LEGISLATIVE COUNCIL

Thursday 5 April 2001

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

The President offered the Prayers.

NATIONAL PARKS AND WILDLIFE (ADJUSTMENT OF AREAS) BILL

STATE REVENUE LEGISLATION AMENDMENT BILL

Bills received.

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

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

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

Bills read a first time.

STANDING COMMITTEE ON PARLIAMENTARY PRIVILEGE AND ETHICS AND STANDING ETHNICS COMMITTEE JOINT HEARINGS

Message

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

MADAM PRESIDENT

The Legislative Assembly desires to inform the Legislative Council that it has this day agreed to the following resolution:

That the Standing Ethics Committee have power to meet and hold hearings with the Legislative Council Standing Committee on Parliamentary Privilege and Ethics, for the purpose of its current inquiry into sections 13 and 13B of the Constitution Act 1902.

Legislative Assembly
4 April 2000

J. H. MURRAY
Speaker

GENERAL PURPOSE STANDING COMMITTEES

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

That the resolution appointing five General Purpose Standing Committees reflecting Government Ministers' portfolio responsibilities and adopted by this House on 13 May 1999, be amended to reflect the changes to Government Ministers' portfolio responsibilities as follows:

(a) Committee No. 1

Portfolios
Premiers, Arts and Citizenship
Treasury, State Development
Education and Training
The Legislature
Special Minister of State, Assistant Treasurer, Industrial Relations

(b) Committee No. 2

Portfolios
Health
Community Services, Ageing, Disability Services, Women
Small Business, Tourism
Mineral Resources, Fisheries

(c) Committee No. 3

Portfolios
Police
Attorney General
Fair Trading, Sport and Recreation, Corrective Services
Juvenile Justice, Youth

(d) Committee No. 4

Portfolios
Urban Affairs and Planning, Aboriginal Affairs, Housing
Transport, Roads
Gaming and Racing, Hunter Development
Public Works and Services

(e) Committee No. 5

Portfolios
Information Technology, Energy, Forestry, Western Sydney
Agriculture, Land and Water Conservation
Environment, Emergency Services
Local Government, Regional Development, Rural Affairs

TABLING OF PAPERS

The Hon. Carmel Tebbutt tabled, pursuant to the Listening Devices Act 1984, a report by the Attorney General for the year ended 31 December 1999.

Ordered to be printed.

PETITION

Woy Woy Policing

Petition expressing concern about the proposed loss of general duties police officers from Woy Woy Police Station and praying that the House seeks the assistance of the Minister for Police to reinstate those police officers, received from the **Hon. M. J. Gallacher**.

CRIMES AMENDMENT (CHILD PROTECTION—EXCESSIVE PUNISHMENT) BILL

Second Reading

Debate resumed from 29 March.

The Hon. CARMEL TEBBUTT (Minister for Juvenile Justice, Minister Assisting the Premier on Youth, and Minister Assisting the Minister for the Environment) [11.11 a.m.]: The Government has considered the bill in great detail, and we have listened to the many issues raised on the subject of child punishment by members of the community. In determining the Government's approach, we have examined the report of the Standing Committee on Law and Justice and noted the proposed amendments to the bill that the committee suggests. I would like to take this opportunity to commend the committee and its chairman, the Hon. R. D. Dyer, who will speak later in the debate, for its work. The committee's deliberations have resulted in a clear and well-argued report that has greatly assisted the Government.

I also commend the Hon. A. G. Corbett, who is, as I am sure all members of this House will agree, both well-intentioned and genuinely guided by his views as to what is in the best interests of children and young people in this State. He has certainly pursued this bill with vigour and diligence and I admire his persistence. I understand that the bill is to be amended by the Hon. A. G. Corbett based upon recommendations from the standing committee and numerous parties who, like us all, have a vested interest in child welfare.

This bill deals with an issue on which there are firmly held views by medical and legal experts, welfare providers, religious organisations, ethnic groups, parents and other concerned members of the general community. All these groups have strong views on what constitutes the legitimate punishment of children. I

make it quite clear that this is not an anti-smacking bill and that the Government does not have any desire to interfere in the everyday exercise of discipline in the family. The Government's approach to this bill is to ensure that children are better protected from unreasonable punishment, without limiting the ability of parents to discipline their children in an appropriate manner.

The Government has always recognised that the sentiments underlining the bill are desirable. However, the expression of the sentiment and the scope of the proposal have been of some concern. Therefore, the Government will move to amend the bill to ensure that it meets the concerns expressed by some in the community. I will not speak in detail now about the amendments because the Government will put forward its rationale for the amendments during the Committee stage. However, it is well known that the Government has taken a position to remove the reference to sticks and belts. The Government wants the message to be clear: excessive force is never reasonable, whether or not the person administering the force uses an implement. There is no magic in the words "stick" or "belt"—an open-handed blow delivered by a burly, strong man may cause far more damage than a wooden spoon administered by a slight person.

The confusion surrounding the use of the words "stick" or "belt" risked focusing debate on the means rather than the harm to the child. It is the force and harm to the child that are, and should be, the key elements of this bill. The Government's decision to support the bill with amendments is based on the fact that the amendments will be moved to allay concerns that the bill goes too far in regulating child discipline. This bill has an educative role as well as a legal role. The Government has committed to a public education campaign to accompany the introduction of the legislation in the lead-up to its coming into force. The campaign will be the responsibility of the Commission for Children and Young People, which I believe has done an excellent job in communicating the new "working with children check" screening in child-related employment.

As I have said, the bill was the subject of detailed consideration by the Standing Committee on Law and Justice, and the committee unanimously recommended support for the bill subject to modification. I understand that those issues will be picked up by the Hon. A. G. Corbett in Committee. The report on the inquiry into the Crimes Amendment (Child Protection—Excessive Punishment) Bill 2000, released in October 2000, contained compelling arguments in favour of legislation addressing the defence of lawful correction. It is worthwhile spending time on this issue because there has been some misunderstanding about exactly what this bill deals with. Currently, the defence of lawful correction is governed by the common law. If a parent or a person acting for a parent is charged with assaulting a child, that person may rely on the defence of lawful correction, provided that the force used is reasonable in all the circumstances.

Determining what is reasonable in all circumstances requires consideration of various factors, such as the nature of the child's misbehaviour, the type of force used and the child's age and maturity. The bill codifies the common law defence of lawful correction and limits its availability to some extent by providing that the application of certain types of force is never reasonable. This aspect of the bill sends a significant message to the community and clarifies the law. We as a community should all embrace that message. It spells out the limitations in the law regarding the lawful correction of children. Child abusers will not be able to use that defence.

There has been considerable confusion about the bill and it should be made clear that it is not about new offences; it is about ensuring that sensible parents have a valid defence if, for some reason, an overzealous officer should bring them to the attention of the courts. However, child abusers will not have that defence. With the incorporation of the amendments of the Government and the Hon. A. G. Corbett, the bill will provide that it is never reasonable to apply force, except in a trivial or negligible manner, to any part of a child's head or neck or in such a way as to be likely to cause harm that lasts for more than a short period of time. In real life situations what is or is not described as harm that lasts for more than a short period is a legitimate question and is a controversial area. People's views strongly differ. The *Shorter Oxford Dictionary* defines "harm" as "hurt, injury or damage". This includes both physical harm and psychological harm.

Of course, physical force has an effect on both the physical and psychological wellbeing of a child. Physical harm could include such things as a bruise, an abrasion, a welt or a laceration of the skin. These injuries are visible for more than a short time. I cannot imagine that honourable members would not be affected by the facts presented in the graphic appendix 5 to the report of the Standing Committee on Law and Justice. The statistics from the Children's Hospital at Westmead on the fractures, bruises, burns, head injuries and lacerations endured by young children, sadly, are figures that are likely to be replicated at the Sydney Children's Hospital and other hospitals across the State.

Physical harm could also include internal injury that might not be immediately visible, such as brain damage caused by shaking a baby, internal injuries caused by a blow to the body, or a broken bone that only

showed up under x-ray. Babies and small children are more susceptible to harm because they are small and vulnerable. Young babies cannot defend themselves in any way. It is important that this bill acknowledges that any physical punishment must take into account the age, health and physical development of the child.

It is equally important to tell the House that the bill deliberately excludes physical punishment that is trivial or negligible. I do not believe that it is acceptable ever to hit a child around the head or neck. They are very vulnerable areas in a developing child. As Professor Kim Oates, from the Children's Hospital, Westmead, has argued on many occasions—not least before the Standing Committee on Law and Justice—there are good medical reasons for including this provision. What the medical experts are saying is that they see physical abuse cases that are the result of discipline gone horribly wrong—cases where a child's skull has been fractured, a child's eardrum has been ruptured or serious internal bleeding has been the result.

The Government is under no illusion that such terrible cases will miraculously cease the moment this legislation is passed. Sadly, of course, they will not. But in time this legislation will serve an important educative role. In time the work of paediatricians in hospitals across the State will become a little easier. If the use of force does not fall into one of the categories contained in the bill, it will be for the court to determine whether that force is reasonable, taking into account the current considerations.

The bill does not remove any other possible defence to a charge of assault, and it does not criminalise the use of force to restrain or control a child. The defence under the bill is available to parents and to persons acting for a parent, defined as an authorised step-parent, a parent's de facto partner or relative, or any other person to whom the parent has entrusted the care and management of the child.

Relevant members of the Aboriginal and Torres Strait Islander communities may also act in a parental role. There is no doubt that the level of debate that this bill has engendered clearly demonstrates that formulating a statutory defence of lawful correction of children is a delicate exercise. But, I repeat, this is not an anti-smacking bill; it is a bill that is against violence to children. The Government's view is that the combined effect of the Hon. A. G. Corbett's amendments and the Government's amendments make this bill an effective and appropriate response to lawful correction in New South Wales. With the two amendments supported by the Government, and the various amendments recommended by the Standing Committee on Law and Justice, I commend the bill to the House.

Ms LEE RHIANNON [11.21 a.m.]: It is with real pleasure that I speak to this debate. It is exciting to speak in a debate knowing the bill will be passed with amendments. I warmly congratulate the Hon. A. G. Corbett on the many years of work he has put into this legislation. I believe it is important, when someone has worked so hard, to congratulate him. But when it is in respect of legislation that has such important ramifications, not only for the children of New South Wales but indeed for their parents and therefore whole communities, it is to be welcomed. I congratulate all who have been associated with it. I also congratulate the Government on seeing its way clear to support a substantial part of this legislation.

As the Hon. A. G. Corbett has said, it is an important first step in providing a framework for reasonable punishment. We now have guidelines for parents and other adults when they are disciplining children and it is important to recognise that that is a step forward. The bill will most definitely work to minimise injuries suffered by children when they are punished by adults, and that achievement is to be applauded. I repeat: the Greens congratulate the Government on supporting substantial parts of the bill. The Attorney General summed it up when he said that it is a commonsense piece of legislation.

However, the Greens note that there are aspects of the bill that the Government has been unwilling to support. I consider they should be noted because I firmly believe that one day they will be incorporated into legislation. It is unfortunate that that will happen later rather than sooner. The Government has stepped back from outlawing the use of implements to discipline children—such as hitting with belts, sticks or kitchen utensils. It is an unfortunate backdown on the part of the Government. The backdown weakens the legislation, and that should be acknowledged. Yes, it is a good start, but we could quite easily have delivered an excellent piece of legislation that would help parents who are raising children by establishing clear boundaries on what is and is not acceptable when one disciplines a child.

As honourable members will be aware, there has been some ill-founded criticism of the bill. That criticism was answered by Ms Bev Baker, President of the Parents and Citizens Association, who said, "We accept fully that parents have a right to punish their children, but no-one has a right to hurt a child." That sums up clearly why this legislation is necessary. For the record, the Parents and Citizens Association incorporates

more than 95 per cent of parent and community bodies associated with our State schools. It is one of the many organisations that have given public support to the work done by the Hon. A. G. Corbett on this important measure, and specifically this legislation.

In fact, I have seen 18 letters from a range of organisations spelling out their concern. I know a number of them have been quoted already, but I want to briefly refer to two of them that, in my view, made important points. The Australian Federation of Islamic Councils Inc. regards this as important legislation and in a letter dated 27 March wrote, "We believe that this legislation will go some way towards addressing this vexatious problem." It is worth noting the terminology used by the group. The Australian Catholic Social Welfare Commission made the following point in a letter dated 3 April:

> By codifying the common law on reasonable chastisement, the bill seeks to improve levels of protection for children without undermining the ability of parents and caregivers to appropriately discipline children.

That letter from the Catholic Social Welfare Commission puts paid to the myths that have been put around about this bill. The Greens are strong supporters of this legislation. We are particularly pleased to see considerable backing for the Hon. A. G. Corbett's proposal coming from such a diverse range of organisations—people working in the medical sphere and the legal sphere, and community groups. That demonstrates that this is most timely legislation. Interestingly, many of the groups, media commentators and members of the public who have added their voices in support of this legislation have also criticised the Government's backdown on using implements to smack children.

I understand from what I have heard around the corridors of Parliament House that there was considerable, possibly overwhelming, support for the Hon. A. G. Corbett's original bill within the Labor caucus. One would have to assume that the Government's final, watered-down position was determined by political expediency. That tired old formula of striving for the middle ground has left Labor stranded on this one. Many people are asking: What is the Government's problem? Why can Labor not agree to outlaw the use of implements in the disciplining of children?

The bill could have been so much stronger and Labor could have achieved one of its desired aims: good publicity. Instead of picking up some of the glory, the likes of the Premier and the Attorney General, and indeed the whole Labor Government, appear to be out of touch with public sentiment, and plainly weak on the most important issue of care and protection of children and support for parents and families.

That was not a good policy decision for Labor, and we know it will eventually be reversed in this Parliament. Yes, this is a good first step, as the Hon. A. G. Corbett accurately described it, but it is unfortunate, because of Labor's lack of vision and appeasement of the discipline lobby, that we are left with a first step rather than a giant leap forward for the State's children. We are hearing the last hurrah from those who say that the bill interferes with the rights of parents. How can such assertions be put forward when the purpose of the bill is to set a standard, not serve as a means to initiate prosecutions? The Greens acknowledge the key role of one of the committees of this House. Once again we have seen demonstrated most clearly the very useful role that such a committee can play in assessing legislation that comes before this House.

In New Zealand all legislation goes to a committee before it goes to the House. That process has well served the children and parents of this State and through it we now have an outcome. The Standing Committee on Law and Justice is to be congratulated on its report entitled "Inquiry into the Crimes Amendment (Child Protection—Excessive Punishment) Bill 2000", which helped to lay to rest many of the myths and misunderstandings about this proposed legislation. Little evidence was found of people being charged for assault after physically punishing children. As Minister Debus said, it is commonsense legislation. I acknowledge the educative component of this bill, which is essential to the effectiveness of the eventual legislation. In the analysis of the process the Hon. A. G. Corbett said:

> I am disappointed that some of the educative value of the bill is to be lost. The bill will no longer spell out to the community that hitting a child with any implement such as a belt or stick carries far greater risk of injury to the child than the use of an open hand. I call on the Government to ensure that this aspect is covered in the education campaign which is promised to precede the enactment of this legislation in 12 months.

The Greens endorse that call of the Hon. A. G. Corbett; we think it is most important. It will be a beneficial part of the process that is about to deliver important legislation for children, parents and committees across New South Wales.

The Hon. J. M. SAMIOS [11.31 a.m.]: The overview of the Crimes Amendment (Child Protection—Excessive Punishment) Bill 2000 states:

> The object of this Bill is to limit the use of excessive physical force to discipline, manage or control a child. The Bill does so by defining the circumstances in which the defence of lawful correction can be raised as a defence in any criminal proceedings relating to the use of physical force against a child. The defence is to be limited to the parents of the child and certain persons acting for a parent. The Bill retains the existing requirement that the use of physical force must be reasonable in the circumstances, but specifically excludes the application of force:
>
> (a) by the use of a stick, belt or other object (other than an open hand or other than in a manner that could reasonably be considered trivial or negligible in all the circumstances), or
>
> (b) to any part of the head or neck of the child (other than in a manner that could reasonably be considered trivial or negligible in all the circumstances) or
>
> (c) to any part of the body of the child in such a way as to cause, or threaten to cause, harm to the child that lasts for more than a short period.

Honourable members would be aware that the Minister for Juvenile Justice, and Minister Assisting the Premier on Youth indicated that amendments have been proposed by the Government. The Government will support the legislation, subject to the proposed amendments. No doubt the amendments will be seen by many members as modifying the effect of the original bill. Members of the Liberal Party will make a determination on the bill under a free vote, as I will when I vote against it. Our Coalition partners will indicate their position. Honourable members would be aware of the importance of the balance between discipline for children and the reasonable use of force. That basis is important not only for members of the family groups, for respect within the family, but also for establishing a healthy understanding and relationship for children and their obligations in society.

Family groups, whether extended or otherwise, remain pivotal to the stability of society. Hence, that balance between discipline and reasonable use of force is pivotal to the education of our children and the better stability of society. Honourable members have said that at times the balance has not been visible and, sadly, there had been many cases of unreasonable use of force against children. In the education system we can witness the lack of balance in the attitude of children to their teachers and seniors. The balance between discipline and the reasonable use of force affects the education of a child and his opportunities in later life in society; an important aspect. Equally, there is a need for legislation to provide early intervention, an immediate intervention, when discipline is abused in society. No doubt honourable members will make their position clear as they speak on this bill. I repeat: members of the Liberal Party will make their determination under a free vote.

The Hon. R. D. DYER [11.37 a.m.]: Essentially, during my remarks I will address the recommendations of the Standing Committee on Law and Justice on the basis of the bill as it existed when drafted by the Hon. A. G. Corbett. The Crimes Amendment (Child Protection—Excessive Punishment) Bill 2000 was referred to that committee on 2 June 2000. The committee was required to inquire into the bill and report within five months. The committee completed that task and tabled the report on 24 October last year. The committee came to a unanimous view: it supports the bill with only minor amendments and recommends to the Legislative Council that it do likewise. We believe that this bill can set the standard that will protect children and assist parents. In my remarks I will explain how the committee came to that view.

The bill is a codification of the common law defence of lawful correction, otherwise known as reasonable chastisement. Currently it is a defence to a charge of assault that the person who was administering the corporal punishment was acting in a parental role provided that the punishment was reasonable in all the circumstances. The bill seeks to codify this common law defence by inserting it into the Crimes Act. The bill modifies the defence so that it cannot be pleaded when a parent uses sticks, belts or other objects, other than in trivial cases; when a parent strikes a child above the shoulders, other than in trivial cases; or when a parent causes harm which lasts for more than a short period. The bill also restricts the use of the defence to family members, some of whom, such as step-parents, require express authorisation to impose physical punishment.

The committee gave all views in this debate a hearing. As well as placing advertisements in newspapers calling for submissions, I wrote to more than 60 individuals or organisations inviting them to make submissions. These included persons suggested by either the Hon. A. G. Corbett or Reverend the Hon. F. J. Nile. The committee received 40 submissions and held four days of public hearings at which 20 witnesses gave evidence in relation to the bill. In its report the committee has attempted to give a fair summary of the arguments supporting the bill in chapter 4, the arguments against the bill in chapter 5, and legal and technical issues that were raised during the inquiry in chapter 6. There is some consensus on parental discipline. Opponents and supporters of the bill agree on some issues. All are concerned about the unacceptable abuse perpetrated on

children by adults; all agree on the importance of discipline, even if they disagree on how this discipline should be undertaken; and all agree on the importance of a community education campaign to assist parents to understand acceptable and unacceptable discipline, and alternatives to physical punishment.

Some opponents and supporters of the bill substantially agree in their views of acceptable and non-acceptable physical punishment, even if they disagree on whether this should be legislated. The groups that participated in the inquiry can be divided into three. The first were medical and child protection professionals who support the bill because it will reduce injuries to children. The second were legal experts, most of whom support the bill with some technical modifications because it will improve the current common law. These legal experts were asked by the committee to examine technical issues regarding the bill. The issues raised are concerned mainly with narrowing the class of persons to whom the defence of lawful correction is available. I will return to this aspect later. The third were those representing some parents and some religious organisations who oppose the bill because of its impact on the rights and responsibilities of parents. They see the bill as a stepping stone to the banning of all physical punishment, including smacking. At worst the bill is seen as potentially criminalising ordinary parents and at best creating uncertainty or undermining the confidence of parents.

Opponents of the bill share the concerns of supporters to prevent abusive discipline, but believe child protection laws rather than the criminal law should be the means by which abuse is deterred. However, the committee was persuaded by the strength of the arguments from those best placed to understand the way in which abuse and injuries occur. Evidence from experts, such as Professor Kim Oates of the New Children's Hospital, Professor Graham Vimpani, Dr Judy Cashmore and Professor Patrick Parkinson, all argued in different ways that abuse is a continuum. There is a small minority of sociopathic parents who will abuse children under any conditions. Apart from this group, there is no clear cut-off where excessive punishment ends and abuse begins. Professor Oates was definitely of the view that most serious injuries seen by his hospital's Child Protection Unit resulted from physical discipline gone wrong rather than premeditated or systematic abuse. His evidence to the committee was as follows:

> The majority of physical abuse that we see is a result of parents losing control at a time when they are angry with the child, usually about the child's behaviour and hitting the child in the way that they often did not intend to in terms of severity.

Prescribing the limits of what is acceptable normal discipline for parents will make it less likely they will be in the habit of using unacceptable methods. The value of the legislation is that it provides parents with a guide to what is acceptable normal discipline. Under this bill, smacking with an open hand is acceptable; striking a child above the neck or, as stated in the current draft, with objects such as sticks or belts is unacceptable. For many parents such a bill will make no difference because it reflects their current standards. For a minority of parents this legislative standard may force them to consider modification of their methods of physical discipline. The committee strongly supports the value of the bill as an educative tool. For that reason it does not support some plain language redraft suggested during the inquiry, which sought to remove references to specific objects or replacing paragraphs (a) to (c) of new section 61AA 2 with an all-embracing definition of "excessive punishment".

Paragraphs (a) to (c) give specific examples of what is unacceptable. The committee believes the main message of the bill is simple. Anyone can find ambiguity and uncertainty in any legislation if they try hard enough. On a similar issue, it was suggested that removing the phrase "trivial and negligible" from paragraphs (a) and (b) would create greater certainty and clarity in the legislation. However, to leave it in sends a message that parents need not concern themselves about taps with rulers or tweaking of ears. It tells them that this bill is not a means of attacking parents but rather reducing excessive punishment and injury to children. The committee understands the concerns of the witnesses who support the bill that the trivial and negligible qualification allows a backdoor way to justify some forms of physical discipline, such as using the wooden spoon. However, in the committee's view, this concern is outweighed by the reassurance that the current wording gives parents.

The bill is an advance on the common law, which, at present, gives no guidance to parents on acceptable or non-acceptable physical discipline. The committee does not accept the arguments that current child protection laws are sufficient for this standard. The child protection laws are perfectly adequate to use against the small minority of abusive parents, but that is not the purpose of this bill. The child protection laws do not set clear standards for all parents on physical discipline. The committee believes the bill defines current community standards so far as is possible in New South Wales in 2001. Only one witness attempted to support a blow to the face as acceptable or appropriate discipline. No-one defended the use of a belt. The only support for use of objects in discipline came from those who argued for the right to use a wooden spoon. No-one argued that physical punishment should result in harm that lasts for more than a short period, despite debate about the meaning of "a short period".

