Service made following the Levi inquest have been implemented. Recommendations relating to the investigation of police shootings have been incorporated into new guidelines, including the recommendation for mandatory alcohol and drug testing following shooting incidents. I thank the Hon. J. S. Tingle for a very important question.

COMMERCIAL FISHING LICENCES VALIDATION

The Hon. JENNIFER GARDINER: My question is directed to the Minister for Mineral Resources, and Minister for Fisheries. Given that there are so few sitting days left before the deadline set by the Land and Environment Court by which the Government needs to legislatively respond to the courts invalidation of commercial fishing licences, why has the Minister been unable to work with stakeholders to produce a satisfactory response before now? Yesterday the Minister said in relation to another fisheries matter, "As usual we are listening to all stakeholders." Is it not a fact that a range of stakeholders are co-operating to try to find a whole-of-government response to the issues raised in that important case? Why, therefore, is the Minister not listening to that range of stakeholders? Why is the Minister dragging the chain in responding to this important issue?

The Hon. E. M. OBEID: On the contrary, I have taken the issue of the court decision on sustainable fisheries and tourism very seriously. I have acted promptly and I will continue to do so. It is a matter for the whole of Government. I have had dealings with the Minister for Urban Affairs and Planning. The Land and Environment Court recently resolved—this is the history of the issue—that one commercial fisher licence was invalid because an environmental assessment had not been undertaken at the time of the issue of the licence. The decision relates to interactions between the Fisheries Management Act and Environmental Planning and Assessment Act and a requirement under part 5 of the Environmental Planning and Assessment Act that the assessment be undertaken. This problem was created by the former Fahey Coalition Government preparing sloppy legislation, and it has been left to this Government to provide a solution.

The court's concern was that written assessments were not undertaken when each individual licence was issued. The Government has strong credentials on environmental management of fisheries. For instance, we identified issues such as the by-catch taken in trawl nets and the impacts of fishing gear on nursery habitats. Indeed, we are leading the way in finding solutions to these problems. At a recent meeting I had with my colleague the Deputy Premier, and Minister for Urban Affairs and Planning, the Hon. Dr Andrew Refshauge, we agreed that it is appropriate to undertake environmental assessments at the fishery level. We have agreed to take whatever steps are necessary to clarify the complex relationships between these two pieces of legislation.

We have also agreed that it would be best to include those assessments as part of the formal management planning process for our commercial fisheries, and to provide the community with the opportunity to review and comment on those assessments. My immediate concern, however, is to clarify the rights of commercial fishers and to reassure them that they are acting within the law when they undertake the legitimate activities of their profession. The commercial fishing industry has reacted responsibly to this decision and supports the introduction of fishery based environmental assessments. Commercial fishing is a $100 million industry, an important industry that supports thousands of job in the regions.

Mr Justice Talbot of the Land and Environment Court recognised the implications of his decisions and provided six months for the Government to clarify the validation of the fisher's licence. I assure all honourable members that the Government will act quickly to validate the affected commercial fisher's licence so that environmental assessments can, in future, be carried out at the fishery level. We have not taken the matter lightly. As I said, it was the sloppy legislation introduced by the Fahey Government in the last part of its term that did not take into consideration part 5 of the Environmental Planning and Assessment Act. It was left to this Government to clean up. The Hon. Jennifer Gardiner should not say that we have not acted. We have acted and we have acted promptly. The Government is committed to protecting the licences of commercial fishers and will continue to protect them as appropriate.

The Hon. Jennifer Gardiner: When?

The Hon. E. M. OBEID: The process will take a couple of years. We have to do environmental assessments for each fishery. That will commence when the model is drawn up by the Department of Urban Affairs and Planning.

SNOWY MOUNTAINS RECREATIONAL FISHING

The Hon. JANELLE SAFFIN: My question is to the Minister for Mineral Resources, and Minister for Fisheries. What is the Carr Government doing to protect recreational fishing and related tourism in the Snowy Mountains?

The Hon. E. M. OBEID: I thank my colleague the Hon. Janelle Saffin and all my colleagues on this side of the House because, unlike members of the Opposition, they seek constructive and meaningful responses to questions that are of concern to regional New South Wales. The Hon. Jennifer Gardiner, who has listened to only a couple of commercial fishers who represent no-one, cannot ask one constructive question.

The Hon. D. J. Gay: Point of order: The Minister is implying that a question about a loss of life in a mine accident is not a constructive question.

The Hon. M. R. Egan: To the point of order: The Hon. E. M. Obeid was not implying any such thing. In any event, clearly the matter raised by the Deputy Leader of the Opposition is not a point of order. He is simply arguing the point.

The Hon. E. M. OBEID: To the point of order: It is a disgrace that the Deputy Leader of the Opposition should suggest that the fatal accident at the Gretley mine is not a matter of concern to me or any other member of this House. He should apologise; he knows full well that is not so. He is asking questions because he wants the Department of Mineral Resources to be prosecuted. But that is not a decision for him; the Coalition parties are not in government and it was not the advice received by the Attorney General. He knows what the issue is about. He should not come into this place and attempt to tell us what we should be doing about mine safety. His suggestion was disgraceful. No other member could interpret the issue in the way he has.

The PRESIDENT: Order! There is no point of order. As the Leader of the House has pointed out, it was simply an argument. The Minister may continue.

The Hon. E. M. OBEID: I thank my colleague the Hon. Janelle Saffin for a very important question on a matter that is of great interest to regional communities. The Snowy Mountains region has a well-deserved reputation as one of the finest recreational fishing spots in New South Wales. It is one of our State's premier tourist attractions, with a winning combination of spectacular scenery and great fishing locations. The Carr Government recognises the importance of recreational fishing and tourism to the Snowy Mountains community and it is working with the community to secure future jobs and support local businesses.

For that reason I am pleased to announce that the Government is developing a new fisheries management strategy for the major lakes in the region, including Lake Eucumbene, Lake Jindabyne and Lake Tantangara. Last April New South Wales Fisheries officers, local business operators and members of the local community met in Berridale to discuss the development of this strategy. As a result of this meeting, a new management strategy is being developed in full consultation with local recreational fishers and businesses. The strategy will include fish stocking, research, compliance, and rules and regulations specific to the area.

I am advised that the new strategy will take some months to fully develop, and I expect full input from the community. This plan is yet another example of the Carr Government's commitment to regional New South Wales. It will help ensure that the reputation of the Snowy Mountains region for terrific fishing is maintained for future generations. Better fishing will benefit tourism, create jobs and support local businesses in the Snowy Mountains region.

ETHNIC COMMUNITIES COUNCIL FUNDING

The Hon. Dr P. WONG: I ask the Treasurer, representing the Premier, Minister for the Arts, and Minister for Citizenship, a question without notice. Is the Premier aware that five key policy and liaison staff of the Ethnic Communities Council of New South Wales this week have received notices of termination of employment because of no funding commitment to the council beyond 1 July 2000? Is the Premier aware that the Ethnic Communities Council, which is funded by the Government through the Ethnic Affairs Commission, will not be able to continue its valuable work in multicultural affairs and representing its members, around 600 ethnic communities organisations?

How will the Premier justify his commitment to multiculturalism if this key non-government community organisation is not supported? Is this lack of commitment to funding for the Ethnic Communities Council a result of the council's ongoing opposition to the replacement of the Ethnic Affairs Commission? Will the Premier then commit to assist the Ethnic Communities Council to resolve the funding issue with the Ethnic Affairs Commission?

The Hon. M. R. EGAN: I was not aware that there was any funding to the organisation to which the Hon. Dr P. Wong referred, but I will refer the question to my colleague the Premier for his response.

CHILD PROTECTION INVESTIGATION REPORT

The Hon. PATRICIA FORSYTHE: My question without notice is to the Special Minister of State, representing the Minister for Education and Training. In view of the recent critical report of the Ombudsman into the handling by the Department of Education and Training of child protection issues, why has the Director-General of the Department of Education and Training approved the secondment of the General Manager, Executive and Legal Services, to work on the Olympics? Has the department yet provided a response to the Minister on the implementation of the recommendations of the report? If not, why not?

The Hon. J. J. DELLA BOSCA: Child protection investigations are conducted in accordance with the principles of procedural fairness. The Child Protection Investigation Unit [CPIU] is committed to quality investigations, which are rigorous, balanced and professional, fair to both students and teachers, capable of withstanding scrutiny and completed without undue delay. All documents relating to an investigation and its outcome are held in the CPIU under highly restricted access. They are generally only available to unit investigators, officers of the Office of the Ombudsman and persons with a legally enforceable right under the Freedom of Information Act or by subpoena.

If disciplinary action is contemplated, the staff member will have the opportunity to know the particulars of the allegation and will have an opportunity to respond. If the person is charged with a breach of discipline, he or she will have access to all the material upon which the department relies. Appeals against disciplinary findings can be referred to the Government and Related Employees Appeals Tribunal or the Industrial Relations Commission. Staff members may also appeal to the Supreme Court.

The Hon. Patricia Forsythe: Robert Webster used to give these types of answers.

The Hon. J. J. DELLA BOSCA: This is not a Robert Webster answer. There is also a complaint handling process within the Department of Education and Training if officers believe they have been the subject of incorrect procedures or unfair processes. If the honourable member has any further questions regarding this issue, I suggest she put them on the notice paper.

NORTEL NETWORKS INTERNET DEVELOPMENT CENTRE

The Hon. P. T. PRIMROSE: My question without notice is to the Treasurer, and Minister for State Development. As this House's representative on the Council of the University of Wollongong, I ask the Treasurer to inform the House of the new Internet research and development facility that has opened at the University of Wollongong.

The Hon. M. R. EGAN: I had forgotten that the Hon. P. T. Primrose was the Legislative Council's representative on the Council of the University of Wollongong. I have often been intrigued by his great interest in the University of Wollongong and I did not put two and two together.

The Hon. M. J. Gallacher: You appointed him.

The Hon. M. R. EGAN: Yes, I know, but there are a lot of things one does in this job that one does not remember three, six or 12 months down the track.

The Hon. Patricia Forsythe: You did not take him to the opening of the facility?

The Hon. M. R. EGAN: No, I did not. I was actually taken to and from the opening this morning by helicopter. I notice that some of our Canadian friends who attended the opening have also returned; they are seated in the gallery.

This morning I had the pleasure of sharing, with the Canadian Minister for International Trade, Mr Pierre Pettigrew, the opening of the new Nortel Networks wireless Internet development centre, which is located within the University of Wollongong. With the opening of that centre, the Illawarra region looks set to become one of the key information technology [IT] research and development areas of Australia. This ambitious project could generate up to $600 million worth of new high-tech exports over the next five years, making the Illawarra an IT powerhouse. The new centre will conduct research and development on the next generation of global communication networks, including wireless Internet, optical networking and cellular networks, and will place New South Wales and Wollongong at the forefront of these technologies as the world embraces and adopts wireless Internet technology and applications.

Nortel Networks joins 150 other Canadian companies that have chosen to invest in Australia. There is about $2 billion of Canadian direct investment in Australia and about the same amount of Australian investment in Canada—which seems a very nice match. As I said this morning, Australian and Canadian companies have the opportunity to benefit from the sizeable markets in each country. Australia is a launching pad for North American and European companies seeking to do business in the Asia-Pacific region, and I think Canada will serve a similar purpose for New South Wales and Australian companies that want to access not only the significant Canadian market but also the North American market generally.

Nortel will invest more than $130 million in New South Wales over the next three years, with some $80 million invested directly in the wireless Internet development centre at Wollongong. The new centre will draw upon the highly skilled workforce of the Illawarra region and is estimated to create 150 new highly skilled IT jobs in the region over the next three years. The ready availability of skilled employees was one of the factors mentioned by Nortel Networks in explaining why it chose to base a large section of its Australian operation in Wollongong. The Illawarra already has some 5,000 people employed in the IT industry and more than 2,000 students are undertaking IT university and TAFE courses. Nortel Networks has already proven that it is keen to hire University of Wollongong graduates.

The opening of the Nortel centre represents another major step in the Government's plans to generate a high-technology future for the region. We are working with companies like Nortel—not only one of the biggest companies in the world but one of the most innovative telecommunications firms—to build a new future for the Illawarra based on the clever information technologies that are revolutionising global business and commerce. I

wish Nortel Networks every success with the new centre and I congratulate the company on its commitment to the Illawarra. I also congratulate the livewire University of Wollongong on its work over 10 years and the Department of State and Regional Development, which did a great job attracting Nortel to Wollongong for this research and development facility.

As the Hon. P. T. Primrose, who is on the university council, rose to ask this question, I was pleased to notice in the Chamber—quite by chance; I did not know they were coming—some of our Canadian visitors who joined me in Wollongong this morning, including two members of the Canadian Parliament. One is from Manitoba and the other is from Quebec. I was interested to hear the French Canadian pronunciation of "Manitoba". Minister Pierre Pettigrew puts an emphasis on different syllables of the word. I had never heard it, so at first I did not know what he was referring to. However, it did not take long for the penny to drop. It never does.

When honourable members next visit Wollongong I urge them to see not only the Nortel Networks facility at the university but also the new science centre, which the university has opened with the assistance of State Government finance. It is a fabulous facility and well worth a half-day visit at least—people with children will be engrossed for several days. It is well worth making a trip to the Illawarra, which is a thriving region thanks to the great leadership that the Illawarra itself is showing.

AUSTRALIAN BUSINESS NUMBER

The Hon. Dr A. CHESTERFIELD-EVANS: Is the Treasurer aware that, as at midnight last night, 2,563,507 people had applied for an Australian business number by the Australian Tax Office's 31 May deadline? Is the Treasurer further aware that that is 22 per cent more than the 2.1 million registrations predicted by the Government? Will this mean that, if 20 per cent more goods and services tax [GST] collections from the black economy are achieved, the States will be $4 billion to $5 billion better off than predicted? Will the Treasurer and the Premier send the Leader of the Australian Democrats, Senator Meg Lees, a thankyou note as they plan which rail lines, hospitals, roads and bridges they will fix first with the additional revenue?

The Hon. M. R. EGAN: The Hon. Dr A. Chesterfield-Evans is a real clot. Everyone will be aware that the GST Democrats—supported enthusiastically by the honourable member—are responsible for the GST passing through the Senate. I am most upset that the Hon. Dr A. Chesterfield-Evans obviously does not read my Budget Speeches, nor anything that the Commonwealth Treasury releases. If he did, he would know that, according to current calculations, New South Wales will be behind for seven years in the GST revenues it will receive from the Commonwealth compared with the revenue that it will forgo. In an attempt to ensure that no State is behind, the Commonwealth Government has offered to prop up payments to the States. We lose nothing, but we will gain nothing until the cross-over point is reached.

The Hon. J. F. Ryan: What about the long term?

The Hon. M. R. EGAN: That is the expectation in the long term. I hope that I will be in this place in 2007-08 and can benefit from it. I am not sure whether the Hon. J. F. Ryan will be here as well. In the meantime, if GST revenues exceed expectations—

The Hon. D. J. Gay: You will be a cranky old man by then.

The Hon. M. R. EGAN: I am a cranky old man now; I do not have to wait until then. I might be a bit crankier, and I will certainly be older. Perhaps I will be more mellow. Until New South Wales reaches that cross-over point, if GST revenues are higher than anticipated, the windfall gain will go to the Commonwealth.

The Hon. Dr A. Chesterfield-Evans: To you.

The Hon. M. R. EGAN: No, it goes to the Commonwealth, you silly man. The Hon. Dr A. Chesterfield-Evans is not inherently unintelligent: the problem is his mouth operates faster than his brain. He reminds me of a sign that used to hang on the wall of the science lab at my school—we got a science lab only in my final year at school—which read, "Didn't think, didn't look, didn't ask and now you're dead". That could also apply to the Hon. Dr A. Chesterfield-Evans.

LABOR PARTY BRANCH STACKING ALLEGATIONS

The Hon. C. J. S. LYNN: My question without notice is directed to the Minister for Juvenile Justice, representing the Minister for Community Services. Is the Tempe Neighbourhood Centre in receipt of funding

from the State Government? Is the Minister aware of allegations that the office manager for Anthony Albanese, Mr Shane McArdle, signed up 30 new members of the Tempe Neighbourhood Centre in October 1999 immediately prior to its annual general meeting? Is the Minister also aware that 14 of those new members share the same surname as Marrickville Labor Councillor Sam Iskandar, and that nine of them live in Earlwood?

Does the Minister condone what is clearly an Australian Labor Party stack of the Tempe Neighbourhood Centre organised out of the office of the local Federal member, Anthony Albanese? Given the public interest in the integrity of our political system, and the apparent fraudulent nature of this neighbourhood centre stack, will the Minister place this matter in the hands of the police for investigation? Will the Minister also have the Government review any continued funding of this blatant political organisation?

The Hon. CARMEL TEBBUTT: If that is a question, the member is getting pretty desperate. I am familiar with the Tempe Neighbourhood Centre from my time as a councillor on Marrickville Council. I had much to do with that centre. It was quite active in a range of local issues, particularly airport campaigns. I know many people who are associated with the neighbourhood centre quite well. I am not in a position to answer whether the centre receives funding from the Department of Community Services. I will refer the question to the Minister for Community Services and provide the honourable member with the answer as soon as possible.

INDUSTRIAL RELATIONS COMMISSION FOURTH ANNUAL REPORT

The Hon. R. D. DYER: I ask the Attorney General, and Minister for Industrial Relations a question without notice. Will the Attorney inform the House about the record of matters contained in the fourth annual report of the Industrial Relations Commission of New South Wales in 1999?

The Hon. J. W. SHAW: The annual report of the New South Wales Industrial Relations Commission for the year ended 31 December 1999 contains records of new matters filed by category that year. A comparison of the figures for 1999 with those of previous years shows that notifications of disputes, applications for unfair dismissals and unfair contract applications have decreased. The figures also show that the number of occupational health and safety prosecutions increased by 42 per cent, while awards and agreements filed increased by 93 per cent compared to 1998. Occupational health and safety prosecutions have increased under the Labor Government; 28 were filed in 1994 compared to 315 in 1999, an increase of 1,025 per cent.

The Hon. M. J. Gallacher: What about the review of the awards. Remember that was put back?

The Hon. J. W. SHAW: Yes, but I am not talking about that, I am talking about occupational health and safety prosecutions at the moment. Applications for new or varied awards and agreements increased to 1,925 in 1999, an increase of 202 per cent on the number of matters filed in this category in 1994 under the former Government. In 1999 there were 3,243 unfair dismissal applications filed, a decrease of 20 per cent from the previous year's figure of 4,048, with the total number of unfair dismissal claims lodged representing approximately 0.1 per cent of the 2.9 million employees. Only 310 unfair contract applications were filed in 1999, compared with 465 in 1998, a decrease of 33 per cent. The level of disputation in the New South Wales jurisdiction also fell in 1999. According to the New South Wales Industrial Relations Commission annual report for 1999, 926 disputes were notified to the commission that year, a decrease of 2 per cent compared to the 949 disputes lodged in 1998. Those figures show that the Industrial Relations Act 1996 continues to promote productivity through a fair and efficient industrial relations system.

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

DUBBO SCHOOL STUDENTS ATTENDANCE

The Hon. J. J. DELLA BOSCA: On 23 May Reverend the Hon. F. J. Nile asked me a question about unruly children at a Dubbo school. The Minister for Education and Training has provided the following answer:

(1) The Department of Education and Training has no policy that allows unruly children to attend school for only a limited number of hours each week. On Monday 15 May an article appeared in the *Daily Liberal* newspaper which attributed a statement to a youth that he "only had to attend school three days a week for just two hours". Investigations confirmed that this statement was inaccurate. The student in question had been suspended from school following unacceptable behaviour. This action was taken in accordance with departmental procedures. The student was in the care of his parent.

A survey was undertaken of all government schools on 16 May within Dubbo city which showed that of 5,640 students only four students were not attending school on a full-time basis. These students were of primary school age and an

appropriate supervision plan had been negotiated with parents and carers. This strategy provided assistance for the four students with identified disabilities including severe and moderate intellectual disabilities, behavioural disorders and emotional disturbance to return to main stream education and experience success at school. The strategy was used on a short-term basis with support of parents and carers and was successful in re-integrating these students. This strategy is not used for unruly students or on a long-term basis.

(2) The alleged rise in theft and rowdy behaviour in the Dubbo community referred to by the honourable member is not specifically a school-based issue. The alleged increase in theft and rowdy behaviour of young people in Dubbo is a matter for the police and opportunity to work with other agencies in the community to develop a comprehensive strategy to address this community issue.

(3) The Department of Education and Training is committed to enforcing the law of mandatory attendance of compulsory school age students. Specifically, Dubbo district is implementing departmental strategies including Operation Roll Call and Street Beat. Local strategies include intensive school intervention involving home visits, phone intervention, analysis of school record keeping and case management of students at risk.

Within the district two programs provide special placement support for students with challenging behaviour. An interagency program operates involving Juvenile Justice, Police Citizens Youth Club, Community Development Employment Program [CDEP] and personnel and resources from district office. This program provides support for young offenders in their attempts to re-enter mainstream education.

A second program utilising district anti-violence resources provides a withdrawal program for students with challenging behaviours. This program addresses students unacceptable behaviour patterns and commenced at the beginning of Term 2 2000.

(4) The statistic of 689 children related to the number of students interviewed by Home School Liaison and police officers during the Street Beat operation held in August 1999. Almost half of the 689 students interviewed were students from areas other than Dubbo. Students came from other areas both within and outside of New South Wales. The remaining 50 per cent came from both government and non-government schools within the local areas. More than 80 per cent of these students were absent from school with legitimate reasons. Individual follow-up occurred for each student interviewed during this comprehensive intervention strategy. This program has proved to be successful in addressing non-attendance within the area and has been repeated subsequent to the initial operation.

LORD HOWE ISLAND SHIPPING SERVICE

The Hon. J. W. SHAW: On 4 April the Leader of the Opposition asked me a question concerning the Lord Howe Island shipping service. I am pleased to provide the following answer:

The Lord Howe Island Board requested the Department of Public Works and Services, as part of its contracting responsibilities, to assist in the development of a contract for the provision of shipping services. The contract with the successful tenderer, Lord Howe Island Shipping Service Pty Ltd, commenced on 1 March 1998 for a period of two years. The contract expired on 29 February 2000 but contains the possibility of an extension for a further period of up to two years. The contract contained provisions that award wages be met. Early in the contract period, the Federal Government deregulated intrastate shipping services, so that no Federal award was applicable to such services. Shipping services to the Island are deemed intrastate, as Lord Howe Island forms part of New South Wales.

As a consequence of the changes imposed by the Federal Government, concerns have been expressed about the working conditions of the seafarers on the vessel, the MV *Sitka*, providing the service. The Department of Public Works and Services and the Department of Industrial Relations undertook a number of investigations about this matter. The Department of Industrial Relations advised the Lord Howe Island Board and the Department of Public Works and Services that it appeared that no industrial instrument—whether State or Federal—is applicable to the crew of the MV *Sitka*.

Whilst there was no evidence of any improper behaviour, it was considered that an appropriate course of action would be for the Principals of the Lord Howe Island Shipping Service to formalise the remuneration arrangements they have with the crew of the MV *Sitka* by entering into a formal agreement with the Maritime Union of Australia. The objective of the agreement would be to reflect the conditions of employment that were applicable at the time the contract was let, and when there was industrial award coverage. Agreement could not be reached between the shipping company and the MUA. Accordingly, the contract was not extended and has now expired. In those discussions, there was no requirement that the crew members on the MV *Sitka* be union members. The Minister for Public Works and Services is satisfied with the conduct of his department in relation to administering the contract and does not propose to institute an independent investigation. I concur with the view of the Minister for Public Works and Services on this matter.

NORTH COAST CRIME PREVENTION PROGRAMS

The Hon. J. W. SHAW: By way of interjection on 4 May the Hon. Dr B. P. V. Pezzutti asked me about crime prevention funding on the North Coast. I provide the following answer:

The Crime Prevention Division of my department has funded a range of crime prevention programs on the Far North Coast of New South Wales. Examples are outlined below. The division provided a Safer Towns and Cities grant in the sum of $118,773 to Lismore City Council. This funded the employment of an officer to develop and implement a crime prevention plan. That plan was recently submitted and endorsed as a safer community compact. Lismore Council has been invited to apply for funds to implement strategies within the plan. In Ballina, the division funds the Street Beat project which provides an after-hours street youth worker who provides transport, referral and advocacy for young people at risk. Ballina was also awarded $61,174 to implement strategies identified within the Ballina safer community compact which was endorsed in 1998.

In addition to funding an Aboriginal night patrol in Kempsey, the division also assisted Kempsey Shire Council to develop a crime prevention plan which was endorsed as a Safer Community Compact in February this year. An application for funding to support initiatives within that plan is currently being considered. Assistance was also given to Byron Bay Shire Council to develop a crime prevention plan to minimise harm associated with New Year's Eve celebrations. After endorsement as a safer community compact, Byron was granted $37,500 in December to implement strategies in the plan. Division staff have recently been in consultation with police and council staff from Maclean and will be assisting with crime prevention consultations in both Coffs Harbour and the Clarence council regions.

CHILD PROTECTION INVESTIGATION REPORT

The Hon. J. J. DELLA BOSCA: Earlier in question time the Hon. Patricia Forsythe asked me a question about child protection. I am advised that the General Manager of the Executive and Legal Services, to whom she referred, is not working on the Olympics as she implied. I do not know whether that explanation is satisfactory to her. If she has a further question in relation to this matter, she can put it on notice.

Questions without notice concluded.

DISTINGUISHED VISITORS

The PRESIDENT: Order! I welcome the presence in my gallery of M. Richard Marceau and Mr Jake Hurtner, who are members of the Canadian House of Commons.

HEALTH COUNCIL REPORT RECOMMENDATIONS

Personal Explanation

The Hon. Dr B. P. V. PEZZUTTI, by leave: I wish to make a personal explanation. Today in question time in the other place the Minister for Health told members of that House that I had signed up to join a working group as part of his health council process following the Menadue report. That is a total misrepresentation of what I intend to do next weekend. I have been invited to attend, as a visiting medical officer of the Lismore Base Hospital, a discussion on how the local area health service can put in place matters arising from the Menadue committee. The Minister for Health misled the House when he said that I had signed up to be part of one of his council's meetings. I do not know what the councils are going to do, as yet, neither does anyone on the North Coast. Further, he was telling a big fib and, in fact, he is entirely misrepresenting what anyone is going to do at that meeting.

M5 EAST SINGLE EXHAUST STACK

Return to Order

The Clerk announced, in accordance with the resolution of the House of 26 May, the receipt of papers from the Premier's Department relating to the report of General Purpose Standing Committee No. 5 on the inquiry into the M5 East ventilation stack.

COMMUNITY RELATIONS COMMISSION AND PRINCIPLES OF MULTICULTURALISM BILL

Second Reading

Debate resumed from an earlier hour.

The Hon. J. HATZISTERGOS [5.09 p.m.]: Earlier I was commenting on an unfortunate aspect of this debate—that is, the failure to focus on positive areas that the bill encapsulates in its reform of law and structures in relation to multicultural policy. I will briefly reiterate some of those areas, because it is important to consider whether we are going to be better off with the bill than we are with the current Ethnic Affairs Commission Act.

This bill will enshrine the policy of multiculturalism in the statute and will make it the official policy of both the State and the proposed Community Relations Commission. The bill will set up this commission to ensure that this State will build on the achievements of the Ethnic Affairs Commission, as well as set a clear direction towards inclusiveness in its activities and put an end to the marginalisation of ethnic communities. The preamble of the legislation will recognise for the first time the cultural diversity of the people of New South Wales as a strength and asset for our community. The preamble also clearly states the Government's commitment towards a multiculturally inclusive society.

The new commission will place greater emphasis on effective participation by all members of the community in the public decision-making process. For the first time, the State will have legislation that will encourage people to exercise their rights and fulfil their obligations, regardless of their linguistic, religious, racial or ethnic backgrounds. That is encapsulated in new section 12. The bill will also give the commission powers to work with local communities to resolve local issues. Specifically, the commission will have the power to undertake systematic and wide-reaching consultation with people and groups as to its objectives. The commission will be more proactive in identifying and responding to community needs. The commission will have specific powers to be used in resolving issues associated with cultural diversity and will be able to form task forces to respond quickly to the needs of communities in a given area and to bring experts to work with local communities to resolve issues.

For the first time the commission will have the legislated ability to facilitate co-operative arrangements between government, business, education and community groups and enable the commission to act as a catalyst to bring together people from the community and government to address the needs of people from non-English speaking backgrounds. The new commission will have a mandate to monitor the quality and delivery of services to the community. In particular, the Community Relations Commission will oversight government departments and agencies that develop the delivery of quality services to ethnic communities. The commission will be empowered to assist and assess the effectiveness of public authorities in observing principles of multiculturalism in the conduct of their affairs, particularly in connection with the delivery of government services.

The bill also recognises the importance of language services and makes specific provision for the commission's role as a key provider of interpreting and translating services. The bill also adopts a broader definition of "citizenship", recognising that the term goes beyond the legal concept of nationalisation and embraces the multicultural nature of our community. It encourages all members of the community to take up Australian citizenship and the unique rights it has to offer, such as the right to vote and to stand for election at all levels of government. I referred earlier to the regional advisory councils. The new commission will set up a framework of regional advisory councils across Sydney and regional areas of New South Wales. These groups will be chaired by a Community Relations Commissioner and will work to resolve the issues at a local level and to improve service delivery to non-English speaking communities. As I indicated earlier, the commission will also have an extended ability to refer matters of discrimination and racial vilification to the Anti-Discrimination Board. For the first time all these initiatives have been put together in one bill by a State Government, confirming this State as a leader in multiculturalism in Australia and the world.

That summary is a response to those honourable members who contend that we would get along well without this bill because the Ethnic Affairs Commission Act provides a good structure. I agree that the Act has provided a good structure, but no-one would contend, in light of the significant inclusions in the bill, that what is being proposed is not a significant advance forward. Even among the organisations that have expressed views in relation to the name—whether it should be the Ethnic Affairs Commission, the Community Relations and Multicultural Commission or the Community Relations Commission with a by-line—there is almost universal recognition that this bill marks a significant improvement in multiculturalism policy in this State.

I find it objectionable for some members to say, in light of the history I have given of the inclusions in this bill and the response that various community groups have made to the structure and provisions in the bill, that this Government is not committed to a policy of respecting cultural diversity and multiculturalism. It is to the contrary. Our commitment is evident not only in this bill but also in the lead-up to this bill. Since we have been in government we have adopted a number of initiatives in our cultural diversity policy which have made significant advances in multicultural policy. They are matters of which this Government and the State can be proud. The Government has developed and is implementing a comprehensive action plan for cultural diversity. Our principles of cultural diversity have been enshrined in legislation, and senior public servants will be required by law to be responsible for implementing those principles. All departments are required to adopt an Ethnic Affairs Priorities Statement and report annually on achievements. The commission has been required to monitor compliance with the laws and to report to Parliament on progress.

In addition, the Government has amended the Local Government Act to ensure that local government observes the principles of cultural diversity in day-to-day operations. We have set up an advisory committee to oversee cultural diversity developments in local government. We funded the Ethnic Affairs Commission interpreter service to make it available 24 hours a day, seven days a week at the cost of a local call. All of that it is in contrast to the limited services that were provided prior to us coming to office and to the Federal Government's reduction in access by community groups to telephone interpreting services. We have built significantly on multicultural affairs policy not only through our own work but also through work with the community.

The Government has developed an employment strategy to ensure that the Police Service reflects the community it serves. We launched the Police and Community Training Project, which is designed to train police and the community in the management of cross-cultural policing issues. In 1996 we established the Police and Ethnic Communities Advisory Council, which is chaired by the Police Commissioner and comprises senior representatives of the Police Service and the community. Its chief role is to advise the Police Service on policy issues and monitor the progress of the service on issues affecting the multicultural community. We have encouraged links between local area commanders and their communities through ethnic community liaison officers who speak a variety of languages, such as Thai, Cambodian, Vietnamese, Chinese, Arabic and Spanish.

We have encouraged the wearing of bilingual and multilingual name badges indicating police officers who speak languages other than English. We have introduced cultural awareness training in the Detective Education Program and Homicide Investigating Course. We have worked in consultation with communities to develop ethnic descriptors that are acceptable to operational policing and to the general community. We have developed an innovative grants program called the Community Partnerships Scheme. I could go on and on.

In brief, we have a proud history of being involved in this area and of having done a great deal of work in ensuring that multicultural policy is at the forefront of this State's development. This bill adds to that, for the reasons I have indicated. Unfortunately, a large part of this debate has focused on the name of the commission. I say "unfortunately" because some people have tried to use the name change to denigrate the achievements the Government has made and is making through this bill. On 27 May last year we debated a motion about this issue moved in this House by the Hon. J. M. Samios and amended by the Hon. Dr P. Wong. At that time I said that there was a perception in the community that the word "ethnic" was outdated. I said:

> It is an important part of the problem of having a name that somehow distinguishes one group of Australians from another. It implies that one is somehow privileged. There is, in fact, no privilege in ethnic affairs or multicultural affairs, and that is endorsed in the change that has occurred.

Another reason the word "ethnic" should be cast aside is that it has been used to describe certain events, and at that time I referred to the use of the term "ethnic cleansing" in relation to the Balkans. I said that in reality the use of the word "ethnic" should end and that it was appropriate that we move on from where immigrants commenced their aspirations in this country to where they are directing their energies. The word "ethnic" was used at one end of that spectrum, but ultimately all people from our different communities should aspire to citizenship. It was interesting to note in last year's debate that some people argued that the word "ethnic" fulfilled a role. However, it was not necessarily contended that the word "ethnic" did not have the connotations ascribed to it. I note that the Hon. J. M. Samios said:

> There has been a corruption of the use of the word "ethnicity" to mean simply people of non-English speaking background. That misunderstanding should be rectified. However, the Government is not educating people about the use of the words "ethnic" and "ethnicity". Instead, it was to remove the importance of people's backgrounds and descent.

We have moved on from that argument. It was the Opposition that referred this matter to the General Purpose Standing Committee.

The Hon. D. F. Moppett: The House did it.

The Hon. J. HATZISTERGOS: But it was a motion the Opposition put forward to the House. One thing that has become clear from the inquiry is that, whether a by-line is used or "multiculturalism" is left out, the word "ethnic" is no longer regarded as appropriate. In other words, we have moved on from the debate last year about whether "ethnic" should be in or out.

The Hon. Dr B. P. V. Pezzutti: That is your view.

The Hon. J. HATZISTERGOS: I have seen all the amendments, but no-one is proposing that "ethnic" be put back in. It has almost been put into the bin. There seems to be an acceptance that the words "community relations" should be incorporated in the title of the new body. The question is whether the word "multiculturalism" should be included in the full name of the commission, or whether it should be a by-line. I read with interest the New South Wales Coalition policy entitled "Strengthening cultural diversity", which states:

> The NSW Coalition has, through its action, shown its support for cultural diversity in Australia within a cohesive, diverse and harmonious society united by a sense of common values and purpose.

Where are the words "multiculturalism" or "ethnic"? The attitude has changed. I do not know whether Opposition members read the debate in the lower House, but it was virtually a non-debate. Members of the

Opposition took it in turn to get up and say, "This is a good bill. We will amend it in the upper House, but this is a good bill." Yet in this House all we hear is denigration and attack from Opposition members who say, "Who cares if we put this bill in the wastepaper basket? Who cares? It doesn't matter." It matters to a lot of people.

The Hon. Dr B. P. V. Pezzutti: Name them!

The Hon. J. HATZISTERGOS: Let us have a look at some of the people. You say "Name them!" so I will do that.

The Hon. Dr B. P. V. Pezzutti: All the letters from clients were dictated by the Premier's Department.

The Hon. J. HATZISTERGOS: You can say that to the Mufti of Australia, the Imam Al-Hilali.

The Hon. Dr B. P. V. Pezzutti: Is he in gaol?

The Hon. J. HATZISTERGOS: No, he is not. I am glad you said that. I will send that part of *Hansard* to the Imam and you can explain to him that disgraceful interjection. This is what he had to say:

> The word "ethnic" of "Ethnic Communities" always imposed upon a very large section of the Australian community a variety of negative impressions that threatened Multiculturalism. Amongst these negative impressions were:
>
> 1. That Australian citizens were of two types, one that represented the owner and another that represented the lessee, particularly as the term "Ethnic" used also to include the Australian born the citizens, even if none had ever seen the land of their ancestors.
>
> 2. It created a type of despair with the youth who came to Australia from elsewhere. It also formed a barrier for them that obstructed them from offering a complete loyalty to their new nation; Australia.
>
> 3. The "Ethnic" expression created a large gap that gave the Australian media a great leeway to sensationalise issues relating to large sections of our Australian community whilst hiding under the term that was given legitimacy by the Government of the land. This sensationalism has created many gaps and crevices in our Australian community.
>
> 4. Applying the word "ethnic" as an adjective to Australian citizens who have resided here for several decades and have given birth to Australian children made me feel and hear from others that we are regarded by the law and the media has a second class or as "Part Time" Australians and not "Full Time", or like "De Facto" Australians.

The letter goes on further to give the Mufti's blessing to the Premier for what he describes as "a wise and just move". There could not be a better way of articulating the Government's intentions as to why the word "ethnic" should be used than that expressed by the Imam in the correspondence to which I referred. It is not only the Muslim community that does not like the word "ethnic" because of its divisive connotations. Mr Kerkysharian, the Chairman of the Ethnic Affairs Commission, said this in a letter to the *Sydney Morning Herald* of 23 May:

> If we do not move to respond to that change we could lose ground and still develop into a society that is divided and racked by ghettos … Now is the time for us all to grasp the concept of a society that is truly diverse and act on it.

The strong language that Mr Kerkyshrian used to convey his views underlines the urgency and importance of the legislation. To waste precious time upon discourses on the duality of the word "ethnic" will not change the common perceptions that are held by the mainstream community. The word "ethnic" has served its purpose. The dropping of the term has received wide support throughout the community. I am pleased that General Purpose Standing Committee No. 1 has agreed with that attitude. Nevertheless, some people take the view that the word "multiculturalism" should somehow be included. I have not read the report as comprehensively as perhaps members of the committee or others have, but I made an effort to read as much of it as I could in the limited time available. I note that an amendment to include a proposal for a by-line, which will be moved by the Hon. H. S. Tsang at the appropriate time, is the result of evidence given by Mr Neville Roach, the Chairman of the Council for Multicultural Australia to the inquiry, who said:

> The longer it takes to resolve, the more damage it is doing to the cause of multiculturalism. The only people who receive comfort from that are the intolerant people in our community.

Mr Roach elaborated on that point, and said:

> If we do not move forward, I have to say that while these issues are in a state of limbo or are seen to be in a state of dispute, we are not benefiting the cause of multiculturalism.

These statements cannot be ignored by those in the Opposition who are currently doing all they can to bog down this issue.

[*Interruption*]

I will not embarrass the Hon. D. F. Moppett by responding to that interjection. It troubles me that the Opposition wanted to refer the matter to a general purpose standing committee for inquiry, but after the witnesses came along to give their evidence and the committee subsequently formed a view, we have this response from the Opposition.

The Hon. D. F. Moppett: It was totally contrary to the evidence.

The Hon. J. HATZISTERGOS: You say totally contrary to the evidence. What sort of evidence are you referring to? I have a stack of mail in my office.

The Hon. D. F. Moppett: Maybe they should come forward.