It is tempting to argue that attitudes are changing gradually in the direction of the bill and are best left without interference. However, legislation can accelerate the direction of this change by giving a message to those reluctant to change. The committee understands the concerns of opponents of the bill, such as public defenders and Reverend the Hon. F. J. Nile, that it has the potential to criminalise ordinary parents. The purpose of the bill is to set a standard, not to be a source of prosecutions. Cases of serious abuse will continue to be pursued through child protection legislation. A certain level of trust is required in the commonsense of police and child protection authorities in exercising their discretion. The defence of lawful correction arises only when a parent is charged with a criminal assault. The committee is encouraged that the bill is supported by both the Law Society and the Bar Association, which bodies are not noted for excessive trust in the use of prosecutorial discretion.

During the inquiry there was much discussion about overseas experience, particularly from Sweden. Some people argued that Sweden is a shining light on how a shift in attitudes to parental discipline can be made; others painted a picture of parents living in fear of a knock at the door from a social worker. With respect, the committee did not find much of this evidence helpful. Sweden has gone much further than what is proposed for New South Wales. No-one is proposing with this bill to ban smacking. The committee does not see this bill as a stepping stone to the banning of all physical punishment.

The committee expresses no view on the practice of smacking or spanking because the bill does not require examination of this issue. The bill clearly permits smacking with an open hand below the head and neck. New section 61AA (2) (c) does not appear to refer to ordinary smacking, but rather something causing prolonged harm, more in the nature of a beating or a belting. For these reasons the committee has recommended that the Legislative Council support the bill, subject to minor amendments which, I am pleased to say, have been agreed to by the Hon. A. G. Corbett. It is unnecessary for me to repeat what the Minister for Juvenile Justice has said. She has explained a further amendment the Government will bring forward and which, as a loyal member of the Government, I will support.

I will now deal with recommended amendments to the bill. The first amendment is minor. The use of the words "or threatened to cause" in new section 61AA (2) (c) serves no useful purpose in the current bill. It is a drafting error left over from an earlier proposed bill. The Hon. A. G. Corbett shares the view of the committee that it should be deleted. The next amendment is more substantial. Chapter 6 of the report dealt with the concerns regarding the narrowing of the class of persons able to be defined as a person acting for a parent in new section 61AA (5) and the differing views as to how the problem could be rectified. The committee believes that to leave the section unchanged would expose those who work with children, such as teachers and child care workers, to unnecessary risk.

Neither the committee nor teachers and child care groups who contributed to the inquiry believe that these groups should be able to inflict physical punishment. However, both Mr Stephen Odgers of the New South Wales Bar Association and Professor Patrick Parkinson advised the committee that the bill, as it is presently drafted, means that teachers, child care workers and others using any physical force, including physical restraint, could be left with no defence to a charge of criminal assault. Both Professor Parkinson and Mr Odgers suggested solutions to the problem. The committee's preference was for Professor Parkinson's revision, which is to remove references to management and control in subsections (1) and (5) (a) (ii) of new section 61AA and to state in new section 61AA (4) that the bill does not alter the common law regarding the use of physical contact or force other than in punishment, and I stress those words. This will address the concerns of teachers, child care workers and others about their ability to use physical force by way of management or control of a child, as distinct from punishment. It can be well understood, for example, that a teacher might have to push a child away or restrain a child who might otherwise cause harm to another child or the teacher.

The Hon. D. F. Moppett: Or to themselves.

The Hon. R. D. DYER: Or to themselves. Because of concerns about leaving non-family members who are acting as a parent with no defence to a criminal charge the words "other persons to whom the parent has entrusted the care and management of the child" need to be added by new section 61AA (5) (a). However, the committee agrees with Professor Parkinson that the requirement of express authorisation to be given for those imposing physical punishment on children should be preserved. One issue is left untouched by the Parkinson amendment: a sibling aged under 18 who uses physical discipline. Professor Oates said in evidence that he was not aware of his unit seeing abuse caused by siblings. Sometimes injuries claimed to be inflicted by siblings in fact turned out to be inflicted by the parent or his or her partner. Mr Odgers for the Bar Association argued the unfairness of leaving a sibling with no possible defence for the use of the most minor force against another sibling.

Although the amendment to new section 61AA (5) (a) suggested by Professor Parkinson removes most of this problem, it remains the case that a child who exercises physical punishment on a sibling, with or without the parent's permission, would have no defence to a charge of assault. The Commissioner for Children and Young People argued that it is undesirable to give young people the right to use physical discipline on their siblings. The committee agrees with the commissioner in principle, but on balance it appears discriminatory to prevent siblings from being expressly authorised to act as a parent for the purposes of discipline. The incidence of physical abuse on children by de facto partners is disproportionately high. They can be expressly authorised to act as a parent, yet siblings who have negligible involvement in recorded abuse are left without a defence. For that reason the committee believes the words "of or above the age of 18" should be removed from new section 61AA (5).

The Hon. D. F. Moppett: Siblings are often the only carers left standing in a lot of unfortunate circumstances.

The Hon. R. D. DYER: That is true. The committee does not support any amendment to the definition of "person acting for a parent" in new section 61AA (5) (b) relating to indigenous communities. Although minor improvements have been suggested to the committee, the current wording is supported by both the New South Wales Aboriginal and Torres Strait Islander Commission and the Aboriginal Justice Advisory Council. Accordingly, the committee sees no need to make further alteration. The committee believes firmly that a community education campaign should accompany the bill. The community education campaign is essential. Without it the bill will achieve little of its aims. However, the committee does not support the view that the community education campaign would be sufficient on its own.

Without the bill the community education campaign may be moderately helpful, but it may be regarded by many as only an expression of opinion. The bill provides a message: these are the standards that have been determined by Parliament as acceptable within this State. Going beyond them is excessive punishment and is criminal assault. Unfortunately, education campaigns can be easily ignored. The bill is not primarily intended to be used for prosecutions, but the sanction it provides gives strength to the education campaign it would otherwise not have. The community education campaign should precede the operation of the bill. The bill provides that it be commenced 12 months after the date of assent so that the community education campaign can take place.

During the inquiry various witnesses with experience in community education programs—including Dr Cashmore, Professors Vimpani and Oates, and Ms Gillian Calvert—gave evidence on how the community education campaign could be delivered. I do not have time to develop that theme. The community education campaign is very important. The bill is important legislation. It affects every parent and child in this State, as well as relatives and professionals who work with children. The committee believes that it is an advance in the protection of children. The common law does not provide guidance to parents. The bill sets a standard for acceptable physical discipline, and discourages methods of discipline that have been shown to have most risk of causing serious injuries to children.

The Hon. D. J. GAY (Deputy Leader of the Opposition) [11.57 a.m.]: I will oppose the bill. In my capacity as Leader of the National Party I indicate that the members of the National Party have decided unanimously to oppose the bill. They will detail their reasons, because they each made an individual decision, albeit a proper one. In many instances the bill is unexceptional and quite proper in its aspirations. It is a huge step forward from the bill mark one. When one considers the amendments that will be moved, I suspect that this bill is mark 3½. It has come a huge distance from the first bill the Hon. A. G. Corbett introduced.

The Hon. D. F. Moppett: Unrecognisable.

The Hon. D. J. GAY: As my colleague says, it is unrecognisable from the first bill introduced into this place. That is probably where my problem lies: the bill is unexceptional and quite proper, but it is unnecessary. People are concerned that Parliament is producing unnecessary legislation that makes life more complex and that politicians are telling people the best way to run their families. That is a proper community concern. I do not understand why we cannot have community consultation, education and guidance in place of this proposed legislation, which simply codifies measures that already exist. Honourable members have suggested that the introduction of this bill was a proud moment for Parliament. I certainly believe it was a proud moment for the Standing Committee on Law and Justice, which examined this issue. That inquiry, the evidence presented to it and the contribution today by the Hon. R. D. Dyer were very good. However, this bill and its provisions are hardly a source of pride for Parliament.

The Hon. A. G. Corbett, who proposed this legislation, was elected to this place—albeit by a very small number of people—on an unworkable platform. During his time in Parliament he has worked very hard to get his propositions up. I hope the price that he has had to pay along the way has been worth it. The Hon. A. G. Corbett gestures that he has lost his hair. I can understand that: I have gone grey during my time in this Chamber—although I notice that some honourable members' hair is growing darker. However, I am a little old-fashioned: I believe we should examine the issues behind the issues and vote on the bills before us according to their merits. Increasingly, people are coming to me and saying, "If you support us on this, we will support you on that". As a consequence, this Government has supported some very stupid legislation and amendments—as was evident during yesterday's consideration of the Agricultural Tenancies Amendment Bill. The Government has played the Hon. A. G. Corbett like a fiddle; his voting record is definitely slanted in one direction. If that is to be the way of the future, it is not a future that I applaud. That is not the way to represent our constituents.

The Hon. Carmel Tebbutt: I feel very strongly about this issue. Don't you?

The Hon. D. J. GAY: Yes, I do feel strongly about it.

The Hon. Carmel Tebbutt: You are reducing it to some sort of political equation.

The Hon. D. J. GAY: Isn't that what it is?

The Hon. Carmel Tebbutt: No, it is not.

The Hon. D. J. GAY: The Minister knows better than that. I would have thought that at least she would know how the Government has played crossbench members on this issue. She must know that.

The Hon. Carmel Tebbutt: The Opposition never does that?

The Hon. D. J. GAY: I have certainly never done it and I do not support such a practice. If it continues, we will find people before the Independent Commission Against Corruption in Redfern because I believe it is a corruption of the political process.

The Hon. M. R. Egan: Tell Souris.

The Hon. D. J. GAY: The Treasurer is sitting on the back bench behind me; we prefer him to sit where we can see him. I know that his colleagues prefer him to sit on this side of the Chamber because they believe he is more right wing than some Opposition members. They would like to see him sitting behind the Hon. C. J. S. Lynn because they think he is more right-wing than that honourable member.

Many honourable members will vote differently from me on this issue. However, I suspect that we do not differ about what is right. This bill has the right aspirations: It is never reasonable under any circumstances to use force, let alone excessive force, when dealing with children. However, National Party members do not believe it is necessary for Parliament to interfere in this area and to recodify measures that are already in place. I reiterate that National Party members have made a unanimous decision to oppose the bill.

The Hon. JAN BURNSWOODS [12.05 p.m.]: I pay tribute to the Hon. A. G. Corbett for his work in introducing the Crimes Amendment (Child Protection—Excessive Punishment) Bill and, perhaps more importantly, his work in raising community consciousness about the evils that flow from the physical mistreatment of children. During the last Parliament the Hon. A. G. Corbett was ultimately successful in persuading us to outlaw corporal punishment in schools, and he deserves great credit for raising in this session the issue of the excessive and physical mistreatment of children. I pay tribute to him for his extensive work in this regard.

As the Minister for Juvenile Justice and the Hon. R. D. Dyer have said, the Government supports the bill but intends to move some amendments to it. The principles of the bill will remain unchanged but we wish to remove some of the confusion that emerged when we began to debate not the important principle of not physically mistreating and permanently injuring children but details such as sticks, as distinct from wooden spoons or rulers. Despite the Hon. A. G. Corbett's good intentions, it became a debate about relative trivia regarding the length and size of a stick and so on. By adhering strongly to the principle of opposing the application of physical force, prohibiting the striking of a child on any part of the head or neck and ensuring that a child suffers no lasting injury to any part of his or her body, the Government amendments remain true to the

Hon. A. G. Corbett's motivations while avoiding misstatement and misunderstanding. They will move us down the path of preventing terrible injuries to children. The Hon. R. D. Dyer referred to the work of the Standing Committee on Law and Justice and its unanimous findings in relation to this bill. He has also spoken to me and to many others about some of the truly terrible injuries to children that he observed at the Children's Hospital at Westmead that were directly attributable to excessive punishment and parental discipline that had got out of control. These are very important issues.

The Hon. D. F. Moppett: What prevented prosecution of the perpetrators?

The Hon. JAN BURNSWOODS: The Hon. D. F. Moppett—one of those National Party members who has unfortunately decided to oppose the bill—asks about the prosecution of such cases. Like other speakers in this debate I stress that the bill does not create a new offence; it does not deal directly with the question of charging and prosecuting. It deals with the kind of defence that can be offered. Despite overt injuries to a child, a parent or someone acting in a parental role could offer the defence of reasonable chastisement. It is important to pin down any defence offered. We know by examining the records of some court cases that existing common law rules have not worked properly. I was amazed to hear the Deputy Leader of the Opposition say on behalf of the National Party that "it is not necessary for Parliament to interfere in this matter". Given all the legislation we debate and how essentially trivial much of it is—it may be important to different people in the community—that statement shows a strange understanding of the role of Parliament and indeed of the role of law.

It is pleasing that the Liberal Party, now that it has seen the Government's amendments, has decided that its members may have what the Hon. J. M. Samios described as a free vote. If the Liberal Party were a coherent and functioning party and if it had any leadership, it might have been able to make a decision. Nevertheless, on this, as on other matters, we should at least be pleased that some Liberals will see their way clear to support this important bill. I conclude by repeating that when the Hon. A. G. Corbett looks back over his term in this House and his outlawing, in the previous Parliament, of corporal punishment, after more than a century of effort, and his efforts in this Parliament in preventing some of the shocking injuries that parents and those acting as parents do to children, he will be proud of his record.

The Hon. Dr A. CHESTERFIELD-EVANS [12.12 p.m.]: When I deal with Government and Opposition, as with anybody, I wonder whether it is better to use a carrot or a stick. Faced with progress at a glacial pace, does one offer congratulations on the basis that it is a quick glacier or does one look at what might have been? In this case we might look at what could have been. The Government was faced with a reasonable idea: people should not be able to punish their children excessively; someone should look after the rights of children. Children are one of the least empowered groups in the community. They cannot form a lobby group; do not understand what lobby groups are. So, like many depowered groups, they get a pretty raw deal. The welfare of adults tends to take precedence over their rights. While people wax lyrical in rhetoric about children's rights, those rights tend to be neglected in practice.

The Government was faced with a good idea, that disciplining children should be brought under some sort of control. The Government used Machiavellian tactics to push the Hon. A. G. Corbett into supporting other legislation, with the promise that eventually the Government would support his bill. For the entire four years of the previous Parliament he was led along by the Government promising to bring his bill in. But as the election drew near the Government said that the bill might upset the churches and that it would not do anything about it. Fortunately for some good ideas, members of this House are elected for eight-year terms, and after the election the issue resurfaced. The Government sent the bill to a committee, because it does not like doing anything as radical as supporting a good idea. The committee duly examined the bill and discovered that all the experts were on side and there was plenty of evidence of excessive punishment of children. So after six years the Government decided to support the bill. But it decided to keep the right to use belts and wooden spoons because not allowing that would be an infringement on the rights of the parents.

When one smacks with an open hand one has feedback, because if the blow is hard enough it will even hurt one's hand. This feedback loop is lost if an implement is used. That is a good reason for using the open hand! When a child is playing up, the parent is usually standing nearby without an implement. It is another step to get an implement to punish a child. When children insist on what they want to do it can be annoying and frustrating for the parents, and some sort of action is needed. But the action of picking something up to punish the child is another step in what otherwise might have been a spontaneous response. The idea that violence disciplines children is pretty entrenched. Perhaps there is a place for it in that talk does not always work. But it has to be used carefully. It is reasonable that the Parliament should legislate and specify this in the manner that has been suggested by the Hon. A. G. Corbett.

The Hon. A. G. Corbett deserves a lot of credit for the bill. When he leaves this House after eight years he will be able to say, "Here is a piece of legislation that has actually made it better for a depowered group in our society—children. They are actually safer. This legislation is on the books and I have achieved that in my eight years." Many members spruik on a lot of legislation and do not change any of it much. They cannot point to a single major achievement in their whole time here. After this bill is passed, the Hon. A. G. Corbett will have a real legacy that gives meaning to the time he has been here. But because the Government wants to work at such a glacial pace it has taken six years to achieve. The Government will not say that something is a good idea and get on with it. It is afraid of loss of face. It is afraid of upsetting reactionary groups. It was willing to cynically use the honourable member's enthusiasm for one cause to push him on other issues. Its actions do not bring it much credit. I come back to the question of whether the Government should be praised for doing at least something at a glacial pace as opposed to staying still. Or does one consider how easily this could have been achieved with a bit better will?

The Hon. D. F. Moppett: It is hypothetically possible that it was listening to the majority of the community.

The Hon. Dr A. CHESTERFIELD-EVANS: The poor old Opposition could not even agree on voting for the bill. It insists on party discipline on just about everything. Stopping people from smacking children excessively was too radical, but a free vote was allowed so that the Opposition did not lose face. The Liberals are gutsy in allowing a conscience vote; I have to hand it to them! The Democrats have a conscience vote on everything. Fortunately, as we have sensible and progressive policies, I do not have to exercise my right to a conscience vote. The poor old Nats commented that it was an unexceptionable bill, but they are still opposing it. There is something quite touching about a response as reactionary as: "We do not believe that the Government should interfere. Although it is an unexceptionable bill and quite sensible we better oppose it because that is the way we are."

These are the difficulties involved in having a simple bill passed by this Parliament. Is it any wonder that the country languishes? If one looks at the church in a broad context, one could say that it is everything from crazy, reactionary and socially conservative to a really progressive force in society. Therefore, to generalise about the church is to make a mistake. We have representatives in this Parliament who hold themselves out to be Christian—and even have the word "Christian" in the name of their party—yet they want smacking to continue lest any parent be mildly inconvenienced by a law that defines what they may or may not do. This hopeless social conservatism, which is painted as somehow sanctioned by God, is monstrous. I will not pretend to be an expert on Christian theology, although I did have it bashed into me against my will for a decade. I thought that "love" was supposed to be the key word in Christian teaching. Why there should be opposition to a bill that defines smacking in the interests of promoting love is beyond my understanding. No doubt the Christian Democratic Party will come back with an answer to this conundrum, although I doubt that its answer will be convincing.

I do not propose to speak in great detail on this bill because I made an adequate speech on 25 May last year. I invite members to read my words of wisdom in *Hansard* on that occasions, which emphasised the number and strength of groups that support the bill and why it should have been passed at that time. I shall not repeat those comments. If it is unacceptable to excessively punish a child, it is scarcely a problem to codify that fact in law. Those who oppose the bill should reflect on that matter. The bill is a guide to what can and cannot be done. It has been watered down by the Government in a somewhat silly fashion by allowing the use of implements, but that is another issue. The bill is a step forward. It is a triumph and a lasting legacy of the presence of the Hon. A. G. Corbett in this Parliament. I believe he should be congratulated and the bill should be passed.

The Hon. HELEN SHAM-HO [12.22 p.m.]: I am pleased to speak again to the Crimes Amendment (Child Protection—Excessive Punishment) Bill 2000. Once again I congratulate the Hon. A. G. Corbett on the time and effort he has expended on bringing the bill before the House again. As honourable members may recall, the bill was introduced into this House last May, at which time it generated quite emotional and heated debate. Prior to a vote being taken on the second reading on that occasion, this House referred the bill to the Standing Committee on Law and Justice. I note that the committee's report, released in October 2000, recommended that this House support the passage of the bill, subject to minor modifications. I understand that the modifications will be in the form of amendments.

At the outset I make it clear that I have not changed my position in relation to the bill. I support the bill. As I said during debate on the bill last year, the bill strikes a reasonable balance between the need to protect

children from injury and the need for parents and caregivers to appropriately discipline their children. Having said that, I am pleased that the bill was referred to the Standing Committee on Law and Justice. Given the proposed amendments, the committee's inquiry into the bill demonstrates the benefits of careful scrutiny of legislation prior to enactment. The committee's report also makes clear that there is a great deal of support from different sectors of the community for the intent of the bill. The Hon. R. D. Dyer has already informed the House of the different sectors of the community who support the bill and I will not reiterate that.

By now all honourable members know what the bill is about. It seeks to codify the common law defence of lawful correction or reasonable chastisement, which is currently one of the defences to a charge of assault. The Minister for Juvenile Justice clearly stated that the defence provides that a parent or a person acting for a parent can administer corporal punishment to a child, provided that that person acts reasonably in all the circumstances—a legal term. The problem is that at present the common law gives no guide at all as to what "reasonable" in this context actually means. However, the bill provides parents with clear guidelines as to what is acceptable and what is not acceptable physical discipline of children. The bill codifies what is reasonable in all the circumstances.

Smacking with an open hand is acceptable. Striking a child above the shoulders with objects such as a stick or a belt or causing harm that lasts for more than a short period is not acceptable. I agree with those provisions. The bill also restricts the use of any defence to family members, some of whom require express authorisation to impose physical punishment. This aspect has been referred to already by other members. As the Minister stated, the bill has not only a legal role; it also has an educative function. It lets parents know the legal limits of physical punishment. It is a fact that many of the very serious injuries to children witnessed by hospitals and the medical profession are the result of physical discipline gone wrong rather than premeditated abuse.

There are many reasons why parents can, and do, go too far while physically punishing their children. Most parents who hit their children in an unacceptable manner were themselves hit that way as children. Some parents can lose their temper and do not know how to manage the situation. I believe one study has even found an association between poor marital relationships and severe punishment of children. This bill will ensure that parents stop and think about the manner in which they use force to discipline their children.

I am pleased that the bill has the potential to reduce injuries suffered by children. The possible adverse effects on a child's health following the use of inappropriate physical punishment include contusions, burns, fractures, concussion, brain damage and long-term disability. In particular, striking a child on the head or neck may result in detached retinas, perforated eardrums, haemorrhages, brain damage or even death. Sadly, these are injuries that the medical workers and child protection officers of this State see far too often. In the long term, children who are physically abused or maltreated are up to three times more likely than non-abused children to be violent, to commit crimes, to attempt suicide and to suffer from anxiety disorders later in life. This has been proved many times.

The impact of abuse can be particularly devastating if the abuse occurs during the early years of a child's life. The wealth of recent theoretical and practical research on early life experiences highlights the importance of this period in the wellbeing of children. Evidence suggests that the experiences in the early years of life affect the way the brain develops, and this, in turn, affects learning, behaviour and health throughout life. Honourable members may remember that 18 months ago the Children's Commissioner, Jillian Calvert, arranged for a researcher from the United States of America to give a seminar in the Waratah Room, here in Parliament House, to demonstrate to members that what happens in the early years of a child's development can affect his or her growth later in life—and we want brainy citizens in our State. In addition to the negative impact on children, the long-term consequences of child abuse are a serious problem for society at large.

As I have outlined, children who are abused are at high risk of becoming adults with mental health or behavioural problems. If such adults do not receive the assistance they need to overcome the abuse, they are likely to continue the cycle of abuse with their own children. Consequently, child abuse may be passed on through the generations, creating more and more entrenched social problems. My point is that child physical abuse is a vicious cycle that must be stopped. I do not think anyone would argue with that.

Reverend the Hon. F. J. Nile: This bill is not about that. You are discussing child abuse.

The Hon. HELEN SHAM-HO: No. Not necessarily abuse. Abuse suggests an intention. Discipline can be unintentional, but an injury can occur as a result. Although unintentional, disciplining a child could result in injury being inflicted. That is what I am trying to say.

Reverend the Hon. F. J. Nile: Child abuse is covered by child abuse laws. It always has been.

The Hon. HELEN SHAM-HO: That may be, but this is educational for parents.

Reverend the Hon. F. J. Nile: There is a law against child abuse, whether intentional or not.

The Hon. HELEN SHAM-HO: Exactly. Child abuse is invariably intentional but this bill fulfils an educational function for parents whose intention is not to abuse their children. It is disappointing that the bill has been portrayed as an anti-smacking bill in recent media reports. I take Reverend the Hon. F. J. Nile's point, but the bill will not result in parents being prosecuted; it is designed to protect children from injury. That is the point. If anything, the bill is a boon for parents as it provides safeguards to protect them from trivial vexatious prosecution. The truth is that this bill does nothing to restrict the ordinary smacking of children. In my own experience, smacking is often an appropriate way in which to let a child know immediately that what he or she has done should be corrected.

Just last week I gently smacked my temperamental 2½-year-old granddaughter after she threw a heavy book-end into a glass coffee table, breaking the glass. I slapped her on the hand immediately. That immediate form of punishment let my granddaughter know straight away that what she had done was wrong and would not be tolerated. I adopted a very angry tone of voice and chastised her immediately so that she would know that what she did was wrong. She knows that now, and I doubt very much that she will do it again. However, of course, I believe that reward is just as important to reinforce positive behaviour.

In summary, I believe that the bill will send a strong message to the community that excessive physical punishment is no longer acceptable in New South Wales. In this way it merely reflects current community standards. I commend the bill to the House and I once again congratulate the Hon. A. G. Corbett on his efforts with the bill.

Reverend the Hon. F. J. NILE [12.33 p.m.]: As honourable members know, I have been concerned about the implications or ramifications of this bill, and the earlier model when it was first raised by the Hon. A. G. Corbett some four years ago. The Crimes Amendment (Child Protection—Excessive Punishment) Bill is a private member's bill. The reason for my concern is that the honourable member has been very active in prohibiting corporal punishment in schools, and has put on the record his opposition to smacking at any place and at any time. He is totally opposed to that. I have always interpreted the objective of the member, whether specifically stated in the bill or not, to be to stop parents from smacking their children—one way or the other.

From memory, he made a comment to the effect that this bill was the second stage. The first stage was the schools, and the second stage is the home. I know the bill does not specifically state that in its title or in its terminology, but I believe that has been the foundation of the debate. That is where I have been coming from. Having listened to contributions to the debate today and on other days, it would appear that some members of this House are totally opposed to smacking. That is a view held by certain members of this House—they do not believe in smacking children at all. There are members of the Labor Party who are totally opposed to smacking and there may be members of the Coalition who are totally opposed to smacking. I am simply stating what I believe to be the fact from my observation.

The Hon. J. Hatzistergos: There are some countries where it is banned.

Reverend the Hon. F. J. NILE: There are countries where smacking is banned. I am merely saying that there are members on both sides of this House who are opposed to smacking per se. I understand that. They have expressed what I consider to be an ideological or philosophical point of view. It is something they have developed and they have expressed similar views on other subjects. Those subjects actually fit into a package. The point I am making is that I am not going to be able to change the minds of those who hold that view. I accept that. They are mostly members of the left wing of the ALP, and some are members of the left wing of the Liberal Party. In addition, it is obvious the Greens and the Australian Democrats hold that view. Theirs is an ideological view. The Hon. A. G. Corbett can explain whether he holds that view.

Nothing I say will change that view, and that has been clear for the past four years. But there are other members who are genuinely concerned about child abuse. The contribution from the Hon. Helen Sham-Ho was about child abuse. She is genuinely concerned about child abuse. That has been one of the confusing aspects of this debate. Even Dr Kim Oates, whom I know and respect, continues to quote the example of a 12-month-old baby brought into the children's hospital with bruises, broken bones and even burns, and then say he supports

this bill. There is no connection between the two things. The baby is covered by child abuse laws. That is an instance of child abuse. We do not have to pass a law here to fill some gap in the law, because there is no gap in the law as I understand it.

There are people, and I am one, who are certainly concerned about child abuse and would be strongly opposed to anyone abusing a child. The third group—whose members raise their heads every so often in the course of these debates—seem to have a strong attitude about Christianity or about religion. Their view was demonstrated by the Hon. R. S. L. Jones in a contribution to one of these debates. He said that Christian parents believe that when Jesus said, "Suffer the little children to come unto me." it meant that they have to make their children suffer. I do not know whether he honestly believes that, but he said it in this House.

The Hon. J. R. Johnson: Who said that?

Reverend the Hon. F. J. NILE: The Hon. R. S. L. Jones. He took the view that when Jesus said, "Suffer the little children to come unto me." Jesus was telling Christian parents to make their children suffer. To me that is absolutely ridiculous. It is rubbish. As honourable members know, I have been involved in Christian activity with people of all denominations and with those involved with the Jewish and Muslim religions. At no stage has anyone, in any meeting, discussion or conversation, ever said that it is intrinsic to the Christian religion that parents have to smack their children. No parent want to smack a child. That point that was raised by the Hon. Dr A. Chesterfield-Evans. We love them. That is why some parents reluctantly smack their children: because they love them.

If parents did not love their children they would not care about them. They would let them run wild on the streets. But because they love their children they try to teach them what is right and what is wrong. Sometimes that requires a smack. A smack is something they administer reluctantly because they love their children. Because they love them they must do something. It seems we have in this House three groups of people—those who are totally opposed to smacking on ideological or philosophical grounds; those who are concerned about child abuse, the group that I am in; and those who seem to have a chip on their shoulder about religion and see the bill as a form of payback to the church. They believe that if the bill is passed it will be some sort of victory for the anti-Christian groups.

The Hon. J. F. Ryan: Where do I fit in?

Reverend the Hon. F. J. NILE: That is a good question**.** The Hon. J. F. Ryan would have to examine his heart to see where he stands on this issue. My remarks are addressed to the group who are concerned about child abuse. Facing reality, the Government—for reasons best known to itself—has decided to support the bill. That is so even though, by its amendments, it has chopped out the most controversial parts of the bill, and, from the Hon. A. G. Corbett's point of view, probably the most important parts. I am sure that the Government, particularly the Premier, would not want a newspaper to state that the Labor Party was banning a mother from using a wooden spoon in her kitchen. The Government's proposed amendment did not specify the object; it says "any object". Earlier the Hon. J. F. Ryan said to me that this is not a new law.

The Hon. J. F. Ryan: There is no new law.

Reverend the Hon. F. J. NILE: He must be realistic; a law that prohibits the use of a wooden spoon is a new law, because its use is not prohibited under any current law.

The Hon. J. F. Ryan: It did not prohibit the wooden spoon.

Reverend the Hon. F. J. NILE: It did, the amendment says "any object", and a wooden spoon is an object. At this stage we are debating the bill that is presently before the House, not a bill that may be amended in Committee. I am sure that some members are confident that the amendment will be passed, but the Government's amendment may not be passed. Some members do not like the amendment and have spoken critically of it. As the Liberal Party has a free vote, some of its members may vote against the amendment. Members who think we are debating an amended bill are making a serious mistake. That raises another important aspect of the debate. When the Hon. A. G. Corbett knew that the Government had taken a fairly strong stand on the bill, he should have withdrawn it and had it redrafted. The proposed amendment is a fundamental change and therefore the bill should have been withdrawn and redrafted so that we all clearly understand what we are voting on.

Honourable members who support the bill but do not support the proposed amendment will be forced to vote for the bill as it stands in the hope that it will be amended later. That is not a good position to be in. I

urge all honourable members to vote for the bill as it is, which is the practice of this House. No member can guarantee what amendment will be passed. Therefore, if the bill is defeated at the second reading stage, the Government and the Hon. A. G. Corbett can redraft it and resubmit a purified version, one that is close to receiving general agreement by the majority of members of this House.

For that reason I propose to amend the name of the bill to reflect the views of members who have spoken today and at other times that it is not about child protection or excessive punishment, but about excessive abuse. My first amendment is to omit the words "Child Protection—Excessive Punishment" and insert instead "Child Abuse". I am speaking on behalf of the members of this House who are really concerned about child abuse. Let us make it clear what this bill is all about. I support the Government's proposed amendment, but I am concerned about the vagueness and subjectivity of the bill.

Under the provisions of the bill a smack could become an offence, or a reference to the police if the impact of the smack lasts longer than a short time. What is a short time? How can we pass a bill that speaks of "a short time"? The Hon. A. G. Corbett said the court can decide what is a short time. A poor mother will be dragged into court for the court to decide what "a short time" means. This Parliament should decide what "a short time" means, not some court that is dealing with a mother who has been dragged before it by the police.

The Hon. J. F. Ryan: She could be dragged before the court now.

Reverend the Hon. F. J. NILE: According to the committee, of which the Hon. J. F. Ryan is a member, there has been only one case in which a parent has been charged.

The Hon. Dr B. P. V. Pezzutti: What about the 14,000 cases of child abuse?

Reverend the Hon. F. J. NILE: I am not discussing child abuse.

The Hon. Dr B. P. V. Pezzutti: But some of them would have been, Fred.

Reverend the Hon. F. J. NILE: Yes, and that is my point. The Hon. Dr B. P. V. Pezzutti supports my argument.

The Hon. Dr B. P. V. Pezzutti: No, I do not.

Reverend the Hon. F. J. NILE: Yes, you do support my argument. I am saying that we should make this bill a child abuse bill; let us change its name.

The Hon. Dr B. P. V. Pezzutti: It is a physical mistreatment bill.

Reverend the Hon. F. J. NILE: That is similar to what I am suggesting: physical mistreatment.

The Hon. Dr B. P. V. Pezzutti: Or, if we support the Government's amendment—

Reverend the Hon. F. J. NILE: But you may not, and that is the point I am making. No-one knows until we go into Committee what will become of the bill. Therefore, I have foreshadowed amendment to change the words "a short time" to "that causes severe bruising, bleeding or welts". That makes it perfectly clear that we are talking about child abuse, which was the point raised by the Hon. Helen Sham-Ho and the Hon. Dr B. P. V. Pezzutti. Bruising means to injure by striking, or pressing without breaking the skin, or drawing blood; bleeding means to lose blood from the body or internally from the vascular system; and welts are a ridge or weal on the surface of the body, as from the stroke of a stick or whip.

The Hon. Dr B. P. V. Pezzutti: What about internal bleeding?

Reverend the Hon. F. J. NILE: I said that bleeding means to lose blood internally or from the vascular system. Any doctor in the House would support that. That makes it quite clear that the term "a short time" is very vague. My definition makes it quite clear. Already I have made the point that we are voting on the bill before the House, not on the bill as it may be amended. No-one is certain what amendments will be carried. Members of the crossbench have said that they oppose the Labor Government's amendments. The Liberal Party has a free vote and some may support the amendments, some may oppose them. The leaders on both sides of the House have not made it clear where the major parties stand.

I have also made inquiries of various authorities. It has been said that the Department of Community Services [DOCS] will handle complaints under this bill. I have spoken to the head of that department, Carmel Niland, who said that the bill has nothing to do with her department. She said that this is a criminal law that will be handled by the police. Has the Government made provision in the budget for extra police to handle anti-smacking complaints? They will not be handled by DOCS, but by the police.

Under the direction of the Premier the police could be rushing out to Cabramatta to nab a drug dealer, but after a phone call they could be sent off to another case at Bankstown to investigate a report of smacking. That is a joke! That would result in confusing priorities for the police who are already run off their feet with domestic violence complaints rather than dealing with real crime. Now they are to be loaded up with smacking complaints.

The Hon. J. F. Ryan: Do you say that domestic violence is not a real crime?

Reverend the Hon. F. J. NILE: I am talking about drug dealers and criminals of that type, a different type of offence.

The Hon. J. F. Ryan: No, it is absolutely not.

Reverend the Hon. F. J. NILE: Yes it is. The problem with this legislation is that it will have to be administered by the police, because it is criminal law. The provisions of this bill are not to be handled by DOCS. The bill also makes it possible for a mother or father to be charged. Earlier the Hon. A. G. Corbett said that the court can decide. But once a mother is brought in under this legislation she will have to instruct a solicitor to defend her in court. No mother would go before a court and hope she could persuade a judge.

A number of cases have been brought to my attention in which the normal practice is to remove the child or children from the home when a complaint is received. Currently there are cases before the court in which that has happened. After six months the charges may not be proceeded with or they may be dismissed. However, the taking of the child from the home may result in the child suffering more mental abuse than it would have suffered from a smack by its parent. That is caused by the authorities of the State. I could take hours referring to these types of cases although it is difficult without referring to the name of the person involved.

I support in principle the Government's decision that we should not discuss cases in the Parliament by name, referring for example to Mrs Smith's case or Mrs Brown's case. A number of such cases are currently under discussion with the Department of Community Services for resolution on this issue. In all of those cases that have been brought to my attention the children have been removed from the family while the authorities try to sort out whether the incident was child abuse or simply a smack. The court ultimately dismisses many of those cases, but what trauma does the child suffer after being taken from the family and placed in a foreign environment?

Many people have made much of the support of the Standing Committee on Law and Justice. I support the arrangement of standing committees in this House as they are effective but, although we all have viewpoints, in most cases matters are referred to a committee for it to objectively conduct its investigation. In this particular case two members of the committee had spoken in this House strongly in support of the bill before it was referred to the committee. I believe in some way that has influenced the outcome of the committee's decision. For most committees the members listen to the inquiry objectively and in most cases members' views on an issue are not known before it is referred to a committee. However, in this particular case members' views were known.

I made my next point strongly in evidence to the Standing Committee on Law and Justice. I appreciated the attitude of the Hon. R. D. Dyer towards me when I gave evidence as I experienced a difficult time there, particularly when being cross-examined by some members of that committee, like the Hon. J. F. Ryan and the Hon. P. J. Breen. Also, the Hon. A. G. Corbett was sitting on my right and interjecting while I gave evidence. When I made a good point the Hon. A. G. Corbett said, "Well, I'll take that out of the bill." Therefore, it appeared that we were amending the bill while I was giving evidence.

That remark related to my point that the bill referred to threatening to smack a child. That reference has now been removed from the present draft and was stated as being a drafting error. So be it, but when I gave evidence before the committee that reference was in the bill.

I support a community education program. No-one would deny there are misguided parents, alcoholic parents, parents on drugs and parents who, through stress and other reasons, lose their temper. Society has all

those problems, but society is not a perfect place. We need an education program on this issue. I support 100 per cent having a program to educate parents about the dangers of causing child abuse, be it accidentally or incidentally, and how they can carry out corporal discipline in the home that in no way causes child abuse. Those two factors need to be separated. An education program could achieve that, and would achieve it, without this bill. The House could vote against the bill but still have an education program headed by the Australian Labor Party. (*Time expired*.)

The Hon. D. F. MOPPETT [12.53 p.m.]: I guess we all expected that on the third presentation of this bill we would be entertained with the parading of the same fixed positions that have been evident since the idea was floated. That was inevitable and has some virtue because we are getting close to the point when it may be passed into law. However, we need to concentrate on what we are discussing and its relationship with the original draft, and also the effect of the substantial modifications to and attenuation of the original bill. If that were done, we might say that this debate, and, indeed, the limited amount of public airing of the issue, could be described in Shakespearian terms as "much ado about nothing". Of course passions have been aroused and displayed—we will continue to witness that during the debate—but little or nothing has been achieved.

I would go so far as to say that in doing something about the abuse of children–which is so often quoted and portrayed through the appearance of children in hospitals and so forth—this is indeed a feeble initiative that will have little impact on the incidence of children being injured in inappropriate circumstances. Children do get injured, but it is totally inappropriate that they should be injured by their parents. This legislation has always had its down sides, but the interesting thing is that the Government recognised the down sides in the first place but has carefully massaged the bill to remove more of it as time proceeds so that in some way the Government will slip through with it trying to attract—

Reverend the Hon. F. J. Nile: It is just a shell.

The Hon. D. F. MOPPETT: It is only a shell now. The Government is cynically trying to attract the support of those who hold themselves out to be opinion leaders but is positioning itself in such a way that it can convince the vast majority of ordinary people that the bill really is not particularly intrusive. When we think about injuries sustained by children from parents or carers we need to remind ourselves that, sadly, some parents acknowledge very little responsibility to their children. They are the tiny minority but they probably are the cause of all these problems about which we are talking. I repeat, sadly there are parents who acknowledge little or no responsibility to their children. They will be the most difficult to get to accept any sort of educative program or other measure other than through the direct intervention of police. It is that group that causes 99.99 per cent of the problem.

Another group of parents accepts full responsibility for their children and, I must say, still resents the idea that other people will decide for them how they should bring up their children and how they should react to everyday incidents that confront them, particularly when it involves certain difficult children who have disabilities or problems within the family that manifest challenging behaviour. This group is by far the majority. Those parents accept responsibility for their children and believe they have a right to continue to raise their children according to their morés, without excessive or undue interference from others whom they would described as busybodies.

There is another small group, and we are hearing disproportionately from them today. Many of them adopt a notional responsibility for all children. They believe they are in some sort of a holier-than-thou unassailable position to advocate for a measure like this. Of course, they never accept any vicarious role in the control of, or direct responsibility for, difficult children. Their reaction is that there are incidents in our society that are a blot on society and trouble their consciences, but that they want someone else to do something about it so they will feel better for being able to say they have supported some form of remedial legislation—about which, in most cases, they do not really understand the impact.

We have heard, for instance, that there are some powerful advocates for the bill in the community. We have had quoted the report on the inquiry into the Crimes Amendment (Child Protection—Excessive Punishment) Bill from the Standing Committee on Law and Justice. I, like others, listened with great respect to what the Hon. R. D. Dyer, the chairman of that committee, had to say. I congratulate him on his presentation. Today's *Sydney Morning Herald* referred to this matter and was somewhat ambiguous in its conclusion. Inter alia it said, "it attracted a surprisingly wide range of witnesses and submissions".

The Hon. J. F. Ryan: It did.

The Hon. D. F. MOPPETT: It did, says the Hon. J. F. Ryan. I remind honourable members that this burning issue that is troubling the consciences of the people in this House today attracted 40 submissions and 21 expert witnesses. I again remind the Hon. J. F. Ryan and other honourable members of what I said yesterday about our inquiry into adoption practices: it is inevitable that these sorts of inquiries will be self-recruiting in nature. We will not hear from the vast majority of people because they are getting about their lives; they are too busy to be involved in what they regard as avant-garde concepts and proposals that do not affect them.

[*The Deputy-President (The Hon. Helen Sham-Ho) left the chair at 1.00 p.m. The House resumed at 2.30 p.m.*]

The Hon. D. F. MOPPETT [2.30 p.m.]: Although we look forward to the lunch period as a welcome break to our labours, the interruption poses a challenge in trying to pick up the threads of my contribution to the debate. I was referring to what had been nothing more than wretched, ragged and threadbare arguments advanced in support of the bill. One does not know when one should weigh in. I was making the point that the claims that the authority of the report of the Standing Committee on Law and Justice should be gauged by the concept of self-recruiting inquiries. Although the *Sydney Morning Herald* conceded that a surprisingly large number of submissions had been received, I pointed out by quoting the numbers that if it were a surprisingly large number of submissions, honourable members who agreed with the statement must have been engaged in very narrowly based inquiries.

The inquiry attracted people who would hold themselves out to be opinion leaders, but it certainly did not attract the vast bulk of parents, because they do not have an opinion. They certainly do not pull you up in the street, grab your sleeve and say, "We need a new law." In fact, they say, "We don't need any further laws in this regard." I foreshadowed that I would speak about the downside of the bill. So far I have tried to discredit the arguments put forward in favour of it. I described the bill as a feeble initiative. The bill has certainly attracted a wider range of support within the parliamentary suite than was originally the case. I described how parents, generally, would view it. It has certainly become a hobbyhorse amongst very well motivated people who, in other circles, would be described as the worry wealthy: people who have intense social theories about how to fix up other people's lives, and who proclaim their views with a certain amount of smugness and self-satisfaction.

It is interesting to note, and there is no denying, that the legislation proposes to diminish the defences available to parents by limitation. It is obvious that the immediate aim of the Government, the Hon. A. G. Corbett and others who support the legislation is to increase the number of successful prosecutions. I will come to the furphy about the educational role later. Yet in another world the Government will proclaim that its new enlightened theory is not to interfere, not to interdict in the family unit, no matter how apparently dysfunctional it is. In the long term it is better for the child to be maintained within the family group, with support given to the parents. Earlier speakers mentioned how contradictory those two aims are.

On the one hand a whole group of social workers and programs are available to support parents who are not fulfilling their responsibilities, but on the other hand if they smack their child and someone does not like it they will be prosecuted. What sort of an atmosphere will that create for the child? "Where is your daddy?" "He is in court today. He is being prosecuted because he smacks me too hard, but he is coming home again." It defies logic to bring together such two divergent, almost mutually exclusive, theories on how to deal with these problems that are quoted in extremis by the medical people, who say that we gauge the extent of the problem by the number of admissions to the Children's Hospital.

There is no reference to the details of how the children came by their injuries, but it is suggested, it is implied, and we are supposed to infer, that in many cases the people who inflicted the injuries are people who otherwise would have been prosecuted and we could have prevented it. It is a load of rubbish! The bill is a feeble attempt to define and limit, to a certain extent, the defences available to parents when they are prosecuted. It is true to say, and it cannot be denied, that the bill does not authorise further prosecutions. But it will inspire often misguided attempts to bring legal action against parents. We will have a plethora of accusations. In the end some may be proved, but many will be false. It will create uncertainty and difficulty in our society. Tempus fugit, particularly when you are on a significant subject. I know I must refer to some of things I have not dealt with. For those who know that their arguments in favour of the bill are really weak, they finally fall back on the idea of not worrying about the superfluous legislation or the fact that it will not have any effect, because it will send a message.

The bill will have educational value? Have you ever heard such claptrap, Mr Deputy-President? Who in Wellington tries to educate themselves by reading legislation? After this issue has died down, no-one will remember it. No parents will suddenly say, "My child is playing up so I had better go and look at Alan Corbett's

bill to see what I should do." That is absolute rubbish. There is no doubt that the "educative role" has become sloganistic and platitudinous. People invoke it without understanding what they are talking about. They simply think, "I am starting to falter and I cannot put my thoughts together so I will talk about the educative role and the message that this legislation will send." There are many ways of getting a message across to the community. The anti-litter campaigns convinced people not that they would be prosecuted for littering but that, in the interests of a better society and their own self-esteem, they should act differently. That is the sort of action we want to see—not laws that will encourage unnecessary and counterproductive prosecutions.

We have witnessed and heard of those who have had road to Damascus conversions: They opposed the legislation initially but now support the watered-down version. They suddenly believe there is a movement in the community and that they must get on the bandwagon or be accused of being conservative, reactionary or recalcitrant. The aspirational notions that have been bandied about in this debate do not reflect those of the genuine constituency—they do not come within a bull's roar of them. This legislation is the product not of common supplication but of the Hon. A. G. Corbett, who has a particular and espoused purpose in this Parliament. The legislation was not expected to see the light of day. We remember what the Premier said about it when it was first proposed: He believed it was out of keeping with society's precepts and should be rejected.

However, as I said earlier, the bill is now being massaged through Parliament so that we can ingratiate ourselves with the so-called opinion leaders while whispering behind our hands, "Don't worry, it really doesn't affect anything." It is a bit like the elements of the Agricultural Tenancies Amendment Bill that the Hon. Dr B. P. V. Pezzutti called so figuratively—I do not have his powers of rhetoric—a "jolly" for the Hon. R. S. L. Jones. I would not describe this legislation as a "jolly"; it is a serious subject that has the potential to cause a great deal of unnecessary anxiety and concern amongst the vast bulk of well-adjusted parents who have nothing but the welfare of their children at heart. However, this legislation is undoubtedly the product of political compromise by the absolute masters. It is an historical paradox, but I would suggest that the Australian Labor Party in New South Wales taught Machiavelli how to operate. Labor's handling of crossbenchers in the past few years would make him look like an amateur.