The Hon. J. HATZISTERGOS: I believe some of them did. I think members opposite received some of these letters. The Chinese Australian Services Society—a very big organisation that does a tremendous job in Campsie and inner western Sydney—describes the bill as groundbreaking legislation that will be regarded by the whole community as a milestone achievement when passed into law. The New South Wales Jewish Board of Deputies commended the Premier and the Government on the level of detailed consultation undertaken in the community, and supported the bill. Mr Saleh, President of the Riverwood Australian Arabic Association, said the bill will reduce marginalisation and stereotyping of many ethnic communities. I received a letter from Mr Passaris, Chairman of the Inter-Communities Council of the Greek Orthodox Archdiocese of Australia. He said:

> ... our Church welcomes in principle the introduction of this legislation which will allow the principles of Multiculturalism to have, for the first time in Australia's political history, a basis in law.

Mr Nicolas Pappas is a lawyer highly regarded in the Greek community and I believe he is a member of the board of the Powerhouse Museum.

The Hon. Dr B. P. V. Pezzutti: A good Labor member.

The Hon. J. HATZISTERGOS: He is certainly not a member. He said:

> As the first piece of proposed legislation that enshrines the principles of multiculturalism, the Bill is deserving of broad, bi-partisan support. I know that the Bill has been enthusiastically received by the Greek-Australian community and is seen as moving our State into the 21st century by its adopting, as part of its legislative framework, the principles of multiculturalism as set out in Section 3 of the Bill.
>
> I am also confident that the community generally will embrace the new name of the Commission and endorse its objective and functions as set out in Part 3 of the Bill.
>
> Serving as I do on a number of public and community bodies, I can assure you that this Bill is in step with broad community perceptions of the importance of multiculturalism to our society.

I received an interesting letter the other day from the President of the Cyprus Community of New South Wales, a large community group.

The Hon. Dr B. P. V. Pezzutti: The Republic of Northern Cyprus?

The Hon. J. HATZISTERGOS: No, the Cyprus Community of New South Wales.

The Hon. Dr B. P. V. Pezzutti: It doesn't include the Turks?

The Hon. J. HATZISTERGOS: No, but they are the ones who complained to your leader the other year about some comments you made in the House that were offensive to them. The Cyprus Community of New South Wales said that it had a meeting on 16 May and unanimously decided to fully support the New South Wales Government's Community Relations Commission and Principles of Multiculturalism Bill. The Cyprus Community of New South Wales, which is in fact the largest Cypriot organisation in Australia, indeed outside of Cyprus, and represents more members than any other single Hellenic organisation in New South Wales, said:

> Due to the situation in Cyprus, we understand "division" better than others in our society in New South Wales. Therefore after studying and debating the Bill we decided to endorse it. We feel it is a modern approach to multiculturalism that unites, not divide our society with a shared commitment to multiculturalism and Australia, its interests and future.
>
> ... The Board has congratulated the Premier and Government for this great Australian achievement and once again New South Wales leads the way for all Australia.

I have received a number of other letters from different Chinese organisations and various community groups. In a letter addressed to the Premier, of which I have a copy, the Australian Croatian Community Council said:

> We believe the proposal to change the name of the Ethnic Affairs Commission to the Community Relations Commission is a timely one that will bring great benefit to the community at large. As Australians we all need to pull together and be proud of our multicultural society. Through its activities the Croatian community has always sought to bring benefit and enrichment to the broader society.

A letter from the President of the United Croatian Clubs of New South Wales also outlined its support for the bill. The Philippine Australian Sports Club Inc. discussed the proposal at a meeting and in a letter dated 11 May said:

> I wish to make it public knowledge that the [Philippine Australian Sports Club] Board of Management fully support and endorsed this new Bill in NSW Parliament ... I wish you success and Godspeed on your endeavour.

The suggestion that this proposal is somehow extraordinary or unusual and does not have broad committee support is fallacious. I was interested in comments attributed to the Ethnic Communities Council about its position. Various attempts have been made to drum up support from the Ethnic Communities Council. I note that the Hon. D. T. Harwin was not in the same group as Mr Nicolaou and did not like him when he stood for preselection at Kogarah. I actually think Mr Nicolaou is not a bad bloke and I have a bit of time for him. He might be on the other side of politics, but I do not believe that should stand in the way.

The Hon. Dr B. P. V. Pezzutti: Is he Liberal?

The Hon. J. HATZISTERGOS: Yes, he is a Liberal. He tried for Kogarah but was done over very badly.

The Hon. Dr B. P. V. Pezzutti: Strongly supported by the Greek community; a pillar of the Greek community.

The Hon. J. HATZISTERGOS: He was not supported, but he is not a bad bloke.

The Hon. Dr B. P. V. Pezzutti: He still is a decent man.

The Hon. J. HATZISTERGOS: One of these days you might believe what you say and ensure that he gets somewhere because so far whatever he achieves happens to be outside your party. Let us look at what the Ethnic Communities Council did.

The Hon. Dr B. P. V. Pezzutti: He is no more senior in the Greek community than you are; much more helpful though.

The Hon. J. HATZISTERGOS: Up in Lismore you may not hear about these things happening.

The Hon. Dr B. P. V. Pezzutti: Are you saying I am a country hick?

The Hon. J. HATZISTERGOS: No. I do not think you listen too closely to what happens in Lismore either, but that is by the bye. If you listen you will find out. The Ethnic Communities Council held a meeting on 24 May. No-one has referred to this meeting. I have a copy of the motion moved by Mr Jegorow and seconded by Mr Morage. The motion expresses support for the bill.

The Hon. J. M. Samios: That was without proper notice.

The Hon. J. HATZISTERGOS: You say it was without proper notice. The motion states: "The Ethnic Communities Council congratulates the Premier for the introduction of the Community Relations and Principles of Multiculturalism Bill before the Parliament, which was revised following extensive consultation with ethnic communities and represents an important milestone in the development of multicultural Australia" and indicates their preference in relation to use of the word "multiculturalism". Nevertheless, the council said it would be prepared to accept the by-line "for multicultural New South Wales" and would appreciate those words being included as a subtitle for the Community Relations Bill. So much for the contention that somehow the Ethnic Communities Council lacks support for the proposal!

The Hon. Dr P. Wong: That is blackmail!

The Hon. J. HATZISTERGOS: Apparently it is acceptable for this House to hear views that support the arguments of the Opposition or the Hon. Dr P. Wong, but the moment a view diverges from outright support the reaction is, "You can't do this, you can't change your mind. You've been blackmailed! You've been strongarmed! You've been pressured!"

The Hon. Dr P. Wong: Why don't you read it all?

The Hon. J. HATZISTERGOS: I am listening to the views of all these people. I do not want to keep quoting them, but they are good groups. The Chinese Australian Forum supports the bill.

The DEPUTY-PRESIDENT (The Hon. H. S. Tsang): Order! I cannot hear the honourable member.

The Hon. J. HATZISTERGOS: The Hon. Dr P. Wong was inciting me to quote people in the Chinese community. I have letters expressing the views of the Australian Chinese Forum, of Dr Tony Pun, Chairman of the Chinese Australian Union, and about 40 others—

The Hon. Dr B. P. V. Pezzutti: What did he say?

The Hon. J. HATZISTERGOS: I will give you the letters so you can read them all. We heard from 40 Chinese organisations, most of the senior Lebanese communities, the Arabic, Jewish, Croatian and Italian communities and various other groups in regional New South Wales including leading opinion makers. I am having difficulty with constant interjections by the Hon. Dr P. Wong. I did not interject during his speech, but I would appreciate if his attention could be directed to the need to maintain order and not to become too excited by the tenor of the debate.

The Hon. Dr B. P. V. Pezzutti: Stop whingeing. Get on with it.

The Hon. J. HATZISTERGOS: If you let me get on with it you might learn something. When I come to read this report I see what a great deal of work was put into it by the committee. I congratulate all the committee members. I will not go over the conclusions which were expressed by the majority and also by Reverend the Hon. F. J. Nile, but what is said in 5.58 of the report properly encapsulates the issue. That is that the word "ethnic" is no longer suitable. There are differences of opinion between various groups as to whether or not "multicultural" should be included. An appropriate resolution of the matter could be achieved by accepting Mr Roach's suggestion, adding the word in a byline which ensures that all the various interest groups are addressed.

When I was reading through some of the material concerning the bill I noticed that last year the Federal Government considered a report by the National Multicultural Advisory Council which was initiated by the Prime Minister and the Minister for multicultural and ethnic affairs. The report recommended an adjustment to the concept of Australian multiculturalism, saying that basically there should be an overriding commitment to the basic Australian structure and values of Australian democracy.

The Hon. Dr B. P. V. Pezzutti: What is wrong with that?

The Hon. J. HATZISTERGOS: Nothing. I particularly embrace that. That is what this name does: It gives an overriding commitment to us as Australians and allows cultural diversity to flourish in that context.

The Hon. D. T. HARWIN [5.42 p.m.]: The Opposition does not oppose the bill. There is not much to oppose in the substance of the bill but there is one important symbolic issue. In this debate we have repeatedly heard Government members attempt to rewrite history. We are engaged in this debate 15 months after an announcement was made about the ethnic affairs portfolio and the name of the Ethnic Affairs Commission in a high-handed and arrogant manner in the immediate context of the election result in April 1999.

The DEPUTY-PRESIDENT: Order! I ask honourable members not to interject while the Hon. D. T. Harwin is speaking. I want to hear this wonderful speech.

The Hon. D. T. HARWIN: Thank you, Mr Deputy-President. One of the reasons there is so much heat, colour and movement in the debate is the provenance of theissue, the reason we our debating the bill at all. It is a matter of record that the Premier decided to change the portfolio name from ethnic affairs to citizenship and to change the name of the Ethnic Affairs Commission [EAC] to the Community Relations Commission. He

did so without any consultation. It would be easier to take seriously the claims of the Minister, the Hon. J. Hatzistergos and others in this debate if it were not for the fact that the whole bill is an attempt to cover the Government's tracks.

The Minister started the second reading debate by saying that a name change for the Ethnic Affairs Commission was justified because the Ethnic Affairs Commission had partially fulfilled its charter. The Hon. J. Hatzistergos said that it was appropriate to move on and therefore a name change was justified. He claimed that some people were trying to hijack the debate by saying that it was about the name of the commission. It would be easier to take the claims of those gentlemen seriously if it were not for the way this whole issue emerged.

If it was appropriate to move on, as the Hon. J. Hatzistergos said, if the EAC had fulfilled its charter, as the Minister said, one might have expected that the conclusion had come from a period of examination after a series of interested persons and organisations had been consulted. But that is not how this bill has come into this place. It has been introduced because the Premier straight after the election declared that he was going to be the Minister for Citizenship. As other people have said, it is not even something which is in the province of State administration. The Premier also said that the Ethnic Affairs Commission was going to be changed to the Community Relations Commission. As a starting point one might ask whether the commissioners of the Ethnic Affairs Commission were asked for their view.

The Hon. Dr P. Wong: No, they were not.

The Hon. D. T. HARWIN: That is right. The Government's own advisory committee, statutorily appointed, was not asked what its views were. The commissioners were not asked whether the EAC had fulfilled its charter, therefore making it appropriate to move on and change its name. The commissioners were not even asked whether they considered that the word "ethnic" was inappropriate to be part of the name of the commission. It is also a matter of record that the principal non-government organisation dealing with these issues, the Ethnic Communities Council, was not asked either. The Premier just announced it. So it is very hard to take the claims of the Hon. J. Hatzistergos and the Minister seriously when they talk about it being time to move on and the word "ethnic" being no longer appropriate for the name of the commission.

Let us look at what has happened over the past 15 months. First there was a process that was called "The Way Ahead". Then there was the report of General Purpose Standing Committee No. 1. They have been exercises of the Government trying to cover its tracks and trying to be all things to all men. Having tried to pander to elements in the community that might have liked to see the word "ethnic" dropped from the name of the Ethnic Affairs Commission in the post-election environment, after the event the Government engaged in "The Way Ahead" process. As a result of the efforts of this House there has been a report from General Purpose Standing Committee No. 1, which has also looked at the issue. What a farce! That is in total contrast to the way in which issues concerning cultural diversity have been dealt with by the Parliament over a long time.

In the speech of the Hon. J. Hatzistergos we heard a long list of legislative and administrative initiatives of the Government. I was pleased to hear them. But what I did not hear at any time in that speech was what the view of the Opposition was on those initiatives. The fact is that the Opposition supported every one of those initiatives and, generally speaking, supports the thrust of the Government's approach on these issues.

As the Hon. J. M. Samios said, it is a matter of record that, over a very long period of time, that has been the character of the discussion on these issues. The Lewis Government appointed the first Minister for Ethnic Affairs and set up the first consultative council on ethnic affairs, on which the Hon. J. M. Samios served. Both initiatives were supported by the Wran Opposition at the time. The Wran Government set up the Ethnic Affairs Commission. That legislative initiative was supported by the Opposition. The Greiner Government passed the first racial vilification legislation in the country and that initiative was also supported by the Opposition under the leadership of the current Premier. The Fahey Government promulgated a charter of principles for a culturally diverse society under the ministryof the current Leader of the National Party, the Hon. George Souris. That charter of principles, as an initiative, was also supported by the Opposition.

As one reviews this bill one realises that for the first time the principles of multiculturalism will be put into statute and it is well worth remembering that almost word for word they are the principles for a culturally diverse society that were promulgated by the Fahey Government. That is an indication of the degree of bipartisanship which these issues have always been dealt with both in this House and in the other place. However, the Premier has been prepared to throw all of that away in the context of a very creditable election performance and pander to elements in our community.

The Hon. J. M. Samios: Peripheral elements.

The Hon. D. T. HARWIN: Peripheral elements in our community for election purposes, and that is a great pity. This bill is now before the House, with amendments that came out of the report of General Purpose Standing Committee No. 1 that the Hon. J. Hatzistergos said were also put to the Ethnic Communities Council by Mr Bill Jegorow, a person of longstanding service to the community and a former councillor with Labor Party affiliation. That is the history of this bill and it is a great shame that we are debating something that results from the Premier's unilateral abrogation of bipartisanship in these issues.

The Opposition does not oppose the bill, but it shares the concerns of many peak groups that take the view that if there is to be any change at all, the name should be Community Relations and Multicultural Affairs Commission. The appropriateness of this name stems from two sources. First, if the commission is to have objectives that are guarded by statutorily entrenched principles of multiculturalism, I would have thought that Community Relations and Multicultural Affairs Commission was an appropriate name. After all, this commission is about the principles of multiculturalism.

Second, as has been noted in debate—and I will not labour the point—"multicultural" is part of the agency or commission in virtually every other Australian State. That suggests that the onus is on the Government to justify why "Multicultural Affairs" should not form part of the title of the commission—and from the debate clearly it has not done that. It is a pity that it has been necessary to have such a lengthy debate in both Houses on this matter. There should have been consensus on the bill following a period of mature reflection. However, the debate has given the Opposition an opportunity to place on the record the history of the bill and how the Premier was prepared to sell out bipartisanship for a few votes.

The Hon. P. J. BREEN [5.55 p.m.]: I speak to the bill and its various amendments, particularly the Coalition's amendment, which seeks to interlineate the words "Multicultural Affairs" in the name of the Community Relations Commission. If successful, it will mean that the peak government body dealing with migrant affairs in New South Wales will be known as the Community Relations and Multicultural Affairs Commission.

The issue turns on whether the word "multicultural" enhances the image and definition of the commission. After Israel, Australia is the most culturally diverse country in the world. That is something to be proud of and to boast about. As a nation, we are a cultural hotchpotch. We value all the cultures that make up our society as much as we value those traits and characteristics we can describe as distinctly Australian. It would be a mistake to play down our cultural diversity. The Hon. Dr P. Wong referred to the error that we must be the same if we are to be equal. This is woolly thinking and defective logic. We are equal because we are human beings. To argue that first we must be blended together in some kind of amorphous cultural soup before we can be equal is, at best, outdated and discredited government policy.

Sadly, the legal system does not recognise us as equal in our dealings with the courts. The High Court has consistently held that there is no constitutional right to legal equality in Australia. This is one of our failures as a nation, but we remain equal as human beings and we remain a culturally diverse society. Our cultural diversity, or multiculturalism, is one of our great successes, as Bill Cope and Mary Kalantzis pointed out in an article in last Tuesday's *Sydney Morning Herald* entitled "We don't have to be the same to be equal".

The word "multicultural" has been increasingly used to describe the diversity of our immigrant origins. It is a word that is evolving, as language does. Every State, except for New South Wales—not just a majority of the States but every other State—has included the word "multicultural" in the name of its equivalent organisations. In fact, I phoned them all this morning to check. The Hon. J. Hatzistergos rightly notes that the debate has moved on from the word "ethnic" to another word called "multicultural". In Victoria the immigrant affairs organisation is called the Victorian Multicultural Commission. In South Australia the peak government body is called the Office of Multicultural and International Affairs. In Queensland it is called Multicultural Affairs Queensland—recently changed from the Bureau of Ethnic Affairs. In Western Australia it is called the Office of Multicultural Interests. In Tasmania, up until very recently it was called the Office of Multicultural and Ethnic Affairs but the word "ethnic" has been dropped and it is now called Multicultural Tasmania.

Consistently, at the Federal level of government it is called the Department of Immigration and Multicultural Affairs. In fact, a brochure arrived on my desk just a few weeks ago called "A New Agenda for Multicultural Australia". It does not say "A New Agenda for Community Relations Australia". In fact, "community relations" cannot even be used as an adjective. The so-called Community Relations Commission is either way ahead of its time or way out of touch with the rest of Australia, and I suggest that it is the latter.

It is out of date and it has been replaced. The Ethnic Affairs Commission Chairman, Stepan Kerkyasharian, described the bill as the most progressive legislation of its type to be brought forward by any government in Australia. He is clearly not referring to the name "community relations", which is a throwback to "race relations". That title was originally used under Lionel Murphy. If that move is progressive, why is there so much opposition to it from the people whose interests the bill is supposed to represent? On the other hand, "multiculturalism" is widely recognised as the appropriate description for our cultural diversity. A recent publication to which I have alluded already contains a description of multiculturalism. Reverend the Hon. F. J. Nile referred to it earlier. It describes multiculturalism as

> … respecting 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.

That is a noble description of a concept that, according to opinion polls, has the support of a whopping 80 per cent of the Australian population. That figure is confirmed by the submissions presented to the parliamentary inquiry chaired by Reverend the Hon. F. J. Nile. I can only wonder who the Government is pandering to in its obstinate refusal to entertain the use of the words "multicultural affairs" in the name of the commission—it is certainly not the majority of New South Wales citizens. I am not one to support majority rule—indeed, protecting minorities of all shapes and sizes is an important function of this Parliament. However, the majority view is pretty much spot on when it comes to the word "multiculturalism", which has developed a uniquely Australian meaning. In their book *A Place in the Sun*, Bill Cope and Mary Kalantzis say:

> Multiculturalism is an Australian idea that's become a world idea. Maybe even the world idea for the era of globalisation and cosmopolitan local diversity.

Al Grassby claims to have imported the word from Canada, where it is used in the sense of bicultural—which means keeping the French on side. Grassby lost his seat in the 1974 Federal election and it was left to the Fraser Coalition Government to take up the idea and introduce multiculturalism as a government policy. Honourable members may recall that, after Al Grassby lost his seat, Gough Whitlam made him Commissioner for Community Relations. When Whitlam lost office in 1975, Grassby and his floral ties remained in the community relations job, promoting multiculturalism for the Fraser Government. Anyone we question today about this bill rightly asks: "What is community relations?". They have forgotten an idea that is 25 years out of date. In the meantime, multiculturalism has developed out of community relations. Cope and Kalantzis quote American academic Nathan Glazer as saying that the Australian meaning of "multiculturalism", which is "inclusion" or "pluralism", is now the accepted meaning worldwide. We defined it that way in Australia and the meaning has stuck.