It is obvious that the Government has another agenda. It has no particular interest in this legislation. The Department of Community Services has made no imprint upon it and it contains nothing of substance from the Attorney General. It is "Let's be friends with Alan Corbett week". That is what this is about. The Government is seeking to dress up its argument in terms similar to the question: Are you still beating your wife? The finger is pointed at anyone who speaks against the bill and he or she is asked, "Are you in favour of child abuse?" What a stupid aside to make in a serious debate such as this. Everyone opposes child abuse and everyone opposes the improper exercise of responsibility for children. However, there are some who go too far in the opposite direction—an element that crept into the contribution of the Hon. Dr A. Chesterfield-Evans, who rarely strays from the point. He spoke about children and tried to invoke sympathy by saying that they were the most disempowered group in our community.

The rule that I adhere to regarding children is "all care and no responsibility". Children occupy a special place in our society: They are protected but we recognise that their responsibilities are diminished because of their age and immaturity. When we talk of children being "empowered", we envisaged the spectre of children who have had these experiences turning to their teacher, parent or whoever and saying, "I know the law; don't you touch me." Some people think that is an enlightened and advanced societal view, but I do not. I believe there is a place for discipline in our society, including the discipline of adults. People must learn to accept discipline. The inquiry into early learning difficulties has discovered that the inability to accept discipline is a precursor of something worse. I believe we should reject this bill and maintain the status quo, which is quite adequate.

The Hon. J. HATZISTERGOS [2.43 p.m.]: I support the Crimes Amendment (Child Protection—Excessive Punishment) Bill, subject to the amendments that will be moved later in Committee. When this legislation first came before the House and was referred to the Standing Committee on Law and Justice, I was ambivalent about it for reasons that the committee uncovered in the course of its deliberations. Therefore, I take exception to the comments of Reverend the Hon. F. J. Nile, who said that the committee process had been somewhat of a farce as two committee members had already expressed fairly strident views. I certainly was not one of them. I challenged witnesses who outlined their perspectives to the committee, I listened to what they had to say and I confronted them with opposing arguments. I then formed an opinion. I emphasise the fact that when the bill first came to this place both the Government and the Opposition resolved not to support it. The matter was then referred to a committee to see whether a compromise could be reached and a way forward could be found. The committee came to the view—it was not dictated to—that the bill was worthy of support.

Reverend the Hon. F. J. Nile: Two committee members had already expressed their views.

The Hon. J. HATZISTERGOS: That is not a majority of committee members. The committee reached an unanimous opinion about this bill. If there were ever a case of the committee process achieving a desired objective, this is it. We considered the legislation clause by clause and came to a view that allowed it to proceed. Therefore, it is disappointing to listen to the sort of rhetoric that we have just heard from the Hon. D. F. Moppett. He has not had the courtesy to go through the evidence that was presented to the committee by various interest groups—not just lawyers.

The Hon. D. F. Moppett: How many?

The Hon. J. HATZISTERGOS: The groups are listed in the appendix of the report, and include parent groups, Christian groups and so on. The Hon. D. F. Moppett referred to the Machiavellian Labor Party but it disturbs me that he did not refer to the role of his Coalition partners in this process. They originally opposed the bill. When it first came to the House—

The Hon. C. J. S. Lynn: Was support in the caucus unanimous?

The Hon. J. HATZISTERGOS: Yes, it was. We had speeches from the former Attorney General, John Hannaford, who said he firmly supported the bill and would vote for it, in its original form, when it came before the House. What happened when the bill went to the Liberal Party room? We have learned from today's newspapers that five members threatened to cross the floor so there was a split vote.

The Hon. Patricia Forsythe: That is not relevant.

The Hon. J. HATZISTERGOS: It is relevant when people talk about Machiavellian politics.

The Hon. Dr B. P. V. Pezzutti: Who did?

The Hon. J. HATZISTERGOS: The Hon. D. F. Moppett talked about Machiavellian politics and having a bob each way.

The Hon. Dr B. P. V. Pezzutti: Point of order: While the honourable member's father may speak Italian, he is certainly not Machiavelli. I suggest that the honourable member should return to the bill rather than being diverted.

The DEPUTY-PRESIDENT (The Hon. A. B. Kelly): Order! There is no point of order.

The Hon. J. HATZISTERGOS: The Liberal Party has decided to have a bob each way. We will see at the end of the day how many people will stand up for what I hope will be reasoned debate and how many will follow the emotionalism of others.

The Hon. J. H. Jobling: Half your people would like that choice. You do not give it to them.

The Hon. J. HATZISTERGOS: I feel very comfortable in supporting this bill, even more comfortable—

Reverend the Hon. F. J. Nile: The ALP will not allow a free vote.

The Hon. J. HATZISTERGOS: There is no problem. The first thing I want to say about the bill is that it does not create any offence whatsoever. There is nothing in the bill that says that there is an offence of smacking a child. Attempts have been made to misrepresent the bill as somehow disempowering parents or making them criminals. There is already a defence at common law of lawful correction or reasonable chastisement. It is claimed that somehow we are taking away people's rights. People in the electorate who are asked what the defence of "lawful correction" or "reasonable chastisement" means would not have a clue. They have no idea. None of them knows.

The Hon. D. F. Moppett: No, but tell us what the bill does do.

The Hon. J. HATZISTERGOS: The people in Wellington that you spoke about before would not read the bill. They would not know what "reasonable chastisement" means. How do parents know what "reasonable chastisement" means?

The Hon. Dr B. P. V. Pezzutti: Point of order: Mr Deputy-President, I know that you will take as much umbrage as I do at the honourable member accusing the people of Wellington of having no idea of what excessive punishment of a child means. I think they well know what the honourable member is talking about. He demeans himself and them by making those comments.

The Hon. J. HATZISTERGOS: They are a lot more intelligent than the Hon. D. F. Moppett gives them credit for.

The DEPUTY-PRESIDENT: Order! The Hon. Dr B. P. V. Pezzutti was not present in the Chamber earlier. The Hon. J. Hatzistergos was referring to previous comments. There is no point of order.

The Hon. J. HATZISTERGOS: The bill at least does one thing: it gives some guidance as to what the defences of lawful correction and reasonable chastisement are all about. It does so by firstly indicating that sensitive parts of the body—the face and head in particular—are out of bounds.

The Hon. D. F. Moppett: But how does that advance the situation?

The Hon. J. HATZISTERGOS: If you are kissing someone, that can be regarded as an assault. Is that supposed to be out of bounds of a reasonable defence? The bill provides guidance by referring to the outcome in particular if the harm is caused for more than a short period. So in two simple respects the bill provides guidance in an area where at the moment there is none. There is nothing different in that proposal from what currently exists in a number of other States. The defence is codified in the criminal codes in Queensland, Western Australia, Tasmania and even the Northern Territory. I have not seen in those jurisdictions the family breakdown that is claimed to be the outcome of such legislation. In those areas things are seen to go on in much the same way that I expect they will go on in this State once this bill becomes law.

The issue has been the subject of much consideration in jurisdictions overseas and has been discussed, as members would be aware, in the Standing Committee of Attorneys-General, which developed the model criminal code. In other jurisdictions there are much more radical proposals than this. Honourable members would be aware that in Sweden since 1979 there has been a ban on the use of corporal punishment by parents. The committee heard evidence that, according to surveys, when the legislation went through the Swedish Parliament about 53 per cent of the community were opposed to the proposal. More recent surveys have indicated that the Opposition is about 11 per cent. So a significant proportion of the community has moved its opinion and does not regard this—

The Hon. D. F. Moppett: We are not a province of the Swedish intellectual empire.

The Hon. J. HATZISTERGOS: On occasions, legislation that has come before this House has met significant opposition by members of Parliament. I recall that some time ago when legislation about domestic violence was first put on the statute book members said that it interfered with what was essentially family business. When legislation was passed to make it an offence to commit rape in marriage there was significant opposition. People regarded the bill as a pretty offensive interference in the rights of individuals. Who these days would say that those pieces of legislation should be repealed? When this bill is passed people will not argue about it because people will move their opinion. They will understand what the bill is about. It is trying to achieve a sensible balance between the rights of parents and the need to protect children from excessive punishment and harm.

Many interest groups appeared before the committee and made submissions, including the Australian Medical Association, the Faculty of the Royal Australian College of General Practitioners and a number of individuals involved in paediatric care. All the health experts and witnesses with a medical background supported the bill. That was because of their concern that there was significant potential for serious injury being caused to a child in the event of the child being hit, particularly on the neck, in a way that would cause harm of greater than a short-term nature. I did not see anything from any of the people who opposed the bill that contradicted or tackled that strand of evidence heard by the committee.

I have mentioned the legislation in Sweden, which is much more radical than this bill. The Swedish lead has been followed in a number of other countries, such as Austria, Latvia, Cyprus and Croatia. The communities of those countries oppose any form of corporal punishment. That is not what is being put forward in the bill; it is a much more moderate proposal, and a sensible one. It provides a sensible balance between the rights of parents and the interests of children. Something has been said about the educative value of the bill.

People have attempted to pour scorn on the aspirations of the bill. Professor Patrick Parkinson from the University of Sydney said in his evidence before the committee that the benefit of the bill lies in the prevention of injuries not in the bill's use for prosecutions. That is to say, the purpose of the bill was to set a standard and not to be a source of prosecutions.

Reverend the Hon. F. J. Nile: Bills don't work like that.

The Hon. J. HATZISTERGOS: There has been scorn, but it is important that Reverend the Hon. F. J. Nile recognise one fact: the bill will not become operational until 12 months after the date of assent. During this period there will be a public education campaign so that the bill may be fully understood before it comes into force. The importance of community education cannot be understated.

Reverend the Hon. F. J. Nile: We support education.

The Hon. J. HATZISTERGOS: I have to ask Reverend the Hon. F. J. Nile two things. Firstly, does he believe that a child should be struck by anyone, other than in a trivial or negligible manner, on the face or head?

Reverend the Hon. F. J. Nile: No, not normally.

The Hon. J. HATZISTERGOS: Secondly, does he believe that a child should be struck in a way that causes harm, not pain, for other than a short period?

Reverend the Hon. F. J. Nile: That is the whole point. Is it five seconds or an hour? If you support my amendment, we will have some certainty.

The Hon. J. HATZISTERGOS: He says he does not understand.

Reverend the Hon. F. J. Nile: Support my amendment.

The Hon. J. HATZISTERGOS: I will look at it when the time comes. If he has affirmative answers to both those questions, he should support the bill.

Reverend the Hon. F. J. Nile: They are subjective; they are not objective.

The Hon. J. HATZISTERGOS: I will address his amendments in Committee. If he answers those questions in the affirmative—I think he has for one, but he has a question mark about the other one—this bill becomes unobjectionable. I take exception to people who have attempted to use Christianity in this debate to add force to their opposition to the proposal.

Reverend the Hon. F. J. Nile: We object to misrepresenting Christianity to get support for the bill.

The Hon. J. HATZISTERGOS: I certainly took exception to the remarks of the Hon. R. S. L. Jones; they were unnecessary. However, I am equally offended by some remarks by Christian groups—not all of them, I might add—who have tried to put their arguments in an extremely polemic way, by suggesting that striking a child is a biblical obligation.

Reverend the Hon. F. J. Nile: Disciplining or correcting your children?

The Hon. J. HATZISTERGOS: Perhaps I should clarify what I am alluding to.

Reverend the Hon. F. J. Nile: Don't misrepresent Christians.

The Hon. J. HATZISTERGOS: I will not. I am not misrepresenting anyone. I am merely pointing out the evidence, and I will take you to that. One of the arguments put forward to the committee—forget the detail of it—was that if this bill goes through, parents will think that they can no longer discipline their children and will take other forms of discipline like denying their children food. That statement was put to the committee by a Mr Pollard—the honourable member probably knows who he is. He said that parents will starve their children for two to three days because they will no longer feel comfortable about disciplining them. What a load of rubbish! The other argument was that if teachers cannot discipline children immediately after the impact, they

will put them on detention and, therefore, they will be delayed going home on the train and could be subject to violence on the train. This is the sort of drivel we had to put up with from some people who argued that there was something exceptional about this bill. Hundreds of children are put on detention in schools all over this State, and I have yet to see a single case where someone has gone home late and been bashed or assaulted on a train because he or she could not be corporally disciplined by a teacher at the time. This debate has engendered considerable emotion. I object to people using Christianity in this way.

The Hon. Elaine Nile: For some Christians it is not just a Sunday thing. It is the way we live and it is what we believe because we are told to do that by Jesus Christ. If that is offensive to you, so be it, but that is where many Christians come from. Some of us are not fundamentalists, as many people say.

The Hon. J. HATZISTERGOS: No doubt the Hon. Elaine Nile will have an opportunity to speak in the debate. I have not accused anyone in this debate; to the contrary, I have criticised what the Hon. R. S. L. Jones said on the last occasion. On the other side of the argument, I do not believe it is appropriate that Christianity be injected into the debate to suggest that this is a conscience matter for Christians and that we should disregard the merits of this bill, and the medical science and evidence before the committee, and concentrate on fundamentalism and extract sections of the *Bible* to justify our stand. This is an important debate and people can put different perspectives on it. However, it is not necessary to resort to these sorts of sources in order to justify a position. I look forward to the Committee stage of the bill and to considering the amendment of the Christian Democratic Party. [*Time expired*.]

The Hon. P. J. BREEN [3.03 p.m.]: I, too, support the Crimes Amendment (Child Protection—Excessive Punishment) Bill. I compliment the Hon. A. G. Corbett on his dedication and assistance in bringing the bill for the House. I was interested to note the editorial in today's *Sydney Morning Herald*, which stated that support for crossbench initiatives such as this one usually require some quid pro quo from the crossbench member.

Reverend the Hon. F. J. Nile: Horse trading is the word.

The Hon. P. J. BREEN: It is one I do not agree with. The inference to be drawn from that kind of expression is that the Hon. A. G. Corbett has somehow sold out in order to obtain Government support for the bill. My observation is contrary to that. The Hon. A. G. Corbett has remained remarkably true to his cause. His last-minute compromise in relation to the use of implements to discipline children is no different from the compromises we all make in order to accommodate different points of view about what makes the world go round and what makes legislation like this important. The editorial in the *Sydney Morning Herald* also acknowledged the importance of the parliamentary committee system as it worked in this case. The editorial said that the bill received a new lease of life from State Parliament's standing committee on law and justice, and I believe that is true. I was a member of that committee.

Reverend the Hon. F. J. Nile: That is why you actually moved the motion for the bill to be referred to a committee. The bill would have been defeated on the vote that day.

The Hon. P. J. BREEN: It was obviously a good move; the *Sydney Morning Herald* gave great praise to the work of the committee. As a member of the committee I must say that the deliberations were very constructive. All witnesses had an opportunity to express their points of view and they were all accommodated, one way or the other. The overwhelming body of evidence to the committee suggested that children need to be properly protected from assault and injury in exactly the same way that the rest of the community is protected. In fact, it is stating the obvious to say that children need greater protection from assault and injury than adults do because their bodies and their minds are so much more fragile.

I find it ironic that religious organisations feature so strongly in opposition to the bill. One might have expected that the good-neighbour principle would be brought into sharpest focus in the parent and child relationship. This was not the case in the committee hearings. One witness after another spoke about so-called biblical justification for wielding the rod. Of course, I am aware that religion has been used to justify many things: not just disciplining children but also wars and various other interventions.

It could also be argued that religion is often used in this House to persecute non-believers, as occurred as late as last night, or to persecute believers of different faiths. This is all good fun, some people would say, but to hear adults using religion to justify treating children in a harsh, and sometimes cruel, way is cause for concern. The bill goes some way towards addressing that concern. Any form of harsh or cruel treatment of

children ought to be condemned, whether we call it discipline, punishment or biblical chastisement. They are all euphemisms for cruelty, and in any other context would bring the full force of the law down on the perpetrators. Australia has ratified the United Nations Convention on the Rights of the Child, and that convention binds the Commonwealth to take measures to protect children from physical and mental abuse.

It is true that State governments are not bound by that convention, but it serves as a useful benchmark for the kind of admonition of a child that the international community finds acceptable. Experience overseas has been that once child protection laws of this kind are put in place, community acceptance quickly follows. We had a similar experience in Australia with our race and sex discrimination laws. It is true that 25 years ago many people were horrified that one could no longer discriminate against a person because of that person's gender or the colour of his or her eyes. Today we would not countenance a legal system without statutory protections of that kind.

There are circumstances in which just laws of the kind before the House do influence public opinion, as the Hon. J. Hatzistergos noted, and once they are in place people wonder how we got by without them. I have no doubt that people would feel the same way about a statutory bill of rights if we were to introduce one, but that is a debate for another day. I believe that the Hon. A. G. Corbett's bill will eventually achieve the status of fundamental principle in our legal system and he is to be congratulated on his initiative. I commend the bill to the House.

The Hon. Dr P. WONG [3.11 p.m.]: I support this amended legislation, which will put into law some overdue reforms to legislation relating to the reasonable punishment of children. I commend the Hon. A. G. Corbett for his hard work and perseverance, and that of his staff, in the drafting of this bill and its promotion over a four-year period. It is good to see that the New South Wales Labor Government, a government of the party of reform, has finally agreed to support at least part of this reform legislation!

The Hon. R. H. Colless: Dragged screaming and kicking.

The Hon. Dr P. WONG: I know. The Hon. A. G. Corbett consulted extensively with community organisations and stakeholders to ensure that the draft legislation reflected the views and wishes of most people. In fact, he has probably consulted more on this legislation than the Government has consulted on all of its legislative agenda so far this year. Of course, that is understandable. After all, the Government is busy developing important socially progressive legislation, such as—well, I cannot think of any at the moment. The Government is, of course, busy running the government and does not have as much time as it would like to show leadership on social issues, or to consult widely on its legislative program—although the Premier does have time to comment publicly on the worth or otherwise of movies such as *Crouching Tiger, Hidden Dragon*. It is interesting to see where the Government's priorities lie. I support the visionary legislation of the Hon. A. G. Corbett.

The Hon. H. S. TSANG [3.13 p.m.]: I support the Crimes Amendment (Child Protection—Excessive Punishment) Bill and congratulate the Hon. A. G. Corbett on his good work. In supporting the bill I want to refer to a perception in the Chinese community that in Australia parents are unable to control their children because the law does not allow them to control their children. For some time there has been a lot of confusion and anxiety in Chinese families as to what is deemed to be reasonable restraint. Therefore they need a law, but even this law contains certain aspects of great concern to the Chinese community.

I would like to outline my personal experience. My own children were raised in Australia and they have done extremely well—one is a lawyer who is studying for his master's degree in business administration, and the other is studying fourth-year architecture. They behave very well, but when they were younger they were like all other children, and probably a little more than naughty from time to time. I obviously had a way of restraining them, but if this bill had been introduced 25 years ago I think my restraint would have been deemed excessive. For instance, my wife would say to me, "The kids are naughty. You punish them."

The Hon. C. J. S. Lynn: Wouldn't guidelines be more useful than the law?

The Hon. H. S. TSANG: Guidelines do help, but members of the community need to be educated so that they understand them. I am not condemning those people, but there is a perception in the community that in Australia one is not allowed to restrain a child with force. It is good that this bill defines what is a reasonable way of restraining children. It clearly states that using a stick or any other object is not reasonable. In that sense, I am guilty. For instance, when my children were younger I often had to restrain them. I did not belt them the

first time; I gave them three warnings. But I did belt them with my hand, and it hurt my hand. I hit them on the backside and hurt my hand. I can tell you it left a mark on the child's bottom. I hit them damned hard. I think with this definition I would have had to find other means of restraining them. Maybe there are other ways of doing it. The bill defines them, but in the Chinese community, using a cane is considered reasonable. The good thing is that the bill states that in the Australian norm or law, using the cane is not reasonable.

Reverend the Hon. F. J. Nile: It is. You can use the cane now. The Labor Government has taken that out of the bill.

The Hon. H. S. TSANG: You can? Oh, that is good. It says "object" and I did not know whether a cane was an object or not. It is good that the bill uses the word "reasonable". That means that if the matter goes to court, the court would look at the common law issue as to what is deemed to be reasonable, and that is a good thing. I want to say further that I grew up in a very strongly disciplined family—no kidding! If we did not behave, we would be knocked on the head. In the Chinese community the easy way is to pull the ears. If you did not go into the classroom, the teacher would pull your ears. Therefore, the word "reasonable" would be sufficient if the matter were to go to court. The court would look at the background of the family and their circumstances.

After this bill has been passed there should be an education campaign, a forum where ethnic communities can be invited to discuss what they deem to be reasonable and what they deem to be unreasonable. I endorse the bill but I suggest there should be an education process where different community groups with different expectations would be able to discuss what they deem to be reasonable restraint. It should involve not only the community but also the judiciary. The judiciary should participate in order to gain an understanding of the expectations and culture of the various groups that live in Australia. Without further ado I congratulate the Hon. A. G. Corbett on bringing this issue into the open. From now on I shall restrain myself from belting my grandchildren when they misbehave.

The Hon. Dr B. P. V. PEZZUTTI [3.18 p.m.]: I strongly support the bill and congratulate the Hon. A. G. Corbett on his single-minded pursuit of what is a very straightforward issue.

Reverend the Hon. F. J. Nile: Did you say you support the bill?

The Hon. Dr B. P. V. PEZZUTTI: Of course I support the bill—more importantly, I congratulate the Hon. A. G. Corbett on his tireless efforts. I have to say that he exposed himself to unnecessary ridicule, but the support of a huge number of organisations has given him the strength to carry this matter forward. The Hon. A. G. Corbett has had a couple of goes before, and minor changes have been made to the original bill. Further minor changes will be made if we are to make sure that the community understands that only the courts can punish anyone in this State.

Reverend the Hon. F. J. Nile: Parents are allowed to smack their children.

The Hon. Dr B. P. V. PEZZUTTI: Reverend the Hon. F. J. Nile said that parents are allowed to smack their children, and they are. I draw the attention of Reverend the Hon. F. J. Nile to a statement published by Mr Alex Damon which I think gives the clearest definition on this subject. It states:

> Children are the only group in our society which can be hit with the protection of the law: any similar attack on anyone else would constitute a criminal assault.

The important thing is that under common law parents are only allowed to use the defence of reasonable chastisement or lawful correction. The common law does not say that one can punish a child.

Reverend the Hon. F. J. Nile: You can smack a child.

The Hon. Dr B. P. V. PEZZUTTI: That is right, but only when using the defence of reasonable chastisement and lawful correction.

Reverend the Hon. F. J. Nile: That is right.

The Hon. Dr B. P. V. PEZZUTTI: This bill is needed to make clear what is reasonable chastisement and lawful correction. I have heard many of my colleagues and members on the other side say that they punish their children. People were never allowed to punish their children in this State, and still they are not allowed to punish their children in this State.

The Hon. H. S. Tsang: Of course you can.

The Hon. Dr B. P. V. PEZZUTTI: No, you cannot. I notice that the Government has moved to change the name of the bill, and quite properly so. The Hon. A. G. Corbett decided to use the words "Excessive Punishment", but he was wrong. He now realises that he was wrong. I congratulate the Government on finding those new words and changing the name of the bill to encompass child abuse. The bill is to be renamed the Child Protection Physical Mistreatment Bill. That is important, because I recognise, and the Government and the Hon. A. G. Corbett now recognise, that we are not allowed to physically abuse children.

The law has always allowed one to correct children, and to use reasonable force to restrain them to protect them from danger, but one is not allowed to punish children. For a very long time the common law has not allowed us to punish children, and the precedents go back for 25 years in Scottish law. The American law has now picked that up, and a series of nations have legislated for that. Today's *Sydney Morning Herald* states that Sweden, Finland, Denmark, Norway, Austria, Cyprus, Croatia, Latvia, Germany, Italy and Israel have legislated against corporal punishment of children. And those countries did not fall apart when they codified their law! Initially Sweden thought that there would be an outbreak of all sorts of problems; for example, people would be undisciplined. However, Sweden has a very protective and direct way of raising children.

The Hon. Elaine Nile: They are very good with drugs.

The Hon. Dr B. P. V. PEZZUTTI: The Hon. Elaine Nile said that Sweden is very good with drugs. Sweden is protective, with high spending on education and intervention. It has compulsory treatment programs, and a large number of programs are available for people to be treated.

The Hon. J. F. Ryan: Low imprisonment regimes.

The Hon. Dr B. P. V. PEZZUTTI: Very low imprisonment regimes. But, of course, they have very low drug taking. Because of the way in which Sweden approaches child raising and the importance it places on parental responsibility and on the community support of parents through parenting courses, et cetera, the uptake of drugs is almost zero. People taking drugs are seen to be losers. That is what we want to achieve. We will not achieve that by belting children around the ears. I hear people say that in the old days when a policeman caught a child doing something wrong he would "boot the child up the bum", and that would fix him.

I do not think that that has ever been true. I hear some members in this House commenting that we should revert to those days and allow the police to hand out a little summary punishment. The Minister for Juvenile Justice is looking horrified, as she should be. She would not want juvenile justice being meted out at the back of a local club or on the football field by police kicking or belting people around the ears, would she?

The Hon. Carmel Tebbutt: No, I certainly wouldn't.

The Hon. Dr B. P. V. PEZZUTTI: No, and no-one in this Chamber would support that either. There is nothing in the common law that anybody in this Chamber objects to. If there are any members in this Chamber who object to what the common law provides for the chastisement and correction of children, let them put up their hands and declare themselves to be child abusers; because under the law that is what they would be. This bill codifies the common law. What's the big deal? Those members who put up their hand to vote against the bill are saying that they do not approve of the common law, that they want it changed. They say that Parliament can change the common law to some extent. No member of this Chamber disagrees in substance with anything in this bill under common law. Not one person—not Reverend the Hon. F. J. Nile, not the Hon. Elaine Nile. Members are saying that it is unnecessary.

Reverend the Hon. F. J. Nile: I do not like it.

The Hon. Dr B. P. V. PEZZUTTI: You do not like it?

Reverend the Hon. F. J. Nile: I do not agree with what is in the bill.

The Hon. Dr B. P. V. PEZZUTTI: You do not agree with the common law?

Reverend the Hon. F. J. Nile: Not if it prohibits an object such as a wooden spoon.

The Hon. Dr B. P. V. PEZZUTTI: I was supportive of the bill, but if the Government introduces an amendment with which it is comfortable, I will examine that at some stage. Whether one can use a wooden spoon, or something else, I can be comfortable with that.

Reverend the Hon. F. J. Nile: The amendment may not be carried.

The Hon. Dr B. P. V. PEZZUTTI: It may not be. I would be supportive of it without the amendment, or with the amendment, it does not matter. At the end of the day if a wooden spoon, or any object, is used, one still has to comply with the common law rules of what is reasonable chastisement and correction. They are the only defences that one can use. If the Hon. H. S. Tsang belted one of his children so hard that his hand hurt, the chances are that the child had a decent bruise as a result. The honourable member probably left a mark on the child's bum that was visible for days. Had there been a complaint made about him, he would have been gone forever. And quite rightly too.

The Hon. H. S. Tsang has learnt his lesson, and he will not do that again. I would wager that if he does it to any of his grandchildren, it will be the last time he sees them. If he does that to any of his grandchildren either before or after the passage of this bill, his children will not let him near his grandchildren again. He will not get access to them. Such action constitutes excessive punishment, not correction. The whole aim of the bill is discipline; how parents, carers, and people in loco parentis, discipline children; how to keep a child from danger; how to guide children into a reasonable activity; et cetera. Of course, there are lots of ways of doing that. For example, there is encouragement. We are not talking about excessive encouragement, are we? No-one would worry about excessive encouragement, except that some people would say that that is spoiling the child.

The Hon. J. F. Ryan: No it's not.

The Hon. Dr B. P. V. PEZZUTTI: Yes, it is. If children are given too much praise or encouragement that is spoiling them! They have to be belted every day to keep them in line! It is the old approach about the stick and the carrot. If you used the stick with the carrot, it is not nearly as good—

The Hon. H. S. Tsang: You can't use the stick, according to you. You can only use the carrot.

The Hon. Dr B. P. V. PEZZUTTI: No, using the stick or the carrot as an example—

Reverend the Hon. F. J. Nile: You can use the carrot.

The Hon. Dr B. P. V. PEZZUTTI: Reverend the Hon. F. J. Nile is a good joker! I respect children as people and I respect adults as people, and I would not do to a child what I would not do to an adult legally—or illegally. I would not bash anybody. I might shoot them when I am at war, but I would not bash them.

The Hon. Janelle Saffin: The State allows that at war in the line of duty.

The Hon. Dr B. P. V. PEZZUTTI: In the line of duty and only in self-defence because I am a member of the medical corps—or in defence of my patients! I shall conclude with one important comment. I do not mean to demean anybody's argument, but I refer to the argument about the *Bible* and correction. The *Bible* makes many interesting references, one of which, of course, is to selling children into slavery, which nobody would suggest we do. The *Bible* speaks of things we can and cannot eat and how we will be damned if we do. For example, if you eat pork you will be defiled; if you touch pork you will be defiled. We are not legislating to that effect because we do not follow that lifestyle. The *Bible* does not mean that literally. That was all about maintaining public health and a way of living.

The Hon. Elaine Nile: It's a very healthy way of living, too.

The Hon. Dr B. P. V. PEZZUTTI: If the Hon. Elaine Nile suggests that if you eat animals from the sea it shall be an abomination unto you, the next time I see her eating prawns I will say, "You are an abominated woman."

The Hon. Elaine Nile: I am told it is a very good way of living. I don't always do the right thing.

The Hon. Dr B. P. V. PEZZUTTI: None of us has ever pretended to be perfect. However, the *Bible* says we can and cannot eat a lot of things. Of course, that might have been a good public health message in the environment at the time, but nobody would suggest that we legislate against eating prawns, eels, pigs or geese. To take the *Bible* literally is to abuse the message of the Lord.

I shall conclude my remarks because we should vote on this bill today. I support the bill. The Hon. A. G. Corbett is courageous, he has been steadfast, and he has at least fulfilled one part of this bill. The *Sydney*

Morning Herald today published the outrageous statement, which I know he will dismiss in his reply, that he has been given a trade-off for supporting the Government. I know the Hon. A. G. Corbett extremely well and I know that would not be true, but he should mention that in his reply.

The Hon. C. J. S. LYNN [3.33 p.m.]: The House has had heated agreement on the need to protect children from any abuse and on the most effective ways to achieve this. The Hon. H. S. Tsang spoke about the need for parental education, parental support schemes, early intervention programs and so forth—programs and support schemes that need to be adequately funded to ensure that the possibility of child abuse is minimised in our society.

During this debate we have heard speakers from the complete spectrum of humanity: single parents, married parents, grandparents, bachelors and spinsters, whose views basically represent their family and cultural experiences as children and as parents. As members of Parliament they also spoke passionately on behalf of various well-intentioned interest groups that appeared before committees and communicated their concerns.

No-one could argue against the intent of these interest groups. The Liberal Party has been ridiculed for its stance on this issue, but it considers the best way to express in public debate the views of this wide spectrum of people and organisations on this important issue is to allow its members to represent those views. I find it incredible that the Hon. J. Hatzistergos said that the Labor Caucus unanimously supported this bill. If that is so, obviously some Labor members should not be in this place. I find that statement incredible and, frankly, I do not believe it.

If I thought this bill could somehow change parental behaviour to ensure young children had better protection from abuse, and more specifically from child abuse, I would give it my unqualified support. But I do not believe this is the case. I do not believe that this bill has anything to do with changing parental behaviour. This bill is a political payback for the support of an Independent member of this House. The voting record of that member indicates that the strategy has worked pretty effectively. I suspect that is why Caucus was unanimous.

I do not believe that young parents are aware of the statutory laws that prescribe what they can or cannot do as parents. Quite frankly, I do not believe they care, because in raising their children they will generally reflect the attitudes and environment in which they grew up. Certainly as a young parent that was my experience. For me as a young father, and for my wife, Jill, as a young mother, our only concern was to work hard to provide a safe, secure and loving family environment for our children to grow up in. We were both the beneficiaries of such an environment and we wanted to make sure our children had that same environment. I remember that my brothers and sisters used to annoy mum a fair bit, because there were eight of us in a small house and we used to do all the normal things kids get up to. Whenever we had gone too far mum used to reach for the bannister brush, and when she did you got out of the kitchen pretty quickly.

I remember one day, when I was probably about as tall as my mother, I stepped over the line, and as she reached for the brush I was flying around the kitchen. The brush caught me on the point of the elbow as I was going around the corner. I was playing in a tennis tournament the next day and I remember being severely disabled. I certainly did not think that was a representative form of parental abuse; it was just kids establishing the limit. I do not believe we are talking about a different part of society that is not represented in this place. We are talking about a part of society that has fallen through the welfare net, as described in the *Sydney Morning Herald* today, and we must consider their perceptions of this debate.

The Hon. Dr B. P. V. Pezzutti referred to the opinion of Alex Damon, as expressed in today's *Sydney Morning Herald*, that children are the only group in our society that can be hit with the protection of the law, and that any similar attack on anyone else constitutes a criminal assault. We will create more problems than we set out to solve if we try to codify what constitutes physical abuse. The Attorney General's briefing note states that the Government's bill provides that the use of physical force to punish a child is not reasonable if it is applied in such a way as to be likely to cause harm that lasts for more than a short period. The lawyers will have an absolute feast when they argue these sorts of cases before the courts.

How do we assess the level of harm? How do we assess what is a short period? All of us have different levels of tolerance to pain. Does that mean that our levels have to be determined at birth? Is that possible? What level of harm does a parent inflict in the course of discipline, and how can it be measured? What physical evidence of abuse is required? Some people bruise more easily than others. Some people have only to bump into an object and they will have a large bruise. Others can receive a quite hard knock and not be bruised at all. It

depends on whether a child has a light or dark complexion. Honourable members could imagine the difficulty of a child with a dark complexion trying to convince someone that he has a bruise, because his physical make-up does not allow the bruise to show. It is rubbish!

What is a short period? Is it five minutes? It is half an hour? Is it two days? Is it one week? If somebody holds your head under water for more than one minute it seems like an extraordinarily long time. Such an act would not leave any bruises. What would we use as evidence for something like that? Horrific actions or experiences that last for only a few seconds can affect people for the rest of their lives. It depends on their psychological make-up and the circumstances. How do we assess that? How do we codify that in law? It cannot be done. The bill codifies physical abuse, but it is the thin edge of the wedge. If we pass this bill the politically correct do-gooders from the left will have to find another cause to justify their existence. They will move on to psychological abuse.

Physical abuse will leave a scar, but the incredible thing about a scar is that it will heal and the person scarred will recover completely. The body has a wonderful self-healing mechanism. But psychological abuse, with which the bill does not deal, results in scars that do not heal; scars that cannot be seen. If parents decide to use a form of psychological abuse on their children because they believe they no longer have the right to smack them—and that will be the perception, regardless of what we say in this place—they will revert to a much more damaging means of discipline, such as excommunicating the child. How does a child prove that? "My mum and dad didn't speak to me for three days. They locked me in a room."

The parents may use sarcasm. No greater damage can be inflicted on a child's psychological make-up than to use any form of sarcasm. If it is used in the morning, at lunchtime, in the night-time and at weekends it will have a permanent adverse effect on the psyche of the child. Parents may deny their children normal family privileges. We take great pride in the fact that we have a multicultural society. The Hon. H. S. Tsang referred to the concerns of the Chinese community, and a multitude of other communities have similar concerns. They come from different cultural backgrounds and they have different attitudes. We expect them to respect our values and, equally, we do not have the right to say that their attitudes and cultures are wrong.

If we were really serious and if we really wanted to assist people to be better parents we would establish guidelines for parenting, which could be part of our education system, to ensure that people are better educated and aware of the guidelines acceptable in Australia for the raising, caring and loving of children. We have the marketing power and the opportunity. I am sure that such guidelines would attract bipartisan support. If we wander into the field of psychological abuse that children could suffer, where do we go then? What does Big Brother do then? Do we put cameras in the homes of children who say at school, "I was locked in my room for the last 24 hours"? How do we detect that? How do we prove that?

Children who are psychologically abused have no physical marks. They cannot say, "I have a mark there." There are no scars. What do we do? Where does Big Brother go next? Does Big Brother go right into the family home? That is the next step. The bill is about physical abuse, but what about mental and psychological abuse? How do we measure that? How do we get evidence of psychological abuse?

The Hon. P. T. Primrose: It's easy. You do now.

The Hon. C. J. S. LYNN: Rubbish you do! I have seen and heard supporters of the bill trying to justify it by referring to that age-old chestnut: If one child is saved excessive physical abuse the legislation is worthwhile. The legislation now includes all parents—it was originally designed for the few parents who fall through the welfare net—and if one innocent family is brought before the courts as a result of the legislation, we as politicians should be forever condemned.

The Hon. Janelle Saffin: You don't understand it.

The Hon. C. J. S. LYNN: We do understand it. On 29 October 1998 the Hon. J. P. Hannaford expressed very clearly how common law has grown over the years, just as we have developed and evolved, to cater for instances of child abuse.

The Hon. J. F. Ryan: Only the lawyers understand it.

The Hon. C. J. S. LYNN: The honourable member may say only lawyers understand it, but this bill will add another layer to what lawyers can get their teeth into. In trying to codify physical abuse we will make it

much more complex. I refer honourable members to the speech made by the Hon. J. P. Hannaford on 29 October 1998. He clearly outlined the opportunities available under common law to prosecute people who abuse children. This bill does not codify the common law defence of lawful correction; on the contrary, I believe it makes it more complex by attempting to codify human behaviour and human trauma using vague motherhood statements such as "reasonable discipline", "short periods of time" and "levels of harm". One must wonder why this legislation is before the Parliament. There is only one reason: the Labor Party is giving political payback to the Hon. A. G. Corbett for his vote. This morning's edition of the *Sydney Morning Herald* picked up on this point when it said that Labor is in the business of horse trading. That is straight out of Graham Richardson's book *Whatever It Takes*.

The Hon. P. T. Primrose: Why did Kerry Chikarovski allow you a conscience vote?

The Hon. C. J. S. LYNN: That is an interesting point and our great strength. This is not an ideological issue. Liberal Party members may hold diverse views on issues concerning human behaviour and present those views in Parliament. That is not the case in the Labor Party. Did the Premier consult with those opposite when he changed his mind about the legislation? No, he did not. Labor members have answered my question with their silence.

When the Hon. A. G. Corbett first mentioned this bill in the House he said that as the media had taken no notice of it he believed the bill had been accepted. If that is his gauge, he should read the editorials and "Opinion" pieces in today's *Sydney Morning Herald* and in yesterday's *Daily Telegraph* and, more importantly, look at the cartoon in yesterday's *Daily Telegraph*, which ridicules the motives of this bill. Politicians who try to codify and legislate human behaviour are setting themselves up to be—and deserve to be—ridiculed. This is another opportunity for the Government to give the loony left a run on an issue that will have no impact on the way that parents bring up their children. However, it will make the left feel good and give it an issue to run with. The Government can say to the leftie there, "Look, mate, we did a little bit for you so now we want your vote for the rest of your time in Parliament." This is a waste of time and taxpayers' money. Those opposite stand condemned for bringing such a ridiculous bill to the House.

The Hon. ELAINE NILE [3.53 p.m.]: I oppose the Crimes Amendment (Child Protection—Excessive Punishment) Bill. It was quite a mouthful when Ms Lee Rhiannon described this legislation as the "first step". What will happen next? I agree with the Deputy Leader of the Opposition, who described this legislation as unnecessary. I also support my leader, who said the bill should have been redrafted before it came to the House as many honourable members have been speaking to it as though the amendments will be accepted—but who knows? I refer honourable members to the suffering of a family from Inverell, whose father writes:

> Six or seven years ago my wife and I were living happily in a rented house on a property approximately 10 km from the outskirts of Inverell. I disciplined one of my children on the front lawn of our house. The only possible person who could have reported this was our nearest neighbour living 400 metres across the road who had no possible way of knowing or hearing any of the situation for which my child required discipline.
>
> They reported this some weeks later at a public police phone in day which allowed them to report anonymously.
>
> My wife was called and interrogated at the police station by a detective. The detective then removed my children from school without any contact or consent from my wife or myself and questioned them. The principal and school teachers of my children's school where I was doing regular volunteer work, were questioned as well. The procedure for questioning my children was traumatising to them and they were made to feel as though either they or I were guilty of criminal offence. Not even a trained Department of Community Services worker was present …
>
> The only result was the significant pressure placed on my marriage and my children were traumatised. The hours and hours of distress caused trauma to my children far exceeding any caused by the few minutes of necessary discipline my children required. One of my children still regularly makes unfavourable comments about this experience ...
>
> Dame Enid Lyons the first Australian woman member of Parliament, stated that "the greatness of a society lies in the strength of its families."

This bill reveals that Parliament has no faith in the commonsense of the parents of New South Wales and Australia as a whole. The Hon. J. Hatzistergos referred to the Queensland Child Protection Act 1999. I have received a letter from a father accused of bruising his 15-year-old child, who had been left blind and in a wheelchair after being resuscitated from sudden infant death syndrome. The police took photographs and said that they could see no evidence of abuse. Yet they had burst into this family's home and the clip that normally covers a police revolver was removed and the policeman had his hand in a position that suggested he was about to draw his weapon. The letter is unbelievable. We do not want what Queensland has. I believe New South Wales parents have more commonsense than many members of Parliament.

I also received a letter from a woman who has taken out an apprehended violence order [AVO] against her husband, who has been violent towards her. This woman has a small child and her husband has accused her of child abuse, even though she only smacked the child. Many women in a similar situation are worried sick about this bill. It has created fear in society—and we will never know the fear experienced by a deserted wife who has taken out an AVO against her violent husband. This mother says that her child has become a bargaining tool in attempts to blackmail her.

We have received letters from other parents whose children have been taken by the Department of Community Services. No evidence has been presented and they have not been charged. These parents are desperate because they have not seen their children for 18 months. I believe that this bill is unnecessary. The Hon. Dr A. Chesterfield-Evans does not know what he is talking about when he refers to the church and religion. The same goes for the Hon. R. S. L. Jones—he should get a *Bible* and read it.

The Hon. Dr B. P. V. Pezzutti: I did.

The Hon. ELAINE NILE: And you put it in context, my brother. Many honourable members do not know how to interpret the *Bible* or what they are reading. My leader referred in the Chamber to divisions. I am a member of the Uniting Church—which I am about to leave because of its shooting gallery policies.

The Hon. D. J. Gay: I left it years ago.

The Hon. ELAINE NILE: I know; the Hon. D. J. Gay has more sense than I do. Not all of those in the Christian church regard the teachings of the *Bible* as a way of life. Many people take the title "Christian" but they do not follow the teachings of Jesus Christ: They add their own definitions here and there and choose what they want to believe. As one who is a Christian seven days a week I find it difficult to listen in this Chamber to Opposition members who criticise Christians. Real Christians love their children and chastise them because they love them. I tell my grandchildren, "Nanna is going to give you a little smack because she loves you," and I then make them explain to me what they have done.

This is the way it works with the majority of Christian parents in the church. I am afraid that many members of this Chamber have a real grudge against the church. It is apparent when they speak in this House. It is not a religion to me; it is a faith by which I live day by day. The *Bible* says that you are to believe it, you are to live it and you are to act upon it.

The correction of a child is taught through the Scriptures—loving correction. In the same way, we believe a husband loves his wife as he loves his own body. The fruit of the womb is the fruit of love between a husband and a wife. Normal people do not deliberately harm their children. The bill talks about child abuse. I cannot understand academics and doctors who talk about a child being bashed over the head and given brain damage and so on in the context of discipline. That is definitely child abuse. It is not disciplining a child. I believe the name of the bill should be changed. As the Hon. D. F. Moppett said, there are a lot of busybodies around pointing fingers at people and trying to bring them down. A North Coast mother who had a child at high school was confronted at her door with a number of DOCS workers.

Pursuant to sessional orders business interrupted.

QUESTIONS WITHOUT NOTICE

WORKERS COMPENSATION LEGISLATION

The Hon. M. J. GALLACHER: My question is to the Special Minister of State, and Minister for Industrial Relations. Which workers compensation stakeholders, if any, did the Minister consult with over what he described on Tuesday as two of the most critical areas of dispute resolution—namely, the application of forms of medical assessment as opposed to judicial assessment to determine claims; and changing from a table of maims to a form of whole-of-person impairment—prior to giving his second reading speech on 29 March?

The Hon. M. R. Egan: Point of order: From my hearing of the question it anticipates debate on a bill that is before the House.

The Hon. M. J. Gallacher: To the point of order: The Special Minister of State freely supplied this information in answer to a question on Tuesday. I am merely extracting further information.

The Hon. J. F. Ryan: Supplementary information.

The Hon. M. J. GALLACHER: As the Hon. J. F. Ryan properly interjects, this is merely seeking information that is supplementary to the answer the Minister gave last Tuesday.

The Hon. M. R. Egan: Further to the point of order: If the question was not objected to on Tuesday it must have been a momentary lapse on my part. The fact that I erred once is no reason for me to err a second time. Therefore I am putting matters right by raising the appropriate point of order.

The Hon. D. J. Gay: To the point of order: The point of order is not appropriate and should not be accepted. The Treasurer has a habit of taking questions from other Ministers when he perceives that those Ministers are in trouble. It is a fact that the Special Minister of State is in trouble but, frankly, you should not allow the Treasurer to try to protect him. The training wheels should be taken off this fellow.

The Hon. M. R. Egan: Further to the point of order: The Leader of the Opposition interjected sotto voce, "Della, you can answer it." Of course he can answer it. That is not the point. The question is out of order and should be ruled out of order.

The PRESIDENT: Order! I will not restate the whole of my ruling of yesterday, but that aspect of the ruling that is important to whether or not a question anticipates debate is that passage from Erskine May that says:

> … a matter must not be anticipated if it is contained in a more effective form of proceeding than the proceeding by which it is sought to be anticipated …

Obviously, legislation is a more effective form of proceeding than a question. The question quite clearly anticipates debate on a matter that is before the House and I rule it out of order.