The word "multiculturalism" is now used throughout the world in the Australian sense of inclusion: bringing diverse cultural groups together. It is recognised at the federal level of government and in each of the Australian States, with the exception of New South Wales. In New South Wales, we want to go back 25 years and return to Al Grassby's Community Relations Commission. Multiculturalism is our place in the sun and I hope we will embrace it in this House.

The Hon. D. F. MOPPETT [6.04 p.m.]: I serve on General Purpose Standing Committee No. 1, which was commissioned to consult the community about the Community Relations Commission and Principles of Multiculturalism Bill. I am also a proud member of the National Party and a resident of country New South Wales. I must say at the outset that, by welcoming the introduction of this bill, I believe I represent the views of most people in country New South Wales. The legislation is a product of the natural evolution of an organisation that was known until now as the Ethnic Affairs Commission and it contains important provisions that will expand and reinforce the good work of that organisation.

I wanted to make those positive remarks in light of an earlier contribution by Reverend the Hon. F. J. Nile. In his Messianic zeal for the bill, he suggested that somehow the pagans—people who lived in rural areas were considered to be pagans; unbelievers who needed to be led by the gnostics— had to be persuaded to accept the concept of community relations and harmony. The first European settlers who landed at Farm Cove were a racially diverse group. At that time, it was very much a Sydney issue because no-one, other than Aboriginal people, lived outside Sydney. When settlement occurred throughout the country areas, and particularly across the mountains, people with all sorts of racial origins contributed to the growth of the pastoral and mining industries throughout New South Wales. They have been part of our community for years.

The contribution of Trevor Jacks and his family at Coonabarabran to the social lives of people in the Central West was celebrated recently in *The Land*—they run a famous catering firm with a great reputation. Many Chinese people came to Australia during the goldrushes and then moved on to develop the pastoral

industry. Everyone in my district talks about the Chinese gangs who travelled around ringbarking and clearing timber. They then moved into country towns and established all manner of businesses, many of which remain to this day. It has never been a case of them and us.

When hearing evidence in committee—I have served on several parliamentary committees— I was disappointed to note that only a few witnesses came from outside the Sydney metropolitan area. Rather than weighing the quality of evidence, the committee was interested only in the quantity of evidence on either side of the argument. It was like a recruiting depot—a question of who would have the biggest battalions—rather than a discussion about the qualitative aspects of the issue.

The name of the commission is causing controversy, and perhaps that is the cause of the inquiry's self recruiting—which I found rather disappointing. We hope to consider many other matters later, but that is the subject of our interim report. I must defend the actions of the Hon. J. M. Samios, the Hon. Dr P. Wong and myself in submitting a dissenting report. I do not believe any attempt was made to frame the one critical recommendation on the basis of the evidence submitted. It was interesting to listen today to the speech of Reverend the Hon. F. J. Nile, who is the chairman of the committee, and we respect him for the way in which he conducted the inquiry and received the witnesses with courtesy. I was surprised to hear him claim ownership of the idea to include a clause in the bill to give some legitimacy to the phrase "for multicultural New South Wales".

Reverend the Hon. F. J. Nile: It did not result from Government thuggery.

The Hon. D. F. MOPPETT: Committee members have no evidence that that occurred at your behest. However, we accept Reverend the Hon. F. J. Nile's explanation that he negotiated the proposal. Committee members faced a further difficulty as the recommendation could not be linked with any evidence we received. It was imperative, for the sake of accuracy and veracity, that members of the committee submit a dissenting report that pointed out a lack of any conjunction between the recommendation that was distilled out of thin air by the chairman, apparently without consultation with the Government. It is amazing how quickly consensus was reached and was promoted by the Government member. Those who were at the meeting and saw the way in which the matter progressed would certainly find this story incredulous. In actual fact, the committee was unable to produce a unanimous report.

As you, Reverend the Hon. F. J. Nile, have now taken the chair as Deputy-President, I will have to moderate my comments, lest you take some further action during this debate. You certainly used some of the most extravagant language I have ever heard in advocating this bill. Indeed, it bordered on being fulsome, insincere, almost sycophantic. For instance, as chairman of that committee you talked about the inspiration of the Premier—as though somehow he had had a vision, a psychotic experience. You severely discounted the work of the Chairman of the Ethnic Affairs Commission, Dr Stepan Kerkyasharian. Because it is my nature, and because I am a member of a party that is described as being in opposition, I am less generous in my comments towards the Premier and in attributing glowing praise to him.

What concerns me most about you as chairman of that committee, Mr Deputy-President, was the way in which you exhorted, almost invoked, members to not interfere with the delicate balance of the bill. You did that in the way that a mad romantic might warn people not to move amendments. Good heavens! Talk about the parable of the sewer; I fear that your good words have fallen on stony ground. The table of this House is littered with amendments which reflect the genuine concerns of not only members of this House but also the community; they want the name of the commission and the substance of the bill addressed.

It is dangerous to set on a course of passing a bill without any amendment, even if one is as dedicated to an objective as you are, Mr Deputy-President, and we must respect that. But it is dangerous to hold yourself out as a vessel of some illumination that is obscure to those who live in the collegian area underneath your particular stratum, or as a gnostic who can understand what the future holds. Anyone who tries to interfere with this bill is in some way going to interfere with your concept of a modern society. That is absolute rubbish.

I now direct my remarks to the Minister for Mineral Resources, and Minister for Fisheries. I know the Minister is diligent in trying to convince people that we need to move on. I have heard his arguments and I acknowledge that sadly the word "ethnic" is used by some people in a derogatory term; as a form of derision and disparagement. Australian English is very mobile and the Minister needs to recognise that if people use a word in a certain manner, that is its usage. The Hon. Dr P. Wong would remember that I challenged one of the witnesses and suggested he check the interpretation of the word "ethnic" in a dictionary. I suggested he would find that it can be used as an insult, and that is very sad.

This is almost like a First World War battle, with no-one shifting, but more guns coming in. This is all about whether the word "multicultural" can be put into the bill to appease a lot of people. The Government may find that in two or three years time, when everything has settled down, a small amendment could be made which, I am sure, would pass without any controversy. I cannot believe that if this amendment is insisted upon, the world will start spinning in reverse, or that people will riot in the streets. Like hell! If the Government suggests that it will pull the bill or restrict the amount of money that might otherwise be committed simply because the Legislative Council has the audacity to insist on an amendment to include the word "multicultural", it will stand damned in the community.

It is an unsustainable argument that this whole matter turns on whether that term is inserted in the bill. It is fatuous and specious to say that the use of that term will stop the commission, whatever its name is—and I suggest it be called the Community Relations and Multicultural Affairs Commission—in its tracks. That would be absurd. It is certainly appropriate that honourable members speak about the significance of the bill and the benefits that will flow from it. Perhaps honourable members can save their quotations until we reach that important, but significant, amendment about the naming of the new commission. That argument has produced more heat than light.

During the inquiry it was my perception that people had developed certain attitudes. Witnesses came forward with well-organised patter; others expressed an agitated position. One prominent witness gave great authority to what he was saying because he was an executive officer of a group which represented umpteen ethnic groups. A committee member had the temerity to ask him whether he had consulted any of those groups, and he answered, "No, that is not an obligation upon me, I am their leader, I speak for them." The problem is that there has been a little too much assumption of speaking as leaders and not enough striving for a logical compromise. Everyone should feel that their wishes have been considered and accommodated within the bill. I am glad to see the word "ethnic" removed, and I do not resile from that. It is a great step forward, but I doubt that we need to take that great leap that was explained to the committee. However, the word "multicultural" may go the way of "ethnic".

It was obvious from the evidence the committee received that at present "multicultural" as a word in our language has good currency. Whether that declines is not for me to presume. I do not claim the vision that some other honourable members have in this debate. The vision I have tends to be a little blurred—that is why I usually wear glasses. In this regard I believe we are sound in insisting that this amendment be considered. I hope when the amendment is put, it will be passed.

The Hon. H. S. TSANG [6.20 p.m.]: I wish to respond to the comments of the Hon. D. F. Moppett, a fellow committee member. I want to clear the air. This debate is not about choosing between the names Community Relations Commission and Community Relations and Multicultural Affairs Commission. We have moved on from there. The Government has listened and has accepted a recommendation of the committee that "For a Multicultural New South Wales" will not be merely a by-line, it will be a motto enshrined in the bill. As the Hon. D. F. Moppett said, "For a Multicultural New South Wales" is a motto, a goal that the commission will strive towards. It is a clear sign to the community of the objectives, goal and mission statement of the Community Relations Commission. The suggestion of the Hon. D. F. Moppett that it should be a motto and not a by-line was accepted. The motto should be enshrined in the bill and not merely be a directive from the Premier or an option to be used by the Community Relations Commission.

Honourable members must understand that we have moved on. We are no longer talking about the Ethnic Affairs Commission or the Community Relations Commission. The Government agreed to an amendment by some crossbench members that the motto "For a Multicultural New South Wales" will, not may, be part of the name. The word "will" has the same status as "must". The name will be enshrined in law and must be displayed on all publications and documents, on the door and in the telephone book. We have moved on. We are now debating whether the name Community Relations Commission for a Multicultural New South Wales is acceptable to the community.

The Hon. D. F. Moppett: It is some rapturous sentiment hanging vapidly in the air that could disappear. That is where it all starts.

The Hon. H. S. TSANG: No, because as the honourable member has rightly said, there was too much heat and not enough light. Now there is light in the air. In the last day or two everyone has seen the light.

[*Interruption*]

The Hon. Dr P. Wong will never see the light! On behalf of the Unity Party, he will only see the single issue of multiculturalism. This debate should see the light, the wisdom. As the Hon. D. F. Moppett rightly said, the witnesses before the inquiry were stacked. The honourable member was kind enough not to mention in his speech the busload of observers to the inquiry. I was surprised at the number. They had a great time. And why not? They visited Parliament House and the committee provided them with a cup of tea. They had a great time, and that is fair enough. Talking about stacking numbers, there are people who can do that better than the Labor Party can. Despite the fact that some members think that the inquiry was a waste of time, the committee made a recommendation. Everyone has agreed that the bill is not the problem. Everyone sees the merit of the Premier's vision and what the Government is trying to do. As the Hon. D. F. Moppett, the Hon. J. M. Samios and the Hon. Dr P. Wong said, the bill should be supported.

All honourable members would agree that "multiculturalism", as defined by the National Multicultural Advisory Committee, must be promoted, and it should be seen as part of the role, goal or mission statement of the commission. That can be done in two ways. We can do what the Hon. Dr P. Wong, the Hon. J. M. Samios or the Hon. Helen Sham-Ho want: change the name to the Community Relations and Multicultural Affairs Commission. However, as the Hon. J. S. Tingle and other honourable members said, when a word is endorsed by a group over time it gets corrupted. Eventually I will no longer be a Chinese Australian or an ethnic Australian, I will be a multicultural Australian. That defeats the purpose. The best way is to have a Community Relations Commission that deals with all the community. In doing so, we all work towards an Australian multiculturalism ideal. If that ideal is part of the Australian character, part of us, the word will not be corrupted. We will all work towards a harmonious multicultural society.

I know that I cannot convince the Liberal Party or the Hon. Dr P. Wong to my point of view. For a while I thought the Hon. D. F. Moppett was on our side. I understand that, as a member of the Coalition, he endorses the views of his party. I am sure he would agree that most people told the committee that they want the bill so that the commission has more power to deal with racism. They want the bill so that the commission has the flexibility to require government departments, bodies and other groups to work together, to sit down and talk. The commission did not have that power before. The Ethnic Affairs Commission was seen to be for one group, but a Community Relations Commission for a Multicultural New South Wales would be for everyone.

If the commission has that flexibility, the community enjoys the authority of the commission to make everyone discuss the issues and work towards a solution. That is what we should be debating. It is not as if the Government is still stuck on "Community Relations Commission". We have moved on. The Chinese community and Neville Roach suggested that the Government accept a by-line. Since the inquiry the Government has agreed that those words should be enshrined in the bill. The Government accepted my proposal to move an amendment that the word "multicultural" may be used as part of the name. It has now accepted "will", not just "may". As I have said, "will" means "must". That is how we should look at it. If the commission works towards a mission statement based on that motto, I am sure all the community groups will be satisfied. They will see "multiculturalism" enshrined in the bill as a goal we can all work towards.

It will ensure that the word "multicultural" will not be corrupted, as were the words "new Australian", "ethnic" and some other names that I would prefer not to mention. In response to the Hon. D. F. Moppett, I would say that he has tremendous leadership. It is difficult to chair a committee inquiry when one sees witnesses stacked, co-ordinated and even rehearsed. The inquiry became a circus: busloads of observers came to watch and have a good time. There is no doubt that a cup of tea and a biscuit in Parliament House are good for senior citizens, but this is a very serious matter.

Debate adjourned on motion by the Hon. H. S. Tsang.

[*The Deputy-President (Reverend the Hon. F. J. Nile) left the chair at 6.30 p.m. The House resumed at 8.00 p.m.*]

ASSENT TO BILLS

Assent to the following bills reported**:**

Albury-Wodonga Development Repeal Bill
Penalty Notices Validation Bill
Protection of the Environment Operations Amendment (Littering) Bill
First Home Owner Grant Bill
New South Wales Lotteries Corporatisation Amendment Bill

ENVIRONMENTAL PLANNING AND ASSESSMENT AMENDMENT (AFFORDABLE HOUSING) 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) [8.01 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 bill I introduce today deals with two very important matters for New South Wales. It will provide certainty for the Green Square redevelopment—a major urban renewal project south of the central business district [CBD]—and it will amend the Environmental Planning and Assessment Act to remove any doubt about the capacity to use planning legislation to provide for affordable housing. It will do this by validating existing legislation and making further amendments to the Environmental Planning and Assessment Act. The House will remember that in December last year the Government brought forward, as part of a bill to continue to implement reform, amendments to the Environmental Planning and Assessment Act to promote housing affordability through planning instruments. The amendments, which were endorsed by Parliament, clarified and confirmed the ability of the planning process to deliver a housing supply which promotes housing choice, meets the needs of households with different incomes within the one community, and supports equitable access to services, facilities and employment opportunities for all households.

In December last year, before the endorsed bill was assented to and the amendments made, a court challenge against a planning instrument containing affordable housing provisions—the South Sydney Green Square Local Environmental Planning Instrument—was heard. The judge hearing the case found that adequate power was not available within the Environmental Planning and Assessment Act to support the affordable housing provisions and declared them invalid. However, the judge accepted that the provision of a component of affordable housing as part of the redevelopment was integral to the Government's vision for Green Square and that land would not have been rezoned to permit redevelopment without those provisions. Consequently, he found that the affordable housing provisions could not be severed, and declared the whole local environmental plan [LEP] invalid. This has resulted in the reinstatement of the former industrial zoning and has prevented any further development.

The case has identified the need for further amendments to the Environmental Planning and Assessment Act to finally place beyond doubt the capacity for planning instruments to require the provision of affordable housing. This bill addresses the issues arising from the case. The bill will remake the South Sydney Local Environmental Plan Green Square and validate the accompanying Green Square Affordable Housing Development Control Plan and any consents issued under the LEP. This will enable development to proceed. Reinstating the Green Square LEP is critical to the success of the redevelopment. Redevelopment of the Green Square area represents public and private investment of approximately $2 billion–equivalent to 89 per cent of the Olympics capital works budget—and will be a key post-Olympic project maintaining economic growth and job creation. The project will create some 5,000 jobs during construction and 20,000 permanent jobs.

The bill will also amend the Environmental Planning and Assessment Act, building upon earlier amendments, by: expanding section 26 of the Act to make clear that environmental planning instruments can contain provisions to provide, maintain, retain or regulate any matter relating to affordable housing and; providing an explicit power to enable conditions of consent to require the dedication of land or a monetary contribution for affordable housing where a need for affordable housing has been identified and a development will or is likely to reduce the availability of, or create a need for, affordable housing, or where a development has been permitted through the zoning of unzoned land or the rezoning of a site to permit residential development. Councils will continue to have the capacity to use planning incentives or concessions, in appropriate circumstances, in return for the provision of affordable housing. This will support the provision of affordable housing outcomes through voluntary negotiation. These measures reflect the Government's commitment to addressing the significant housing affordability problem in New South Wales, and will place beyond doubt the ability to provide for and maintain affordable housing using planning instruments.

The bill provides for accompanying State environmental planning policy [SEPP] to establish a clear and accountable scheme for the provision of affordable housing. The SEPP will provide the machinery to implement affordable housing schemes. Local Government will need to implement schemes in accordance with the provisions set out in the SEPP. The details of the SEPP will be developed in consultation with industry, local government and other interested parties, and will provide the certainty and clarity sought by all parties. The bill will also validate other existing planning instruments containing affordable housing provisions. These are set out in schedule 2. The explanatory notes provide further detail about the operation of the bill. In summary, this bill allows Green Square—a major redevelopment precinct, creating economic and employment opportunities—to proceed while ensuring that a range of households are able to find accommodation in the redevelopment area and share in the fruits of that growth. At the same time it will establish a clear framework for future affordable housing schemes to address the real and growing problem of housing affordability in New South Wales. I commend the bill to the House.

The Hon. D. T. HARWIN [8.03 p.m.]: I lead for the Opposition. This is the second time in seven months that this House has debated legislation to reinforce the Government's position in its ongoing dispute with Meriton Apartments Pty Ltd over the inclusion of affordable housing in its development in the Green Square precinct. In November the Parliament legislated to include the provision of affordable housing as an objective of

the Environmental Planning and Assessment Act 1979. Meriton's challenge was to the Green Square stage one local environmental plan entitled "South Sydney Local Environmental Plan 1998 Amendment No. 2 Green Square and the Green Square Affordable Housing Development Control Plan". What a mouthful!

Meriton challenged the validity of the affordable housing provisions. In the case of *Meriton Apartments Pty Ltd v Minister for Urban Affairs and Planning* judgment was handed down by Mr Justice Cowdery in the Land and Environment Court on 20, 21 and 22 December. The dates are significant because, as the House heard in question time, earlier this week there was a stuff-up. The Minister and his department failed to instruct their legal representatives to ensure that the court was advised that the Minister's November legislation had been assented to on 3 December, and had been proclaimed. Incredibly, the court was not advised that the validity of the affordable housing provisions had been put beyond doubt.

When the judgment was handed down the error became apparent, and appeals have been lodged by both the department and Meriton. In fact, the hearing of that appeal has been set down for 6 and 7 July. On Tuesday the Hon. J. P. Hannaford asked the Attorney General to account for the embarrassing omission of the Crown Solicitor and the barrister representing the Government in bringing the proclamation of the bill to the attention of the Government. The Hon. J. P. Hannaford has also asked the Attorney to tell the House the extent of costs for which the Government is liable as a result of having lost that case. We are yet to receive a response from the Attorney.

It is fairly clear that the mistake will be corrected at the July appeal when a decision is handed down, yet today we are debating special legislation to override the courts, a practice that is bad public policy and preferably to be avoided. The starting point of the bill is retrospective legislation to validate the affordable housing provisions of existing planning instruments in South Sydney and all the other councils that have equivalent policies in place, including Randwick, North Sydney, Waverley, and Willoughby. That is the thrust of schedules 2 and 3 to the bill. The Opposition will not oppose validating existing affordable housing schemes, despite some misgivings about some of the planning instruments in particular councils.

The fact is that there are consequences of existing affordable housing planning instruments in councils, like Waverley, that are unacceptable. I outlined some of those consequences to the House in debate last November, and I will return to them shortly. At best the bill is giving these councils and industry generally legal certainty about existing affordable housing policy instruments. In reality it is unnecessary special legislation for Meriton, a matter that would have been cleared up by the Land and Environment Court within a matter of weeks. However, there is no reason per se to oppose schedules 2 and 3, and that is the position the Opposition will take.

Schedule 1 is another matter entirely. The Opposition will oppose clause 4 and schedule 1 to the bill. As clause 4 tells us that schedule 1 amends the principal Act, I will focus on that. Schedule 1 authorises two new powers. First, it will now be possible to grant a development consent that requires the dedication of land and to use section 94 contributions to provide affordable housing. Second, the bill underlines the fact that the Government can promulgate a planning instrument with respect to the attention of affordable housing. In his second reading speech Minister Refshauge noted that the bill provides for an accompanying State environmental planning policy [SEPP], which will provide the machinery to implement affordable housing schemes.

But the most important part of Minister Refshauge's speech is when he said, "Local government will need to implement schemes in accordance with the provisions set out in the SEPP." The heart of our concern is that in going down this path it is quite clear that the Government has not listened to the extensive community concern about the use of planning instruments to achieve social objectives. I assume that the whole House agrees with the importance of increasing access to affordable housing as a social good. As I said to the House in November, my view is that it is unrealistic to expect that social objectives can be achieved through our planning instruments. The welfare system is a more effective way of addressing the affordability of housing.

The Government, in schedule 1 to this bill, is effectively asking us to give it a blank cheque to implement a State environmental planning policy on affordable housing. We do not know what will be in that SEPP. However, we know what has been in other similar SEPPs that have tried to achieve social objectives and social good, but that have gone horribly wrong. I refer in particular to SEPP 5 and SEPP 53. The experience of local councils and communities is that a SEPP is a blunt planning instrument which causes many unforseen problems at the time it is promulgated. I remind honourable members that, at the moment, SEPP 5 is the subject of a review being conducted by Minister Refshauge.

An excellent discussion paper, which has been released by the department, and an even better discussion paper, which has been released by the shadow Minister for Housing in another place, outline some of

the difficulties that SEPP 5 has caused in the community. Some of those difficulties can be fairly summarised as follows. Because of the nature of SEPP 5, the way in which it has been constructed and some of the provisions that were introduced in 1998—even though SEPP 5 is a planning policy that is supposed to improve access to aged and disabled housing—it has ended up as another tool in the hands of developers to overdevelop the suburbs of Sydney.

We have some incredible examples of where development consent has been given to particular developments under SEPP 5 for so-called aged and disabled housing, for example, a two-storey townhouse which has no facility to enable disabled people to get to the second floor. SEPP 5 has been used and abused by developers to overdevelop the suburbs of Sydney, in particular the foreshore areas around the Georges River, the foreshore areas around Port Hacking and suburbs further away from the water. SEPP 5 has been used by developers as an excuse to construct medium- density housing in areas that are not simpatico with that style of housing, and local councils and communities can do nothing to stop it. That is an area about which I have great concern.

I remind honourable members of the way in which SEPP 53 was used as an urban consolidation policy and the way in which that matter was handled by this Government in its first term in office. Effectively, what we had was an auction. The department and the former Minister for Housing said to local councils, "You have to provide for urban consolidation in your local areas. You have to come up with targets and a plan. We will not tell you what the benchmark is, but if you do not meet this invisible benchmark that we consider appropriate, we will take away your planning powers." Local councils that were committed to urban consolidation had the sword of Damocles hanging over their heads.

History shows us that there was totally unacceptable overdevelopment in Sydney's suburbs. Councils, fearful of losing their planning powers tried desperately to meet a target, even though they did not know what that target was—which is the way in which any body of elected people would react. It was quite an incredible, clever and political approach. It meant that local councils had to cop the flak, not the State Government, even though the State Government's planning powers effectively forced councils into agreeing to an unacceptable level of urban consolidation.

At a time when there is concern about the use of SEPP 5 and SEPP 53 as planning instruments, we have legislation before the House that will permit this Government to issue a State environmental planning policy on affordable housing. We do not know what will be in it. We are being asked for a blank cheque. I will tell honourable members what will almost certainly happen. The Minister for Housing, in his second reading speech in the other place, said:

> Local government will need to implement schemes in accordance with the provisions set out in the SEPP.

We will experience the same problems that we experienced in relation to SEPP 53. Councils will be expected to meet a certain benchmark, otherwise they will lose their planning powers. The Government will say to councils, "You must supply a certain amount of affordable housing." Councils will have to say to developers, "You must include as part of your development a certain amount of affordable residential housing." What has been the experience of councils in areas such as Waverley, where those policies have been in place? Effectively the developer said, "Okay, we will give you more affordable housing if you give us an extra floor. We need an extra floor in our development, or we need some floor space ratio concessions. "

That is what happened with urban consolidation and SEPP 53, and that is exactly what will happen with this affordable housing SEPP. This is another green light that will effectively lead to more overdevelopment in the suburbs of Sydney. If only it was about affordable housing. If only we were to get more affordable housing which did not come at a significant cost. Affordable housing, as foreshadowed in this legislation, will come at a great cost—at the cost of significant overdevelopment. I am sure that there will be other unintended consequences. There will be a significant drag on urban renewal. Because developers will have to keep down unit costs for housing to provide affordable housing, there will be many compromises relating to quality.

On the one hand the Premier is talking about the need to increase the quality of urban design and on the other hand his Government is introducing an affordable housing State environmental planning policy that will almost certainly lead to a significant compromise in urban design in the suburbs of Sydney. I hope that the Government has thought this through. However, I suspect that it has not thought it through. The Government's proposal will lead to significant dissatisfaction, in particular in areas such as southern Sydney, where traditionally housing density has been kept low. The Government will pay a high price if it proceeds down this path. For those reasons the Opposition will oppose clause 4 and schedule 1 in Committee.

The Hon. I. M. MACDONALD (Parliamentary Secretary) [8.20 p.m.]: I support the Environmental Planning and Assessment Amendment (Affordable Housing) Bill. This landmark legislation will remake the South Sydney local environmental plan—Green Square—and validate the accompanying Green Square Affordable Housing Development Control Plan. It will increase also the capacity to deliver affordable housing by providing an explicit power in section 94 of the Environmental Planning and Assessment Act. This power enables conditions of consent to require the dedication of land or a monetary contribution for affordable housing where a need for affordable housing has been identified

As a further indication of the Carr Government's commitment to affordable housing, this legislation will require the development of a new State environmental planning policy [SEPP]. This new SEPP will give guidance to local government on affordable housing. There will be extensive consultation in the development of the new SEPP—a point that the Hon. D. T. Harwin, for all his North Shore articulation, missed in the debate.

The Hon. D. T. Harwin: I have never lived on the North Shore. That's absolute rubbish!

The Hon. I. M. MACDONALD: He may not have lived on the North Shore, but he aspires to live on the North Shore. I forgot that he lives in the eastern suburbs. This legislation adds to the range of strategies that the Carr Government has in place to improve housing stock and housing quality in New South Wales. The Carr Government is spending over $1 billion on public housing in New South Wales. This includes over $100 million for capital acquisition for more community housing. The Carr Government has increased its commitment to public housing despite the imposition of Commonwealth cuts. Over four years New South Wales will lose $106 million under the Commonwealth-State Housing Agreement.

If the Hon. D. T. Harwin has not lived on the North Shore, he shows all of the propensity and capacity to end up there! The cuts have been exacerbated by the imposition of 1 per cent efficiency dividends for each year of the agreement. At the same time the Howard Government, which the Hon. D. T. Harwin totally supports, has cut public housing. Whilst it has cut public housing, the Hon. D. T. Harwin personally supports the $400 million goods and services tax [GST] campaign that has been run on television. If he had the opportunity he would sing falsetto with Joe Cocker, singing *Unchain My Heart*, and I know that the Hon. D. T. Harwin would probably do a good job!

The Hon. J. H. Jobling: This is a typical Ian Macdonald report.

The Hon. I. M. MACDONALD: Do you want a bit more? Clearly, the Federal Government has its priorities wrong. That $400 million could lease over 50,000 properties in Sydney and greatly ease housing affordability in Sydney; it could build almost 3,000 new homes; it could assist 1.5 million households to become tenants in the private sector; or, if placed on the market in the United States of America at 20 per cent per annum, it could probably end up winning the seat of Manly for the Hon. Patricia Forsythe!

The Howard Government has shown how mean spirited it is across a range of social policy areas—housing, health and Aboriginal affairs, to name a few. We keep hearing that the Prime Minister, the personal mate of the Hon. D. T. Harwin, wants to make social policy his priority. But to date his record is abysmal, and he shows no sign of changing. The Hon. D. T. Harwin's speech was erudite, but factually inaccurate. It is imperative that the Commonwealth increase funding for public housing in the next Commonwealth-State Housing Agreement. It needs also to re-examine the Commonwealth Rent Assistance program. Under that program the maximum allowable rent assistance for an eligible family in private rental accommodation is $51 when the rent is $140 or more.

For a single person without children and in share accommodation the maximum assistance he or she can receive is $25 per week. This program fails to recognise the issue of housing affordability in a city like Sydney, as the Hon. Patricia Forsythe certainly would not understand. One would have to look hard in the Sydney metropolitan area for a three-bedroom house in the private rental market that rents for $140 a week. The Hon. Patricia Forsythe nods in agreement. You certainly would not find anything under probably $540 per week at Manly or on the North Shore, or even in the eastern suburbs, where the Hon. D. T. Harwin aspires to live!

That $51 for a family or $25 for a single person does a lot more to help people in private rental accommodation in places like Hobart or Adelaide than those in Sydney. This is another example of the Federal Government's bias towards the people of New South Wales, and of its slanting of public policy for the small, more conservative, States. The situation in New South Wales is unique as far as housing affordability is concerned. The Carr Government is showing national leadership in its approach to affordable housing. We are

setting a benchmark. We are setting out to show the Howard Government what it should do to ensure that affordable housing is available—a benchmark I would hope the Hon. D. T. Harwin would be pleased to adopt. I am sure Reverend the Hon. F. J. Nile would support my comments.

This legislation will help families to access quality affordable housing in areas such as Green Square, which is a booming area close to public transport. Unfortunately, the price of the tickets was set by this outrageous mob opposite when it had control of the Treasury benches. The Hon. J. S. Tingle is the one exclusion to the comment I made about the mob over there. I support the bill.

The Hon. I. COHEN [8.26 p.m.]: Due to the erudite rendition by the former speaker, how could I do anything but support the bill! Nevertheless, as a Green I take great interest in the Environmental Planning and Assessment Amendment (Affordable Housing) Bill. I congratulate the Government on introducing this bill. The crisis in housing affordability is well documented. More than one-fifth of all lower income households in New South Wales pay more than 30 per cent of their gross household income in housing payments. For many households there is a constant weekly struggle to pay the rent. The struggle will become even more difficult due to the goods and services tax, which will result in rent increases.

The Greens have consistently drawn attention to the serious impact the Olympics is having on housing affordability in Sydney. I attempted in this House to introduce a private member's bill to control rent during the Olympic Games period, but it was refused by the Opposition and the Government. It is a pity that it did not come to fruition, because we are now seeing what was predicted during that debate. There are terrible housing problems in the Sydney area in the lead-up to the Olympic Games. At the time I raised this issue the Government promised that if those problems did arise and if people were having difficulties with housing, it would reconsider the matter.

I suggest the Government should reconsider the matter—but now it is too late, because Sydney is suffering a housing crisis. Personal friends of mine are being evicted from houses. Members of the Greens are being evicted from houses in the Bondi area. A few weeks ago I attended a rally near Bondi Beach to protest against the iniquitous activities of landlords in that local area, putting people out of houses through price hikes in rent. Many people are scared to be named because rental accommodation in Sydney is so insecure. Many people are fearful of losing their living space. They feel vulnerable and insecure because they believe they may not be able to provide a roof over the heads for their family. They are looking for ways to resolve the problem. In the lead-up to the Olympics unscrupulous landlords in certain areas of Sydney are putting the screws on people who cannot complain.

These people cannot complain. If they complain they are blacklisted by the local real estate agents and they have terrible problems. It is very difficult for many people in Sydney. As I said before, it is difficult to understand how unemployed people can afford to live in Sydney, with the pressures of rents and the insecurities that exist. Without secure housing people are very vulnerable. Their capacity to work, maintain their health and be active participants in life is intrinsically linked to the extent to which they have secure and affordable housing. The need for changes in the State planning laws to increase the supply of affordable housing was recognised in 1998 by the Ministerial Task Force on Affordable Housing. The task force made some very sensible recommendations.

These recommendations included, first, that the Environmental Planning and Assessment Act should state explicitly that planning authorities can take into account the need for affordable housing in their planning and approval processes. Second, regional and local planning strategies should explicitly address housing needs and encourage improvements in the supply of affordable housing. Third, planning authorities should be enabled by explicit legislation to impose a range of requirements and provide a range of assistance for the provision of affordable housing including, but not restricted to, preservation of existing affordable housing.

Fourth, planning authorities should be given explicit power and encouragement to enhance the provision of affordable housing by requiring contributions from developers towards the provision of affordable housing. Fifth, the Government should give greater emphasis to affordable housing in its statewide planning policies and related initiatives. In particular, a new State environmental planning policy should be developed to strengthen and consolidate existing policies. Finally, the Government should provide further assistance to local councils and other planning authorities that wish to develop strategies, policies and codes for affordable housing.

Last year the Government took the first step with an amendment to the Environmental Planning and Assessment Act which made it clear that affordable housing falls within the ambit of planning law. At the time

the Greens moved amendments in an attempt to strengthen the bill. Those amendments were rejected but we are pleased to see that the Government has now taken up and expanded some of the Greens ideas. I note the amendments foreshadowed by the Opposition which seek to remove affordable housing from the reach of the Act. Redevelopment has many community benefits but when tenants and occupiers of low-cost housing are forced out by rising rents and property values it also comes at a cost to the community.

The Greens councillors on Byron Shire Council are working on an affordable housing strategy for the shire. We need all stratas of society living together, otherwise we end up in a ghetto with a specific lifestyle, inhabited by those who can afford to pay the rents. I am seeing it happen in Byron shire at present. There is a tourist boom, and that attracts people to the area. Land, housing and rent prices are going higher, and the very people who attracted others to the community in the first place—artists, craftspeople, alternative people, often unemployed but adding a great deal to the culture of the community—are being forced out. We cannot afford to lose them, when they were the very people who attracted so many of the population in the first place.

The same is happening in the eastern suburbs of Sydney, where many people have lived for generations. People who have been involved in the Bondi Icebergs, the people who have been involved in the beach culture, a very egalitarian society, are being forced out by the development of that precinct. That development is accelerating, and inextricably it is tied up with developments associated with the Olympics. It is absolutely vital to have affordable housing in these areas especially. I lose many friends in my home community because they cannot afford to live there any more.

The Hon. R. S. L. Jones: You don't lose many friends.

The Hon. I. COHEN: Perhaps the honourable member is intimating I do not have many friends. He may well be right, but one sees a significant mobility in the northern regions. Many people living there have a hand-to-mouth existence. Many musicians, artisans and craftspeople just cannot afford to live there any more. Everyone has a right to live in the community of their choice. It is a terrible feeling, like losing the roof over one's head, when one has to move from a particular suburb because the prices and rents are going up. It is quite inexcusable. It is something that we, as members of Parliament, do not have to suffer but it is important that we recognise that experience. To deny this, as the Opposition seeks to do, is to regard the planning system as existing simply to deliver individual development decisions and a profitable outcome for developers.

The Hon. D. T. Harwin: No, we don't.

The Hon. I. COHEN: I hope you don't, but it certainly seems like that. The Greens reject the Opposition's attempt to limit the scope of the planning system. The importance of the planning system in a social context cannot be denied. Developers need to be made more accountable for the impact their projects have on the supply of affordable housing. This requires a much greater focus on the social justice context of planning law. I understand the pressure is always there from developers to maximise their profits, to get as many individual units—

[*Interruption*]

Then surely it is the responsibility of local government and the planning laws. Councillors are not in their jobs just to facilitate development. As more Independent and Greens councillors become involved, there is no reason why they cannot hold back that sort of onslaught. I suggest that many of the Hon. D. T. Harwin's allies have worked to change the Land and Environment Court into a land and development court—and the Government is also responsible for that—but that can be overcome with vigilance at both local and legal levels. An affordable housing policy at both local government and State levels is important. It is important also to recognise there is significant support for this legislation in areas of the community for which I, as a member of the Greens, have a great deal of respect. I have received a letter from Gary Moore of the Council of Social Service of New South Wales [NCOSS] in which he says:

> The Council of Social Service of New South Wales (NCOSS) strongly supports NSW Government attempts to reform this key piece of planning legislation to achieve better housing outcomes for low and modest income people struggling in the private rental market and/or on public and community housing waiting lists.

[*Interruption*]

I do hope the Hon. D. T. Harwin goes in to bat for the low-income people who are struggling to deal with unscrupulous landlords in this city as they jack up the rents before the Olympics. I hope he gets enthusiastic and vocal about that issue. Gary Moore continues:

> NCOSS believes that affordable housing must be a component of all major residential developments in Greater Sydney and regional NSW. The long boom in Sydney's housing market, when combined with gentrification of inner and middle ring suburbs, and Olympics related influences has placed intolerable strain on hundreds of thousands of individuals and families.
>
> The lack of housing affordability is also a significant contributor to the growing income inequality in NSW, and the social divide being experienced in Greater Sydney.
>
> Whilst the Government's amendments do not meet all of the expectations which NCOSS holds in this critical area, they are viable, balanced and will deliver affordable housing outcomes.
>
> NCOSS is concerned that the Coalition has indicated that it will oppose these amendments. We believe that the well-being of local communities are enhanced by having a mix of income, family and cultural arrangements, wherever these communities are located.
>
> Well managed and well designed urban consolidation, with a core requirement of mixing low and higher income households, is a key ingredient of strategies to contain Sydney's urban sprawl, to deliver cost effective services and to manage negative environmental impacts.

Mr Rod Plant, Executive Officer of Shelter New South Wales, wrote:

> Research commissioned by Shelter NSW in 1998, examined 1996 Census data for Sydney and uncovered a picture of severe housing stress among lower income renters ... more than half of the households below the $31,199 annual income level, were in housing stress and that collectively they make up more than 80% of all households in housing stress ... Shelter NSW is concerned that the Opposition has noted its intention to vote against the Bill. There is an urgent need to address this issue as the availability of affordable housing is a key precondition of social sustainability. At present, the proportion of households living in unaffordable housing is increasing at an alarming rate. Indeed, a recent study found that the proportion of households living in unaffordable housing increased from 15 per cent to 22 per cent of all low-income households in the last decade ...

Legislative change is needed. It is pleasing that the bill takes up many of the suggestions of the ministerial task force, particularly in relation to the operation of section 94 of the Environmental Planning and Assessment Act. This is a critical provision of the Act, but it was unclear whether it permitted the imposition of a levy on developers in relation to affordable housing. The bill puts this issue beyond doubt and clearly states that developer contributions can be required. In this respect, however, the bill is limited in its operation. Contributions can be levied only where State, regional or local environmental plans so provide.

In many local government areas councils take a serious interest in affordable housing. But some councils do not. The Greens would prefer to see mandatory contributions imposed in relation to all major development projects. The Greens are concerned that before such contributions can be imposed a SEPP must be formulated. But there is no guarantee in the bill that such a SEPP will be gazetted by the Minister. The Greens therefore request that the Minister provide the House with an undertaking that the SEPP will be introduced and an indication given of the Government's timetable in relation to this matter.

The Greens are particularly pleased that the Government has legislated to ensure the validity of existing affordable housing planning instruments such as the Green Square local environmental plan. The validity of existing schemes was thrown into doubt by the decision of the Land and Environment Court in *Meriton v Minister for Urban Affairs and Planning*. This bill changes the Act to ensure that the Meriton decision does not invalidate some very worthwhile initiatives in areas such as Waverley and North Sydney. The Greens are pleased to fully support this bill. It is wonderful to see the Government acting on its mandate, to improve the social conditions of those most in need in our community. There is no greater need than affordable, reliable, secure shelter for the population of New South Wales.