MAGISTRATES EARLY REFERRAL INTO TREATMENT PROGRAM

The Hon. A. B. KELLY: Will the Special Minister of State inform the House of any new drug crime diversion initiatives for the Illawarra region and outcomes of any other trial?

The Hon. J. J. DELLA BOSCA: I am pleased to inform the House that in February I launched the second trial of the Magistrates Early Referral into Treatment program, better known as the MERIT program, in the Illawarra region. This innovative drug crime divergent program steers offenders who have had a wide range of drug problems into a range of treatment and rehabilitation services in an effort to prevent further drug-related crime. MERIT is an initiative of the New South Wales Drug Summit and began in July 2000 on a trial basis in Lismore and surrounding Local Courts. Early positive results have prompted the Government to expand the scheme into the Illawarra. MERIT targets defendants who have a drug problem, who are suitable for release on bail and who in the opinion of the magistrate are motivated to engage in treatment and rehabilitation. Participation is on a voluntary basis and forms part of the bail conditions.

As an initiative which takes a fresh approach to the problem of drug-related crime, the scheme uses a comprehensive range of health and welfare services, detoxification, treatment and rehabilitation. Participants are closely case managed by the MERIT team throughout their treatment and rehabilitation. The Illawarra MERIT program complements our trial of a Drug Court at Parramatta, and forms part of a powerful range of innovative drug crime diversions schemes such as the cannabis cautioning scheme and the drug offenders compulsory treatment pilot project currently being conducted by the New South Wales Police Service. This is an important new program for the Illawarra and highlights the progress that is being made in New South Wales to implement new ways of dealing with illicit drug issues.

As I have mentioned, the MERIT program has been operating in Lismore since last July and I am pleased to tell the House that the early results are very encouraging. One of the less expected, but positive, outcomes in Lismore is that the program appears to be reaching long-term addicts who have not accessed treatment services over many years of drug use. Some offenders who have entered residential rehabilitation programs on graduation from the program have shown a desire to continue with their treatment programs. As anybody who has dealt with the drug problem knows, the most critical issue in encouraging people to turn their lives around is the individual having the motivation to do so, and that motivation must come from within the individual.

For the MERIT program to be successful it needs access to a full range of health and welfare services. Many clients face complex problems ranging from drug dependence and health disorders through to

unemployment and the associated financial and housing difficulties. Families may be dysfunctional and children are often at risk. On top of this, clients have to deal with their criminal and occasionally civil legal problems, some of which are complicated and long-standing. In the Illawarra a wide range of drug treatment services are available to support the program. The diversion service team will work closely with non-government organisations to match the clients with the appropriate services to address their problems. Clients can also be referred by the MERIT diversion team to a range of other agencies that provide direct services to address their broader problems such as housing, employment, health and living skills. Access to those broader services is absolutely essential to support participants while they are on the MERIT program, and to provide them with ongoing support and skills after they graduate from it. I look forward to informing the House at a later date of further outcomes from these important MERIT trials.

ELECTRICITY CHARGES

The Hon. D. J. GAY: Will the Treasurer explain how, despite his repeated comments that contestable electricity customers have enjoyed retail price savings, the owner of a medium-size business in Molong has been quoted prices per kilowatt hour for a three-year supply contract that are almost 2½ times higher than the prices quoted in his previous three-year contract entered into in 1998?

The Hon. M. R. EGAN: I can only assume that the business to which the Deputy Leader of the Opposition was referring must have been paying an extraordinarily low price for electricity under its previous electricity contract. What I can advise the House is that overall, in real terms, there has been a reduction, I believe, of just over 10 per cent, in electricity prices for domestic customers, and for business customers the reductions have been even more significant. It is true that many contracts for business and commercial users are now expiring. It is likely, given the current price of wholesale electricity, that the contract prices companies will be entering into will be higher than they were previously. When I say "previously" I mean post-reform. I would expect that most companies will still be paying a lot less than they were pre-reform.

The Hon. Dr B. P. V. Pezzutti: No.

The Hon. M. R. EGAN: Yes. The Hon. Dr B. P. V. Pezzutti is wrong and if he is not careful I will give him another lecture in theology, so he should just sit there and behave himself. If the Deputy Leader of the Opposition wants to provide me with the details, I would be happy to have the matter explored. If consumers do not want to buy their power from a New South Wales distributor, they can buy it from any of the private sector competitors or the Victorian competitors. It is a contestable market and, therefore, the prices are set by the market.

The Hon. D. J. GAY: I ask a supplementary question. In light of the Treasurer's answer, will he explain why the accompanying letter from the State-owned electricity supplier, Advance Energy, indicated to the customer that it was currently supplying electricity under market prices and that electricity prices have risen for all customers in the market? Is the company, Advance Energy, wrong or is the Treasurer wrong in his assertions that prices have fallen under a contestable market?

The Hon. M. R. EGAN: I listened as carefully as I could to the Deputy Leader of the Opposition reading from the document he has and there is actually nothing in it that is inconsistent with anything I said. There is no doubt that current prices are higher than existing contracts—in other words, contracts that were entered into two, three or four years ago. That is because the market price for wholesale electricity has risen in the last 12 months compared to what it was two or three years ago.

The Hon. D. J. Gay: It is dearer. It has put the price up.

The Hon. M. R. EGAN: No, contestability has not put the price up. Contestability brought the price down and because the wholesale price in the market has gone up, it is likely that when people sign new contracts they will be signing at a price higher than the price in the contracts they signed up to two, three or four years ago.

CABRAMATTA ANTI-DRUG STRATEGY

The Hon. Dr P. WONG: My question is directed to the Treasurer, representing the Premier. While the community heartily welcomes the current crackdown on drugs in Cabramatta announced by the Premier, is he aware that the current crackdown has led to a marked increase in drug dealing on Cabramatta Road west, just

before one enters Cabramatta, especially between 6.00 p.m. and 10.00 p.m.? What strategies does the Government intend to implement to address the problem of the displacement of the drug problem to other parts of Cabramatta and, indeed, other parts of Sydney?

The Hon. M. R. EGAN: I thank the honourable member for his question, which I will refer to the Premier for a response.

FAR WEST MINERALS AND PETROLEUM EXPLORATION

The Hon. JANELLE SAFFIN: My question without notice is to the Minister for Mineral Resources. Will the Minister inform the House what efforts the Government is making to encourage petroleum exploration and investment in the State's Far West?

The Hon. E. M. OBEID: The Carr Government is committed to encouraging investment and exploration for petroleum. Currently, we are totally reliant on imported petroleum to meet our State's needs. Today I am pleased to announce that a package of New South Wales government information about the Eromanga region is to be made available to companies interested in investing in this area. The Eromanga Basin covers a large section of our State's north and north-west region. This important information package is the direct result of the New South Wales Government's $35 million exploration and investment program, Exploration New South Wales, which builds on the success of Discovery 2000. Funds from these programs have been used to undertake a number of geological and geophysical studies of this region. New information includes studies of gas flows from water bores and drill holes. The geophysical surveys include magnetic, radiometric and gravity studies of this remote area.

The Hon. M. J. Gallacher: Milton is keeping an eye on you.

The Hon. E. M. OBEID: He is my mate.

The Hon. M. R. Egan: He might be your mate but he is not mine.

The Hon. E. M. OBEID: Milton is my good friend. He is always recognised when he enters this Chamber. This new information concentrates on the eastern part of the region between Bourke and the Queensland border. It is anticipated that these new studies will encourage companies to apply for new petroleum exploration licences. The Eromanga petroleum data package will be officially released next Monday at the Australian Petroleum Production and Exploration Association Conference in Hobart. To ensure potential investors have adequate time to access this new information, an embargo on the granting of petroleum exploration titles in eastern Eromanga will remain in force until July. At the end of the embargo all applications for petroleum exploration titles will be assessed and titles will be granted.

LEGAL PROFESSION DRIVING RECORD DISCLOSURE

The Hon. P. J. BREEN: My question without notice is to the Treasurer, representing the Attorney General. Is the Attorney aware of concern amongst members of the legal profession that recent changes to subordinate legislation requiring lawyers to disclose information about their driving records to the Law Society of New South Wales and the New South Wales Bar Association may be a breach of their privacy rights? Is the Attorney aware also that the new laws may be unenforceable because they deny natural justice, again raising the question whether the lawyers' trade unions should also be responsible for their conduct and discipline? Will the Attorney obtain advice from the Crown Solicitor about all aspects of the new laws?

The Hon. M. R. EGAN: At the risk of putting my foot in it, I saw some reference somewhere to this matter and I must say that I was intrigued by it. I thank the Hon. P. J. Breen for his question, which I will refer to my colleague the Attorney General for a response.

MARKET IMPLEMENTATION GROUP

The Hon. J. H. JOBLING: My question without notice is to the Treasurer, Minister for State Development, and Vice-President of the Executive Council. Is it a fact that one of the State's largest and most successful State-owned electricity distributors has now refused to accede to Treasury Secretary John Pierce's request for money to be made available from the State-owned companies to fund the ongoing and exorbitant costs of funding the market implementation group?

The Hon. M. R. EGAN: Not that I am aware of.

NEW SOUTH WALES TOURISM

The Hon. H. S. TSANG: My question without notice is to the Treasurer, and Minister for State Development. Will the Treasurer update the House on the latest success of New South Wales as a tourist State?

The Hon. M. R. EGAN: I thank the Hon. H. S. Tsang for his question. His questions are always topical, interesting and important. The Sydney 2000 Olympics have helped produce quite a number of stunning results for New South Wales. According to a new nationwide survey released last week New South Wales, as one would expect, is Australia's most desired tourist destination. The survey conducted by See Australia reveals that New South Wales receives the highest proportion of domestic interstate travellers in Australia—these are interstate visitors, not international visitors. When it comes to international visitors, of course, New South Wales wins hands down, but it seems that we also win hands down in regard to interstate travellers.

These results are a great outcome for New South Wales, especially in relation to the economic importance of tourism to the State. Tourism is worth approximately $19.6 billion a year to New South Wales, and employs more than 200,000 people. That is a staggering figure, $19.6 billion—in other words, $19,600,000,000, which is just under 10 per cent of the State's gross domestic product [GDP]. Doing a bit of quick mental arithmetic, which of course we can in New South Wales—unlike our Queensland colleagues—that is probably about 8 per cent of the State's GDP. The Government is working hard to ensure that New South Wales remains Australia's No. 1 tourist destination, building on the popularity of the Sydney 2000 Olympic Games.

The Hon. J. H. Jobling: So long as they don't want to travel on a ferry.

The Hon. M. R. EGAN: I'll tell you what, there would not be a ferry in the world robust enough to carry the Hon. J. H. Jobling! About that we can be sure.

The Hon. D. J. Gay: You are catching up.

The Hon. M. R. EGAN: The Deputy Leader of the Opposition insulted me. He said that I am catching up. I assume he means by that that I am approaching the size of our colleague the Hon. J. H. Jobling. I have to say that is true, but I am going to do something about it. I am glad to see that the Deputy Leader of the Opposition is also suffering from the same problem. In fact, we are all getting old. When I look at the photographs of some of you people taken a few years ago, you are all bright-eyed and bushy tailed and fairly thin, but the Hon. Dr B. P. V. Pezzutti is enough to send anyone to seed.

The Hon. Dr B. P. V. Pezzutti: Point of order: I draw your attention to the fact that the Minister is not being relevant or answering the question. I am very interested to hear if he has a catalogue in his back pocket to tell us what is happening in respect of coastal tourism.

The PRESIDENT: Order! The Minister was quite obviously being led astray by interjections, especially from the Hon. J. H. Jobling. Interjections are disorderly. The Minister may proceed.

[*Interruption*]

The Hon. M. R. EGAN: The Leader of the Opposition has made the insulting suggestion that I have only just discovered the gymnasium in Parliament House. In fact, I was a regular user of that well before the Leader of the Opposition.

The Hon. I. Cohen: I have not seen you there once.

The Hon. M. R. EGAN: No, because I have been too busy in the last six years. I used to be a regular, daily attender.

The Hon. I. Cohen: Well, I have not seen you.

The Hon. M. R. EGAN: Well I have been in it a few times, but the new equipment is a bit too complicated for me. You have to press buttons, but when I press buttons it does not do the sorts of things it should do. I prefer the older, manual stuff. The old, manual stuff is a lot better.

[*Interruption*]

You have never seen me in the bar. That is true. I am a very abstemious fellow.

The Hon. R. H. Colless: What about Lee Rhiannon's pub?

The Hon. M. R. EGAN: I never went there.

The Hon. D. J. Gay: What about the Bundarra pub?

The Hon. M. R. EGAN: I worked in the Bundarra pub. I have told the House the story of how I got the parish priest blotto one night, pouring him scotch and gin instead of scotch and water. I did not know the difference. The gin and the water were in the same bottles! But it did not affect him. It was New Year's Eve when I was pouring him scotch and gin. I did not know who he was. When I turned up for 9 o'clock mass on New Year's Day, there he was, celebrating mass and handing out communion. Quite a remarkable performance!

As I said, the Government is working hard to ensure that New South Wales remains Australia's number one tourist destination, building on the popularity of the Sydney 2000 Olympic Games. The See Australia survey found that 35 per cent of all Australians selected New South Wales as their destination of choice, making it the survey's most popular State–with its beaches, camping areas, cities, waterways, wine regions and special events drawing the biggest crowds. In respect of special events drawing the biggest crowds, I am proud to say that the Sydney Royal Easter Show has become the country's biggest tourist event, injecting more than $150 million into the local economy. The show, which begins tomorrow, 6 April, will see an estimated one million people pass through the turnstiles at Homebush Bay. I have to admit that I was a critic, back in the early 1990s, of suggestions that were then made by the Hon. Bob Rowland Smith that the showground should move from Moore Park to Homebush Bay—I am always the first to admit when I have been wrong.

The Hon. D. J. Gay: It took a while.

The Hon. M. R. EGAN: No, I in fact conceded that after the first show held at Homebush Bay. It is a much better venue for the Royal Easter Show and it has changed the nature of the show. The show at Moore Park had become a sort of Luna Park-type attraction with sideshows. One of the interesting things was that when you arrived at the old show at Moore Park you would see people leaving and, almost invariably, they had silly hats on and things on sticks, and pluto pups in their mouths. These days when you go to the show at Homebush Bay, when you get off the train at the station and see people leaving the show, there is hardly any of that. It has become a real agricultural show. The new pavilions where the animals are displayed are of such high quality that you do not make just a fleeting visit; you actually linger. They are spacious and they are clean, and I think the show has returned to being an agricultural show. I am told that the Hon. I. M. Macdonald is actually displaying his cattle this year.

The Hon. C. J. S. Lynn: It is an exhibit.

The Hon. M. R. EGAN: The Hon. C. J. S. Lynn would be an exhibit, except that there would not be an appropriate category for him. Unless there is a category for extinct species, he would not be able to get a showing out there.

The Hon. Dr A. Chesterfield-Evans: Answer the question!

The Hon. M. R. EGAN: I am answering the question, but I am also answering your interjection and every other interjection that I can pick up. The Sydney Royal Easter Show puts $150 million into the local economy each year. The show, which begins tomorrow, will see an estimated one million people pass through the turnstiles at Homebush Bay. I would not be surprised if that estimate is surpassed. The Sydney Olympics introduced a lot of people to the site for the first time, a site which they previously were unfamiliar with and thought it was too difficult to get there. They now know you can very easily get there.

The Hon. D. F. Moppett: More easily than to Moore Park.

The Hon. M. R. EGAN: I think it is easier to get to than Moore Park, particularly with the first-rate public transport arrangements that are in place for major events such as the show. Interestingly, it is estimated that 40 per cent of the one million people who will attend the show will come from interstate. That is an incredible figure—40 per cent of show attendees will come from interstate. The Hon. D. F. Moppett is wearing an expression on his face that appears to query that figure. I will have the figure checked.

The Hon. R. S. L. Jones: What about overseas visitors?

The Hon. M. R. EGAN: I do not know the number of overseas visitors, but I will try to find out. Last year visitors spent an average of $60 each, which was an increase of $9 per person on the 1999 figure. Visitors will also spend more than $100 a night each on hotel accommodation. In visitor numbers alone, the Royal Easter Show has become the largest single annual event in the Southern Hemisphere, and the sixth-biggest event of its kind in the world, I am told, rivalling attendances at the giant Texas State Fair. We will have to do something about that. I always thought the Royal Easter Show was the biggest event of all time.

The Hon. D. F. Moppett: There is nothing to see there.

The Hon. M. R. EGAN: At the Texas State Fair? I am sure there is not. I do not think there is much to see in Texas.

The Hon. D. T. Harwin: Have you ever been to San Antonio?

The Hon. M. R. EGAN: No, I have never been to San Antonio.

The Hon. D. T. Harwin: The San Antonio Fair is bigger.

The Hon. M. R. EGAN: Is it? I am not as experienced a world traveller as the Hon. D. T. Harwin, but one day I will catch up and get to those places.

Sydney's Royal Easter Show is now firmly established at its new permanent home at Homebush Bay. I urge all honourable members to attend and support this great family event. I hope that when I am out there that I run into one or more of you.

The Hon. Elaine Nile: Are there any more seats there for the elderly to sit in the shade?

The Hon. M. R. EGAN: Yes I think so. When did you go last?

The Hon. Elaine Nile: The year before last, not last year.

The Hon. M. R. EGAN: If the Hon. Elaine Nile goes to the show this year she will find that there are more seats and a lot more shade. In a few years, when the trees that have been planted will be near full height, it will be a really spectacular location.

COMPULSORY THIRD PARTY INSURANCE PREMIUMS

The Hon. Dr A. CHESTERFIELD-EVANS: My question is directed to the Special Minister of State. Will the Minister please inform the House of the real reasons why the cost of green slips for motorists living in outer Sydney areas has increased? In some cases costs have increased as much as $200 since September 2000. Simple mathematics would show that 10 per cent GST, plus a 2 per cent inflation spike fails to explain why this cost increase has occurred. Will the Minister table documents from the Motor Accidents Authority explaining why this substantial increase has occurred? Is it not the case that the Government has taken away accident victims' rights, increased insurance profits, but still has not delivered cheaper insurance premiums?

The Hon. J. J. DELLA BOSCA: That is not true. It is not right. The Government's reforms to green slips have delivered substantial savings to New South Wales motorists. The Motor Accidents Authority [MAA] has advised me that more than 70 per cent of Sydney motorists now pay less than $318 for their green slips. Before the Government's reforms they were paying an average of $441. On the Central Coast the best price for a green slip is now $246, which is $8 cheaper than last year and $72 cheaper than before the reforms.

For people aged 55 years or more the best price this year has reduced from $246 to $229, a reduction of $17. That is $79 cheaper than before the reforms. Country drivers from Bathurst, to Wagga Wagga, to Lismore, have benefited and can now get green slips for $237. Before the reforms they were paying $318, a saving of $81, more than the ratio of change from the metropolitan rate to the country rate. Because of the Government's enhanced competitive regime, more drivers are accessing the best price. The MAA advised me that more than 80 per cent of motorists now receive the best price on offer from the insurance companies.

Significant demographic changes have taken place in New South Wales over the past 20 years. Areas such as the Central Coast and outer metropolitan Sydney are much more urbanised today than they were when

the original categories were designed. The MAA reviewed the claims experience of those areas and they were found to be deteriorating. This meant that country drivers were subsidising green slips for motorists in newly urbanised areas. Therefore the MAA created two new rating districts to ensure more equitable green slip ratings. Motorists in the Newcastle and Central Coast zone are still 80 per cent of the Sydney rate. In country areas rates have been reduced to 78 per cent of the Sydney rate.

I am advised that the change in rating districts on its own has had a negligible impact on green slip prices for vehicle owners in areas surrounding Newcastle and the Central Coast. The principal cause of the major variation in green slip prices is the changes due to insurer discounts and loading structures, not changes in rating districts. Insurers offer discounts and loadings based on risk factors, such as the age of the youngest driver and the age of the vehicle. Some also offer a discount if the insured takes out comprehensive insurance.

As I have advised the House, I have asked the Motor Accidents Authority to investigate the loading and discount structures of insurers to ensure that they are fair. It is important to note that while one insurer may impose a loading another may offer a discount. Therefore, motorists should not accept the price stated on their renewal, but should shop around. If they do not like the price offered they should use the MAA hotline, web site or other device to compare prices. In the Sydney outer metropolitan area the best premium is $262. Before the Government's reform, it was $318. Honourable members who are arithmetically competent would be able to work out that that exceeds the Government's commitment.

The Hon. Dr A. CHESTERFIELD-EVANS: I ask a supplementary question. Minister, is it true that although the premium you quoted has gone down, the age for the loading for young people has been raised to 29 years?

The Hon. J. J. DELLA BOSCA: I do not know whether that point has anything to do with the original question, but I will obtain a detailed answer to the supplementary question and provide it to the member at a later date.

BENNELONG ELECTORATE LABOR CANDIDATE CONTACT DETAILS

The Hon. C. J. S. LYNN: My question is directed to the President. Madam President, are you are aware that—

The Hon. M. R. Egan: Point of order: Madam President, you have ruled on previous occasions, as have your distinguished predecessors including the Hon. Max Willis, that questions should not be addressed to the President, but that members wishing to raise matters with the President should do so in the President's Chambers.

The Hon. J. H. Jobling: To the point of order: While that point of order may have been taken from time to time, it has also been traditional that a question be asked to determine whether it is a matter that is within the care and responsibility of the President, or whether it is a matter that the President may wish to take upon notice. At this stage the question has not been asked. The Leader of the House is attempting to prejudge what might or might not be in the question. I suggest that you should not rule on the point of order at this stage—and I do not believe that there is one. You should hear the question and then determine how you wish to answer it.

The Hon. C. J. S. Lynn: To the point of order: I refer to a question that I asked the Leader of the Government on 26 May 2000 referring to a similar subject. The Leader of the Government expressed surprise that I asked him that question; he said he did not run the House and advised me that there is a Presiding Officer.

The Hon. M. R. Egan: Further to the point of order: The contribution of the Hon. C. J. S. Lynn to the point of order was quite irrelevant. Obviously questions concerning the House ought to be taken up with the Presiding Officer. Presiding Officers, both your and your predecessors, have ruled how that is to be done.

The PRESIDENT: Order! In the past in relation to this point I have quoted rulings of former Presidents, mostly those of President Willis. Questions relating to the administration of the Parliament will not be answered from the chair, but should be dealt with privately in my Chambers and I have often done that. However, if this question relates to the business of the House and it is in order, I will answer it from the chair. If the question does not relate to the business of the House, I suggest the honourable member ask another question.

The Hon. C. J. S. LYNN: My question is in relation to the business of the House, but I am quite happy to direct my question to the Leader of the Government.

The PRESIDENT: That would be a good idea.

The Hon. C. J. S. LYNN: Madam President, are you aware that a letter to the editor published in the 28 March edition of the *Weekly Times*, a suburban newspaper, contains contact details for the Labor candidate for the Federal seat of Bennelong, Nicole Campbell? The letter states:

> Her office can be contacted on 9230 —

The Hon. M. R. Egan: Point of order. What does this have to do with the business of the House? The question has nothing to do with the business of the House.

The Hon. C. J. S. LYNN: The letter states:

> Her office can be contacted on 9230 2970 where Melanie will make necessary arrangements.

Are you aware that 9230 2970 is the phone number for the staff member of the Hon. Jan Burnswoods here in Parliament House?

The PRESIDENT: Order! I have already ruled that if the question is to do with the administration of the Parliament I will not answer it from the chair. I suggest the Hon. C. J. S. Lynn write to me and I will talk to him in my office.