The Hon. JAN BURNSWOODS [8.43 p.m.]: I have great pleasure in supporting the Environmental Planning and Assessment Amendment (Affordable Housing) Bill. Most of us would agree that affordable housing is very important for big cities around the world, of which Sydney is certainly one. With the crisis in housing affordability at present it is very difficult for lower income families to secure housing in Sydney. Only the week before last the Real Estate Institute gave us figures showing that the median price of housing in Sydney has now passed $300,000. With the current state of the economy and rising demand prices inevitably will rise. The bill deals with two specific matters: providing certainty for the Green Square redevelopment following the court decision I will refer to later; and amending the Environmental Planning and Assessment Act to remove any doubt about the capacity to use planning measures to provide for affordable housing.

The Government has shown its commitment to affordable housing over the past few years with the establishment of the ministerial task force on affordable housing in 1996 and, as other speakers mentioned earlier, the excellent recommendations that came out of that task force in 1998. Last year the Government amended the Environmental Planning and Assessment Act to promote housing affordability through planning

instruments. They were designed to clarify and confirm the ability of the planning system to deliver a housing supply that promoted choice and attempted to meet the needs of households with a variety of different needs and incomes within the one community, and supported equitable access to services, facilities and employment opportunities.

Around the time that legislation was going through the Parliament the Land and Environment Court was hearing a challenge against the Green Square local environmental planning instrument in South Sydney. Unfortunately, the judge hearing the case found that the Act did not provide sufficient power to support the affordable housing provisions that South Sydney Council, to its great credit, had required of the Green Square project. The judge declared them invalid. As part of the decision he also declared the whole LEP invalid, which means that the former industrial zoning again applies to the land.

The Green Square project is an enormous project that is part of the whole network of post-Olympic planning expenditure and job creation schemes. It will house some 20,000 people. There is emerging need to sort out the results of the judge's decision. The bill does that by addressing those aspects enabling the remaking of the South Sydney LEP on Green Square and validating the affordable housing components. The bill also deals with very important and more general issues by amending the Environmental Planning and Assessment Act, building upon the earlier amendments I referred to. It will make clear that environmental planning instruments can contain provisions to provide, maintain, or regulate anything relating to affordable housing. It will provide an explicit power to enable conditions of consent to require the dedication of land or a monetary contribution for affordable housing where such a need has been identified and where the development will reduce, or is likely to reduce, the availability of or create a need for affordable housing. This will also apply where a development has been permitted through the zoning of unzoned land or the rezoning of a site to permit residential development.

Under the bill councils will continue to have the capacity to use planning incentives or concessions in return for the provision of affordable housing. That will support the provision of affordable housing outcomes through voluntary negotiation. I am pleased to support the bill. It overcomes the specific problem created by the Land and Environment Court decision in relation to Green Square and builds on the steps that the Government has been taking over the last few years to continue existing affordable housing, particularly in Sydney but also in other parts of New South Wales, and to make sure that more is created, particularly where old suburbs such as those in the South Sydney area are changing so dramatically from industrial use to residential use.

The speech by the Hon. D. T. Harwin, apart from being a typical example of Opposition doom and gloom, struck a very sour note indeed in dealing with urban planning issues in comparison with the fine words that we heard earlier this week in the debate on the Parramatta to Chatswood rail link and the necessity for public transport. In those debates we heard a lot about urban planning and the needs of the city. But tonight we heard only amazingly negative remarks. I find it difficult to understand the Opposition's attitude, but then I frequently find it difficult to understand the Opposition. The other thing that struck me about what the Hon. D. T. Harwin was saying to us was a conflict between the different arguments being put forward on behalf of the Opposition.

On one hand the honourable member argued that this bill represented another green light for more overdevelopment in Sydney. On the other hand, he said that it represented a drag on urban renewal. It is hard to understand how the confused Opposition can view a bill simultaneously as a green light for overdevelopment and a drag on urban renewal. The honourable member's comments were made in the context of broader remarks about urban planning and design. The honourable member said that this bill would compromise urban design. Given the honourable member's comments, although I was somewhat disbelieving when I wrote them down, the Opposition seems to be either opposing the bill for the sake of opposition or—and I fear this may be the truer view—reflecting its absolute disregard for the interests of low-income and middle-income families to achieve a variety of different forms of affordable housing in Sydney and, indeed, far beyond Sydney. I commend the bill to the House.

The Hon. Dr P. WONG [8.50 p.m.]: I support the principles of this bill. It identifies an important area where more work needs to be done and attempts to achieve better outcomes for low-income and moderate-income earners struggling in the rental market. This bill is an important step towards reforming the housing system by enshrining affordable housing within the planning system. Having said that, I still feel the need to address some concerns. Firstly, I am concerned about how our housing policies have impacted on the most vulnerable and disadvantaged in our society. It is of concern to me—and I believe it should be of great concern to all of us—that the 1998 report of a ministerial task force on affordable housing entitled "Affordable Housing

in New South Wales—the Need for Action" found that the proportion of households living in unaffordable housing increased from 15 per cent to 22 per cent of all low-income households in the last decade. This increase is alarming.

The statistics contained in the document "Housing Occupancy and Costs Australia", released by the Australian Bureau of Statistics in 1996, show that single parents with dependent children constituted the greatest group of public renters nationally in 1995-96, which was 32.35 per cent, followed by couples with children and lone persons aged over 65, which were 22.67 per cent and 22.64 per cent respectively. Single-parent families and old people were among the most vulnerable groups affected by affordable housing issues. To look further at the issue, affordable housing consumers extend to the sick, the old, the disabled and those from non-English speaking backgrounds. Affordable housing is a crucial indicator of the level of poverty and disadvantage. Secondly, introduction of this bill brings to the surface the conflicting agendas and interests between different groups. I understand that the industry is very keen to get this legislation through, as passage of this legislation will secure the interests of some big developers such as Meriton.

As revealed in debate in this House and in the other place, Meriton has a $700 million investment at Green Square. I am not objecting to that project. We must achieve a healthy balance between public good and private good, and we must ensure that private interest does not override the public good. Certainly, projects of this kind can bring immediate and potential employment opportunities for local residents. But how will this project benefit those in urgent need of affordable housing? I accept that the Government, regardless of which party is in power, has ultimate responsibility for providing affordable housing for people, and the Government should commit itself to protect the most vulnerable and the disadvantaged.

I accept also that the Government must provide more funding for public housing. This bill provides that developers must either make monetary contributions or provide that a certain percentage of component should be designated as affordable housing. However, it is not clear in the bill how the costs of that affordable housing are to be covered. As honourable members have said, access to affordable housing is affected by lack of adequate funding. Hence, a secure and reliable revenue source for the provision of affordable housing is extremely important. Within limited public revenue, the Government must establish policies to promote projects in priority areas relating to people's basic daily needs. Affordable housing could be such a priority area. Whether the Government is willing to commit itself to affordable housing is a crucial test of its commitment to an equitable society.

The Hon. Dr A. CHESTERFIELD-EVANS [8.55 p.m.]: The purpose of this bill is to amend the Environmental Planning and Assessment Act 1979 to authorise the granting of a development consent under the Act which requires, in certain circumstances, the dedication of land and of monetary contributions for the purpose of providing affordable housing, and the making of environmental planning instruments with respect to the retention of affordable housing. The main purpose of the bill is to remake and validate the South Sydney Local Environmental Plan 1998, known as the Green Square Development Scheme. The amendments in the bill will ensure that the development will not become an exclusive residential area in an area of southern Sydney that has been traditionally working class and has affordable housing.

The amendments contained in the bill provide for other planning instruments to be applied to two similar development schemes in the City West region and in the Willoughby city area of St Leonards on Sydney's North Shore. They will make compulsory dedications or monetary contributions towards affordable housing within the development zones of Green Square, City West and St Leonards, and will also apply to future developments of this nature. This is a commendable effort by the Government. It is good to see the Australian Labor Party showing some socially democratic principles and implementing policies of equity. The Labor Party was once known for that, but it does not always act for the battlers.

Accessible and affordable quality housing, or housing equity, is an important issue that concerns the Australian Democrats and should concern all Australians. The underlying principles of the bill are pertinent to the property and development market of Sydney's inner city, inner east and inner western suburbs. An example of that is Newtown. Over the past decade Newtown has become popular to a rising economic demographic as a place to live. Twenty to 30 years ago Newtown and the surrounding suburbs of Erskineville, Macdonaldtown, Stanmore, Camperdown, St Peters, Darlington and Marrickville had been traditionally working-class areas, where properties were usually cheaper than those in the suburbs. Now it is a much more expensive area.

Areas like Bankstown and north-western Sydney beckoned young families to escape to the Australian dream of owning their own home in the suburbs. Beginning in the mid to late 1980s popularity of inner-city life

increased, and the demand for rental premises and consolidated residential development closer to the central business district has grown steadily. This has benefited developers, landlords and local businesses alike, and has displaced families and people of lower economic demographics from these areas. No-one would deny the recent rent increases for houses within 15 kilometres of the city. The wealthy have moved into the inner-west suburbs of Balmain, Glebe, Leichhardt and Erskineville, and the new suburbs being gentrified are Stanmore and Marrickville. This has forced lower-income earners further from the city, further from services and away from modes of public transport. As expected, the groups that advocate for cheaper housing support this bill. The Council of Social Service of New South Wales said:

> The Council of Social Service of NSW (NCOSS) strongly supports NSW Government attempts to reform this key piece of planning legislation to achieve better housing outcomes for low and modest income people struggling in the private rental market and/or on public and community housing waiting lists.
>
> NCOSS believes that affordable housing must be a component of all major residential developments in Greater Sydney and regional New South Wales.

NCOSS believes that the wellbeing of local communities is enhanced by a mix of income, family and cultural arrangements. Shelter New South Wales also supports the action being taken by the New South Wales Government. In a letter to me that body stated:

> Research commissioned by Shelter NSW in 1998, examined 1996 Census data for Sydney and uncovered a picture of severe housing stress among lower income renters. [These figures show] that more than half of the households below the $31,199 annual income level were in housing stress and that collectively they make up more than 80% of all households in housing stress.
>
> The report went on to recommend significant changes to the Environmental Planning and Assessment Act 1979 to enable local government to levy residential developers for affordable housing contributions. While the Government's amendments do not go as far as the report recommended, the Environmental Planning and Assessment Amendment (Affordable Housing) Bill 2000 provides a platform for the achievement of affordable housing outcomes.

A table is attached to the letter showing the number of households for which rent is more than 30 per cent of the gross household income. Naturally, that increases considerably in low-income groups, as might be expected. The Australian Democrats are always concerned with artificial interference in the market. Meriton Apartments Pty Ltd won a case in court which led to this bill. In a letter addressed to the Hon. R. S. L. Jones dated 31 May David Hynes, development manager, stated:

> Our company is not opposed to the principle of affordable housing provided appropriate incentives are in place to encourage developers to provide affordable housing. We believe that the SEPP will do so. We have no objection to the present legislation primarily because it will enable the redevelopment of Green Square to commence with the consequent employment and investment benefits attached thereto.
>
> We are hopeful that you will be supportive of this legislation.

The Australian Democrats accept that urban consolidation is necessary, but it must be accompanied by appropriate planning, not merely by financial instruments that tend to favour increased density, or by concessions that are abused, such as SEPP 5. To some extent it is better to keep a mixed demographic so that low-income families are not totally excluded from large tracts of Sydney. We also believe it is necessary to maintain recreation spaces and parklands. In one sense that is anti-market in that it lessens the profit when one considers what could be done with each individual plot of land. The overall vision of Sydney must be properly planned. This bill is consistent with that philosophy and we support it.

The Hon. A. B. KELLY [9.03 p.m.]: I speak in support of the Environmental Planning and Assessment (Affordable Housing) Amendment Bill. The redevelopment of Green Square is the biggest and most exciting urban renewal project yet seen in Australia. As a former general manager of local government I am particularly interested in urban renewal. It is important that we acknowledge the work already done by the South Sydney Development Corporation to progress Green Square.

Already the corporation has undertaken detailed planning work, including preparing a master plan for the town centres; established a major urban renewal program for the area adjacent to the new rail link; developed a retail strategy for Green Square; stimulated job opportunities; rehabilitated degraded industrial areas; and established strong partnerships with both public and private sectors. The total master plan area comprises 14 hectares. The next phase of the corporation's work is to implement the master plan for the Green Square Town Centre. It is anticipated that the Green Square project will be completed in 2005. An investment of $2 billion is committed to the area and this represents 89 per cent of the Olympic budget.

Green Square is a key component of the Carr Government's Beyond 2000 employment and economic growth strategy for New South Wales. The job-generating opportunities of this development are enormous, with

an anticipated 2,000 direct jobs and 3,000 indirect jobs during construction, plus a further 20,000 permanent new jobs over the next few years. Around 7,000 of these jobs will be located in the Green Square town plaza adjacent to the Green Square railway station, a fantastic new development. Access to both the city centre and the airport is excellent as the town centre is strategically located 4.5 kilometres south of the central business district [CBD]. Green Square will be a public transport hub for major bus routes and the new rail station, which only opened last week. It is also well served by arterial roads such as the Eastern Distributor, McEvoy Street and O'Riordan Street. Areas that will benefit from the redevelopment and this great location include airport and port-related services, high technology, retailing and service sectors, tourism, culture and entertainment.

Public art and integration of heritage features are also an important part of the master plan. The South Sydney Development Corporation is also working with Sydney Water to transform the nearby Alexandra Canal into a major recreational, ecological and visual asset for the community. The redevelopment will also provide new high housing for around 20,000 residents in the Waterloo-Zetland area. This legislation gives certainty to the Green Square redevelopment by remaking the South Sydney local environmental plan, Green Square, and validating the accompanying Green Square affordable housing development control plan.

In recent years we have seen the gentrification of much of the inner city. This has meant that housing has become increasingly affordable for some members of our community and some members who work in this building. The Carr Government's commitment to affordable housing will allow greater housing choice and acknowledges that within one community there are a range of different households on different income levels. Our approach is in stark contrast to that of the Coalition. Since 1995 the Opposition has been a policy-free zone. It has failed to articulate any policy options aimed at increasing housing affordability.

This legislation increases the capacity to deliver affordable housing by providing an explicit power in section 94 of the Environmental Planning and Assessment Act. This new power enables conditions of consent to require the dedication of land or a monetary contribution for affordable housing where a need for affordable housing has been identified. As a result of this amendment, the massive Green Square project will proceed with an affordable housing component. Recently, the new Green Square station was opened by the Premier and Minister for Transport. The new station improves access to Green Square and will help further increase employment and investment opportunities in the area. As residents move into this area they will have the opportunity to access quality and affordable housing. My wife arrived tonight and reported to me what a great train trip it is. This legislation ensures that Green Square is both a quality and affordable urban environment and I support the bill.

The Hon. JANELLE SAFFIN [9.08 p.m.]: I support this bill but state that housing affordability is not confined to the housing hot spots of Sydney. It is a major issue across the State, including my region, northern New South Wales. A growing number of our fellow citizens are struggling to find appropriate housing that they can afford. This applies not only to those on welfare, such as pensioners, but increasingly those on average weekly earnings are starting to feel the pinch as well and are unable to access affordable housing. I have only ever lived in the country and I am continually surprised at the difference in price between Sydney and those areas. I often wonder how people can afford to pay rent or buy houses.

As many honourable members will be aware, northern New South Wales has a chronic shortage of suitable land to house its population. A growing population is forcing up housing prices across the region, particularly in the coastal strip. Coastal development is also a major issue. Sydney has the urban sprawl, but northern New South Wales has the coastal congregation, as I call it. Governments at all levels need to address this issue, and the Carr Government is doing that. Local councils need to work with the State Government to plan for affordable housing and ensure a good supply of a range of housing types. Indeed, the majority of local councils are doing that and are happy to do so.

In his second reading speech the Minister said that councils will, in appropriate circumstances, continue to have the capacity to use planning incentives or concessions in return for the provision of affordable housing. The Minister said that this will support the provision of affordable housing outcomes through voluntary negotiation. The Opposition suggested that this would be enforced upon local councils and they would have to adhere to it at all costs. However, the fact is that many of these issues are dealt with by way of a combination of legislation, regulations or planning instruments, negotiation and working in partnership.

A number of factors contribute to the cost of accommodation, including the price and availability of land, the cost of construction and building materials, overall supply and demand, government costs and taxes, both State and Federal, and bank charges and interest rates. The Carr Government has moved to ease this burden with the First Home Plus program, which will assist those buying into the housing market for the first time. The Carr Government is committed to addressing the issue of affordability, and this bill is part of that commitment.

A recent decision by the Land and Environment Court, which has been referred to at length tonight, made it necessary to secure once and for all the planning system's role in the delivery of affordable housing. It has been suggested that this aspect of the proposed legislation is retrospective. In fact, that is not correct. Similar legislation has already been passed and the objects of the previous legislation were the same: to effect affordable housing. The Government is simply making the legislation clear beyond doubt, because obviously there was uncertainty about that court decision with regard to the issue of the power. This bill simply reinstates the provision of affordable housing as a legitimate and appropriate goal of the planning system. My colleague the Hon. D. T. Harwin said in his contribution that it was a misappropriation of planning instruments to use them to achieve social objectives.

The Hon. D. T. Harwin: I did not say that; I just said it was ineffective.

The Hon. JANELLE SAFFIN: The Hon. D. T. Harwin seemed to suggest that it was inappropriate. What is wrong with having planning instruments effect legitimate social obligations? We do it all the time. My colleague the Hon. D. T. Harwin also said the welfare system should do this. Of course, the welfare system should do a lot of things to achieve equity. However, the welfare system does not have to stand alone. When we are trying to achieve equity and social equity, it is something that we can mainstream into our legislation, policies and practices. The welfare system is not just a policy area. There are laws that effect welfare systems.

The Hon. Patricia Forsythe: But that is government taking care of these people, not private enterprise.

The Hon. JANELLE SAFFIN: A lot of our laws do that, but this is at local government level. The public and private sectors work together all the time in many areas, and there is nothing wrong with it; that is how we achieve things. The Environmental Planning and Assessment Act itself is a statement of what the community values. We do that every time we pass legislation in this House. As a community we say, "We value this. This is a social thing we want to effect," and we pass legislation. There is absolutely nothing wrong with using the legislative tools that we have at our disposal to do that.

The bill also revives the Green Square local environmental plan. As members have heard, the Green Square development is the largest post-Olympic project in the State. While I acknowledge that the regions need many such projects—and that will occur post Olympics—Sydney needs them as well. The Green Square development will, during construction alone, provide more than 7,000 jobs and reinvigorate an important inner-city area. The development will provide housing for 20,000 people. With this bill, 3 per cent of that housing will be identified as affordable. It is the Government's intention to move as quickly as possible to create a state environmental planning policy [SEPP] that will implement the affordable housing provisions. However, the Government wants to ensure that all interested parties have ample time to participate in the process. The views of local government and industry will be invaluable, and indeed necessary, to creating a workable and effective State policy. The Government aims to have a SEPP ready for public exhibition by July.

Affordable housing is a legitimate and desirable goal, and it should be a goal of all governments. I have a long history of being involved in working to provide affordable housing in the community. Many years ago one of the first programs introduced at the Federal level was a program that eventually became known as the Community Tenancy Scheme. It was a program that was implemented in the dying days of the Malcolm Fraser Federal Government. I became the founding president of that project on the North Coast. The then Labor Opposition supported the program, and when in government continued it under the then Minister, Chris Hurford.

At that time, which was prior to the Associations Incorporation Act 1984, I had to form a company to operate as a private entity. My involvement in working to provide affordable housing in the community goes back quite a number of years. Over the last few years the Australian community generally has not paid enough attention to the issue, nor has there been the political will driving it. However, under the Carr Government there is that will and it is starting to manifest itself in a whole range of policies and legislative initiatives. This bill is one of those initiatives, and I wholeheartedly support it. I believe this is an important fundamental issue and I commend the bill to the House.