DEPARTMENT OF JUVENILE JUSTICE SPORTS PROGRAMS

The Hon. R. D. DYER: My question is to the Minister for Juvenile Justice. Will the Minister tell the House what value there is in leading sports stars being involved in programs for clients of the Department of Juvenile Justice?

The Hon. CARMEL TEBBUTT: I thank the Hon. R. D. Dyer for his question. The Minister for Mineral Resources, and Minister for Fisheries notes that the question is from probably one of the sportier people in the House to one of the sportier people in the House! Nonetheless it is a good question.

The Hon. Dr B. P. V. Pezzutti: Who, Ron Dyer?

The Hon. CARMEL TEBBUTT: The Hon. R. D. Dyer and me. I am including us both. Despite the levity, this is a serious issue because building self-esteem is one of the biggest battles the department's youth workers face in trying to rehabilitate young offenders. Without self-esteem these young people have a low chance of successfully turning around their lives. The support of sporting clubs and some of their high-profile stars helps to motivate young offenders and give them the confidence and self-belief to set some goals. This support is becoming a prominent and popular feature of the range of programs and activities the department offers its clients. Last month 24 members of the Northern Eagles rugby league first grade squad visited the Frank Baxter Detention Centre. It was intended that the footballers would train with the detainees on the centre's playing field, but wet weather forced a change of plans.

Instead the players spent a couple of hours mixing with detainees in the gym and the recreation room. They chatted, signed autographs and, when asked, offered a few footy tips. Staff at the centre and the Northern Eagles management agreed that the visit was a highly positive and memorable occasion for both visitors and hosts. Three weeks ago Australian Football League [AFL] players from the Sydney Swans met with a group of young offenders subject to court orders but not in detention. At South Sydney Police and Community Youth Club the Swans talked with the boys about motivation and setting targets. In the last fortnight a similar group of young offenders visited Penrith Panthers Rugby League Club to join its first grade side in a training session.

Earlier instances from last year include the St George-Illawarra Rugby League Club sending some top players to do skills training with detainees at Keelong Juvenile Justice Centre, and Cronulla player David Peachey visiting the Orana Centre. Further visits are planned to the Frank Baxter centre this year by the Northern Spirit Soccer Club and the Sydney Kings basketball team. The Illawarra Hawks basketball side previously visited detainees at the Keelong centre. The Hon. R. D. Dyer asked about the value of this interaction between highly successful sports stars and youths at the other end of the social scale. Certainly it is apparent that clients of the department easily recognise and admire elite sports people. Given the banter in this place today, I would suggest they are not alone. I believe dedicated disciplined athletes can provide role models that are not only highly positive in image but also relevant to the department's clients.

The Hon. Dr B. P. V. Pezzutti: Who's your hero?

The Hon. CARMEL TEBBUTT: David Peachey from Cronulla of course! Playing sports and involvement in sporting clubs are valuable tools in steering young people away from offending behaviour. Contact with high profile sports people can only encourage our clients in that regard. I take this opportunity to thank all the players and clubs of various codes who donated their time to working with our clients. Their efforts should be recognised as a tremendous community service that helps to build self-esteem in young offenders and gives them the confidence to change their behaviour.

CRESCENT HEAD PRAWN HATCHERY

The Hon. I. COHEN: My question is addressed to the Special Minister of State, representing the Deputy Premier, Minister for Urban Affairs and Planning. Is the Minister considering a development application, which has been recently advertised, for a proposed prawn hatchery to be built on sensitive coastal land near Crescent Head? If so, can the Minister explain how he has given or will give consideration to the following issues that have been raised by the community about the proposal: the extraction of water from the ocean and the piping of effluent back into the ocean, the disturbance of an Aboriginal earth circle and stone implement factory located in the Goolawah Reserve, and the location of the proposal outside the areas identified in the North Coast aquaculture strategy? Has the Minister consulted with Aboriginal elders of the Dunghutti tribe in relation to the proposal? If so, what was the outcome of that consultation? If not, why not?

The Hon. J. J. DELLA BOSCA: The question is quite detailed and deals with the possibility of a prawn hatchery being built in the area. As the Hon. I. Cohen said, I represent the Minister in this House, but even if I knew in general terms what was happening with that prawn hatchery, I do not know that I could answer the level of detail sought. I am sure the Deputy Premier will be able to provide a full and adequate answer, and I will ask him to do so as soon as practicable.

STATE TRANSIT AUTHORITY POLITICAL ADVERTISING POLICY

The Hon. J. F. RYAN: My question is to the Minister for Mineral Resources, representing the Minister for Transport. Is it a fact that on Sunday 25 March government buses bringing Labor Party supporters to hear the Premier's mid-term report at Penrith were heavily festooned with signage promoting the Australian Labor Party? What is the State Transit Authority's policy for placing advertising on government buses? Under what circumstances is political advertising allowed to be displayed on government buses? Was the authority's policy on advertising adhered to in this case?

The Hon. E. M. OBEID: I thank the Hon. J. F. Ryan for a question he considers important. No doubt I was in attendance and I thought it was a great day for the Carr Labor Government. It was tremendous for the Labor Party. I must admit that I did not see the buses to which he refers, but I will seek an answer from my colleague in the other House, the Hon. Carl Scully.

EMPLOYEES INDUSTRIAL ENTITLEMENTS

The Hon. I. W. WEST: My question without notice is directed to the Special Minister of State, and Minister for Industrial Relations. Can the Minister inform the House what the Government is doing to ensure that New South Wales employees are being paid their full and proper industrial entitlements?

The Hon. J. J. DELLA BOSCA: I thank the Hon. I. W. West for a good question and for his ongoing interest in industrial affairs, particularly in ensuring that proper entitlements are paid to employees. The Department of Industrial Relations is continually focused on preventing breaches of industrial laws by making employers and employees more aware of their obligations and entitlements. This strategy involves the department undertaking a series of co-ordinated industry campaigns throughout New South Wales, many of which involve partnerships with local business organisations and employer associations. Some of these organisations include Restaurant and Catering New South Wales, the Hunter Valley Vineyard Association, business enterprise centres and chambers of commerce. These campaigns are playing an increasing role in the department's compliance strategies.

Campaigns such as those already under way on the New South Wales South Coast at Bega and in the Hunter region often circumvent the need for prosecution by educating employers. In the last six months this type of strategic policy and community work on behalf of New South Wales employees has recovered nearly

$1 million in wages underpayments and entitlements. An excellent example of the type of good work being done by the department in this area comes from the Wollongong Contact Centre. The widow of a deceased worker contacted the Wollongong Contact Centre requesting assistance in recovering over $24,000 in long service and annual leave entitlements. The complainant, whose husband had worked for the same employer for 27 years, was extremely happy with the speed and manner with which the department handled the matter. Aged in her mid-fifties the woman and her two sons had, in previous contact with the employer, been unable to get a firm commitment that the money would be paid.

Officers from the Wollongong Contact Centre worked with the woman to calculate what her late husband was owed. Fortunately, where solicitors and other representatives had failed to recoup the money on behalf of the woman, the department was able to achieve a tangible result by negotiating directly with the employer. Following the investigation the employer paid the outstanding amounts to the widow. Not only is this an example of my department assisting those in the community facing a genuine need but also is an example of how we work with business. Often outstanding moneys owed to an employee by a firm is a result of a lack of awareness of industrial law and the appropriate rates of remuneration—a situation the department continues to address through its targeted campaigns.

In the case of a small business, such as the example I highlighted, the repayment of unpaid entitlements represents a fairly significant impost on the business. In these situations my department creates options for firms such as payments by instalments to the worker or their spouse, as in this case. The message though is still loud and clear: ignorance of the State's industrial laws is not an excuse for the exploitation of workers. Ensuring compliance with New South Wales industrial laws requires a multifaceted and well-managed strategy, something the department continues to deliver.

COMPREHENSIVE, ADEQUATE AND REPRESENTATIVE RESERVE SYSTEM

The Hon. A. G. CORBETT: My question is addressed to the Minister for Juvenile Justice, representing the Minister for the Environment. Will the Government establish a comprehensive, adequate, representative reserve system in western New South Wales to protect biodiversity for future generations? If not, why not?

The Hon. CARMEL TEBBUTT: The Hon. A. G. Corbett has asked a very good question. I will undertake to get a response from the Minister as soon as possible.

WOY WOY HIGH SCHOOL

The Hon. PATRICIA FORSYTHE: My question without notice is to the Special Minister of State, representing the Minister for Education and Training. Is it a fact that the Woy Woy High School community proposed that, as part of the restructure of schools on the Central Coast, its school be the years 5 to 8 school? Was that rejected by the Department of Education and Training on the basis that teachers are not trained across those years? If so, how does the Government rationalise its decision to propose Chatswood High School as a years 5 to 8 school on the University of Technology site at Lindfield? Has the Government let down the Woy Woy community by imposing a model on the school, namely a years 7 and 8 school that no-one in the local community wants?

The Hon. J. J. DELLA BOSCA: Woy Woy is close to my heart. I live at Woy Woy Bay, as the honourable member is well aware. However, the question falls directly under the jurisdiction of my colleague the Minister for Education and Training. I would do both the House and the Minister a disservice if I were to use local knowledge about such an important question, especially as it involves a comparison with Chatswood High School, which I know nothing about. I will ask the Minister to give a prompt reply to her question.

SUSTAINABLE FISHERIES MANAGEMENT

The Hon. P. T. PRIMROSE: My question is to the Minister for Fisheries. What is the Government doing to provide better localised fishery management in our State's estuaries?

The Hon. E. M. OBEID: The New South Wales Government is committed to ensuring the sustainability of our fisheries resource. This means working with industry to better manage its commercial fisheries. Most commercial fishers have strong ties with their local communities. They often work together to resolve any conflicts over their resource. Unfortunately, conflict is sometimes created by other commercial fishers travelling to new regions to fish. Commercial fishers who are new to an area are often unaware of local customs and agreements respected by local commercial fishers and recreational fishers alike.

To address this problem and to promote better local management of the fisheries resource, commercial fishers support a zoning framework for the Estuary General Commercial Fishery. This framework will reduce conflict, and it will allow for sustainable fisheries management at a local level. The new zoning system is based on detailed fishing records. Commercial fishers record monthly catches and the areas in which they work. These records have been used to identify the primary region in which each commercial fisher operates.

Tomorrow I will gazette a notice to implement the first stage of zoning in the estuary general fishery. When the notice comes into effect fishers will be entitled to continue fishing in their traditional areas, but they will not be able to fish in the areas outside their home region. The notice will apply from 5 June. The New South Wales Government is keen to ensure that full introduction of the regional zoning framework does not unfairly disadvantage commercial fishers.

For this reason I will not proceed with stage two of the zoning framework, which would require that commercial fishers be restricted to a single bioregion, without giving the Estuary General Management Advisory Committee the opportunity to review progress and provide advice on the next step. Estuary zoning is important for the better management of our fish resource. The New South Wales Government will keep working with commercial fishers to ensure that our fishing industry continues to create sustainable jobs in their regional areas.

GRAINCO AUSTRALIA OPERATIONS

The Hon. M. I. JONES: I have a question for the Special Minister of State, representing the Minister for Agriculture. Will the Minister advise the House of any updates regarding the financial position of Grainco, formerly known as the New South Wales Grains Board, following the appointment of an administrator?

The Hon. J. J. DELLA BOSCA: I assume the honourable member is asking me in my capacity representing the Minister for Agriculture.

The Hon. M. I. Jones: That is correct.

The Hon. R. H. Colless: That's what he said.

The Hon. J. J. DELLA BOSCA: I am sorry, I missed that part of his question. I apologise to the House.

The Hon. J. H. Jobling: You weren't paying attention again.

The Hon. J. J. DELLA BOSCA: I was pay attention overall. I missed the very first part of the question. It is a very sensitive question. I will get a prompt reply from the Minister to the honourable member's question.

SPECIAL MINISTER OF STATE PECUNIARY INTEREST DISCLOSURE

The Hon. G. S. PEARCE: My question is to the Special Minister of State. In answer to questions on 31 October 2000 and 2 November 2000 concerning possible conflicts of interest arising from the Minister's role as a director of Chinchilla on the Bay Pty Ltd and that company's shareholding in Hi-Tech Group Australia Ltd, of which his wife, Belinda Neal, was a director, the Minister explained how careful he was in completing his pecuniary interest returns, including having taken advice from the Clerks. Will the Minister explain to the House why he breached the Constitution Act 1902 and the Constitution (Disclosures by Members) Regulation 1983 in his primary return, which was dated 11 August 1999, by failing to disclose his directorship of Gosford-Wyong Media Investments Pty Ltd?

The Hon. J. J. DELLA BOSCA: I am not sure what the honourable member is referring to, as he can probably tell by the surprised look on my face. I was, at one time, a director of Gosford-Wyong Media Investments Pty Ltd. However, I recall making arrangements to resign from all my directorships when I became a member of this place. A prudent course of action and the appropriate course of action with respect to the House would be to provide a detailed answer to that question at the earliest possible time. I suspect that will not be by the conclusion of this question time, but on Tuesday.

ENRETECH BIOTECHNOLOGY COMPANY

The Hon. J. R. JOHNSON: My question without notice is to the Treasurer, and Minister for State Development. Will he inform the House of the recent commercial activities by the Moss Vale biotechnology company, Enretech?

The Hon. M. R. EGAN: Enretech, as the honourable member indicated in his question, is a Southern Highlands firm. It is proving to be one of the great success stories of the Australian Technology Showcase. Enretech is an innovative New South Wales company that has patented a method of mopping up dangerous oil and fuel spills using a highly absorbent powdered cellulose made from cotton seed waste. Cotton seed cellulose helps to breed bacteria that can decompose absorbed hydrocarbons to produce water, carbon dioxide and waste that is safe enough to dump on landfill tips or land farms. The product called Enretech-1 contains various microorganisms, both aerobic and anaerobic, which tackles many toxic substances, including PCBs, PAHs and BVPs. This miracle material is already generating significant export sales for Enretech.

The Hon. M. I. Jones: I've seen it. It's fantastic!

The Hon. M. R. EGAN: I thank the Hon. M. I. Jones for his endorsement.

The Hon. M. I. Jones: It is, it's fantastic.

The Hon. M. R. EGAN: It really is, is it? I knew it was.

The Hon. Dr B. P. V. Pezzutti: What is it?

The Hon. M. R. EGAN: It tackles many toxic substances, including BVPs. The company is about to sign a contract to supply its powder to the Japanese firm Mitsubishi, which will use it to clean up a large contaminated site near Tokyo.

The Hon. Dr B. P. V. Pezzutti: Is it red mud?

The Hon. M. R. EGAN: Red mud?

The Hon. Dr B. P. V. Pezzutti: Yes, that's the stuff that cleans up the toxic site.

The Hon. M. R. EGAN: It is a product produced by Enretech called Enretech-1.

The Hon. Dr B. P. V. Pezzutti: Is it red mud?

The Hon. M. R. EGAN: I don't know.

The Hon. M. I. Jones: No.

The Hon. M. R. EGAN: The Hon. M. I. Jones says that it is not red mud, but I have not seen the product.

The Hon. Dr B. P. V. Pezzutti: Red mud does all that stuff and it has more contracts than that company.

The Hon. D. J. Gay: Just ignore him.

The Hon. M. R. EGAN: The Deputy Leader of the Opposition has asked me to ignore the Hon. Dr B. P. V. Pezzutti, so I will do so. This product has already been supplied to Vietnam, where it is needed by one of the world's largest offshore exploration groups. It has also been supplied to clients in Malaysia and the Philippines. The company has appointed distributors to deal with demand in South Africa, the Middle East and Indonesia. So I am not sure that the Hon. Dr B. P. V. Pezzutti's comments are correct.

The Hon. M. I. Jones: It is a substance like seeds. When I saw it, it was in a long, sausage-like container. If there is an oil spill, you can put it on the floor and it will absorb the oil, which is then dispersed. It is quite extraordinary: It absorbs substances and, after a day or so, they are no longer present.

The Hon. M. R. EGAN: That is fantastic. It is Australian technology—another success story for the Australian Technology Showcase [ATS], an initiative of this Government. The Australian Technology Showcase is one of my proudest achievements. I am tickled pink with the success of the 250 technologies in that showcase, which are fantastic. Enretech joined the Australian Technology Showcase shortly after the program was launched in September 1997.

[*Interruption*]

The Hon. D. J. Gay: Point of order—

The Hon. M. R. EGAN: My answer was interrupted by your colleague thrusting a piece of paper in front of me.

The Hon. D. J. Gay: Madam President, I draw your attention to a breach of conduct in the House by the Hon. R. S. L. Jones regarding dress. I refer you to page 174 of the third edition of *House of Representatives Practice*, which states:

> Dress and Conduct
>
> While the standard of dress in the Chamber is a matter for the individual judgment of each Member, the ultimate discretion rests with the Speaker. In 1983 Speaker Jenkins stated that his rule in the application of this discretion was 'neatness, cleanliness and decency'. Male Members normally wear a jacket and tie and it has been held that a Member is not permitted to remove his jacket in the Chamber. Members without a jacket are not prevented from entering the Chamber for a division, or for the purpose of forming a quorum, but are expected to put a jacket on if they wish to remain.

Madam President, I draw your attention to the Hon. R. S. L. Jones. He is not rushing for a division; he has been sitting in the Chamber without a jacket. I ask you to uphold standards of proper dress and conduct in the Chamber.

The Hon. M. R. EGAN: To the point of order: Regardless of whether this point of order is valid, I am quite put out by the fact that my answer was interrupted. The Deputy Leader of the Opposition could at least have waited until I had completed my answer.

The Hon. D. J. Gay: I thought you had finished.

The Hon. M. R. EGAN: No, I had not.

The Hon. M. J. Gallacher: You prattle on and no-one knows the difference.

The Hon. M. R. EGAN: Madam President, may I complete my answer now?

The PRESIDENT: Order! I am afraid I must deal with the point of order before we can finish question time.

The Hon. R. S. L. Jones: To the point of order: It has been the custom in this House for many years for many members not to wear jackets and ties. In the Chamber today there are five members who are not wearing jackets and ties: the Hon. Patricia Forsythe, the Hon. Janelle Saffin, the Hon. Amanda Fazio and the Hon. Elaine Nile. They are neatly dressed nevertheless—I do not quibble with their form of dress. The wearing of a jacket and tie has been superseded over many years by the practice of female members of this House.

The Hon. J. H. Jobling: To the point of order: *House of Representatives Practice* is quite clear in this regard. I also draw your attention, Madam President, to a recent ruling by a Deputy-Chairman of this House who directed the honourable member to put on a jacket.

The Hon. D. J. Gay: Further to the point of order: The ruling in *House of Representatives Practice* clearly refers only to male members.

The PRESIDENT: Order! It is a pity that this point of order was taken in the middle of question time because it has been raised from time to time as an issue. I am afraid that past rulings have related specifically to men, but since women have become members of this House it is quite clear that they have not always necessarily worn jackets and ties. The Deputy Leader of the Opposition did not finish the passage he was quoting from the *House of Representatives Practice*. It concludes:

> In 1977 the Speaker indicated that it was acceptable for Members to wear tailored 'safari' suits without a tie.

It is clear that Speakers and Presiding Officers have moved with the times. I ask members to use their own discretion in the way they dress in this House. I expect, as did Speaker Jenkins, neatness, cleanliness and decency at all times. That is my ruling. The Leader of the House may finish his answer.

The Hon. M. R. EGAN: Enretech joined the Australian Technology Showcase shortly after the program was launched in September 1997, and it has received a dollar-for-dollar grant from the showcase to help its marketing efforts in Asia. Enretech also participated in last year's pre-Olympic ATS exhibition held at Fox Studios on 13 September. It is one of 270 companies currently registered with the Australian Technology Showcase and is a stellar example of the potential of innovative New South Wales biotechnology companies to generate foreign income for this State.

DRIVERS LICENCE BLOOD TYPE INFORMATION

The Hon. E. M. OBEID: On 8 March the Hon. D. E. Oldfield asked the Special Minister of State, representing the Minister for Transport, and Minister for Roads, a question without notice regarding drivers licence blood type information. The Minister for Transport, and Minister for Roads has provided the following response:

> It would not be practicable for the RTA to confirm that correct blood type information was provided by the licensee. In addition, there are limitations on the amount of information that can be displayed on driver licences and they are primarily a means of indicating that the licensees are authorised to drive certain types of vehicles.
>
> The identification of a person's blood group can be promptly carried out should a transfusion be necessary. It is also understood that in the case of emergency treatment due to loss of blood, a universally acceptable blood type is generally administered.

CHILDREN IN PARKED CARS CAMPAIGN

The Hon. E. M. OBEID: On 1 March the Hon. A. G. Corbett asked the Special Minister of State, representing the Minister for Community Services, a question without notice regarding children locked in parked cars. The Minister for Community Services has provided the following response:

> On a typical summer day, the temperature in a parked car can be as high as 30-40 degrees hotter than the outside. Seventy five per cent of the temperature rise occurs within five minutes.
>
> As the temperature rises, a child can begin to develop heat stress, dehydration and hypothermia, which can all lead to death.
>
> To raise public awareness of the risk of leaving children unattended in cars, DoCS secured over $250,000 worth of wide-spread media advertising for an investment of less than $50,000.
>
> DoCS had begun to develop a summer campaign when an advertising agency approached DoCS with an advertising concept and an offer to secure $236,000 worth of free media advertising placement and creative services for the campaign. Before securing this agency's services, DoCS met the standard public service requirements and secured two other quotes from high profile agencies.
>
> The agency proposal allowed DoCS to coordinate a campaign with high visibility with high profile advertising placements for a significantly reduced cost. DoCS has only had to pay production costs.
>
> The advertisement has been placed in a number of high circulation newspapers and magazines (*New Idea*, *TV Week* and *Family Circle*), over 100 billboards (including along the M4 freeway) and on buses throughout the Sydney Metropolitan area.
>
> The next stage of this campaign will see the advertisement produced as a poster and distributed to shopping centres, childcare centres, Police Stations and DoCS Community Service Centres.
>
> DoCS' Director General, Carmel Niland, and NSW Police Superintendent, John Heslop, from the Child Protection Enforcement Agency, jointly launched the campaign on 25 January 2001.
>
> Widespread advertising placement is currently in the final phase and the poster will be fully distributed by mid April. NRMA and Kidsafe (Child Accident Prevention Foundation of Australia) have been strongly supportive of this campaign.
>
> DoCS will be evaluating the effectiveness of this strategy as a public awareness campaign to raise community understanding about this issue.
>
> DoCS is currently investigating plans for maintaining community awareness including re-launching the campaign in summer months and providing more information to parents on the dangers of leaving children unsupervised.

Questions without notice concluded.

ASSENT TO BILLS

Assent to the following bills reported:

Appropriation (Budget Variations) Bill
Business Licences Repeal and Miscellaneous Amendments Bill
Cattle Compensation Repeal Bill
Trade Measurement Amendment Bill
Workplace (Occupants Protection) Bill

SPECIAL ADJOURNMENT

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

That this House at its rising today do adjourn until Tuesday 6 April 2001 at 2.30 p.m.

ADJOURNMENT

The Hon. M. R. EGAN (Treasurer, Minister for State Development, and Vice-President of the Executive Council) [5.10 p.m.]: I move:

That this House do now adjourn.

KOSCIUSZKO NATIONAL PARK COMMERCIAL DEVELOPMENT

The Hon. M. I. JONES [5.09 p.m.]: Mr Deputy-President, I seek leave to have incorporated in *Hansard* an editorial which appeared in the *Sydney Morning Herald* on 27 March 2001.

The Hon. J. R. Johnson: Point of order: Numerous rulings of Presiding Officers have indicated that it is only a waste of the resources of the Parliament to incorporate in *Hansard* a document that is freely available.

The DEPUTY-PRESIDENT (The Hon. H. S. Tsang): Order! I uphold the point of order. The material is readily available and will not be incorporated in *Hansard*.

The Hon. M. I. JONES: I found that the editorial was extremely biased and in spite of my efforts to give an alternative and realistic view to the *Sydney Morning Herald* the newspaper would not publish my reply. With one exception it has refused to publish any material from me or the Outdoor Recreation Party. I therefore take this opportunity to address the points raised. Are the Colong Foundation and the Australian Conservation Foundation condoning corruption? I take issue with Mr Plumb's article in the *Sydney Morning Herald* dated 27 March on a number of points. I turn first to corruption issues.

Mr Plumb refers to "the valiant efforts by the NPWS staff who in some cases put their careers on the line to stem development". If this is a reference to those matters of alleged National Parks and Wildlife Service [NPWS] staff corruption that are currently being investigated by the Independent Commission against Corruption, is Mr Plumb implying that the alleged corruption in furthering a radical conservation agenda is acceptable? The other obvious interpretation may be that Mr Plumb considers it acceptable for National Parks and Wildlife Service officers to deliberately thwart implementation of the recommendations of inquiries which have been accepted by Government in respect of the provision of snow sports facilities for the 600,000 snow sports enthusiasts in this State. Mr Plumb, please clarify the meaning of this incredible remark. The New South Wales public has a right to know.

I turn now to the Thredbo disaster and the Walker report. There are opinions on the management of New South Wales snowfields other than those espoused by Mr Plumb, and presumably the organisations that he represents. The Thredbo disaster, not mentioned by Mr Plumb, resulted in the hideous death of 18 Australians. The Coroner was critical in his report of the service's role in the disaster and concluded at paragraph 899:

> It appears to me that it is necessary that there be an independent assessment of the ability and appropriateness of the NPWS to retain responsibility for essentially urban communities and for road maintenance within the parks under its care, control and management.

Given the service's 30-year record of mismanagement of Kosciuszko National Park [KNP], this must be seen as an understatement. Nonetheless, the Government quite rightly acted on the Coroner's advice and commissioned what has become known as the Walker report, the document which is the primary focus of Mr Plumb's tirade. The Outdoor Recreation Party believes that the main problem with the Walker report is that it does not go far enough. However, its relatively benign recommendations should greatly reduce the chances of a repetition of the Thredbo disaster.

I turn now to wilderness. Contrary to Mr Plumb's assertions, the wilderness assessment for southern New South Wales has nothing to do with the Walker report, which followed the Coroner's report into the Thredbo disaster. In reality, the wilderness assessment is the child of the groups that Mr Plumb represents. However, it does have considerable relevance to snow sports. The New South Wales Ski Association—which represents 600,000 snow sports enthusiasts, not "the developers"—for well over 20 years has pushed for areas of

the Crackenback Range to be set aside for future ski resorts, particularly Twin Valleys and Leather Barrel Creek. At one stage this was even enshrined in the National Parks and Wildlife Service plan of management. To some extent the current wilderness proposals simply represent a blatant attempt to limit future expansion of snow sports by attempting to bring wilderness right up to the boundaries of existing resorts. Many of these areas clearly do not meet the definition of wilderness under the Wilderness Act, as Mr Plumb would be fully aware. As my speaking time has almost run out I seek leave to have the remainder of my speech incorporated in *Hansard*.

Leave granted.

The Commission of Inquiry into the Perisher Range Master Plan

This Commission chiefly looked into a proposal for extra beds on the Perisher Range which followed from the 1990 "Ski 2000" Proposal.

Mr Plumb asserts that the Commission "*... infamously distinguished itself by declaring snow sports the most significant use of the Kosciuszko National Park...*"

As snow sports enthusiasts are the major user group in the KNP, the largest National Park in New South Wales, it would seem that anyone making a factually correct statement, which runs contrary to the tenets of conservation automatically, becomes "infamous".

It so happens that we do know the position of a number of conservation groups on "Ski 2000". On 29 November 1990 the Australian Conservation Foundation, the Nature Conservation Council of NSW, the National Parks Association and the Total Environment Centre sent a letter to Bob Carr, then Leader of the Opposition regarding this issue. In it they stated that all leases should be phased out and that the Perisher Range should be managed as wilderness.

In other words remove all snow sports facilities from Australia's largest ski resort, and where 15,000 people enjoy themselves on a good winter's day, these green groups might allow access for a limited number of groups of up to eight people. A radical proposal indeed; involving a massive denial of access for the citizens of this State who Mr Plumb expects to fund the National Parks and Wildlife system. This is arrogance of gargantuan proportions which truly infamously distinguishes these elements of the conservation movement.

Putting this issue aside, how is it that a proposal for extra on-snow beds which has had the support of successive governments languishes for over 10 years, whilst the Ski Tube with hopeless economics was built in about four years and in breach of the then Plan of Management. Could the fact that the organisations which Mr Plumb represents are against the former proposal but were in favour of the Ski Tube have had anything to do with this outcome? Does this indicate that these groups may wield undue influence over the NPWS? Is there a case for widening the ICAC inquiry?

Conclusion

Mr Plumb's letter is basically against the development of snow sports infrastructure in the KNP. In this he ignores history, one of the major objectives in setting the KNP aside in 1943 was the creation "*... of a winter sports ground for greater than any in Switzerland and the development of an immense tourist area that would... compared favourably with any in the world*." The Park "*... would be as famous as any of the great tourist resorts of Europe or the United States, and would prove a magnet for overseas visitors...*" (SMH 4-9-1943, quoting Premier McKell)

Snow sports are enjoyed by approximately 600,000 citizens (read also voters) of this State and are worth approximately $500,000,000/year and 8,000 jobs to the NSW economy. Further, snow sports enthusiasts generate in excess of two-thirds of the Service's self raised income from all NSW National Parks. And this from using about 1% of the KNP for four months of the year doing precisely what Premier McKell envisaged when he created the KNP. Mr Plumb risks saddling the conservation movement with an extremist label. Such an outcome would do more harm than good for the environment in this State.

UNIVERSITY OF SYDNEY

The Hon. J. HATZISTERGOS [5.15 p.m.]: Honourable members will be aware that I am the representative of the Legislative Council on the Senate of University of Sydney. As a three-time graduate of the university I continue to have great pride in the many achievements of this institution. For example, at the end of last year Sydney University was successful in securing $210 million from the Australian Research Council, thus consolidating its place at the top of the grants ladder. Last year it won more awards than any other university in the Business Higher Education Round Table Awards. The university was also one of only four universities to receive two grants for projects in molecular biology and e-commerce. Unfortunately, the good work of the university is presently being obscured by a sea of troubles. The situation is reaching a point at which I feel compelled to raise this matter in the House.

Over the past several months it has been a great source of dismay to me to witness the university become engulfed in one controversy after another. I will list four issues that are of special concern. First, in

February of this year the *Sydney Morning Herald* highlighted a damning report from the New South Wales Ombudsman over an incident four years ago in which a Sydney University student had her biological sciences degree upgraded to first-class honours. Members would be aware that the Ombudsman's investigation found the universities processes for handling a litany of complaints and issues arising from this unfortunate issue were completely flawed.

Last Saturday the *Sydney Morning Herald* reported that the University of Sydney granted an honorary master of pharmacy degree to a businessman who helped raise $1.2 million to establish the university's first chair of pharmacy practice. The article raised serious concern that the awarding of honorary degrees to people who have not studied for years to produce original research has become an increasingly common feature of university marketing and networking. Let me just state that the university's decisions to award honorary degrees have been characterised by a lack of transparency and accountability on the part of the honorary awards subcommittee. This committee in fact makes recommendations to the Senate as to whether they ought to be awarded.

Whenever I raise on the Senate issues about the awarding of honorary degrees I am met with a wall of resistance. In response to my exclusion from the decision-making process I have suggested that testamurs and honorary degrees be issued not in the name of the Senate but in the names of the individual members of the honorary awards committee. I resent very much being part of a dangerous approvals process which gives legitimacy to a clearly flawed procedure which lacks transparency and invites allegations of patronage and nepotism. The case reported last Saturday is not the only one in the issue. Truly deserving recipients—

The Hon. Dr B. P. V. Pezzutti: Point of order: The honourable member was appointed by this Parliament to serve on the University of Sydney Senate. He is then bound by the rules of that body—by corporate law and other rules. He is now speaking out of turn. If he wants to criticise the Senate, let him do it by substantive motion before this House as a take-note debate. This is a coward's way of attacking a fine university and a coward's way of supporting the Fairfax press in its continuous attacks on one of the great universities of this country. The issue should be raised in a take-note debate rather than in this cowardly fashion.

The Hon. J. R. Johnson: To the point of order: This Parliament is a place where we parley. The Hon. J. Hatzistergos has every right to bring anything before this Parliament. To accuse the Hon. J. Hatzistergos, whom I have known since shortly after his school days, of cowardice is one of the worst things I have heard in this Parliament in almost 25 years. The Hon. Dr B. P. V. Pezzutti does himself no credit.

The DEPUTY-PRESIDENT (The Hon. Helen Sham-Ho): Order! There is no point of order. The standing orders make no mention of university council representation.

The Hon. J. HATZISTERGOS: I feel that it is important that I inform this House, which elected me to the Senate of the university, what is actually going on. The case reported in last Saturday's newspaper is not the only case in issue. A leading New South Wales judge was rejected for an honorary degree in favour of a person who was thought to give the university more publicity. Another person appeared to be excluded on the basis that he had strong pro-republican sympathies. These are not the only issues of concern to me. Honourable members would be aware of recent media reports relating to the position of the Chancellor, Dame Leone Kramer. At the moment she remains head of the university in circumstances in which virtually the entire Senate has—

The Hon. Dr B. P. V. Pezzutti: Dame Leone has the support of the Senate.

The Hon. J. HATZISTERGOS: The whole Senate is opposed to her. How can you say that she has support?

The Hon. Dr B. P. V. Pezzutti: Assertions, assertions. She survives and retains the confidence of council!

The Hon. J. HATZISTERGOS: I will raise that issue on the next occasion.

ETHNIC COMMUNITIES AND CRIME

The Hon. D. E. OLDFIELD [5.20 p.m.]: Last week I received an email from a person named Esber, who claimed to be a director of an organisation called the Australian Public Political Advocacy Council. The

writer complained about the Australian media linking crime to ethnicity and, in particular, of politicians and officials talking about the existence of a Lebanese youth gang. I am not sure whether this person is Mr Esber, Mrs Esber, Ms Esber or Sir Esber, but although I am uninformed of their gender or title, I am very accurately informed on how wrong this person is when he or she claims there is no link between crime and ethnicity. I consider it inappropriate in this speech to single out people of particular ethnic origin. However, a number of points relating to crime and ethnicity need to be made, as the nonsense put forward by people such as this person Esber and similar ilk must be exposed. To begin with, let us consider what Mick Palmer, the Commissioner of the Australian Federal Police, said last month on the eve of his retirement. He said:

> Ethnically based gangs involved in drug trafficking were responsible for much of the increase in violent crime in all cities, particularly in Sydney.

The Commissioner of the Australian Federal Police continued with his comments on the increase in violent crime as follows:

> It's related to some of the ethnicity of some of the people involved in the drug trade and the fact that the use of knives and guns is a more familiar part of the criminal side of those cultures than has been the case in Australia.

We should not forget the even stronger statements made by our own New South Wales Commissioner of Police on a number of occasions when referring to the link of crime and ethnicity. Even Premier Carr, probably amongst the most popular Premiers this State has seen, was reported last month by the *Sydney Morning Herald* as saying:

> Migrants with criminal histories in their country of origin were responsible for drug and violence problems in Cabramatta and Lakemba.

Backing up the Federal commissioner, the New South Wales Director of Public Prosecutions, Nick Cowdery, QC, said:

> Criminals were using more guns and knives than ever before. In the last five years there has been an increase in the use of guns, particularly hand guns in the commission of serious crime.

As an aside, it is worth noting that today we have tougher gun laws than at any time in our history, yet whilst the law-abiding public has been disarmed and is now defenceless, thugs have increased their use of guns. I am reminded of that simple but appropriate saying, "Outlaw guns and only outlaws will have them." Areas of Sydney such as Cabramatta have a non-English-speaking origin population of around 75 per cent and the crime rates for drug offences and robbery with firearms are between twice and seven times the State average. However, in the Wollongong area where the English-speaking origin population is more than 2½ times that of Cabramatta, drug offences are substantially lower than the State average and robbery with firearms is well under half the State average.

It should be noted that I have not used extreme examples and if the factor of the level of unemployment were to be raised, it would show that the much safer area of Wollongong actually suffers a higher rate of unemployment than the very dangerous area of Cabramatta. The email I mentioned earlier also claimed that members of youth gangs were born in Australia and most did not relate to their ethnic relatives. Yesterday I spoke with police to ascertain the names of well-known gangs. The four names that came immediately to mind were: the Assyrian Kings, the Telopea Street Lebanese Boys, the Punchbowl Homeboys and Singwa. There is not very much that is Australian in those names.

I am sure that the majority of Australians of non-English speaking origin are law-abiding citizens. However, it is dishonest and socially irresponsible for anyone to attempt to deny the obvious link of crime to ethnicity and, for that matter, cultural origin. I am sorry for the many non-English-speaking origin Australians who live in fear of the culturally related criminals who share their streets. I am also sorry for the other Australians who wonder why governments have not protected them from today's culturally related criminals who are of a kind unimaginable only a few years ago. [*Time expired.*]

MENANGLE PUBLIC SCHOOL SITE

The Hon. C. J. S. LYNN [5.25 p.m.]: I express concern about Menangle Public School, which was donated to the Menangle community by the Macarthur family, an eminent family, to be used for public education. The property is currently zoned for special use—schools—but it has been a source of conflict between the local community and the Department of Education and Training for almost 10 years. It is clear that the school will not been used for the purpose for which it was originally donated, that is, for public education. However, I urge the Government to give serious consideration to donating the school back to the Menangle community and not be seen to engage in what I would loosely call a cash-for-schools assault.

In recent times it was suggested that the army cadets, who lost their home at Ingleburn, could use Menangle Public School. I believe that to be a proper use for the school. Unfortunately, in response to the request by the local cadets to use the site, the Government has asked for an annual fee of $45,000. This is totally outside their reach; it is just not possible for the army cadets to come up with that sort of money. This school should be used for the benefit of the local community. Over time the school has been home to various craft groups. The suggestion has been made that the school could be used to house children with behavioural problems, but that is not what the community wants. It believes the school should be used for the benefit of the local community.

Concern has been expressed about a briefing note dated 1998 sent by the Campbelltown District Superintendent of the Department of Education and Training, Graham Kendy, to the Minister for Education and Training, Mr Aquilina, claiming that residents requested consideration be given to selling the land at Menangle and using it to buy property in a more suitable location within Campbelltown. The Mayor of Wollondilly Shire Council, Councillor Towndrow, was shocked when she was informed of this. She said that she had been working with the public at Menangle for the past six years and had attended every public meeting about the future of the school and in all that time had never heard that suggestion.

The Department of Education and Training is using almost dishonest means to try to find a use for the school that will generate funds for the Government. The people of south-western Sydney deserve better than that. If the school is not to be used as originally intended, it should be returned to the local community of Wollondilly for public education, particularly as the land was donated and the Government has not had to pay anything for it. I ask the Government to reconsider its actions and donate the school back to the community.

SMALL BUSINESS MONTH

The Hon. H. S. TSANG [5.30 p.m.]: I draw the attention of the House to Small Business Month, which is to be celebrated in May and is a feature of the Carr Government's support for small business. In New South Wales some 70 per cent of employers are small businesses that employ 10 or fewer people. The Carr Government has appointed Sandra Nori as the Minister responsible for Small Business and Tourism. In addition, the Carr Government has set up the New South Wales-East Asia Business Council, which has urged the Government to support small business and recognise the many great opportunities to conduct business in Asia.

The Minister has picked up on that initiative and I inform the House that Small Business Month will be launched by Minister Nori at 5.45 p.m. on Tuesday 8 May, and will be followed by presentations on the New South Wales Exporters Network. On advice from the business advisory council, the Minister and the Department of State Development have also organised a business forum, entitled, "How to do Business in East Asia". I am honoured to have been asked to assist as moderator of the forum.

Some members of the business council will also participate. They will speak on general issues concerning conducting business in Asia and make special reference to future business opportunities in Asia. I take this opportunity to thank Florence Chong, a prominent journalist with the *Australian* newspaper, Dr Mischen Zhu, Mr James Kuo, President of the New South Wales-Taiwanese Business Association, and Madame Orawan Taecaubol, who will address the forum on how to conduct business in Thailand, Taiwan, China and Singapore. What is more interesting is that a case study will be done to illustrate how small business can best perform in Asia. The aim of the forum is that it should be interactive, and there will be question and answer sessions for people to participate in. I strongly urge any small business to now take this opportunity to participate in the forum.

The Hon. Dr B. P. V. Pezzutti: Do you want to take the opportunity to apologise for your statement about the aeroplane incident in China—that it was offshore, well away from China?

The Hon. H. S. TSANG: No, I do not make any apologies. I believe that the Australian Government should act as peacemaker. It should not be taking a stand and advising other countries how they should and should not act.

The Hon. Dr B. P. V. Pezzutti: When a wounded aeroplane flies into your territory, you think you would—

The Hon. H. S. TSANG: I do not take issue with what happened on the day. It is important that we be the peacemaker.

The Hon. Dr B. P. V. Pezzutti: Well, don't take sides.

The Hon. H. S. TSANG: I am not taking sides. I merely outlined the circumstances and how the Chinese Government viewed the situation at the time.

The Hon. Dr B. P. V. Pezzutti: Well, why don't you outline the reality. It was well offshore.

The Hon. H. S. TSANG: That does not matter. Whatever the circumstances, Australia should be the peacemaker—as you were a peacemaker.

The Hon. Dr B. P. V. Pezzutti: Why were there fighter planes out there attacking the plane?

The Hon. H. S. TSANG: Do not ask questions of that nature; just make sure that we are the peacemaker. We should not be stirring up trouble. That is my theme and that is what I am urging. We should not say things to arouse anxiety and stir up people. Only through peace can we survive in this region. Brigadier-General, you should understand that. In peace we can allow small business to survive in Asia. [*Time expired.*]

KOSCIUSZKO NATIONAL PARK

The Hon. I. COHEN [5.35 p.m.]: I draw attention to the importance of the Kosciuszko National Park. From an environmental perspective the park contains some of the most superb wilderness in Australia and is arguably one of the finest alpine wilderness areas in the world. The park is also a much-loved recreational area for many people and supports the ski industry, an important economic and social influence in that part of the State. The Snowy Mountains scheme also has had a profound effect on the park.

In recent weeks the Government has announced that it has accepted the recommendations of the Walker report, in which some significant recommendations about park management were made. The essence of the recommendations was that the National Parks and Wildlife Service [NPWS] should lose planning responsibility for major new ski resort development and infrastructure; that the Roads and Traffic Authority [RTA] be given responsibility for major roads, and the Department of Urban Affairs and Planning [DUAP] be given responsibility for major new resort development.

In announcing the Government's acceptance of the recommendations, Minister Debus said it was proper that the NPWS look after environmental management, the RTA look after roads, and DUAP look after major development. That is an extraordinary statement, which clearly contradicts the principles of integrated management that have been advocated in government policy for at least the past 10 years. Hundreds of government reports have recognised the importance of integrated decision making.

This policy requires that the environment not be compartmentalised as a separate issue. Rather, the policy acknowledges that environmental management is affected by and must be linked to economic management. The Minister's statement that major development within the park is no different from major development elsewhere indicates a lack of concern about an issue that is fundamental to his portfolio. A national park is not the same as an urbanised area. Development projects that are pursued for private gain and result in the commercialisation of the park are inconsistent with the public interest. They inevitably detract from biodiversity and the other environmental values for which the park was established.

Sections of the ski industry have long resented the role of the NPWS. It is widely held that the NPWS has been detrimental to the industry. Calls have been made for the section of the park in which the resort is allocated to be removed from the park. The findings in the Walker report will result in the Thredbo landslip being used as an excuse for the instigation of a management approach that brings the break-up of the park a step closer. Within my lifetime, Thredbo has been transformed from pristine wilderness to noisy, polluted, expensive real estate. New roads, car parks, apartments and sewage works will inevitably result in the park being further compromised and regarded as little more than a scenic backdrop to the ski resorts.

The Greens urge the Government to find other ways of managing the park that recognise that economic use of the park can occur provided that ecological constraints are respected. Much greater emphasis must be placed on tourism and recreation that does not require large-scale infrastructure within the park. Ski touring, bushwalking, trout fishing and many other activities can be enjoyed without the need for major new construction. Accommodation outside the park can be upgraded with public transport links to popular

destinations. For example, the village of Adaminaby could become a major new accommodation centre. It is extremely important that we maintain the integrity of this important national park and do not let vested interests take over.

WHOOPING COUGH VACCINATION

The Hon. Dr B. P. V. PEZZUTTI [5.38 p.m.]: I bring to the attention of honourable members the release of a new vaccine—

The Hon. M. R. Egan: Point order: It is very late in the day. Surely we do not have to put up with the Hon. Dr B. P. V. Pezzutti.

The Hon. Dr B. P. V. PEZZUTTI: A new vaccine has been released—

The Hon. M. R. Egan: It is too much to expect that at 5.40 on a Thursday night, with only one minute to go before the House rises, that we have to put up with this.

The Hon. Dr B. P. V. PEZZUTTI: I have good news for the honourable member. There is no point of order. According to official figures there were 34,848 cases of whooping cough notified between 1993 and 1998.

The Hon. M. R. Egan: There is a point of order. We should not have to put up with the Hon. Dr B. P. V. Pezzutti.

The DEPUTY-PRESIDENT (The Hon. Helen Sham-Ho): Order! There is no point of order.

The Hon. Dr B. P. V. PEZZUTTI: I bring to the attention of honourable members the release of a new vaccine to control whooping cough. Some 34,000 cases of whooping cough were notified between 1993 and 1998. Of that number, 5,000 people were admitted to hospital for a median stay of three days. Half the notifications were of people aged 15 years or older. The new vaccine will cost between $40 and $50, but is not yet covered by the pharmaceutical benefits scheme. According to the Chairman of the Australian Divisions of General Practice, whooping cough causes the greatest morbidity of the vaccine-preventable illnesses. This new vaccine is available for people over the age of 10 years, it is efficacious and well-tolerated.

The vaccine should be considered for two reasons. It prevents whooping cough in adolescents and adults, but, most importantly, it stops them transmitting the disease to babies. Over the past three years 12 babies have died from whooping cough. I commend to the House this good news about the availability of the vaccine for adults. On a number of occasions in this Chamber I have asked the Minister why the Government has not been looking for a vaccine for adults, but the Minister has never answered my questions.

[*Time for debate expired.*]

Motion agreed to.

House adjourned at 5.40 p.m. until Tuesday 10 April 2001 at 2.30 p.m.