Reverend the Hon. F. J. NILE [9.17 p.m.]: The Christian Democratic Party supports the Environmental Planning and Assessment Amendment (Affordable Housing) Bill. The bill provides certainty for the Green Square redevelopment and other existing local environmental plans that have affordable housing provisions. It amends the Environmental Planning and Assessment Act to remove any doubt about the capacity

to use planning legislation for affordable housing. The bill revives the South Sydney local environmental plan and validates the accompanying Green Square affordable housing development control plan. I have received correspondence from David Hynes, the development manager of Meriton Apartments Pty Ltd, in support of the bill. In his letter Mr Hynes states:

> Our company is not opposed to the principle of affordable housing provided appropriate incentives are in place to encourage developers to provide affordable housing. We believe that the SEPP will do so. We have no objection to the present legislation primarily because it will enable the redevelopment of Green Square to commence with the consequent employment and investment benefits attached thereto.
>
> We are hopeful that you will be supportive of this legislation and are willing to provide further comment if you consider it necessary.

We do not often receive letters from both ends of town, so to speak. However, the Christian Democratic Party also received a letter from Gary Moore, the Director of the Council of Social Service of New South Wales, urging us to support the bill. In a letter dated 31 May Mr Moore wrote:

> The Council of Social Service of New South Wales… strongly supports NSW Government attempts to reform this key piece of planning legislation to achieve better housing outcomes for low and modest income people struggling in the private rental market and/or on public and community housing waiting lists.

He also urges us to support the legislation. In a letter dated 31 May Shelter New South Wales, stated:

> Shelter NSW strongly supports the NSW Government's attempts to reform planning legislation to achieve better housing outcomes for low to moderate income earners struggling in the private rental market and/or on public and community housing waiting lists … Shelter NSW urges you to support the Environmental Planning and Assessment Amendment (Affordable Housing) Bill 2000.

The letter is signed by Rod Plant, Executive Officer of Shelter New South Wales. In light of that kind of encouragement, we support the bill.

The Hon. PATRICIA FORSYTHE [9.20 p.m.]: I did not intend to speak to the Environmental Planning and Assessment Amendment (Affordable Housing) Bill, because the Hon. D. T. Harwin expressed the Opposition's views eloquently. However, I was struck by some words in the speech of Reverend the Hon. F. J. Nile, who quoted from correspondence from Meriton Apartments Pty Ltd. The letter stated, in part, that Meriton did not oppose affordable housing provided there were "suitable incentives". They are the words that caught my attention. The Opposition's argument throughout this debate has been that, while we do not object to affordable housing—we supported that principle in earlier legislation—we believe it is essential that the community understands the effects of this bill.

The bill will ensure that developers receive "suitable incentives", which translates to increased floor space ratios, for example. Developers will be able to offer affordable housing, but at the cost of increased density and taller buildings. In terms of urban consolidation, it will provide yet another opportunity to increase housing density in Sydney's suburbs. Increasing the cost of other housing would be the only other option available to developers seeking to offer affordable housing. Both types of housing can coexist only if there are trade-offs that will increase density in many developments.

The Opposition has assumed this position throughout the debate. The Government is in denial about this issue, but the Opposition firmly believes that that is the logical consequence of this legislation. Honourable members must understand our argument because, when future communities around the city object to increased density, we will say that we clearly stated on the record that that would be the consequence of accepting this legislation and its schedule 1, which refers to affordable housing.

Ms LEE RHIANNON [9.23 p.m.]: I join with the Hon. I. Cohen in endorsing the Environmental Planning and Assessment Amendment (Affordable Housing) Bill. We acknowledge the important steps it takes towards protecting affordable housing. It is worth relating the background to this proposed legislation. The local environmental plan [LEP] for Green Square made provision for affordable housing for very low, low and moderate income households. However, Meriton Apartments Pty Ltd successfully challenged the local environmental plan in the Land and Environment Court, revealing a need to change the legislation. We were pleased that the Government responded rapidly by seeking to amend the flawed Environmental Planning and Assessment Act 1979.

Many companies such as Meriton Apartments Pty Ltd are making huge profits from suburban developments, and surely it is not too much to expect that they should give something back to those communities. We are pleased that the bill will operate retrospectively and that LEPs—which could be invalid if

the bill does not pass—will be validated, providing affordable housing in many areas. I support several other honourable members who spoke in this debate about the need for the Government to go much further with regard to housing.

Although we are discussing affordable housing—public housing is very different—we should remember that 100,000 people are on the waiting list for public housing and it is estimated that there are 30,000 to 40,000 homeless people in greater Sydney. That reflects an accommodation crisis in this city affecting rental, public and affordable housing—all of which must be upgraded. Therefore, although we welcome this bill, we recognise that this Government must go much further. The Government has a clear majority in the lower House, and progressive measures will receive support in the upper House. When the Government introduces progressive measures, it gets support; when it does dodgy deals, it will not receive support. We hope that the modest movement in this area of housing will be replicated many times over.

New residential developments are often criticised for becoming enclaves for certain sections of society. The Greens believe that is a real problem and an unhealthy social development. New developments and the upgrading of older areas, such as Green Square, must represent diversity of background, age and other complex social elements. We must also consider the problem of gentrification. I have been aware of that problem for most of my life. I remember when Paddington was very much a working area and, as it changed, I began to understand the process of gentrification. It continues to this day as the less well-off are forced out of the city and away from services. I was shocked to learn that, in some Sydney suburbs, people cannot access basic services such as transport and that corner shops and schools are not within walking distance. People should not live that way. Governments have a responsibility to ensure that basic services are in place before developments go ahead.

The redevelopment of South Sydney and the Green Square area is a classic example. That massive residential area could easily become an affluent enclave, but it also represents a tremendous opportunity to provide affordable housing. It is essential that we get new developments right from the outset—when the approvals are given and the houses are built, the opportunity is lost forever. The Greens are pleased to support this legislation, despite its limitations. The Government must be more creative and visionary about housing. Everyone has the right to a home—but it is a right that is being denied to an increasing number of people in our society.

The Hon. R. S. L. JONES [9.30 p.m.]: I support the Environmental Planning and Assessment Amendment (Affordable Housing) Bill. I received a letter from Meriton Apartments, which also supports the bill. Some would say that that is unusual but, after all, Meriton is a very responsible company. The letter states:

> Our company is not opposed to the principle of affordable housing provided appropriate incentives are in place to encourage developers to provide affordable housing. We believe that the SEPP will do so. We have no objection to the present legislation primarily because it will enable the redevelopment of Green Square to commence with the consequent employment and investment benefits attached thereto.

There seems to be unanimous approval of the legislation from Meriton and others. Recently I was attacked when someone told me that I do not care about the urban environment but, rather, support the building of Meriton apartments throughout the city. My response was to say, "Well, you either go up or you go out, basically." If development sprawls outwards, all the greenfield sites in western Sydney and elsewhere are overrun and destroyed at very great cost to both the environment and local communities.

The honourable member for Heffron, Deirdre Grusovin, pointed out in the other place the benefit of developing Green Square and the reinvigoration of the Alexandra Canal. One of my particular bugbears is that all the concrete canals throughout Sydney need to be redeveloped as natural waterways. I think that can be done and that the waterways can be beautified to restore some of the natural environment to the city. In the 1930s, or approximately 70 years ago during the Depression, the Government had people building concrete canals and they concreted half of the Sydney Harbour foreshore as well. Those areas ought to be examined with a view to redevelopment so that they can be brought back to their natural State to provide very pleasant areas and habitat for both people and creatures. Redevelopment should take place around the harbour so that fish stocks can be regenerated. I hope that the Green Square proposal will in fact become a green square and not a concrete square. I believe that is a possibility, especially with the redevelopment of the Alexandra Canal.

Some disquiet has emerged from the Council of Social Service of New South Wales [NCOSS]. Gary Moore is concerned about the time frame for the development of the State environmental planning policy [SEPP]. He notes that the last SEPP took approximately two years to develop. Jenny Emblem, who is a member of my staff, contacted the office of the Deputy Premier, Minister for Urban Affairs and Planning, Minister for Aboriginal Affairs, and Minister for Housing about this matter. The Minister replied in the following terms:

> I understand that while you are in principle supportive of the affordable housing amendments currently before the house, there is an outstanding concern as to timelines.
>
> I would like to assure you that in the event both houses pass the bill in its entirety, we will move immediately to progress the State Policy (SEPP).
>
> The state policy will provide the machinery to implement the current amendments. While I am keen to progress this quickly to ensure affordable housing is more effectively delivered, it is equally important that there is adequate consultation.
>
> As you would be aware there are a number of interested parties, including industry, local government and NCOSS, and their views will be vital to achieving the best outcome.
>
> It is my intention to progress the development of the SEPP immediately with a view to public exhibition by early July. I anticipate that this exhibition period would need to be at least one month. We would then work to finalise the SEPP, taking on board the views expressed. I would anticipate finalisation in the latter half of the year ...

So the concerns expressed by NCOSS will be addressed. It is really important to provide affordable housing within areas that would normally push affordable housing out. It is very important to have a real mix of housing for people who are on all different income levels rather than rich enclaves or ghettos and push the poor out to the city boundaries. Two weeks ago I was in San Francisco, where the poor have been pushed right out of the city into really ugly areas—tract housing. Those people cannot afford to live in the city any more. I suspect that there is no program in San Francisco, as there will be in Sydney, to allow those who have relatively modest means to live in areas that normally only the rich could afford.

I also think it is very important to have a mix of people within city areas. For example, people live in The Rocks in Sydney, where their families have lived for generation after generation. It is a very important part of the culture of an area that people are able to remain in areas where their forebears were born and raised. From the point of view that this legislation will allow people to remain within the areas in which they were brought up, this is very important legislation. The bill allows for a mix of people, which is also a social benefit.

In some countries, such as the United States of America, where similar programs do not exist, the rich take over and become richer and the rich areas become gentrified. The same phenomenon exists in London in areas which 20 or 30 years ago were quite poor but which are now extremely rich; very few poor people live there. Some areas of London that were quite run down have now become gentrified and the poor have been pushed out, to the outer limits of the city. I am very pleased that this bill is before the House. I presume that it will pass with the support of both sides of the Chamber and honourable members will witness more affordable housing being built with the co-operation of developers such as Meriton and others. It presents very little trouble for developers such as Meriton to assist in the provision of affordable housing, provided that the flexibility exists to permit recovery of costs.

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) [9.35 p.m.], in reply: I thank all honourable members for their contributions to the debate, which has concluded at this stage with most of the issues having been creatively ventilated by both my colleagues in the Labor Party and various members on the crossbenches. The Minister in his reply in the other place made a number of critical points. The revival of the Green Square local environmental plan [LEP] is vital on a number of fronts. It will be one of this State's critical post-Olympics developments, with the potential to create 20,000 jobs, and will probably be the largest urban renewal program ever undertaken in Australia. It will also be important in reinstating other LEPs that currently provide affordable housing.

As all honourable members would know, a number of local environmental plans have been implemented in the past which contain an affordable housing provision by local councils in areas such as western Sydney, Waverley, Willoughby, and a number of others. The bill provides validation of those LEPs that have been implemented and gives certainty to both residents and the industry. I am somewhat gobsmacked by the general attitude displayed by the Opposition in relation to this legislation. The intense suspicion with which members of the Opposition seem to regard the urban development industry and the housing industry makes me somewhat surprised.

It is very important to understand—as I would have thought the bearers of the proud Menzies tradition would—that we live in a mixed economy. In order to achieve social ends, incentives need to be provided through the market. I would have thought that was self-evident. Among the very diverse views represented by the crossbench and the Government, there is almost unanimity on that obvious issue from Reverend the Hon. F. J. Nile, the Hon. R. S. L. Jones, Ms Lee Rhiannon and the Government. As I stated, I am a little surprised by the attitude adopted by the Opposition in regard to this bill.

The issue of housing affordability is a critical issue of increasing importance, especially for Sydney—indeed the whole of New South Wales. All honourable members know about the globalisation debate and the impact of the global economy on land values and rental rates in the city. One of the matters that policy has to be designed around is keeping housing affordable. That seems to me to be an issue that crosses political boundaries. If pressed for a view on this matter, I would have thought that the Opposition would be anxious to join what would otherwise be a consensus view of the following issues: namely, that the outcome of the unfortunate anomalies arising from the Green Square court case should be addressed by the Parliament; that those issues should be addressed swiftly; and that they should be addressed with a view to achieving important social objectives by allowing for appropriately developed market incentives.

Obviously, by virtue of this bill and the fact that it confers authority on local government— bearing in mind that the appeals process is still in place through the normal legal processes—I am at a loss to understand the basis for the Opposition's hostility to this legislation. I remain fascinated by it and I commend the bill to the House.

Motion agreed to.

Bill read a second time.

In Committee

Clauses 1 to 3 agreed to.

Clause 4

The Hon. D. T. HARWIN [9.41 p.m.]: The Opposition opposes the amendments to the principal Act contained in schedule 1 as they relate to the making of a State environmental planning policy [SEPP] on affordable housing. The second reading debate on this bill was interesting, particularly the remarks of the crossbenchers. The Opposition supports the affordable housing objectives and the desirability of that goal contained within the bill. With the review of SEPP 5, and the outrage expressed in the community about SEPP 53, a new SEPP on affordable housing is not an effective way of bringing about affordable housing. It is clear that a SEPP on affordable housing will have consequences on urban consolidation—it will lead to overdevelopment.

This SEPP will result in a radical change in character of Sydney's suburbs. Developers will bargain with councils, because of State Government pressure to meet the affordable housing objects of the bill. Developers will trade floor space ratios, extra floors on buildings, and less parking. At present this is what happens with affordable housing planning institutes—just ask any resident of Pyrmont or Waverley. The Government has learnt nothing from SEPP 53 and SEPP 5. Another SEPP will mean more overdevelopment. The Opposition opposes clause 4 and schedule 1.

The Hon. I. COHEN [9.43 p.m.]: The Greens do not agree with the Opposition. I am concerned that the amendment proposed by the Opposition is an attempt to water down the Act, to enable developers to avoid their responsibilities for providing affordable housing. Earlier the Hon. D. T. Harwin observed that social issues should not be addressed in planning legislation. He said that achieving social improvement is the responsibility of the welfare system. The view expressed by him shows a sad lack of understanding of the planning system. The object of the planning system is to achieve social outcomes. Section 94 contributions are integral to social outcomes, whether they are for small developments, improvements to roads or parks—it is for the environment. It is a challenge to developers to improve the environment and social infrastructure when they are given the right to develop. That is something that needs to be clearly spelt out.

The Hon. D. F. Moppett: .Can you put it in intoxicating language?

The Hon. I. COHEN: It is interesting that of all the verbal intoxicants in this place, the Hon. D. F. Moppett would make a comment. It is a wonder that he does not float away into the heavens.

The Hon. Jennifer Gardiner: He has got his feet on the ground.

The Hon. I. COHEN: Yes, and I am standing here. In my home community developers are forced to rethink their plans because of the social and environmental outcomes that the community demands. A few

weeks ago, when I had the opportunity to go home, I heard about a couple from the Byron shire who had to reconsider a development. Because of the need to provide parking spaces, they had a choice of either cutting down a very old, mature rainforest tree and moving it—and risking its survival—or paying a hefty fee. They not only copped it, but the next day the local newspaper carried an article about them. Tom and Kath Mooney, the local publicans, are well known in the Byron community.

The Hon. Patricia Forsythe: Point of order: It is perfectly obvious that this is a second reading speech. We are straying from the clause of the bill.

The Hon. I. COHEN: To the point of order: I was almost finished, and what I am trying to say is relevant. The Opposition is trying to pull away—

The Hon. D. T. Harwin: We're not trying to amend the bill.

The Hon. I. COHEN: You are trying to gut it.

The Hon. D. T. Harwin: You said that the Opposition was trying to amend it.

The Hon. I. COHEN: The Opposition is trying to delete significant sections of schedule 1. I am saying that there is an onus on developers to take into account the social and environmental implications of their developments. There is a new social compact with developers in the community, and that is relevant.

The CHAIRMAN: Order! I ask the honourable member to return to the relevant clause.

The Hon. I. COHEN: This is a relevant clause. The importance of social compact with developers and the community is that the next day Kath and Tom Mooney were mentioned in the local paper. There was a big picture of both of them hugging a tree. They got their development approved, they paid the council's costs under section 94, and the community was happy. There are some important social environmental outcomes that need to be achieved. Developers can deliver those benefits.

Question—That clause 4 be agreed to—put.

The Committee divided.

Ayes, 24

Mr Breen	Mr Johnson	Mr Shaw
Dr Burgmann	Mr R. S. L. Jones	Ms Tebbutt
Ms Burnswoods	Mr Macdonald	Mr Tsang
Dr Chesterfield-Evans	Mrs Nile	Dr Wong
Mr Cohen	Revd Nile	
Mr Corbett	Mr Obeid	
Mr Della Bosca	Ms Rhiannon	*Tellers,*
Mr Dyer	Ms Saffin	Mr Manson
Mr Hatzistergos	Mrs Sham-Ho	Mr Primrose

Noes, 15

Mr Bull	Mr M. I. Jones	Mr Tingle
Mrs Forsythe	Mr Lynn	
Mr Gallacher	Mr Oldfield	
Miss Gardiner	Dr Pezzutti	*Tellers,*
Mr Gay	Mr Ryan	Mr Jobling
Mr Harwin	Mr Samios	Mr Moppett

Pair

Mr Egan	Mr Hannaford

Question resolved in the affirmative.

Clause 4 agreed to.

Clauses 5 to 9 agreed to.

Schedule 1

The Hon. D. T. HARWIN [9.57 p.m.]: The Opposition has clearly stated that it opposes schedule 1, for all the reasons I enunciated in my contributions to the Committee stage and to the second reading debate. I refer to the comments made by the Hon. Janelle Saffin and the Hon. I. Cohen. The Hon. I. Cohen referred in his speech to my views on the appropriateness of using planning instruments for social objectives. However, when the Hon. Janelle Saffin and the Hon. I. Cohen read *Hansard* they will see that they have misrepresented my views in this debate. I did not say that planning instruments could be used for social objectives. The Opposition does not support this potential planning instrument. We should not give the Government a blank cheque because of the experience with SEPP 5 and SEPP 53. The Opposition believes there will be unacceptable consequences in terms of overdevelopment in urban Sydney. That is, front and centre, why the Opposition opposes clause 4 and schedule 1, and for no other reason.

Schedule 1 agreed to.

Schedules 2 and 3 agreed to.

Title agreed to.

Bill reported from Committee without amendment and passed through remaining stages.

ADJOURNMENT

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

That this House do now adjourn.

WORLD ENVIRONMENT DAY

The Hon. I. COHEN [10.00 p.m.]: I wish to talk about a matter that is of importance to every member of the House and a tradition one day of the year: World Environment Day. World Environment Day is celebrated every year on 5 June right around the world. The environment is a matter of significance to many people in our community. Their involvement has taken many forms. Over the years there have been environmental protests, a significant change in the cultural mores of our society, and the education of both young and old about environmental issues. When we celebrate World Environment Day we should remember that the world is suffering. The world environment is under threat and needs the action of many people in the community and at government level. The Greens, other Independents, and members of the Government and Opposition will work in various ways to ameliorate the environmental degradation that is occurring in our community.

It is appropriate to stop and consider the assault on our coastlines, the climatic changes and the massive problems of salination in our inland areas. World Environment Day gives us an opportunity to reflect on the degradation that is occurring on the planet, which we must act rapidly to resolve, and to rejoice in the planet's beauty and biodiversity. In part, I congratulate the Government on its actions on forest areas. There has been interest from both the Government and Opposition in our inland river quality and the maintenance of species diversity on the coast, inland and in our marine environments. A massive task is to be undertaken. Over the past two decades there has been a change in awareness, and World Environment Day on 5 June will become increasingly important to many people in the community.

Back in 1970 humans drew from the Earth's crust 46 million barrels of oil every day—they now draw 78 million barrels. Natural gas extraction has nearly tripled in 30 years from 34 trillion cubic feet per year to 95 trillion cubic feet. We mined 2.2 billion tonnes in 1970. This year we will mine about 3.8 billion tonnes. The planet feels this fossil fuel use in many ways as the fuels are extracted and spilled, shipped and spilled, and refined, generating toxics that are burned into numerous pollutants, including carbon dioxide, which traps outgoing energy and warms things up. Despite global conferences and brave promises, the Earth notices that human carbon emissions have increased from 3.9 million tonnes in 1970 to an estimated 6.4 million tonnes this year.

One would think that this unimaginably huge planet would not notice the one degree Fahrenheit warming it has experienced since 1970. But on the scale of a whole planet, one degree is a big deal, particularly

since the change does not occur evenly. The poles have warmed more than the equator, the winters more than the summers, the nights more than the days. That means that temperature differences in some areas have changed much more than the average temperature. Temperature differences make the winds blow, the rain fall and the ocean currents flow. All creatures, including humans, are exquisitely attuned to the weather. All creatures notice weather weirdness and try to adjust by moving, by fruiting earlier or by migrating later. They build protections against flood and drought.

The earth is reacting to weather changes too—shrinking glaciers, splitting off nation-sized chunks of Antarctic ice sheets, enhancing the cycles we call El Niño and La Niña. Every day we notice the differences that are occurring. Yet we do have solutions, and I hope on World Environment Day I will be able to present to the Parliament some original solutions. It is perhaps what one might call a deep earth solution—not something from outer space, but something from the deep earth that can be of assistance to individuals, initiatives that children can support to ameliorate some of the depredations of the earth, and initiatives that can be dealt with at government level.

I hope that there will be an opportunity to showcase the initiative. It will be a world first, something of a secret support system to rejuvenate the earth and deal with sewage and other community waste. I hope to show that in the parliamentary precincts on Monday. It should be of interest to all. The main thing is to acknowledge and think about earth issues on World Environment Day on Monday 5 June—which is also my birthday!

HUNTER@WORK JOB CREATION PROJECT

The Hon. JANELLE SAFFIN [10.05 p.m.]: Today the parliamentary Country Labor group received a visit and briefings from Mr Bob Laughton, Chairman of the Patterson Electorate Job Creation Committee, and Mr Greg Cameron, honorary director of Hunter@Work. Both men run separate organisations, but they know each other's work well and are complimentary of their respective work and projects. In fact, they work together at times. Both organisations drive projects that are aimed at creating employment and improving the social quality of communities. Importantly, those projects are at the vanguard of the development of what we know or understand as the knowledge nation, which the Federal Leader of the Opposition, the Hon. Kim Beazley, mentioned in his contribution to the budget debate.

In my area, the Northern Rivers region, we are doing just that. The transfer of knowledge project is an initiative being undertaken in conjunction with the European Union and the Southern Cross Research Institute. It is interesting that the Hunter and Northern Rivers regions are searching for and embracing opportunities to make their communities part of the knowledge nation. The Patterson Electorate Job Creation Committee's aim is to create a work for a wage program. This would encompass affordable housing projects that would factor into social issues designed to ameliorate social discord, petty crime and alienation of youth. It would provide jobs and would work in partnership with the local community, the private sector and the Department of Housing.

Mr Laughton hopes to get an opportunity to meet with the Minister for Housing to further discuss the program. Other areas of the program include aquaculture, tea tree, essential oils, Boer goats, large white rabbits, honey, cheese, rehabilitation of mine sites, forestry rehabilitation, that is, carbon credits, microbial-using local natural products, and construction and tourism—all local industries, local resources and local knowledge, all ready to be tapped and enhanced to improve the economic life of their community. They are seeking, and have, some support from their local and regional universities, Newcastle and Charles Sturt, and also from major unions—the Australian Workers Union and the Construction, Forestry, Mining and Energy Union.

Hunter@Work has established the Hunter@Work Project for Job Creation in the Hunter region. It comprises an alliance of the Hunter region's business community, unions, councils and university, working with the private sector. They have a target of 800 new jobs by 2003. Of course, this has a flow-on effect. It is a regional initiative to create jobs, and this is always great stuff. Some points made by the regional initiative to create jobs is that government assistance programs might create jobs, but only while funding is maintained, and when funding slows down jobs slow down as well. The initiative is trying to ensure that things are done to have the long-term effect of creating real, long-term jobs. There is a great need for sustainable job creation that requires no government funding but draws its funds from the private sector.

Hunter@Work has developed an integrated strategy that has five elements: enterprise facilitation; industry clusters/industry sector collaboration; infrastructure development; research direction, monitoring and evaluation; and marketing and promotion. Hunter@Work is not dependent on public dollars. It wants to work with the private sector and utilise money that is available there. It says that the private sector always asks, "Does

the Government support it?" So, Hunter@Work simply asks—because it works in a multipartisan and independent way—whether leaders of the Government and the Opposition can analyse the project, give feedback on it and give simple intellectual endorsement. That is what they are looking for.

Given the amount of work these men have put into prima facie very sound projects, what they ask of us seems little. I am not sure they would want me to say this, but both men do this work on a voluntary basis. Both are passionately committed to improving the quality of life in the local communities and to strengthening the regional economic base, which is important to regional development. I congratulate both Bob and Greg on their work, commitment and vision in doing their best to help us to develop into the knowledge nation. I know that Country Labor members of Parliament and, indeed, all honourable members would echo my sentiments.

RURAL AND REGIONAL HOSPITAL BOARDS

The Hon. JENNIFER GARDINER [10.10 p.m.]: I take this opportunity to welcome the support of the recent Annual Conference of the Country Women's Association—

The Hon. J. R. Johnson: Nice scones!

The Hon. JENNIFER GARDINER: They are more than scones. This is so stereotypical! I take this opportunity to welcome the support of the recent Annual Conference of the Country Women's Association [CWA] for the New South Wales National Party's policy announced by the party's leader, George Souris, before the last New South Wales general election to restore community input into decisions about the way individual local hospitals are run. The abolition of hospital boards by the Carr Labor Government is deeply resented in rural and regional New South Wales. The recent annual conference resolution of the CWA on this subject is only the latest expression of that opposition to the abolition of hospital boards by the Labor Government.

The National Party welcomes the support of the CWA on this important issue. The CWA quite rightly maintained that the existence of local representation of a hospital board gave a community some ownership of its most important facility—the local hospital. It is pleasing to note that the Australian Doctors Fund is also supportive of the conference resolution of the CWA. The Chairman of the Doctors Fund, Dr Bruce Shepherd, said:

> Australia's public hospitals were once great institutions full of dedicated local citizens working for the community in co-operation with doctors and nurses who shared a similar vision.

My grandfather was one example of a dedicated local citizen working for his community via a hospital board. Indeed, he was a leader in a successful move to build a new hospital for his community as the town's war memorial. While other towns erected statues in their main streets as the war memorial, in the town in which I was born the local hospital was built as the memorial to the fallen soldiers of the district. My grandfather, who returned from the Western Front, served for many years as the chairman of the hospital board. I well remember the pride he took in managing well the hospital budget down to the last pound, and ensuring that the hospital was always in the black. I recall his assiduous lobbying of the relevant Ministers for Health for a better deal for the hospital when he and the board felt that it was required.

Part and parcel of the way that country health services have been funded over the years has been local fundraising. Many people believe that contributing to the organisation of such events, or making a donation by buying a raffle ticket or, at the other end of the scale, leaving a bequest as an expression of appreciation for the service provided by the hospital and its staff to a family member, for example, was a most worthy way of helping the community to provide the level of health service to which it aspired. It is sad that since the Carr Government came to office the idea of making such a bequest, for example, is out of favour because of the deep suspicion that a cash-strapped central health agency will swipe the funds, put them in a central bank account and disallow any local input into deciding to what use such funds or the interest generated upon them is to be put.

Another perceived down side to such acts of generosity that has crept into the rural and regional committees since the Carr Labor Government came to office is that instead of a bequest being viewed as an exciting adjunct to the core health budget allocated to a particular hospital, it will be eyed by the centralised health bureaucracy as an excuse not to provide funds to a hospital benefiting from a bequest. In other words, the receipt of a bequest may be seen as a possible threat to the core funding of a hospital. That is a terrible development, and one that the people of Barraba, for example, feel very angry about: that is exactly how they feel they have been treated because a substantial bequest was made to the local hospital. Barraba is not alone in expressing these sentiments.

For example, in Inverell the community is up in arms because the health administration swiped a renal dialysis unit that was donated to the local community and took it many miles down the New England Highway to Tamworth. For generations community-minded people have put their names forward to serve on local hospital boards. Such board members have taken a pastoral care role in trying to ensure that a localised, on-site voice is given to the interests and priorities of that particular hospital in the wider health system.

They have acted as a readily identifiable contact point between a community and its hospital. People could approach a hospital board member with suggestions on how service might be better delivered. They could tell a board member of examples of excellent service when such service was delivered by nurses, doctors and other staff members at a hospital. Feedback was important in strategising future needs and priorities for the hospital. It also helped to make the local hospital as friendly a place as possible rather than an alien, soulless place where a total preoccupation with the bottom line was the dominant culture. The National Party welcomes the support of the CWA and other organisations, including the Australian Doctors Fund, for moves aimed at rekindling that community connectiveness that had previously been an important element in the way local hospitals were run in this State, pre Carr.

AUSTRALIAN BUSINESS LTD REGIONAL BUSINESS SURVEY

The Hon. Dr A. CHESTERFIELD-EVANS [10.15 p.m.]: Tonight I refer to a survey which identified airport issues for regional businesses. The survey, which was conducted by Australian Business Ltd, stated:

> Poor public transport links and the amount of time to travel from Bankstown to Sydney's CBD are the main reasons cited by regional air travellers for strongly opposing any plans to transfer regional flights from Kingsford Smith Airport to Bankstown. An ... ABL survey of nearly 600 respondents asked regional businessmen and women for their views on proposals to consider transferring regional flights from Kingsford Smith to Bankstown.
>
> The respondents from regional New South Wales overwhelmingly rejected any such proposal. Sixty-nine per cent either strongly opposed or opposed any such move. Twenty per cent were neutral and 10.5 per cent were supportive of a move to Bankstown.
>
> Asked how much they would be inconvenienced if regional flights were diverted to Bankstown, 56.7% said they would be greatly inconvenienced, 21.5% would suffer some inconvenience and 21.8% little inconvenience.
>
> The main reason, given by 46% of respondents, for not wanting to fly to Bankstown was that they wanted quick and easy access to the CBD to transact their business. Flying to Bankstown would take them too far away, making it difficult and time consuming to travel to the city for their business appointments.
>
> Almost 34% of those who believed flying to Bankstown would be disadvantageous, cited the lack of flight connections with major domestic and international airlines as their major reason for rejecting any proposal to move.
>
> Another 20% of respondents gave other reasons, which included: "we have no business in Bankstown"; "would be hard to achieve business meetings and return home in the one day, therefore having to stay overnight, making it too expensive."
>
> A Wagga businessman wrote on the survey: "If regional flights were to be diverted to Bankstown Airport this would cause great inconvenience for regional travellers for the following reasons:
>
> - Flight connections with major domestic and international airlines.
> - Poor public transport and the time required for travel from Bankstown Airport to the CBD where the majority of regional travellers will be travelling to attend meetings and/or connect with other flights out of Kingsford Smith Airport.
> - Poor road systems from Bankstown Airport to the CBD and Kingsford Smith Airport. Travel time and the expense of a taxi from Bankstown Airport disadvantages regional travellers.
> - Many executives and major businesses based in regional Australia have chosen to travel on commercial airlines rather than charter their own aircraft because of the convenience of coming into KSA. With regional airlines relocating to Bankstown many may feel more inclined to shun the regional airlines altogether. It may even be quicker to drive to Sydney.
>
> Another respondent to the survey from Albury, took the opposing view, backing the use of Bankstown for regional flights: "As a pilot I am only too aware of the problems associated with the combined use of KSA for both large planes (jets) and small planes. It would be responsible of government to look at separating these two types of aircraft.
>
> There are times when Bankstown makes a lot of sense as a destination due to its location. If it were to be upgraded into a better facility with better access, it would make it even more appealing.
>
> The downside Bankstown has is the ability to get to where you want to go. The solution would be a rapid transit system to connect the existing link between KSA and the city. Good access to Parramatta would also be useful. Such a system could get people from Bankstown to KSA (domestic and international) in less time than we currently spend in holding patterns or waiting for clearance to take-off from regional centres.
>
> Australian Business Ltd Policy Manager, Paul Orton, said of the survey's findings: "Whatever happens in finding a solution to Sydney's airport problems, regional flights have to be able to link up with both domestic and international connections at the one airport.

"Regions already suffer the hurdle of distance from their markets. To separate regional commuters from connections to other flights would add further to their business costs."

The survey was sent to 2,501 non-Sydney members of ABL on Monday, April 3. Five hundred and ninety members responded to the survey.

The Australian Democrats are concerned to do the right thing with airport policy. We certainly do not believe the Sydney basin should have another airport. We are most concerned about plans to use Bankstown for regional airlines in the absence of a good and suitable link to the central business district and to Sydney (Kingsford Smith) Airport terminal.

WELLINGTON AND OSAWANO SISTER CITIES

The Hon. A. B. KELLY [10.19 p.m.]: I should like to tell the House about the sister city of Wellington, New South Wales, and some good news we received this week. Some 12 years ago a sister city relationship began with Wellington and a small town called Osawano in Japan. For 12 years that sister city has been sending groups of 20 young Japanese schoolchildren accompanied by two or three adults to stay in Wellington for a week or so. For most of those years I have hosted two students on each occasion.

Good and friendly relationships have developed between the people of Osawano and Wellington. Wellington was the poorer sister city and on only two occasions sent students to Japan. Osawano continued to send out its schoolchildren. Two years ago Osawano funded the construction of a Japanese garden in Wellington, which was opened last year. The sister city spent between $250,000 and $300,000 building a Japanese garden along the same lines as the garden in Cowra. Although it is not quite as big at this stage, it is a very beautiful Japanese garden all the same. The Wellington Japanese garden is adjacent to the Wellington caves, so anybody travelling in the area would do well to visit the new Japanese garden that was totally funded by Wellington's sister city in Japan.

Last year members of the New South Wales Parliament paid a visit to its sister city, Tokyo City. The group included the Hon. J. P. Hannaford and myself, along with members from the other place—John Murray, Tony Stewart, John Turner, Grant McBride and Jillian Skinner. We spent some days on a hectic summer tour of Japan ending up in a place called Nagano where we had one day off. We were deciding what to do on that one day off to catch up and recuperate. I said that we were only a few hours from Wellington's sister city and I asked the group if it would be all right for me to travel to Osawano. Very graciously all the members of the parliamentary group said we should all go. We all travelled up to Osawano but, unfortunately, the Hon. J. P. Hannaford did not enjoy his time quite so much as he was seriously ill on that occasion.

The Hon. D. F. Moppett: Too much sake!

The Hon. A. B. KELLY: No, he had a bad dose of the flu. We were well entertained on that occasion. In the discussions that night the Mayor of Osawano, Tadao Nakasai, and I exchanged stories about some of the students who had visited Wellington over the years and had stayed at my house. We talked about Yota Arase, who had stayed at my home five years earlier. I was told that he was now the all Japan high school swimming champion. Within an hour they trundled young Yota Arase with his parents to the function that night. Unfortunately, we cannot incorporate in *Hansard* the photographs he gave me but he brought with him the certificates he won as Japan's swimming champion. This week we received the news that he will be returning to Sydney this year to represent Japan in the Sydney Olympics. It is a fitting relationship. I hope he does well, although I hope he does not beat too many Australians! I congratulate Yota Arase on his excellent achievements.

FAIR TRADING TRIBUNAL

The Hon. J. F. RYAN [10.24 p.m.]: In 1998 we had high expectations when Parliament passed the Fair Trading Tribunal Act. For the most part, I cannot find many flaws in the Act. Sadly, however, the performance of the Fair Trading Tribunal has not met our expectations. The tribunal is supposed to be a forum for resolving disputes between builders, insurers and home-building clients. According to the Act, the tribunal is supposed to be accessible, its proceedings are supposed to be efficient and its decisions are to be fair. The Act says that proceedings before the tribunal are to be determined in an informal, expeditious and inexpensive manner. The Act gives the members of the tribunal, those who hear and adjudicate disputes, wide discretion to cut through long-winded legal procedures, allowing them to cut to the chase quickly. The most significant problem with the tribunal, as I see it, is the ease with which matters before the tribunal can be delayed. For

people who have complaints to bring to the tribunal about shoddy building work, delays can mean severe family stress or huge expense in finding alternative accommodation while at the same time having to meet mortgage repayments or face the loss of investment income.

What is of greater concern is that so many of these delays are caused by administrative slip-ups by tribunal staff. I have raised this problem in the past. The Minister and officers from the Department of Fair Trading assure me that efforts are being made to improve the situation. Recent history demonstrates that there is still a long way to go. For example, Mr and Mrs Moore of Ambarvale lodged a complaint with the Fair Trading Tribunal 18 months ago, in January 1999. It took until September 1999, nine months later, for their matter to be allocated two days for a full hearing. Unknown to them, the builder's solicitor had successfully applied to the registrar of the tribunal days before the hearing to change the hearing into yet another directions hearing. Unfortunately, no-one was told. This meant that no evidence was taken and the matter was adjourned. Mr and Mrs Moore arrived with eight witnesses, one of whom had travelled from Queensland.

The next available date was in November, but for only one day. That hearing resolved that all of the brickwork in the building had to be demolished. The only matter left to be determined was whether any building could take place on the slab. That was due to take up another hearing day. The next hearing date was set down for January this year. Unfortunately, tribunal staff neglected to issue notices to all of the parties. Therefore, that date was abandoned. Another hearing was set down for 23 February. Two days before the hearing the builder told the registrar that he had changed solicitors, and the new solicitor—who, incidentally, came from the same firm—needed time to be briefed. No dates were available during March, April or May because the builder had submitted a medical certificate. I have already questioned the value of this medical certificate, because at the time the builder said he could not attend the tribunal he was seen working heavy equipment on another building site.

I intervened on behalf of Mr and Mrs Moore and contacted Deputy Registrar Ms Lindsay Cox about two weeks ago. I was assured that a new hearing date would be set urgently but that nothing could be done until the tribunal member returned the file to the registrar. I felt like asking why the file was not returned immediately. Today, Mr and Mrs Moore are still waiting. There has been no building on their land for nearly two years. Almost every adjournment has been the result of rorting from the builder or administrative slip-ups from the tribunal. Last week another matter was abandoned in the tribunal because staff failed to provide a Greek language interpreter. Clear instructions were given at the previous hearing that an interpreter was required. At least four people turned up for the hearing, including the builder, who came from Bathurst. They wasted their time, and this matter too had to be allocated another date.

Other complaints about the tribunal include the difficulty of getting transcripts of its hearings. Section 33 of the Fair Trading Tribunal Regulations states that any person may apply to the registrar for access to the records of the tribunal. Yet a constituent told me that those records are only made at the discretion of the tribunal member hearing the case, so sometimes they are not even available. Regulations provide for people called assessors. These are experts who are tasked to inspect building sites where there is a dispute and provide a quick and independent assessment of the building work. These staff would be extremely useful when the issue in dispute is a technical question about the quality of the building work. Independent assessors could speed up the resolution of matters enormously.

The law has made provision for them since 1998, but so far none has been appointed. One of my constituents told me that when she requested one two weeks ago, she was told by the tribunal member presiding over her case that this aspect of the legislation had not yet been implemented. Section 7 of the regulations also provides for the chairman of the tribunal to issue a code of conduct for members of the tribunal. There is yet no code of conduct for members of the tribunal. They are, of course, judicial officers but they are not, like magistrates and judges, subject to a complaints body like the Judicial Commission, which considers complaints of misconduct. I could go on much longer about the Fair Trading Tribunal. Suffice it to say it needs reform, like so many other aspects of building industry consumer protection.

Motion agreed to.

House adjourned at 10.29 p.m.